

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

PEOPLE OF THE STATE	)	
OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 94-17
	)	(Enforcement)
OLIN CORPORATION,	)	
a Virginia Corporation,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon a two-count complaint filed January 6, 1994, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Olin Corporation (Olin), a Virginia Corporation located at 427 Shamrock Street, East Alton, Madison County, Illinois. The complaint alleges that Olin has violated Sections 9(a) of the ~~Illinois~~ Environmental Protection Act (Act), 415 ILCS 5/9(a), and 35 Ill. Adm. Code § 219.204(j)(1),(2) for operating emission sources above the limitations set forth for manufacturing plants.

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint motion requesting relief from the Act's hearing requirement on January 6, 1994. The Board published a notice of the waiver on January 10, 1994; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on January 6, 1994. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Olin admits the alleged violations and agrees to pay a civil penalty of twenty-five thousand dollars (\$25,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement

Agreement executed by the People of the State of Illinois and Olin Corporation, concerning its facility located at 427 N. Shamrock Street, East Alton, Madison County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein. Pursuant to Section 42 of the Environmental Protection Act, a violation of this order is a violation of the Act for which the Board may assess the appropriate civil penalties.

- 2) The Olin Corporation shall pay the sum of twenty-five thousand dollars (\$25,000.00) within 30 days of the date of this Order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Olin Corporation's Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

A copy of the payment transmittal and check shall be simultaneously submitted to:

Environmental Control Division
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Olin shall comply with the Revised Compliance Program, which is included into this order as Condition 15.
- 4) Olin shall cease and desist from further violations of the Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.; 415 ILCS 5/1 et seq.) and the Board's Rules and Regulations, 35 Ill. Adm. Code, Subtitles A through H. Olin shall be deemed

to be in compliance with the Act, Rules, and Regulations with respect to the Subpart F Miscellaneous Metal Parts and Products Coating Processes, and the Subpart TT Processes, provided that Olin is in compliance with the terms of this order.

- 5) Olin must submit progress reports to the Agency every six (6) months detailing progress towards the final compliance dates in each compliance plan in the Revised Compliance Program. These reports shall be sent to the following:

Regional Manager
State of Illinois EPA
Bureau of Air
2009 Mall Street
Collinsville, IL 62234

- 6) The above progress reports shall detail any measures Olin has taken to reduce emissions. During the period of the Revised Compliance Program, Olin need not file notifications of violation (as required by 35 Ill. Adm. Code 219.211) for the processes subject to the Revised Compliance Program.
- 7) Upon achieving compliance or changing the method of compliance for any of the processes subject to the Revised Compliance Program, Olin shall submit the required certification to the Agency pursuant to 35 Ill. Adm. Code 219.211. Olin shall thereafter also be subject to the reporting requirements of 35 Ill. Adm. Code 219.211.
- 8) If either the Agency or Olin determines that Olin has at any time used greater than five thousand (5,000) gallons of coating at the facility in any year, then Olin shall submit the appropriate operating permit applications to the Agency for the subject coating lines.
- 9) The applications referenced in Condition 8 of the proposed stipulation and settlement shall be submitted within thirty (30) days of such determination.
- 10) If Olin determines that reformulation is infeasible for any of the coating lines, Olin shall notify the Agency, in writing, within five (5) days of such determination. The notification shall be sent to the address contained in Condition 5 of the proposed stipulation and settlement agreement.
- 11) Within thirty (30) days of the notification required by Condition 10 of the proposed stipulation and settlement agreement, Olin shall submit an application for a construction permit to the Agency for installation of capture and control equipment on the subject coating line(s). The installation of capture and control equipment on the subject coating line(s)

shall be completed within nine (9) months of the Agency's approval of the construction permit.

- 12) Olin shall supply the Agency with any requests for deviation that are submitted to the United States Department of Defense. The requests for deviation shall be sent to the address in Condition 5 of the proposed stipulation and settlement agreement.
- 13) Approval of the proposed stipulation and settlement agreement and compliance herewith shall constitute full accord, satisfaction, and settlement of all civil liability of Olin under the Act and the Board's Rules and Regulations, 35 Ill. Adm. Code, Subtitles A through H, occurring or arising prior to such approval, for the following violations:
 - A) All violations alleged by the Complainant in this action;
 - B) All violations known to the Agency or of which the Agency had notice, which could have been alleged by the Complainant in this actions.
- 14) Approval of the proposed stipulation and settlement agreement and compliance herewith shall constitute full accord, satisfaction, and settlement of all civil liability of Olin under the Act and the Board's Rules and Regulations, 35 Ill. Adm. Code, Subtitles A through H, occurring or arising prior to the termination of Olin's obligations under this Stipulation and Proposal for Settlement and the Revised Compliance Program, arising out of the failure of Olin's Subpart F processes to comply with the emission limits in 35 Ill. Adm. Code 219, Subpart F.
- 15) REVISED COMPLIANCE PROGRAM - POWER TOOL LOADING SEALING
(All the following is new from 1st draft)

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A. Evaluate water-based lacquers and complete "works" tests	12/15/93
*B. Conduct time and temperature tests	6/15/94
*C. Conduct field demonstrations of adequacy of substitute.	12/15/94
*D. Analyze data and prepare report	3/15/95
*E. Receive customer approval for modification.	7/15/95

- *F. Design and install equipment modifications where necessary and demonstrate compliance with emissions limit.

1/15/96

* At any time during or at the end of a phase marked "*", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

REVISED COMPLIANCE PROGRAM - CAPPERS

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A. Evaluate water-based lacquers	11/15/93
B. Apply to DOD and receive approval for "Request for Deviation"	1/15/94 (1)
*C. Complete "works" tests	3/15/94
*D. Complete time and temperature tests	3/15/95
E. Analyze data, prepare report, and submit Engineering Change Proposal (ECP)	9/15/95
*F. Receive DOD approval of ECP	3/15/96 (1)
G. Design and install equipment modifications where necessary and demonstrate compliance with emissions limit	10/15/96

* At any time during or at the end of a phase marked "*", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

(1) This date is an estimate based on DOD policy and Olin's experience in requesting MILSPEC changes. Provided that Olin has proceeded with reasonable diligence in requesting the change, DOD's failure to approve the change within the scheduled period shall not be considered a non-compliance by Olin.

REVISED COMPLIANCE PROGRAM - MILITARY TIP IDENTIFICATION

Note: Olin is not currently manufacturing these products, and does not presently have a contract to manufacture them. The commencement date for this schedule will be the date on which a contract for production of these materials is executed.

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A. Evaluate water-based lacquers	4 months following commencement
B. Apply to DOD and receive approval for "Request for Deviation"	6 months following commencement (1)
*C. Complete "works" tests	9 months following commencement
*D. Complete time and temperature tests	12 months following commencement
E. Analyze data, prepare report, and submit Engineering Change Proposal (ECP)	18 months following commencement
*F. Receive DOD approval of ECP	24 months following commencement (1)
G. Design and install equipment modifications where necessary and demonstrate compliance with emissions limit	34 months following commencement (2)

* At any time during or at the end of a phase marked "*", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

(1) This date is an estimate based on DOD policy and Olin's experience in requesting MILSPEC changes. Provided that Olin has proceeded with reasonable diligence in requesting the change, DOD's failure to approve the change within the scheduled period shall not be considered a non-compliance by Olin. If a MILSPEC change has been approved for Olin's new material, Milestones B, E, & F will be eliminated from the program.

(2) This date will be no later than May 14, 1997, provided that Olin shall not be required to design and install equipment if these products are not in production and Olin does not have a contract to produce them.

REVISED COMPLIANCE PROGRAM - PROOF LOAD IDENTIFICATION

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A. Evaluate water-based lacquers and complete "works" tests	12/15/93
*B. Complete time, temperature, and performance tests	6/15/94
*C. Analyze data and prepare report	9/15/94
*D. Receive customer approval for modification	12/15/94
E. Design and install equipment modifications where necessary and demonstrate compliance with emissions limit	3/15/95

* At any time during or at the end of a phase marked "*", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

REVISED COMPLIANCE PROGRAM - BLANK SEALING PROCESSES
(INCLUDING 50 CALIBER)

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A Evaluate water-based lacquers	6 months following commencement
B. Apply to DOD and receive approval for "Request for Deviation"	8 months following commencement (1)
*C. Complete "works" tests	11 months following commencement
*D. Complete time and temperature tests	14 months following commencement
E. Analyze data, prepare report, and submit Engineering Change Proposal (ECP)	20 months following commencement
*F. Receive DOD approval of ECP	26 months following commencement (1)
G. Design and install equipment	36 months

modifications where necessary and demonstrate compliance with emissions limit following commencement (2)

* At any time during or at the end of a phase marked "**", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

(1) This date is an estimate based on DOD policy and Olin's experience in requesting MILSPEC changes. Provided that Olin has proceeded with reasonable diligence in requesting the change, DOD's failure to approve the change within the scheduled period shall not be considered a non-compliance by Olin.

(2) This date will be no later than May 14, 1997, provided that Olin shall not be required to design and install equipment if these products are not in production and Olin does not have a contract to produce them.

REVISED COMPLIANCE PROGRAM - 50 CALIBER TIP IDENTIFICATION

Note: Olin is commencing a production run of 50 caliber ammunition, which should be completed May 15, 1993. Olin will evaluate water-based materials on this ammunition and conduct limited works tests. The scope of these efforts will be limited by the short duration and relatively small size of the production run. The commencement date for the schedule below will be the date on which a subsequent contract for production of these materials is executed.

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A. Evaluate water-based lacquers	2 months after commencement
B. Apply to DOD and receive approval for "Request for Deviation"	4 months following commencement
*C. Complete "works" tests	6 months after commencement
*D. Complete time and temperature tests	18 months after commencement
E. Analyze data, prepare report, and submit Engineering Change Proposal (ECP)	21 months after commencement

- | | | |
|-----|---|----------------------------------|
| *F. | Receive DOD approval of ECP | 27 months after commencement (1) |
| G. | Design and install equipment modifications where necessary and demonstrate compliance with emissions limits | 34 months after commencement |

* At any time during or at the end of a phase marked "**", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

(1) This date is an estimate based on DOD policy and Olin's experience in requesting MILSPEC changes. Provided that Olin has proceeded with reasonable diligence in requesting the change, DOD's failure to approve the change within the scheduled period shall not be considered a non-compliance by Olin.

(2) This date will be no later than May 14, 1997, provided that Olin shall not be required to design and install equipment if these products are not in production and Olin does not have a contract to produce them.

REVISED COMPLIANCE PROGRAM - 50 CALIBER - CAP LACQUER

The commencement date for this schedule will be the date on which a contract for production of these materials is executed.

<u>MILESTONE</u>	<u>COMPLETION DATE</u>
*A. Evaluate water-based lacquers	6 months after commencement
B. Apply to DOD and receive approval for "Request for Deviation"	8 months following commencement (1)
*C. Complete "works" tests	10 months after commencement
*D. Complete time and temperature tests	22 months after commencement
E. Analyze data, prepare report, and submit Engineering Change Proposal (ECP)	28 months after commencement
*F. Receive DOD approval of ECP	34 months after commencement (1)

- | | | |
|----|---|------------------------------|
| G. | Design and install equipment modifications where necessary and demonstrate compliance with emissions limits | 41 months after commencement |
|----|---|------------------------------|

* At any time during or at the end of a phase marked "*", Olin may elect to leave this schedule to implement the Capture and Control Schedule.

(1) This date is an estimate based on DOD policy and Olin's experience in requesting MILSPEC changes. Provided that Olin has proceeded with reasonable diligence in requesting the change, DOD's failure to approve the change within the scheduled period shall not be considered a non-compliance by Olin.

(2) This date will be no later than May 14, 1997, provided that Olin shall not be required to design and install equipment if these products are not in production and Olin does not have a contract to produce them.

REVISED COMPLIANCE SCHEDULE - CAPTURE AND CONTROL SCHEDULE

This schedule may be commenced at any time if and when Olin reasonably determines that the reformulation option is infeasible for any of the Affected Operations.

<u>MILESTONE</u>	<u>DATE</u>
A. Prepare design and evaluation of capture and control technology	4 months after commencement
B. Final engineering design for capture and control technology; apply to IEPA for construction permit	5 months after commencement
C. Install capture and control equipment and demonstrate compliance with emission limits	9 months after receipt of construction permit

OLIN CORPORATION - REVISED COMPLIANCE PROGRAM

Notes applicable to all Compliance Schedules.

1. Olin's compliance program involves an attempt to develop new technologies, rather than a process of implementing existing technologies. Provided that Olin is diligently pursuing its compliance program, failure to achieve any particulate intervening milestone shall not

be considered a non-compliance by Olin. Olin must, however, achieve compliance by the final compliance date indicated in each schedule, unless the schedule is revised by agreement with the Agency, or relief is obtained in some other form, including but not limited to an adjusted standard or site-specific rule.

2. If Olin achieves a milestone at an earlier date than that indicated in the compliance schedule, Olin will immediately proceed to the next stage in the compliance program.

3. If a material fails a test or is not approved by a third party (as required by a schedule), Olin may have to begin over with the "evaluation" stage (Milestone A). The milestone completion dates in the schedule, other than the final compliance date, shall be adjusted accordingly.

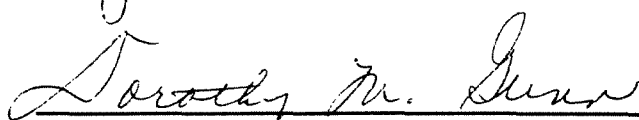
- 16) Nothing in this Stipulation and Proposal for Settlement shall impair Olin's rights to petition the Board for an adjusted standard or a site-specific rule with respect to any of the processes referred to herein.

IT IS SO ORDERED.

J. Theodore Meyer Concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 17th day of February, 1994, by a vote of 6-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board