

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1971

ENVIRONMENTAL PROTECTION AGENCY)
)
)
 v.) PCB 71-230
)
 PFIZER, INC., a corporation)
)

Mr. Jim H. Keehner, Assistant Attorney General of Illinois, appeared for the Environmental Protection Agency

Mr. Robert L. Broderick, of Pope and Driemeyer and Mr. John P. Lynch of Kirkland, Ellis, Hodson, Chaffetz & Masters, appeared for Pfizer, Inc.

OPINION OF THE BOARD (by Mr. Dumelle)

The Attorney General filed this enforcement action on behalf of the Environmental Protection Agency (EPA) on August 10, 1971 alleging that Pfizer, Inc. (Pfizer) operated its several facilities at its East St. Louis plant in such a manner so as to cause fly ash, red dust and other contaminants to be emitted from its operations thereby causing or tending to cause air pollution. The EPA further alleged three specific smoke opacity violations and the operation of a facility designed to prevent air pollution, i.e. a dust collector, without having obtained a permit from the EPA. An order directing the company to cease and desist each of the violations as well as an order imposing money penalties for the violations found was asked for.

Pfizer owns and operates a chemical plant at 20th and Lynch Streets in East St. Louis which produces iron oxides used in paint pigments and in magnetic tape and other pigments made from natural iron ores (R. 31). The facility also processes iron sulfate and manufactures sulfuric acid (R. 37-38). Pfizer also operates a power house and other facilities at the plant.

A hearing was held in this matter on October 18, 1971 in Belleville at which time, in addition to other testimony, the parties presented a stipulation of agreed facts as follows:

The ENVIRONMENTAL PROTECTION AGENCY and PFIZER, INC., complainant and respondent in the above entitled cause, now pending and undetermined before said Board, by their

respective attorneys of record, do hereby make this an agreed case and hereby stipulate that the facts relevant to the complaint filed herein are as follows:

In April, 1969, the Air Pollution Control Board notified Pfizer that its powerhouse stack emissions at its East St. Louis, Illinois plant located at 2001 Lynch Avenue, were in excess of allowable statutory limits. The Board reported that excess fly ash was being emitted into the atmosphere. The Board requested Pfizer to submit an Emission Reduction Program for its East St. Louis plant by May 11, 1969. On April 28, 1969, Pfizer informed the Board that it intended to add additional dust collection equipment to its boiler stacks in order to reduce fly ash emissions. On May 12, 1969, the Board requested specific details regarding the type of control measures which Pfizer intended to install. Shortly thereafter, Pfizer submitted these details.

On June 6, 1969, Pfizer was advised that its submitted program for abatement of excessive fly ash emissions had been approved by the Board. The Board did however request periodic reports from Pfizer regarding that progress of the program. After considering several alternatives, Pfizer contracted for the installation of a specific dust collector manufactured by Zurn Industries. Pfizer had been assured by Zurn that this equipment would bring Pfizer into compliance with the applicable state regulations. The Board was advised of this purchase on February 10, 1970. On June 19, 1970, Pfizer notified the Board that the manufacturer was experiencing delivery problems and requested that the Board grant a continuance for completion of the program. The Board granted Pfizer's request for an extension on June 26, 1970. On August 19, 1970, Pfizer again informed the Board that the equipment would be delivered and installed no later than October 1, 1970. On October 15, 1970, Pfizer informed the Board that the new dust collector was in operation.

In January, 1971, the Environmental Protection Agency informed Pfizer that an installation permit should have been procured before the boiler stack dust collector had been placed into operation. Pfizer was advised to file a preliminary "Installation Permit Application", which Pfizer did on February 11, 1971. On March 29, 1971, the Board requested drawings of Pfizer boiler facilities and the recently installed Zurn dust collector. Pfizer submitted the requested information on April 2, 1971. On May 12, 1971, the Board granted Pfizer permission to install the dust collection equipment (which, of course, had previously been installed in October, 1970). In addition, the Board advised Pfizer that a stack test would have to be performed before an operating permit could be granted.

On June 8, 1971, Pfizer advised the Board that the requested stack test would be conducted by McMullen & Associates on June 15, 1971. The results of the stack test, which demonstrated that Pfizer's boiler stack emissions were within allowable statutory limits, were forwarded to the Agency on June 29, 1971.

During 1970, the EPA representatives also reported accumulations of red dust in the vicinity of the Pfizer plant. Pfizer explained that the dust resulted either from accidental spillage of raw materials or from the breakdown of bags within the plant's dust collectors. The red dust was often carried out of the plant on the wheels of visiting trucks. In order to eliminate this problem, Pfizer purchased a road sweeper in June, 1971 at an approximate cost of \$12,000. Pfizer utilizes the sweeper to clean up any accumulations of dust within the plant. The sweeper's specifications have been submitted to the EPA. To further reduce the possibility of dust emissions, Pfizer also began wetting down its ore piles in order to prevent dust being blown from the storage piles.

On March 9, 1970, Ringelmann readings in excess of #2 at Pfizer's stacks were reported at the Pfizer plant. Pfizer officials immediately contacted the Technical Secretary of the Air Pollution Control Board and advised the Secretary that the dense smoke resulted from a mechanical breakdown of an ash conveyor. Pfizer advised the Board that the boiler would be shut down on March 29, 1970 for approximately two weeks for a complete overhaul. On April 14, 1970 the boiler first began to heat up after the layoff and dense smoke emission on that occasion was again reported. Fine adjustments were made to the equipment and no further smoking was observed. On January 25, 1971, however, a representative of the EPA again made a notation of smoke in excess of #2 Ringelmann from Pfizer's stack. Pfizer was unaware of this alleged emission and was not informed of it until the EPA filed its complaint in this case. Pfizer's records do indicate that the steam loads at Pfizer's plant on January 25, 1971 were high due to a heavy production load. In order to alleviate a reoccurrence of this type of problem, Pfizer installed a time sequencing device on its dryers which tends to stabilize boiler loads and eliminate dense smoke emissions. The installation of this device was completed on October 15, 1971.

On September 21, 1971, representatives of Pfizer met with representatives of the EPA to discuss the complaint in this case. Pfizer explained recent changes made within the plant to reduce emissions of fly ash, dense smoke and red dust.

At Pfizer's suggestion, two engineers of the EPA made arrangements to tour the East St. Louis plant to observe such changes. On September 24, 1971, the two EPA engineers noted the modifications and additions Pfizer had made to its emissions reduction facilities, particularly including the capability of a power sweeper which Pfizer had purchased to clean up any accumulations of red dust and other oxides. The two EPA engineers believed that the time sequencing device on the Company's dryers would help to eliminate future smoke emissions from the plant's boiler stacks.

Subsequent to this visit, the EPA recommended several minor modifications which it felt would further reduce the risk of emissions at the Pfizer plant. Copies of two letters from the Manager of EPA's Surveillance Section Division of Air Pollution Control, dated October 1 (Ex. A) and October 7, 1971 (Ex. B), respectively, are attached to this stipulation. Pfizer agreed to implement the recommendations made in such letters and confirm such agreement in a letter to the EPA dated October 14, 1971, (Ex. C) a copy of which is also attached to the stipulation.

If it is further stipulated and agreed by and between the parties that this Stipulation may be considered as though such facts were proven by testimony and evidence introduced on the trial of the complaint filed herein.

The stipulation and further testimony at the hearing show that air pollution has occurred by the emission of red dust from the plant. Additionally there has been an unexcused violation of the opacity rules by the emission of smoke in excess of Ringelmann No. 2 from a power plant stack on January 25, 1971. There has also been a violation of the Environmental Protection Act by the installation and operation of a dust collector at Pfizer's powerhouse without having first obtained a permit.

Mr. Anton M. Telford, an air pollution regional manager for the EPA testified that the rules which required that a permit be obtained were first passed in 1967 (R.36-37). The requirement for a permit was reiterated very explicitly in the Environmental Protection Act.^{1]}

1] Environmental Protection Act
Section 9
No person shall:

...

(b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designed by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

There was testimony relating to visible emissions of fugitive, iron oxide, red dust (R. 31). Houses situated several hundred yards from the plant were said to be discolored (R. 40-41, 43). Mr. Barry Phegan, an employee of the East St. Louis Public Housing Authority in charge of maintenance, testified to seeing a red haze in the area of the plant (R.40-41) and to recent instances of discoloration of outside construction. Mr. Phegan stated that he had seen some buildings under construction within the period four or five months previous to the hearing which were discolored (R.43).

Undoubtedly use of the newly acquired sweeper will enhance the working conditions within the plant. However, the sweeper does not figure to do very much for the ambient air pollution problem. The sweeper will be gathering settled dust while the principal concern, as regards air pollution, is that range of particle size susceptible to becoming airborne. Some, perhaps most, of the smaller particles, will likely be an aerosol and an air contaminant by the time the dust covering the ground has been collected.

Three instances of violation of the rules ^{2]} regarding smoke density are alleged in the complaint. Two of the episodes, while not fully explained, appear to have been unavoidable and to have been expeditiously dealt with by the company and we will impose no penalty for them. We find a violation connected with the occurrence on January 25, 1971 for which we will impose a penalty.

We are not requiring periodic reports in this matter as suggested both by the EPA and Pfizer. It appears unnecessary to do so. This is not a variance proceeding following which it might be anticipated that petitioner would be embarked upon a program of compliance. Presumably the company is presently in compliance with the Environmental Protection Act and applicable

2] State of Illinois Air Pollution Control Board
Rules and Regulations Governing the Control of Air Pollution

Rule 3-3.122

The production or emission of dense smoke is prohibited. No person shall cause, suffer or allow to be emitted into the open air from any fuel-burning equipment, internal combustion engine, premise, open fire, or stack smoke the appearance, density, or shade of which is No. 2 or darker, of the Ringelmann Chart except as provided in Rule 3-3.300.

Rule 3-3.310 Maintenance of Power or Heating Plant

When building a new fire, when manually cleaning a fire or when blowing tubes and flues in a power plant, heating plant or domestic heating plant, smoke may be emitted of an appearance, density or shade equal to or darker than No. 2 of the Ringelmann Chart for a period or periods aggregating not more than six (6) minutes in any observed sixty (60) minute period.

regulations thereunder. If they are not either at this time, at a later time at which a report is suggested to be submitted, would undertake another enforcement action and should not hesitate to do so simply because the instant action has been instituted and completed.

The record discloses that the company apparently is no longer causing the air pollution alleged in the complaint. We will, however, enter a cease and desist order to be assured in that regard, now and in the future.

I would impose a money penalty of \$3,000.00 in this case embracing the three categories in which violations were found. The majority of the Board, however, believes that the penalty should be set at \$1,000.00. The amount of the penalty in this case is greatly mitigated by the fact that the company has apparently been cooperative and diligent in dealing with air pollution problem areas after they had become aware of them either through the filing of this action or otherwise. The company feels that the problems in all three of the major areas cited by the EPA in the instant complaint have been solved and we join them in hoping that that is, and will continue to be, the state of the facts.

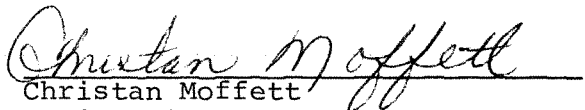
This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

The Board, having considered the complaint, stipulation of facts, transcript and exhibits in this proceeding HEREBY ORDERS:

1. That Pfizer, Inc. pay to the State of Illinois, on or before December 7, 1971, the sum of One Thousand Dollars (\$1,000.00) as a penalty for the violations of the Environmental Protection Act and rules thereunder found herein.
2. That Pfizer, Inc. cease and desist such emissions from its East St. Louis plant as are violative of the prohibitions in the Environmental Protection Act and rules thereunder.

I, Christan Moffett, Acting Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above Opinion and Order on 23 day of November, 1971.


Christan Moffett
Acting Clerk
Illinois Pollution Control Board