

ILLINOIS POLLUTION CONTROL BOARD
May 10, 1973

ENVIRONMENTAL PROTECTION AGENCY)
)
) #72-70
 v.)
)
 SOUTH WEST REGIONAL PORT DISTRICT)

MR. ROBERT F. KAUCHER, APPEARED ON BEHALF OF ENVIRONMENTAL
PROTECTION AGENCY
MR. HAROLD G. BAKER, JR. OF WAGNER, CONNER, FERGUSON, BERTRAND &
BAKER, APPEARED ON BEHALF OF RESPONDENT

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

On August 1, 1972, we entered our Opinion and Order on complaint filed by the Agency with respect to dust emissions from Respondent's aluminum slag pile. We directed that Respondent submit to the Board an interim plan for abatement of the nuisance so created, pending ultimate disposal and removal of the pile.

On October 5, 1972, a plan was submitted to the Board based on a soil stabilization study prepared by John W. Cook, P. E., of David J. Johnston & Associates, which contemplated the spreading of manure over the exposed areas, which would generate the growth of vegetation and hopefully, achieve stabilization of the pile and the ultimate abatement of the air pollution nuisance so generated.

While this program was originally contemplated as a pilot program, Respondent has now indicated that the project would be employed to cover the entire unstable top of the pile. The Agency has indicated its approval of the program, subject to the following terms and conditions:

- "(a) That no more than 30 cubic yards of manure be covered on any one acre;
- (b) That no more than 5 acres be so covered in any given 10-day period;
- (c) That no more than 20 acres be so covered over the duration of the soil stabilization program;
- (d) That all covering activity be completed by July 1, 1973;
- (e) That no more than 30 cubic yards of manure may be stock-piled at any one time on the premises, and for no longer duration than 10 days;

- (f) That all necessary precautionary measures will be taken - to prevent any manure runoff into free surface water and to reduce odorous air emissions;
- (g) Should Respondent desire deviation from the requirements of (a) - (f) above, that written request for relaxation from these conditions be submitted to each of the following:

Illinois Pollution Control Board
309 West Washington Street
Chicago, Illinois 60606

Attention: Christan L. Moffett

Illinois Environmental Protection Agency
Division of Air Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

Attention: Robert Goldberg, Manager, Variance Section

Such request shall include specific data and information indicating the exact need and extent of relaxation sought.

- (h) Should the proposed soil stabilization plan be found deficient at any time after July 1, 1973, Respondent shall undertake, with approval of the Board, whatever measures that may be necessary to fully abate the airborne soil erosion condition."

We find both the proposal of Respondent and the Agency's conditions reasonable and will approve them by Order hereinafter entered.

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

IT IS THE ORDER of the Pollution Control Board that the stabilization program contained in October 5, 1972 letter from Harold G. Baker, Jr., General Attorney, South West Regional Port District, addressed to the Chairman of the Pollution Control Board and containing soil stabilization study prepared by John W. Cook, P. E. ~~be~~ and the same is hereby approved subject to the terms and conditions of April 12, 1973 letter from Michael Ginsberg, Enforcement Services Section, Division of Air Pollution Control, Illinois Environmental Protection Agency, to Delbert Haschemeyer, Assistant Attorney General, containing response dated April 10, 1973, setting forth the conditions of approval hereinabove in this Opinion set forth.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 10th day of May, 1973, by a vote of 4 to 0.


