

ILLINOIS POLLUTION CONTROL BOARD

September 27, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
 Complainant,)
)
 v.) PCB 73-491
)
PALMER ASBESTOS AND RUBBER COMPANY,)
 Respondent.)

Mr. Lee A. Campbell, attorney for Complainant.
Mr. Michael M. Fleishman, attorney for Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On November 16, 1973, the Environmental Protection Agency (Agency) filed a Complaint against Palmer Asbestos and Rubber Company (Palmer) alleging violations of the Environmental Protection Act (Act) and various regulations resulting from the manner in which Palmer used asbestos materials in the production of brake linings and brake blocks. Brake linings are produced from 355-pound rolls of asbestos and brass wire coated with rubber. The rubber-coated asbestos is cut into long, narrow strips which are cured and pressed in a gas-fired oven at 350° F. Brake blocks are created from batches consisting of 125 pounds of asbestos fibers, 85 pounds of binding resin, 10 pounds of fine brass chips, and small amounts of other materials. The mixture is shoveled into individual steam-heated molds. Following removal from the molds, each brake block is uniformly ground and sanded on two belt-driven machines, both equipped with cyclones for emission control. The plant employs 10 to 20 persons and generates annual sales of \$250,000.

Offenses were purported to have occurred each and every day from June 30, 1972, until November 16, 1973, at Respondent's facility located at 2741 North Clybourn Avenue, Chicago, Illinois. Specifically, the Complaint charged that:

1. Respondent carried on its manufacturing procedures without a permit from the Agency in violation of Section 9(b) of the Act and Rule 622 of Chapter Two: Air Pollution Regulations (Chapter Two). Violations occurred from June 30, 1972, until November 16, 1973.

2. Respondent carried on its manufacturing procedures without designating anyone to exercise full-time supervisory authority over those aspects of the operation releasing asbestos fiber into the environment, disobeying Rule 621(a) of Chapter Two. Violations occurred from January 31, 1973, until November 16, 1973.

3. Respondent failed to instruct its employees, who worked with asbestos fiber, about the potential hazards from exposure to such materials, contrary to Rule 621(b) of Chapter Two. Violations took place from January 31, 1973, until November 16, 1973.

4. Respondent failed to provide facilities and procedures for the removal of asbestos-containing material from the clothing of employees in contravention of Rule 621(c) of Chapter Two. Violations came about from January 31, 1973, until November 16, 1973.

5. Respondent permitted asbestos-containing products to be discharged into the atmosphere by failing to collect and contain asbestos-containing wastes, offending Rule 621(d) of Chapter Two. Violations were found from January 31, 1973, until November 16, 1973.

6. Respondent failed to properly duct and control exhausting air carrying asbestos-containing wastes in conflict with Rule 652 of Chapter Two. Violations occurred from June 30, 1972, until November 16, 1973.

7. Respondent threatened or caused the discharge of excessive particulate emissions in violation of Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution (Rules and Regulations). The amount of particulate matter released into the atmosphere was estimated to be approximately 2.0 pounds/hour in excess of the standard under Rule 3-3.111. Violations went on from January 31, 1973, until November 16, 1973.

A hearing took place in Chicago, Illinois, on August 28, 1974. At that time a Stipulation and Proposal For Settlement was made a part of the record. Palmer admitted violating the Act and regulations in the manner and throughout the period set out in the Complaint. The evidence, consisting of the Stipulation and Proposal For Settlement as well as Stipulated Exhibits 3 and 4 convince us that such violations did occur. The Stipulation indicated that Respondent planned to close down its facility and move its operations to the company headquarters in Louisville, Kentucky. The premises were sold, effective March 31, 1974, and demolition of the plant took place under Agency supervision in June, 1974 (R.3, 4). No citizen offered any testimony during the hearing.

Several steps towards compliance with the regulations were reported in the Stipulation and Proposal For Settlement. First, supervision was provided during work periods when asbestos is released into the ambient air. Second, employees were issued respirators and signs were posted on the hazards of asbestos. Third, employees were encouraged to change clothes before going home at the end of the day; coveralls to be worn during work were provided by the Respondent. Fourth, a dumpster to permit proper disposal of asbestos-containing materials was acquired. All of these changes occurred after the filing of the Complaint and before the end of January, 1974. No mention was made in the Stipulation of any efforts to control particulate emissions into the atmosphere or of

any attempt to get a permit before the facility finally closed down at the end of March, 1974.

Asbestos is potentially an extremely dangerous contaminant (see our Opinion in the ASBESTOS REGULATIONS, R17-16; 3 PCB 347 [January 6, 1972]). Not only is the harm caused by the pollutant irreversible, but exposure to asbestos-contaminated work clothing taken home can carry these dangers to other members of the family. Stipulated Exhibit 6 indicates that Respondent clearly had knowledge by early August, 1973 of possible asbestos violations. Respondent failed to take corrective action until after the Complaint was filed. The protective equipment recommended for employees under Rule 621 of Chapter Two is inexpensive and readily available. It is difficult to understand Palmer's delay in supplying respirators and coveralls for its men and to instruct them on the hazards of asbestos.

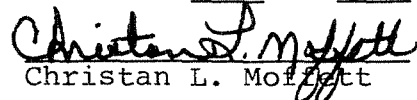
We accept the Stipulation and Proposal For Settlement entered into between the parties. Although the penalty is low, the fact that all emissions have ceased is an important factor in accepting the Stipulation and the \$3,500 penalty. Second, where parties have reached an agreement at arms length and no members of the public have raised any opposition to the Stipulation and Proposal For Settlement, we are inclined to accept the penalty unless the amount is unreasonably low.

This constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that Respondent pay a penalty of \$3,500 for its violations of the Act and regulations established in this Opinion. Payment shall be by certified check or money order payable to the State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706. Payment shall be made within 35 days of the adoption of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of September, 1974, by a vote of 5 to 0.


Christan L. Moffett