

ILLINOIS POLLUTION CONTROL BOARD
July 25, 1972

ENVIRONMENTAL PROTECTION AGENCY))
))
 v.) # 72-142
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COLUMBIA TOOL STEEL COMPANY))

Preliminary Opinion and Order of the Board (by Mr. Currie):

Complainant has alleged that Respondent violated certain pollution statutes and regulations in the operation of its electric-arc furnaces and related equipment used for the manufacture of high alloy steel at its Chicago Heights facility. Complainant alleges that Respondent has operated its furnaces and exhaust fans in such a manner as to "reduce" or "conceal" or "dilute" the allegedly excessive emissions of particulate matter to the atmosphere. Respondent has moved for a summary judgment arguing that "as a matter of law," Respondent has "not so conducted itself so as to conceal a violation of any regulation or statute."

There are clearly factual issues raised by the allegations and the motion for summary judgment pertaining to the exact nature of Respondent's operations, and whether or not there has been in fact a concealment of excessive emissions and an attempt to thereby circumvent the provisions of the enumerated statutes and regulations. A public hearing is in order to allow both sides to present their views and to permit the Board to render its determination of whether or not, based upon the facts adduced at the hearing, there have been violations of the law.

The motion for summary judgment is denied and the parties are ordered to proceed to a public hearing on the matter forthwith.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Opinion and Order this 25 day of July, 1972 by a vote of 4-0.

Christan L. Moffett