

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 72-245
)
 KANKAKEE CONCRETE PRODUCTS,)
)
 Respondent.)

Larry R. Eaton, Special Assistant Attorney General, on behalf
of Complainant;
Charles O. Henry on behalf of Respondent.

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

On July 15, 1972, the Agency filed complaint against Respondent, Kankakee Concrete Products, the owner and operator of a concrete mixing plant and a concrete block manufacturing operation in Kankakee, Kankakee County, Illinois. The complaint alleges violation of Sections 9(a), 9(b), 12(a) and 12(d) of the Environmental Protection Act.

Respondent is charged with operating its facility in such a manner as to cause, threaten or allow the discharge or emission of dust and other contaminants into the atmosphere so as to cause or tend to cause air pollution, either alone or in combination with contaminants from other sources. Respondent is further charged with operating its facility in such a manner as to cause or threaten the discharge of lime and cement fines, dissolved chemicals, and boiler blowdown water, into a storm discharge ditch, so as to cause or tend to cause water pollution, either alone or in combination with contaminants from other sources.

This cause comes before the Board with a lengthy and detailed Stipulation entered into by the respective parties which "accurately describes the situation and presents to the Board the pertinent facts and information." From the Stipulation, it is apparent that Respondent has violated the enumerated sections of the Act, that Respondent has taken substantial steps toward the abatement of said violations, and that Respondent proposes

to take additional steps in order to achieve full compliance. According to the Stipulation, the Agency believes that the work which is now being completed by Respondent and the proposed work, when completed, will substantially reduce the air and water pollution from Respondent's plant. However, because of the nature and multiplicity of problems involved, the Agency is of the opinion that it is impossible to determine, before all such work is completed, whether it will satisfactorily correct all problems.

The proposed remedial action set forth in the Stipulation is quite lengthy and detailed, and it would serve no purpose to set it out in this opinion. The Stipulation is attached and hereby incorporated as part of this opinion. This Board is satisfied that the measures agreed upon by the parties represent a reasonable and bona fide attempt to solve en masse Respondent's pollution problems. It is noted that Respondent has, to date, expended approximately \$22,000 for abatement devices and procedures and estimates that a further expenditure of approximately \$20,000 will be necessary to complete its proposed plans.

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

IT IS THE ORDER of the Pollution Control Board that Respondent, Kankakee Concrete Products, shall:

1. Complete the work as set out in Paragraphs 8 and 19 of the Stipulation;
2. Apply for the permits as set out in Paragraph 11 and such additional permits as may be necessary for the construction and installation of the truck car-wash facility;
3. Within 35 days from the date of this Order post a performance bond in a form satisfactory to the Agency in the amount of \$20,000, guaranteeing compliance with the orders herein provided;
4. Within 35 days from the date of this Order pay to the State of Illinois the sum of \$1,000. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 1st day of July, 1973, by a vote of 5 to 0.

Christan L. Moffett

STATE OF ILLINOIS)
) SS.
COUNTY OF KANKAKEE)

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

FEB 21 1973
POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
) PCB 72-245
vs.)
)
KANKAKEE CONCRETE PRODUCTS,)
)
Respondent.)

STIPULATION

NOW COMES, The ENVIRONMENTAL PROTECTION AGENCY, Complainant, (hereinafter referred to as "Agency"), and KANKAKEE CONCRETE PRODUCTS, Respondent, (hereinafter referred to as "Kankakee Concrete"), the parties to the above entitled cause and agree and stipulate as follows:

1. That on May 4, 1971 and at all times thereafter, Kankakee Concrete has been a corporation authorized to do business in the State of Illinois, and has continually, during said period, operated a concrete mixing plant, and a concrete block manufacturing operation at 1781 E. Risser St., Kankakee, Kankakee County, Illinois.
2. That Kankakee Concrete operates said plant on a tract of land in City of Kankakee which tract of land is approximately 8.34 acres in size, and is of a triangular shape. That a copy of a plat is attached to the original copy of this Stipulation, marked Exhibit "A", and the area of the Kankakee Concrete plant is outlined thereon in red, and said plat is incorporated herein by reference.
3. That the Kankakee Concrete plant is bounded on the south by a residential area of the City of Kankakee, and is bounded on the west by a residential area of the City of Kankakee.

That a track of the New York Central Railroad Company forms the third boundary to the property, and there are open fields and commercial operations on the other side of said railroad track. That an aerial photo (which shows the location of the Kankakee Concrete plant) is attached to the original copy of this Stipulation, marked Exhibit "B", and is incorporated herein.

4. That the Agency has received complaints from approximately five residents living in the area of the Kankakee Concrete plant. That said complaints concerned the emission of dust and other contaminants into the air by Kankakee Concrete and the runoff of lime, cement fines, and caustic water onto the property of residents living to the south of the Kankakee Concrete plant.

5. That representatives of the Environmental Protection Agency, on May 4, 1971, August 10, 1971, October 1, 1971, and on other dates, conducted investigations of the Kankakee Concrete premises and the operations, and did interview citizens living in the area as to what, if any, complaints they had concerning the Kankakee Concrete operation.

6. That at the time of the said investigation by the Agency, and on the dates alleged in the complaint, the following air pollution problems existed and have continued to exist, except as hereinafter set forth, which operations and activities by Kankakee Concrete constitute violations of Section 9 (a) of the Environmental Protection Act as alleged in Paragraph 2 of the Complaint on file in this cause:

(a) That substantial amounts of dust were being emitted from the concrete batch mixing plant and from the ready mixing plant and from the ready mix plant.

(b) That the dust emitted from the operations set out above, together with the dust from the other operations from Kankakee Concrete settled, in part, on the plant area, and that no operations which were satisfactory in their nature were being conducted by Kankakee Concrete to collect, sweep, or cover the dust, so that it

would not be blown from the plant during windy periods.

(c) That the concrete trucks of Kankakee Concrete entered the plant from Risser Street, which is shown on Exhibit A attached hereto. That the plant roads were made of gravel or crushed rock, and the dust from the other operations, which collected on the plant roads and on the nearby access streets to the plant, was continually stirred and sent into the atmosphere by wind and by the large truck traffic associated with the operations of Kankakee Concrete.

(d) That Kankakee Concrete washed their trucks in an open area on the plant property, and the waste water, which evaporated on the property, contained cement fines and lime which formed dust which was also blown from the property by wind and the said truck traffic.

7. That Kankakee Concrete has, prior to the execution of this Stipulation, taken the following steps to abate said air pollution:

(a) That Kankakee Concrete did, in December, 1971, purchase and place into operation, a Dusty Dustless dust collector on it's ready mix plant.

(b) That Kankakee Concrete, during 1972 has entered into a program to oil the plant area, which is not surfaced with concrete, which oiling has been done periodically, and which has substantially decreased dust emissions into the air, caused by wind or said truck traffic.

(c) That Kankakee Concrete has, during 1971 and 1972, continued to expand the area of their plant, which is surfaced with a concrete slab, which area are primarily used for the storage of concrete blocks manufactured by the plant and for roadways.

8. That Kankakee Concrete proposes to take the following additional steps to abate the air pollution problems:

(a) To purchase and install within 120 days of the day

hereof, a Dusty Dustless dust collector appropriate in size and features, on the cement block plant.

(b) To rent or purchase a sweeper to sweep the paved portion of the plant and to sweep the access roads and streets leading into the plant.

(c) To continue their oiling program for the unpaved portion of the plant area, and to oil said premises when needed, and to conduct said oiling program at such times and in such a manner so as not to violate the Environmental Protection Act, the Water Pollution Rules and Regulations or other applicable laws or regulations.

(d) That Kankakee Concrete agrees to sweep said premises when needed and, at least, once a week during the months of April - November of each year and when needed during the months of November - March.

9. That Kankakee Concrete and the Agency believe that the work, which is now being completed by Kankakee Concrete, and the proposed work, when completed, will substantially reduce dust emissions from the Kankakee Concrete plant. That because of the nature and multiplicities of problems involved, it is impossible to determine, before all such work is completed, whether it will satisfactorily correct all problems of dust emission.

10. That Kankakee Concrete installed the Dusty Dustless bag collection device on their ready mix plant in December, 1971, without obtaining an installation permit from the Agency in violation of Section 9 (b) of the Environmental Protection Act and Rule 3-2.100 of the Air Rules, as alleged in paragraph 2 of the Complaint.

11. That Kankakee Concrete agrees to immediately apply for a permit for the operation of said Dusty Dustless dust collector

which was installed in December, 1971, and further agrees to immediately apply for a construction permit from the Agency for the Dusty Dustless dust collector, which they intend to install on said concrete block plant.

12. That an order should be entered by the Pollution Control Board ordering Kankakee Concrete to complete the work as set out in paragraph 8 above, and to apply for the permits as set out in paragraph 11.

13. That the order of Pollution Control Board should also require a subsequent study to be conducted at a date after all work provided for herein has been completed, to determine that the actions taken and to be taken by Kankakee Concrete satisfactorily control dust emissions from said plant, and that this case should remain open pending the results of said further study, so that further appropriate orders may be entered after said study has been completed.

14. That investigations of Kankakee Concrete plant were also conducted by representatives of the Agency in regard to possible water pollution problems.

15. That Kankakee Concrete does not admit that discharges coming from it's property cause or tend to cause water pollution either alone or in combination with contaminants from other sources in violation of Section 12 (a) of the Environmental Protection Act.

16. That Kankakee Concrete does stipulate that on September 27, 1971, an investigation of the Kankakee Concrete plant was conducted by Mr. John C. McLane, Supervisor of the Kankakee Sub-Unit of the Illinois River Basin of the Illinois Environmental Protection Agency, and that on said date Mr. McLane found the following facts and observations to be true:

(a) That water drains from the Kankakee Concrete tract of land to the south into the residential area.

(b) That on September 27, 1971, water was flowing from Kankakee Concrete across Moore Street, in the City of Kankakee, and then continuing across two vacant lots into an alley where the flow was going into a storm sewer of the City of Kankakee, through a manhole. That a sketch is attached hereto as exhibit "C", which shows the general course upon which said water was flowing, and which indicates that said storm sewer discharges into a drainage ditch which drainage ditch discharges into the Kankakee River approximately one mile south of the Kankakee Concrete plant.

(c) That said flow referred to on said paragraph B above, was turbid and light gray in color, and there were cement fines observed therein.

(d) That on September 27, 1971, said John McLane also observed a pink colored discharge in the drainage ditch which runs along the railroad track on the east side of the property and discharges into the paved ditch shown on Exhibit "C".

(e) That said discharge was coming from the Kiln building which housed the Kiln heating system and boiler, which is used to dry and cure pre-formed concrete pieces and that said discharge appeared to be boiler blowdown from said system.

(f) That attached hereto, marked Exhibit "D", is a laboratory analysis sheet showing the results of the analysis of a sample collected from said drainage ditch, which runs along said railroad track.

(g) That said drainage ditch discharges into a paved concrete ditch, which runs westerly across the property of Kankakee Concrete before entering a storm sewer through a manhole. That said storm sewer runs underground for several blocks through the City of Kankakee before discharging into and forming an open drainage ditch which continues in an easterly direction and discharges into

the Kankakee River approximately one mile from the Kankakee Concrete premises.

(h) That no samples were collected on said date from either the drainage ditch or the Kankakee River.

17. That the investigation of the Agency discovered the following additional water pollution problems at the Kankakee Concrete plant:

(a) That the drainage from the Kankakee Concrete plant, as noted above, flows in a southerly direction into a residential area, and in periods of heavy rainfall, cement fines and other caustic water, which result from the dust and concrete waste products located on the property, can run off the premises onto residential area south of said property, and can enter the storm sewer system of the City of Kankakee, which discharges into waters of the State of Illinois.

(b) That Kankakee Concrete did, on May 4, 1971, and has since that date, caused concrete trucks to be washed out on a vacant area of the plant property, and that the wash water from said operation has been allowed to drain or evaporate on or from said plant property.

(c) That said truck washing operation results in the depositing of cement fines and caustic water on the property, and that said cement fines or caustic water could flow from the property as set out in sub-paragraph (a) above, or said cement fines or caustic water could flow into the paved ditch shown on Exhibit "C", which flows into the Kankakee storm sewer system and eventually discharges into the Kankakee River.

(d) That the depositing of said cement fines and caustic water upon the Kankakee Concrete premises could create a water pollution hazard since said cement fines and caustic water could

potentially enter the Kankakee River and could cause water pollution in Illinois, either alone or in combination with matter or other sources in violation of Section 12 (d) of the Environmental Protection Act.

(e) That the evaporation of said wash water could also create dust and add to the problems set out in paragraph 6 of this Stipulation.

18. That Kankakee Concrete has, prior to the execution of this Stipulation , taken the following steps to abate said water pollution:

(a) That Kankakee Concrete has caused the sewer system from the Kiln building to be connected to the sanitary sewer system to the City of Kankakee.

(b) That Kankakee Concrete has caused a concrete retaining wall to be constructed along the south boundary of the Kankakee Concrete plant which prevents or substantially prevents any runoff water or drainage from reaching the property of any other persons other than Kankakee Concrete, and has constructed a drainage system and installed drainage pipe so as to collect any runoff water which reaches the south boundary of said property. That said drain discharges into the paved ditch shown on Exhibit "C", which discharges into the Kankakee storm sewer system. That said wall does, however, have an open space or hole in it which could allow runoff.

(b) That Kankakee Concrete has continued a land fill project along the south portion of their property, which helps prevent the heavy drainage in that direction, and that Kankakee Concrete has received a letter from the Environmental Protection Agency indicating that the refuse disposal, which is being used for the land fill complies with the state regulations. That a copy of said letter is attached hereto as Exhibit "E".

19. That Kankakee Concrete proposes to take the following additional steps to abate the water pollution problems:

(a) To construct a truck wash out facility next to the paved drainage ditch shown on Exhibit "C", within 120 days of the date hereof, weather permitting. That plans for said wash out facility have been prepared for Kankakee Concrete by Design Engineering Associates, mechanical engineers from Kankakee, Illinois, and that copies of said plans are attached hereto as Exhibit "F", and incorporated herein. That said truck wash out facility will collect all truck wash out water and will allow all cement fines and other substances to settle and be collected in the four bays shown on Exhibit "F". That Design Engineering Associates has assured Kankakee Concrete that the water, when it leaves bay #4, will be pure and will be recycled for use again.

(b) That Kankakee Concrete agrees to immediately apply for any and all necessary permits for the installation for said truck wash out facility, and further agrees to construct said truck wash out facility in accordance with and pursuant to the necessary permits.

(c) That Kankakee Concrete agrees to immediately repair said cement retaining wall so that no open spaces or holes exist which could allow runoff water to flow onto the property of others and to keep said retaining wall in proper repair in the future.

20. That Kankakee Concrete and the Agency believe that the work which has previously been done by Kankakee Concrete and the proposed work set out in paragraph 19 above, when completed, will correct any major sources of water pollution or water pollution hazard from the Kankakee Concrete plant. That the parties further believe that the completion of the truck wash out facility will also substantially reduce dust emissions from the Kankakee Concrete plant. That it is impossible to determine at this time whether

rain water runoff collected in the drainage tile and deposited in the storm sewer system of the City of Kankakee will contain materials which could be detrimental to the Kankakee River. The parties do believe that the work done and to be done in the areas of both air pollution and water pollution abatement will result in the quality of any water running into the storm sewer system to be of a far better quality than it has previously been, but that a study will have to be conducted to determine if said discharges comply with appropriate standards and the provisions of the Environmental Protection Act.

21. That an order should be entered by the Pollution Control Board ordering Kankakee Concrete to complete the work set out in paragraph 19 above and to apply for any permits necessary for the installation and construction of said truck wash out facility.

22. That the order of the Pollution Control Board should also require a subsequent study such as that required in paragraph 13 hereof to be conducted after the above work has been completed to determine the quality of any water entering the Kankakee storm sewer system.

23. That a further order should be entered by the Pollution Control Board requiring Kankakee Concrete to post a performance bond guaranteeing compliance with the orders herein provided for in such amounts and under such terms and conditions as the Pollution Control Board deems just and proper.

24. That the Pollution Control Board should enter such further orders as they deem to be just and appropriate and the Pollution Control Board shall determine on the basis of this Stipulation and the record in this case, the amount of a fine, if any, is to be levied by the Pollution Control Board.

25. That Kankakee Concrete represents that it has, in the past, and does now desire to solve and correct any pollution problems attributable to the operation of it's company, and has attempted to cooperate with the Agency and other regulatory agencies of this state to that end. That Kankakee Concrete requests that the Board consider the cost of work which has been previously done by Kankakee Concrete and the cost of the proposed work in making the determinations which are contemplated by this Stipulation and which the Pollution Control Board is required by law to make.

26. That Kankakee Concrete represents that during the year 1971, they expended the sum of \$4,930.69 for costs in connection with surface water control, oiling of the plant surfaces, and partial construction of the retaining wall. That Kankakee Concrete further represents that to date, in the year 1972, they have expended the sum of \$12,987.07 for oiling, the purchase and installation of the Dusty Dustless dust collector on the ready mix concrete plant, oiling, completion of the construction of the retaining wall, surface water control, and purchase and installation of the drainage pipe along the said retaining wall. That Kankakee Concrete further represents that in addition to the items set out above that they furnished concrete, concrete blocks, and other products which they produce of the value of \$4,589.04 in connection with the construction of the retaining wall.

27. That Kankakee Concrete represents that the estimated costs anticipated for the purchase and installation of the Dusty Dustless dust collector on the cement mixing plant is approximately \$1,000.00 and that the estimated cost for the purchase, construction and installation of the truck wash out

is approximately \$19,400.00.

28. That the Environmental Protection Agency and Kankakee Concrete Products have agreed to present the above cause to the Pollution Control Board by this Stipulation, since both parties agree that said Stipulation accurately describes the situation and presents to the Board the pertinent facts and information involved in this case.

29. That the Environmental Protection Agency and Kankakee Concrete Products further agree to present this Stipulation and have it read into the record at a public hearing held before a hearing examiner of the Pollution Control Board and to then allow any residents of the area or other citizens to present testimony in accordance with the rules of the Pollution Control Board.

30. That the Environmental Protection Agency and Kankakee Concrete Products agree that said public testimony together with this Stipulation and all other pleadings on file in this cause shall constitute the record for presentation to the Pollution Control Board.

Dated this 15th day of February, 1973.

ENVIRONMENTAL PROTECTION AGENCY, Complainant

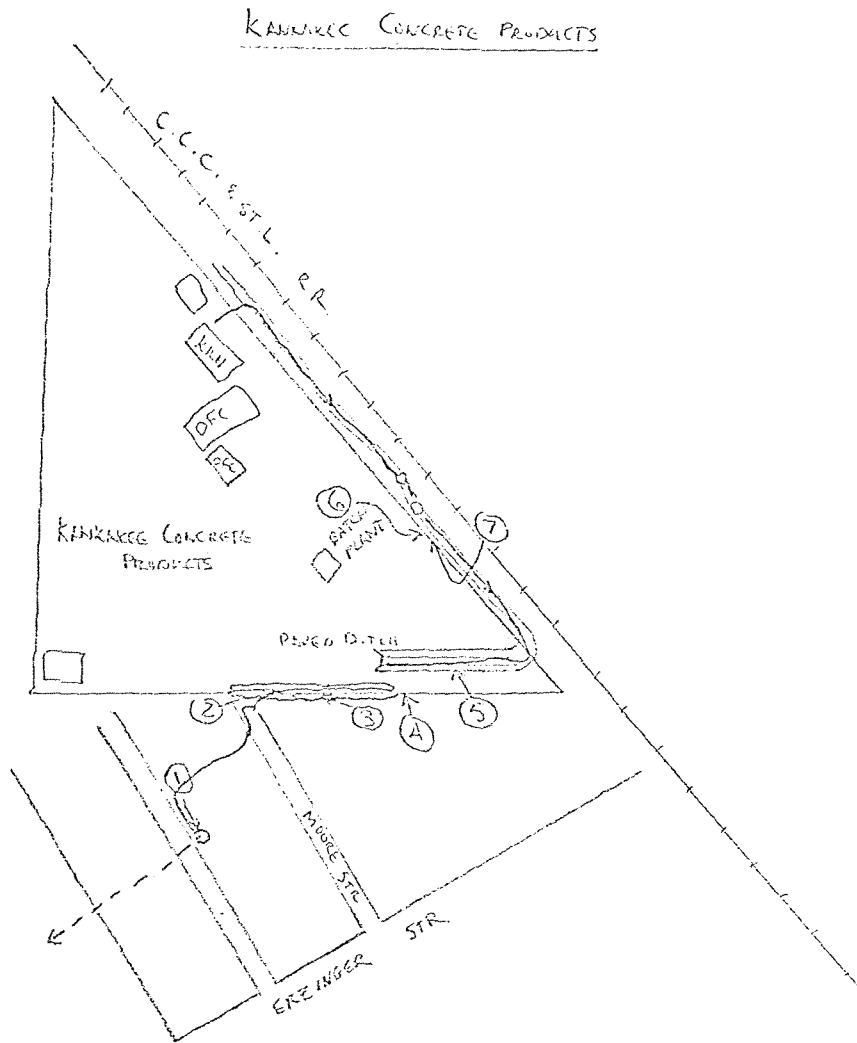
By Mary Lee Luby

KANKAKEE CONCRETE PRODUCTS, Respondent

By J. J. [Signature]

EXHIBIT "C"

PHOTO LOCATION SKETCH ATTACHED TO EXH. D



KEY - (1) NUMBERS CORRESPOND TO PHOTOS AND THE DIRECTION FROM WHICH THEY WERE TAKEN AT THE AREA TAKEN.

— RED LINE INDICATES THE AREA AND ROUTE OF ASBESTOS POLLUTION MATERIAL FLOWS.

PHOTO LOCATION SKETCH
KANKAKEE CONCRETE PRODUCTS

12-1-64
JL

EXHIBIT "D"

NO. COLLECTED: 1200PM
 DATE COLLECTED: 9-27-71

SPECIAL ANALYSIS FORM

LAB # 01307
 DATE RECEIVED SEP 30 1971

ENVIRONMENTAL PROTECTION AGENCY - BUREAU OF WATER POLLUTION CONTROL
 SPRINGFIELD, ILLINOIS 62705

Sub Basin: KANKAKE Rec'd by: James Royer 11:20

FACILITY NAME: KANKAKE CONCRETE PRODUCTS FACILITY NUMBER: FILE TOWN: KANKAKE

STREAM NAME(S): KANKAKE R - DITCH STREAM CODE: F

SOURCE OF SAMPLE: (Exact Location) DITCH BEHIND K3 CONC. PRODUCTS - Between their Building & RR Tracks.

PHYSICAL OBSERVATIONS, REMARKS: DEEP PINK COLOR - CHEMICAL ODOR

SUSPECT BOILER BLOWDOWN - RUST INHIBITOR

COLLECTED BY: TRANSPORTED BY (1) (2)

Arsenic	Coliform/100ml	9.1	pH
Aluminum	Fecal Coliform /100 ml		Turbidity
Borium	Fecal Strep /100 ml		Chlorine
Calcium	0.60 Iron		Ammonia-N
Cadmium	Hardness		Ortho-Phosphate
Copper	Alkalinity	5.6	Total Phosphate
Chromium (tri)	Total Acidity		Sulfate
Chromium (hex)	Free Acidity		Chloride
Lead	0.09 Nitrate		Fluoride
Manganese	Nitrite		TS/EC
Magnesium	Cyanide		Susp. Solids
Sodium	18 Phenol		Vol. Susp. Solids
Zinc	MDAS		BOD
36.4 COD	Oil		

OTHERS:

CONC.			
IN. NO.			
PL. NO.			
S-DAY			

EXHIBIT "E"

ENVIRONMENTAL PROTECTION AGENCY • STATE OF ILLINOIS



William L. Blaser, Director • Richard B. Ogilvie, Governor

September 20, 1972

IN REPLY REFER TO:
KANKAKEE COUNTY - Land Pollution Control
Kankakee/Kankakee Concrete Products

Kankakee Concrete Products
1781 East Resser
Kankakee, Illinois

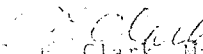
Gentlemen:

A technical representative of this Agency inspected your refuse disposal facility located at the above address on September 12, 1972.

The inspection disclosed that you have satisfactorily closed and covered your refuse disposal site. Your cooperation in this matter is appreciated. If this Agency can be of assistance to you in the future, please contact us.

Very truly yours,

ENVIRONMENTAL PROTECTION AGENCY


C. E. Clark, Manager
Surveillance Section
Division of Land Pollution Control

RECEIVED
SEP 22 1972
KANKAKEE COUNTY

2200 Churchill Road

Springfield, Illinois 62706

Telephone: 217-525-3357