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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD 2 2002

PEOPLE OF THE STATE OF ILLINOIS,

STATE OF ILLINOIS
Pollution Control Board

Complainant,

vs.

PCB No. 97-179

MIDWEST GRAIN PRODUCTS
OF ILLINOIS, INC., an Illinois corporation,

(Enforcement)

Respondent.

NOTICE OF FILING

To: Jane E. McBride
Assistant Attorney General
500 South Second Street
Springfield, IL 62706

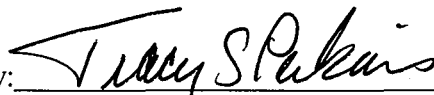
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, 100 West Randolph, Suite 11-500
Chicago, IL 60601

Steven C. Langhoff, Hearing Officer
Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Complainant/Respondent's **Joint Status Report**, copies of which are herewith served upon you.

Respectfully submitted,
HUSCH & EPPENBERGER, LLC

By:



Tracy S. Perkins
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105-3441
Office: (314) 480-1500
Fax No.: (314) 480-1505
Attorneys for Midwest Grain Of Illinois, Inc.

<div style="position: relative; width: 100%;"> <div style="position: absolute; top: -50px; left: 50%; transform: translate(-50%, -50%); font-size: 4em; opacity: 0.5;">ORIGINAL</div> <div style="position: absolute; top: -20px; right: 0;"> RECEIVED CLERK'S OFFICE DEC 2 2002 </div> </div>		
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD		
PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
)	
v.)	
)	
MIDWEST GRAIN PRODUCTS OF)	
ILLINOIS, INC.)	
)	
Respondent.)	STATE OF ILLINOIS PCB 97-179 Pollution Control Board (Enforcement)

JOINT STATUS REPORT

The Complainant, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* James E. Ryan, Attorney General of the State of Illinois, and the Respondent, MIDWEST GRAIN PRODUCTS, INC., by its attorneys Husch & Eppenberger, hereby file the following status report.

1. The Complaint was filed in this case on April 7, 1997.
2. Since April of 1997, Respondent has been taking measures to correct the emission problems at its plant.
3. On July 19, 2002, the parties met to discuss current modeling results. At the time of this meeting, the Illinois EPA communicated to the facility recommended emission limits and control equipment for the plant. Modeling data, and compliance with National Ambient Air Quality Standards ("NAAQS") within the immediate vicinity of Respondent Midwest Grain's plant, were the subject of the meeting. These concerns were factored into the recommendations presented by the Illinois EPA. After taking these recommendation under advisement, Respondent Midwest Grain was to respond to the Illinois EPA.
4. It was Respondent Midwest Grain's desire to perform stack emissions testing prior to submitting a response to the Illinois EPA.
5. In September of 2002, Respondent Midwest Grain attempted to conduct stack tests. As process failure prevented testing, Respondent Midwest Grain rescheduled the test for

October 2002 and the consultant has indicated the results will not be available until at least next week.

6. Modeling data and compliance with National Ambient Air Quality Standards ("NAAQS") within the immediate vicinity of Respondent Midwest Grain's plant remain at issue. To date, Respondent Midwest Grain has not submitted a formal response to the Illinois EPA's recommendations in resolution of all modeling issues but Midwest Grain has been working with the Illinois EPA's modelers on an informal basis to ensure that the formal response will be acceptable to Illinois EPA.

7. The current status of this matter is that the Illinois EPA awaits Respondent Midwest Grain's formal response to the Illinois EPA recommendations regarding emission limits and control equipment, taking all outstanding issues into consideration, including NAAQS exceedances.

8. During the week of December 9, 2002, counsel for the Complainant will arrange a conference call between the parties with the Hearing Officer assigned to this matter in order to set a date for the next status conference.

WHEREFORE, the parties respectfully request due consideration of this joint status report, an opportunity to continue efforts underway by the Respondent to bring its plant into compliance and additional time to conduct further settlement negotiations.


Respectfully submitted,

BY:

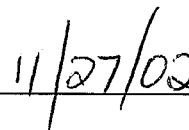

JANE E. MCBRIDE
Counsel for Complainant
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

Dated: November 22, 2002

By:


TRACY S. PERKINS
Counsel for Respondent
HUSCH & EPPENBERGER
St. Louis, MO
(314) 480-1500

Date:



**Husch &
Eppenger, LLC**
Attorneys and Counselors at Law

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DEC 2 2002

STATE OF ILLINOIS
Pollution Control Board

314.480.1500
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November 27, 2002

Ms. Dorothy M. Gunn, Clerk
Pollution Control Board
State of Illinois Center
100 West Randolph
Suite 11-500
Chicago, IL 60601

Re: **People of the State of Illinois v. Midwest Grain of Illinois, Inc.**


Dear Ms. Gunn:

Enclosed, for filing in the above-referenced matter, are an original and four copies of the Complainant/Respondent's Joint Status Report.

Please file stamp the extra copy provided and return in the enclosed, self-addressed, stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,


Tracy S. Perkins

TSP:ccc

Encls.

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

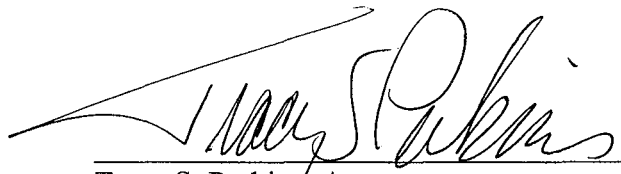
The undersigned hereby certifies that on this 27th day of November, 2002, a true and accurate copy of the above Notice of Filing was served by depositing same with the U.S. Mail, first class, postage prepaid, addressed to the following:

Jane E. McBride
Assistant Attorney General
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

and a true and accurate copy of the above Notice of Filing was served by depositing same with Federal Express to the following:

Steven C. Langhoff
Hearing Officer Illinois Pollution Control Board
600 S. Second Street, Suite 402
Springfield, IL 62704



Tracy S. Perkins, Attorney