

ILLINOIS POLLUTION CONTROL BOARD

October 18, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 73-243
)
 CENTRAL ILLINOIS STONE COMPANY, INC.,)
)
 Respondent.)

Mr. Dale Turner, on behalf of
 the Complainant, and
 Mr. John W. Fribley, on behalf of
 the Respondent.

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

On June 12, 1973, the Pollution Control Board received from the Environmental Protection Agency a Complaint that "on or before July 6, 1972, and continuing to the filing of the Complaint in this case, Central Illinois Stone Company, Inc., Respondent has operated its . . . facilities so as to cause or allow the discharge or emission of limestone dust and other contaminants into the atmosphere in violation of Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution, continued effective pursuant to Section 49(c) of the Environmental Protection Act [Ill. Rev. Stat. 1971, ch. 111½, section 1049(c)]."

The Respondent owns and operates facilities which include, but are not limited to, blasting, conveying, crushing, screening, and storage of crushed limestone, at a location two miles north of Nokomis, Illinois, on County Road 645. Respondent is a Delaware Corporation qualified to do business, and doing business in Illinois. It has operated at this location for approximately 14 years.

On August 15, 1973, a hearing was held on this case by Mr. Lee K. Zelle, Hearing Officer, in Hillsboro, Illinois. Testimony presented at this hearing indicated that the Complainant and Respondent agreed that emissions from the quarry

are in excess of established standards. The Respondent agreed to install control equipment, and believed this could be done soon so that emissions would be under control and in compliance with established regulations by January 1, 1974. However, engineering plans were not firm enough on the hearing date to file a stipulation or settlement agreement between the Complainant and Respondent at the time of the Hearing. The settlement agreement was to be submitted to the Hearing Officer within 30 days, and he would forward it to the Board as a part of the proceedings of the Hearing.

The joint Stipulation which was signed by the Complainant and Respondent on August 17, 1973, was received by the Pollution Control Board on September 18, 1973. This Stipulation indicated that:

1. Mr. John Shum, Surveillance Engineer with the Division of Air Pollution Control, EPA, visited and observed the Respondent's plant and operations, and observed and photographed visible emissions coming therefrom. On or about July 1, 1972, and April 1, 1973, using process weight rate given by Respondent and standard calculations, he determined that the primary crusher, secondary crusher, and screening, conveying, and handling produced emissions in excess of allowable standards. The Respondent should reduce emissions to achieve compliance with standards in section 203(a) of the Air Pollution Regulations, which would be 43.0 pounds per hour from the primary crusher, 43.0 pounds per hour from screening, conveying, and handling, and 40.1 pounds per hour from the secondary crusher.
2. "The Respondent will agree to the following program of compliance:
 - a. That Respondent has entered into a contract with Meyers and Roby Engineers of Decatur for the engineering layout, permit application, and installation supervision of the aforementioned control equipment.
 - b. That engineering layout shall be completed by September 15, 1973.
 - c. Equipment necessary for the installation shall be ordered by October 1, 1973.
 - d. Construction of control equipment, necessary appertenant structures and installation of a water supply shall be completed by December 1, 1973.

e. That necessary adjustments and tests to make the control equipment fully operational shall be completed by March 1, 1974.

f. That Respondent agrees to post a performance bond in the amount of \$5000, in a form acceptable to the Agency, to assure installation of the aforesaid control equipment and pertinent enclosures."


3. The Respondent's Board of Directors have approved the installation of emission control equipment.
4. The Respondent agrees to pay a penalty in the amount of \$1000.00 for the violations shown in paragraph 4 of the Stipulation.
5. The "Agency has received few complaints with respect to Respondent's operations."

The Environmental Protection Agency and Central Illinois Stone Company, Inc., having reached agreement on the factual matters set forth in their joint Stipulation and in paragraphs 1 through 5 immediately above, IT IS THE ORDER OF THE POLLUTION CONTROL BOARD THAT:

1. The agreements set forth in the joint Stipulation are equitable, and are accepted by the Board with limited changes.
2. Central Illinois Stone Company, Inc., shall cease and desist from further violations of the Environmental Protection Act and the Rules and Regulations of Pollution Control Board, by taking all steps necessary to promulgate its proposed program, including:
 - a. The installation of equipment for control of particulate emissions by December 1, 1973.
 - b. The equipment be adjusted and fully operational by March 1, 1974.
 - c. The posting of a performance bond in the amount of \$5000.00 in a form satisfactory to the Agency and within thirty-five (35) days of the date of the Board's Order, to guarantee performance of the preceding orders.

3. Central Illinois Stone Company, Inc. shall pay to the State of Illinois, within thirty-five (35) days after the date of this Order, a penalty in the sum of One Thousand (1000) Dollars. Penalty payment by certified check or money order, payable to the State of Illinois, shall be made to Fiscal Services Division, Illinois Environmental Protection Agency, 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 1st day of 7th, 1973 by a vote of 5 to 0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board