

ILLINOIS POLLUTION CONTROL BOARD  
May 31, 1973

ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 ) #71-386  
 v. )  
 )  
 MONARCH FOUNDRY COMPANY, an )  
 Illinois corporation )

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

The Environmental Protection Agency has filed a Motion for Reconsideration contending that the Board's Order finding Respondent in compliance with Rule 3-3.111 is erroneous.

We deny the motion for reasons set forth in the opinion. We believe that the Respondent has made an adequate showing to rebut any prima facie finding of violation based on standard emission factors. The offer of proof made by Respondent is not "outside of the record". It is difficult to know what significance is attached to the making of an offer of proof if the Board is foreclosed from giving consideration to it.

Furthermore, we feel that the Hearing Officer's ruling is erroneous in denying Respondent's initial efforts to place the stack tests in evidence. The objections raised by the Agency with respect to the absence of proper foundation and the alleged absence of similarity to Respondent's facility go to the weight of the evidence and not its admissibility. Knowing what the offer of proof contained, it was incumbent upon the Agency to make a rebutting offer of proof if it does not wish the Board to be guided by Respondent's representations alone. **Moreover**, additional evidence is in the record which served as a basis for the Board's decision finding the prima facie violation rebutted. This includes the presence of afterburners and the oversizing of the wet cap, indicating superior collection efficiency to that on which the standard emission factors were premised.

The Motion for Reconsideration is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Order was adopted on the 31<sup>st</sup> day of May, 1973, by a vote of 4 to 0.

Christan Moffett