

ILLINOIS POLLUTION CONTROL BOARD

May 9, 1974

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 73-326  
 )  
 DEXT COMPANY, a division of Scope )  
 Products, Inc., a California )  
 corporation, )  
 )  
 Respondent. )

Mr. Fredric H. Entin, Assistant Attorney General appeared on behalf of the Complainant  
Mr. John D. Donlevy appeared on behalf of the Respondent

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

The Environmental Protection Agency filed a Complaint against Dext Company, a division of Scope Products, Inc., alleging that the company had emitted contaminants to the atmosphere causing odors and air pollution in violation of Section 9(a) Environmental Protection Act. Respondent operates a plant in Chicago for the processing of surplus food materials into a granular material which is used as an ingredient in animal feed. The surplus food material is collected from bakeries, cookie manufacturers, snack food manufacturers and confectioneries and is then chopped, dehydrated, screened and milled at the Dext plant. Respondent's process includes the use of a rotary dryer, a cyclone and an aspirator. The air discharge is ten feet above the roof of the plant and thirty feet above street level. The odors which are emitted are a "bakery-type odor".

The parties conducted extensive discovery and a number of discussions as to methods to reduce the occasional bakery-type odor to acceptable levels. When the case was called for public

hearing the parties submitted a Stipulation of Fact and Proposed Settlement for our consideration. There was no testimony from members of the public.

Dext admitted that on August 23, 1972 and October 12, 1972 it caused certain discharges into the atmosphere in the plant vicinity which resulted in air pollution, causing a bakery-type odor. The attorneys in submitting the settlement proposal stated that Respondent's first notice that neighbors were complaining of this odor was when Dext was contacted by the City of Chicago. It is claimed that Dext then moved promptly to formulate a plan for controlling the odors.

The control program, initially at least, consists of a forty foot extension of the exhaust stack so that the particles causing the odor will be discharged to the air seventy feet above ground level. This stack extension will be constructed in such a manner as to allow for subsequent installation of an after burner, caustic scrubber, carbon adsorption filter or other suitable device in the event that such is necessary as an additional method to abate odors. The decision as to installation of additional control equipment will be made by the parties following a reasonable operating period with the extended stack. Dext agrees that all emissions from the hammermill cyclone will be ducted to the extended stack and further agrees to continue its housekeeping activities to prevent a build up of organic materials on the rooftop and loading areas of the plant. The stack extension is to be completed within sixty days following our approval of the settlement.

The control program is rather unique. In most cases the mere installation of a raised stack would not constitute an adequate control program. However the sparcity of "interference with enjoyment of life" suggests that the Dext proposal is adequate as a first attempt.

Dext also agrees to remit \$2,000 to the State of Illinois and agrees to execute a \$4,000 bond guaranteeing installation and connection of the extended stack.

We find that the settlement is fair and equitable, especially since bakery-type odors are ordinarily not so objectionable. The settlement is approved.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Respondent, Dext Company, a division of Scope Products Inc. install within sixty days of this order a forty foot exhaust extension stack on the air discharge outlet of its cyclone particle collector.
2.
  - a. Dext shall duct all emissions from the hammermill cyclone to the extended stack.
  - b. Dext shall continue its housekeeping activities to prevent a build up of organic materials on the rooftop and loading areas of the plant.
  - c. Dext shall be allowed to escort EPA surveillance personnel during plant inspections and shall be provided advance notice of such inspections.
  - d. Dext shall execute within thirty days of this order a bond in the amount of \$4,000, such bond to be forfeited in the event Respondent fails to install the forty foot exhaust extension stack and fails to duct all emissions from the cyclone to said stack as specified in this order. The bond shall be mailed to: Fiscal Services Division, Illinois EPA, 2200 Churchill Drive, Springfield, Illinois 62706.
  - e. Dext shall obtain all necessary State permits for the construction of the extended stack and for operations of the plant.
  - f. Dext's time for performance of any term of this settlement may be extended by the Board for good cause shown upon application by Dext after reasonable opportunity for the EPA to respond to any such application.
2. Respondent, Dext Company, shall pay to the State of Illinois by June 17, 1974 the sum of \$2,000 as a penalty for the violations found in this proceeding, penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted this 9<sup>th</sup> day of May, 1974 by a vote of 5 to 0.

Christan L. Moffett