

ILLINOIS POLLUTION CONTROL BOARD
July 31, 1986

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-55
)
ACME BARREL COMPANY, an)
Illinois corporation,)
)
Respondent.)

MR. JOSEPH J. ANNUNZIO, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

ROOKS, PITTS & POUST (MS. JERYL DEZELICK, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J. D. Dumelle):

This matter comes before the Board on a two-count Complaint filed on April 18, 1986 by the Illinois Environmental Protection Agency (Agency).

Count I of the Complaint alleged that the Respondent failed to maintain its drum incinerator temperature monitoring system in working condition and failed to adhere to the minimum afterburner operating temperature requirements of its Operating Permit in violation of 35 Ill. Adm. Code 201.281(a) and Sections 9(a) and 9(b) of the Illinois Environmental Protection Act (Act).

Count II alleged that the Respondent caused or allowed emissions from its drum incinerator stack to exceed 30 percent opacity on July 17, 1985 in violation of 35 Ill. Adm. Code 212.123(a) and Section 9(a) of the Act.

The parties filed a Stipulation and Proposal for Settlement on June 12, 1986 and a hearing was held on June 13, 1986, at which one member of the public was present. (R. 4-5).

The Respondent, the Acme Barrel Company (Acme), is an Illinois corporation which is in the business of recycling steel drums and barrels at its drum reconditioning plant which is located at 2300 West 13th Street in Chicago, Cook County, Illinois. (Stip. 2).

Pursuant to its plant's Operating Permit, which was issued by the Agency on September 7, 1984, the Respondent is authorized to operate various pieces of equipment, including "two drum

incinerators (used one at a time) with the afterburner." (Stip. 2). Moreover, Special Condition 1 of its Operating Permit provides that:

- "1. The operating temperature setting on the drum oxidizer and afterburner shall be maintained at the following levels at all times when drums are being incinerated:

Primary chamber	1200 degrees Fahrenheit
Secondary chamber	1200 degrees Fahrenheit
Afterburner	1600 degrees Fahrenheit"

(Stip. 2).

On July 17, 1985, an Agency inspection revealed that the Respondent's drum incinerator "temperature monitoring system was inoperative and that the afterburner temperature was not being maintained at 1600 degrees Fahrenheit" as required by Special Condition 1 of Acme's Operating Permit. (Stip. 2-3).

Additionally, during the Agency inspector's July 17, 1985 visit to the Respondent's facility, visible emissions from Acme's drum incinerator stack were observed to have an opacity of 100% during a specific time period of approximately 20 minutes in which the inspector's visible emission observations were recorded. (Stip. 3).

Although the Respondent has admitted that the aforementioned violations did, in fact, occur, the Acme Barrel Company has indicated that mitigating circumstances existed in that:

". . . On July 17, 1985, the drum incinerator temperature monitoring system failed because internal brickwork in the afterburner collapsed and fell on the thermocouple used for sensing afterburner temperatures. The incinerator is presently equipped with a 'fail safe' mechanism which, in the event of thermocouple failure, forces the afterburner control motors to low-fire condition. However, because the then-existing equipment was incapable of notifying operating personnel of the thermocouple malfunction, Acme personnel continued to feed drums into the incinerator even though a low-fire condition existed. Immediately upon discovering that the thermocouple controlling and recording the afterburner temperature had been damaged, the operation was shut down and repairs

initiated. A replacement thermocouple was installed by July 18, 1985, and refractory repairs were performed on July 20-21, 1985."

(Stip. 3-4).

Similarly, the Respondent has contended in mitigation that the excessive emissions from its drum incinerator stack which were observed by the Agency inspector on July 17, 1985 were the result of a one-time, nonrecurring incident resulting from a temporary breakdown in the drum incinerator temperature monitoring system which was expeditiously repaired and rectified. (Stip. 4). Although Acme has admitted that the alleged violations did, in fact, occur, the company believes that the aforementioned extenuating circumstances pertaining to the temporary breakdown of its temperature monitoring equipment are relevant to a proper understanding of the situation involved in the instant case.

Furthermore, the Respondent expects that it will avoid any similar problems with potential thermocouple failures in the future because of its purchase of a "fail safe" alarm switch from the Barber-Colman Company. It is indicated that "upon failure of the thermocouple, an alarm horn will sound and a relay will extinguish a green light which presently notifies Acme employees that it is permissible to feed drums into the incinerator." (Stip. 4).

The approximate compliance schedule that was followed by the Respondent is as follows:

<u>Date</u>	<u>Action Taken</u>
July 18, 1985	- Replaced broken thermocouple.
July 20-21, 1985	- Repaired afterburner brickwork.
July 23, 1985	- Contacted consulting engineer for review of the conditions and to discuss possible solutions.
August 5, 1985	- Consulting engineer visited the Respondent's plant to review physical conditions and to discuss alternative methods for making the system more reliable.
August 6, 1985	- Consulting engineer contacted Barber-Colman Company to discuss alternative techniques that can be used in the installation of a "fail safe" alarm system.

- August 12, 1985 - Meeting at the Illinois EPA office in Maywood to review the alleged non-compliance and to discuss with the Agency personnel the tentative approaches for resolving the problem.
- August 13, 1985 - "Fail safe" signal switch ordered from Barber-Colman.
- August 25, 1985 - The circuit diagram from Barber-Colman was made available to the company electricians for wiring in of the relay circuit and the alarm circuit.
- September 24, 1985 - Shipping date from Barber-Colman for the switch.
- September 27, 1985 - Receipt of the switch.
- October 2, 1985 - Installation carried out by Barber-Colman technician and proven out.
- October 18, 1985 - Report on operating conditions and check out of the thermocouple "fail safe" switch.

(Stip. 6).

The proposed settlement agreement provided that the Respondent admitted the violations alleged in the Complaint and agreed to: (1) cease and desist from further violations; (2) abide by all the terms and conditions of the Operating Permit issued by the Agency for its Chicago facility at 2300 West 13th Street; (3) follow an agreed-upon compliance plan and schedule to remedy the violations which led to the filing of the Complaint by the Agency, and (4) pay a stipulated penalty of \$700.00 into the Environmental Protection Trust Fund within 30 days of the date of the Board's Order. (Stip. 5-7).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180.

The Board finds that the Respondent, the Acme Barrel Company, has violated 35 Ill. Adm. Code 201.281(a) and 35 Ill. Adm. Code 212.123(a) and Sections 9(a) and 9(b) of the Act as admitted in the Stipulation. The Respondent will be ordered to cease and desist from further violations and to pay a stipulated penalty of \$700.00 into the Environmental Protection Trust Fund.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. As admitted in the Stipulation, the Respondent, the Acme Barrel Company, has violated 35 Ill. Adm. Code 201.281(a) and 35 Ill. Adm. Code 212.123(a) and Sections 9(a) and 9(b) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from all further violations.
3. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay the stipulated penalty of \$700.00 which is to be sent to:

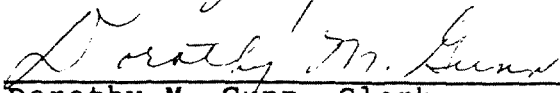
Fiscal Services Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on June 12, 1986, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented. Board Member Dr. John C. Marlin concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 31st day of July, 1986 by a vote of 4-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board