

ILLINOIS POLLUTION CONTROL BOARD

July 7, 1977

ENVIRONMENTAL PROTECTION AGENCY and )  
PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Complainants, )  
 )  
 )  
v. ) PCB 74-226  
 )  
 )  
COLLIER CARBON AND CHEMICAL )  
CORPORATION, a California )  
corporation, )  
 )  
Respondents. )

HONORABLE WILLIAM J. SCOTT, ATTORNEY GENERAL OF THE STATE OF ILLINOIS,  
BY MR. JEFFREY HERDEN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF  
OF COMPLAINANTS;  
MR. ARTHUR T. LENNON APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board on a Supplemented Stipulation  
and Proposal for Settlement filed jointly by all of the parties on  
April 13, 1977.

The history of this case can be summarized as follows: On  
June 14, 1974 a Complaint was filed alleging violations of Section  
9(a) of the Environmental Protection Act. The Complaint was amended  
to provide for alleged violations of Rules 103(b)(2) and 203(b) of  
Chapter 2: Air Pollution of the Board's Rules and Regulations. The  
Complaint addressed particulate emissions from the Respondents coke-  
production facility in Lemont, Illinois and operation of a rotary  
kiln and pyroscrubber at this facility without a permit.

A hearing was held on October 10, 1975 at Lemont, Illinois. The  
parties introduced a Stipulation and Proposal for Settlement at that  
time. The Stipulation included the results of stack tests, recited

the fact that the Respondents had obtained a construction permit for a system to dedust the calcined coke at this facility and would use a spray system to further control dust emission, described an air monitoring program to assess the results of these efforts, and provided for an investigation into the possibility of containing all of the Respondents coke operations in a separate structure. A \$5,000.00 penalty was proposed. Seven witnesses, who lived in the immediate vicinity of Respondent's facility testified that their homes had been discolored and their lives had been made extremely unpleasant by large quantities of soot which they believed were coming from Respondent's facility.

On November 26, 1975 the Board rejected the settlement offer and remanded the case to the Hearing Officer for further proceedings to determine whether the citizens' complaints were attributable to the Respondent's emissions and whether the Respondent's abatement attempts would remedy the problem.

The hearing was reconvened on March 23, 1977, and the parties introduced a supplement to the prior stipulation and proposal for settlement at that time. This supplement described the Respondent's attempts to control dust emission by means of a water spray sweeper, at the coke facility and on all the paved roads used by the trucks which haul coke to the Union Oil Refinery, and by adequate maintenance of the Respondent's baghouses. The installation of a waste heat boiler on the discharge from the kiln incinerator was described, along with a dedusting system which largely eliminated fugitive dust from Respondent's calcined coke. The supplement went on to describe the program of land purchase which the Respondent had undertaken to compensate all the homeowners in the vicinity of the coke production facility. At that time only two parcels of land remained for the Respondent to purchase before all the 17 residences within one-half mile of the facility would be vacated.

One citizen testified that he thought the residents had been fairly compensated for their homes, but that Respondent was getting by "dirt cheap" for its past damages. The supplemented stipulation and proposal for settlement indicated that the land purchase, the pollution abatement efforts, and installation of the waste heat boiler would be approximately \$3,300,000.00 when it was all completed.

The Board feels that the Supplemented Proposal for Settlement represents a fair solution of this case as long as the Respondent complies with all the terms of the Order.

ORDER

It is the Order of the Pollution Control Board that:

1. Respondent shall continue to conduct all routinely necessary housekeeping functions including spraying the coke and all the areas in which the coke is calcined, stored, handled and transported; adequately maintaining its baghouses, and enclosing all coke transfer points all in accordance with the stipulation.
2. Respondent shall pay a penalty of \$6,000.00 within 35 days of the date of this Order. Payment shall be made by certified check or money order payable to:

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

3. This cause is hereby dismissed with prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of July, 1977 by a vote of 5-0.

Christan L. Moffett pk  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board