

ILLINOIS POLLUTION CONTROL BOARD
October 11, 1973

ENVIRONMENTAL PROTECTION AGENCY)
COMPLAINANT)
)
)
v.) PCB 72-218
)
)
J. R. SHORT MILLING COMPANY)
RESPONDENT)
)

MR. DENNIS K. MUNCY, ASSISTANT ATTORNEY GENERAL, on behalf of
the ENVIRONMENTAL PROTECTION AGENCY.
MR. PHILLIP B. BOWMAN on behalf of the J. R. SHORT MILLING
COMPANY

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

This is an enforcement action filed against J. R. Short Milling Company by the Environmental Protection Agency on May 22, 1972. The Environmental Protection Agency alleges violation of:

- 1) Violation of Section 9 (a) of the Environmental Protection Act
- 2) Violation of Rule 2-2.53 of the Rules and Regulations Governing the Control of Air Pollution (Rules)
- 3) Violations of Rule 3-3.122 of the Rules.

J. R. Short Milling Company is an agriculturally-oriented processing firm, operating two mills at its Kankakee, Illinois, location. The first plant is a corn milling division, which produces more than 5,000,000 bushels of corn per year. The second plant is its bakery division which produces special flour for the wholesale baking industry. The company accounts for 8% of the market. The J. R. Short Milling Company also operates a 1,000,000 bushel grain elevator, used for storage and drying of said grains. To generate steam for the above process J. R. Short Milling Company owns and operates a coal-fired boiler. It is this boiler towards which the aforementioned allegations are directed.

On January 5, 1973, Respondent filed a motion to strike the complaint and dismiss the proceedings. On February 7, 1973, the Agency filed a response to Respondent's motion, and upon consideration the Board issued an order denying the Respondent's motion.

The first hearing was held on April 4, 1973. At that time the hearing officer presiding determined that the Agency and the J. R. Short Milling Company were about to enter into a stipulation.

The hearing was continued to allow said stipulation to be formulated.

On May 29, 1973, a hearing was held, and the proposed stipulation was read into the record. No citizens were present at the hearing, and the reading of the stipulation was the net result of the hearing.

A few pertinent points should be made at this time.

1. The Agency reported evidence, unrebutted, that violations of Sec. 9 (a), Rule 2-2.53, and Rule 3-3.122 had occurred.
2. This evidence relied on:
 - a) Visual inspection of site
 - b) Calculated emission rates
 - c) Ringelmann readings as taken by a certified smoke reader.
3. J. R. Short proposed to take immediate action to replace its existing coal-fired boiler.

The terms of the agreed-upon stipulation appear to be an adequate settlement of this case, and the Board's order will so show.

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. The J. R. Short Milling Company is ordered to purchase, install, and operate a steam generating plant capable of the following:
 - a) Being operational by June 1, 1973
 - b) Being able to utilize fuels which will allow compliance with all applicable pollution rules and regulations of the State of Illinois.
2. The J. R. Short Milling Company is ordered to operate said steam generating plant so as to allow compliance with all applicable pollution rules and regulations of the State of Illinois.
3. J. R. Short Milling Company is to cease and desist from using their existing coal-fueled steam generating plant on June 1, 1973.

4. Respondent shall pay to the State of Illinois the sum of \$1,000 within 35 days from 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.

IT IS SO ORDERED.

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 11th day of October, 1973, by a vote of 4 to 0.

Christan L. Moffett

