

ILLINOIS POLLUTION CONTROL BOARD  
August 12, 1976

NORTHWESTERN MALT & GRAIN CO.,            )  
  )  
  Petitioner,            )  
  )  
  v.                            )  
  )  
  )  
ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
  Respondent.            )

PCB 76-123

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

Petitioner, Northwestern Malt and Grain Co., filed a Petition for Variance May 3, 1976 from Rule 203(d)(9)(B)(iii)(c) of the Board's Air Pollution Control Regulations. This Rule states, in pertinent part, that Petitioner is required to have air control equipment that will remove not less than 98% of air-borne particulate matter generated by internal transfer before discharge to the atmosphere.

Froedtert Malt Corporation purchased the above named facility, located at 4600 West Cortland Street, Chicago, Illinois in Cook County, in 1972 at which time the plant had received a City of Chicago citation for dust pollution. Petitioner enumerates an impressive list of items alleged to have been done since purchase to abate particulate matter emissions and states that it ". . . has spent large sums of money to meet and exceed Air Quality Standards in order to be an asset to the City, County and State." Under present conditions, 61,220 pounds (30.61 tons) per year of grain dust is being discharged and Petitioner feels the present cyclones and the Carter-Day RJ144 bag collectors are doing an excellent dust removal job from this old upgraded plant. Petitioner states that the expenditure of about \$150,000 to \$175,000 needed to meet the Rule would be a severe hardship. The equipment installed in 1974 more than likely was adequate to meet the then existing standards, but failed to meet the standards of the newer rules which require compliance on or before April 30, 1977.

Petitioner's application for an operating permit was denied because it did not contain a compliance plan; also, no compliance plan was included in its Petition for Variance.

The plant operates eight hours per day, five days a week and fifty weeks per year producing barley malt. Hopper cars bring in the barley which is unloaded, stored, conveyed to soaking tanks, germinated, dried, stored, cleaned and loaded into hopper cars for shipment. About 2,500,000 bushels are processed each year. The subject of the request for variance is five, roof-mounted simple cyclones which collect chaff and dust from various binning operations. Their efficiency of collection is 70% (Agency Rec. 2) compared to the efficiency required of 98% plus. Agency personnel observed emissions from the cyclones determining the opacity was 15-20%; the emissions were fairly continuous; and that, using Table 6.4.1 of Ap-42, about 83 tons of particulates are emitted from the cyclones each year.

The protein-rich material collected in the cyclones is sold for animal feed at \$30 per ton; thus, complete retention would add \$2,490 gross income. (Agency Rec. 3.)

The closest (several miles away) ambient air monitoring site is Austin with a 1975 annual geometric mean of 92 micrograms per cubic meter. However, the number of samples at this site did not meet the minimum statistical criteria for annual mean calculation. Other stations in the area, with their 1975 readings are:

Oak Park (approximately 3 miles southwest of  
Petitioner's plant): 53 ug/m<sup>3</sup>;

Steinmetz H.S. (approximately 3 miles northwest  
of Petitioner's plant): 67 ug/m<sup>3</sup>.

There have been citizen complaints regarding emissions from Petitioner's facility (Agency Rec. 4).

Petitioner contends that: (1) it has spent large sums for control, (2) the cyclones are handling only a small portion of the total dust, (3) it has spent excessive amounts to upgrade the plant, and (4) it cannot afford the additional \$150,000 to \$175,000 cost to install the bag collectors. Petitioner's contentions are not supported by any figures. The Agency recommends the Petition for Variance be denied.

On the record before it, the Board notes: the 15 to 20% opacity; citizen complaints; a contribution to a probable violation of ambient air quality; available technology; no compliance plan or indication that Petitioner ever intends to comply; and finally, the lack of hard evidence that compliance would cause an arbitrary or unreasonable hardship. The Board shall deny the Variance.

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

ORDER

The Board denies the Variance from Rule 203(d) (9) (B) (iii) (c) of Chapter 2, Air Pollution Control Regulations sought by Northwestern Malt and Grain Co. for its Chicago malt-producing plant.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12<sup>th</sup> day of August, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board