

ILLINOIS POLLUTION CONTROL BOARD

June 28, 1973

MISSISSIPPI LIME COMPANY,)
)
Petitioner,)
)
vs.) PCB 73-12
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
vs.) PCB 73-35
)
MISSISSIPPI LIME COMPANY, a)
Missouri Corporation and)
INTERNATIONAL GREAT LAKES SHIPPING)
COMPANY, an Ohio Corporation,)
)
Respondents.)

Michael A. Snyder, Attorney for Mississippi Lime Company and
International Great Lakes Shipping Company
Kenneth Gumbiner, Assistant Attorney General for the EPA

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Mississippi Lime Company operates a facility at 12200 South Stony Island Avenue, Chicago for the transfer of lime from barges to storage bins and thence to trucks. The Company filed a request for variance stating that the facility in two specific respects fails to meet emission standards contained in Chapter 2 of the Regulations of the Illinois Pollution Control Board and in the Regulations Governing the Control of Air Pollution. The Company stated that it was installing control equipment and expected to be in compliance with the Regulations by late September 1973.

Two weeks after the filing of the variance request, the EPA filed an enforcement action alleging that Mississippi Lime had discharged particulate matter, i.e. limestone dust, into the atmosphere in excess of amounts allowed under Rule 3-3.111 of the

Rules and Regulations Governing the Control of Air Pollution and had installed equipment capable of contributing to or preventing air pollution without first obtaining a permit from the EPA.

International Great Lakes Shipping Company, which is said to be the operator of a bucket and crane for unloading pebble lime from barges, was also prosecuted for its discharge of particulate matter.

The variance and prosecution cases were consolidated for hearing.

When the cases were called for hearing, the parties submitted a Stipulation of Facts. In essence, the Respondents admitted the alleged violations although Mississippi Lime denied that the violations were as frequent as claimed by the EPA.

Testimony by R. W. Woodcock, Vice-President - Traffic, indicated that the facility is primarily a transfer point for limestone products produced at Respondent's St. Genevieve, Missouri processing plant. Traffic through the facility in 1972 consisted of about 320 barges unloaded and about 20,000 trucks loaded out. Woodcock estimated that the annual throughput was about 465,000 tons. The facility is located in a highly industrialized area on Lake Calumet Harbor at a point over 1 mile from the nearest residential area.

One of the chief sources of emissions is the barge unloading area. Here a clamshell bucket owned by International removes the pebble lime from barges and transfer it to a large receiving hopper on Mississippi Lime property. From the receiving hopper, the lime is moved to an inclined belt conveyor which feeds an elevator-bucket system which discharges to a diversion storage bin which ultimately feeds 4 storage bins. Each bin has a capacity of 500 tons. The control equipment for this source will consist of a fabric dust collector (baghouse) to collect limedust at the emission points.

The second major source of emissions is at the discharge spouts where lime is unloaded from the 4 storage bins into trucks. Murney testified that a similar but smaller dust collection control system would be installed at these sources. Respondent estimates that upon completion of the control systems, emissions will be about 5 lbs. per hour. Agency calculations show that the allowable emission rate at this facility is about 53 lbs. per hour. At least 228 lbs. per hour are now discharged.

Respondents seek variance from Chapter 2, Air Pollution Control Regulations, Rules 203(a), 203(b), 203(f)(1), 203(f)(2), 203(f)(4), and Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution. We agree that Respondent's operation is a "process" within the meaning of those Rules and that the Rules are

applicable here. However, Respondent does not require variance from Rules 203(a) and 203(b). As provided in Rule 203(i)(2), Respondent's operation is currently governed by Rule 3-3.111 until December 31, 1973, at which time Respondent must come into compliance with Rule 203(a). Since Respondent has requested variance only until October 31, 1973, we believe the requested variance from Rule 203(a) is moot at this time.

We note that the Agency's estimated emission rate of 228 lbs. per hour did not include emissions from stockpiles, unpaved roadways and truckloading spouts. If such emissions were included the total emission rate would be considerably higher. However, we were not provided an estimate of what the higher figure would be. Agency personnel operated a hi-vol sampler near the facility from July 5, 1972 to July 13, 1972. This surveillance revealed that suspended particulates near Respondent's facility ranged from a high of 1,367 micrograms per cubic meter to a low of 205 micrograms per cubic meter. Five of the eight daily readings exceeded 700 micrograms per cubic meter.

Mississippi Lime is installing over \$200,000 in abatement equipment, and in addition has undertaken the blacktopping of the entire area in an effort to reduce emissions from windblown or traffic-induced fugitive dust emissions. The company is currently operating under a variance from the Appeal Board for the City of Chicago. This variance requires the following timetable:

Modification of Receiving Hopper - Mid-February 1973
Dust Collection System --end of April 1973
Phototype Chut -- late February 1973
Completion of Dust collecting system at loading chute --
late September 1973

The Agency recommends that we deny a variance on the ground that Respondent had not been timely in implementing its control program and that Respondent's hardship was self-induced. The record does not support that Agency claim. Although the possibility exists that some phases of Respondent's control program could have been expedited somewhat, we are satisfied that Respondent has honestly attempted to satisfy both the State and the City of Chicago by investigating and then selecting equipment equal to the task at hand.

Respondents contend that a denial of the variance would cause layoff of personnel at the Chicago facility, that 4 major area steel producers would be denied a vital source of lime required for their process, that numerous northern Illinois and Indiana water companies would be denied this source of lime necessary for water purification,

and, about 200 workers at the St. Genevieve, Missouri processing plant would be laid off.

Since Respondent is within 5 months of completion of the control program, we believe it is reasonable to allow the variance. The large expenditure for control equipment is a mitigating factor in our assessment of a monetary penalty. The emissions in this case, however, were heavy and the violation should not go unpunished. The Board believes that a monetary penalty in the amount of \$5,000 is appropriate under all of the circumstances.

ORDER

It is the Order of the Pollution Control Board that:

1. Petitioners Mississippi Lime Company and International Great Lakes Shipping Company are granted a variance from Rules 203(f)(1), 203(f)(2), 203(f)(4) of the Air Pollution Control Regulations and Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution until October 31, 1973 for the installation of control equipment pursuant to the schedule contained in this Opinion.
2. The variance is conditioned upon the submission of monthly progress reports commencing July 1, 1973 to the Agency describing the status of construction and installation of the control equipment and upon a showing of satisfactory progress in the installation.
3. Petitioner shall, by July 23, 1973, post a bond in the amount of \$50,000 for the period of one year in a form acceptable to the Environmental Protection Agency, such bond to be forfeited in the event Petitioner fails to install and operate the equipment listed in the Stipulation of Facts presented in this case. The bond shall be mailed to Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.
4. Mississippi Lime Company and International Great Lakes Shipping Company shall, after October 31, 1973, cease and desist from their violations of the Regulations governing the emission of particulates.
5. Respondent shall pay to the State of Illinois by July 23, 1973 the sum of \$5,000 as a penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion and Order was adopted this 28th day of June, 1973 by a vote of 4 to 0.

Christan L. Moffett