



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

REPLY TO THE ATTENTION OF:

**DEC 18 2012**

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

Ken Lintker  
Manager  
Gateway FS, Inc.  
18 North Mill Street  
Venedy, Illinois 62214

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

Dear Mr. Lintker:

The U.S. Environmental Protection 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). Based upon the information currently known, EPA has concluded that you are violating the Illinois State Implementation Plan at your Venedy, Illinois facility, as set forth in the enclosed NOV.

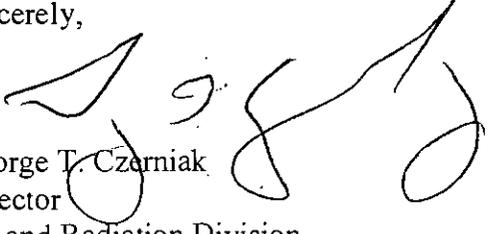
EPA has several enforcement options under Section 113 of the CAA, 42 U.S.C. § 7413. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

EPA 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 participate in the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The attorney assigned to this matter is Steven Kaiser. Mr. Kaiser may be reached at 312-353-3804. The EPA program contacts are Roshni Brahmbhatt and Jennifer Wilson. You may call either Ms. Brahmbhatt 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. Czarniak  
Director  
Air and Radiation Division

Enclosure

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



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 or 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. 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.

12. 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.

13. 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.

14. 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

15. Gateway owns and operates a grain handling operation (i.e. a grain elevator) located at 18 North Mill, Venedy, Washington County, Illinois 62214 (the Facility). The Facility commenced operations in the 1960's.
16. 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.
17. The Facility has a permanent storage capacity of at least 600,000 bushels.
18. Gateway stated that 265,570 bushels were processed in 2011.
19. During the October 12, 2012, inspection, EPA representatives observed the following:
  - a. Facility Cleaning and Maintenance: An accumulation of grain that would tend to rot or become airborne was scattered on the floor of two dump pits of the Facility.
  - b. Housekeeping Checklist: Representatives of the Facility were not able to produce a completed housekeeping checklist on the premises of the Facility.
  - c. Air Pollution Operating Permit: Representatives of the Facility were not able to find the air pollution operating permit on the premises of the Facility.
  - d. Property: The driveways of the Facility were dusty and resulted in particulate matter emissions.

### Violations

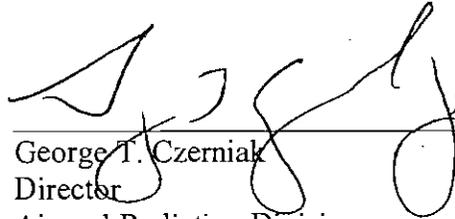
20. Gateway violated Rule 203(d)(9)(A)(ii)(a) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(5)] by failing to properly perform housekeeping, cleaning and maintenance on the floors and other exposed flat surfaces to prevent the accumulation of grain and dust that would tend to rot or become airborne.
21. 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.
22. Gateway violated Rule 203(d)(9)(A)(vi) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(2)(A)] by failing to complete and maintain the housekeeping checklists on the premises for inspection by Agency personnel.
23. Violations of the Illinois SIP constitute violations of the CAA.

**Environmental Impact of Violations**

24. 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.

12/18/12

Date



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-05, by Certified Mail, Return Receipt Requested, to:

Ken Lintker  
Manager  
Gateway FS, Inc.  
18 North Mill Street  
Venedy, Illinois 62214

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 0401