

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1972

SOUTH SIDE FOUNDRY COMPANY)
)
) #72-105
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

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)
)
 v.) #72-187
)
 SOUTH SIDE FOUNDRY COMPANY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

On October 3, 1972, Order was entered in the above consolidated proceeding providing inter alia as follows:

"3. South Side Foundry Company shall submit to the Board and the Agency within 30 days from the date of this Order, a specific program for Air Contaminant Emission Control and abatement of particulate and carbon monoxide emissions from its foundry operation, including a specific program of purchase, acquisition and installation of equipment, to bring its foundry operation into compliance with all relevant regulations and statutory provisions relative to the control of air pollution.

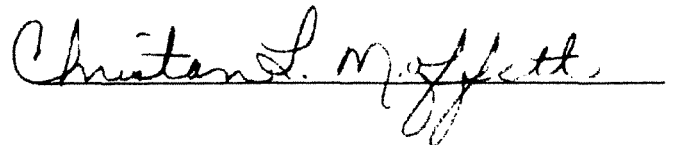
4. South Side Foundry Company shall provide a bond in the amount of \$10,000 payable to the Environmental Protection Agency and mailed to Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Drive, Springfield, Illinois 62706. The bond shall be in the form satisfactory to the Agency and shall guarantee that the program of compliance required by paragraph 3 of this Order shall be submitted in the time provided and in the form required.

5. The company shall install a spark arrester in its stack preventing any emission of sparks into the atmosphere, within two weeks from the date hereof.

6. The Board retains jurisdiction for such other and further orders as are appropriate, based upon the foregoing provisions of the Order."

We have received a petition from South Side Foundry Company requesting that our order be modified by deleting the provision for the posting of a "performance" bond. The petitioner incorrectly interprets paragraph 4 of the Order as requiring the posting of a performance bond with respect to the ultimate compliance program. However, a careful reading of paragraph 4 makes clear that the bond related to the obligation to submit the abatement program required by paragraph 3 of the Order and not to guarantee performance of the program as submitted. In its petition, petitioner has submitted drawings and correspondence which it represents to be a program of compliance which would, in effect, satisfy paragraph 3 of the Order, providing Agency approval is obtained. If, in fact, this has occurred than the need for the bond, so far as the submission of the program is concerned, has been eliminated. We will direct the Agency to analyze the program submitted and advise the Board of its evaluation within 14 days from the date hereof. Upon receipt of the Agency's advice with respect to the foregoing, we will enter such other and further orders as may be appropriate in modification or extension of our previous order.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 5th Day of December, 1972, by a vote of 4 to 0.

A handwritten signature in cursive script, reading "Christan L. Moffett", is written over a horizontal line.