

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1974

DUNDEE CEMENT COMPANY,)
)
Petitioner,)
)
vs.)
)
ENVIRONMENTAL PROTECTION AGENCY,) PCB 73-541
)
Respondent.)

Mr. Charles E. Whalen, Attorney, on behalf of Petitioner;
Mr. Peter E. Orlinsky, Attorney, on behalf of the Environmental
Protection Agency.

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

The Dundee Cement Company (hereinafter "Petitioner") a Delaware corporation, pursuant to Rule 401 of the Procedural Rules and Regulations, filed with the Environmental Protection Agency (hereinafter "Agency") on December 27, 1973 for a Variance from Rule 203(f) of the Air Pollution Control Regulations to continue to use the clamshell crane, while an alternative system for unloading barges is fabricated and installed.

Petitioner operates a barge terminal on the Sanitary and Ship Canal in an uninhabited area northeast of Lemont, Illinois.

Petitioner's operations consist of transfer of cement from barges to storage and to trucks for local distribution.

Petitioner unloads barges with a clamshell crane which feeds an elevated hopper.

Fugitive dust is occasionally emitted during barge unloading when the clamshell releases its load in the hopper. The amount and severity of emissions vary with wind, weather, and the condition of the cement.

The Agency believes that the time schedule proposed by Petitioner is reasonable, and that the proposed control program will be adequate to bring the facility into compliance with Rule 203(f).

The Agency has received no complaints from citizens concerning Petitioner's operations. The nearest residences to the facility are approximately one mile away.

As noted earlier, the Chicago-West Terminal is in a remote location, over one mile from the nearest home and adjacent to heavy industry located along the Sanitary and Ship Canal. The Respondent has already made substantial investments (\$418,440.00 R. 37) in developing and installing facilities to unload Dundee barges pneumatically, and is now engaged in a \$250,000 program to incorporate into that pneumatic system the additional facilities that will allow conventional barges to be unloaded pneumatically. Until the new facilities can be installed, the only method of unloading conventional cement barges involves the use of the crane and covered material handling bucket. Considering the substantial efforts and funds that Respondent has already expended to develop the technology for pneumatically unloading cement barges, it would impose an unreasonable hardship on Respondent to not allow the unloading of conventional barges while work is proceeding on the improvements.

The Agency recommends the Variance and we agree.

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

IT IS THE ORDER of the Pollution Control Board that:

1. Petitioner be granted a variance from Rule 203(f) until March 7, 1975, as requested, subject to the following conditions:

a. Commencing 30 days after the date of this Order, and continuing thereafter quarterly, Petitioner shall submit progress reports to:

Environmental Protection Agency
Division of Air Pollution Control
Control Program Coordinator
2200 Churchill Road
Springfield, Illinois 62706

detailing progress made toward completing the installation designed to comply with Rule 203(f).

b. Respondent shall post with the Environmental Protection Agency, within 60 days from the date of this Order, a bond or other security in the amount of \$ 50,000 in a form satisfactory to the Agency, which shall assure the installation of the necessary equipment as detailed in the Agency's Recommendation. Said bond shall be submitted to:

Environmental Protection Agency
Fiscal Services Section
2200 Churchill Road
Springfield, Illinois 62706

c. All proper procedures shall be followed to minimize fugitive dust when unloading barges.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 14th day of March, 1974 by a vote of 5-0.

Christan L. Moffett