

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
MATERIAL SERVICE CORPORATION,)
a Delaware corporation,)
)
 Respondent.)

PCB 75-293

Mr. James L. Dobrovolny, Assistant Attorney General, Attorney
for Complainant
Mr. Louis R. Hegeman, Gould & Ratner, Attorney for Respondent

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

This case arises out of an Amended Complaint filed August 14, 1975 by the Environmental Protection Agency alleging that Material Service Corporation (Respondent) operated an expanded shale processing facility without an operating permit in violation of Rule 103(b)(2) of the Air Pollution Control Regulations (Regulations) and in further violation of Section 9(b) of the Environmental Protection Act (Act) from March 1, 1973 until August 14, 1975. Hearing was held October 27, 1975 in Ottawa at which time a Stipulation of Facts and Agreed Settlement (Stipulation) was entered into by the parties. One citizen witness also appeared at the hearing and testified concerning the nuisance resulting from dust conditions created by Respondent's operations.

Respondent owns and operates a lightweight aggregate manufacturing facility located three-and-one-half miles east of Ottawa, on the north bank of the Illinois River in a largely agrarian and rural area. Mined shale is processed into a lightweight aggregate used in making concrete through a series of steps conducted at this facility. One type of emission produced throughout this process is a dust-like particulate matter called fines. Respondent has expended approximately \$500,000 in attempts to control these emissions, and is presently installing two baghouse collection systems in the final screening and crushing operation of the plant. These two baghouses will collect material from the screens, transfer points and the crushers, and process this air stream through the baghouses, collecting the small particles and recycling them into product. This baghouse system

will cost \$200,000 and is scheduled to be in operation by April 1976. Respondent has operating permits for all areas of the facility with the exception of the final screening and crushing operation, and presently has a construction permit for that area granted by the Agency for the installation of the baghouse collection system.

Respondent admits that it operated the final screening and crushing operation of its expanded shale facility intermittently since March 1, 1973, without having received operating permits from the Agency in violation of Rule 103(b)(2) and in further violation of Section 9(b) of the Act. For these admitted violations the parties agree that a penalty of \$3,000 should be assessed. Respondent also agrees to obtain operating permits for the unpermitted operations at this facility.

The Stipulation of Facts and Agreed Settlement submitted by the parties is found adequate under Rule 333 of our Procedural Rules (EPA v. City of Marion, 1 PCB 591).

On the basis of the foregoing and the Stipulation, we find that Respondent did violate the Act and Regulations as charged in the Amended Complaint by operating the final screening and crushing equipment of its expanded shale facility without the necessary operating permits, from March 1, 1973 until July 25, 1975, in violation of Rule 103(b)(2) of the Air Rules and Section 9(b) of the Act. A penalty of \$3,000 is assessed for these violations.

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

ORDER

1. Respondent, Material Service Corporation, has operated the aforesaid facilities in violation of Section 9(b) of the Environmental Protection Act and Rule 103(b)(2) of the Air Pollution Regulations and shall pay a penalty of \$3,000.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this Order to: Control Program Coordinator, Division of Air Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Material Service Corporation, shall obtain all required operating permits for its expanded shale facility no later than 120 days of the date of this Order, or no later than 120 days after the aforesaid baghouses are operational in April of 1976, whichever is later.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25th day of March, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board