

ILLINOIS POLLUTION CONTROL BOARD
January 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 74-420
MARBLEHEAD LIME COMPANY,)
Respondent.)

Mr. Anthony B. Cameron, Assistant Attorney General, appeared on behalf of Complainant.

Mr. Richard R. Elledge, Gould & Ratner, appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the November 16, 1974, Complaint of the Environmental Protection Agency (Agency) which charges Marblehead Lime Company (Marblehead) with violating Rules 103(b) and 203(a) of the Air Regulations and Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution. More particularly, the Complaint alleges that Marblehead operated without a permit since March 1, 1973, and that Marblehead's particulate emissions exceed the regulatory limitations. A hearing was held December 19, 1975, at which time a "Stipulation and Proposal for Settlement" was presented to the Board.

Respondent is a Delaware corporation authorized to do business in Illinois (Stip 2). On or before April 1, 1972, and continuing until December 10, 1974, Marblehead owned and operated a limestone mine and lime plant south of Quincy, Adams County, Illinois. The equipment operated at this facility included a calcining kiln and a stone crushing and sorting system used to produce lime products (Stip 2,8). During this period Respondent made several attempts to obtain the appropriate permits which were denied, either for lack of information or because of excessive particulate emissions (Stip 3,4).

The Agency made several inspections of the plant since February, 1972 (Stip 4). On September 20, 1973, two stack tests were performed. The material feed rate was 90 tons/day or 7.5 tons/hr. on

an twelve hour daily basis. The test results show a mass rate of emission of 359 lb./hr. (test #1) and 464 lb./hr. (test #2). The allowable emission rate pursuant to Rule 3-3.111 and Rule 203(b) is 15.2 lb./hr. The allowable emission rate under Rule 203(a) is 7.55 lb./hr. (Stip 5). The Respondent attempted to obtain variance in PCB 74-146 but that request was denied by the Board in February, 1975.

The cost of controlling the particulate through use of a bag-house would range between \$150,000.00 to \$200,000.00. The annual gross profits of Respondent were \$26,094, in 1973, and \$48,448.00, in 1974. The plant employed 11 full time employees (Stip 7).

On December 10, 1974, Respondent sold the entire facility. Respondent admits the violations charged and stipulates to a penalty of \$4,000.00. The Board accepts the "Stipulation and Settlement Agreement" and will assess the stipulated penalty for the violations found, herein.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Respondent Marblehead Lime Company, is found to have violated Rule 3-3.111 of the Rules and Regulations of the Air Pollution Control Board, and Rule 103(b) and Rule 203(a) of "Chapter 2: Air Pollution" of the Rules and Regulations of the Pollution Control Board. For the violations so found, the Board imposes upon Respondent a monetary penalty in the amount of \$4,000.00, payable within 35 days from the date of entry of this order, payable to the "State of Illinois", and addressed to:

Environmental Protection Agency
Fiscal Services Section
2401 West Jefferson
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22ND day of January, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board