

ILLINOIS POLLUTION CONTROL BOARD

April 17, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 72-319
)
 PEERLESS ENAMEL PRODUCTS COMPANY,)
)
 Respondent.

Thomas A. Cengel, Assistant Attorney General for the EPA
William D. Stiehl, Attorney for Peerless Enamel Products Company

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Peerless Enamel Products Company fabricates gas ranges at a Belleville, Illinois plant it has operated since 1928. The plant is adjoined on three sides by residential dwellings and on one side by other industrial plants. The closest residence is 30 feet from the plant. In its manufacturing process Respondent cleans steel parts in a series of chemical baths, sprays them with frit (ground glass) enamel or dips the parts in a vat of enamel and finally bakes them in ovens.

On July 31, 1972 the Environmental Protection Agency filed a Complaint alleging that the Company had allowed the discharge of particulate matter so as to cause or tend to cause air pollution in violation of Section 9(a) of the Environmental Protection Act. Respondent filed an Answer admitting that it operated the plant but denying the alleged air pollution.

The EPA did not allege that Peerless had violated any specific emission standard.

Respondent's enamel spraying and dipping operation consists of three production lines. The lines are equipped with manual spray booths, automatic spray booths and dip coating vats. Each paint line is also equipped with water wash units for control of particulates. These were installed in 1941, 1947, 1948 and 1950. Air from the paint areas, after being drawn through a baffled water wash, is ultimately exhausted through four separate stacks located on the roof of the plant.

The oldest control equipment on the premises is a baghouse which was installed in 1930 on Line No. 1.

Evidence introduced at the public hearing indicated that Respondent's neighbors had no complaints prior to the Summer of 1971. The control equipment was apparently adequate for plant operations for many years.

People living near the plant started to complain of emissions in the Summer of 1971. One witness testified that she had observed a fine haze or mist of varying concentration which settled on her property as a white powder (R. 62) and she pointed out two separate stacks on the plant as the source of the emissions (R. 64). One of these sources was the discharge stack from the baghouse. The witness claimed that the gray white substance settled on her storm doors, window sills, porches, screens and walks. She said the emissions at the time of the hearing had decreased significantly from the heavy concentration observed during the Summer of 1971 but were continuing.

Corroborating testimony from other witnesses establish that this substance had been deposited on playpens, swings, slides, front porches, automobiles and inside some of the residences. Three persons observed a gold colored substance which had been deposited on the exterior of their homes in October or November 1972. Another witness stated that she had observed the white misty emissions from two separate stacks at the plant just two weeks prior to the hearing (R. 90). However, we do not in this Opinion consider any alleged violations occurring after the July 31, 1972 filing of the Complaint.

An Agency investigator visited the plant on September 7, 1971 and was told by the President of Peerless Enamel Products Company that the water supply to the water wash control system had been turned off for four months (R. 42). This was done because baffles in the water wash booths had deteriorated.

The Company President later denied making this statement and asserted at the public hearing that the uncontrolled period was short--"possibly days" (R. 129).

Following the EPA visit Respondent's employees determined that the baghouse was not working well. The bags had not been replaced for several years and some of the bags had tears and holes in them (R. 26, 27). The maintenance foreman testified that the September 1971 inspection revealed several bags with holes that had not been observed during any of the other semi-annual inspections (R. 178, 190). The inspection also revealed that baffles in the control equipment were in need of repair and some were found to have been improperly installed. The Company had failed to keep records which adequately described the inspection or maintenance of control

equipment and the testimony regarding the Company maintenance procedures leaves something to be desired.

In spite of the difficulties with the baghouse equipment it was operated until April 5, 1972 (R. 24) after which time the processed air was rerouted through an existing water wash system on Line 1. This action was taken after Respondent had engaged the services of an engineering firm to check the baghouse equipment and submit recommendations. Peerless shut the old baghouse down without replacement because it did not think a new baghouse would be as efficient (R. 30) and the "baghouse wasn't used more than six hours a day" (R. 31). It also appears that installation of a new baghouse would cost more money.

For defense Peerless introduced evidence that it was not in violation of emission standards. (No such violation was charged). A stack test conducted October 16, 1972 proved that Peerless emissions on that date were well within the Standards established by our Rule 203(b). We accept this as evidence that normal operations of the plant do not cause emissions in violation of our Standards. While pertinent to the case, these calculations do not constitute a total defense to the charge that Respondent's emissions were a nuisance in the community from the Summer of 1971 to July 31, 1972. It is significant that complaints occurred during the time the baghouse was operating poorly and the water wash units were inoperative.

We find that Respondent did violate Section 9(a) of the Environmental Protection Act during that period of time and that the violations were the result of inadequate maintenance of control equipment or failure to replace outmoded control equipment. Peerless has been keeping proper maintenance and inspection reports recently. We hope that the improvement of the Company record keeping system will also result in control of nuisance type emissions in the future.

The evidence proves that for a period of approximately one year prior to the filing of the Complaint Peerless did release particulate matter in sufficient quantities and of such characteristics and duration as to unreasonably interfere with the enjoyment of life or property. We will order that the Company cease and desist from causing a nuisance with its particulate emissions. The testimony also has shown, however, that Peerless attempted to control its emissions long before the Statute or Regulations made it mandatory for companies to take such action. The violation in this case appears to be the result of inadequate maintenance taken by the Company. Those maintenance procedures are being improved. Under all of the circumstances we think a monetary penalty in the amount of \$1,000 is appropriate.

It is ordered that:

1. Peerless Enamel Products Company shall cease and desist from its violation of EPA Section 9(a) by taking those maintenance procedures or other steps necessary to prevent its emissions from causing a nuisance in the community.
2. Respondent shall pay to the State of Illinois by May 17, 1973 the sum of \$1,000 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 17th day of April, 1973 by a vote of 3 to 0.

Christian L. Moffett