

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1974

ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
                  Complainant,            )  
  )  
                  vs.                        )  
  )       PCB 73-323  
LAFLIN SALVAGE CO., INC.,                )  
  )  
                  Respondent.             )

Mr. Frederic J. Entin, Assistant Attorney General, on behalf of complainant;  
Mr. John Bickley, Jr., Attorney, on behalf of Respondent.

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

A Complaint was filed by the Environmental Protection Agency (hereinafter Agency) against the Laflin Salvage Company (hereinafter Respondent) on August 6, 1973. The Respondent owns and operates a scrap metal salvage operation located in the City of Chicago.

The Complaint alleges:

1. That from on or about August 24, 1971 and continuing every day of operation to the filing of the Complaint herein, and particularly including, but not limited to on or about August 25, 1971 and December 29, 1971, Respondent has conducted said scrap metal salvage operation by open burning in violation of Section 9(c) of the Act, [Chap. 111-1/2, Ill. Rev. Stat., §1009(c) (1971)].

2. That on September 21, 1972, Respondent conducted said scrap metal salvage operation in a manner that has caused, suffered and allowed the emission, into the open air, of smoke, the appearance, density or shade of which was No. 2 or darker of the Ringelmann Chart, in violation of Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution, continued effective by Section 49(c) of the Act, [Chap. 111-1/2, Ill. Rev. Stat., §1049(c) (1971)].

3. That on April 19, 1973, and June 18, 1973, Respondent conducted said scrap metal salvage operation in a manner that has caused or allowed the emission of smoke or other particulate matter into the atmosphere of an opacity of greater than 30 percent in violation of Rule 202(b) of the Illinois Pollution Control Board Rules and Regulations, Chapter 2, Part II,

(hereinafter "PCB Rules"), adopted pursuant to Section 10 of the Act, [Chap. 111-1/2, Ill. Rev. Stat., §1010 (1971)], and thereby in violation of Section 9(b) of the Act, [Chap. 111-1/2, Ill. Rev. Stat., §1009(b) (1971)].

4. That during August, 1972, Respondent has caused or allowed the construction of an exhaust hood in front of a Brule incinerator without first obtaining a Construction Permit from the Agency, in violation of Rule 103(a) of the PCB Rules, Chapter 2, Part I, adopted pursuant to Section 10 of the Act, [Chap. 111-1/2, Ill. Rev. Stat., §1010, (1971)], and thereby in violation of Section 9(b) of the Act [Chap. 111-1/2, Ill. Rev. Stat., §1009(b) (1971)].

The Respondent entered into a Stipulation And Proposal For Settlement with the Agency, at a public hearing. The Respondent admitted that it violated the Statute and Rules and Regulations as charged, with the exception of the allegations regarding open burning which both parties agree should be dismissed for lack of proof. The Respondent is engaged in acquiring, by collection or delivery, electrical conduit cable and uses its various incinerators for the purpose of burning off the rubber insulation from the copper metal contained therein. The Stipulation avers that upon notice of the Complaint, the Respondent embarked on a program of full compliance and expended \$35,000.00 to implement action in that direction [Stip. p.4].

The Stipulation further avers that on September 11, 1973 again on September 26, 1973 and for a third time on October 2nd, 1973, engineers attached to the Surveillance Section of the Division of Air Pollution Control of the EPA inspected Respondent and as a result of these inspections, made a determination that Respondent was not then, nor is it now, violating the Particulate Regulations as set forth by the Illinois Pollution Control Board and that it has brought its manufacturing devices within proper control so as not to be a pollution hazard to the State of Illinois. [Stip. p.5].

By paragraphs A1-4 of the Stipulation, Respondent agrees that it violated Rules 202(b) and 103(a) of the Air Pollution Regulations; Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution; and Section 9(b) of the Environmental Protection Act. We so find. By paragraph A5 of the Stipulation, the Complainant agrees that no proof exists of violation of Section 9(c), of the Environmental Protection Act. Charges alleging violation of Section 9(c) are dismissed. The Agency and the Respondent agreed to a penalty of \$3,000.00 [Stip. p.8].

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

IT IS THE ORDER of the Pollution Control Board that Respondent, Laflin Salvage Co., Inc., shall:

1. Operate the United incinerator in accordance with the suggested operating procedures provided by the manufacturer with reference to time, temperature, types of loads, sizes of loads and any other applicable parameters;

2. Cease and desist use of a Brule incinerator unless properly controlled.

3. Refrain from conducting salvage operations by open burning;

4. Notify the Agency during period of malfunctions or breakdowns, in compliance with Rule 105 of the Pollution Control Board Rules and Regulations, Chapter 2, Part I;

5. Pay to the State of Illinois the sum of \$3,000.00 within 35 days from the date of this Order. 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.

6. Nothing contained herein shall prevent Respondent from installing a second G-466 model incinerator manufactured by United Corporation of Topeka, Kansas if Respondent shall deem the same necessary to properly run its operations, conditioned upon receiving the applicable Agency permits.

7. Allegations regarding violation of Section 9(c) of the Environmental Protection Act are dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 7<sup>th</sup> day of March, 1974 by a vote of 5-0.

Christan L. Moffett