

ILLINOIS POLLUTION CONTROL BOARD

May 24, 1973

MINNESOTA GRAIN PEARLING CO.)
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) #72-437
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)
ENVIRONMENTAL PROTECTION AGENCY)

LAWRENCE J. WEST OF WILDMAN, HARROLD, ALLEN & DIXON, ON BEHALF
OF PETITIONER
KENNETH J. GUMBINER, ASST. ATTORNEY GENERAL, ON BEHALF OF
RESPONDENT

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

Petition for variance was filed by Minnesota Grain Pearling Co., which was received by the Board on November 13, 1972 and which, in substance, requested a one-year variance from the permit and particulate Regulations with respect to petitioner's Chicago barley processing operation. A motion to dismiss the variance was filed by the Agency, which we denied by Order of December 12, 1972.

On January 18, 1973, the Agency filed its recommendation setting forth the approximate particulate emissions of petitioner's operation, indicating on the basis of emission factors, an actual emission of 70.6 pounds per hour against an allowable emission rate of 13.6 pounds per hour, demonstrating emissions far in excess of those permitted under Rule 3-3.111 of the Air Rules.

On March 26, 1973, an amended petition for variance was filed, which amendment was granted by the Hearing Officer. The amended petition sets forth that petitioner is a Minnesota corporation, doing business at 5728 West Roosevelt Road, Chicago, Illinois only since July 1, 1972. Petitioner's principal business is the processing of barley, incidental to the manufacture of food products used for both human and animal consumption, in the course of which operation 60,000 bushels of barley are processed each month. According to the petition, "small quantities of fugitive dust are emitted" which are not corrosive and do not constitute a health hazard, allegedly because the emissions are "inert, biodegradable and edible". The plant presently utilizes 26 cyclones for dust collection, which it proposes to replace with a new dust collecting system costing in excess of \$100,000, pursuant to an agreement with Carter-Day Company attached to said petition as Exhibit "B". It is contemplated that a minimum of 37 weeks would be required for design, construction, permits, manufacture, installation and testing of the equipment.

In view of the uncertainties of the time involved for each incremental aspect of the program, a one-year variance is sought. Hearing was held on the petition on April 9, 1973, in which the essential portions of the variance petition were sustained. No proof was offered of the actual emissions by petitioner, although the computations set forth in the Agency's recommendations were adverted to and which we will incorporate for the purpose of this proceeding. Most of the testimony introduced by the Agency referred to what possible time-saving might be realized if a baghouse installation were pursued rather than that which petitioner contemplates. We do not see any useful purpose in second-guessing the petitioner as to the method employed. Petitioner has represented that upon completion of its contracted program, it will meet the relevant regulations at the end of one year. Nor does the evidence indicate that any significant burden is being imposed on the adjacent community. While we do not accept petitioner's premise that the emissions from a barley processing plant have no adverse health attributes, we believe the program submitted by petitioner is meritorious and, accordingly, approve it.

A description of the work to be done is set forth in the contract dated March 16, 1973 between petitioner and Carter-Day Company, which details the installations to be made at the various emission sources, and appears to be an involved and well-considered dust removal program. We will grant petitioner one year in which to achieve compliance pending installation of equipment, as set forth in the contract between petitioner and Carter-Day Company dated March 16, 1973 and received into the record as petitioner's Exhibit 1. We will require petitioner to submit monthly reports to the Agency detailing the progress of its installation program and further, to file with the Agency a bond in the amount of \$100,000 assuring installation of the equipment as provided in said contract.

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. Variance is granted to Minnesota Grain Pearling Co. from such particulate regulations as are presently or will become applicable to its Chicago operation until May 24, 1974, and from the permit requirements to the extent the same would require a demonstration of compliance with the relevant regulations before said date in order to permit petitioner to install dust and particulate abatement equipment pursuant to contract with Carter-Day Company, introduced in this proceeding as Exhibit 1.

2. Petitioner shall submit, in form satisfactory to the Agency, a bond in the amount of \$100,000, which shall guarantee installation of equipment and facilities as set forth in Exhibit 1 herein. The bond shall be mailed to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Drive, Springfield, Illinois 62706.
3. Petitioner shall submit monthly reports to the Board and to the Agency, detailing the status of its installation program pursuant to said Exhibit 1.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 24th day of May, 1973, by a vote of 4 to 0.

Christan L. Moffett