

ILLINOIS POLLUTION CONTROL BOARD
September 7, 1978

UNITED STATES STEEL CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 77-327
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On December 9, 1977 United States Steel Corporation (USS) filed this Petition for Review of Permit Denial alleging that the Illinois Environmental Protection Agency (Agency) wrongfully denied its operating permit application for the blast furnace facility located at its South Works Plant, Chicago, Illinois. A hearing was held in this matter on March 15, 1978, at which time it was decided that a Stipulation of Facts would be filed with the Board for its consideration. No members of the public were present at the hearing, and the Board has received no public comment in this matter.

On August 7, 1978 the parties herein filed a Stipulation of Fact before the Board. Review of the Stipulation shows that there is no issue of fact in this case but rather a question of interpretation of the Board's regulations. The facilities in question are four blast furnaces used by USS for the purpose of producing molten iron to be used in the company's steel making process. The emissions in question are produced only during the tapping of molten iron into ladle cars which transport the iron to the steel-making furnaces. These emissions occur in what is known as the cast house and escape to the atmosphere by way of roof monitors, doors, and other openings in the building. The Agency contends that USS has failed to demonstrate compliance with Rule 203(a) of Chapter 2 of the Board's Air Pollution Control Regulations. USS on the other hand contends that its casting emissions are fugitive emissions and are therefore governed by Rule 203(f) rather than the process weight limitations of Rule 203(a) or (b) and that the blast furnace casting emissions comply with the requirements of said Rule 203(f).

The Agency in this case has produced no argument concerning the applicability of Rule 203(a) or (b) to the subject emissions. The only indication of the Agency position is contained in the Stipulation of Fact wherein the Agency states that since 1977 the Agency has taken cast house emissions into consideration in each basic iron blast furnace. The Agency stated that henceforth it will require controls on the particulate emissions generated during casting when such casthouse emissions result in a violation of Rule 203 as determined utilizing an emission factor reported in 1977 by the United States Environmental Protection Agency, i.e., 0.3 pounds per ton of metal tapped.

It is, of course, clear that the mere determination of an emission factor for a process does not suddenly change the nature of the emissions from that process from fugitive emissions to stack emissions, etc. Whether or not emissions are fugitive in nature is determined by their physical characteristics, not by whether someone has been able to estimate an emission factor for them. Rule 203(f) appears to the Board to be very straight forward. It sets a separate standard for fugitive-type emissions but includes a proviso that says, in effect, if the emissions can be readily collected and treated, they shall fall under 203(a) and (b) regardless of whether they are not presently thus collected or whether it is industry's practice to thus collect them. In this case there is an unfortunate lack of information concerning the conditions surrounding the casting operation. It is within the Board's knowledge that a casting operation could entail everything from a short tapping operation into a ladle which might easily be controlled all the way to a very widespread operation containing literally acres of area which would indeed result in fugitive-type emissions.

Utilizing what information is before us in this case, the Board finds that the mere presence of an emission factor in one operation does not in and of itself provide the Agency with enough evidence to deny the USS permit application in this case. The only information before the Board at this time indicates that the casting operation at the blast furnace facility results in a fugitive-type emission of particulate matter which should be governed by Section 203(f) of the Regulations. The Board finds that the Agency erred in its denial of the USS permit application for its blast furnaces and will, therefore, order a permit to issue pursuant to said permit application.


At the hearing held herein counsel for the Agency renewed a prior motion to dismiss. The Board hereby affirms its prior denial of said motion.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is Order of the Pollution Control Board that the Illinois Environmental Protection Agency's denial of United States Steel Corporation's permit application, number DO7040062, to operate blast furnaces number 8, 10, 11 and 12 at the South Works Plant, Chicago, Illinois, be reversed and that the Illinois Environmental Protection Agency issue said operating permit.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion and Order were adopted on the 7th day of September, 1978 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board