

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

MC CLURE QUARRIES, INC.)
)
 Petitioner,)
)
 v.) PCB 75-326
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

Petitioner filed a request for a variance from Rules 103(b), 202(b), and 203(a) or 203(b) of the Air Pollution Control Regulations (Air Rules) on August 25, 1975. The Illinois Environmental Protection Agency (Agency) filed a Recommendation to deny the variance on October 16, 1975. No hearing was held.

Petitioner operates a limestone quarrying operation located one and a half miles north of Tennessee, , Illinois in McDonough County. Petitioner mines the limestone and then removes it by truck to a central crushing, screening and processing operation. The rock crushing plant produces a maximum of 125 tons an hour of crushed stone with an average production rate of some 100 tons per hour. During 1974 24,820 tons of stone were processed during some 279 days of operation. Petitioner's equipment consist of hopper, virbrating feeder, impactor (primary crusher), double deck screen, hammermill (secondary crusher) and a second double deck screen. Petitioner states that limestone dust, which consists of approximately 85.75% calcium carbonate, is emitted from three processing areas at the rock crushing plant: primary crushing; secondary crushing and screening; and conveying and handling.

Petitioner has outlined a compliance program to suppress dust emissions by constructing a liquid spray system which will apply a wetting agent to the stone at the impactor and hammermill. On August 18, 1975 Petitioner submitted a construction permit application for the spray system to the Agency. Petitioner also alleges that the application of the wetting agency will control dust at subsequent material handling operations. Petitioner's compliance program

estimates compliance by April 1, 1976 provided the Agency issues the applied for construction permit.

Petitioner alleges that the National Air Quality Primary Standards for Particulate Matter is being met in the Burlington-Keokuk Interstate Air Quality Region 65 within which its facility is located.

The Agency recommends that the variance be denied. The Agency states that the compliance program involves "an unreasonable length of time within which to undertake a program of control which is otherwise acceptable". The Agency also alleges that "it officially warned McClure on March 15, 1975, that it was operating without an operating permit".

The Board finds that Petitioner has failed to explain why it did not obtain an operating permit by June 1, 1973 as required by Rule 103(b)(2)(A) of the Air Rules. Nor has Petitioner presented any information in regard to the failure to timely comply with Rules 202 and 203 of the Air Rules. Without this information the Board may not grant the requested relief. We have previously held that denial of the variance is not tantamount to a shut down order, but rather a refusal to grant a shield from prosecution (See GAF Corporation v. EPA, PCB 71-11 1 PCB 481, 490 (April 19, 1971)).

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

ORDER

The variance requested by McClure Quarries, Inc. is denied without prejudice.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of October, 1975 by a vote of 4-0.


Christian L. Moffett, Clerk
Illinois Pollution Control Board