

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1989

A.E. STALEY MANUFACTURING)
COMPANY,)
)
Petitioner,)
)
v.) PCB 88-205
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

CONCURRING OPINION (by J.D. Dumelle):

I would have granted the variance for the full period from January 1, 1989 to July 1, 1989. This full 6-months relief was requested by this major Illinois industry and approved by the Illinois Environmental Protection Agency.

The boiler replacement project began almost 4 full years ago in November 1985. It involves the newest fluidized-bed technology and the highly efficient cogeneration process. And the expenditure is \$70,500,000.

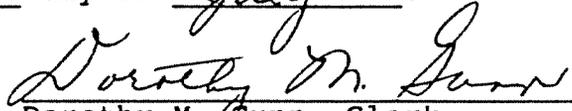
The A.E. Staley Co. now stands exposed to Federal, State, or citizen prosecution on admitted violations for the period from January 1, 1989 through April 28, 1989, a total of 87 days. At a possible maximum penalty of \$25,000 per day under the Clean Air Act and with four boilers out of compliance the total penalties could come to \$8,700,000.

Illinois badly needs to encourage its vital industries to remain and to modernize and to expand. The truncated variance period sends a message to all Illinois industry not of encouragement but of a lack of concern for possible liability to prosecution.



Jacob D. Dumelle, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 14th day of July.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board