

ILLINOIS POLLUTION CONTROL BOARD
July 25, 1972

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 72-140
)
 CATERPILLAR TRACTOR COMPANY,)
)
 Respondent.)

Delbert Haschemeyer, Assistant Attorney General for the EPA
Bowen H. Tucker, for Respondent.

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

The Environmental Protection Agency filed a complaint against Caterpillar Tractor Company, alleging that Respondent has permitted excessive smoke emissions from coal-fired boilers it operates at its facilities in Decatur, Illinois. It is charged, specifically, that on December 14, 1970 and September 2, 1971, the boilers emitted particulate matter, dense smoke and other contaminants tending to cause air pollution in violation of Section 9a of the Environmental Protection Act and Rule 3-3.122 of the Rules and Regulations Governing the Control of Air Pollution. On July 7, 1972, approximately three months after the filing of the complaint, the Environmental Protection Agency and Respondent, Caterpillar Tractor Company, entered into a settlement agreement and submitted their Stipulation of facts and a proposed Order.

It appears from the Stipulation that on the two dates in question an Agency investigator, Robert L. Hendricks, a certified smoke reader, observed and recorded excessive smoke emissions from Respondent's boilers. The smoke density on December 14, 1970 was No. 4 Ringlemann for 19 consecutive minutes and the density on September 2, 1971 was at a level of No. 5 Ringlemann (100% opacity) for 16 minutes. The smoke emissions were of sufficient density and duration to constitute a violation of the law.

The Stipulation further states that about 2½ months after the December 14, 1970 violation, Respondent entered into contracts for the repair and remodeling of the three boilers located at its Decatur facility. The repair work was completed November 5, 1971. The violation of September 2, 1971 occurred when, after repairs, one of the boilers was brought up in a rapid manner to determine its operability before another boiler cooled to a point which would cause a lengthy delay in bringing it back on line.

As a part of the renovation, Respondent installed smoke monitors which are now operational.

The settlement proposed by the parties would require that Respondent cease and desist emission of dense smoke in violation of law under normal operating conditions and, to the extent possible, during abnormal operating conditions; file with the Environmental Protection Agency written operating procedures acceptable to the Agency; maintain coal analysis and smoke monitor charts available for Agency inspections for a period of one year; conduct a feasibility study relating to correlation of smoke monitor readings and particulate emission rates; pay a penalty of \$2,000--\$1,000 for each violation.

The Board finds that the settlement is reasonable and it is approved.

ORDER

It is hereby ordered:

(1) That Caterpillar Tractor Company cease and desist the emission of dense smoke in violation of all applicable Rules and Regulations from its coal-fired boilers under normal operating conditions in accordance with written operating procedures acceptable to the Agency, to be filed with the Agency within forty-five (45) days of the entry of the Order in this case.

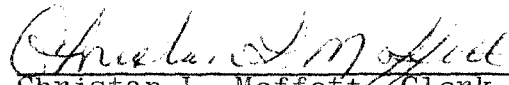
(2) That Caterpillar Tractor Company cease and desist the emission of dense smoke in violation of all applicable Rules and Regulations, to the extent possible, during abnormal operating conditions, malfunctions, start-ups, and shutdowns in accordance with written operating procedures, mutually agreeable to Caterpillar Tractor Company and the Agency to be filed with the Agency within forty-five (45) days of the entry of the Order in this case. This does not in any way affect Caterpillar Tractor Company's obligation to comply with Rule 103 and Rule 105 of Chapter 2 Part I of the Pollution Control Board Rules and Regulations.

(3) That Caterpillar Tractor Company maintain at its Decatur facility for inspection by Agency personnel for one year from the date of the entry of the Order in this case all coal analysis and monitor charts or records generated by its smoke monitors, and all steam charts relative to the boiler at the Decatur facility.

(4) That Caterpillar Tractor Company conduct a feasibility study to ascertain the possibility of using the existing smoke monitors to correlate the relationship of monitor readings to particulate emission rates.

(5) On or before August 15, 1972, Caterpillar Tractor Company pay to the State of Illinois, (Environmental Protection Agency Fiscal Services Division) a penalty of \$2,000, \$1,000 for each violation of Rule 3-3.122. Payment shall be by check payable to the 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 was adopted on the 25th day of July, 1972 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board