

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1975

ENVIRONMENTAL PROTECTION AGENCY )  
PEOPLE OF THE STATE OF ILLINOIS )  
COMPLAINANTS )  
)  
)  
)  
v. )  
)  
)  
JEFFREY GALION, INC., a Delaware )  
Corporation, )  
RESPONDENT )

PCB 74-206

MR. JEFFREY S. HERDEN, ASSISTANT ATTORNEY GENERAL, in behalf of  
COMPLAINANTS  
MR. THOMAS M. McMAHON OF SIDLEY & AUSTIN in behalf of RESPONDENT

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This action involves a Complaint filed by the People of the State of Illinois on June 4, 1974, charging Jeffrey Galion, Inc., with violation of Rule 2-2.54 of the Rules and Regulations Governing Air Pollution, and Rule 203 (a) of the Air Pollution Regulations, in the operation of its Whiting No. 6 gray iron cupola, located at 4401 W. Roosevelt Road, Chicago, Cook County, Illinois.

On June 19, 1974, Complainant filed an Amended Complaint, which joined the Environmental Protection Agency as a party complainant.

The matter was set for hearing, and hearing was held in Chicago, Illinois, on October 17, 1974.

At the hearing the parties submitted a Stipulation of Facts as to the Complaint. No agreement as to an order or penalty was reached, and this was left open to the Board to set.

The cupola operated at Respondent's Roosevelt Road facility was used primarily in connection with a related gear manufacturing facility.

The Amended Complaint charged violation of particulate emission limitations from July 31, 1973, through an unstated date in 1974. Therefore, both the Rules and Regulations Governing Air Pollution and the Air Pollution Control Regulations are applicable.

It is stipulated that the process weight rate for the cupola was 11,000 lbs/hr. It is further stipulated that for a cupola of the size in question, the allowable particulate emission is 20 lbs/hr.

Table 7-10-1 in AP-42, Compilation of Air Pollutant Emission Factors,

shows the uncontrolled emissions from a cupola such as the one in question, would be 17 lbs. per ton charged. Respondent admits that even with pollution control equipment, an after burner that reduces emissions 50%, emissions were 47 lbs. per hour per day operated. This is more than twice the allowable emissions.

On May 30, 1974, Dresser Industries, Inc., acquired the Galion Co. Dresser determined that the facility in question should be closed for certain economic and business reasons enumerated in the Stipulation. The plant was shut down permanently on August 31, 1974.

On the facts as stipulated, the Board finds that from July 1, 1973, through December 31, 1973, Respondent violated Rule 2-2.54 of the Rules and Regulations Governing Air Pollution, and from January 1, 1974, through August 31, 1974, violated Rule 203 (a) of the Air Pollution Regulations.

Since the facility has been closed down permanently, no order need issue on abatement of pollution. That has already been accomplished. Therefore, the only question left relates to the imposition of a fine. The record in this matter shows no intent to violate the regulations by Respondent. In fact, Respondent had certain pollution control equipment installed on the facility. The primary purpose of the Environmental Protection Act is to bring about clean air. Penalties are designed to aid "the enforcement of the Act and punitive considerations are secondary" (City of Monmouth v. Environmental Protection Agency et al., 57 Ill. 2d 482, 313 N.E. 2d, 161 [1974]).

The imposition of a fine in this matter will serve to aid in the administration and enforcement of the Act, in showing that one cannot pollute for two years at no cost. Therefore, a small penalty of \$250 will be levied against Respondent.

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

#### ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Respondent, Jeffrey Galion, Inc., and its successor in interest, Dresser Industries, Inc., are found to have violated Rule 2-2.54 of the Rules and Regulations Governing the Control of Air Pollution, and Rule 203 (a) of the Air Pollution Regulations for the period of time stated in the Amended Complaint.
2. Respondent, Jeffrey Galion, Inc., and its successor in interest, Dresser Industries, Inc. shall pay to the State of Illinois the sum of \$250 within 35 days from the date of this Order. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 9<sup>th</sup> day of January, 1975, by a vote of 3 to 0.

Christan L. Moffett