

ILLINOIS POLLUTION CONTROL BOARD

May 9, 1974

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 73-454
EARLY AND DANIEL COMPANY,)
Respondent.)

Mr. Thomas A. Cengel, Assistant Attorney General, for Complainant.

Mr. Richard J. Kissel, attorney for Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

The Environmental Protection Agency (hereinafter Agency) filed a Complaint against the Early and Daniel Company on October 30, 1973. Respondent owns and operates certain facilities, including a grain elevator containing, but not limited to, driers, dump areas, cyclone system, conveying facilities and loadout areas located at 300 South Fourth Street, Sheldon, Illinois. The Agency alleged that on or about July 1, 1971, and continuing through the filing of the Complaint, Early and Daniel Company has operated its aforesaid facilities so as to cause, threaten or allow the discharge or emission of "bees wings", chaff and grain dust and other contaminants into the atmosphere so as to cause or tend to cause air pollution, either alone or in combination with contaminants from other sources, in violation of Section 9(a) of the Environmental Protection Act (hereinafter Act) [Ill. Rev. Stat., 1971, Ch. 111 1/2, Sec. 1009 (a)].

A hearing was held in Sheldon, Illinois on March 8, 1974. The parties submitted a Settlement Agreement into the record for the purpose of disposing of this Complaint. The parties are substantially in agreement that the emission control program submitted to the Agency by Early and Daniel Company, and specified in our Order, will effectively reduce emissions from the Sheldon, Illinois facility. The following Stipulation, in pertinent part, is from the Settlement Agreement.

"The Environmental Protection Agency, Complainant, and Early and Daniel Company, Respondent, stipulate, for purposes of this settlement agreement only, and only if the Pollution Control Board (hereinafter Board) accepts totally this settlement agreement, that the following statements are true and may be accepted as such by the Board without further proof thereof.

"Early and Daniel Company is an Ohio corporation licensed to do business and doing business in the State of Illinois. On July 1, 1971, Early and Daniel Company began operating a grain handling facility in Sheldon, Illinois which it subsequently purchased on March 31, 1972. The Early and Daniel Company's Sheldon facility is used for the receipt, storage, drying and shipping of grain, predominantly corn. Total grain storage capacity at Respondent's Sheldon facility is 1,200,000 bushels.

"Respondent's facility receives grain almost every day, whereas grain is shipped out by rail on approximately 30 to 40 days each year. Monthly fluctuations in the amount of grain handled at Respondent's Sheldon, Illinois facility during 1972 are listed below:

MONTH	UNLOADED	LOADED OUT
January	10.8%	26.9%
February	15.0	0
March	4.9	10.2
April	6.7	0.9
May	3.2	9.2
June	0.9	8.8
July	3.5	0
August	5.6	8.8
September	3.0	*
October	0.7	8.8
November	24.1	8.8
December	21.6	17.6

*Less than 0.1%

"Respondent's grain handling facility in Sheldon, Illinois consists of the following major sources of emissions:

- (a) Truck dump pit on east side of the facility;
- (b) Two driers which are enclosed in a single concrete structure on the south side of the facility;
- (c) Cyclone on the north side of the facility which is used to collect grain dust created by in-house transferring;
- (d) Railroad load-out spout located on the west side of the facility;
- (e) Numerous ventilation openings, both above and below the storage bins.

The Environmental Protection Agency has received complaints from Sheldon, Illinois residents relating to the emission of "bees wings", chaff and grain dust from the above individual sources or in combinations. While investigating various complaints received by the Agency, Robert Henricks, Surveillance Engineer, took photographs of observed emissions from the cyclone, ventilation openings and truck dump pit. These photographs (Exhibit A, 5 pages) truly and accurately portray the conditions depicted therein and are incorporated into the record by reference.

"At various times, the operations at the Respondent's Sheldon, Illinois facility, either by individual source (listed in above paragraph) or in combinations have resulted in emissions sufficient in quantity and duration to constitute violations of Section 9(a) of the Environmental Protection Act.

"Early and Daniel Company has submitted to the Environmental Protection Agency an emission control program, as set forth in the Proposed Order, which the Agency believes will reduce emissions at the Sheldon, Illinois facility below the levels which create citizen complaints."

During the hearing Mr. S. D. Carroll, sales engineer with Dynasteel Corporation, Memphis, Tennessee, appeared as a witness on behalf of Respondent. He examines grain hauling facilities, designs dust collecting systems for them and then Dynasteel Corporation installs these systems for air pollution control. Mr. Carroll has been engaged by Early and Daniel to survey their facilities at Sheldon, Illinois. With regard to the equipment installation date of October 1, 1974, in our Order 3(a) and 3(b), Mr. Carroll stated that "October is a realistic date; October 1, I am not sure . . . because equipment deliveries are considerably longer than was anticipated six months or a year ago" (R-16). Slower equipment delivery is due to a steel shortage. The latest date that such air pollution control facilities would be completed if equipment deliveries are delayed "could be as long as the first of December" (R-18).

Five citizens complained vigorously of chaff and dust associated with the operation of Respondent's elevator. Excessive dust and chaff settle outside and inside the premises of neighbors. Mrs. Ruth Coyer complained that breathing the dust affected her lungs (R-36) and it caused Miss Ellen Wessell to cough (R-20). Truck activity on Respondent's grounds produced some of the dust (R-21, 26). In addition, grain trucks on the town streets produced objectionable dust (R-20, 21), but responsibility for controlling this rests with the town of Sheldon rather than with Early and Daniel Company (R-23, 24). Mr. Richard Easter, who lives 200 to 300 feet south of Respondent's elevator, complained of dust and one night last summer he smelled "sour grain" and what he thought was a "chemical . . . to kill bugs", but the elevator manager "said they use no chemical" (R-34).

On March 25, 1974, the parties in this action filed a joint motion to incorporate a document entitled "Minimum Recommendations for Housekeeping Practices for Grain Handling Facilities" into the Settlement Agreement in the instant case. The Board granted this motion on April 4, 1974.

We find that Early and Daniel Company facilities in Sheldon, Illinois violated Section 9(a) of the Act. The stipulated penalty is reasonable. In the Settlement Agreement which was incorporated into the hearing record, a compliance program was specified which should adequately abate the air pollution that caused this Complaint. This agreed compliance program is satisfactory and is incorporated into our Order. 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. The Early and Daniel Company grain elevator in Sheldon, Illinois violated Section 9(a) of the Environmental Protection Act.
2. The Early and Daniel Company shall pay a penalty of \$1,000 for its violations of Section 9(a) of the Environmental Protection Act. Payment shall be by certified check or money order made payable to the State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois. Payment shall be tendered within thirty-five (35) days of the adoption of this Order.
3. The Early and Daniel Company shall cease and desist from further violations of Section 9(a) of the Environmental Protection Act by taking all steps necessary to promulgate its proposed program including:
 - (a) The completion of installation of equipment to control emissions from the truck dump on the east side of the Sheldon, Illinois facility by October 1, 1974. Said control equipment is to include fast-closing doors on the south end of the dump, air curtain and flexible curtains on the north end of the dump, baffles in the dump pit, inspiration of the dump pit and a bag filtering system;
 - (b) The completion of installation of equipment to control emissions from the railroad load-out area on the west side of the Sheldon, Illinois facility by October 1, 1974. Said equipment is to include sleeves which will operate with a choke load and which will extend at least six (6) inches below the top of the vehicle being loaded;
 - (c) The completion of an engineering study of methods of control of emissions from the in-house transferring and drying of grain at its Sheldon, Illinois facility within ninety (90) days of the adoption of this Board Order. Said study shall be in written form, with the conclusions and supporting data fully documented, and copies of the study shall be sent to the Pollution Control Board and the Environmental Protection Agency;
 - (d) By September 1, 1974, final drawings for the equipment chosen by Early and Daniel Company, and subject to Agency approval, to control emissions from the in-house transfer and drying of grain at Respondent's Sheldon, Illinois facility shall be completed and submitted to the Environmental Protection Agency, as part of the application(s) for construction permit(s);

- (e) The completion of installation of equipment for the control of emissions from the in-house transfer and drying of grain by October 1, 1975.

4. The Early and Daniel Company shall take all necessary steps to assure the earliest possible submission of all pertinent permit applications to the Environmental Protection Agency, and the Agency, subject to its review for technical deficiencies in the program, shall issue the applicable permits as early as possible.

5. Immediately upon the Board's adoption of this Order, Early and Daniel Company will take all necessary steps to assure that the following interim measures are undertaken to control emissions at its Sheldon, Illinois facility:

- (a) The dust house immediately below the cyclones shall be properly maintained and cleaned so as to avoid blocking or otherwise disrupting efficient collection by the operating cyclone(s);
- (b) The Early and Daniel Company's Sheldon, Illinois facility shall at all times comply with the Minimum Recommendations For Housekeeping Practices For Grain Handling Facilities, which were promulgated by the Environmental Protection Agency - Industry Task Force on Grain Handling Regulations.
- (c) The driers at Respondent's Sheldon, Illinois facility shall not be used prior to the 1974 grain harvest without prior written approval from the Environmental Protection Agency;
- (d) The truck dump pit on the west side of the Sheldon, Illinois facility shall receive no more than 300,000 bushels of grain per year;
- (e) The Early and Daniel Company will test an experimental portable bag device for effectiveness in reducing emissions while loading center-slot hopper railroad cars. The Agency shall be informed in writing at least thirty (30) days prior to any such tests and shall have the right to observe such tests if it so decides.
- (f) Roadways on Respondent's premises shall be treated to control dust.

6. The Early and Daniel Company shall post a personal recognition performance bond within thirty-five (35) days of the adoption of this Order, in the amount of \$50,000 in a form satisfactory to the Agency to guarantee performance of this Order. The Bond shall be decreased as the control program is completed, with the following reduction on the stated date:

October 1, 1974 - reduction of bond to \$25,000.

7. Nothing contained in this Order shall prohibit Early and Daniel Company from closing down and abandoning the Sheldon, Illinois facility at its option.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9th day of May, 1974, by a vote of 5 to 0.

Christan L. Moffett
Christan L. Moffett, Clerk