

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 and)
)
 CITIZENS FOR A BETTER ENVIRONMENT,)
 an Illinois Not-For-Profit)
 corporation,)
)
 Intervenor,)
)
 v.) PCB 76-242
)
)
 INTERLAKE, INC., a Delaware)
 corporation,)
)
 Respondent.)

MR. LARRY BLACKWOOD, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
MR. W. GERALD THURSBY, ROOKS, PITTS, FULLAGAR & POUST, APPEARED ON BEHALF OF RESPONDENT;
MR. MICHAEL R. BERMAN, APPEARED ON BEHALF OF INTERVENOR.

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

This enforcement action was filed before the Board on September 28, 1976 by the Illinois Environmental Protection Agency (Agency) alleging violation of a number of the Board's Air Pollution Regulations and Section 9(a) of the Illinois Environmental Protection Act (Act) by Interlake, Incorporated (Interlake) at Interlake's facility located on South Torrence Avenue, Chicago, Illinois. Citizens For A Better Environment (CBE) petitioned for Leave to Intervene in the case and was granted intervention by the Hearing Officer herein. Hearing was held in this matter on December 15, 1977, at which time the Agency submitted an amended complaint and, together with Interlake, submitted a Proposed Stipulation and Settlement Agreement (Stipulation). CBE took no part in the Proposed Stipulation; there were no comments by the public at the

hearing. Although CBE was not a party to the Proposed Stipulation, in their December 30, 1977 letter to the Board they stated, "CBE does not oppose the Motion For A Leave to Amend Complaint nor the Stipulation and Settlement Agreement."

The Proposed Stipulation includes a lengthy description of the Interlake facilities involved, along with a description of operations and the emissions that occur during those operations. Briefly, the facility is an integrated iron and steel production complex in the heavily industrialized Calumet area of southern Cook County, Illinois. Included in this facility is Interlake's coke manufacturing plant consisting of two 50 oven coke batteries along with their various support facilities. The total complex employs approximately 4,000 persons and produces about 1,300,000 tons of carbon steel each year.

The coke plant produces approximately 2,000 tons of coke each day, operating 24 hours per day every day of the year. The production of coke is generally divided into four stages: "charging," "coking," "pushing," and "quenching." Charging involves the placing of coal into one of the coke ovens; coking is baking the coal in an oxygen free atmosphere which reduces it to non-volatile coke while driving off the volatile components of the coal. Pushing involves the expulsion of the coke by literally pushing it through the oven onto a quench car, after which the red hot coke is quenched in an intense shower of water. At various times during these stages of manufacture, a certain amount of particulate matter, smoke, and volatile material is emitted into the atmosphere. These emissions are the subject of the Agency's complaint against Interlake in this matter.

The area in which Interlake's coke manufacturing plant is located clearly has a pollution problem. The Agency believes that the level of particulate matter in the ambient air in the area of the plant is among the highest in the country. It notes that monitoring stations in the area have recorded an annual mean concentration of suspended particulates that has far exceeded the national primary standard of 75 micrograms per cubic meter in each one of the last seven years, and in fact was, in most cases, more than double that level. The location of the Interlake facilities and other steel plants along with the monitoring stations and the annual mean total suspended particulates recorded at these stations is shown in Exhibits A and B to the Stipulation. Interlake admits its contribution to the particulate matter in the ambient air but argues that its facility is only one of a very large number of sources of suspended particulates in the southeast area of the City of Chicago. In particular, it notes that there are two other coke oven facilities in the area. The parties agree that the only way to manage such ambient air

quality problems is for each of the contributing sources to be reasonably controlled.

The Agency alleges that Interlake's coke plant has been operated in violation of Rules 102 and 203(d)(6)(b)(iii) of the Board's Air Pollution Control Regulations (Regulations) and Section 9(a) of the Act. It cites particular occurrences during the coking operation which are prone to produce a high level of emissions to the atmosphere. Interlake admits that emissions from the coking operation contribute to the presence of particulate matter in the ambient air in the area in which its coke plant is located, but alleges it has continuously improved the control of particulate emissions since 1974. In particular, it cites the modification of the charging equipment and changes in the charging procedure accomplished since 1974. In addition to these improvements, Interlake agrees to make certain modifications by December 31, 1978 to further improve the control of charging emissions and proposes to post a personal bond in the amount of \$25,000 guaranteeing such undertaking (Stipulation, p.12, Exhibit C).

Improper operation of equipment by plant personnel is one of the most serious problems with regard to the emissions from a coking procedure. Work rules determining the method by which the coking operation is carried out are a very important part of the control of these emissions. Interlake agrees that it will immediately modify its operating and maintenance work rules in compliance with those indicated in Exhibit D to the Stipulation. In addition, Interlake agrees to use its best efforts to insure that its employees adhere to the proposed operating and maintenance work rules at all times.

With regard to the emissions of particulate matter from the pushing operation, Interlake alleges that it has attempted to control particulate emissions through good operating and maintenance practices and through the extensive development of an enclosed pushing control car. Interlake has now committed itself to the installation of a pushing control system with particulate collection equipment under a Consent Decree entered in an action entitled United States of America v. Interlake, Inc., docketed as No. 76 C 3599, in the United States District Court for the Northern District of Illinois, Eastern Division, which Consent Decree is hereby incorporated by reference as if fully set forth herein (Stipulation, Exhibit E). The Consent Decree calls for a compliance schedule starting with the date of entry of the Decree and ending with full operation and compliance in about 40

months (Consent Decree, Order 2). The Consent Decree further sets forth the rights and duties of the parties with respect to the eventual compliance with the Board's Rules by Interlake, specifically in regard to the pushing and quenching operations at its coke plant.

Interlake's duties under the complete compliance program, including charging, coking, pushing and quenching, are enumerated under Section 3, Control Program, of the Stipulation (Stipulation, p.14). In addition to what has been discussed above, Interlake agrees that failure to meet its commitments for reasons other than a force majeure shall result in forfeiture of the bond and shall entitle the Agency to bring an action to enforce any Board Order or Regulation. Interlake agrees to submit to the Agency adequate applications for all necessary construction and operating permits and to submit quarterly reports within 10 days of the close of each calendar quarter for the duration of the program. The Agency agrees to forego other enforcement action pursuant to Section 31(a) and 31(b) of the Act with respect to emissions of particulate matter so long as Interlake is in compliance with each and every element of the compliance program. As each element of the compliance program is achieved, however, the Agency's duty under this condition shall cease. In the event that operations at Interlake's coke plant terminate as a result of federal, state or municipal law or regulation or administrative order, etc., Interlake's obligations hereunder shall cease for the duration of such interruption. The Stipulation does not limit the rights of the Agency or the State with regard to laws and regulations other than the rules noted above.

The Agency believes that the compliance plan set forth in the Stipulation will result in compliance by Interlake with the Board's Regulations and the Act with respect to the violations alleged in the complaint. The parties propose that in consideration of the Stipulation, this action, PCB 76-242, be dismissed with prejudice for a time period extending from that date noted in the Agency's Complaint to the date of any Order by the Board accepting the Stipulation. In lieu of penalties for the alleged violations, the parties propose that Interlake donate \$25,000 to the University of Chicago, \$25,000 to the Illinois Institute of Technology and \$25,000 to Northwestern University, all for environmentally oriented education. In addition to these donations Interlake proposes to spend approximately \$25,000 on a study to be completed and submitted to the Agency on or before November 8, 1978, of the economic and technical feasibility of possible emission control programs for its blast furnace cast house.

The Board finds that further litigation by the parties in this matter and its attendant delay in final compliance by Interlake is not in the best interests of the People of the State of Illinois. The Board finds that the compliance program developed as a result of the perseverance of the Agency and CBE in cooperation with Interlake along with the other terms of the Stipulation are a suitable resolution of this action. The Board hereby accepts the Proposed Stipulation as presented at the hearing on December 15, 1977.

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:

1. Interlake, Incorporated, shall execute the control program contained in the Stipulation and Settlement Agreement filed before the Board by the parties on December 15, 1977, which Stipulation and Settlement Agreement is hereby incorporated in this Order as if fully set forth herein.
2. The Illinois Environmental Protection Agency and Interlake, Incorporated, shall execute their duties as contained in the Stipulation noted in (1) above.
3. This action, PCB 76-242 is hereby dismissed, with prejudice, for the period of time contained in the Complaint filed herein up to the date of this Order.

Mr. Young and Mr. Dumelle concur.

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


Christan L. Moffett, Clerk
Illinois Pollution Control Board