Zinc Refinery Settles Federal Enforcement Action Alleging Clean Air Act Violations

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On April 15th, the federal government announced the settlement of an enforcement action in *United States v. Big River Zinc Corp.*, No. 10-cv-276 (U.S. District Court for the Southern District of Illinois), which concerned a zinc smelter plant located at 2401 Mississippi Avenue, Sauget, Illinois.

The federal government's allegations concerned the defendant's Roasters, which are furnaces in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (more than 10%) of the sulfur contained in the charge. The government alleged that the defendant violated the Clean Air Act and applicable regulations by (1) failing to comply with the sulfur dioxide emission limit for Roasters, (2) failing to provide notification of its plans to reconstruct its Roasters, (3) failing to provide written notification of the date of construction of the new Roasters, (4) failing to provide written notification of the date of initial startup of the new Roasters, and (5) failing to conduct performance tests of the new roasters and providing a report of the test results to EPA.

Under the terms of the settlement, the defendant does not admit liability concerning these alleged violations; however, the defendant has agreed to pay $250,000 as a civil penalty to settle the case. Although the defendant ceased its zinc roasting operations in 2006, the settlement agreement requires the defendant to take certain actions prior to resuming operations. Specifically, the defendant must install and make operational a Scrubber System on its acid plant and and make operational a Continuous Emissions Monitoring System for Stack Gas Sulfur Dioxide.

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