

ILLINOIS POLLUTION CONTROL BOARD
July 17, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 74-102
INTERCONTINENTAL ALLOYS CORPORATION,)
an Illinois corporation,)
Respondent.)

MR. JAMES K. JENKS, II, Assistant Attorney General, appeared for the Complainant;
MR. BERYL A. BIRNDORF, Attorney, appeared for the Respondent.

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

Intercontinental Alloys Corporation (Intercontinental) operates an aluminum alloy manufacturing facility north of Crest Hill, in Will County, Illinois. Intercontinental operates two gas-fired aluminum melting reverberatory furnaces, each having a capacity of 85,000 pounds. Every 24 hours, Intercontinental charges each of these ovens with between 40,000 and 60,000 pounds of aluminum scrap; an additional 30,000 pounds of molten aluminum (heel) is customarily retained in each furnace during each melting cycle.

Respondent Intercontinental uses chlorine to clean the molten metal in these furnaces. That chlorination process is engaged in for approximately one hour during each day that the furnaces are in operation.

On March 20, 1974, the Agency filed a Complaint alleging multiple violations of both the old Rules and Regulations Governing the Control of Air Pollution, (enacted by the Air Pollution Control Board, predecessor of this Board), and Chapter 2: Air Pollution of the Pollution Control Board Rules and Regulations, at Intercontinental's aluminum alloy facility. On July 10, 1974, an Amended Complaint was filed by the Agency, alleging additional violations of the Environmental Protection Act (Act) and Chapter 2: Air Pollution. In summary, the following violations are alleged in the Amended Complaint:

<u>AMENDED COMPLAINT:</u>	<u>VIOLATION *</u>	<u>DATES</u>
Count I. (particulate emissions)	Rule 3-3.111	July 1, 1970 thru Dec. 31, 1973
Count II. (particulate emissions)	Regulation 203(a) Sec. 9(a)	Jan. 1, 1974 thru filing of the Complaint.
Count III. (smoke emissions No. 2 or darker on Ringelmann chart)	Rule 3-3.122	Sept. 24, 1970; Sept. 28, 1970; Sept. 30, 1970; Oct. 1, 1970; Oct. 6, 1970; Oct. 15, 1970; Oct. 19, 1970; Feb. 18, 1971; Jan. 20, 1972; May 4, 1972; Oct. 24, 1972; Oct. 27, 1972
Count IV. (visible emissions greater than 30% and 60% opacity)	Regulation 202(b) Sec. 9(a)	Nov. 6, 1973
Count V. unreasonable interference with passing motorists)	Sec. 9(a)	April 3, 1974
Count VI. (operating permit)	Regulation 103(b)(2) Sec. 9(b)	Dec. 1, 1972 thru filing of the Complaint
Count VII. (installation permit, reverberatory furnace)	Rule 3-2.100	1967
Count VIII. (installation permit, reverberatory furnace)	Rule 3-2.100	1970
Count IX. (installation permit, control device: hood)	Rule 3-2.100 Sec. 9(b)	1971

* "Section" refers to a section of the Act; Rule refers to a Rule of the old Rules and Regulations for the Control of Air Pollution, promulgated by the Air Pollution Control Board and continued in effect by Sec. 49(c) of the Act; "Regulation" refers to the Regulations in Chapter 2; Air Pollution, of the Pollution Control Board Rules and Regulations.

A hearing was held in Joliet on September 5, 1974. The parties at that time stated their intent to submit a Stipulation and Proposed Settlement to the Board. No other evidence or testimony was taken at that time.

A Stipulation and Proposal for Settlement was received by the Board on November 14, 1974. In an Interim Order adopted January 3, 1975, the Board noted that the Stipulation was generally acceptable, but it ignored certain of the Counts and alleged violations in the Amended Complaint. The original Stipulation, the Board stated, did not provide sufficient information on which the Board could adequately resolve the entire issue. The Board's Order required that the parties submit an Amended Stipulation to cure the defects which were noted.

On February 11, 1975, the parties submitted a Stipulated Motion for Dismissal and Addendum to Stipulation and Proposal for Settlement (Amended Stipulation). This latter submission adequately resolved the defects noted in the original Stipulation, by moving dismissal of those alleged violations not addressed in the original Stipulation.

Under the present state of the pleading, (i.e. Amended Stipulation), Intercontinental admits to several violations, and the Agency has agreed to the dismissal of several of the violations alleged in the Amended Complaint:

- (a) Intercontinental admits to excessive particulate emissions, in violation of Rule 3-3.111 of the old Rules, from July 1, 1970 to December 31, 1973.
- (b) Intercontinental admits to excessive particulate emissions in violation of Regulation 203(a), from January 1, 1974 to March 20, 1974.
- (c) Intercontinental admits to the emission of smoke which was Number 2 or darker on the Ringelmann Chart, in violation of old Rule 3-3.122, on October 1, 1970, January 20, 1972, May 4, 1972, October 24, 1972, and October 27, 1972.
- (d) Intercontinental admits to having caused and allowed visible emissions in excess of 30% opacity for a period of greater than eight minutes, as well as an emission in excess of 60% opacity, in violation of Regulation 202(b), on November 6, 1973.
- (e) Intercontinental admits to having operated its metal processing facility from December 1, 1972 until the present, without an operating permit from the Agency, in violation of Regulation 103(b)(2) and Section 9(b) of the Act.

The parties jointly moved for the dismissal of the Ringelmann violation (old Rule 3-3.122) alleged in Count III of the Amended Complaint, for the following dates: September 24, 1970, September 28, 1970, September 30, 1970, October 6, 1970, October 15, 1970, October 19, 1970, and February 8, 1971. The parties have also stipulated to dismissal of the alleged violation of Section 9(a) of the Act on April 3, 1974, as contained in Count V of the Amended Complaint.

The parties have also agreed that Counts VII, VIII, and IX of the Amended Complaint should be dismissed alleging violation of old Rule 3-2.100 in connection with Intercontinental's failure to obtain an installation permit as required under the old Rules for the construction of the two reverberatory furnaces (in 1967 and 1970), and a hood to control emission (in 1971); in addition, Count IX also alleged a violation of Section 9(b) of the Act.

Intercontinental also agreed to several other actions under the Amended Stipulation. It will immediately obtain the installation and operating permits needed from the Agency for the facilities in issue here, as well as for all the devices, alterations, modifications, and procedures which will be required under the proposed settlement.

Intercontinental will install hooding, ducts, and blowers on one of its reverberatory furnaces by February 28, 1975, and direct the emissions from that furnace to either the furnace itself, or a combustion chamber, for incineration. That furnace is to be tested and "de-bugged" by June 1, 1975. The second reverberatory furnace is to be backfitted for control purposes in the same manner as the first, but by a date no later than September 1, 1975. (However, if refractory materials are not available by that date, the conversion is to take place no later than January 1, 1976.)

During the interim, while the two reverberatory furnaces are being backfitted as described above, Intercontinental will attempt to purchase and use only scrap material which will result in the least possible emissions during charging operations.

Further, Intercontinental has agreed to convert its two furnaces to use what is known as the "Derham process." That process is intended to reduce particulate emissions from the furnaces during chlorination. Intercontinental is bound by a non-disclosure agreement as regards the Derham process, which is a secret process under a Canadian Patent. The Agency has agreed that any information it receives regarding that process will be treated as "confidential information",

and will not be released; information regarding the process will be used by the Agency only to determine the acceptability of the process for compliance with applicable Board Regulations, and the issuance of the necessary permits. (Disclosure of the Derham process to the Agency is subject to approval by the holder of the Canadian Patent.)

Intercontinental has agreed to pay a penalty of \$6,750 for the violations admitted in the Amended Stipulation.

The Board finds that the Amended Stipulation is acceptable. The penalty provision therein adequately addresses the seriousness of the violations which have been admitted. The control program has been designed to eliminate the existing violations in the shortest practicable time. For these reasons, we shall accept the Amended Stipulation and incorporate it into our Order in this enforcement matter.

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:

1. Respondent Intercontinental Alloys Corporation is found to have operated its Will County, Illinois, aluminum alloy facility in violation of Sections 9(a) and 9(b) of the Environmental Protection Act; Rules 103(b), 202(b), and 203(a) Chapter 2: Air Pollution, of the Pollution Control Board Rules and Regulations; and old Rules 3-3.111, and 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution, continued in effect by Section 49(c) of the Environmental Protection Act as more fully set out in the accompanying Opinion.

2. Respondent Intercontinental Alloys Corporation shall pay for the aforesaid violations a civil penalty in the amount of \$6,750, payment to be made within thirty days of the date of this Order by certified check or money order to:

State of Illinois
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

3. The following allegations contained in the Amended Complaint in this matter are dismissed:

- a. Those portions of Count III of the Amended Complaint alleging violation of old Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution, on the following dates: September 24, 1970; September 28, 1970; September 30, 1970; October 6, 1970; October 15, 1970; October 19, 1970; February 8, 1971;
- b. Counts V, VII, VIII, and IX, in their entirety.

4. Respondent Intercontinental Alloys shall comply with all other provisions of the Stipulated Proposal for Settlement submitted by the parties to this action on November 14, 1974, as more fully set out in the accompanying Opinion.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of July, 1975 by a vote of

5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board