

ILLINOIS POLLUTION CONTROL BOARD  
January 3, 1975

ENVIRONMENTAL PROTECTION AGENCY )  
COMPLAINANT )  
 )  
 )  
v. ) PCB 74-102  
 )  
 )  
INTERCONTINENTAL ALLOYS CORPORATION )  
RESPONDENT )  
 )

INTERIM ORDER OF THE BOARD (by Mr. Marder)

This action involves a Complaint filed March 20, 1974, by the Environmental Protection Agency (Agency) against Intercontinental Alloys Corp. (Respondent). On July 10, 1974, the Board received a Motion for Leave to File an Amended Complaint. Said Motion was granted. The Amended Complaint incorporates the March 20, 1974, Complaint and adds additional new counts inserted as Counts IV and V.

Respondent owns and operates a facility located between Illinois Route 53 and the Chicago Sanitary and Ship Canal. Said facility is used for the manufacture of aluminum alloys. The equipment in question consists of two gas-fired aluminum melting reverberatory furnaces, each with a capacity of 85,000 pounds. These furnaces are charged with between 40,000 and 60,000 pounds of aluminum scraps and approximately 30,000 pounds of molten aluminum heel usually remains from preceding charges. As an integral part of the process cycle, Respondent utilizes chlorine for one hour per day.

The Agency alleges that during the operation of the abovementioned furnaces, certain violations of the Board's Rules and Regulations occurred as follows:

1. From July 1, 1970, to December 31, 1973, Respondent operated its facility so as to exceed the particulate discharge limits as required by Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution.
2. From January 1, 1974, till the date of this Complaint, Respondent operated its facilities so as to allow discharges of particulates in excess of Rule 203 (a) of Chapter 2 (Air Rules).
3. On September 24, September 28, September 30, October 1, October 6, October 15, October 19 of 1970, and February 18, 1971, January 20, May 4, October 24, and October 27 of 1972, Respondent operated its facilities so as to emit smoke of greater than #2 Ringelmann in violation of Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution.

4. On November 6, 1973, Respondent operated its facilities so as to emit smoke in excess of 30% opacity for longer than eight minutes, and had a single emission greater than 60% opacity in violation of Rule 202 (b) of the Air Rules.
5. On April 3, 1974, Respondent operated its facilities in such a manner as to emit fumes into the ambient atmosphere which unreasonably interfered with the enjoyment of life or property. It is alleged that Respondent's emissions so interfered with normal traffic on Rte. 53 that local police officers were called out to direct traffic.
6. It is alleged that Respondent's facilities were operated without a receipt of an Agency-issued operating permit in violation of Rule 103 (b)(2) of the Air Rules.
- 7-8. Respondent installed its furnaces in 1967 and 1970 without an installation permit as required by Rule 3-2.100 of the Rules and Regulations Governing the Control of Air Pollution.
9. Respondent installed hoods to be used as air pollution control devices in 1971 without the receipt of an installation permit as required by Rule 3-2.100 of the Rules and Regulations Governing the Control of Air Pollution.

Hearing was held on September 5, 1974, at which time the only parties present were representatives from the Agency and the Respondent. No members of the public attended the hearing. The hearing consisted solely of the submission of a Stipulation and Proposal for Settlement.

The Stipulation as entered adequately handles certain counts (or parts of counts) and is generally acceptable to the Board. However, the Stipulation ignores certain other counts. There are no facts upon which the Board can make judgment, nor is there a Stipulated Motion for Dismissal of such counts. The Board thus has no way of adequately resolving the counts of the Complaint which were not addressed. The entire Stipulation then must fall. The Board hastens to add that the Stipulation has merit and could be amended to cure the abovementioned defects. We will thus allow reasonable time for such corrections before ordering the proceeding to additional hearings.

#### ORDER

IT IS THE ORDER of the Pollution Control Board that within 60 days from the date of this Order the parties to this matter shall submit to the Board an Amended Stipulation which will cure the defects addressed in this opinion. Should the parties be unable to comply with the above, the Clerk of the Board shall set the matter for additional hearings as may be required.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 3<sup>rd</sup> day of January, 1974, by a vote of 5 to 0.

Christan L. Moffett