

ILLINOIS POLLUTION CONTROL BOARD  
April 26, 1979

RICHLAND FOUNDRY COMPANY, and )  
KETTLER CASTING CO., INC., )  
 )  
Petitioners, )  
 )  
v. ) PCB 78-274  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

PRESTON K. JOHNSON, JR., JOHNSON & JOHNSON AND GREGG KETTLER  
APPEARED ON BEHALF OF PETITIONERS;  
REED NEUMAN, ASSISTANT ATTORNEY GENERAL, AND WALTER FRANKE,  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, APPEARED ON BEHALF  
OF RESPONDENT.

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

On October 27, 1978, Richland Foundry Company (Richland) filed its petition before the Board requesting extension of a variance granted previously in PCB 78-51. In a subsequent amended petition the Kettler Casting Corporation (Kettler) was added as a Petitioner. Pursuant to an objection filed before the Board on November 27, 1978, a hearing was held in this matter on February 2, 1979.

The July 6, 1978 Order of the Board in PCB 78-51 granted Richland a variance until December 31, 1978 based upon the fact the foundry planned to cease operation as of that date and the fact that "particulate emission violations would be minimal and that the harm to the environment would be de minimus." The original plan was for Richland to cease operation at the end of 1978 and for Kettler to begin at that time an operation making the same general types of castings at a different location. Kettler plans to utilize an electric furnace at its new location but, due to a construction worker's strike in Southern Illinois during the late summer of 1978, Kettler will not be operational until about April 30, 1979. The Petitioners herein request the Board extend the variance previously granted to Richland so that it may stay in operation and service the needs of its customers until Kettler has its facility in a position to continue servicing the customers after Richland shuts down.

Richland alleges that the Village of Swansea, the owner of Richland's present premises, has given Richland permission to continue operation until April 30, 1979, at the present facility in order to avoid hardship on employees and customers. In its recommendation, the Agency indicates it has no reason to believe the situation is not as Richland has alleged and further states that it does not believe that the air quality will be affected by Richland in the Belleville area for the short period until April 30, 1979. The Agency recommends that variance be granted from Rules 103(b)(2), 202(b) and 203(b) of the Air Pollution Control Regulations until April 30, 1979, subject to certain conditions.

On November 27, 1978 the Board received an objection to the variance from Mrs. Justine Eiseman of Belleville, Illinois, which precipitated the hearing held herein. Although Mrs. Eiseman was contacted by the Hearing Officer and made aware of the time and place of the hearing to be held pursuant to her objection, neither she nor any other member of the public attended the hearing, and therefore no evidence concerning the public reaction to the proposed variance was adduced. Considering the allegation by Petitioners of no harm to the environment should the proposed variance be granted, the recommendation for grant of the variance by the Agency after investigation, and the hardship to the employees and customers of Richland should the variance not be granted, the Board will grant the variance requested under certain conditions.

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

#### ORDER

Finding that the Richland Foundry Company is currently unable to comply with the Board's Regulations, the Board, pursuant to the Opinion herein, will grant Richland variance from Rules 103(b)(2), 202(b) and 203(b) of the Board's Air Pollution Control Regulations until April 30, 1979, subject to the following conditions:

- a) Richland shall not process more than 6,000 pounds of metal per hour for 1-1/2 hours each day;
- b) Richland shall keep its particulate control spray device in working order with all units operating;
- c) In the event that the control device unit fails to operate, Richland shall cease process operations until the particulate control device unit is repaired and shall advise the Agency of such failure;

- d) Richland shall cease its operation on or before April 30, 1979 pursuant to its proposed program of compliance;
- e) Richland shall post a surety bond in the amount of \$3,000.00 in a manner satisfactory to the Illinois Environmental Protection Agency. Such bond shall be sent to Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
- f) Within 45 days of the adoption of this Order, Richland Foundry Company shall execute and forward to the Illinois Environmental Protection Agency, at the address listed in paragraph (e) above, a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-274, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26<sup>th</sup> day of April, 1979 by a vote of 4-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board