

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1978

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 75-468
)
MATERIAL SERVICE CORPORATION,)
a Delaware corporation,)
)
 Respondent.)

CAROL M. PEARCE, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

GOULD & RATNER, ATTORNEYS AT LAW (MR. LOUIS R. HEGEMAN, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the December 11, 1975 Complaint brought by the People of the State of Illinois which alleged that Material Service Corporation caused or allowed the discharge or emission of contaminants into the atmosphere so as to cause air pollution in violation of Section 9(a) of the Illinois Environmental Protection Act. Hearings were held on March 26, 1976, September 23, 1976, and January 31, 1978. The parties filed a Stipulation of Facts and Proposal for Settlement on February 1, 1978.

Material Service Corporation owns and operates a limestone quarry near 47th Street and Plainfield Road in McCook, Illinois.

The stipulated background facts indicate that blasting, conveying, screening and loading activities during the daily operation of the facility generate particulate emissions. On days when the wind is emanating from the south, dust from the quarry occasionally reaches a residential area located immediately to the north of the Company's property.

Material Service Corporation does not admit that it violated Section 9(a) of the Act, and further states that the situation did not extend for any appreciable length of time. However, for the purposes of this proposed settlement only, the Respondent offered no evidence to refute the People's contention.

To abate any airborne emissions and enhance the quality of the environment near the limestone quarry, the Company has entered into and completed parts of an improvement program in which:

1. A surfactant solution spray is used to treat the material transported via conveyors throughout the facility (excluding the primary crusher) at the input and discharge of each crushing operation. Additionally, sprays are located at several of the screen discharges.

2. All drilling is done with a wet dust suppression spray system.

3. All crushing and screening operations are conducted within closed buildings. Replacement of faulty or broken doors and worn or damaged siding has taken place in these buildings, so that the integrity of the building enclosure of both plants has been upgraded and improved.

4. To prevent the free and unconfined fall of materials, drop chutes (i.e., stone ladders) are installed on the 3/4" material fixed storage pile conveyor and on the three 3/8" chips fixed storage pile conveyors.

5. Haul roads are treated with oil about every 18 days or earlier, dependent upon weather conditions. The area around the scale has been paved. Speed limit signs, which are already on the premises, will be installed at strategic locations on the property.

To further improve existing conditions at the facility, the Company has entered into a compliance plan in which it agrees to: (1) enclose certain conveyors with dust covers within 90 days of the date of the agreement; (2) promptly install a new scale; (3) construct a permanent spray bar by May 31, 1978 in such a manner that trucks must pass under it and receive water treatment on the loads prior to leaving the quarry; (4) erect a sign adjacent to the spray bar to provide notice to truck drivers of the appropriate Illinois statute which prohibits depositing any part of a truck load on a highway of Illinois; (5) install speed limit signs within 45 days of the date of the agreement; (6) obtain all necessary permits; (7) submit copies of all permit applications, issued permits, permit denial letters, drawings, sketches, flow diagrams, specifications, studies, quarterly progress reports and any other documents pertaining to this compliance program to the Illinois Attorney General's Office; (8) allow inspection of the site by a representative of the Attorney General's Office at any reasonable time during normal business hours; and (9) post a \$50,000.00 performance bond.

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974).

Accordingly, the Board accepts the Stipulation and Proposal for Settlement and imposes no penalty.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Material Service Corporation has violated Section 9(a) of the Illinois Environmental Protection Act.

2. Material Service Corporation shall comply with all terms and conditions of the Stipulation and Proposal for Settlement filed February 1, 1978, which is incorporated by reference as if fully set forth herein.

3. Material Service Corporation shall enter into and complete the specified compliance program which is fully set forth in the Stipulation.

4. Material Service Corporation shall cease and desist from further violations of Section 9(a) of the Act.

Mr. Jacob D. Dumelle dissented.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 27th day of April, 1978 by a vote of 4-1.



Christian L. Moffett, Clerk
Illinois Pollution Control Board