

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1976

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 75-94
)
ALLIED METAL COMPANY, an)
Illinois corporation,)
)
 Respondent.)

Ms. Dorothy J. Howell, Assistant Attorney General, appeared on behalf of the Complainant;
Mr. Louis M. Shapera, Cohen & Shapera, appeared on behalf of the Respondent.

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

This case involves a Complaint, filed by the People of the State of Illinois (People) on February 25, 1975 alleging that Respondent, Allied Metal Company, an Illinois corporation (Allied), operated a facility located at 2059 South Canal Street, Chicago, Cook County, Illinois in a manner which caused or allowed the emission of particulate matter into the atmosphere in excess of the allowable emission rates from on or about April 20, 1972 until December 31, 1973 in violation of Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution (Air Rules) and in violation of Section 9(a) of the Environmental Protection Act (Act) and from on or about January 1, 1974 until February 25, 1975 in violation of Rule 203 of the Air Pollution Regulations (Chapter 2) and in violation of Section 9(a) of the Act.

Hearing was held on September 16, 1975 at which time a Stipulation and Proposal for Settlement (Stipulation), executed by counsel for both parties, was entered into the record. No additional evidence was adduced at the hearing; no members of the public were in attendance.

The facilities operated by Allied for the recycle of aluminum and zinc include two reverberatory aluminum furnaces and one sweat furnace; two zinc pots, a lead pot, a boring drier and an incinerator which is inoperative. Employment in the plant at the time of the hearing was 38; the plant was operating 5 days - 48 weeks per year. Normal operations are 24 hours, 7 days, 48 weeks per year with 56 employees.

The parties stipulate (Stip. p. 3) to the results of certain stack tests performed by the City of Chicago which results indicate violations of allowable particulate emissions of Rule 203(b) of Chapter 2 in each of three tests. Allied further admits to the violation of the regulation for the period alleged in the Complaint (Stip. p. 4) and we so find.

Allied entered into a contract on July 17, 1974, for the installation of a chromatographic bag house system designed by Teller Environmental Systems, Inc. which the designer has guaranteed will reduce emissions from the reverberatory and sweat furnaces by 99.5% (Stip. p. 3). The engineering design and construction of the system will cost \$400,000.00 (Stip. p. 4).

The parties further stipulate to payment to the State of Illinois of \$1500.00 by Allied and to completion of the baghouse on or before June 1, 1976, including fabrication, installation, testing and debugging. Allied further agreed to submission of certain reports and notice and to obtain all necessary permits for installation and construction of the baghouse (Stip. p. 5).

In this case the violations are admitted and the Stipulation and Proposal for Settlement filed complies with the requirements of our Procedural Rule 333 for settlement (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing and the Stipulation and Proposal for Settlement, which constitutes the entire record in this matter, we find that Allied did violate the Act and Regulations as charged in the Complaint by causing or allowing the emission of particulate matter into the atmosphere in excess of the allowable emission rates for the periods alleged in violation of Rule 3-3.111 of the Air Rules and Rule 203(b) of Chapter 2 and in violation of Section 9(a) of the Environmental Protection Act. A penalty of \$1500.00 is assessed for these violations.

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

ORDER

1. Respondent, Allied Metal Company, is found to have operated its facilities in violation of Section 9(a) of the Environmental Protection Act, Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution, and Rule 203(b) of the Air Pollution Regulations and shall pay a penalty of \$1500.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 14 days of the date of this Order to: Control Program Coordinator, Division of Air Pollution

Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Allied Metal Company, shall comply with and do all things as agreed in the Stipulation and Proposal for Settlement by and between Respondent Allied Metal Company and the Complainant People of the State of Illinois which is hereby incorporated into this Order and made a part hereof.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of January, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board