

ILLINOIS POLLUTION CONTROL BOARD

November 10, 1976

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 75-190
)
 GRIFFITH LABORATORIES, INC.,)
)
 Respondent.)

Ms. Susan H. Shumway and Ms. Dorothy J. Howell, Assistant Attorneys General, appeared for the Complainant;
Mr. Charles T. Martin, Attorney, appeared for the Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Zeitlin):

This matter is before the Board on a Complaint filed by the Attorney General for The People of the State of Illinois (People) on May 2, 1975. The Board determined that the Complaint was neither duplicitous nor frivolous, and authorized a hearing on the matter on May 22, 1975. Public hearings were subsequently held in Chicago on November 25, 1975 and January 20, 1976.

An Amended Complaint was filed by the Attorney General on May 14, 1976. At a final public hearing held in Chicago on September 24, 1976, the parties submitted a Stipulation and Proposal for Settlement (Stipulation), which forms the basis for this Opinion and Order.

The subject of this case is a manufacturing facility operated by Respondent Griffith Laboratories, Inc. (Griffith) at 1415 West 37th Street in Chicago. Among the operations at that facility is a hydrolysate process, used for the production of hydrolyzed vegetable protein from cereal grains, which consist of amino acids, used as flavoring agents in many food preparations. The basic materials are corn, wheat, rice, and soy flours (Stip., ¶3).

The final step in this process involves drying a liquid filtrate to produce a dry product in finally divided form, approximately 10 to 30 times finer than common table sugar, (id., ¶4). This is accomplished by spraying the liquid at high pressure to a hot air stream. Emissions from that drying process are the subject of this case.

The People's Complaint in this matter charges that the hydrolysate process has been the cause of significant, substantive violations of the Environmental Protection Act (Act) and this Board's Rules and Regulations despite a number of control attempts by Respondent. The Amended Complaint also addresses itself to several alleged permit violations. In summary, the six counts of the Amended Complaint allege that:

- I. The hydrolysate process at the Griffith plant was, from July 1, 1970 until December 30, 1973, a source of particulate emissions in violation of Section 9(a) of the Act and Rule 3-3.111 of the old Air Pollution Control Board Rules and Regulations (continued in effect by Section 49(c) of the Act, and superseded by Chapter 2: Air Pollution, of this Board's Rules and Regulations); and,
- II. From December 31, 1973 through the filing of the Complaint, Griffith's hydrolysate operations were a source of particulate emissions in violation of Rule 203(a) of Chapter 2 and §9(a) of the Act; and,
- III. The packed tower scrubber at Griffith's hydrolysate operation (as described above) was constructed in 1971 without a construction permit from the Agency, in violation of Section 3-2.110 of the old Air Pollution Control Board Rules and Regulations and §9(b) of the Act; and,
- IV. The cyclones and packed tower scrubber at Griffith's hydrolysate facility were operated without an operating permit from the Agency, and,
- V. Emissions from the hydrolysate plant exceeded 60 percent opacity on April 9, 1975 and August 27, 1975, in violation of Rule 202(b) of Chapter 2 and §9(a) of the Act; and,
- VI. Emissions from the Griffith facility caused air pollution, including an excessive odor, so as to cause an unreasonable interference with life and property, in violation of §9(a) of the Act, from December 31, 1973 through the filing of the Complaint.

In the Stipulation, Griffith admits all of these violations.

That admission is supported by other information in the Stipulation. Complaints were received by both the Attorney General and Respondent from individuals living in a residential area approximately two blocks from the Griffith plant. Emission tests fully support the admitted violation of the particulate standards of both the old Air Pollution Control Board Rules and Regulations and Chapter 2: Air Pollution, of this Board's Regulations.

The terms of settlement in the Stipulation offer the following resolution of the admitted violations:

1. Griffith shall pay a \$25,000 civil penalty for the various violations (see breakdown in accompanying Order);
2. Griffith is to engage in a compliance program which includes both short term measures for interim control, and final compliance with all applicable regulations within a one year period.

The compliance program in the Stipulation is extensive and complete. Over the short term, Griffith will install new water spray nozzles in the Venturi scrubber, expected to allow a 25 per cent increase in collection efficiency. This is expected to cost \$1,000. Griffith will also extend the inlet duct for the Venturi, and install straightening veins in this section to improve air flow and particulate matter distribution into the Venturi throat. This will cost approximately \$5,000. Griffith also has on order a \$28,000 fan to replace the existing fan and improve static pressure across the Venturi. Also on order is a larger diameter, stainless steel fan wheel costing approximately \$7,000, with installation to cost an additional \$2,000.

Over the long term (one year), Griffith's compliance plan is twofold: Griffith has engaged IITRI for extensive studies to improve and upgrade air pollution control on the existing product drying system; Griffith is also investigating alternate drying methods, including vacuum drum drying, extrusion drying and vacuum shell drying, which should produce little or no particulate emissions. Griffith will submit a report to the Attorney General's office detailing the results of the IITRI studies along with a final compliance plan drafted accordingly. Allowing nine months for construction time, final compliance should be achieved within one year.

Griffith has also agreed to apply to the Agency for all relevant construction and operating permits.

Because of the complex and extensive nature of this compliance plan, we shall not set it out fully here. Within the general confines of the preceding summary, the compliance plan makes allowance for any of several contingencies, with the time for final compliance being conditioned only on unavoidable delays in equipment delivery.

With regard to the penalty provision, the Stipulation sets forth details on each of the factors enumerated in Section 33(c) of the Act. The parties have stipulated (Stip., ¶41) that it is both technically practicable and economically reasonable for Griffith to reduce its emissions from the hydrolysate process to comply with the applicable Regulations. Griffith's plant, although located in a predominantly industrial area, has adversely impacted the adjacent residential area, and the parties agree that, "Griffith has an obligation to minimize the impact of its operations on neighboring residents," (Stip., ¶46).

In light of those penalty and compliance provisions, we find the Stipulation and Proposal for Settlement in this matter fully acceptable, and shall order compliance therewith.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that:

1. Respondent Griffith Laboratories, Inc., is found to have operated a hydrolysate production manufacturing process in Chicago, including associated air pollution control equipment, and to have constructed air pollution control equipment, in violation of Sections 9(a) and 9(b) of the Environmental Protection Act, Rules 3-3.111 and 3-2.110 of the Air Pollution Control Board Rules and Regulations, and Rules 103(b), 202(b), and 203(a) of Chapter 2: Air Pollution, of this Board's Rules and Regulations on the dates set forth in the Complaint in this matter.

2. Respondent shall, within thirty-five (35) days of the date of this Order, pay as a civil penalty for the above violations the sum of Twenty-five Thousand Dollars (\$25,000), broken down by violation as follows:

Count I	\$ 3,000.00
Count II	12,000.00
Count III	100.00
Count IV	1,000.00
Count V	1,000.00
Count VI	7,900.00

3. Respondent shall comply with each and every provision of the Stipulation and Proposal for Settlement submitted by the parties to this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Final Opinion and Order were adopted on the 10th day of November, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board