

ILLINOIS POLLUTION CONTROL BOARD

September 4, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
Complainant, )  
 )  
v. ) PCB 74-140  
 )  
WESTERN PIECE DYERS AND FINISHERS, )  
Inc., )  
Respondent. )

Mr. Michael A. Benedetto, Jr., Assistant Attorney General,  
for Complainant.  
Mr. Joseph B. Crowley and Thomas L. Brejcha, Jr., attorneys  
for the Respondent.

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

On August 29, 1974, the Environmental Protection Agency (Agency) filed a complaint against Western Piece Dyers and Finishers, Inc. (Western). Western owns and operates a cloth-finishing facility, consisting in part of a nonpermanent flameproofing operation and a permanent flameproofing operation, located at 7033 South Chicago Avenue, Chicago, Illinois. The complaint alleged that on or about July 1, 1970, and continuing each day of operation until the filing of the complaint, Western operated its facilities in such a manner as to cause, or allow the discharge of formaldehyde and hydrogen chloride into the ambient atmosphere so as to cause or tend to cause air pollution in Illinois, in violation of Section 9(a) of the Illinois Environmental Protection Act (Act). [Ill. Rev. Stat., ch. 111-1/2, Sect. 1009(a)(1973)]. The complaint further alleged that these contaminants, in the form of odors, were of sufficient quantities, characteristics, and duration, so as to be injurious to human, plant or animal life, to health or to property or unreasonably interfere with the enjoyment of life or property. It is charged that citizens residing or working near Western's facility were forced on various occasions to: cease or avoid outdoor activities, leave their homes and property, and attempt to seal their homes to reduce exposure to the odors. In addition the complaint alleges these odors also cause watering of the eyes, nausea and burning nasal membranes. All of the above actions constitute air pollution as defined by Section 3(b) of the Act. Last of all, the complaint alleged the operation of equipment without an operating permit in violation of Rule 103(b)(2) of Chapter 2, Part I of the Air Regulations, and

Section 9(b) of the Act. A Stipulation of Facts and Settlement Proposal was filed in this action on July 21, 1975.

Western is a Delaware Corporation registered to do business under the Laws of the State of Illinois. The plant consists of a single building located in a mixed commercial, light industry, and residential area. The area is in proximity to South Chicago Avenue, a major thoroughfare, Cottage Grove Avenue, East 69th Place, and the main line of the Penn Central Railroad.

Western conducts five types of cloth and fabric processing: 1) Simple washing and drying; 2) Washing, dyeing and drying; 3) Sanforizing and drying; 4) Nonpermanent flameproofing; and 5) Permanent flameproofing. This fifth process produces the emissions in question.

When various materials are heat-cured in the permanent flameproofing drying and curing process, resin is bound into the fabric and formaldehyde and hydrochloric acid are emitted. Western has, since 1968, attempted to control its emissions from the permanent flameproofing process through the installation and subsequent modification of an "Amacin" scrubber unit and packed tower-type of scrubber. As of March 15, 1975, Western has employed a process method utilizing di-sodium hydrogen phosphate to reduce formaldehyde emissions.

Western stipulates that in May, 1973, it applied for and was granted an operating permit for its boilers. Western believed this action fulfilled its obligations under the Act. However, in May, 1973, Western was advised as to the need for an operating permit for its emission sources and abatement equipment. (Stip. 10) Western submitted an application on May 17, 1974. The application was denied pending resolution of the instant case.

Western has stipulated, for the purpose of settlement, that it has violated Section 9(a) of the Act by causing air pollution as defined in Section 3(b) of the Act; and that it operated its plant without an Agency issued operating permit in violation of Rule 103(b)(2) of the Air Regulations and thus, Section 9(b) of the Act.

The Compliance plan set forth in the Proposal for Settlement is reasonable and should abate Western's odor problem. The basics of the Stipulated Settlement are:

1. Western agrees to pay a penalty of \$5,000 for the violations admitted.

2. Within 60 days of the Board Order date, Western shall increase its stack height to 68 feet and increase the efficiency of its UAS scrubber.

3. Within 60 days of the completion of the actions listed in #2, Western shall perform a stack test on formaldehyde emissions. If emissions exceed a level of 7 ppm, additional work will be performed within 60 days after receipt of initial test results. Upon completion of this work the emissions level will be retested.

4. Western shall conduct a periodic maintenance program on its building and scrubber.

5. Western shall cease its permanent flameproofing operation upon any breakdown or serious malfunction of its scrubber and immediately notify the Agency. Operations will not recommence until proper repairs are made.

6. Within 30 days of the Board Order Western shall apply for an operating permit on its scrubber and an "as built" construction permit on its stack.

The Board, herewith, incorporates by reference the compliance plan contained in the Stipulation of Fact and Proposal for Settlement of July 21, 1975, as though fully set forth herein.

Prior to the settlement proposal, both parties, by agreement, presented testimony of citizens residing in the area of the facility. This testimony went solely to the issues of the existence of the odors and whether Western was the source. No expert or technical testimony was presented.

Fourteen witnesses testified in behalf of Western. Their testimony, concisely stated, was that there is no odor coming from the facility. The witnesses stated that the atmosphere around Western's plant did not produce nausea, watering of the eyes, or other symptoms of physical discomfort. William Weinberg, owner of "Bill's Shade and Blinds", a light industry located 150-200 feet from Western's facility testified that he keeps all his doors and windows open in the summertime (R.908) and that he has not noticed any offensive odors coming from Western (R. 910).

Thirteen witnesses testified as to the presence of an offensive odor. It was described by Mr. John Rose as "acrid" and, "...so offensive, that it's something from which you

wish to run and remove yourself from." (R.41). Others described the odor as a sewer-like gas, like strong garlic, formaldehyde, chemical, pungent and bitter. (R. 112, 381, 640, 205, 243). The witnesses stated the odor produced an uncomfortable, nauseating sensation, sometimes accompanied by watering of the eyes, and irritation to the nose (R. 113, 218, 529). There were statements to the effect that these odors forced residents to withdraw from their yards into their homes and close the windows in an attempt to escape. (R.122, 218, 421). A good deal of testimony dealt with specific dates since 1970 in which the odor was present, the bulk of which indicating the odor was present on a weekly basis since 1970.

In reaching a decision, the Board must also consider the requirements of Section 33(c) of the Act. The record of this case goes only to character and degree of injury and to a minor degree, to the question of priority of location. However, Western has stipulated its admission of a 9(a) violation as being made based on the four criteria of 33(c), i.e., degree of injury, social and economic value of the facility, area suitability, and technical practicability--economic reasonableness of reducing emissions.

The Board finds that the Respondent, Western Piece Dyers and Finishers, violated both Section 9(a) and (b) of the Act and Rule 103(b)(2) of Chapter 2, Part I of the Air Regulations and that the record supports the penalty of \$5,000 stipulated by the parties.

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

#### ORDER

It is the Order of the Pollution Control Board that:

1. Western Piece Dyers and Finishers, Inc., at 7033 South Chicago Avenue, Chicago, Illinois, is found to have violated Section 9(a) and (b) of the Environmental Protection Act, and Rule 103(b)(2) of Chapter 2, Part I of the Air Regulations.

2. Western Piece Dyers and Finishers shall pay a penalty of \$5,000 for said violations. Payment shall be by certified check or money order made payable to the State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois. Payment shall be tendered within 35 days of the adoption of this Order.

3. Western Piece Dyers and Finishers shall cease and desist from further violations of Section 9(a) and (b) of the Environmental Protection Act, and Rule 103(b)(2) of Chapter 2, Part I of the Air Regulations, by taking the following actions, set forth in detail in the incorporated Settlement Agreement of July 21, 1975:

a. Upon adoption of this Order by the Board, Western shall, as to its scrubber, complete within sixty (60) days of the Order date, those measures set forth in Section 1(a) and (b) of the Settlement Agreement.

b. Upon completion of the measures set forth in paragraph a above, Western shall, within sixty (60) days thereof, perform a stack test, as prescribed in Section 2 of the Settlement Agreement. Additional work, if required, shall be performed within 60 days after receipt of initial test results. On completion of such work, the level of emissions will be retested as prescribed in Section 2.

c. Western shall conduct a program of periodic maintenance with respect to its building and scrubber as set forth in Sections 3, 4, and 5 of the Settlement Agreement.

d. Western shall cease its permanent flameproofing process upon any breakdown or serious operating malfunction of its scrubber and immediately notify the Agency of this occurrence. Said operations will not commence again until adequate steps have been taken to ensure proper operating efficiency.

e. Within 30 days after adoption of this Order, Western shall submit applications for an air pollution operating permit for its scrubber and "as built" construction permits for the stack work.

The limits set by this Order are in no way precedential insofar as future Board actions are concerned.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4<sup>th</sup> day of September 1975 by a vote of 4-0.

  
Christian L. Moffett, Clerk  
Illinois Pollution Control Board