

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1973

CHICAGO HEIGHTS GRAY IRON FOUNDRY, INC.)
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 v.) PCB 73-22
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)
 ENVIRONMENTAL PROTECTION AGENCY)

Steven C. Bonaguidi, Assistant Attorney General, on behalf of the
Environmental Protection Agency.
Maurino R. Richton, on behalf of the Chicago Heights Gray Iron
Foundry, Inc.

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

This is a Petition For Variance filed by the Chicago Heights Gray Iron Foundry, Inc. with the Environmental Protection Agency, hereinafter "Agency" on January 22, 1973. Petitioner requests a variance from Rule 3-3.111 of the Rules and Regulations governing the control of air pollution continued effective by Section 49(c) of the Environmental Protection Act (Illinois Revised Statutes, 1971, ch. 111 1/2, Section 1049(c)). The Petitioner believes that compliance with the above provision would constitute an arbitrary and unreasonable hardship because of its current financial difficulty. It alleges it is on the brink of bankruptcy due to the embezzlement of \$120,000 by a trusted employee. The Petitioner requests a variance for six (6) months after the time certain control equipment is delivered and installed at his factory in order for the Petitioner to make performance tests. The Petitioner estimates the equipment will be delivered between May 8 and May 22, 1973 and that it should take less than one week to install same.

Chicago Heights Gray Iron Foundry, Inc., operates a family facility at the above location for melting cast iron (scrap and pig iron) making a gray-iron casting. It is a small operation, melting only twice a week, usually on Wednesday and Saturday mornings between the hours of 7:00 A.M. and 9:30 A.M., just an hour and one half operation. The corporation has only ten (10) employees, excluding office personnel. The amount of tons melted on each of said days is between six to ten tons only. For the past several years, this small family operation has been on the brink of bankruptcy caused by the embezzlement of one of their trusted employees, John Wozny, manager of said operation. As a result of the indictment by the Internal Revenue Service, he is serving a prison term at Sandstone, Minnesota. However, civilly, the corporation did file suit against him in chancery. The name and number of this case is as follows: Chicago Heights Gray Iron Foundry, Inc., Plaintiff, vs. John Wozny, Defendant, Case No. 72 CH 1094.

In conclusion, we find an obvious voluntary effort on the part of the Petitioner to comply with the Environmental Protection Act. The Agency does point out, however, that the Petitioner's control program as presently constituted is insufficient to meet the requirements of Rule 203(a) of the PCB regulations. We feel in granting this variance that the Petitioner will, now duly notified, meet those requirements as soon as possible. Further, it impresses us that the Agency has received no complaints concerning the Petitioner's operations.

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

IT IS THE ORDER of the Pollution Control Board:

1. The variance be granted only until August 15, 1973.
2. The Petitioner, by August 15, 1973, submit its stack test results to the Agency.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above order was adopted on the 22nd day of March, 1973, by a vote of 4-0.


Christan Moffett, Clerk
Illinois Pollution Control Board