

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1975

PEOPLE OF THE STATE OF ILLINOIS and the)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY))
Complainants,))
v.) PCB 75-20)
M. RUBEN METAL COMPANY, INC.,))
an Illinois Corporation,))
Respondent.))

Mr. Fredric J. Entin, Assistant Attorney General, appeared on behalf of Complainants;
Mr. Norman S. Rosen appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the February 12, 1975, Amended Complaint of the State and Environmental Protection Agency (Agency). The four count amended complaint charges M. Ruben Metal Company, Inc. (Ruben) with violating Rules 103(b)(2) (operating permit), 202(b) (opacity), 203(a), 203(c) and 203(e) (particulate) of the Air Regulations; Rules 2-2.11, 3-3.11, and 3-3.232(b) of the Rules and Regulations Governing the Control of Air Pollution; and Sections 9(a) and 9(b) of the Environmental Protection Act (Act).

A hearing was held October 16, 1975, at which time the parties submitted a "Stipulation and Proposal For Settlement" to the Board.

Ruben operates a wire reclamation facility in Chicago, Cook County, Illinois. When insulated wire is too large to be treated in Respondent's cryogenic scrap recovery system, it is processed through a single chambered burning device with an afterburner. The device "contains no primary burners and once the charge is ignited with papers and cartons, the burning process is self-sustaining." (Stip. 2)

Respondent contends that the device described above is a reverbatory furnace rather than an incinerator and that Counts I, II and IV are inapplicable. A reverbatory furnace is usually charged along its sidewalls and is fired with burners at one end, the combustion air being preheated. See Considine, Chemical and Process Technology Encyclopedia, 321 (1974). It does not depend upon the combustion of the

processed materials to operate. Here, Ruben's device does depend upon the combustion of the cartons and insulation to operate. Therefore, it is not a reverbatory furnace. As Ruben uses its incineration process to reclaim wire, the Board considers the facility to be subject to the Particulate Emission Standards for process emission sources rather than incinerator standards. Therefore Count IV of the complaint shall be dismissed.

The parties stipulate that the facility was inspected by an Agency representative on November 20, 1973, March 26, 1974, March 28, 1974, and September 23, 1974. The parties also stipulate that, as a result of these inspections, Respondent was informed by mail several times that its operation of the single chambered incinerator was in violation of the Air Regulations, both as to emissions and the need for an operating permit. Ruben twice applied for an operating permit in 1974, however both applications were rejected, the first for additional information, the second for failure to comply with Rule 203(e)(3) of the Air Regulations. On the September 23, 1974, inspection, Mr. Villalobos observed emissions of smoke having opacity of 70% to 80% in violation of Rule 202(b) of the Air Regulations.

Respondent admits that it does not have an operating permit (Stip. 7); that the particulate emissions from its single celled incinerator calculate to be 3.57 lb/hr and that 1.99 lb/hr is the allowable emissions; and the emission rate exceeds .20 gr/scf.

As the parties have neither stipulated to nor presented any information pertaining to whether this particular incinerator was in operation prior to April 14, 1972, the Board must dismiss those portions of the complaint relating to violations of Rules 2-2.11, 3-3.111 and 3-3.232(b) of the Rules and Regulations Governing the Control of Air Pollution.

The Board finds that Respondent has violated Rule 202(b) of the Air Regulations in that it allowed emissions on September 23, 1974, of opacity exceeding 30%. The Board finds that Respondent, beginning on January 1, 1974, allowed emissions of particulate in excess of those permitted in Rule 203(c) and Rule 203(a) and Section 9(a) of the Act. As Respondent admits to not having an operating permit, the Board finds it to have violated 103(b) of the Air Regulations and Section 9(b) of the Act.

The Board has considered the information before it in light of Section 33(c) of the Act and considers the stipulated penalty of \$3500.00 to be appropriate. Therefore the Board accepts the stipulation and its penalty and compliance program.

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:

A. Respondent M. Ruben Metal Company, Inc., is found to have violated Rule 103(b), 202(b), 203(a), and 203(c) of the Air Regulations and Sections 9(a) and 9(b) of the Act.

B. For said violations, the stipulated penalty of \$3500.00 is assessed, payment to be made within 30 days of the date of this Order, by certified check or money order to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

C. Respondent M. Ruben Metal Company, Inc., an Illinois corporation shall apply to the Environmental Protection Agency for all necessary operation permits for its metal reclamation facilities located at 2300 West Bloomingdale, Chicago, Cook County, Illinois.

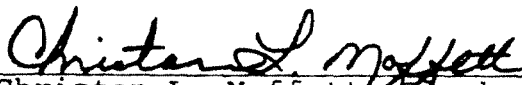
D. Respondent shall modify and convert its single chambered wire reclamation incinerator to a double chambered incinerator with a suitably sized afterburner located in the second chamber, said modifications and conversions to be completed within 90 days from the issuance of the construction permit applied for by Respondent in August, 1975, said modification to begin upon said permit's issuance.

E. Respondent shall make or cause to have made a stack test of the incinerator upon completion of the modifications or conversion described in paragraph D above. Said stack test shall be conducted pursuant to procedures agreed upon by the Environmental Protection Agency;

F. Respondent shall execute within 30 days of this Order a performance bond in the amount of \$10,000 to guarantee the performance of the measures set forth in paragraph D above.

G. The alleged violations of Rules 2-2.11, 3-3.11 and 3-3.232(b) of the Rules and Regulations Governing the Control of Air Pollution are herewith dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of December, 1975 by a vote of 4-0.


Christan L. Moffett
Clerk
Illinois Pollution Control Board