

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-103
)
 MATERIAL SERVICE CORPORATION,)
)
 Respondent.)

Mr. Dennis R. Fields, Assistant Attorney General, appeared for the Complainant;
Mr. Louis R. Hegeman, Attorney, appeared for the Respondent.

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

This matter is before the Board on an Enforcement Complaint filed by the Environmental Protection Agency (Agency) on April 16, 1976. The first Count in that Complaint alleged that Respondent Material Service Corporation (Material Service) had modified four rotary kilns at its Ottawa, LaSalle County, lightweight aggregate yards, without the requisite permit from the Agency, in violation of Section 9(b) of the Environmental Protection Act (Act) and Rule 103(a)(1) of the Board's Air Pollution Control Regulations; the second Count alleged a violation of Section 12(b)[sic] of the Act resulting from operating permit violations at the same location, and requested permit revocation pursuant to Rule 103(f) of the Air Regulations; Count III alleged visible emissions from that facility on August 19, 21, and 22, 1975, and September 4, 1975, in violation of Section 9(a) of the Act and Rule 202(b) of the Air Regulations.

A hearing was held in the matter in Streator, Illinois on January 20, 1977. At that hearing the parties submitted a Stipulation of Facts and Agreement (Stipulation) in resolution of the case. No additional testimony or evidence was entered and no comments were received from the public. The Stipulation submitted by the parties forms the basis of this Opinion and Order.

Material Service's Ottawa facility processes mined shale into a special, lightweight aggregate used to make lightweight concrete. The shale is passed through various crushers and vibrating screens (the "front end," Stip., ¶3), after which a 2,000° temperature in the four kilns is used to expand the shale (the "back end," id.). The process also involves the use of various additional screening, crushing, conveying, and storage steps.

Throughout Material Service's plant a fine particulate matter (called "fines") may be emitted. These fines are quite difficult to control, consisting of raw shale and not expanded shale. An additional problem appears to be a very high acid dewpoint temperature in waste gas steams, (Stip., Ex. A at p.7, Permit Application for kiln No. 1).

Under the Stipulation, Material Service has commenced installation of wet scrubbers to control its emissions, (id.; see also, Stip., ¶10). The parties agree that these scrubbers should achieve compliance with Rule 203(a) of Chapter 2, (Stip., ¶11). Material Service has also performed the following to achieve abatement:

1. The raw material crushers have been replaced with a type that will produce fewer "fines" at a cost of \$235,000.
2. Moisture has been added to the kiln operation, causing agglomeration of fines in the kilns.
3. A siphon system has been installed to remove "fines" from the cyclone collection hopper, and convey them in a slurry to settling ponds, at a cost of \$210,000 (although the reclaimed materials may be sold as product after reclamation).
4. Two additional baghouses were constructed in 1975 at a cost of \$250,000.
5. An enclosed stone chute in the "fines" stockpile was modified and replaced in 1975; water sprays have also been applied to the final stockpile.
6. An extensive maintenance program has been enacted.
7. Other programs, at a total cost of \$570,000, have been implemented which should reduce particulate emissions.

In addition to these abatement and compliance actions, the Stipulation provides for the following in settlement:

1. The Agency has agreed to withdraw Counts I and II of its Complaint.
2. Respondent admits violation as alleged in Count III of the Complaint.
3. Respondent agrees to a civil penalty of \$5,000.
4. Respondent will apply for all applicable Agency permits.

In light of the fact that complete compliance should be achieved under this compliance plan, the Board finds the provisions of the Stipulation acceptable. Under a timetable appended to the Stipulation, (Stip., Ex. A), compliance may have already been achieved; if not, it will be achieved fairly soon. In light of the "extensive cooperation" which the Agency stated that Material Service exhibited in its efforts to achieve compliance, (R., 3), we find that stipulated penalty of \$5,000 will be adequate in this case.

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. Respondent Material Service Corporation is found to have operated its Ottawa, Illinois facility in violation of Section 9(a) of the Environmental Protection Act and Rule 202(b) of Chapter 2: Air Pollution, of this Board's Rules and Regulations, on August 19, 21 and 22, 1975, and September 4, 1975.
2. Respondent shall pay as a penalty for the above violations the sum of Five Thousand Dollars (\$5,000.00), in the manner provided for in paragraph 20 of the Stipulation of Fact and Agreement submitted by the parties to this matter.
3. Respondent shall comply in all respects with the compliance and permit provisions of the Stipulation of Fact and Agreement submitted by the parties in this matter.
4. Counts I and II of the Complaint in this matter are dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 17th day of February, 1977, by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board