

ILLINOIS POLLUTION CONTROL BOARD
April 26, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-183
)
HULCHER EMERGENCY SERVICE, INC.,)
)
 Respondent.)

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

The Environmental Protection Agency filed a Complaint against Hulcher Emergency Service, Inc. (Hulcher) on July 13, 1978. The Complaint alleged that Hulcher had violated Sections 9(a) and 9(c) of the Environmental Protection Act (Act) and Rule 502 of the Board's Air Pollution Regulations (Chapter 2 of the Board's Rules and Regulations). A hearing was held in this matter on January 22, 1979, in Edwardsville, Illinois. No members of the public attended. At the hearing, the parties presented a Stipulation and Proposal for Settlement (Stipulation).

Hulcher is engaged in the business of providing emergency services to railroads and industry. The major portion of the company's business is train derailment service, consisting of the clearing of railroad rights-of-way after derailments, wrecks or other mishaps. Hulcher also offers ancillary services, including a salvage and cut-up service, which constitutes less than 1-1/2% of Hulcher's total business.

On March 3, 1978, twenty-three cars of an Illinois Terminal Railroad train derailed near the city of Collinsville in Madison County, Illinois. Hulcher contracted with the Illinois Terminal Railroad for the removal of five of these cars which were damaged beyond repair. Boxcars of the type involved here contain approximately 2,000 pounds of wooden lining inside the steel shell. In salvage operations of this type, the steel shell of the wrecked boxcar is normally cut with acetylene torches so that the wreckage can be hauled away. The Stipulation indicates that cutting the shell with torches almost always results in the wood lining catching fire and burning, at which point the crew moves on to the next car until the wood in the previous car stops

burning. The Stipulation indicates that the only alternative to this procedure is to remove the wood linings by hand prior to cutting the steel shell.

On March 13, 1978, the wood lining of each of the five derailed cars involved here was set on fire by an acetylene torch, apparently by the foreman of the crew assigned to this salvage operation. The burning of the five cars ceased by approximately 11:00 a.m. on March 14, 1978. The foreman notified the Collinsville Fire Department of the likelihood of a fire occurring on the wrecked cars. The foreman indicated to Agency personnel that the fires were started by the use of an acetylene torch prior to the beginning of the cut-up operations on the morning of March 14, 1978.

The burning of the lining of these cars resulted in the emission of large quantities of smoke containing high levels of particulate matter, carbon monoxide, hydrocarbons and nitrogen oxides. Some complaints were received at the local Agency office concerning the smoke.

The parties stipulate and the Board finds that Hulcher caused or allowed the violations alleged in the Complaint. In response to a Notice of Violation sent to Hulcher by the Agency on April 10, 1978 concerning the fire, Hulcher on April 12, 1978 directed its crews to strip out by hand any wood linings before torch cutting begins. Hulcher agrees to adhere to that procedure in the future. Hulcher furthermore agrees to pay a penalty of \$1,000 for the violations found herein. Having considered the factors outlined in Section 33(c) of the Act, the Board finds that a \$1,000 penalty is reasonable and that the Proposal for Settlement will adequately protect the public from further violations.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

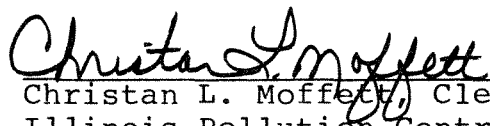
ORDER

It is the Order of the Pollution Control Board that:

1. Hulcher Emergency Services, Inc., violated Sections 9(a) and 9(c) of the Act and Rule 502 of the Air Pollution Regulations;
2. In all future salvage and cut-up operations involving torch-cutting of wood-lined boxcars, Hulcher shall strip the wood out before any cutting with a torch begins;
3. Hulcher shall pay a penalty of \$1,000 for the violations found herein, penalty payment by check

or money order to be made within 35 days of the date of this Order to: Fiscal Services Division, Illinois 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 were adopted on the 26th day of April, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board