

ILLINOIS POLLUTION CONTROL BOARD

May 20, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-437  
 )  
 ELGIN SALVAGE & SUPPLY CO., INC., )  
 )  
 Respondent. )

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

This matter is before the Board on a Complaint filed by the Environmental Protection Agency (Agency) on November 10, 1975, alleging that Respondent Elgin Salvage & Supply Co., Inc. (Elgin) operated both existing and new emission sources without operating permits from the Agency, in violation of §9(b) of the Environmental Protection Act (Act) and Rules 103(b)(1) and 103(b)(2) of Chapter 2: Air Pollution, of the Pollution Control Board Rules and Regulations. Ill. Rev. Stat., Ch. 111-1/2, §1009(b)(1975); PCB Regs., Ch. 2, Rules 103(b)(1), 103(b)(2)(1972).

A hearing was held on January 9, 1976 in the City of Elgin, Illinois, at which time the parties stated their intent to file a Stipulation and Proposal for Settlement (Stipulation). The Stipulation was filed February 9, 1976, but was rejected by the Board in an Interim Order entered April 8, 1976. Communications filed by the Agency on April 16, 1976 and by Elgin on May 3, 1976 resolved the problems in the Stipulation, which forms the basis for this Opinion and Order.

Elgin has operated its facility for the purchase and sale of industrial iron and steel, and metal salvage, in the City of Elgin since 1933. Among its operations Elgin has an incinerator for the reclamation of copper wire by burning off the insulation. This "wire reclaimer and incinerator" was installed in 1971 under an Agency construction permit. Although various correspondence on the subject was exchanged between Elgin and the Agency, (Stip. Ex. 1-7), Elgin did not apply for an operating permit until July 14, 1975. That application was rejected as insufficient on July 25, 1975, (Stip. Ex. 8).

Elgin now stipulates to violation of §9(b) of the Act and Rule 103(b)(2) of Chapter 2: Air Pollution and, by way of settlement, has agreed to install a new model incinerator at a cost of \$3,000, and to pay a civil penalty of \$2,000. We find this Stipulation acceptable as an adequate aid to the enforcement of the Act. The terms of settlement under which Elgin is purchasing and installing new equipment acceptable to the Agency, and will pay a penalty, adequately protect the integrity of the permit system.

The Stipulation does not, however, address the allegation in the Complaint that Elgin also violated Rule 103(b)(1) of Chapter 2: Air Pollution, by operating a "refuse incinerator" constituting a new emission source. That allegation shall therefore be dismissed.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that:

1. Respondent Elgin Salvage & Supply Co., Inc. is found to have operated its wire reclaimer and incinerator without an operating permit from the Agency from December 1, 1972 until November 10, 1975, in violation of Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of Chapter 2: Air Pollution, of the Pollution Control Board Rules and Regulations.


2. Respondent shall pay as a penalty for the above violations the sum of Two Thousand Dollars (\$2,000), payment to be made within thirty-five (35) days of the date of this Order to:

State of Illinois  
Environmental Protection Agency  
Division of Air Pollution Control  
Control Program Coordinator  
2200 Churchill Road  
Springfield, Illinois 62706

3. Respondent shall, upon installation of its new incinerator or within 120 days of the date of this Order, whichever is sooner, file for an operating permit with the Environmental Protection Agency, and shall in all other ways comply with Paragraph B of the Terms of Settlement of the Stipulation and Proposal for Settlement submitted by the parties in this action.

4. Allegations in paragraphs 9 and 10 of the Complaint in this matter of violation of Rule 103(b)(1) of Chapter 2: Air Pollution, are dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20<sup>th</sup> day of May, 1976, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board