

ILLINOIS POLLUTION CONTROL BOARD

September 12, 1974

ENVIRONMENTAL PROTECTION AGENCY, )  
Complainant, )  
 )  
v. ) PCB 72-466  
 )  
RAIL-TO-WATER TRANSFER COMPANY, )  
Respondent. )

ORDER OF THE BOARD (by Dr. Odell)

On September 5, 1974, the Pollution Control Board handed down its Opinion and Order in this case, PCB 72-466. On our own motion, we have today rewritten one paragraph of that Opinion. The rewritten paragraph, included below, replaces the paragraph in our Opinion of September 5, which starts at the bottom of page 4 and continues on the top of page 5. The paragraph, as rewritten, reads:

Rule 3-3.111

The testimony fails to establish a violation of Rule 3-3.111. "The Agency attempted to introduce emission factors taken from AP-42, the "Compilation of Air Pollution Emission Factors", . . . Agency Exhibit 19A . . . to show that the process of unloading, conveying, and loading meal at the RTW facility was in violation of Rule 3-3.111 limits but such evidence was not allowed into the record by the hearing officer" (Agency brief, page 27). Testimony was offered by both sides regarding this issue. We believe that the hearing officer ruled correctly, because the Agency did not adequately demonstrate that AP-42 actually applies to meal handling facilities as well as grain handling facilities. It was indicated in the record that meal is dustier than grain, but this does not establish that Table 6-4 (Particulate Emission Factors for Grain Handling and Processing) is meant to regulate meal transfer facilities such as RTW. The Agency attempted to prove that "grain" meant "meal", but the interchangeable use of the words by some witnesses does not establish that grain means meal in the context of Table 6-4.

We make these clarifying changes for several reasons. First the Illinois appellate court cases mentioned in our September 5 decision do not resolve all the questions raised during the hearing on the applicability of emission factors; a more concise and complete explanation of our position is necessary in the Opinion. Second, because of its importance, we need sufficient information in future cases for the Board to determine whether Table 6-4 is meant to handle the complex problems associated with the control of emissions from meal transfer facilities. For these reasons, the Opinion of September 5 is hereby modified.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 12<sup>th</sup> day of September 1974, by a vote of 5 to 0.

  
Christan L. Moffett, Clerk