

ILLINOIS POLLUTION CONTROL BOARD  
September 3, 1981

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 80-113  
 )  
ARCHER-DANIELS )  
MIDLAND CORPORATION, )  
a Delaware Corporation, )  
 )  
Respondent. )

MARY JO MURRAY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF  
THE COMPLAINANT.

RICHARD P. REISING, CORPORATE COUNSEL, APPEARED ON BEHALF OF THE  
RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the June 2, 1980 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from March 24, 1978 until June 2, 1980, the Respondent, Archer-Daniels Midland Corporation (the "Company"), operated its grain elevator terminal (the "facility" or the "terminal") which is located on North River Road in Morris, Grundy County, Illinois in such a manner as to: (1) let grain and dust accumulate; (2) permit "visible quantities of dust and dirt to escape into the atmosphere from the headhouse and from the baghouse controlling the pump pit"; and (3) allow "the yards and driveways at the facility to be used without asphaltting, oiling or equivalently treating such yards and driveways to control dust" in violation of Rule 203(d)(9)(A) of Chapter 2: Air Pollution Control Regulations ("Chapter 2") and Section 9(a) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from April 30, 1977 until June 2, 1980, the Respondent operated the "grain elevator terminal's watercraft loading spouts, an existing emission source, without first obtaining an operating permit from the Agency" in violation of Rule 103(b)(2) of Chapter 2 and Section 9(b) of the Act.

Count III alleged that, from March 24, 1978 until June 2, 1980, the Company's facility generated "uncontrolled particulate emissions during watercraft loading" in violation of Rule 203(d)(9)(B)(iv)(C)(1) of Chapter 2 and Section 9(a) of the Act.

A hearing was held on June 25, 1981 at which the parties submitted an unsigned copy of the Stipulation and Proposal for Settlement ("Stipulation"). The parties filed an executed copy of this Stipulation on July 30, 1981 which was substantially identical to the initially submitted unsigned copy of the Stipulation.

The parties have stipulated that, on March 24, 1978, July 18, 1978, April 17, 1979, September 5, 1979, November 21, 1979 and some other occasions, the Company has improperly: (1) permitted grain and dust to accumulate; and (2) allowed "visible quantities of dust and dirt to escape into the atmosphere from the headhouse and from the baghouse controlling the pump pit" in violation of Rule 203(d)(8)(A) of Chapter 2 and Section 9(a) of the Act. (Stip. 2).

It is also stipulated that, at various times since March 27, 1978, the Company has "allowed the yards and driveways at the facility to be used without asphaltting, oiling or equivalently treating such yards and driveways to control dust" in violation of Rule 203(d)(8)(A) and Section 9(a) of the Act. (Stip. 2).

Moreover, the parties have agreed that, from April 30, 1977 until June 2, 1980, the Company has allowed the operation of the terminal's watercraft loading spouts "without first obtaining an operating permit from the Agency" in violation of Rules 103(b)(2); 203(d)(8)(B); and 203(d)(8)(J)(i) of Chapter 2 and Section 9(a) of the Act. (Stip. 2).

Additionally, the parties have indicated that, on March 24, 1978, July 18, 1978, and September 5, 1979, the Company's terminal generated "uncontrolled particulate emissions during watercraft loading" in violation of Rule 203(d)(8)(B)(iv)(C)(1) of Chapter 2 and Section 9(a) of the Act. (Stip. 3).

The proposed settlement agreement provides that the Company will implement seven "housekeeping measures" which include: (1) controlling dust by asphaltting, oiling or similarly treating the yards and driveways; (2) inspecting and maintaining dust control equipment, baghouse ducts, and conveyors on a daily basis "to provide adequate draft at all pick up points"; (3) installing a refuse box "for handling spilled grain" and maintaining an "up-to-date housekeeping checklist...on a weekly basis"; (4) properly maintaining the screens on the dryer house so that "tears and holes which allow dust to escape will be repaired"; (5) cleaning up "accumulations of grain and/or dust from conveyors, transfer points, dump pit areas, or wherever they occur...on a daily basis"; and (7) cleaning and maintaining the headhouse so that dust doesn't escape into the atmosphere. (Stip. 4; R. 5-6).

Additionally, the Company has agreed to pay a stipulated penalty of \$2,000.00 .

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the Archer-Daniels Midland Corporation, has violated Rules 103(b)(2), 203(d)(3)(A), 203(d)(8)(B), 203(d)(8)(B)(iv)(C)(1), and 203(d)(8)(J)(i) of Chapter 2 and Section 9(a) of the Illinois Environmental Protection Act. The stipulated penalty of \$2,000.00 will be assessed against the Respondent.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the Archer-Daniels Midland Corporation, has violated Rules 103(b)(2), 203(d)(8)(A), 203(d)(8)(B), 203(d)(8)(B)(iv)(C)(1), and 203(d)(8)(J)(i) of Chapter 2: Air Pollution Control Regulations and Section 9(a) of the Illinois Environmental Protection Act.

2. Within 35 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$2,000.00 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 30, 1981, which is incorporated by reference as if fully set forth herein.

Mr. Goodman abstains.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 3<sup>RD</sup> day of September, 1981 by a vote of 4-0.

  
Christian L. Moffett, Clerk  
Illinois Pollution Control Board