

ILLINOIS POLLUTION CONTROL BOARD
August 14, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-185
)
JOHN L. DUNGEY and,)
SHIRLEY A. DUNGEY, d/b/a)
RANDOLPH QUARRY, INC.,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the June 18, 1975, amended complaint of the Environmental Protection Agency (Agency). The Agency, in two counts, charges the Respondents John L. Dungey and Shirley Dungey, d/b/a Randolph Quarry, Inc., (Dungey) with violations of Section 9(b) of the Environmental Protection Act (Act) and Rules 103(b)(1) and 103(b)(2) of the Board's Air Regulations. A hearing was held July 10, 1975, at which time a stipulation of facts was filed.

The Respondents own, operate, and control a limestone quarry in Brewerville Precinct, near Roots, Randolph County, Illinois. In the course of the quarry operations, limestone rock is crushed. Prior to April 14, 1972, a rock crushing machine was installed at the quarry, said machine being described as a Cedar Rapids 40" X 33" Hammermill with a maximum capacity of 180 tons per hour.

This machine was not operated between December 10, 1972 and August 20, 1973, but was operated before June 1, 1973, up to January 1, 1974, at which time it ceased operation (Stip. 2). Rule 103(b)(2)(B) requires an operating permit application to be filed ninety days prior to the date an operating permit is required. Rule 103(b)(2)(A) requires an operating permit by June 1, 1975. Section 9(b) of the Act is violated when equipment capable of causing or contributing to air pollution or designed to prevent air pollution is operated without a permit. Therefore, between August 20, 1973, and January 1, 1974, the Respondents operated equipment capable of causing air pollution without a permit in violation of Rule 103(b)(2) and Section 9(b) of the Act.

On August 20, 1973, the Respondents installed a Hewitt-Robbins 36" X 54" Impactor Crusher having a maximum capacity of 300 tons per hour. This crusher was in operation until June 6, 1975. At no time did Respondents have an operating permit for this crusher (Stip. 2-3). An operating permit is required for new emission sources pursuant to Rule 103(b)(1) where a construction permit would be required by 103(a). Rule 103(a) requires a construction permit for all new emission sources or pollution control equipment. The installation of this crushing machine and its air pollution control device would require a construction permit. As stated above, the violation of the permit requirements of the Board's Regulations constitutes a violation of Section 9(b) of the Act. Therefore, Respondents operation of its Hewitt-Robbins Impactor Crusher without an operating permit violated Rule 103(b)(1) of the Air Regulations and Section 9(b) of the Act.

In mitigation, the Respondents were informed of the need for operating permits by Mr. Banes of the Agency on September 11, 1973. Dungey applied for permits on November 5, 1973 which were denied on November 16, 1973. Respondent re-applied November 26, 1973, this application being rejected December 17, 1973. The Respondents allege that they refiled on December 21, 1973. However, the Agency has no record of this application. Currently, the Respondents have filed an amended application, to which the Agency has not yet responded.

Respondents have not operated their Cedar Rapids Hammer-mill since January 1, 1974. They are currently liquidating the business and negotiations are now pending for the sale of the two crushers. The record is devoid of any information concerning the quantity and quality of emissions, the social and economic value of the quarry operations, or the suitability of the quarry operation to its location.

In consideration of the foregoing, the Board assesses a penalty of \$100.00 for the violations of Section 9(b) of the Act and Rules 103(b)(1) and 103(b)(2) of the Air Regulations.

This 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 John L. Dungey and Shirley Dungey, d/b/a Randolph Quarry, Inc.:

a) Cease and desist from operating its crushing machines on or before November 14, 1975, unless an operating permit application is filed with the Environmental Protection Agency within 10 days and a permit obtained within 90 days of this Order; and

b) Pay a penalty of \$100.00 for their violations of Section 9(b) of the Environmental Protection Act and Rules 103(b)(1) and 103(b)(2) of the Air Regulations. Payment shall be by certified check or money order, within 35 days of this Order, payable to:

State of Illinois
Fiscal Services Division
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 were adopted on the 14th day of August, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board