

ILLINOIS POLLUTION CONTROL BOARD
December 13, 1973

ENVIRONMENTAL PROTECTION AGENCY)
COMPLAINANT)
)
)
v.) PCB 72-404
)
)
ACME BARREL COMPANY)
RESPONDENT)
)

DENNIS R. FIELDS, ASSISTANT ATTORNEY GENERAL, in behalf of the
ENVIRONMENTAL PROTECTION AGENCY
LEONARD L. LEVIN, ATTORNEY, in behalf of ACME BARREL COMPANY

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

This action involves a complaint filed by the Environmental Protection Agency against Acme Barrel Company, Inc., on October 13, 1972. The Complaint alleges that during the period beginning on or before January 26, 1972, and continuing at least to the date of the filing of the complaint, the Respondent operated its salamanders, its barrel preheating process and the collection of waste materials from the preheated barrels in such a manner as to violate Section 9 (a) of the Environmental Protection Act (Illinois Revised Statutes, Chap. 111 1/2, Sect. 1009 (a), 1971). The Complaint further alleges that during the same period Respondent has caused or allowed the burning of refuse in pits located in front of Respondent's incinerators in such a manner as to cause open burning of refuse in violation of Section 9 (c) of the Environmental Protection Act. The Complaint further alleges that on or subsequent to July 1, 1970, Respondent installed pollution control equipment without first having obtained a permit from the Agency in violation of Section 9 (b) of the Act.

Acme Barrel Company, Inc., an Illinois corporation, has owned and operated its barrel reconditioning and reclamation plant upon the premises at 2300 West 13th Street, Chicago, Illinois, since 1936. The operation includes the reconditioning and reclamation of both closed-headed and open-headed barrels. The Respondent has reconditioned, on the average, 4,000 barrels a day in the year 1972. The equipment and processes employed by Respondent to recondition and reclaim barrels at the date of the filing of the Complaint include burners to preheat barrels, incinerators, pits in front of each incinerator, salamanders, steel shot-blasting units, barrel washing and drying facilities, and paint spray units and drying ovens.

A hearing was held on March 17, 1973. Members of the public were present. Numerous exhibits were introduced in evidence by the Environmental Protection Agency indicating complaints by Agency engineers of a noxious skunk-like odor emanating from the Respondent's plant. The hearing was then continued to a later date with the understanding that the parties would attempt to agree on a stipulation of facts.

A second hearing was held on October 24, 1973. No members of the public were present. A joint exhibit of both parties was introduced into evidence. The joint exhibit consisted of: a nine-paragraph Statement of Facts, dated October 24, 1973, which was amended to eleven paragraphs and said amendments were made a part of the record in this case; an Affidavit of Jordan Pearlman, Vice-President of Respondent, dated October 31, 1973; and a letter dated October 11, 1973, from Respondent to Mr. Laxmi Kesari, an Environmental Protection Agency engineer. The Board finds the following stipulated facts. The two outside incinerators used by Respondent for burning residues from the open-headed barrels were put into operation in 1941 and 1942. Respondent only uses one incinerator at a time. Droppings from these barrels catch fire and burn in the pits or vestibules in front of the incinerator, causing the discharge of contaminants into the air. Respondent has agreed to rehabilitate the vestibules of the incinerators and reinstall cover plates on the pit and conveyer in an effort to eliminate any open burning.

Further, the Respondent sends lids from the open-headed barrels through its lid incinerators without moving the rubber gaskets contained on these lids. This results in the rubber burning and the discharge of contaminants into the air. Respondent states that since April 23, 1973, it has removed the rubber gaskets from the lids prior to entering the incinerators and that it will continue to do so.

Respondent first began using oil-fired salamanders for the purpose of furnishing heat for employees in 1941. Said salamanders discharge black, sooty smoke into the atmosphere. Immediately after the filing of the complaint herein, Respondent converted to gas-fired heaters. Ten gas-fired heaters were purchased at a cost of \$1,023.63, including cost of installation.

On or about May 1 and September 5, 1972, Agency engineers, who were working at a nearby office at 2121 West Taylor Street, detected odors resembling skunk odors (Mercaptan) in the atmosphere and traced same to Respondent's plant. These detections were the basis for the exhibits introduced in the first hearing mentioned above complaining of the skunk-like odors. Since these proceedings were first instituted, Respondent has discontinued receiving any drums suspected of having traces of Mercaptan therein from any of its customers, and as a result there is little likelihood of Respondent allowing Mercaptan to escape into the atmosphere if this practice is continued.

Respondent also agrees to undertake the additional work and installation of equipment that is included in the letter of Respondent to Mr. Laxmi Kesari, Agency engineer, dated October 11, 1973, a copy of which letter is a part of this record (R. 2-6). The letter covered the following general areas: a program for eliminating the possibility of any smoke emanating from the area in front of the incinerators; the possibility of at a later date disposing of the gathered material from this process by means of an in-plant special incinerator; the installation of a new water spray booth for the external paint line; and a program of proper maintenance of both filters on the existing spray booth and of the existing baghouse. Schedules were submitted in detail for the program for drum cleaning and disposal of drum drainage. The abovementioned schedules were revised by the Respondent's Affidavit dated October 31, 1973.

The Board finds that there is no controversy as to the facts. It further finds that Respondent's proposed affirmative actions to abate the pollution at its plant contained in the joint exhibit mentioned above will help bring Respondent into compliance with the Environmental Protection Act, and the Board's Order will so show.

The Board further finds that Respondent has shown a willingness to cooperate with the Environmental Protection Agency and to bring their plant into compliance once the action was instituted. The money penalty would be higher were it not for this cooperation since the operation was in obvious violation prior to and after the institution of this action.

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. Acme Barrel Company shall by May 1, 1974, have operating its system for drum cleaning.
2. Acme Barrel Company shall continue to vigorously pursue its investigations and implementation of alternatives regarding disposal of drum drainings.
3. Acme Barrel Company is to maintain a high degree of maintenance on its paint booth filters and on its shot-blast baghouse.
4. Acme Barrel Company shall apply for all necessary permits from the Environmental Protection Agency.
5. Respondent shall send monthly progress reports of above items (1) and (2) to the Environmental Protection Agency at the Naval Armory, Randolph Street at the Lake, Chicago, Illinois, Attention Mr.

- Charles Willard.
6. Respondent shall pay to the State of Illinois the sum of \$1,000 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.

IT IS SO ORDERED.

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 13th day of December 1973, by a vote of 5 to 0.

Christan L. Moffett