

ILLINOIS POLLUTION CONTROL BOARD  
April 2, 1981

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 81-5  
 )  
AMERICAN FOUNDRY AND MANUFACTURING )  
COMPANY, a Missouri Corporation, )  
 )  
Respondent. )

CHRISTINE ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

VATTEROTT, SHAFFAR, DOLAN & PEPKA, ATTORNEYS AT LAW (MR. CHARLES SHAFFAR, 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 the January 16, 1981 Complaint brought by the Illinois Environmental Protection Agency (Agency).

Count I of the Complaint alleged that, from December 1, 1972 until September 30, 1980, the Respondent, the American Foundry and Manufacturing Company ("American Foundry" or the "Company"), operated a cupola at its gray iron foundry without a permit from the Agency in violation of Rule 103(b)(2) of Chapter 2: Air Pollution Control Regulations ("Chapter 2") and Sections 9(a) and 9(b) of the Illinois Environmental Protection Act (Act).

Count II alleged that, from December 31, 1973 until September 30, 1980, the Company operated the cupola in such a manner as to allow the emission of particulate matter into the atmosphere which exceeded allowable emission rates in violation of Rule 203(a) of Chapter 2 and Section 9(a) of the Act.

Count III alleged that, from December 31, 1973 until September 30, 1980, the Respondent allowed the emission of carbon monoxide from its cupola in excess of prescribed standards in violation of Rule 206(e) of Chapter 2 and Section 9(a) of the Act.

A hearing was held on February 27, 1981. The parties filed a Stipulation and Proposal for Settlement on March 3, 1981.

American Foundry has, at all times pertinent to the Complaint, owned and operated a gray iron foundry located on rented premises at Yards Road in the Village of Salem, Marion County, Illinois. (Stip. 2). On September 30, 1980, the Company ceased all operations at this facility. (Stip. 3). However, from December 1, 1972 until September 30, 1980, the Company regularly operated a cupola without an Agency permit. (Stip. 3). Carbon monoxide, particulate matter, and smoke were discharged from the cupola to the atmosphere through a stack during this time period. (Stip. 2-3).

The proposed settlement agreement provides that the Company agrees to cease and desist from further violations and pay a stipulated penalty of \$1,000.00. (Stip. 6-7).

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. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the American Foundry and Manufacturing Company, has violated Rules 103(b)(2), 203(a) and 206(e) of Chapter 2: Air Pollution Control Regulations and Sections 9(a) and 9(b) of the Illinois Environmental Protection Act. The stipulated penalty of \$1,000.00 will be assessed against the Respondent.

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. The Respondent, American Foundry and Manufacturing Company, has violated Rules 103(b)(2), 203(a) and 206(e) of Chapter 2: Air Pollution Control Regulations and Sections 9(a) and 9(b) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from further violations.
3. Within 60 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 which is to be sent to:

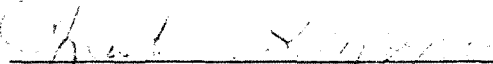
Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed March 3, 1981, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Mr. Werner concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20 day of August, 1981 by a vote of 10.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board