

ILLINOIS POLLUTION CONTROL BOARD
January 8 , 1976

PEOPLE OF THE STATE OF ILLINOIS)
and ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainants,)
)
v.) PCB 74-373
)
HARCO ALUMINUM, INC., an Illinois)
corporation,)
)
Respondent.)

Jeffrey S. Herndon, Assistant Attorney General, Attorney for
Complainants
Norman Hanfling, Fein & Hanfling, Attorney for Respondent

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

This case arises out of a Complaint, filed by the People of the State of Illinois (People) on October 16, 1974 and amended to include the Environmental Protection Agency as a Complainant on December 5, 1974. The Amended Complaint alleges that Respondent, Harco Aluminum, Inc., an Illinois corporation (Harco), owned and operated an aluminum alloy smelting and reclamation facility at 4528 West Division Street, Chicago, Cook County, Illinois from February 15, 1973 through December 5, 1974 which discharged particulate matter into the atmosphere in such a manner and in such quantity to cause a violation of Section 9(a) of the Environmental Protection Act (Act); Rule 202(b) and Rule 203(b) of the Air Pollution Regulations (Chapter 2); and Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution.

A hearing was held on November 25, 1975 at which time a Stipulation and Proposed Settlement (Stipulation) was entered into the record. No additional evidence was adduced at the hearing; no members of the public were present. Motion was made to allow withdrawal of the original Stipulation for execution by the Agency; the fully executed Stipulation was filed with the Board on December 4, 1975.

The source of the emissions which gave rise to this action are four reverberatory furnaces and one sweat furnace which are used by Harco to process scrap aluminum for reuse by others. An average of 3,117,650 pounds of scrap was processed during the six months ending in August 1974.

At the date of the hearing, Harco was completing installation of a scrubber system which will bring the facility into compliance with the applicable sections of the Act and Chapter 2.

Harco admits emission of smoke and odors on several occasions which caused discomfort to some residents in the vicinity of their facility but offer in mitigation that excess particulate matter and smoke were emitted as a result of equipment failure, impurities in the scrap which were not ascertainable until melting began and delays in the installation of the scrubber system which would have eliminated the violations (Stip. p. 5).

The parties further agree to payment of \$6000.00 in satisfaction of the violations found; and Harco agrees to cease and desist from further violations; to take steps to properly maintain the scrubber system to provide maximum efficiency in operation and to keep maintenance records of the system.

In this case the violations are admitted and the Stipulation and Proposed Settlement filed complies with the requirements of our Procedural Rule 333 for settlement (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing and the Stipulation and Proposed Settlement, which constitute the entire record in this matter, we find that Harco did violate the Act and Regulations as charged in the Complaint by causing or allowing the emission of smoke or other particulate matter into the atmosphere with opacity greater than 30% and in excess of the allowable emission rates for the periods alleged in violation of Rules 202(b) and 203(b) of Chapter 2, of Rule 3-3.111 of the Air Rules, and of Section 9(a) of the Act. A penalty of \$6000.00 is assessed for these violations.

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

ORDER


1. Respondent, Harco Aluminum, Inc., is found to have operated its facilities in violation of Section 9(a) of the Environmental Protection Act, Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution, and Rules 202(b) and 203(b) of the Air Pollution Regulations and shall pay a penalty of \$6000.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois within 30 days of this Order to: Control Program Coordinator, Division of Air Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Harco Aluminum, Inc., shall cease and desist from further violations of the Environmental Protection Act or Board Regulations.

3. Respondent, Harco Aluminum, Inc., shall ensure that the air pollution control scrubber system installed at its facilities is properly maintained to provide maximum efficiency in operations and shall keep maintenance records of said systems.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of January, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board