

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 72-113
)
 ELESKO SMELTING COMPANY,)
)
 Respondent.)
)

Herman R. Tavins, Assistant Attorney General, on behalf of
Complainant;
Alan Jacobs on behalf of Respondent.

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

On March 24, 1972, the Agency filed an enforcement action before this Board alleging that Respondent's smelting plant was operated in such a manner as to violate Section 9(a) of the Environmental Protection Act, Ill. Rev. Stat., Chapter 111 1/2, Section 1009(a)(1971), and that equipment was installed by Respondent without having a permit issued by the Agency in violation of Section 9(b) of the Act. On June 8, 1972, the Agency amended its complaint to allege violation of Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution and Section 9(b) of the Act.

Respondent, Elesco Smelting Company, was a smelter of primarily brass and bronze scrap, located in Chicago, County of Cook, Illinois. Respondent's operations were "batch" in nature. The plant consisted of four reverberatory furnaces and one rotary furnace, all used to melt brass and bronze scrap.

This action comes before the Board with a Stipulation and Proposal for Settlement entered into by the respective parties. In Paragraph 8 of that Stipulation, the Agency indicates that it now believes that its allegation that a violation of Section 9(b) of the Act occurred is not supported by the available evidence and that, therefore, the allegation is withdrawn.

The Agency's allegations regarding violations of Section 9(a) of the Act are based on five visual observations of smoke emissions from Respondent's facility. The smoke observed had an opacity varying from 40% to 80%.

On August 3, 1972, Respondent discontinued all smelting operations at its facility and disassembled all related equipment. The facility is now maintained as a warehouse for intermediate shipping.

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

IT IS THE ORDER of the Pollution Control Board that:

1. Respondent, Elesco Smelting Company, cease and desist from violation of Section 9(a) of the Environmental Protection Act;

2. Respondent shall not re-open the subject facility without obtaining the necessary permits from the Environmental Protection Agency;

3. Respondent shall pay to the State of Illinois within 35 days from the date of this Order, the sum of \$1,000 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 28th day of June, 1973, by a vote of 3 to 0.

Christan L. Moffett