

ILLINOIS POLLUTION CONTROL BOARD
November 13, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 74-214
)
 HILLSIDE STONE CORPORATION,)
 an Illinois corporation,)
)
 Respondent.)

Mr. Jeffrey S. Herden, Assistant Attorney General, appeared on behalf of Complainant;
Mr. Henry McGurren, Attorney at Law, appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board, (Board), upon the June 7, 1974, Complaint of the Environmental Protection Agency, (Agency), charging Hillside Stone Corporation, (Hillside), with violating Section 9(a) of the Environmental Protection Act, (Act), and Rule 102 of the Air Regulations. Four hearings were held at which there was considerable public testimony.

Hillside owns and operates a limestone quarry located at Mannheim Road and the Eisenhower Expressway, Hillside, Cook County, Illinois. The Agency produced eleven citizen witnesses from the area around Hillside. Each one testified under oath that when the wind was from the west and the weather is dry, there is an acute dust problem. Each one stated that they knew that the dust came from Respondent because they could see it. (Rl. 6, 11, 39, 65, 79, 93; R.2 4, 38, 49, 75, 91.)

The problem is so bad that many of the witnesses stated that they had to remain indoors, clean more often than at other residences, and that the dust dried their mucus membranes. (Rl. 16, 40, 52, 66, 84, 97; R2. 8, 92.) Several witnesses testified to the fact that they noticed excessive dust on shrubbery and grass and property. (Rl. 25-6, 80, 98, 103, 106; R2. 93.)

More particularly, Mr. Romadka, who lives one-half block from the quarry testified that in order to keep his car clean he had to wash it three times a week (Rl. 12). The dust makes his eyes smart (Rl. 9) and in referring to

the dust's effects on his children he stated: "...their mouths would be permeated or be infiltrated by this dust." (Rl. 16)

Mr. Charek, whose residence is one block east of the quarry, testified that when he walked across his lawn "...my shoes turned white with the same type of dust..." The dust caused him to have dry nasal passages and dry eyes (Rl. 40). He also testified that, as a result of the quarry dust, he must clean his auto's carburetor once a month and change his car's air filter monthly (Rl. 47), and clean his gutters three times a year (Rl. 52). Some of his window screens must be cleaned bi-weekly (Rl. 53).

Francis Mansfield testified that sometimes, when he is outside, he can taste the dust, and that it is "always on the sidewalks, the roof, on the shrubbery, the grass." (Rl. 66).

Mr. Harrison testified that when his daughter was christened in 1974, he had to move his yard party into the house because of the dust (Rl. 84). He also stated that due to the dust he has installed new storm windows and doors, new gutters and air conditioning. (Rl. 84). When his daughter is outside: "...she keeps rubbing her eyes, and the eyes are all red on the eyelids. You can't put her in the grass because the grass is all dusty. We had a little swimming pool for her. You would put the water in there a little ahead of time to try to warm it up for her to swim in the swimming pool; the water would be all dusty on the top." (Rl. 87)

Mrs. Susan Harrison testified that on July 31, 1974, after talking to a neighbor for five minutes outside:

We had so much dust in our eyes, we were tearing. We had to go into the house. Everything was shut up. We couldn't even go outside. (R2. 8)

Respondent contends that the bulk of the dust comes from the limestone gravel in the alleys behind the citizens' homes. To support this argument Respondent has taken pictures of cars raising dust in the alleys (Res. Ex 21-4). However, the Board finds it hard to believe that the quantity of dust complained of would result solely from the alleys, and Respondent's own exhibits do not support their contention.

Respondent raises the defense that the controls it has installed are all that are technologically available. Hillside uses a Johnson-March system to control the dust. This system sprays water treated with a surfactant to reduce surface tension, (Rl. 207). Dust is also collected from

drills with a large fan and blown into the atmosphere, (R1. 138, 143). Hillside had a water suppressant which would have avoided this excess emission, but it was not in use, (R1. 138). Hillside General Superintendent, Jim Durr, states that 75% of the particulate results from vehicular traffic, (R2. 148). However, he could not support this figure from his own personal knowledge, (R2. 165).

Complainant's witness, Martin Sheahan, an Agency engineer, testified that he observed Hillside's quarry in operation in October of 1973, (R1. 124-5). He testified that dust emanated from the drilling operation whose pollution control device was in operation only part of the time, (R1. 138). In addition, a surfactant pump in the Johnson-March system was broken and at least one nozzle was plugged, (R1. 148). Also, a door was missing on the secondary crusher, and dust was being produced when the gravel was dropped to stock piles, (R1. 150). Mr. Sheahan also stated that besides using properly operated, existing control devices, the particulate could be further reduced by use of spray towers, (R1. 150), and drop chutes to contain dust when the conveyors drop the limestone onto the surge pile, (R1. 152). In addition, the surge pile could be kept below grade.

Dr. Walter McCrone, an expert in the field of air pollution products and the analysis of particulate (R.254), testified that he made a survey of the area for particulate in October of 1974 for the Respondent (R.255). Dr. McCrone used dust fall pans and sampling to measure the dust fall from the quarry. His conclusion was that very little of the dust "gets over into the residential area." (R.260) He also determined that the wind velocity toward the residential area was about 56% of the time (R.260). Dr. McCrone found that the dust samples he took contained an average of 20% limestone, and that normal samples would only contain 5% limestone (R.264). Dr. McCrone, however, did not take any samples of dust on residential property in the area (R.272). Nor did Dr. McCrone use the more modern methods of measurement which are available today (R.256).

Mr. William J. Stanley testified for Respondent that he prepared the Respondent's current pollution control program (R.227) and that the program was the highest state of the arts (R.230). He also testified that he has seen dust leaving the quarry (R.232) and that the residential nature of the area was not considered when developing the program (R.231). Stanley did not take any tests or samples of air adjacent to the quarry property (R.236).

On the basis of the foregoing, the Board holds that Hillside has caused or allowed the emission of limestone dust so as to cause air pollution in Illinois. It is clear that Hillside's emissions unreasonably interfere with the enjoyment of life or property in the Hillside area. The Board finds that these emissions could be controlled by properly using existing control devices at the quarry together with spray towers and drop chutes. The Board finds that Hillside has violated Rule 102 of the Air Regulations and Section 9(a) of the Act.

Section 33(c) of the Act requires the Board to take into consideration all facts bearing upon the reasonableness of the emissions, including the character and degree of injury to or interference with the health, general welfare and physical property of the people, the social and economic value of the source, the suitability of the area to the source, and the technical practicability and economic reasonableness of reducing or eliminating the emissions.

Hillside has operated its quarry since 1970. It produces up to 4,500 tons a day of various sized limestone. It has apparently obtained all necessary operating permits, (R2. 136-8). Dust is controlled by a Johnson-March dust suppressant system during crushing, screening, and conveying of limestone, (R.133-5); conveyor enclosures, (R.154); and a street sweeper and water wagon; as well as black topping of the frontage road and quarry entrance (R.160); and a traffic control program, (149). The total amount expended on pollution control was \$600,000.00 (R.281). However, many of the control devices utilized were ordered pursuant to a permanent injunction (R. 310-12).

The Board has found that Respondent's activities unreasonably interfere with the enjoyment of property and the health of citizens in the area. The Board notes that Respondent has refused to provide information with respect to the economic value of its quarry. The area involved, although zoned commercial, is primarily residential in nature.

The Board, in consideration of the size of the operation involved, finds that it is reasonable to expect Respondent to properly use the pollution control devices it has and to install a chute over its surge pile and spray towers. For its violation the Board assesses a penalty of \$10,000.00.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD THAT:

1) Hillside Stone Corporation is found to have violated Section 9(a) of the Environmental Protection Act and Rule 102 of the Air Regulations; and

2) For said violations, Hillside Stone Corporation shall pay the sum of \$10,000.00, within 45 days of this Order, payment to be made by certified check or money order payable to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706;

and

3) Hillside Stone shall cease and desist, within 60 days of this Order, from operating existing equipment without properly maintained pollution control devices.

4) Hillside Stone shall file with the Board and the Agency, within 60 days of this Order, a corporate approved plan whereby compliance with Section 9(a) of the Environmental Protection Act and Rule 102 of the Air Regulations shall be effected.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of November, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board