

ILLINOIS POLLUTION CONTROL BOARD

June 22, 1978

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 77-342  
 )  
 )  
 KOPPERS COMPANY, INCORPORATED, )  
 a Delaware Corporation, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Pollution Control Board (Board) upon the Complaint filed December 28, 1977 by the Environmental Protection Agency (Agency) alleging that Koppers Company, Incorporated (Koppers), violated Section 9(a) of the Environmental Protection Act (Act). More specifically, Koppers is alleged to have caused the emission of phthalic anhydride flakes beyond its property line and into the atmosphere so as to cause air pollution as defined by Section 3(d) of the Act.

A hearing was held on the matter on May 10, 1978, and as a result of extensive negotiations between the Agency and Koppers, a stipulation and proposal for settlement was submitted to the Board.

Koppers owns and operates a manufacturing facility in Stickney, Illinois with an address of 3900 South Laramie, Chicago, Illinois. This facility produces phthalic anhydride and tar products, employs approximately 190 persons, and has a payroll of over \$2 million. The phthalic anhydride process was installed in 1969, and the environmental control systems installed on the premises represent a capital investment in excess of \$2.2 million, with an annual operating cost of approximately \$600,000. The annual capacity of the plant is 216 million pounds of phthalic anhydride. Production from the phthalic anhydride plant is the sole or principal source of supply for 11 companies in Illinois.

Between May, 1977 and May 1, 1978, there were occasions when gaseous phthalic anhydride escaped from Koppers' control system and, upon reaching the atmosphere, changed from gas to small flakes of solid phthalic anhydride, said flakes being "contaminants" as defined in Section 3(d) of the Act. Because of the extremely light weight of the flakes, they were subject to being wind-blown beyond Koppers' property line. On October 11, 1977 and November 17, 1977, flakes were deposited on and near vehicles parked at truck terminals adjacent to Koppers' property. Koppers does not admit to violating Section 9(a) of the Act, but has not refuted the Agency's contention in the settlement agreement.

The deposit of solid phthalic anhydride flakes on vehicles, when combined with water, causes minor damage to the paint. If the emissions remain upon painted surfaces for substantial time periods, buffing or repainting may be required. Koppers has attempted to settle all property damage claims on an amicable basis.

As a result of negotiations between the Agency and Koppers, the parties offer a stipulation and proposal for settlement in lieu of a full hearing. The stipulation sets forth that Koppers shall:

1. take sufficient measures to provide that its control equipment is properly maintained so as to prevent the escape of phthalic anhydride flakes into the atmosphere;
2. cease and desist from further violations of Section 9(a) of the Act;
3. pay a penalty of \$1,000 within 35 days of the date of the Board Order.

It should be noted at this point that Koppers installed voluntarily, as of May 1, 1978, sublimate boxes in which the gaseous emissions condense into solid matter which can be removed periodically. The Cook County Department of Environmental Control was informed of Koppers intentions and kept up-to-date on its progress with monthly progress reports until its completion. As of May 1, 1978, the entire system was in operation.

In view of the facts, the Board accepts the proposed settlement stipulation. The Board finds that the installation of the sublimate box control system is likely to bring Koppers into compliance with the Act and that Koppers has shown its good faith efforts by voluntarily installing this control system.

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


ORDER

It is the Order of the Pollution Control Board that:

1. The parties shall comply with all the terms of the stipulation and settlement proposal filed May 10, 1978, which proposal is incorporated by reference as if fully set forth herein.
2. Koppers Company, Incorporated, shall cease and desist from further violations of Section 9(a) of the Environmental Protection Act.
3. Koppers Company, Incorporated, shall pay a penalty of \$1,000,00. Payment shall be made by certified check or money order, payable to the State of Illinois, within 35 days of the date of this Order. Payment shall be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22<sup>nd</sup> day of June, 1978 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board