

ILLINOIS POLLUTION CONTROL BOARD
March 8, 1973

H. KRAMER AND COMPANY)
)
) #72-495
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

EARL S. SCHWARTZ, ON BEHALF OF PETITIONER
KENNETH J. GUMBINER, ASST. ATTORNEY GENERAL, ON BEHALF OF ENVIRONMENTAL
PROTECTION AGENCY

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Petition for variance was filed by H. Kramer and Company, a copper refining and smelting operation, located in Chicago, requesting a variance until June 30, 1973 to exceed the particulate emission limits provided in the Environmental Protection Act and more particularly, in the Air Pollution Control Regulations.

The Company is in the business of smelting and refining copper and copper-base alloy scrap and residues and manufactures brass and bronze ingots. It employs 175 persons with an annual payroll in excess of \$2,000,000. In order to allow the installation of the additional baghouse, petitioner represents that it will be necessary to program the operation of its four reverabatory furnaces and one copper base alloy cupola in a manner that may cause particulate emissions in excess of present emission standards. Petitioner believes that at the present time it is in substantial compliance with applicable regulations. The four reverabatory furnaces and cupola have a maximum hourly production rate of 13,900 pounds and 1,372 pounds of emissions, which emissions are substantially of zinc oxide fumes. Dust collection equipment attached to this unit show a collection efficiency of 99.6% through No. 1 and No. 2 dust collectors and the collection efficiency of 99.6% on baghouse No. 5, which captures fugitive fumes. Zinc oxide collected is sent to manufacturers who convert it to zinc sulphate or metallic zinc.

Application for a No. 6 baghouse was filed with the Environmental Protection Agency in October, 1972, and a permit to construct issued on November 20, 1972. The unit consists of 6 modules, each powered by its own fan, and will have a total capacity of 61,500 CFM. It will replace the No. 1 baghouse built in 1930 and rated at only 26,000 CFM.

All reverabatory furnaces will be connected to the No. 6 baghouse and the No. 2 baghouse will be used solely for the cupola. Approximately \$425,000 will be expended for the acquisition of the basic equipment and installation of flues and duct work. Foundation work has already commenced.

Petitioner represents that the complete installation and testing should be completed by June 30, 1973. The variance is needed in order to prevent a shutdown of the facility during the construction period, because as construction progresses, it will be necessary to shut down the existing No. 1 or No. 2 baghouses for limited periods as connections to the new No. 6 baghouse are made. The precise amount of emission in excess of regulatory limits is not specified, but petitioner represents that it will schedule its work so as to minimize emissions. Failure to allow the variance, as requested, would necessitate a shutdown of the facility with resulting hardship on the Company, its employees and customers. The Environmental Protection Agency has recommended that the variance be granted until the installation of the No. 6 baghouse has been completed, or June 30, 1973, whichever first occurs, subject to certain conditions which we will specify in our order.

We believe the hardship on petitioner, its employees and its customers in shutting the plant down if the variance is denied is far greater than the burden on the community resulting from the emissions during the period of installation. We grant the variance as requested, subject to the conditions proposed by the Agency.

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

IT IS THE ORDER of the Pollution Control Board that H. Kramer and Company be granted a variance to exceed the particulate emission limits of the Air Pollution Regulations until June 30, 1973, pending installation of its No. 6 baghouse, subject to the following terms and conditions:

1. Progress reports are to be filed monthly with the Agency commencing on April 1, 1973, giving a brief description of the status of the compliance program as outlined in attachment 1 to the petition for variance.
2. Petitioner shall maintain a record indicating the date and time excessive emissions occurred, its best estimate of the amount of emissions and its production rate during that time, and the reason for the excessive emissions. This record shall be submitted to the Agency monthly and shall be available to Agency personnel on request.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 14 day of March, 1973, by a vote of 5 to 0.