

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1977

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. WILLIAM J. SCOTT, ATTORNEY)
GENERAL OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
)
v.) PCB 74-410
)
)
PHILADELPHIA QUARTZ COMPANY,)
a Pennsylvania corporation,)
)
Respondent.)

MR. JAMES K. JENKS, II, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
MR. FRED C. PRILLMAN, OF MOHAN, ALEWELT AND PRILLMAN, APPEARED ON BEHALF OF RESPONDENT.

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

On October 30, 1974 the Attorney General for the People of the State of Illinois filed a Complaint against Philadelphia Quartz Company (P.Q.) alleging that contaminants emitted as a result of Respondent's manufacturing process violate Section 9(a) of the Environmental Protection Act (Act), by causing or allowing air pollution as that term is defined in Section 3(b) of the Act. Four hearings were held. The first, held September 11, 1975, concerned negotiations that were taking place. Two later hearings recorded pre-trial activity. At the final hearing on June 2, 1977 at LaSalle County Courthouse in Ottawa, the parties submitted a Stipulation and Proposed Settlement which was entered into the record and forms the basis of this Opinion and Order. It is hereby incorporated by reference as if fully set forth herein.

P.Q. is a manufacturing facility in Utica producing sodium silicate which is used in industry in the production, for example, of adhesives and detergents. The production process utilizes sand, soda ash (sodium carbonate), caustic soda, and water and includes

unloading, storing, mixing, concentrating, and transporting these materials on the site. P.Q. is located in an industrial area. To the west and south a trailer court has developed.

During the spring and summer of 1974 the Environmental Protection Agency, the Attorney General's Office and other officials received complaints from Utica residents. A dust, reported originating from P.Q., settled onto autos and trailers, was difficult to remove, and damaged the surface of the property touched. Prior to this time, P.Q. had received no complaints. Stack tests conducted prior to 1974 showed no malfunctions. A baghouse and demister were installed in August, 1974 to control emissions from the stack used in the metso-bead process, thought to be the source of the damaging dust. After commencement of this action, P.Q. conducted further stack tests, hired an independent consultant to inspect the plant and recommend further control devices, and implemented the recommended program consisting of activities and equipment designed to reduce the emissions from P.Q.'s Utica plant. Results of the tests show P.Q. in compliance with the numerical emission limitations of Chapter 2, Air Pollution Regulations. P.Q. alleges that the damaging emissions in question here could have been the result of a malfunction, though after several investigations, the actual cause was not determined.

The Board agrees with the parties that the People of the State of Illinois are best served by the resolution of the subject enforcement action under the terms and conditions provided in the Stipulation and Proposed Settlement. On the basis of the Stipulation, the Board finds Philadelphia Quartz Company violated Section 9(a) of the Environmental Protection Act in that contaminants as defined in Section 3(d) of the Act were emitted from its facility producing sodium silicate so as to cause air pollution as defined in Section 3(b) of the Act.

The Board accepts the terms of the Proposed Settlement and orders P.Q. to comply with the conditions therein (Stipulation, p.14, paragraph 22) which establish a scheme to keep the Attorney General's Office fully aware of P.Q.'s compliance with its contaminant reduction program.

Complainant has requested no penalty. The Board agrees no penalty should be assessed here. In view of P.Q.'s good faith efforts to control emissions made prior to commencement of this action and its compliance program, which included installation of two scrubbers (at \$60,000 each) and two demister pads (another \$27,000) intended to eliminate any further air pollution violations, the Board will assess no penalty in this case.


This Opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

1. Philadelphia Quartz Company is hereby found to have violated Section 9(a) of the Environmental Protection Act through the emission of contaminants causing air pollution.
2. Philadelphia Quartz is ordered to continue its compliance program and comply with the terms of the Settlement Proposal. The entire Stipulation and Proposed Settlement is hereby incorporated by reference as if set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of August, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board