

ILLINOIS POLLUTION CONTROL BOARD

May 6, 1976

NATIONAL CASTINGS DIVISION, )  
MIDLAND-ROSS CORPORATION, )  
 )  
Petitioner, )  
 )  
v. ) PCB 75-397  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

This matter is before the Board on a Petition for Variance filed by Petitioner National Castings Division, Midland-Ross Corporation (National) on October 10, 1975, seeking relief from the particulate emission limitations of Rule 203(b) of Chapter 2: Air Pollution, of the Board's Rules and Regulations. On October 16, 1975, the Board entered an Interim Order requiring the submission of additional information concerning the effect of National's operations on ambient air quality in the area affected by those operations. A Motion to Dismiss was filed by the Environmental Protection Agency (Agency) on October 27, 1975, and an Amended Petition was filed by National on November 14, 1975; in an Interim Order entered Nov. 26, 1975, the Board accepted National's Amended Petition and denied the Agency's Motion to Dismiss.

Following negotiations between National and the Agency, National filed a further Amended Petition on February 3, 1976. Based on that filing, the Board in an Order entered February 11, 1976, denied as moot the Agency's Motion for additional time in which to file its Recommendation. The Agency's Recommendation was then filed on March 26, 1976. No hearing was held in this matter.

National operates a steel foundry producing 400 tons per week of steel castings in Melrose Park, Illinois. The foundry operates two shifts per day, five days per week, and employs approximately 400 workers. The foundry has two electric arc steel melting furnaces with capacities of 15 tons (furnace No. 1) and 9 tons (furnace No. 4), respectively. Furnace No. 1 operates at a process weight rate of up to 13,200 lbs./hour during all periods of normal operation. Furnace No. 4, which is capable of a process weight rate of up to 5,300 lbs./hour, is used only when furnace No. 1 is out of operation. Those furnaces are the subjects of this case.

Particulate emissions from both furnaces are presently controlled by side-draft hoods ducted to two identical baghouses, each equipped with 150 horsepower fans. National's October 10, 1975 Petition indicated that it might be in violation of the particulate emission limitations for existing process emission sources during the charging and tapping portions of the furnaces' operations. During those periods the side-draft hoods do not collect particulate emissions from the furnaces, and the emissions are vented through the roof of the building with no controls. National was not sure that it was in violation of the Rule 203(b) standards during those periods, however, and conditioned the October 10, 1975 Petition on stack testing, to be performed during November, 1975, to determine the amount, if any, of any violation. Should violation be found, the October 10 Petition proposed as a compliance plan the installation of large canopies over each of the furnaces, and the installation of an additional baghouse. Cost for that compliance plan was estimated at \$500,000.00, with completion scheduled within 1-1/2 years.

National's second Amended Petition of February 3, 1976 reflected the results of November, 1975 emission testing. It also showed that National's compliance plan had been amended to include only the installation of the canopies and associated ducting; the additional baghouse had been dropped. (This change apparently resulted, at least in part, from negotiations with the Agency. See letter of January 13, 1976.)

The emission testing reflected in National's second Amended Petition of February 3, 1976 shows general compliance with the limitations of Rule 203(b), which applies under Rule 203(c) to certain existing process emission sources. In addition, that testing shows general compliance with the limits of Rule 203(a), containing stricter limits on emissions for new process emission sources. However, as the Agency points out in its Recommendation, there appear to be serious defects in National's emission testing. The emission tests performed by National fail to account for emissions through the existing baghouses, emissions through openings other than that on which individual tests were made or emissions through entire melts with the furnace being tested.

Based on these testing problems, the Agency Recommendation claims that National has failed to show compliance with Rule 203(b) and is, therefore, subject to the stricter limitations of Rule 203(a), under the conditions of Rules 203(c) and 203(i). Rule 203(c) requires that existing sources not complying with the existing source requirements of Rule 203(b) must, under certain circumstances, meet the new source requirements of Rule 203(a). Rule 203(i)(5) sets a compliance date of May 30, 1975 for existing sources in certain classifications.

We agree with the Agency that where the requirements of 203(b) and 203(c) for existing sources are not met, an existing source must comply with Rule 203(a)'s new source emission limits. National does not present the Board with sufficient data to prove compliance with Rule 203(b); in fact, by requesting a Variance from Rule 203(b), it pleads non-compliance with that Rule. National must comply, on the facts before us, with Rule 203(a), which became effective as against National on June 1, 1975.

We also find, however, that this error is not fatal to National's Variance Petition. Although defective and inadequate to show the applicability of Rule 203(b), National's emission tests nonetheless provide us with sufficient grounds for a variance grant for the following reasons:

1. National's Petition and Amended Petitions, along with the Agency's Recommendation, indicate that National acted in good faith, once its compliance with the particulate regulations was questioned to determine the extent, if any, of its violation of the particulate regulations.

2. Even assuming that unmonitored emissions from National's baghouses, other roof openings, etc., are significantly larger than those which were monitored, National's emissions would still not be greatly in excess of the Rule 203(b) standard. (See, Second Amended Petition, February 3, 1976, Ex. 5.)

3. Both Petitioner and the Agency agree that the emissions in question probably do not contribute to any violation of the national ambient air quality standards for particulates. The three nearest monitoring points to National's facility, in Franklin Park, Hillside and River Forest, all were in compliance with that standard in 1974. (See, Ill. Environmental Protection Agency 1974 Annual Air Quality Report.)

4. National's compliance plan, consisting of canopies over each furnace ducted through the existing baghouses, will result in compliance with the standard of Rule 203(a)'s stricter standard for particulates. The baghouses achieve an efficiency of 99.4% (by weight). (See, Ex. C., p. 2, Feb. 3, 1976 Amended Petition.) The Agency's Recommendation shows agreement with this.

5. National will have completed this compliance plan, at a cost of \$100,000, by September 1, 1976. The compliance schedule is as follows:

By 2/1/76	Preparation of final engineering and formal quotations based on stack tests.
2/1/76 to 3/1/76	Submit for construction permits to Environmental Protection Agency, State of Illinois.
	Submit appropriation request with formal quotations and engineering justifications to Board of Directors, Midland-Ross Corporation.
3/1/76 to 8/1/76	Installation of sheet metal canopies and associated ductwork, pneumatic piping and electrical controls.
8/1/76 to 9/1/76	Startup of equipment and debugging.

The only other issue bearing on our decision here, raised in the Agency's Motion to Dismiss of October 27, 1975, is the delay by National in seeking the instant Variance. National's brief on that Motion to Dismiss claims that the company was unaware of any possible violations before the issue was raised by the Agency's inspectors, after which the company proceeded quickly to determine the extent of the violations and seek this Variance. We find that the delay is not unreasonable, and will grant the Variance.

As conditions to the Variance, we shall require the following:

1. A performance bond, in the the amount of \$50,000, to assure completion of the work required under National's compliance plan.
2. Application by National for all applicable construction and operating permits.
3. Reports to the Agency on progress towards compliance.
4. Upon completion of the work required by the compliance plan, complete and thorough emission tests to show compliance, with reports on those tests to be submitted to the Agency.
5. A standard certificate of acceptance.

6. To the extent practical under construction conditions, National must continue during the Variance the use of its existing baghouse system, and take whatever other steps to limit particulate emissions during the construction period.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD THAT Petitioner National Castings Division of the Midland-Ross Corporation be granted a Variance for its Melrose Park foundry from the particulate limitations of Rule 203(a) of Chapter 2: Air Pollution, from June 1, 1975, until September 1, 1976, subject to the following conditions:

1. Petitioner shall, within thirty (30) days of the date of this Order, post a performance bond in the amount of Fifty Thousand Dollars (\$50,000) to assure completion of the work contemplated in the foregoing Opinion. Such bond will be in a form acceptable to the Environmental Protection Agency and shall be sent to:

ENVIRONMENTAL PROTECTION AGENCY  
Control Program Coordinator  
Division of Air Pollution Control  
2200 Churchill Road  
Springfield, Illinois 62706

2. Petitioner shall, within thirty (30) days of the date of this Order, apply to the Environmental Protection Agency for all applicable construction and operating permits for its Melrose Park facility.

3. By the 10th day of June, July, August and September, 1976, Petitioner shall submit to the Environmental Protection Agency at the above address written reports detailing all progress toward completion of its Compliance program with regard to Rule 203(a).

4. Within thirty (30) days of the completion of its compliance plan or by September 30, 1976, whichever is earlier, Petitioner shall sample emissions from its baghouses in a manner acceptable to the Environmental Protection Agency, the results of such sampling to be submitted to the Agency within 30 days thereafter. Petitioner shall notify the Agency at least 30 days prior to such sampling, and shall allow representatives of the Agency to monitor such sampling.

5. Petitioner shall, within thirty (30) days of the date of this Order, execute and forward to the Environmental Protection Agency at the above address, a certificate of acceptance in the following form:

I, (We), \_\_\_\_\_ having read the Order of the Illinois Pollution Control Board in case No. PCB 75-397, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

6. Petitioner shall operate its existing baghouses and other particulate emission control equipment, and take all other reasonable measures during the period of this Variance to limit its particulate emissions as are practical during construction required under its compliance plan.

Mr. Jacob Dumelle dissented.

Mr. Irvin Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6<sup>th</sup> day of May, 1976, by a vote of 3-1.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board