

Existing environmental control equipment at the facility consists of four wet scrubbers operating in parallel. Stack analysis has shown that each of the scrubbers exceeds the design efficiency of 97% for the removal of organics. However, on several occasions since installation of the scrubbers, Koppers has experienced incidents of "entrainment" due to upsets in the basic process or the scrubbers during which entrained material has been deposited on trucks, tractors, trailers and automobiles parked near the phthalic anhydride facility. Damage to the vehicle finish ensues unless the material deposited is removed within a short period of time.

On June 30, 1977, the Agency filed a complaint against Koppers alleging violations of Section 9(a) of the Environmental Protection Act (Act) and Rule 102 of the Air Pollution Regulations. Koppers alleges it had to know whether it would be required to control carbon monoxide before engineering the equipment necessary to stop the entrainment problem and was, therefore, waiting until the resolution of the Carbon Monoxide Regulation currently before the Board. Subsequent to two entrainment episodes in June, 1977, Koppers agreed to install what is known as a Knockout Box System at a cost of approximately \$1.3 million. On November 3, 1977, Koppers filed a Petition for Variance requesting relief from Section 9(a) of the Act and Rules 102 and 205(f) of Chapter 2 until November 30, 1978, to allow time to install the Knockout Box. Koppers is committed to the following construction schedule:

- April 1, 1978: Begin construction -- construct foundations and prepare site;
- September 1, 1978: Complete installation of equipment;
- November 1, 1978: Begin operation, complete testing and debugging.

In addition, Koppers will conduct a stack test for emissions subsequent to the installation of the control system and to file an operating permit application within 30 days after completion of testing. Koppers will also install some additional equipment and will execute a previously determined inspection and maintenance procedure approved by the Agency. In the event of an episode of entrainment, Koppers agrees to cease operation of the affected train and notify the Agency immediately. Koppers will offer to wash, polish, and/or paint any trucks, etc. which are sprayed by the entrained material and will offer to furnish truck drivers at the affected truck terminals with covers for their trucks, tractors,

and automobiles. In addition, Koppers agrees to post a performance bond in a form satisfactory to the Agency in the amount of \$200,000 and to provide quarterly progress reports to the Agency.

The Agency believes that Koppers is acting properly to solve what is a very difficult problem. The solution to this problem will cost in excess of \$1.3 million. Therefore, the Agency recommends that no penalty be imposed by the Board in this case. The only point of disagreement between the parties herein is whether Koppers should be granted variance from Section 9(a) of the Act and Rule 102 of the Air Pollution Regulations.

The Board finds that the Proposed Settlement Stipulation is a reasonable resolution of the issues presented in the enforcement case and protects the State's environment. The Board agrees that Koppers has reacted to the problem in good faith and will therefore not assess a penalty in this matter. With regard to the granting of a variance from Rule 102 of the Air Regulations and Section 9(a) of the Act, the Board finds that Koppers' request is generally in the nature of a petition for an emergency variance, and as the Board has said many times in the past, we will not grant variances for speculative emergency situations. There is no way the Board can weigh the potential environmental harm against the hardship to the Company since there is no way of determining with any certainty the environmental harm caused by a potential emergency situation. The Board will therefore deny variance from Section 9(a) of the Act and Rule 102 of the Regulations.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

1. Koppers Company, Incorporated, is found to have violated Rule 102 of the Air Pollution Control Regulations and Section 9(a) of the Environmental Protection Act.
2. Koppers Company, Incorporated, shall execute the compliance schedule as indicated in the Stipulation and Proposal for Settlement filed before the Board on February 6, 1978, which instrument is hereby incorporated by reference as if fully set forth herein.

3. Koppers Company, Incorporated, is hereby granted variance from Rule 205(f) of the Air Pollution Regulations until December 1, 1978.
4. Petition for Variance from Section 9(a) of the Environmental Protection Act and Rule 102 of the Air Pollution Regulations is hereby denied.
5. Within 45 days of the adoption of this Order, Koppers Company, Incorporated shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-178 and PCB 77-281 (Consolidated) hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of May, 1978 by a vote of 5-0



Christan L. Moffett, Clerk
Illinois Pollution Control Board