

The evidence shows that the Livingston Stone Company is located in a farming area and that only four or five households are located within a mile of the plant. The Company processes limestone, using crushers, screening, mills and a drier and produces a product which may be used for agricultural limestone, highway building materials, asphalt tile floor, livestock feed, plant nutrients and in the manufacture of glass. The Company employs 25 persons and has been located in the area since 1944.

The processing of the limestone causes emissions of limestone dust (calcium carbonate). This is basically an inert material but the evidence indicates that it can irritate the nasal passages and, by coating the leaves of plants cause crop damage in the area. A State Police officer testified that the dust and emissions from the plant were sometimes blown across a nearby blacktop road making driving conditions hazardous. A drizzling rain would then make the road extremely slick and on one occasion this condition did result in an accident.

The Respondent claimed that it spent \$240,000 over the years in an attempt to control the emissions. The action taken was to: enclose the processing equipment within a building, install a cyclone to separate out some of the dust, construct sheds to contain the piles of fine limestone and put oil on the company road. We compliment the Respondent on these devices but feel that it is fair to point out that the Company thereby increased its profits. It kept its fine limestone dry, reduced loss from the wind and recovered limestone fines for sale to its customers. Respondents pollution abatement program in the early years therefore had a two-fold purpose--the reduction of pollution and the production of income.

An EPA surveillance engineer visited the limestone plant in June 1971. The surveillance engineer, using emission factors published by the United States Department of Health, Education and Welfare in its document "Air Pollutants Emission Factors", calculated that Respondent was emitting 305 lbs. per hour from all of its processes. The allowable emissions are 57 lbs. per hour.

The EPA engineer further estimated that 195.9 lbs. per hour of suspended particulate matter were being emitted from the processing equipment.

Respondent challenges this opinion as an "estimate" but did not put any evidence into the record to dispute the figures which had been computed by the EPA. We accept the EPA calculation and find that Respondent did allow emissions of particulate matter sufficient to cause air pollution during June 1971.

Following the EPA investigation Respondent acted to install a wet scrubber and a baghouse pursuant to EPA installation permits. This new equipment was observed to be in working order in April 1972. The Company also placed heavy rubberized sheets in the doorways of the buildings to contain the fine limestone.

The parties and all witnesses have agreed that these installations brought the Respondent into full compliance with our Regulations. A stack test conducted on July 12, 1972 was witnessed by an EPA employee. The test revealed that the Company was not violating the emission standards following the installation of the scrubber and baghouse. The cost of the installation and testing exceeded \$46,000. The State Trooper who had observed the slick highways in 1971 testified that this condition had been alleviated after the installation of the new equipment and that the Company should be commended for taking care of it. Two citizens who had been complaining witnesses declined to testify since the Company had installed pollution abatement equipment. The EPA Surveillance Engineer testified that "at present" the operation of the Respondent's plant is "pretty darn good". The Attorney General stipulated that Respondent had cooperated with the EPA in attempting to control the emissions and the Attorney General recommended a minimal fine.

This high praise coming from the complaining witnesses and the prosecutor is persuasive. We believe that serious efforts to clean up the environment should be recognized and in doing so we will limit the financial penalty in this matter to \$1000. We shall also order that Respondent cease and desist from the violations found in this proceeding.

The Complainant did not prove that Respondent had failed to file an Air Contaminant Emission Reduction Program and we find Respondent not guilty on that charge.

ORDER

It is ordered that:

1. Respondent shall pay to the State of Illinois by March 9, 1973 the sum of \$1000 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 Drive, Springfield, Illinois 62706.
2. Respondent shall cease and desist from the violations found in this proceeding.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 30th day of January, 1973 by a vote of 3 to 0.

Christan L. Moffett

