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CLERK'S OFFICE

JUL 19 2005

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 14, 2005

PC 506-08

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. Bridgeport Grain, Inc.***

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Entry of Appearance and Complaint in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents to our office in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, reading "Phillip McQuillan".

Phillip McQuillan
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

PM/pp
Enclosures

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JUL 19 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
BRIDGEPORT GRAIN, INC.,)
an Illinois corporation,)
)
Respondent.)

PCB No. *06-08*
(Enforcement)

NOTICE OF FILING

To: Bridgeport Grain, Inc.
an Illinois corporation
c/o Arthur A. Eubank, Jr., R.A.
902 Monroe Street
Evanston, IL 60202-2627

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

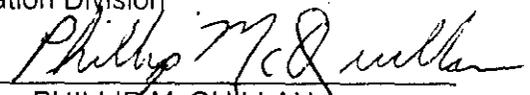
FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2002), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
PHILLIP McQUILLAN
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 14, 2005

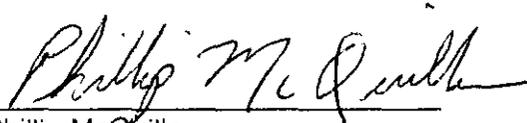
CERTIFICATE OF SERVICE

I hereby certify that I did on July 14, 2005, send by certified mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, ENTRY OF APPEARANCE and COMPLAINT:

To: Bridgeport Grain, Inc.
an Illinois corporation
c/o Arthur A. Eubank, Jr., R.A.
902 Monroe Street
Evanston, IL 60202-2627

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



Phillip McQuillan
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 19 2005

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
BRIDGEPORT GRAIN, Inc.,)
an Illinois corporation,)
)
Respondent.)

PCB No. 06-08
(Enforcement)

ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, PHILLIP McQUILLAN, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: Phillip McQuillan
PHILLIP McQUILLAN
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 14, 2005

4. Respondent Bridgeport Grain, Inc., ("Bridgeport") is an Illinois corporation in good standing.

5. At all times relevant to this Complaint, Bridgeport has owned and operated a grain elevator facility located 123 Main Street, Bridgeport, Lawrence County, Illinois (the "facility").

6. The emission sources at the facility include grain pits, railcar loading operations, truck loading operations, and grain handling operations. Respondent's operations at the facility are governed by permit numbered 72111147 issued by the Illinois EPA. Permit conditions require proper housekeeping practices with maintenance of checklists and good operating practices to minimize particulate matter emissions.

7. On January 9, 2002, an inspection was performed by the Illinois EPA in response to citizen complaints regarding dust and odors. Rotten grain was observed in and around the pits, storage bins, the base of the grain dryer, the railcar loading area, the railroad tracks, and on the driveway through the pit area at the facility; corn chaff was observed throughout the elevator and outside of the facility. The Illinois EPA reviewed the facility's housekeeping checklist and determined that the most recent entry was dated August 14, 2001. The truck load-outs utilized inadequate socks for particulate matter control. The Illinois EPA determined that the conditions at the facility created a potential for dust and odor problems.

8. After the issuance of a violation notice on March 1, 2002, Respondent and the Illinois EPA agreed to a compliance commitment agreement, which included a weekly housekeeping checklist, ongoing cleanup of rotten grain, construction of an enclosure over the dump pits by September 30, 2002, implementation of load-out socks long enough to penetrate vehicles by 6 inches when loading, and prompt replacement of socks.

9. On or about January 4, 2003, an inspection was performed by the Illinois EPA. Corn chaff was observed in the street gutters of Olive Street to the North of the dump pits. An

enclosure over the dump pits had not been constructed. Particulate matter emissions were observed during the loading of a railcar; the loadout sock was approximately 4 inches above the openings to the railcar. Rotten grain was observed on the scale house, along the building next to the dump pits, and around and under the grain dryer and its surrounding concrete pad area. A subsequent review of the housekeeping checklists revealed that such were not consistently used on a weekly bases and did not include the load-out socks, the grain dryer and its surrounding concrete pad area. The Illinois EPA determined that the conditions at the facility still created a potential for dust and odor problems.

10. Respondent subsequently committed to a compliance plan with a deadline of September 30, 2003, in discussions with the Illinois EPA pursuant to Section 31 of the Act.

11. On October 15, 2003, an inspection was performed by the Illinois EPA. Although some work had been done, the enclosure for the dump pits had not been completed. Rotten grain near the grain dryer pad and particulate matter emissions from a hole in the head house of the transfer system were observed.

12. Section 9 of the Act, 415 ILCS 5/9 (2002) provides, in the pertinent part, that:

No person shall:

- a. Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, whether alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;
- b. Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

* * *

13. Section 212.461(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.461(b), provides as follows:

- b) Housekeeping Practices. All grain-handling and grain-drying operations, regardless of size, must implement and use the following housekeeping practices:
- 1) Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
 - 2) Cleaning and Maintenance.
 - A) Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.
 - B) Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.
 - C) The yard and surrounding open area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
 - 3) Dump Pit.
 - A) Aspiration equipment shall be maintained and operated.
 - B) Dust control devices shall be maintained and operated.
 - 4) Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.
 - 5) Property. The yard and driveway of any source shall be asphalted, oiled or equivalently treated to control dust.
 - 6) Housekeeping Check List. Housekeeping check lists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

14. Section 212.462(d)(1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.462(d)(1), provides:

Truck and hopper car loading shall employ socks, sleeves, or equivalent devices, which extend 6 inches below the sides of the receiving vehicle, except for topping off. Choke loading shall be considered an equivalent method as long as the discharge is no more than 12 inches above the sides of the receiving vehicle.

15. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of the Chapter, or so as

to prevent the attainment or maintenance of any applicable ambient air quality standard.

16. By failing to comply with the housekeeping and operating practices, Bridgeport has violated Section 212.461(b) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.461(b).

17. By failing to control particulate matter emissions with adequate load out socks or equivalent measures, Bridgeport Grain has violated Section 212.462(d)(1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.462(d)(1).

18. By failing to implement the required housekeeping practices and particulate matter emissions controls, Bridgeport Grain has violated Section 201.141 of the Board's Air Pollution Control Regulations, 35 Ill. Adm. Code 201.141

19. By failing to clean up rotten grain, and by failing to control particulate matter emissions with adequate loadout socks and other measures, Bridgeport has caused, allowed, or threatened the emission of contaminants, including dust and odors.

20. By causing or allowing or threatening the emission of contaminants, so as to cause or tend to cause air pollution in Illinois, whether alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board, Bridgeport has violated Section 9(a) of the Act, 415 ILCS 9(a)(2002), and Sections 212.461(b), 212.462(d)(1), and 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.461(b), 212.462(d)(1), and 201.141.

PRAYER FOR RELIEF

WHEREFORE, Complainant, People of the State of Illinois, prays that the Board:

A. Authorize that a hearing be held in this matter at which time Respondent, Bridgeport Grain Company, be required to answer the allegations herein;

- B. Find the Respondent to have violated the Act and regulations as alleged herein;
- C. Order the Respondent to cease and desist from further violations of the Act and associated regulations;
- D. Assess against the Respondent a civil penalty of fifty thousand dollars (\$50,000.00) allowed for each of the violations of the Act and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation has continued thereafter; and
- E. Grant such other relief as the Board may deem appropriate.

COUNT II

PERMIT VIOLATIONS

1-13. Complainant realleges and incorporates herein by paragraphs 1 through 13 of Count I as paragraphs 1 through 13 of this Count II.

14. Condition 5(b) of Bridgeport Grain's operation permit 72111147 provides:

The permittee shall implement required housekeeping practices and maintain a housekeeping check list for the grain elevator pursuant to 35 Ill. Adm. Code 212.461(b). The check list shall contain the applicable housekeeping practices described in the "Minimum Recommendations for Housekeeping Practices for Grain Handling Facilities."

15. Condition 6(a) of Bridgeport Grain's operating permit 72111147 provides:

(i) Grain receiving in all dump pits shall be conducted in accordance with good operating practice to minimize particulate matter emissions.

(ii) Each dump pit shall be inspected for proper operation while receiving is occurring at least once each week (Monday through Sunday) when grain is received.

16. Condition 6(e) of Bridgeport Grain's operating permit 72111147 provides:

(i) Grain load-out shall be conducted with sleeves extending to within at least 6 inches below the sides of the receiving vehicle except for topping off.

(ii) Grain load-out sleeves shall be inspected for proper operation while load out is occurring, at least once each week when grain load-out is performed.

17. Condition 8(a)(i) of Bridgeport Grain's operating permit 72111147 provides:

The permittee shall maintain records of the following items for the grain elevator:
(i) Records of housekeeping check lists completed by the elevator manager.

18. By failing to comply with the housekeeping and operating practices as required by Section 212.461(b) and 212.462(d)(1) of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 212.461(b) and 212.462(d)(1), and by failing to maintain its required housekeeping checklist, Bridgeport has not complied with the terms of its operating permit, that is conditions 5(b), 6(a), 6(e), and 8(a)(i), and has thus violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2002).

PRAYER FOR RELIEF

WHEREFORE, Complainant, People of the State of Illinois, prays that the Board:

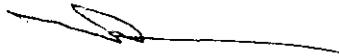
- A. Authorize that a hearing be held in this matter at which time Respondent, Bridgeport Grain Company, be required to answer the allegations herein;
- B. Find the Respondent to have violated the Act and regulations as alleged herein;
- C. Order the Respondent to cease and desist from further violations of the Act, associated regulations, and permit conditions;
- D. Assess against the Respondent a civil penalty of fifty thousand dollars (\$50,000.00) allowed for each of the violations of the Act and an additional penalty of ten thousand dollars (\$10,000.00) for each day during which each violation has continued thereafter; and

E. Grant such other relief as the Board may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

Of Counsel
PHILLIP McQUILLAN
Senior Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: July 14, 2005