

ILLINOIS POLLUTION CONTROL BOARD
October 19, 1983

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
)
Complainant,)
)
v.) PCB 79-26
)
CONTINENTAL GRAIN COMPANY)
)
Respondent.)

MR. GREIG R. SEIDOR, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

MR. ROY M. HARSCH OF MARTIN, CRAIG, CHESTER R. SONNENSCHNEIN APPEARED ON BEHALF OF THE CONTINENTAL GRAIN COMPANY.

OPINION AND ORDER OF THE BOARD (by J. D. Dumelle)

This matter comes before the Board upon a February 5, 1979 complaint and a June 28, 1979 amended complaint filed by the Illinois Environmental Protection Agency (Agency) alleging certain violations of the Illinois Environmental Protection Act (Act) in the operation of Continental Grain Company's (Continental's) grain handling facility located on the Mississippi River in East St. Louis. Hearings were held on March 9 and on December 16, 1982. Depositions, which were later admitted into evidence, were taken on March 9, 10 and 18, 1982. The Agency's closing brief was filed on March 2, 1983. Continental's closing brief was filed on June 8, 1983 and the Agency's reply brief was filed on July 5, 1983. The latter two briefs were accompanied by motions to file instanter which are hereby granted.

Continental is alleged to have violated Rule 203(d)(8)(B)(iv) (c)(2) of Chapter 2: Air Pollution (Watercraft Loading Rule), Section 9(a) and (b) of the Act and Rule 103(b)(2) of Chapter 2 for operating without a permit. Both parties agree, as stated in the Agency's opening remarks that "the only issue remaining is the question of what should the company [Continental] have done, when should it have done it and to what extent the company should be penalized for its failure to come into compliance" (3/9/82 R.5).* The only penalty requested is monetary (3/9/82 R.7).

*Because of the unique developments in this case, including the illness of both the hearing officer, who was ultimately replaced,

Continental contends, briefly, that it is not subject to the Watercraft Loading Rules because its East St. Louis elevator was an existing elevator not located in a major population area and, therefore, was exempted from coverage. However, the Board, today, has held in a related permit appeal action (PCB 79-167) that the facility was not in fact, exempted.

Continental contends further that it has participated in the development of technology to control watercraft loading emissions, that by the time of filing of the complaint in this matter it had been engaged for nearly a year in a major project to attain compliance, and that it carried out the project in "an extremely timely, efficient manner" (Cont. Br. p.3). Continental has now installed pollution control equipment using aspiration at the end of the loading spout (Cont. Ex.20, p.2) and has received the required permits.

Continental's East St. Louis elevator was built in two phases with the old house (A house) having been constructed in the 1920's and the new house (B house) having been built in the 1950's (Gibson p. 13). The East St. Louis elevator is part of Continental's Midsouth Region which has two export terminals located at West Weigo and Reserve, Louisiana which are fed grain by 23 interior elevators (12/16/82 R. 20). Due to its location on the Mississippi River near highway and rail transportation, the East St. Louis elevator is considered by Continental to be its most important facility (12/16/82 R.23). Its operation is of great importance to Continental during the winter months when the Illinois River freezes as does the Mississippi River above St. Louis, thereby eliminating the possibility of barge use (12/16/82 R. 23). During such periods the East St. Louis elevator is the northern most grain elevator located on the Mississippi River which can ship grain by barge (Gibson p. 56).

The elevator normally draws grain from a 150 mile radius extending out into both Illinois and Missouri (Gibson p.40), and has had an annual grain throughput of approximately 35 million bushels per year. Between 25 and 50 people are employed at the elevator on a seasonal basis on a two shift per day schedule (Gibson p. 9).

and counsel for the Agency, the transcript consists of the hearing transcripts of March 9 and 10 and December 16, 1982, as well as evidence depositions of Mr. Artis Talley and Mr. Jerry Gibson of March 9 and March 18, 1982, respectively, and a deposition of Mr. Hendrick Hartsuiker which was taken sometime in November, 1982. Transcript citations will include the date of the transcript, followed by "R." and the page number of the referenced transcript. Evidence depositions will be cited using the last name of the deponent followed by the page number.

The existing watercraft loading dock was located approximately 700 feet west of the A and B houses (Gibson p. 14). Grain was moved from the elevator to the existing loading docks via a conveyor belt which was elevated above the street, railroad tracks and Mississippi levee. Photograph #5 from Continental Exhibit 33 shows the old conveyor to the left of the new conveyor. Grain was discharged from the belt into a telescoping, inclined barge loading spout (Gibson p. 29). The then-existing spout, shown in Photograph #11 of Continental Exhibit 33, loaded barges at an average rate of approximately 10,000 to 12,000 bushels per hour (Hartsuiker p. 94). The then-existing loading dock and tower were supported on four concrete pilings (Photo #3 of Cont. Ex. 33).

In order to achieve compliance with the Watercraft Loading Rules, Continental replaced the entire loading system at a cost of approximately \$7 million (Hartsuiker p. 64). In addition, Continental replaced its barge haul system at an additional cost of approximately \$250,000 (Hartsuiker p. 53). The new watercraft loading system involved the installation of a vertical spout equipped with aspiration at the tip using a Midwest Loader (Cont. Ex. 41, Hartsuiker p. 83). The new and old systems are shown in Photographs 1, 2, 3, 5 and 7 of Continental Exhibit 33.

Continental applied for a construction permit to install the Midwest Loader on June 19, 1979 and was issued a construction permit on August 30, 1979 (Cont. Ex's 25 and 26). On May 28, 1981 Continental was issued an operating permit for a Midwest Loader (Cont. Ex. 27).

BACKGROUND OF GRAIN HANDLING RULES

In order to understand the allegations made by the Agency it is useful to review the background to Air Rule 203(d)(8)(B)(iv)(c)(2). In December, 1972, the Board opened docket R72-18 to consider the imposition of grain-loading rules ("In the Matter of: Amendments to Chapter 2, Air Pollution Regulations for Grain-Handling and Grain-Drying Operations"). The Illinois Feed and Grain Association, of which Continental was (and is) a member, participated fully in the development of the final regulatory product (see the Board's Opinion of June 13, 1975, 17 PCB 355). In that proceeding, the Board adopted the Watercraft Loading Rules pertinent to this case.

The Board established in Air Rule 203(d)(8)(B)(iv)(1) two classes of watercraft grain-loading facilities: (1) those which either loaded 2 million bushels of grain per year or less or were located outside a "major population area" (as that term was defined in Air Rule 201), and (2) those which both loaded in excess of 2 million bushels per year and were situated within a major population area. In the latter case, covered by Rule 203(d)(8)(B)(iv)(c)(2), the Board required capture of particulate emissions occurring in grain-loading of watercraft through an "induced draft air stream" with 98% removal efficiency;

in the former, the efficiency demanded was only 90%. Since Continental's East St. Louis facility met both criteria of the more restrictive rule, it was required, as of April 30, 1977 (Air Rule 203(d)(8)(J)), to comply with this 98% removal efficiency.

THE PERIOD OF NON-COMPLIANCE

Continental now possesses all of the required permits and has installed and is operating all of its required pollution control equipment. An operating permit for watercraft loading was issued on May 28, 1981 (Cont. Ex. 27). However, Continental was not in compliance from April 30, 1977 (when the rules became effective) until May 28, 1981.

In the fall of 1976, Continental submitted an operating permit application to the Agency for the entire grain-receiving, storing and loading facility (Cont. Ex. 1). That application was denied on October 21, 1976 because the truck dump, internal grain transferring equipment, screening and cleaning equipment, and grain load-out operations did not comply with Rule 203(d)(9)(B) (Cont. Ex. 1). On December 16, 1976, Tom Marlow, then Continental's engineer for the Mid-South region (which includes East St. Louis), wrote to Keith Conklin, Manager of the Air Permits section at the Agency, concerning the barge loading situation, and requesting a meeting (Cont. Ex. 2).

That meeting, the first of six meetings Continental representatives had with Agency personnel regarding permits for the East St. Louis facility, took place on January 21, 1977. The Company was represented by Mr. Marlow, Tom O'Laughlin, then superintendent of the East St. Louis Operation, and Stanley Gasawski (3/9/82 R. 12 and 12/16/82 R. 130). Mr. Conklin and Walter Franke, the Agency's Air Pollution Division regional manager, discussed the pertinent regulations, the reasons why Continental's permit application had been denied, and Continental's inability to meet the new standards (12/16/82 R. 29, 3/9/82 R. 17 and Cont. Ex. 2). The Agency advised that this problem could be met if Continental received a variance for barge loading emission control equipment (Agency Ex. 1 and Cont. Ex. 3).

A second meeting occurred on March 24, 1977, at which Continental representatives included its attorneys. Continental had, apparently, ruled out pursuing a variance, but agreed to submit permit applications for those separate units at the facility which satisfied the new air regulations (Agency Ex. 2 and Cont. Ex. 4). Although Continental asserted emission controls for barge loading were technically not feasible, the Agency staff suggested that Continental view the Peavey grain-loading facility in Alton, Illinois, which had some emission controls for barge loading and had been permitted in 1975 (Agency Ex. 2, Cont. Ex. 4 and 3/9/82 R. 20).

On March 30, 1977 Mr. Marlow wrote to the head of Continental's engineering department in New York, Max Spencer, recommending that Continental "defer" any further mention of the barge loading permit situation "at some risk of citation." He observed further that "barge loadout, of course, is an area which can be very costly if full control is required. (Token control mentioned above could probably be done for \$50,000 in duct work.)" (Cont. Ex. 4).

A third meeting took place in May, 1977, at which Mr. Franke and Mr. Otis Banes, an inspector working under Mr. Franke, went over the Agency permit engineer's notes with Mr. Marlow and Mr. O'Laughlin (3/9/82 R. 21). The Agency personnel indicated specifically which sources could be permitted and asked Continental for a written compliance program for the remaining emission sources. Continental agreed to provide such a written program within three weeks, but failed to provide the program within that period (3/9/82 R. 21-22 and Agency Ex. 5).

Mr. Franke and Mr. Banes next met with Mr. Marlow and Mr. Gasawski on August 24, 1977 (3/9/82 R. 22-23 and Agency Ex. 3). This meeting concerned Continental's compliance plan for the as-yet unpermitted emission sources, which plan was rejected by Mr. Franke on the grounds that compliance would take too long to accomplish (3/9/82 R. 24). Mr. Marlow agreed to shorten the timetable, but did not make any commitment as to when Continental would come into compliance with respect to the barge loading system (3/9/82 R. 24-25).

Mr. Marlow presented the reworked compliance plan at the fifth meeting, held on September 27, 1977 (Agency Ex. 4). Mr. Marlow, Mr. Franke and Mr. Banes attended. The compliance plan (Cont. Ex. 8) spelled out in detail Continental's plans for bringing three of the particulate sources at the facility into compliance. With respect to barge loading, Continental stated it was "hopeful" of presenting "a solution W/Schedule" to the Agency by March 1, 1978. Mr. Franke responded that it would be acceptable for Continental to bring the other sources into compliance in phases, rather than all at once, in part so as to relieve some of the financial burden on the company (3/9/82 R. 27).

The phases involved installing dust control on rail load-out, rail hopper car unloading pits, dust control on dust loadout tanks, truck dump pit dust control, replacement of existing cyclones with bag houses which control aspirated internal transfer points, as well as watercraft loading (3/9/82 R. 42). The phased compliance program included a general commitment for developing control strategies and their implementation for the barge loadout, truck dust loadout and truck unloading (3/9/82 R. 44).

Continental, however, did not submit any written compliance plan for the barge loading source by March 1, 1978, and at the sixth meeting on March 14, 1978, Mr. Marlow stated that there was still no written compliance program for barge loading, but that Continental intended to submit a construction permit application on April 15, 1978 for barge load-out (3/9/82 R. 28-29) which would propose controls at the conveyor belt discharge points and the top of the barge loading spout, but not the bottom of that spout (Cont. Ex. 12). Mr. Franke said that he doubted that the Agency would find this application acceptable, but that Continental should forward the permit application to the Agency's Air Permit section for its review (Cont. Ex. 12, 13 and 3/9/82 R. 48-5). That construction permit was submitted on May 16, 1978 (Resp. Ex. 18), and was denied on June 16, 1978 on the basis that no aspiration or equivalent control was provided at the loading spout tip (Cont. Ex. 19).

In April, 1978, Continental hired Mr. Robert Pacquer, an engineering consultant, to evaluate various methods of complying with the Watercraft Loading Rule (12/16/82 R. 150). Beginning in June, 1978, and continuing through most of 1979, Mr. Pacquer and various Continental personnel, including Mr. Hendrik Hartsuiker, Manager of Engineering; Mr. Jerry Gibson, the superintendent of the East St. Louis facility; Mr. Marlow; and his successor as regional engineer, Mr. Richard Kobetz, developed plans for substantial modifications to the entire facility (12/16/82 R. 122 and 124), including an, as yet unimplemented, plan to expand the facility from its present 35 to 50 million bushels per day. The loading spout tip emissions were to be controlled through a Midwest Loader, a device installed on the end of the loading spout employing aspiration for grain dust control (Agency Ex. 8; Hartsuiker p. 47-48).

The Agency issued a construction permit for the work on June 20, 1979, bids were first requested in December, 1979, a contract was awarded on March 20, 1980, construction was completed in mid-1981, and an operating permit was issued by the Agency of July 23, 1981 (Hartsuiker pp. 50-61).

EXISTENCE OF CONTROL TECHNOLOGY

Continental argues that as of the effective date of the Watercraft Loading Rules, technology had not developed to the point where it was feasible to apply aspiration on existing inclined loading spouts. However, that argument is unpersuasive in that eventual compliance was achieved through the use of a Midwest Loader on a newly constructed vertical drop spout rather than on its existing inclined spout (see Agency Ex. 8).

Continental elected to install a Midwest Loader in a June, 1978, meeting attended by Continental engineering and operations personnel and Mr. Pacquer, who had been hired by Continental

two months earlier to help Continental comply with the Watercraft Loading Rule (Hartsuiker R. 47-48; 12/16/82 R.150). Mr. Pacquer had been in touch with the manufacturer of the Midwest Loader prior to the June, 1978 meeting (Hartsuiker R. 47), and 20 months earlier the manufacturer of the Midwest Loader had mailed a document detailing various versions of the Midwest Loader, including two for barge loading, to various "environmental personnel" (Agency Ex. 8). That document indicates that the Midwest Loader was available for purchase as of October 11, 1976.

Further, Continental worked on installation of aspiration at the tip of the loading spout at its Port of Tacoma facility beginning in early 1973 (Cont. Ex. 36). It installed a similar piece of equipment at its West Wiego export elevator and at its Evansville grain loading site (Hartsuiker R. 20, 90 and 108-113). Engineering work at Evansville began in January, 1977 (12/16/82 R. 263).

Aspiration as a means of controlling dust in grain transferring operations, according to Continental's own former regional engineer, has been used for 80 to 90 years (12/16/82 R. 223 and 225), and application of this method for dust control in grain loading has occurred in the last seven to ten years (12/16/82 R. 226).

Finally, representatives of the Illinois Feed and Grain Association (of which Continental is a member) viewed a Midwest Loader being used for watercraft loading in Minnesota on May 3-4, 1977 (Cont. Ex's 7 and 40; 12/16/82 R. 65 and 105-107). Attached to Continental's Exhibit 40 is a letter dated June 17, 1976 from E. A. Campbell, an engineer, stating that he believed the Midwest Loader design "can totally eliminate the dust normally associated with grain load out operations."

Based on these facts, the Board finds that the technology for aspiration at the tip of a vertical drop spout existed as early as October of 1976 and that control technology was, therefore, available to Continental at that time. While the Board recognizes that there may have been no acceptable technology in use in Illinois on inclined loading spouts as of January 24, 1978 (Cont. Ex. 42) and that the Agency was unaware of any means to add aspiration to the tip of existing inclined spouts as of May, 1978 (Hartsuiker p. 30), there is no evidence in the record demonstrating that Continental could not have proceeded with construction of its present facilities beginning as early as the start of 1977.

FINDING OF VIOLATION

Count I of the amended complaint alleges violation of Rule 203(d)(8)(B)(iv)(c)(2)] and Section 9(a) of the Act, in that Continental failed to have the required pollution control equipment for removal of particulate emissions generated in the loading of barges. Count II alleges that Continental operated its East St. Louis facility without an operating permit in violation of Rule 103(b)(2) and Section 9(b) of the Act.

Continental presented no evidence demonstrating that it had the proper permits or emission controls under the Watercraft Loading Rule. While it did argue that it was not covered under that rule, as noted above, the Board has rejected that contention. Continental also argues, albeit briefly, that the Agency "accepted" its compliance schedule and cannot now prosecute this case, arguing, in effect, that the Agency granted some form of an informal variance, or that the Agency is estopped by its "acceptance". The Board, not the Agency, has the power to grant variances and the "acceptance" of a compliance plan, under the circumstances of this case, where Continental failed to comply with that plan, cannot rise to the level of estoppel.

Therefore, the Board finds that Continental has violated Rules 103(b) and 203(d)(8)(B)(iv)(c)(2) of Chapter 2: Air Pollution, and Section 9(a) and 9(b) of the Act during the time periods alleged.

PENALTY

Having found a violation, the Board is required to consider "the facts and circumstances bearing upon the reasonableness of the emissions" pursuant to Section 33(c) of the Act.

First, little evidence was presented regarding injury to "the health, general welfare and physical property of the people" (Section 33(c)(1) of the Act). As detailed more fully below, Continental's East St. Louis facility is located in a relatively isolated area. Continental's regional manager, Mr. Fisher; the elevator manager, Mr. Gibson; the special assistant to the Mayor of East St. Louis, and Mr. Talley, each testified that they were unaware of any complaints having been made regarding dust emissions from the facility (12/16/82 R. 46, Gibson p. 47, Talley p. 15). Further, emissions occur at a low point relative to the surrounding terrain since they are at river level (12/16/82 R. 166). Therefore, the Board finds that there has been little or no injury to the health, general welfare or physical property of the people.

Second, the East St. Louis elevator has an unquestioned social and economic value in that it is a major grain market for the St. Louis area, and shutting down the East St. Louis elevator would have a significant impact on farm economy in the area (12/16/82 R. 54). Continental is one of the few major employers left in East St. Louis (12/16/82 R. 59), adds appreciably to East St. Louis' assessed valuation, and contributes to the City's economy through utility taxes and employment (Talley pp. 8 and 20).

Third, the elevator (which was originally constructed over 60 years ago) is well suited to its location on the banks of the Mississippi River where it can load barges and adjacent to a complex rail and highway system to aid in the receipt of grain. The elevator is located in an isolated area that is approximately $1\frac{1}{2}$ miles from the City of East St. Louis (Talley p. 15 and Cont. Ex. 34). A railroad owns all of the property surrounding the elevator including to the immediate south an abandoned railroad warehouse (Gibson p. 17). Farther south is a rail car repair facility, the terminal railroad ship yard, an abandoned vacant landfill, and another barge loading dock. The elevator and the land surrounding it is physically separated from the City of East St. Louis by an elevated highway system (Gibson p. 21 and 12/16/82 R. 169). There are no residents between the elevator and these elevated highways (Gibson p. 21).

Fourth, Continental has demonstrated that it is technically feasible to comply with the Watercraft Loading Rule by replacing an existing inclined telescoping spout with a new watercraft loading dock employing a vertical drop Midwest Loading spout. While the record also demonstrates that it was not technically feasible at the time Continental began its compliance program to install aspiration at the tip of a telescoping inclined watercraft loading spout, that is irrelevant except as to economic reasonableness.

Continental spent approximately \$7 million in order to comply with the watercraft loading emission rule. The elevator was a 35 million bushel per year elevator before Continental's renovation program and remains such today. Approximately $2\frac{1}{2}$ years of construction and $\$4\frac{1}{2}$ million would be needed to upgrade the elevator to increase its capacity to 50 million bushels per year (Hartsuiker p. 122). The fact that Continental has completed the system shows that compliance was economically feasible, although expensive. The fact that these improvements could ultimately result in increased throughput, thus resulting in an economic benefit, further supports the economic reasonableness. Thus, the Board finds that compliance was both technologically feasible and economically reasonable.

Continental argues that the imposition of any penalty would be contrary to the Act in that it would be punitive and would not aid in the enforcement of the Act [see City of Monmouth v. PCB, 57 Ill. 2d 482 and 490, 33 N. E. 2d 161 (1974)]. While it is true that the Board need not impose a penalty whenever a violation is found [Metropolitan Sanitary District v. PCB, 62 Ill. 2d 38 and 45, 338 N. E. 2d 392 (1975) and Southern Illinois Asphalt v. PCB, 60 Ill. 2d 204 and 207, 326 N. E. 2d 406 and 408 (1975)], the Board concludes that a penalty is justified in this case despite present compliance in that "the assessment of penalties [is appropriate] against recalcitrant defendants who have not sought to comply with the Act voluntarily but who have by their activities forced the Agency or private citizens to bring action against them may cause other violators [sic] to act promptly and not wait for the prodding of the Agency" [Fry Roofing Co. v. PCB, Ill. App. 3d, at 419]. The record here demonstrates that Continental's refusal to obey the watercraft loading rule made Agency enforcement action necessary.

The effectiveness of the Act is premised upon voluntary compliance in that neither the Board nor the Agency has the resources to "force" all dischargers into compliance through the enforcement mechanism. The Board, further, is committed to the attainment of universal compliance as soon as is reasonable. It is unlikely that the goal will be reached if polluters learn that no adverse consequences and, indeed, positive economic consequences may flow from delay.

Continental offered considerable evidence showing that its efforts to comply with the Watercraft Loading Rule after June, 1978 were timely and expeditious (see e.g. 12/16/82 R. 158-160). This evidence however, fails to address Continental's recalcitrance in complying with that rule from the time it was enacted (June 13, 1975), through the time it became effective (April 30, 1977), to the time the Agency sent its Notice of Violation to Continental (April 10, 1978).

Taking the view most favorable to Continental, that time was spent in an unsuccessful attempt to develop or discover a control program compatible with its existing equipment.* However, nothing in the Watercraft Loading Rule exempts dischargers who cannot control their emissions using existing equipment, and Continental never attempted to prove arbitrary or unreasonable hardship through a variance petition. Continental had been on notice since June 13, 1975 that it would be expected to comply with the rule by April 30, 1977. The Board has found that the technology

*The Board finds no merit in Continental's argument that the delay was occasioned, in part, by possible eminent domain proceedings on the part of the City of East St. Louis; such action appears to have been highly speculative at best and Continental would assumedly have been recompensed for any improvements.

ultimately used to attain compliance was available by that date and as of that date Continental should have either come into compliance or obtained a variance. However, it did neither. Continental has not established that compliance could not have been attained seventeen months earlier than it was (February 1980) by commencing its 37-month control program in January, 1977.*

The Agency argues that "at the interest rates in effect during these periods, Continental's recalcitrance saved it hundreds of thousands, if not millions, of dollars" and that "it must not be allowed to profit from its disobedience of the law" (Ag. Brief p. 24). It does not, however, recommend a particular penalty.

The Agency's argument is overly simplistic in that it ignores the Section 33(c) factors, Continental's early attempts to retrofit, and the fact that delay also results in construction cost increases. Given the lack of harm, the suitability of the site, the social and economic value of the site, and the fact that considerable new construction had to be completed at a cost of \$7 million in order to install effective controls, a penalty of hundreds of thousands of dollars is not justified. On the other hand, the corporate attitude expressed through slow action toward compliance and the concomitant disregard of environmental rules is in aggravation. Continental should have come into timely compliance or received a variance or regulatory change, but did not. Upon full consideration of all of these issues, the Board finds that a penalty of \$10,000 is appropriate.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board finds that the Continental Grain Company has violated Rules 103(b)(2) and 203(d)(8)(B)(iv)(c)(2) of Chapter 2 Air Pollution, and Sections 9(a) and (b) of the Environmental Protection Act.


*Continental took 37 months to complete the project, (from June, 1978 to July, 1981). As the Agency has shown, it could have begun work in January, 1977, by which date it knew of the Midwest Loader and could have made the decision to proceed. This 17 month calculation does not take into account the six to eight weeks added to construction because Continental sought to remain open during construction (Hartsuiker R. 78-79).

2. The Continental Grain Company shall, within 45 days of the date of this Order, pay a penalty of \$10,000 by certified check or money order payable to the State of Illinois, to be sent to:

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

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of October, 1983 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board