

ILLINOIS POLLUTION CONTROL BOARD  
February 14, 1973

ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 ) #72-53  
 v. )  
 )  
 HARCO ALUMINUM, INC., )  
 a corporation )

MELVIN RIEFF, ASSISTANT ATTORNEY GENERAL, ON BEHALF OF ENVIRONMENTAL  
PROTECTION AGENCY  
NORMAN HANPLING, ON BEHALF OF HARCO ALUMINUM, INC., a corporation  
OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Complaint was filed against Harco Aluminum, Inc., an aluminum alloy smelting and reclamation operation located in Chicago, alleging that Respondent's emissions from its four reverberatory furnaces and a sweating furnace emitted particulates in violation of Rule 2-2.11 and 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution and Section 9(a) of the Environmental Protection Act. The entry of a cease and desist order and penalties in the maximum statutory amount are sought.

Respondent filed an answer denying the violations as alleged. Hearing was held on September 26, 1972, at which time various stipulations were entered into with respect to documents and other matters. Agreement was arrived at by which deposition of certain expert witnesses would be taken independent of the hearing, but the depositions would be incorporated in the record. It was further provided that a stack test of Respondent's facility would be taken, the results of which would be submitted to the Board for consideration. Respondent would have the right to make its own stack test and submit the results to the Board. Respondent would also have the right to comment on the stack tests made by the Agency. The hearing officer directed that Respondent be given until November 28, 1972 to file its response.

The results of the stack tests are in evidence. Analysis of the stack tests indicated that Respondent presently is in compliance with Rule 3-3.111. The average particulate emissions based on the results of the two tests are 5.9 pounds per hour, well within the allowable emissions of 8.5 pounds per hour as provided by Rule applicable to conditions under which the tests were made. While the two tests differed significantly in results (3.29 pounds per hour and 7.28 pounds per hour), the testing procedures and calculations do not appear to contain error and even the highest emission rate is still well within the maximum permissible emission rate under the Rules.

We must conclude, therefore, that since the results were obtained with a metallic filter system installed in November of 1971, compliance has been effected subsequent to that time. We must likewise conclude that prior to November, 1971, Respondent was not in compliance.

Respondent's operation consists of melting down scrap aluminum to produce various metallurgical products. The source of pollution is presumably from the impurities in the scrap. An abatement program was filed in 1968 in response to letters from the City of Chicago resulting in an afterburner being installed in November of 1969 which operated only sporadically until November of 1971 (R. 27), because it was improperly sized and caused smoke pollution within the plant itself (Lipski deposition). During the years 1969 through 1971, effluent control systems were considered (Harco Exs. B, C, D and F) but were rejected either because of excessive cost, the creation of other pollutional problems or the absence of necessary fuel. In January, 1971, Harco proposed to the City of Chicago that it install a pollution abatement system consisting of a dry filter, a wet filter, and an electrostatic precipitator in series. At the present time, the system consists of only the dry filter and an exhaust fan which has been in use since November, 1971. Four reverberatory furnaces and the single sweat furnace have their exhausts manifolded into the filter system.

According to the filter specifications (Complainant's Ex. 1), under conditions maintained at Harco, 70% collection of particulates should occur. Harco's own expert estimates a 50% collection efficiency (Deposition 47). Thus, prior to the installation of the filter in November, 1971, the particulate emissions were at least double, which would indicate particulate emissions ranging between 10 and 12 pounds per hour as opposed to an allowable limit of 8.5 pounds per hour during the period when the afterburner was not operating, which was approximately one-half of the time.

Agency calculations were submitted based on standard emission factors which we have previously held to be a valid method for computing emissions. See Environmental Protection Agency v. Lindgren Foundry Company, #70-1 (September 25, 1970,) 1 PCB 11. Even though the plant is presently in compliance, Respondent is planning to take further steps to improve its control equipment.

Since 1968, Harco has been purchasing clean scrap at premium prices in order to reduce emissions. The added cost of the high grade scrap has exceeded the cost of plant emission control equipment. It is to Respondent's advantage to improve the filter precipitator system as planned in order to use the scrap and still remain in compliance.

The totality of the record in this case suggests nothing upon which a penalty could be based. There is no evidence as to the effect of the Respondent's emissions on the contiguous property nor any history of complaints filed by neighbors. While the undisputed fact with respect to violation would normally call for the imposition of a penalty, we believe that the particular facts of the present case and the good faith demonstrated by Respondent serve as extenuating circumstances and justify an exception in this proceeding. It appears that Respondent has been making a conscientious effort to abate its polluttional discharges since 1968 and has been in compliance since November of 1971. The imposition of a penalty does not appear warranted and none will be assessed. However, in order to assure the continued compliance with the relevant regulations, we will enter a cease and desist order as is customary in proceedings of this sort.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that Respondent, Harco Aluminum, Inc., a corporation, cease and desist violation of the Rules and Regulations Governing the Control of Air Pollution and the Environmental Protection Act.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 14<sup>th</sup> day of February, 1973, by a vote of 3 to 0.

Christan J. Moffett

