

ILLINOIS POLLUTION CONTROL BOARD
May 31, 1973

ENVIRONMENTAL PROTECTION AGENCY,)
))
 Complainant,))
))
 v.) PCB72-145
))
CHICAGO BLOCK COMPANY and))
DIAMOND CRYSTAL SALT COMPANY,))
))
 Respondents.)

Samuel Morgan, Special Assistant Attorney General, on behalf
of Complainant;
Paul D. Frenz on behalf of Respondent.

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

Complaint was filed by the Agency on April 7, 1972 against Chicago Block Company and Diamond Crystal Salt Company located in the City of Chicago, County of Cook. The complaint alleges that Respondents have conducted their salt stockpiling operation and attendant facilities in such a manner as to cause or allow the emission of corrosive and dangerous particulate matter and other contaminants into the atmosphere in such quantities as to cause or tend to cause air pollution, either alone or in combination with contaminants from other sources, in violation of Section 9(a) of the Environmental Protection Act (Ill. Rev. Stat. 1971, ch. 111½ §1009(a)).

This action comes before the Board on a Stipulation, agreed to by the respective parties. By this Stipulation, Respondents admit that they conducted their operation in a manner causing or allowing a violation of Section 9(a) on three separate occasions: November 6, November 12 and November 26, 1971.

A hearing on this cause was held on March 15, 1973. As the stipulation dispenses with the necessity for the Agency to offer any other evidence, the scope of the hearing was limited to Respondents' offer of mitigating evidence and the Agency's rebuttal thereof.

Respondents operate a granulated rock salt pile and attendant facilities located at 10218 South Avenue "O", Chicago, Illinois. The rock salt stockpiled is primarily for highway use and huge quantities are sold to the State of Illinois, City of Chicago and other large consumers (R. 15). The piles sometimes reach the height of seventy-five feet and are worked with bulldozers and cranes (R. 14).

Stockpiling of rock salt outside is in conformity with the practice in the industry (R. 41). Respondents' witnesses testified that the piles are normally covered with huge tarpaulins (R. 15) and that when customers' trucks arrive to be loaded, a section of the tarpaulin is opened. During periods of rain, snow or high wind, the tarpaulins cannot be put down (R. 17). There is a great deal of conflicting testimony of record regarding how much the tarpaulins are actually used. There is evidence, however, that Respondents have spent approximately \$250,000 for tarpaulins during 1972 (R. 34).

The second major issue raised in mitigation is that much of the airborne particulate matter complained of by the area residents is emitted from sources other than Respondents' site. Testimony indicated that within twenty-four hours a crust begins to form on the salt piles due to a chemical reaction caused by the moisture in the air (R. 21). This reaction is immediate during periods of rain (R. 21). Testimony further indicated that formation of the crust prevents any material from being blown off the piles (R. 22).

There is a concentration of heavy industry in the area of Respondents' site and, in particular, a huge pile of crushed limestone (R. 85). Members of a citizens group who testified at the hearing stated that the particulate matter complained of was quite difficult to wash or scrape from surfaces; however, Respondents' witness, Dr. Sundberg, testified that salt is very soluble in water and could be washed off with no difficulty (R. 131). Dr. Sundberg conducted extensive emissions testing at the request of the Respondents and concluded that the amount of salt dust blown from Respondents' site is not sufficient to constitute any kind of health hazard (R. 131).

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

IT IS THE ORDER of the Pollution Control Board that:

1. Respondents, Chicago Block Company and Diamond Crystal Salt Company, shall cease and desist from all violations of Section 9(a) of the Act.

2. Both Respondents, individually, shall pay to the State of Illinois the sum of \$500 within thirty days of the date of this Order. 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.

3. Respondents shall, within thirty days of the date of this Order, submit to the Agency a plan for the control of all emissions from their facility.

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 31st day of May, 1973, by a vote of 4 to 0.

Christan L. Moffett