

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1972

ENVIRONMENTAL PROTECTION AGENCY)
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 v.) # 71-331
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 CHICAGO-DUBUQUE FOUNDRY CORP.)

Opinion and Order of the Board (by Mr. Currie):

Chicago-Dubuque originally applied to this Board for a variance from applicable particulate air pollution regulations promulgated in 1967. The petition was dismissed as inadequate. Chicago-Dubuque Foundry Corp. v. EPA, # 71-130 (June 28, 1971). Subsequently, and in response to an amended petition, the Board granted Chicago-Dubuque a variance to operate its cupola in excess of particulate emission limits until May 12, 1972, subject to a number of conditions, but also construed that portion of the Agency's recommendation charging prior violations and seeking the imposition of money penalties as a counter-complaint; a hearing was authorized. Chicago-Dubuque Foundry Corp. v. EPA, # 71-309 (October 14, 1971).

On December 28, 1971, the Board received a detailed stipulation entered into by the parties hereto concerning the alleged violations which had occurred at Chicago-Dubuque's grey iron foundry site in East Dubuque, Illinois, prior to August, 1971. Paragraph 44 of that stipulation reads in part:

The parties agree that the alleged penalty for delay in bringing the Corporation's facility into compliance with the law and for its alleged failure to adhere to its earlier program should be \$3,000.00 which the Corporation is willing to pay; and the Environmental Protection Agency recommends that it be accepted as satisfaction in full. . . .

We find the stipulation to be satisfactory and the proposed settlement to be perfectly reasonable. Therefore, IT IS THE ORDER OF THE POLLUTION CONTROL BOARD THAT,

1. Chicago-Dubuque Foundry Corp. shall pay to the State of Illinois a money penalty in the amount of \$3,000.00 on or before February 4, 1972, for violations of the

Illinois Air Pollution Control Act, the Illinois Environmental Protection Act, and the rules and regulations promulgated thereunder, which violations occurred prior to August, 1971.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 6 day of January, 1972 by a vote of 4-0.

Christan Moffett