

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
FRANKLIN ELEVATOR, INC.,)
)
 Respondent.)

PCB 75-386

Mr. M. Barry Forman, Assistant Attorney General, appeared on behalf of Complainant.

Mr. J. Edward Flynn appeared on behalf of Respondent.

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

This case comes before the Pollution Control Board (Board) as a result of a petition from the citizens of the Village of Franklin to the Environmental Protection Agency (Agency) on, or about, July 13, 1974. The elevator is located in the Village of Franklin in Morgan County, Illinois, a village with about 600 inhabitants. Complainants Exhibit No. 1 shows the elevator to be located in the southern part of town and to be adjoined by areas described as "predominately residential" (R.46). The Environmental Protection Agency filed a complaint against Franklin Elevator, Inc. (Respondent) on October 8, 1975. The Agency alleged that Respondent runs an elevator operation for handling and drying grain and that Respondent did run its grain dryers during grain drying season since September 1, 1972, including but not limited to October 16, 1974 and February 14, 1975, so as to cause or allow emission of fugitive particulate matter visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source, in violation of Rule 102 and 203(f)(1) of Chapter 2 Pollution Control Board's Air Pollution Control Regulations and Section 9(a) of the Environmental Protection Act, Ill. Rev. Stat. Ch. 111 1/2, §1009a (1973).

At the hearing there was entered a Settlement and Compliance Plan. In addition there was testimony from several citizens of Franklin, the Agency, and L. E. Bergschneider, President and sole stockholder of Franklin Elevator, Inc.

The citizen testimony indicated that in the past during the drying season, early fall through late winter, the operation of the grain dryers caused fugitive particulate matter in the form of "bees wings" to be emitted from the elevator. "Bees wings" is a term used in the trade to designate the lemma and/or palea which are thin membranes subtending the corn kernel. They are very light (1.061 pounds per cubic foot) and can be blown considerable distances. They have a mean diameter of about 300 microns and would be included in the more general term "chaff." These bees wings then settled on neighboring residences. This caused cleaning and laundry problems plus the bees wings were a nuisance during fall season outdoor activities. The bees wings may also have contributed to health problems although no conclusive evidence concerning health problems was presented. The testimony also pointed out that the situation had improved recently.

Mr. Bergschneider testified that the changes in the proposed compliance plan had already taken place (R.57,58). The Settlement and Compliance Plan stipulated the Respondent admitted its grain drying operation was in violation of 9(a) of the Environmental Protection Act and Rules 102, 203(f) (1) and 203(f) (2) of the Pollution Control Board's Chapter 2 Air Pollution Regulations. Respondent agreed to replace its Randolph-Clipper rack type dryers with Zimmerman column type dryers and to run only those dryers after replacement. Both the Agency and Respondent agree that this will remove particulate matter with greater efficiency so that respondent will be within the Act and the Regulations. Respondent also agreed to pay a penalty of \$2,000 for the admitted violations. The Board finds the terms and conditions of the Stipulation and Compliance Plan acceptable.

The emission of particulate matter through several drying seasons without effort towards abatement affected the general welfare of the residents of the Village of Franklin. The "bees wings" fall about 2 inches per 100 horizontal feet in a two-mile-an-hour wind and would thus be at least a nuisance to practically all residents. The Board does not find the approximately 20-week delay in delivery and installation of controls persuasive since the emissions were present for two years prior to the solicitation of bids.

The Franklin Elevator has an annual through-put of about one million bushels (R.6) and is thus of significant economic value.

The Franklin Elevator has installed a new drying system at a cost in excess of \$120,000 which is in operation (R.58). The new system in addition to adding drying capacity (R.59) will as stipulated by the Agency and the Respondent anticipate and comply with R72-18 Amendments to Chapter 2, Air Pollution Regulations for Grain-Handling and Grain-Drying Operations. This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Respondent, Franklin Elevator, Inc., is hereby found to have violated Section 9(a) of the Environmental Protection Act, and Rules 102, 203(f)(1), and 203(f)(2) of the Pollution Control Board's Chapter 2 Air Pollution Regulations. Respondent shall pay the sum of \$2,000 to the State of Illinois. Payment shall be made by certified check or money order within 35 days of this order to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

2. Respondent will comply with all terms and conditions of the Stipulation and Compliance Plan.

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 11th day of March, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board