

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1988

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-108
)
JOLIET SAND AND GRAVEL COMPANY,)
)
Respondent.)

MR. GERALD T. KARR AND MS. CARLA DAVIS, ASSISTANT ATTORNEYS
GENERAL, APPEARED ON BEHALF OF COMPLAINANT.

MR. JOHN L. PARKER APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a five-count
complaint filed on July 24, 1986, by the Illinois Attorney
General's Office on behalf of the Illinois Environmental
Protection Agency.

Hearing was held on January 14, 1988. At hearing the
parties introduced a Stipulation and Proposal for Settlement
(Exhibit A) and a Commitment by Joliet Sand and Gravel Company to
Make Contribution to Illinois Environmental Trust Fund (Exhibit
B), which are to be considered one document (R. at 10). The
Stipulation and the Commitment are attached and address the facts
and terms of settlement in this matter.

The Board has considered all the facts, circumstances, and
the proposed settlement in light of the criteria set forth at
Ill. Rev. Stat. ch. 111 $\frac{1}{2}$ par. 1003(c) and finds the Stipulation
and Proposal for Settlement acceptable under 35 Ill. Adm. Code
103.180. Accordingly, the Board will accept the Stipulation and
order that its terms be carried out.

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


ORDER

The Board hereby accepts the Stipulation of Facts and
Proposal for Settlement and the Commitment by Joliet Sand and
Gravel Company to Make Contribution to Illinois Environmental
Trust Fund filed in this matter, a copy of which is attached and
incorporated by reference as if set forth in full and directs
that its terms be carried out.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented; Board Member J. Marlin concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 4th day of February, 1988, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-108
)
JOLIET SAND AND GRAVEL)
COMPANY,)
)
Respondent.)

STIPULATION OF FACTS AND PROPOSAL
FOR SETTLEMENT

The parties in the above-entitled matter, Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, and Respondent, JOLIET SAND AND GRAVEL COMPANY, have agreed that the public interest would be best served by a settlement of this matter, without further litigation, on the terms and conditions of the Stipulation of Facts and Proposal for Settlement set forth herein. Said Stipulation and Proposal are made and agreed upon and submitted for the purposes of settlement only, and upon the condition that the Illinois Pollution Control Board ("Board") approve them in their entirety. In the event the Board fails to approve said Stipulation and Proposal in their entirety, everything contained within said Stipulation and Proposal shall be null and void and of no effect in this or any other proceeding.

Wherefore, said Stipulation and Proposal are hereby made, agreed to and submitted to the Board pursuant to 35 Ill. Adm. Code 103.180.

EXHIBIT

Respondent's
tel- 11/18/86

STIPULATION OF FACTS

The parties agree that this Stipulation of Facts represents a fair summary of the evidence and testimony that would be introduced if a full hearing were held.

1. Complainant, Illinois Environmental Protection Agency (hereafter "Agency"), is an agency of the State of Illinois, created pursuant to Section 4 of the Illinois Environmental Protection Act, Ill.Rev.Stat., 1985, ch. 111-1/2, Section 1001 et seq. (hereafter "Act").

2. Respondent, Joliet Sand and Gravel Company (hereafter "Joliet"), is an Illinois corporation, operating a limestone quarry in Will County, Illinois, at 2509 Mound Road, near Joliet. Rock is crushed and screened. The quarry equipment includes primary and secondary limestone crushing, screening and related activities. Dust from crushing is controlled by wetting by water sprays and/or by moisture present in the rock. The stone aggregate products of the quarry are sold to local contractors, paving companies and governmental bodies.

3. In 1980, JOLIET applied for and obtained from the Agency's Division of Air Pollution Control an operating permit of five (5) years duration. In 1985, JOLIET applied to the Agency for renewal of the operating permit; the Agency denied renewal. After administrative review of the denial, the Board affirmed the Agency's action on February 5, 1987 (Joliet Sand and Gravel Company v. IEPA, PCB 86-159). The Board's action was affirmed by

the Illinois Appellate Court, Third District, on November 30, 1987, in Joliet Sand and Gravel Company v. Illinois PCB and IEPA, No. 3-87--0141.

4. In February of 1987. JOLIET submitted information to the Agency and repeated its request that the operating permit be renewed. In March of 1987, the Agency again denied renewal. Administrative review of this denial was sought, but the Board held in June of 1987 that it lacked jurisdiction. See Joliet Sand and Gravel Company v. IEPA, PCB 87-55. An appeal is presently pending in the Illinois Appellate Court, Third District, Joliet Sand and Gravel Company v. Illinois PCB and IEPA, No. 3-87-0398.

5. In July of 1986, the AGENCY filed an enforcement proceeding against JOLIET before the Board, i.e., the instant case.

6. In March of 1987, the Illinois Attorney General filed a Complaint for Injunctive Relief in the Circuit Court of Will County, People of the State of Illinois v. Joliet Sand and Gravel Company, No. 87 CH 181, seeking to enjoin JOLIET from operating its facility without an operating permit. This proceeding is presently pending.

7. The Agency contends that the allegations of the Complaints filed in PCB 86-108 (the instant proceeding), and in Case No. 87 CH 181 (see paragraph 6 above) are true. JOLIET denies all allegations of the Complaints filed in PCB 86-108 (the instant proceeding), and in Case No. 87 CH 181 (see paragraph 6 above), and does not admit any violations.

PROPOSAL FOR SETTLEMENT

The parties believe that the public interest would best be served by the settlement of this action and all other litigation identified on the terms and conditions set forth below.

8. The Agency agrees to issue the air operating permit, a copy of which is attached hereto as Exhibit 1, within ten (10) days of acceptance and approval of this Agreement by the Board, and the Agency agrees to relinquish any and all claims it has or has made for penalties or injunctive relief for JOLIET's (a) alleged failure to have an operating permit, and (b) penalties for all allegations made in the instant proceeding, PCB 86-108. This agreement to relinquish claims and penalties extends for the entire time period up and until the Board enters a final Order accepting and approving this Agreement.

9. JOLIET agrees that it will make a contribution to the Illinois Environmental Trust Fund as specified in a separate document being executed by JOLIET contemporaneously herewith.

10. The parties agree to, upon acceptance and approval of this Agreement by the Board, immediately terminate the instant proceeding, PCB 86-108, and other litigation identified herein, without costs or attorney fees to either party.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

JOLIET SAND AND GRAVEL
COMPANY

By: Joseph E. Drobade

By: George A. Comerford

Dated: December __, 1987
cdst2n

Dated: December 17, 1987

January 11, 1988

EXN1011**DRAFT**

217/782-2113

OPERATING PERMIT -- NSPS SOURCE

PERMITTEE

Joliet Sand & Gravel Company
Attn: George L. Comerford
2509 Mound Road
Joliet, Illinois 60435

Application No.: 80110001I.D. No.: 197045AIHApplicant's Designation: JOLIET PITDate Received: December 9, 1987Operating Permit Expiration Date: (One Year after the entry date of a Board Order)Subject: Limestone QuarryDate Issued:Location: 2509 Mound Road, Joliet, Illinois

Permit is hereby granted to the above-designated Permittee to Operate emission source(s) and/or air pollution control equipment consisting of an existing jaw crusher equipped with a water spray bar, an existing Pioneer 5' x 16' triple deck screen and 3 existing belt conveyors (B.C. 01, 02 and 03) and existing Colman Single Screen, a new Stedman K60c (600 TPH secondary crusher) equipped with a water spray bar, a new 7' x 20' Deister triple deck screen and new belt conveyors (B.C. 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 & 15) as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special conditions:

- 1a. The new equipment at this limestone crushing plant is subject to New Source Performance Standards (NSPS), 40 CFR 60, Subparts A and 000 which are adopted at 35 Ill. Adm. Code 230. The Illinois EPA is administering these standards in Illinois on behalf of the United States EPA under a delegation agreement.

Fugitive emissions of particulate matter from screens (except from truck dumping), bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck or railcar loading operations shall not exceed 10 percent opacity, (40 CFR 60.672(b) and (d)).

Fugitive emissions of particulate matter from the crushers (except from truck dumping), shall not exceed 15 percent opacity, (40 CFR 60.672(c) and (d)).



DRAFT

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- b. At all times, the permittee shall also, to the extent practicable, maintain and operate these sources, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
- 2a. The new crusher shall only be used for primary or secondary crushing.
 - b. Annual throughput through the rock crushing plant shall not exceed 4,000,000 tons/yr. Compliance with this limit shall be determined from a running total of 12 months of data.
 - c. The Permittee shall maintain records, on at least a monthly basis of the throughput of the plant. These records shall be retained for at least two years on the premises, for inspection by the Agency.
3. This permit is issued based on the new equipment at the crushing plant not constituting a major modification subject to 35 Ill. Adm. Code 203. This is because the net increase in emissions of particulate matter from the new crusher is less than 25 tons/year, considering the previous level of throughput and emission rate, and the level of throughput authorized by Condition 2b, and an estimated 0.018 lb. particulate matter/ton crushed, for primary and secondary crushing in compliance with the requirements of the New Source Performance Standard.

Terry A. Sweitzer, P.E.
Manager, Permit Section
Division of Air Pollution Control

TAS:AMT:ds:4554H/23-24

cc: IEPA, FOS, Region 1
IEPA, FOS, CMU
USEPA

Commitment by JOLIET SAND AND GRAVEL COMPANY to Make
Contribution to ILLINOIS ENVIRONMENTAL TRUST FUND

NOW COMES JOLIET SAND AND GRAVEL COMPANY, and states that it will upon acceptance and approval by the Illinois Pollution Control Board of a Stipulation of Facts and Proposal for Settlement, make a contribution in the total amount of \$21,000.00 to the Illinois Environmental Trust Fund, ~~with payment to be made in eight consecutive quarterly installments of \$2,625.00 each,~~ with ~~the first~~ such payment to be made within ten (10) days of said acceptance and approval.

JOLIET SAND AND GRAVEL COMPANY

By: Wang J. Lom for D

Dated: December 17, 1987.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: Joseph E. Svoboda

Joseph E. Svoboda
Manager
Enforcement Programs

Dated: January 11, 1988

EXHIBIT

Respondents B
with copies