

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIDESBURG CIVIC COUNCIL; : CIVIL ACTION
ANN PAWLOSKI and STANLEY PAWLOSKI :
individually and in behalf of their minor :
children KIMBERLY, KAREN and STANLEY, :
JR. as parents and guardians; :
ELEANOR MORLOCK; :
ALANA STAATS and MICHAEL STAATS :
individually and in behalf of their minor :
children MARK and DANA as parents and :
guardians; :
MAUREEN KUMOSINSKI and ROBERT KUMOSINSKI :
individually and in behalf of their minor children :
MICHAEL and LINDA as parents and guardians; :
KATHLEEN COPPOLA and JAMES COPPOLA :
individually and in behalf of their minor children :
DENEEN and KRISTY as parents and guardians; :
FAITH D'AMICO and DOMINIC D'AMICO; :
AMEY E. HOWARD; :
THOMAS DONNELLY; :
KATHERINE COPPOLA; :
ANNA OMROD and CHARLES OMROD; :
VIOLA WARDEN and RANDALL WARDEN; :
M. SANNUTI; :
L. HAGENDORF and HARRY HAGENDORF :
individually and in behalf of their minor children :
JEAN and LOUISE as parents and guardians, :

Plaintiffs :

v. :

PHILADELPHIA COKE CO., INC. :

and :

DOUGLAS M. COSTLE, ADMINISTRATOR :
United States Environmental Protection Agency :

and :

LEWIS D. POLK, ACTING HEALTH COMMISSIONER :
Philadelphia Department of Public Health, :

Defendants :

NO.

COMPLAINT

79-3917
79-3917

Preliminary Statement

This is a citizens' action against the Philadelphia Coke Co., Inc. to enjoin the defendant from continued violations of the federal Clean Air Act.

The Philadelphia Coke Co. manufactures coke and coke oven by-products at its extensive facilities in the Bridesburg section of Philadelphia. Coke is manufactured by distilling coal in air-free ovens at about 2000°F for approximately 30 hours. During this "coking" process about one-third of the original coal material is distilled out leaving a high carbon content material called "coke".

The material distilled out of the coal contains numerous chemical substances which are processed into commercial chemicals. The distilled substances are supposed to be contained within the ovens and be piped to the processing facilities, but a considerable amount escape into the ambient air of the community during various phases of the manufacturing process. The emissions which escape into the community air contain foul and nauseating substances such as hydrogen sulfide; particulate matter such as "coke breeze" which infiltrates people's homes; toxic chemicals such as carbon monoxide, ammonia and ethylene; and carcinogenic chemicals such as benzo(a)pyrene and benzene. Persons exposed to these emissions are placed in greater risk of suffering respiratory diseases such as bronchitis and emphysema, and they are also put in greater risk of developing cancer.*

Because coke oven emissions are so inimical to human health, government agencies have promulgated special regulations to severely limit the amount of these emissions permitted to escape into the ambient air. These regulations provide detailed descriptions of how coke oven facilities are to

*See Occupational Safety and Health Administration, Exposure to Coke Oven Emissions, 41 Fed. Reg. 46744 (Oct. 22, 1976).

be operated and maintained. The Occupational Safety and Health Administration (OSHA) recognizes coke oven emissions to be carcinogenic and has established a special regulation to protect workers from excessive exposure to coke oven emissions. 29 C.F.R. Section 1910.1029. The Pennsylvania Environmental Quality Board has promulgated special air emission standards to restrict coke oven emissions into the ambient air of the community, 25 Pa. Code Sections 123.44, 129.15, in order to protect the general community from excessive exposure. When these special coke oven emission standards were adopted, the Pa. Environmental Quality Board stated:

The regulations ... are intended to require the maximum reduction of such emissions achievable at existing [coke oven] batteries by the installation and operation of the best available control technology. Such degree of control is necessary in order to attain and maintain national ambient air quality standards and to achieve the least possible exposure to carcinogens emitted from coke oven batteries in air basins where coke batteries are located. (Emphasis added).

7 Pa. Bulletin 2251 (No. 33, Aug. 13, 1977).

Despite the well known health hazards of coke oven emissions, Philadelphia Coke Co. has operated its facilities in a manner causing excessive amounts of coke oven emissions to pollute the community air resources. These polluting emissions have been and continue to be in violation of federal, state and local air emission standards. The conduct of Philadelphia Coke Co. has adversely affected the health, happiness, property and other rights of the plaintiffs and other members of the community.

Despite the continuing violations by Philadelphia Coke Co., the federal, state and local enforcement agencies have been ineffective in preventing the company from continuing its unlawful activities. In the light of this governmental laxity the plaintiffs, residents of the community surrounding Philadelphia Coke Co. facilities, herewith are exercising their statutory rights to act as private attorneys general and are instituting a citizens' lawsuit under the federal Clean Air Act, 42 U.S.C. Section 7401, et seq., for the purpose,

inter alia, of:

- (1) Enjoining Philadelphia Coke Co., Inc. from operating its facilities in a manner which violates the applicable air emission standards;
- (2) Enjoining the Administrator of the U.S. Environmental Protection Agency to fulfill his non-discretionary mandate to enforce the federal air emission standards with respect to Philadelphia Coke Co., Inc.; and
- (3) Enjoining the Acting Health Commissioner of the Philadelphia Department of Public Health to effectively and diligently enforce all air emission standards with respect to Philadelphia Coke Co., Inc.

Jurisdiction

1. This is a citizens' enforcement action under the Clean Air Act of 1970, as amended, 42 U.S.C. Section 7401, et seq., for declaratory and injunctive relief and for damages against the defendants for violations of the Clean Air Act and for violations of the laws of the Commonwealth of Pennsylvania and the laws of the City of Philadelphia with respect to air emissions.

2. The amount in controversy, exclusive of interest and costs, exceeds Ten Thousand Dollars (\$10,000) for each plaintiff.

3. The jurisdiction of this Court is invoked under 42 U.S.C. Section 7604, 28 U.S.C. Section 1331, 28 U.S.C. Section 1337. Jurisdiction of claims based on the laws of the Commonwealth of Pennsylvania and the City of Philadelphia exists by virtue of the doctrine of pendent jurisdiction.

4. Monetary damages alone are inadequate; the plaintiffs have been suffering and continue to suffer irreparable harm from the actions, policies

and procedures of the defendants. Accordingly, injunctive relief is necessary.

Venue

5. All of the acts which give rise to this action have occurred and continue to occur in the City of Philadelphia, and therefore venue properly lies in this Court pursuant to Section 304(c)(1), Clean Air Act, 42 U.S.C. Section 7604(c)(1).

Conditions Precedent

6. On August 13, 1979, plaintiffs transmitted the requisite sixty (60) day notice letters to the Philadelphia Coke Co., Inc.; Administrator, E. P. A.; Governor Richard T. Thornburgh of the Commonwealth of Pennsylvania; the Philadelphia Department of Public Health; Mayor Frank L. Rizzo of the City of Philadelphia; and Edward C. Biester, the Attorney General of the Commonwealth of Pennsylvania in accordance with the requirements of Section 304(b)(1)(A), Clean Air Act, 42 U.S.C. Section 7604(b)(1)(A), and regulation 40 C.F.R. Section 54.1, et seq. (Copies of Notice Letters are attached as Exhibit A1-A4).

7. Neither the federal, state nor local air emission enforcement agencies have undertaken a civil action in a federal or state court to require the Philadelphia Coke Co., Inc., to comply with the federal air emission standards, and more than sixty (60) days have passed since plaintiffs transmitted the Prior Notice Letters. Section 304(b)(2), Clean Air Act, 42 U.S.C. Section 7604(b)(2).

Parties

8. The plaintiff Bridesburg Civic Council (hereinafter "Council") is an unincorporated association of persons living in the vicinity of the Philadelphia Coke Co. facilities. The members of the Council have joined together to abate the air pollution problems in their community which have

adversely affected them for many years and which continue to adversely affect them. The Council has held numerous meetings and has met with local industrial executives and with officials of the Air Management Services division of the Philadelphia Department of Public Health. The Council has established a Bridesburg Pollution Patrol which reports air emission violations to the Air Management Services. The chairperson of the Council is Stanley Pawloski of 4456 Garden Street, Philadelphia. Regular meetings of the Council are held at 4484 Garden Street, Philadelphia, Pa., which is the home of Dominic and Faith D'Amico.

9. The individual plaintiffs have each suffered from the air polluting emissions of the Philadelphia Coke Co., Inc. The individual plaintiffs are:

- (a) ANN PAWLOSKI and STANLEY PAWLOSKI individually and in behalf of their minor children KIMBERLY, KAREN and STANLEY, JR., as parents and guardians, all residing at 4456 Garden Street, Philadelphia, Pa.
- (b) ELEANOR MORLOCK residing at 3979 Richmond Street, Philadelphia, Pa.
- (c) ALANA STAATS and MICHAEL STAATS individually and in behalf of their minor children MARK and DANA, as parents and guardians, all residing at 4454 Garden Street, Philadelphia, Pa.
- (d) MAUREEN KUMOSINSKI and ROBERT KUMOSINSKI individually and in behalf of their minor children LINDA and MICHAEL, as parents and guardians, all residing at 4462 Garden Street, Philadelphia, Pa.
- (e) KATHLEEN COPPOLA and JAMES COPPOLA individually and in behalf of their minor children DENEEN and KRISTY, as parents and guardians, all residing at

3964 Richmond Street, Philadelphia, Pa.

- (f) FAITH D'AMICO and DOMINIC D'AMICO residing at 4484 Garden Street, Philadelphia, Pa.
- (g) AMEY E. HOWARD residing at 3919 Richmond Street, Philadelphia, Pa.
- (h) THOMAS DONNELLY residing at 4452 Garden Street, Philadelphia, Pa.
- (i) KATHERINE COPPOLA residing at 4005 Richmond Street, Philadelphia, Pa.
- (j) ANNA OMROD and CHARLES OMROD residing at 3901 Richmond Street, Philadelphia, Pa.
- (k) VIOLA WARDEN and RANDALL WARDEN residing at 2716 East Luzerne Street, Philadelphia, Pa.
- (l) M. SANNUTI residing at 3909 Richmond Street, Philadelphia, Pa.
- (m) L. HAGENDORF and HARRY HAGENDORF individually and in behalf of their minor children JEAN and LOUISE, as parents and guardians, all residing at 3958 Richmond Street, Philadelphia, Pa.

10. The defendant Philadelphia Coke Co., Inc. is a corporation organized under the Laws of Delaware. Its principal place of business is located at 4501 Richmond Street, Philadelphia, Pa., where it operates a battery of 74 by-product coke ovens on a 68-acre site which includes dock facilities on the Delaware River for receiving and shipping. The Philadelphia Coke Co. employs approximately 200 workers and produces approximately 330,000 tons of coke per year at its Philadelphia facilities. Annual sales are about \$35,000,000.

The Philadelphia Coke Co. is a subsidiary of Eastern Gas and Fuel Associates, a holding company incorporated in Massachusetts which has annual

sales of approximately \$700,000,000.

11. Defendant DOUGLAS M. COSTLE is sued in his capacity as the Administrator of the United States Environmental Protection Agency with offices located at 401 "M" Street, N.W., Washington, D.C. 20460.

12. Defendant LEWIS D. POLK is sued in his capacity as the Acting Health Commissioner of the Philadelphia Department of Public Health with offices at 500 South Broad Street, Philadelphia, Pa. Air Management Services is a division of the Department of Public Health and is the City's enforcement agent for the air emission standards.

Facts

13. The defendant Philadelphia Coke Co. has operated and continues to operate its coke and coke by-product facilities in a manner which results in the emission of air pollutants into the ambient air of the community such as particulates, ammonia, benzene, benzo(a)pyrene, other ingredients of coke oven emissions and malodorous substances.

14. Philadelphia Coke Co. emits about 2,000 tons of pollutants per year into the ambient air of the community which establishes Philadelphia Coke Co. as a "major stationary source" of air pollutants under Section 302(j), Clean Air Act, 42 U.S.C. Section 7602(j).

15. Since January 1, 1979, Air Management Services has received over seventy (70) complaints from citizens alleging unlawful air emissions from the Philadelphia Coke Co. facilities.

16. Since January 1, 1979, Air Management Services has cited Philadelphia Coke Co. for air emission violations on more than twenty (20) occasions. Since January 1, 1979, Air Management Services has brought Philadelphia Coke Co. to Philadelphia's Municipal Court on five (5) occasions covering thirteen (13) citations and Philadelphia Coke Co. has been declared guilty in twelve (12) cases.

17. On information and belief Philadelphia Coke Co. has violated the air emission standards on many occasions which did not result in Air Management Service citations. Philadelphia Coke Co. operates continuously, on a 24-hour, 7-day per week basis. Many of the violations occur between 4:00 p.m. and 12:00 midnight, when Air Management Services has only one inspector for the entire City of Philadelphia, or they occur between 12:00 midnight and 8:00 a.m., when Air Management has no inspectors on duty but has one inspector available on standby call. Some violations go uncited by Air Management Services because inspectors do not arrive at the scene until a substantial time after Air Management has received the citizen complaint.

18. Philadelphia Coke Co.'s air polluting emissions include toxic chemicals and carcinogenic chemicals which are hazardous to plaintiffs' health and have caused or are threatening to cause serious medical injury to the plaintiffs.

Count I

Federal Claims Against
Philadelphia Coke Co.

Plaintiffs reallege paragraphs 1 through 18 inclusive and further allege:

19. The air emission standards of federal law which are applicable to Philadelphia Coke Co. are the air emission standards contained in the Pennsylvania State Implementation Plan (hereinafter "Pa. S.I.P.") as approved by the Administrator, E.P.A., 40 CFR 52.2020 et seq.

20. The Pa. S.I.P. includes the Air Management Regulations of the Air Pollution Control Board of the City of Philadelphia (hereinafter "Air Management Regulations").

21. Philadelphia Coke Co. has violated and continues to violate the following Air Management Regulations:

- (a) Regulation I, Section I(A)(25) - Odors
- (b) Regulation I, Section X
- (c) Regulation II, Section IV - Visible Emissions
- (d) Regulation II, Section VII - Particulate Emissions
- (e) Regulation II, Section VIII - Fugitive Dust

22. Pa. S. I. P. includes the Air Pollution Rules adopted by the Pennsylvania Environmental Quality Board (hereinafter "Pa. Pollution Rules").

23. Philadelphia Coke Co. has violated and continues to violate the following Pa. Pollution Rules:

- (a) 25 Pa. Code Section 123.21 - Odors
- (b) 25 Pa. Code Section 123.44 - Coke Oven Battery Visible Emissions
- (c) 25 Pa. Code Section 129.15 - Coke Pushing Operation

24. The violations by Philadelphia Coke Co. of the emission standards of the Air Management Regulations and of the Pa. Pollution Rules constitute a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq.

25. On May 25, 1978, Air Management Services granted Philadelphia Coke Co. a delayed compliance Order in regard to coke oven emission standards, 25 Pa. Code Section 123.44, and pushing operation enclosures, 25 Pa. Code Section 129.15. (See Exhibit B-1 through B-6 inclusive).

26. The May 25, 1978 delayed compliance Order has not been approved by the Administrator of E. P. A. and therefore has no effect on the federal air emission standard, 40 C. F. R. Section 52.2020 et seq.; see Section 110, Clean Air Act, 42 U.S.C. Section 7410.

Count II

State Law Claims Against Philadelphia Coke Co.

Plaintiffs reallege paragraphs 1 through 26 inclusive and further allege:

27. The Air Management Regulations have been promulgated pursuant to the Air Management Code of the City of Philadelphia, Title 3; and the Pa. Pollution Rules have been promulgated pursuant to the Pa. Air Pollution Control Act, 35 P.S. Section 4001 et seq.

28. The Air Management Service delayed compliance Order of May 25, 1978, though not effective with respect to federal law, is effective with respect to state and city law. The order establishes a time schedule for compliance with respect to the institution of certain operating and maintenance procedures for coke ovens and a time schedule for the design and installation of an enclosure system for the coke pushing operation.

29. The Philadelphia Coke Co. quarterly report to Air Management Services dated April 18, 1979 (see Exhibit C-1 through C-5 inclusive) admits that Philadelphia Coke Co. failed to meet the time schedule of the Order during the period January 1 through March 31, 1979.

30. On information and belief the Philadelphia Coke Co. reports for the quarterly periods ending June 30, 1979 and September 30, 1979 indicate that the Philadelphia Coke Co. failed to meet the time schedule of the compliance Order.

31. Philadelphia Coke Co.'s violations of the Air Management Regulations and the Pa. Pollution Rules and the May 25, 1978 delayed compliance Order constitute violations of Pa. Air Pollution Control Act, 35 P.S. Section 4001 et seq. and of the Philadelphia Air Management Code, Title 3.

32. Philadelphia Coke Co.'s air polluting emissions have caused and are continuing to cause plaintiffs to suffer numerous injuries including:

- (a) Loss in the value of their property
- (b) Increased utility costs
- (c) Increased maintenance costs for real and personal property
- (d) Loss of health and life expectancy
- (e) Increased cost for medical care
- (f) Loss of use and personal enjoyment of their property
- (g) Pain, suffering and anxiety

33. Philadelphia Coke Co.'s failure to comply with the time schedule requirements of the May 25, 1978 delayed compliance Order and its failure to correct the conditions producing repeated violations of air emission standards which are not affected by the delayed compliance Order indicate that Philadelphia Coke Co.'s conduct has been willful, intentional and malicious.

34. Philadelphia Coke Co.'s air polluting emissions are a serious private nuisance to each of the plaintiffs, and they also constitute a trespass onto the property of the plaintiffs, all in violation of Pennsylvania law.

Count III

Douglas M. Costle, Administrator, E. P. A.'s Violation of Federal Law

Plaintiffs reallege paragraphs 1 through 26 inclusive and further allege:

35. The Administrator, E. P. A., found the Philadelphia Coke Co. to be in violation of the Pa. S. I. P. in E. P. A.'s "Quick Look Report" dated January 24, 1979 and August 16, 1979.

36. The Administrator, E. P. A., has a non-discretionary duty to notify Philadelphia Coke Co. that E. P. A. has found it in violation of the Pa. S. I. P., Section 113(a)(1), Clean Air Act, 42 U. S. C. Section 7413(a)(1).

37. The Administrator, E. P. A., has not notified Philadelphia Coke Co. that it has been found in violation of the Pa. S. I. P., and therefore the Administrator, E. P. A., is in violation of the Clean Air Act, 42 U. S. C. Section 7401 et seq.

38. The Administrator, E. P. A., has a non-discretionary duty to institute a civil action against Philadelphia Coke Co. for an injunction and for recovery of civil penalties up to \$25,000 per day because Philadelphia Coke Co. is violating the Pa. S. I. P. and it is a "major stationary source" of pollution emissions. Section 113(b)(2)(B), Clean Air Act, 42 U. S. C. Section 7413(b)(2)(B).

39. The Administrator, E. P. A., has failed to institute a civil action against the Philadelphia Coke Co., and therefore he has violated the Clean Air Act, 42 U.S.C. Section 7401 et seq.

40. The failure of the Administrator, E. P. A., to issue a notice of violation to Philadelphia Coke Co. and his failure to institute a civil action against Philadelphia Coke Co. is an abuse of discretion and is arbitrary and capricious.

41. The failure of the Administrator, E. P. A., to abate the air emission violations of Philadelphia Coke Co. has injured the health, happiness and property rights of the plaintiffs.

Count IV

Lewis D. Polk, Acting Health Commissioner
Philadelphia Department of Public Health's
Violations of Law

Plaintiffs reallege paragraphs 1 through 34 inclusive and further allege:

40. Despite the repeated air emission violations of Philadelphia Coke Co., the only enforcement action undertaken by Air Management Services has been through civil actions in Philadelphia Municipal Court under Section 3-103(5) of the Air Management Code of Philadelphia. These actions are restricted to the assessment of fines for past violations.

41. Air Management Services has not brought any civil action to enjoin Philadelphia Coke Co. from continuing to violate the air emission standards which is available through a civil action in Common Pleas Court of Pennsylvania as provided under Section 3-103(2)(b) of the Air Management Code of Philadelphia.

42. Air Management Services has failed to effectively and diligently enforce the air emission standards which it is required to do under the Pa. S. I. P., 40 C. F. R. Section 52.2020 et seq.; the Clean Air Act, 42 U.S.C. Section 7401 et seq.; the Pa. Air Pollution Control Act, 35 P.S. Section

4001 et seq.; and the Air Management Code of Philadelphia, Section 3-304.

43. The failure of Air Management Services to effectively and diligently enforce the air emission standards with respect to Philadelphia Coke Co. has injured the health, happiness and property rights of the plaintiffs.

Relief

WHEREFORE, plaintiffs respectfully request this Court grant the following relief:

44. With respect to the defendant Philadelphia Coke Co., Inc.:

(a) Declare Philadelphia Coke Co., Inc. in violation of the Pa.

S.I.P., 40 C.F.R. Section 52.2020 et seq.; the Clean Air Act,

42 U.S.C. Section 7401 et seq.; the Pa. Air Pollution Control

Act, 35 P.S. Section 4001 et seq.; and the Air Management Code of the City of Philadelphia, Title 3.

(b) Enjoin the Philadelphia Coke Co., Inc. from operating its facilities in a manner which results in the emission of air pollutants in violation of the Pa. S.I.P.

(c) Impose a Civil Penalty (not to exceed \$10,000) in accordance with the Pa. Air Pollution Control Act, 35 P.S. Section 4010(f) and 35 P.S. Section 4009.1.

(d) Award each plaintiff compensatory and punitive damages in excess of \$10,000, exclusive of costs and interest.

(e) Order Philadelphia Coke Co., Inc. to monitor all stack, vent and coke oven emissions on a daily basis and furnish copies of these monitoring reports to plaintiffs. Monitoring shall include qualitative and quantitative analysis for all substances subject to primary and secondary ambient air quality standards, Section 109, Clean Air Act, 42 U.S.C. Section 7409; and for all substances listed by the Administrator, E.P.A., as a hazardous air pollutant, Section 112, Clean Air Act, 42 U.S.C. Section 7412.

(f) Order Philadelphia Coke Co., Inc. to pay the cost of maintaining qualified independent monitoring inspectors during the hours from 4:00 p.m. to 8:00 a.m. the following day.

(g) Order Philadelphia Coke Co., Inc. to establish and pay the costs for an early detection medical screening program for the plaintiffs and for other persons living in the vicinity of the Philadelphia Coke Co., Inc. facilities.

(h) Award plaintiffs costs of litigation including reasonable witness fees and reasonable attorney fees as per Section 304(d), Clean Air Act, 42 U.S.C. Section 7604(d).

(i) Award such other relief as the Court deems appropriate.

45. With respect to the defendant Douglas M. Costle, Administrator of the United States Environmental Protection Agency:

(a) Declare the Administrator, E.P.A., to be in violation of Section 113, Clean Air Act, 42 U.S.C. Section 7413, for his failure to fulfill his non-discretionary duties to notify Philadelphia Coke Co. that it is in violation of the Pa. S.I.P. and to bring a civil action in Federal District Court against the Philadelphia Coke Co.

(b) Enjoin the Administrator, E.P.A., preliminarily and permanently, to transmit a violation notice forthwith to Philadelphia Coke Co. and thereafter to commence a civil action to enjoin Philadelphia Coke Co. from violating the Pa. S.I.P. and to seek civil penalties in the amount of not more than \$25,000 per day of violation in accordance with Section 113(b)(2)(B), Clean Air Act, 42 U.S.C. Section 7413(b)(2)(B).

(c) Order the Administrator, E.P.A., to undertake and finance an epidemiological study of the adverse health effects of the Philadelphia Coke Co. polluting air emissions on residents of the area surrounding the Philadelphia Coke Co. facilities.

(d) Award plaintiffs costs of litigation including reasonable attorney fees as provided by Section 304(d), Clean Air Act, 42 U.S.C. Section 7604(d).

(e) Award such other relief as the Court deems appropriate.

46. With respect to the defendant Lewis D. Polk, Acting Health Commissioner, Philadelphia Department of Public Health:

(a) Declare the Commissioner in violation of the Pa. S. I. P., 40 C. F. R. Section 52.2020 et seq.; the Clean Air Act, 42 U.S.C. Section 7401 et seq.; the Pa. Air Pollution Control Act, 35 P.S. Section 4001 et seq.; and the Air Management Code of the City of Philadelphia, Title 3, for failure to effectively and diligently fulfill his obligation to enforce the air emission standards with respect to the Philadelphia Coke Co.

(b) Enjoin the Commissioner to effectively and diligently enforce the air emission standards with respect to the Philadelphia Coke Co. including diligent and effective enforcement between the hours of 4:00 p.m. and 8:00 a.m. the following day.

(c) Order the Commissioner to provide special training to all Air Management Service inspectors to properly and adequately monitor the Philadelphia Coke Co. coke oven emissions in accordance with the special coke oven air emission standards in the Pa. S. I. P.

(d) Order the Commissioner to pay for and provide training to three plaintiffs in order to qualify them as visible emission specialists.

(e) Order the Commissioner to provide a mobile air monitoring station for the Bridesburg/Richmond sections of Philadelphia to monitor the ambient air for substances subject to federal primary and secondary air standards; and to monitor for all substances listed as hazardous air pollutants by the Administrator, E. P. A.

(f) Order the Commissioner to provide plaintiffs with monthly reports of all monitoring reports of coke oven emissions and of all ambient air monitoring.

(g) Award plaintiffs costs of litigation including reasonable witness fees and reasonable attorney fees as provided by Section 304(d), Clean Air Act, 42 U.S.C. Section 7604(d).

(h) Award such other relief as the Court deems appropriate.

PUBLIC INTEREST LAW CENTER
OF PHILADELPHIA

By *Jerome Balter*
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Attorneys for Plaintiffs

United States District Court

FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

BRIDESBURG CIVIC COUNCIL;
 ANN PAWLOSKI and STANLEY PAWLOSKI
 individually and in behalf of their minor
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 L. HAGENDORF and HARRY HAGENDORF
 individually and in behalf of their minor children
 JEAN and LOUISE as parents and guardians,

CIVIL ACTION FILE NO. 79-3917

SUMMONS

You are hereby summoned and required to serve upon

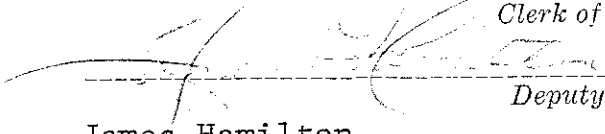
PUBLIC INTEREST LAW CENTER
Jerome Balter, Esq.

plaintiff's attorney , whose address 1315 Walnut St.
Phila. Pa. 19107

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MICHAEL E. KUNZ

Clerk of Court.



Deputy Clerk.

James Hamilton

[Seal of Court]

Date: 10/30/79

CIVIL ACTION NO. 79-3917

RETURN OF SERVICE OF SUMMONS & COMPLAINT

I hereby certify that on the 30th day of October, 1979,

I received this summons and served it together with the complaint herein as follows:

(Set forth in this space the name of the entity served, the place served, the time of day or evening, and the date)

I. Mr. Richard Seiger for the Philadelphia Coke Company, Inc. at 4501 Richmond Street, Phila., PA, at approximately 4:00 p.m. on October 30, 1979

*IV. The Honorable Benjamin R. Civiletti U.S. Attorney General Constitution Avenue and Tenth Street, N.W. Washington, DC by Certified Mail sent on November 1, 1979

II. Dr. Lewis D. Polk, Acting Health Commissioner for the Philadelphia Department of Public Health at the Municipal Services Building, Phila., PA at approximately 9:20 a.m. on October 31, 1979

V. The Honorable Edward G. Biester Attorney General Commonwealth of Pennsylvania Harrisburg, PA by Certified mail sent on November 1, 1979

III. The offices of Peter F. Vaira, United States Attorney for the Eastern District of Pennsylvania at 3310 United States Courthouse 601 Market Street, Phila., PA at approximately 1:00 p.m. on October 30, 1979

*The U.S. Attorney and U.S. Attorney General received copies of summons which listed only Douglas M. Costle, Administrator, United States Environmental Protection Agency as defendants.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

BY: _____ Process Server

EXECUTED ON: _____

Jerome Balter
FBI
EML

United States District Court

FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

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CIVIL ACTION FILE NO. 79-3917

SUMMONS

R
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n PUBLIC INTEREST LAW CENTER
Jerome Balter, Esq.

plaintiff's attorney , whose address 1315 Walnut St.
Phila. Pa. 19107

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

MICHAEL E. KUNZ

Clerk of Court.

Deputy Clerk.

James Hamilton

[Seal of Court]

Date: 10/30/79

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.



United States Department of Justice

UNITED STATES MARSHALS SERVICE

EASTERN DISTRICT OF PENNSYLVANIA

2110 U. S. COURTHOUSE

601 MARKET STREET

PHILADELPHIA, PENNSYLVANIA 19106

December 17, 1979

Mr. James J. Lanard
316 Butler Avenue
Philadelphia, PA 19107

Dear Mr. Lanard:

Enclosed is your notice of service copy for case number 79-3917,
Bridesburg Civic Council vs. Douglas M. Castle.

I would like to apologize for the confusion in this case and
hope that it did not cause too much inconvenience for you. This
seems to have been an isolated case. We, the Marshals Service,
do try to make proper service as soon as possible on all cases.

I thank you for your cooperation in this matter and wish you
Happy Holidays.

Sincerely,

Marion C. Scarengelli
U. S. Marshals Service