



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**DEC 18 2012**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Chester Angus  
Supervisor  
Gateway FS, Inc.  
420 South Broadway  
Waltonville, Illinois 62894

Re: Notice of Violation  
Gateway FS, Inc., Waltonville, Illinois

Dear Mr. Angus:

The U.S. Environmental Protection Agency (the Agency) is issuing the enclosed Notice of Violation (NOV) to Gateway FS, Inc. (you) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). The Agency finds that you are violating the Illinois State Implementation Plan at your Waltonville, Illinois facility, as set forth in the enclosed NOV.

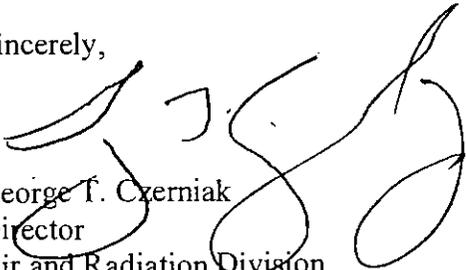
The Agency has several enforcement options under Section 113 of the CAA, 42 U.S.C. § 7413. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

The Agency is offering you an opportunity to confer with it about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Roshni Brahmhatt and Jennifer Wilson. You may call either Ms. Brahmhatt at 312-886-6793 or Ms. Wilson at 312-353-3115 to request a conference. You should make the request within 10 calendar days following receipt of this letter. The Agency would like to hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Ray Pilapil  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Gateway FS, Inc.  
420 South Broadway  
Waltonville, Illinois 62894

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) **NOTICE OF VIOLATION**  
)

)  
) **EPA-5-13-IL-03**  
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Proceedings Pursuant to  
the Clean Air Act,  
42 U.S.C. §§ 7401 *et seq.*

**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Gateway FS, Inc. in Waltonville, Illinois (Gateway) is violating applicable provisions of the Illinois State Implementation Plan (SIP) as follows:

**Regulatory Authority**

**A. Clean Air Act**

1. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards.
2. Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan, regulation, or permit.

**B. Illinois State Implementation Plan**

3. On May 31, 1972, EPA approved 35 Ill. Admin Code § 201.141 as part of the federally enforceable SIP for the State of Illinois. *See* 37 Fed. Reg. 10862. Specifically, 35 Ill. Admin Code § 201.141 is set forth in the Illinois SIP at Rule 102, which states that “[n]o person shall 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, or so as to violate the provisions of this Chapter.”
4. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 103 as part of the federally enforceable SIP for the State of Illinois. *See* 37 Fed. Reg. 10842.

5. IPCB Rule 103 is codified at 35 Ill. Admin. Code §§ 201.142 and 201.143 and set forth in the Illinois SIP at Rules 103(a)(1) and 103(b)(1).

6. The Illinois SIP at Rule 103(a)(1) [35 Ill. Admin. Code § 201.142] requires that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA).

7. The Illinois SIP at Rule 103(b)(1) [35 Ill. Admin. Code § 201.143] requires that no person shall cause or allow the operation of any emission source or new air pollution control equipment, for which a construction permit is required, without first obtaining an operating permit from IEPA.

8. On February 21, 1980, EPA approved IPCB Rule 203 as part of the federally enforceable SIP for the State of Illinois. *See* 45 Fed. Reg. 11493. IPCB Rule 203 is codified at 35 Ill. Admin. Code §§ 212.461, 212.462 and 212.463, and set forth in the Illinois SIP at Rule 203(d)(9).

9. The Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code § 212.461(b)] establishes certain housekeeping practices that all grain-handling and grain-drying operations must implement regardless of size, including:

- i. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.
- ii. 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 area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.
- iii. Dump pit.
  - a. Aspiration equipment shall be maintained and operated.
  - b. Dust control devices shall be maintained and operated.
- iv. 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.

v. Property. The yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust.

vi. Housekeeping Checklist. Housekeeping checklists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

10. The Illinois SIP at Rule 203(d)(9)(D) [35 Ill. Admin. Code § 212.461(c)] states “any grain-handling operation or grain-drying operation for which construction or modification commenced prior to June 30, 1975, located outside of a major population area which is required to apply for a permit pursuant to the Illinois SIP at Rule 203(d)(9)(B) and Rule 203(d)(9)(C) [35 Ill. Admin Code §§ 212.462 and 212.463], respectively, shall receive such permit notwithstanding the control requirements of those respective rules provided said operation can demonstrate that the following conditions exist upon application for, or renewal of, an operating permit: 1) The requirements of the Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code §212.461(b)] are being met; ...”

11. The Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] applies to existing grain-handling operations with a throughput greater than 300,000 bushels/year.

12. The Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462] provides that “existing grain-handling operations with a total annual grain throughput of 300,000 bushels or more shall apply for an operating permit pursuant to Rule 103 of Part 1 [35 Ill. Admin. Code 201].”

13. The Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(1) [35 Ill. Admin. Code § 212.462(b)(1)(A)] requires that grain-handling operations apply induced draft to major dump pits and their associated equipment (including, but not limited to boots, hoppers and legs) to such an extent that a minimum face velocity is maintained at the effective grate surface sufficient to contain particulate emissions generated in unloading operations in accordance with the formula provided.

14. The Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(2) [35 Ill. Admin. Code § 212.462(b)(1)(B)] requires that the induced draft air stream from the dump pits for grain-handling facilities having a grain throughput not greater than 2,000,000 bushels per year or located outside of a major population area is collected and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90% by weight.

15. The Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(4) [35 Ill. Admin. Code § 212.462(b)(1)(D)] requires that means or devices (including, but not limited to quick-closing doors, air curtains or wind deflectors) be employed to prevent a wind velocity in excess of 50% of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph.

16. The Illinois SIP at Rule 203(d)(9)(B)(iii) [35 Ill. Admin. Code § 212.462(c)] requires pollution controls for the internal transferring area. The rule provides that:

(a) The internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere.

(b) Air contaminants collected from internal transfer operations for grain-handling facilities having a grain throughput of not more than 2 million bushels per year or located outside a major population area shall be conveyed through air pollution control equipment that has a rated and actual particulate removal efficiency of not less than 90% by weight prior to release into the atmosphere.

17. The Illinois SIP at Rule 203(d)(9)(B)(iv)(a) [35 Ill. Admin. Code § 212.462(d)(1)] requires truck and hopper car loading to “employ socks, sleeves or equivalent devices which extend 6 inches below the sides of the receiving vehicle except for topping off.”

18. On May 29, 2002, EPA approved as part of the federally enforceable SIP for the State of Illinois, revisions to Section 9(f) of the Illinois Environmental Protection Act, 415 ILCS 5/9(f), which modified the particulate matter control requirements for certain rural grain elevators in Illinois. *See* 67 Fed. Reg. 37323-37325.

19. Effective July 29, 2002, EPA incorporated by reference Section 9 (including revised Section 9(f)) into the federally enforceable SIP for the State of Illinois. Section 9 was set forth in the Illinois SIP as Act 9.

20. Act 9 of the Illinois SIP [Section 9(f) of the Illinois Environmental Protection Act, 415 ILCS 5/9], states in pertinent part that any grain elevator located outside of a “major population area” shall be exempt from the requirements of the Illinois SIP at Rule 203(d)(9)(B) [35 Ill. Admin. Code § 212.462], provided that the elevator:

(a) does not violate the pollution prohibitions in subsection (a) of Act 9 of the Illinois SIP [Section 9 of the Illinois Environmental Protection Act], or does not have a certified investigation on file with the Illinois Environmental Protection Agency; and

(b) is not required to obtain a Clean Air Act Program Permit pursuant to [415 ILCS 5/39.5]. Notwithstanding the above exemption, new stationary source performance standards for grain elevators, established pursuant to Section 9.1 of the Illinois Environmental Protection Act (Act 9.1 of the Illinois SIP) and Section 111 of the CAA, shall continue to apply to grain elevators.

21. The Illinois SIP at Part 211 (M words) [35 Ill. Admin. Code § 211.3610] defines “major population area” *inter alia* to not include Jefferson County.

22. Pursuant to Act 9 of the Illinois SIP [Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a)], “[n]o 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, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.”

#### **Factual Background**

23. Gateway owns and operates a grain handling operation (i.e. a grain elevator) located at 420 South Broadway, Waltonville, Jefferson County, Illinois 62894 (the Facility). The Facility commenced operations in the 1940’s.

24. The Facility is not located in a "major population area" as defined in the Illinois SIP at Part 211 (M words) [35 Ill. Admin. Code § 211.3610].
25. The Facility processes soybeans, corn, and wheat with the aid of trucks, dump pits, belt conveyors, and storage bins in a manner that creates particulate matter.
26. During 2011, the Facility processed about 1.34 million bushels of grain.
27. In June 2012, EPA received a complaint from a resident who lives near the Facility that particulate matter from the grain elevator was blowing onto their property.
28. In response to this complaint, EPA performed an inspection at the Facility on July 25, 2012.
29. During the July 25, 2012, inspection, EPA representatives observed the following:
  - a. Dump pit area: The dump pit sheds were open at both ends and Gateway did not use quick-closing doors, air curtains or wind deflectors. Gateway did not use aspiration equipment consisting of suction systems for trucks that were dumping grains.
  - b. Facility Cleaning and Maintenance: An accumulation of grain that would tend to rot or become airborne was scattered on the floor of three dump pits of the Facility.
  - c. Internal Transferring Area: Air contaminants from the internal transferring area were not collected and conveyed to air pollution control equipment with the requisite particulate collection efficiency.
  - d. Loadout Areas: Socks, sleeves or equivalent devices were not extended six inches below the sides of trucks that were being loaded. Visible emissions were generated while a truck was being loaded.
  - e. Housekeeping Checklist: Representatives of the Facility were not able to produce a housekeeping checklist on the premises of the Facility.
  - f. Air Pollution Operating Permit: Representatives of the Facility were not able to find the air pollution operating permit on the premises of the Facility.
  - g. Driveways: EPA observed that the driveways of the Facility were dusty and resulted in particulate matter emissions.

#### Violations

30. Gateway violated Rule 203(d)(9)(A)(iii)(a) and (b) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(3)(A) and (B)] by failing to operate dump pits with properly operating aspiration and dust control equipment.

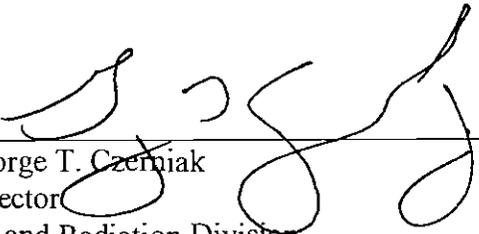
31. Gateway violated Rule 203(d)(9)(A)(ii)(a) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(5)] by failing to properly perform housekeeping, cleaning and maintenance on the floors and other exposed flat surfaces to prevent the accumulation of grain and dust that would tend to rot or become airborne.
32. Gateway violated Rule 203(d)(9)(A)(v) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(2)(A)] by failing to asphalt, oil, or treat the driveways to control dust.
33. Gateway violated Rule 203(d)(9)(A)(vi) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(2)(A)] by failing to maintain the housekeeping checklists on the premises for inspection by Agency personnel.
34. Gateway violated Act 9 and Rule 102 of the Illinois SIP [Section 9(a) of the Illinois Environmental Protection Act, 415 ILCS 5/9(a), and 35 Ill. Admin. Code § 201.141] by allowing particulate matter to be discharged or emitted into the environment from the Facility, so as to: (i) cause or tend to cause air pollution in Illinois either alone or in combination with contaminants from other sources; or (ii) violate regulations or standards under the Illinois Environmental Protection Act, 415 ILCS 5/1, *et seq.*, or Title 35 of the Illinois Administrative Code.
35. Gateway violated Rule 203(d)(9)(B)(ii)(a)(4) of the Illinois SIP [35 Ill. Admin. Code § 212.462(b)(1)(D)] by failing to employ means or devices, including quick-closing doors, air curtains or wind deflectors, to prevent a wind velocity in excess of 50% of the induced draft face velocity at the dump pit area.
36. Gateway violated Rule 203(d)(9)(B)(ii)(a)(2) of the Illinois SIP [35 Ill. Admin. Code §§ 212.462(b)(1)(A) and (B)] by failing to apply induced draft to the dump pits that is collected and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90% by weight.
37. Gateway violated Rule 203(d)(9)(B)(iii) of the Illinois SIP [35 Ill. Admin. Code § 212.462(c)(2)] by failing to collect and convey the contaminants from the internal transferring area through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90% by weight.
38. Gateway violated Rule 203(d)(9)(B) (iv)(a) of the Illinois SIP [35 Ill. Admin. Code § 212.462(d)(1)] by failing to use socks or sleeves or equivalent devices that extend six inches below the sides of vehicles during loading.
39. Violations of the Illinois SIP constitute violations of the CAA.

**Environmental Impact of Violations**

40. Violation of the pollution control requirements for grain elevators in the Illinois SIP increases public exposure to unhealthy particulate matter. Acute respiratory effects of the inhalation of particulate matter include narrowing of the airways and asthma attacks. Chronic respiratory effects include damage to lung tissue, increased pulmonary resistance, and fibrotic changes in lung tissue. Increased pulmonary resistance and fibrosis may lead to cardiovascular impairment:

Date \_\_\_\_\_

12/18/12

  
\_\_\_\_\_  
George T. Czerniak  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

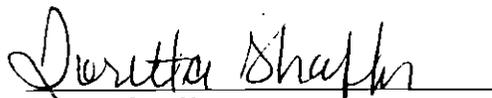
I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-13-IL-03, by Certified Mail, Return Receipt Requested, to:

Chester Angus  
Supervisor  
Gateway FS, Inc.  
420 South Broadway  
Waltonville, Illinois 62894

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

Ray Pilapil, Manager  
Bureau of Air  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency  
1201 Grand Avenue East  
Springfield, Illinois 62702

On the 18 day of December 2012



Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7674 0395