

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-291
)
TIME CHEMICAL, INC.,)
Respondent.)

Mr. Richard W. Cosby and Mr. James L. Dobrovolny, Assistant Attorneys General, appeared on behalf of Complainant. Mr. Burton S. Gilberg appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the July 25, 1975, complaint of the Environmental Protection Agency (Agency). The complaint charges Time Chemical, Inc. (Time Chemical) with operating a chemical and allied products industry operation without the required operating permit from the Agency, in violation of Rule 103(b)(2) of the Board's Air Pollution Regulations (Chapter 2) and Section 9(b) of the Environmental Protection Act (Act).

Respondent, Time Chemical, owns and operates a facility for compounding dry industrial and institutional detergents. Time Chemical purchases the various raw materials that go into the manufacture of cleaning compounds and blends them to specific formulations. The facility consists, in part, of five paddle-type mixers, a weigh hopper and seven raw material storage hoppers. It is located at 3950 South Karlov Street, Chicago, Illinois.

A hearing on this matter was held on October 14, 1975, in Chicago, Illinois. The Agency presented evidence of six (6) letters it sent to Time Chemical from August 13, 1974 through June 9, 1975, warning Time Chemical of its need to obtain an Agency operating permit for its facility (Comp. Ex. No. 1, 2, 4, 5, 6, & 8).

Evidence was presented that improper emission control at Time Chemical's facility resulted from the dust collecting system utilized in the handling of bulk transfer of raw materials (R.13). An environmental protection engineer from the Agency testified that he inspected the plant and observed a scrubber system consisting of a type of washer wash drum with some nozzles in it and water going through it. He

observed a white plume resembling particulate matter coming from this control equipment. At times the plume reached 100 per cent opacity (R.41).

A representative of Time Chemical testified that August 6, 1974 was the first time that Time Chemical became aware of its violation of the Act (R.3). Respondent was delayed in fully complying with the requirements of the Act due to the retirement of the plant engineer and other key personnel (R.3, 12). Furthermore, an Agency letter indicated that before Time Chemical could apply for an operating permit, it first had to obtain a construction permit for the installation of the new emission control equipment purchased five months prior to the hearing. The new equipment is to replace the water scrubber system (R.25, 27). Time Chemical hired Hardy Systems Co. (Hardy) to install the equipment and requested that Hardy make the necessary applications for construction permits. Hardy, however, submitted an application to the City of Chicago, only, and not to the Agency (R.24). Approximately one week to 10 days prior to the hearing in this matter, Respondent submitted to the Agency its application for a construction permit for installation of its emission control equipment (R.27-28). Respondent has hired an engineering firm to complete its application for an operating permit, which will be submitted once its construction permit is obtained (R.25).

Section 33(c) of the Act requires the Board in making its determinations to consider the degree of injury to the public, the social and economic value of the pollution source, the suitability of the pollution source to its location, and the technical practicability and economic reasonableness of reducing or eliminating the emissions. Information contained in the record which could help the Board in its consideration of these factors was scarce. However, the Board has repeatedly held that enforcement of the permit provisions of the Act and the Regulations is essential to the environmental control system in Illinois. EPA v. George E. Hoffman and Sons, Inc., PCB 71-300. Injury to the public is inherent in a failure to obtain required permits. Furthermore, in this case evidence was presented that Time Chemical's facility was contributing to the air pollution of the environment by particulate emissions which at times reached 100 per cent opacity. Time Chemical's purchase of new emission control equipment five months prior to the hearing indicates that reducing the emissions was both technically practicable and economically reasonable. An effort to obtain an operating permit by January 1, 1973, as required by the Act, and Regulations, would most likely have resulted in abatement of this pollution at a date well over two years prior to the filing of the complaint in this matter.

Based upon the evidence admitted at the hearing on October 14, 1975, the Board finds that from January 1, 1973 through July 25, 1975, Respondent, Time Chemical, operated a chemical and allied products industry without an operating permit from the Agency, in violation of Rule 103(b)(2) of the Air Pollution Control Regulations (Chapter 2) and Section 9(b) of the Act. Although Respondent has begun a good faith effort to comply with the requirements of the Act, the Board finds that consideration of the essential nature of the permit requirements and Respondent's lengthy delay in compliance efforts warrant payment of a penalty of \$2500.00.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

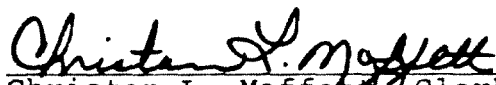
1. Respondent, Time Chemical, Inc., shall apply to the Agency for and obtain an operating permit for its facility, as required by Rule 103(b)(2) of the Air Pollution Control Regulations (Chapter 2) and Section 9(b) of the Act as required by law.

2. Respondent is found to have violated Rule 103(b)(2) of the Air Regulations and Section 9(b) of the Act.

3. Respondent shall pay within 45 days a penalty of \$2500.00 for said violations. Payment shall be made by certified check or money order to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
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 4th day of December, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board