

ILLINOIS POLLUTION CONTROL BOARD  
March 16, 1978

PEOPLE OF THE STATE OF ILLINOIS )  
and the ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainants, ) PCB 75-19  
 )  
v. )  
 )  
LISSNER CORPORATION, an )  
Illinois Corporation, )  
 )  
Respondent. )

OPINION AND ORDER OF THE BOARD (By Mr. Dumelle):

An Amended Complaint filed on February 25, 1975 alleged that Respondent had violated the Environmental Protection Act in the following particulars: The complainant charged that Respondent had operated a secondary aluminum facility, an air pollution source, in Chicago without the necessary operating permits. Particulate emissions from this facility were claimed to exceed the limits of Rule 3-3.111 of the old air pollution control rules and Rule 203(a) of Chapter 2 of the current regulations. An additional count alleged violations of the 30% opacity standard of Rule 202(b) of Chapter 2. Hearings were held on February 9, 1976, March 10, 1977, November 16, 1977 and December 7, 1977 to discuss the status of settlement negotiations. A stipulation and proposal for settlement was filed on February 21, 1978.

The stipulation recites Respondent's unsuccessful efforts to obtain operating permits and lists time periods and specific dates between February 16, 1973 and March 15, 1975 when Respondent's emissions violated Board standards. Respondent proposes to replace its present system, which vents emissions to Venturi scrubbers and an afterburner, with a baghouse at an approximate cost of \$815,000.00. Respondent is requesting permission to operate its facility from January 15, 1978 until August 1, 1978 with no pollution control equipment while the new system is being installed provided that particulate emissions do not exceed 22,200 pounds per month. Respondent agrees to use the cleanest scrap available in its reveratory furnaces during this period. The August 1, 1978 date could be extended by a Board Variance or automatically until 35 days from the date Respondent receives information that the baghouse might not or will not be installed in time.

The stipulation provides for a stack test within 45 days of completion of the baghouse, inspection of facilities and receipt of documents by the Agency and the Attorney General, and the payment of a \$5,000 civil penalty. The stipulation is executed by Respondent and both Complainants and attaches a construction schedule and a copy of a letter from the Agency which grants a permit to construct the new system.

The Board finds that the stipulation and proposal for settlement constitutes a reasonable method of settlement which is in the public interest. The period of operation without pollution control equipment appears to be necessary to avoid a plant shutdown and the layoff of 200 employees.

The provision for a "once only" extension of the August 1, 1978 compliance date is acceptable since it cannot be extended past July 1, 1979 because of the Clean Air Act. The amount of the penalty and the provisions for inspection are hereby acknowledged as reasonable, but Respondent is hereby put on notice that if for any reason it is not in compliance with Board standards after July 1, 1979 it will be required to pay a non-compliance penalty in accordance with Section 120 of the Clean Air Act.

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

#### ORDER

It is the Order of the Pollution Control Board that:

- 1) Respondent is hereby found to have violated Rule 103(b)(2) of the Board's Air Pollution Control Regulations since March 1, 1973 for failure to possess operating permits for the various processes at its aluminum smelting operation in Chicago.
- 2) Respondent is hereby found to have violated Rule 3-3.111 of the Board's Rules concerning particulate emissions from September 27, 1973 until December 31, 1973.
- 3) Respondent is hereby found to have violated Rule 203(a) of the Board's Rules concerning particulate emissions from January 1, 1974 until March 15, 1975.
- 4) Respondent is hereby found to have violated Rule 202(b) of the Board's Rules concerning visual emissions on February 16, 1973, May 18, 1973, October 15, 1973, December 3, 1973, March 31, 1974, April 8, 1974, and June 26, 1974.

- 5) Respondent shall install a baghouse system which will result in compliance with all applicable Board standards by August 1, 1978. During the time this system is being installed, Respondent shall be permitted to operate its facility without air pollution control equipment.
- 6) Respondent's total particulate emissions during the period the new system is being installed shall not exceed 22,200 pounds per month. Within seven days of the date of this Order, Respondent shall provide Complainants with its production figures for the period of January-June, 1977 which form the basis for this emission limit. Respondent shall provide Complainants with production figures by the 5th of each month for the previous month.
- 7) During the time period it operates without control equipment, Respondent shall use in its reverberatory furnances only its cleanest scrap, no oily or painted sheet, and only clean borings, clips and sows unless the use of other scrap is absolutely necessary to meet a production schedule. The use of such other scrap will only be permitted if Respondent is unable to purchase scrap which is paint free or from which Respondent will be able to remove the paint and oil.
- 8) If the system is not installed and operating by August 1, 1978, Respondent shall, subject only to the following exception, cease operations of its reverberatory furnaces on that date. Respondent will only resume operations upon the date that its system is installed and operating, or upon the date it has received (not requested) a variance from the Board extending the time period in which it may operate without control equipment.

Exception: If, between June 28, 1978 and August 1, 1978, Respondent, through its officers, agents or employees, receives for the first time any information indicating in any way that its system might not, or will not, be completely installed and operating by August 1, 1978, the date on which Respondent must cease operations in the absence of a Variance will be extended to 35 days from such date Respondent received for the first time such information.

- 9) Respondent shall conduct stack tests to be performed by a consulting engineering firm of its choice and pursuant to procedures agreed upon by the Agency. Said test will be conducted within 45 days of the completion of the system at Respondent's facility. Upon proof of compliance submitted to the Agency by the consulting engineering firm and compliance with the provisions of Rule 103 of the Rules, all necessary permits will be issued to Respondent.

- 10) Respondent agrees to provide copies of all documents which it submits to the Agency to the Illinois Attorney General, c/o Howard Chinn, 188 W. Randolph Street, Suite 2315, 2315, Chicago, Illinois. Respondent also shall permit a representative of the Illinois Attorney General to conduct the same inspection of its facilities permitted the Agency, pursuant to the provisions of the Environmental Protection Act, during the time period of its Compliance program. Respondent shall allow a representative of the Attorney General to inspect its facility after such program is completed if the Attorney General has received a Complaint concerning Respondent, if the Attorney General has any reasonable grounds to believe Respondent is violating any provision of the Act or the Board's Regulations, if Respondent requests a variance, or if Respondent conducts stack tests.
- 11) Respondent shall submit all changes or modifications in its project completion schedule (Program Evaluation Review Technique) to the Agency and the Illinois Attorney General, c/o Howard Chinn within three business days of any such change or modification. Additionally, Respondent shall notify the Agency and the Attorney General, within three business days of any and all information it receives indicating in any way that its system will not, or might not, be completed by August 1, 1978.
- 12) Within 30 days of the date of this Order, Respondent shall pay the sum of \$5,000 as a civil penalty in this matter. Payment shall be by certified check or money order payable to the State of Illinois and shall be transmitted to the following address:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16<sup>th</sup> day of March, 1978 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board