

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** )  
 )  
Farmers Grain Company ) **NOTICE OF VIOLATION**  
Beecher, Illinois )  
 ) **EPA-5-99-IL-11**  
 )  
Proceedings Pursuant to )  
Section 113(a)(1) of the )  
Clean Air Act, 42 U.S.C. )  
§ 7413(a)(1) )

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**NOTICE OF VIOLATION**

The Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, is issuing this Notice of Violation pursuant to Section 113(a)(1) of the Clean Air Act. U.S. EPA hereby notifies the State of Illinois and Farmers Grain Company that U.S. EPA finds that Farmers Grain Company located at 525 Gould Street, Beecher, Illinois, is in violation of the Illinois State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. On May 31, 1972, the Administrator of U.S. EPA approved Illinois Pollution Control Board (PCB) Rules 101 and 103 as part of the federally enforceable SIP for Illinois. (37 Fed. Reg. 10862).
2. On February 21, 1980, the Administrator of U.S. EPA approved amendments to Illinois SIP that, among other things, added deadlines for new or existing Grain-Handling operations to obtain an operating permit under Rule 103(b).
3. Illinois PCB Rule 101 contains General Provisions, and Rule 103 contains the Permit Application and Review Process for construction and operating permits.

4. Due to the recodification of the Illinois PCB Rules, PCB Rule 101 is currently set forth at 35 Illinois Administrative Code (IAC) § 201.102; PCB Rule 103(a)(1) at 35 IAC § 201.142; PCB Rule 103(b)(1) at 35 IAC § 201.143; PCB Rule 103(b)(2) at 35 IAC § 201.144; and PCB Rule 203(d)(9)(G) at 35 IAC § 212.463(d).
5. With certain exceptions, Illinois PCB Rule 103(a)(1), 35 IAC § 201.142, prohibits the construction of any new emission source or any new air pollution control equipment or the modification of any existing emission source or air pollution control equipment without first obtaining a construction permit.
6. Under Illinois PCB Rule 101, an emission source is any equipment or facility of a type capable of emitting specified air contaminants in the atmosphere.
7. Under Illinois PCB Rule 101, new emission sources are those sources constructed or modified on or after April 14, 1972.
8. Illinois PCB Rule 103(b)(1), 35 IAC § 201.143, prohibits the operation of any new emission source required to obtain a construction permit without first obtaining an operating permit.
9. Illinois PCB Rule 103(b)(2)(A) requires Grain Handling and Grain Drying Operations to obtain operating permits by December 31, 1975.
10. With certain exceptions, 35 IAC § 212.463(d) requires new and modified grain-drying operations to file an application for construction and operating permits.

#### **Factual Background**

11. Farmers Grain Company owns and operates a country grain elevator located at 525 Gould Street, Beecher, Illinois.
12. Farmers Grain Company is located in Will County, an area which is designated as a non-attainment for ozone and unclassifiable for particulate.
13. Farmers Grain Company contains a dump pit, an enclosed headhouse, a baghouse, a mixed fertilizer and a column dryer.

14. Farmers Grain Company conducts grain drying operations as defined in PCB Rule 201.
15. Farmers Grain Company grain elevator is subject to the Illinois SIP and to the Illinois PCB Rules 101 and 103.
16. The grain drying operations at the grain elevator are subject to the permit requirements of Illinois PCB 101, 103 and 203(d)(9)(G).
17. Farmer Grain Company constructed a column dryer at the grain elevator in 1997.
18. The column dryer is a new emission source as defined in the Illinois PCB Rule 101.
19. Farmers Grain Company did not submit an application for a construction permit for the column dryer.
20. Farmers Grain Company did not obtain a construction permit for the column dryer.
21. Farmers Grain Company did not submit an application for a operation permit for the column dryer.
22. Farmers Grain Company did not obtain an operating permit for the column dryer.
23. Farmers Grain Company has operated the column dryer from 1997 until the present.

**Findings of Violation**

24. Farmers Grain Company constructed a new emission source without first obtaining a construction permit, in violation of Illinois PCB Rule 103(a)(1), 35 IAC 201.142.
25. Farmers Grain Company operated and continues to operate a new emission source without an operating permit, in violation of Illinois PCB Rule 103(b)(1), 35 IAC 201.143.

9/9/99  
Date

  
Margaret M. Guerriero,  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Betty Williams, do hereby certify that a Finding of Violation and a Notice of Violation were sent by Certified Mail, Return Receipt Requested, to:

Tim Matthias, Manager  
Farmers Grain Company  
525 Gould Street  
Beecher, Illinois 60401

I also certify that copies of the Finding of Violation and the Notice of Violation were sent by first class mail to:

David Kolaz, Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

Harish Narayan, Acting Regional Manager  
Region 1  
Illinois Environmental Protection Agency  
1701 First Avenue - Suite 600  
Maywood, Illinois 60153

on the 9<sup>th</sup> day of September, 1999.

  
Betty Williams, Secretary  
AECAS, ((IL/IN))

CERTIFIED MAIL RECEIPT NUMBER: P 140 779179