

ILLINOIS POLLUTION CONTROL BOARD

February 27, 1975

DUNDEE CEMENT COMPANY,)
Petitioner,)
v.) PCB 74-450
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On December 3, 1974, the Dundee Cement Company filed its Petition for Variance with the Pollution Control Board (Board). Petitioner sought a variance from the fugitive particulate matter requirements of Rule 203(f) of the Air Pollution Regulations (Chapter Two) from March 7, 1975, until December 31, 1975. The Board, in Dundee Cement Company v. Environmental Protection Agency PCB 73-541, 11 PCB 597 (March 14, 1974), granted this Petitioner a variance from Rule 203(f) until March 7, 1975, for fugitive dust emissions created when it transfers cement from barges to hoppers at its facility.

Petitioner operates a transfer terminal located on the south bank of the Sanitary and Ship Canal and situated approximately 1,300 feet east of Illinois Route 83 in Lemont Township, Cook County, Illinois. The facility annually received about 150 barge loads of bulk cement; each flat-bottomed barge contains nearly 1,300 tons of cement. At Petitioner's terminal, the barges are unloaded and the contents are transferred to storage silos. The cement is removed from the barges by clamshell cranes, deposited in hoppers, and conveyed through enclosed areas to the storage silos. Depending upon wind velocity and the physical condition of the cement, a violation of Rule 203(f) of Chapter Two can occur during the unloading process and transfer to the conveyors. The area surrounding Petitioner's facility is devoted to heavy industry; the nearest home is approximately one-half mile from the terminal.

To achieve compliance with Rule 203(f) of Chapter Two, Petitioner is in the process of installing a modified pneumatic unloading system, which utilizes special suction nozzles. This system will be able to unload conventional barges and will replace the crane operations. This pneumatic loading system draws the cement up into one of two pressure vessels; compressed air then forces the cement into the storage silos. Once the system becomes fully operational, cement dust will no longer be emitted into the atmosphere. Completion of the project was originally scheduled for March 1975, but delayed equipment delivery has postponed completion until May 1975. Petitioner alleges that an additional time of at least two months will be required beyond the May date to test and correct initial operating difficulties. Total cost of the system will be

\$1,054,000. To date, Petitioner has expended \$634,000 on the project.

Beginning in January 1975 Petitioner expects to commence using the basic pneumatic unloading system with specially designed barges. Such barges will be used until the specially designed barges cannot be borrowed without impairing the operation of other facilities. Dundee hopes to avoid use of the clamshell unloading system until May 1975, by which time the modified pneumatic unloading system will be ready for testing.

The Environmental Protection Agency (Agency) filed its Recommendation on February 3, 1975. Subject to certain conditions, the Agency recommended that the variance be granted. The Agency noted that no public injury appeared from the grant of the variance and that Petitioner has made substantial progress towards emission control. Furthermore, the Agency stated:

"The Agency recognizes that the time delays experienced by Petitioner were legitimate, and feels that the additional time requested for completion of the project is reasonable. Furthermore, the Agency is of the opinion that once the pneumatic unloading system is operational, Petitioner will be in compliance with Rule 203(f)."

On February 13, 1975, the Petitioner filed a motion suggesting that no hearing be held and agreeing to a variance with the conditions proposed by the Agency.

We believe that the Petitioner is entitled to a variance. Petitioner has presented ample evidence that it would be an unreasonable hardship to deny a variance in this case. While we are satisfied with the Agency's arguments, we do not agree with the parties that a variance until December 31, 1975, is warranted. With installation of the new equipment scheduled for May 1975, 120 additional days should provide Dundee with sufficient time to make its modified pneumatic unloading system operational.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Dundee Cement Company is granted a Variance from the fugitive particulate matter standards of Rule 203(f) of Chapter Two from March 7, 1975, until October 1, 1975, subject to the following conditions:

(a) Petitioner shall continue to submit quarterly progress reports in writing to: Environmental Protection Agency, Division of Air Pollution Control, Control Program Coordinator, 2200 Churchill Road, Springfield, Illinois 62706.

(b) Petitioner shall maintain its performance bond in full force.

(c) Petitioner shall make every effort to utilize the pneumatic unloading system with custom barges until the system is capable of unloading conventional barges, and continue to use the pneumatic unloading system thereafter.

(d) Petitioner shall continue to supervise the crane operator to assure that precautions to minimize fugitive emissions, as specified in Petitioner's Exhibit #7, are adhered to strictly.

(e) Petitioner shall make every effort to have its control program completed at the earliest date possible.

Mr. Henss dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of February, 1975, by a vote of 3 to 1.


Christan L. Moffett