



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

DEC 21 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daniel Stadt
Manager
Grant Park Co-Op Grain Company Inc.
161 South East Main Street
Grant Park, Illinois 60940

Re: Notice of Violation
Grant Park Co-Op Grain Company Inc.
Grant Park, Illinois

Dear Mr. Stadt:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Grant Park Co-Op Grain Company Inc. (you) under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). We find that you are in violation of the Illinois State Implementation Plan at your Grant Park, Illinois, facility, as set forth in the NOV.

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

We are offering you an opportunity to confer with us 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 contact in this matter is Ray Cullen. You may call him at (312) 886-0538 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "George T. Czerniak". The signature is written in a cursive style with a prominent "G" and "C".

George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Grant Park Co-op Grain Company Inc.) **NOTICE OF VIOLATION**
Grant Park, Illinois) **EPA-5-13-IL-06**
)
)
Proceedings Pursuant to Section 113(a)(1))
of the Clean Air Act, 42 U.S.C.)
§ 7413(a)(1))

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 Act), 42 U.S.C. § 7413(a)(1). EPA finds that Grant Park Co-Op Grain Company Inc. (Grant Park Co-Op) is in violation of the Illinois State Implementation Plan (SIP), its lifetime operating permit No. 76010139, and 415 Illinois Codified Statutes (ILCS) 5/9(a) of the Illinois Environmental Protection Act at its Grant Park, Illinois, facility, as follows:

Statutory and Regulatory Authority

- 1) Section 110 of the Act, 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)(1) of the Act, 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.
- 3) On February 21, 1980, EPA approved Illinois Pollution Control Board (IPCB) Rule 203(d)(8) as part of the federally enforceable Illinois SIP. 45 *Fed. Reg.* 11493 (February 21, 1980). IPCB Rule 203(d)(8) is now set forth, in part, at 35 Illinois Administrative Code (IAC) §§ 212.461 and 212.462.
- 4) 35 IAC § 212.461(b), *inter alia*, states that all grain-handling operations, regardless of size, must implement and use the following housekeeping practices: "(2)(A) [f]loors 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; (3)(A) [a]spiration equipment shall be maintained and operated [at the dump pit]; (3)(B) [d]ust control devices shall be maintained and operated [at the dump pit]; (5) [t]he yard and driveway of any source shall be asphalted, oiled, or equivalently treated to control dust; and

- (6) [h]ousekeeping check lists to be developed by the [Illinois Environmental Protection Agency (IEPA)] shall be completed by the manager and maintained on the premises for inspection by [IEPA] personnel.”
- 5) On September 9, 1994, EPA approved definitions in 35 IAC § 211.121-7350 as part of the federally enforceable Illinois SIP. 59 *Fed. Reg.* 46567 (September 9, 1994). 35 IAC § 211.121-7350 became federally effective on October 11, 1994.
 - 6) 35 IAC § 211.2710 defines “grain-handling operation” as any operation where one or more of the following grain-related processes (other than grain-drying operation, portable grain-handling equipment, one-turn storage space, and excluding flour mills and feeds mills) are performed: receiving, shipping, transferring, storing, mixing, or treating of grain or other processes pursuant to normal grain operations.
 - 7) 35 IAC § 211.2650 defines “grain” as the whole kernel or seed of corn, wheat, oats, soybeans, and any other cereal or oil seed plant and the normal fines, dust, and foreign matter which results from harvesting, handling, or conditioning.
 - 8) Condition 5.b of Grant Park Co-Op’s lifetime operating permit No. 76010139 requires that Grant Park Co-Op shall implement required housekeeping practices and maintain a housekeeping check list for its grain elevator, pursuant to 35 IAC § 212.461(b).
 - 9) Condition 8.a.i of Grant Park Co-Op’s lifetime operating permit No. 76010139 requires that Grant Park Co-Op shall maintain records of housekeeping check lists completed by the facility manager.
 - 10) 35 IAC § 212.461(c), in part, states that any grain-handling 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 35 IAC § 212.462 shall receive such permit notwithstanding the control requirements of that rule provided said operation can demonstrate that the requirements of 35 IAC § 212.461(b) are being met upon application for, or renewal of, the operating permit.
 - 11) 35 IAC § 211.3610 defines “major population area,” *inter alia*, as the municipalities of Kankakee, Bradley, and Bourbonnais, plus a zone extending two miles beyond the boundaries of said municipalities in Kankakee County.
 - 12) The provisions in 35 IAC § 212.462 apply to existing grain-handling operations with a total annual grain throughput of at least 300,000 bushels.
 - 13) 35 IAC § 212.462(a)(2) requires that affected grain-handling sources located outside of a major population area shall convey air contaminants collected from cleaning and separating operations through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent by weight prior to release into the atmosphere.

- 14) 35 IAC § 211.310 defines “air contaminant” as any solid, liquid, or gaseous matter, any odor, or any form of energy, that is capable of being released into the atmosphere.
- 15) 35 IAC § 211.1050 defines “cleaning and separating operation” as that operation where foreign and undesired substances are removed from the grain.
- 16) 35 IAC § 212.462(b)(1)(A) requires that affected grain-handling sources apply induced draft to major dump pit areas and their associated equipment (including, but not limited to, boots, hoppers, and legs) to such an extent that a minimum face velocity of at least 200 feet/minute is maintained at the effective grate surface sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity shall be determined by the following equation: $V=Q/A$, where V =face velocity, Q =induced draft volume in standard $\text{ft}^3/\text{minute}$, and A =effective grate area in ft^2 .
- 17) 35 IAC § 211.3570 defines “major dump pit” as any dump pit (which 35 IAC § 212.1830 defines as any area where grain is received at a grain-handling or grain-drying operation) with an annual grain throughput of more than 300,000 bushels, or which receives more than 40 percent of the annual grain throughput of the grain-handling operation.
- 18) 35 IAC § 212.462(b)(1)(B) requires that affected grain-handling sources located outside of a major population area shall confine and convey the induced draft air stream through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90 percent by weight.
- 19) 35 IAC § 212.462(b)(1)(D) requires that affected grain-handling sources shall employ means or devices (including, but not limited to, quick-closing doors, air curtains, or wind deflectors) to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at the major dump pit area; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air exceeds 25 miles per hour.
- 20) 35 IAC § 212.462(b)(2) provides that, in lieu of applying induced draft per 35 IAC § 212.462(b)(1), affected grain-handling sources may use any equivalent method, technique, system, or combination thereof adequate to achieve, at a minimum, a particulate matter (PM) emission reduction for its major dump pit areas equal to that required by 35 IAC § 212.462(b)(1).
- 21) Condition 6.a.i of Grant Park Co-Op’s lifetime operating permit No. 76010139 requires that Grant Park Co-Op shall conduct grain receiving in all of its dump pits in accordance with good operating practices to minimize PM emissions.
- 22) 35 IAC § 212.462(c)(2) requires that affected grain-handling sources located outside of a major population area shall convey air contaminants collected from internal transfer operations at internal transferring areas through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent by weight prior to release into the atmosphere.

- 23) 35 IAC § 211.3210 defines “internal transferring area” as the area and associated equipment used for conveying grain among the various grain operations.
- 24) 35 IAC § 212.462(d)(1) requires that affected grain-handling sources shall employ socks, sleeves, or equivalent devices which extend 6 inches below the sides of the receiving vehicle, except for topping off, during truck and hopper car loading.
- 25) On May 29, 2002, EPA approved Section 9 of the Illinois Environmental Protection Act, 415 ILCS 5/9, as a revision to the federally enforceable Illinois SIP. *67 Fed. Reg. 37323* (May 29, 2002). 415 ILCS 5/9 became federally effective on July 29, 2002.
- 26) 415 ILCS 5/9(f) exempts any grain elevator located outside of a major population area from complying with 35 IAC § 212.462 provided, in part, that the elevator 1) does not violate 415 ILCS 5/9(a); and 2) is not required to obtain a Clean Air Act Permit Program permit pursuant to 415 ILCS 5/39.5.
- 27) 415 ILCS 5/9(a) states that no 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, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the IPCB under the Illinois Environmental Protection Act.

Findings of Fact

- 28) Grant Park Co-Op owns and operates a grain elevator with a “grain-handling operation,” as that term is defined at 35 IAC § 211.2710, at 116 South East Main Street, Grant Park, Illinois (the Facility).
- 29) The Facility consists of two “major dump pits,” two dryers containing “cleaning and separating operations,” and “internal transferring areas,” as those terms are defined at 35 IAC §§ 211.3570, 211.1050, and 211.3210, respectively, which create PM, which is an “air contaminant,” as that term is defined at 35 IAC § 211.310.
- 30) The Facility is located more than two miles beyond the boundaries of the municipalities of Kankakee, Bradley, and Bourbonnais in Kankakee County, Illinois, and thus is not located in a “major population area,” as that term is defined in 35 IAC § 211.3610.
- 31) The Facility has a total annual grain throughput of at least 300,000 bushels and is thus subject to the provisions in 35 IAC § 212.462. In 2011, the Facility had a total grain throughput of approximately 5.2 million bushels, which included approximately 3.8 million, 1.2 million, and 200,000 bushels of corn, soybeans, and wheat, respectively.

- 32) On July 20, 2012, EPA conducted an inspection of the Facility and observed the following:
- a) Piles of corn were scattered on the floor of one of the dump pits at the Facility. There was also a layer of dust that had accumulated on the floor of the other dump pit, along with on the flat surfaces in the control room attached to that dump pit.
 - b) Neither dump pit at the Facility used induced draft or was equipped with air pollution control equipment for PM. The dump pit sheds were open at both ends and did not use quick-closing doors, air curtains, or wind deflectors to prevent excessive wind velocity.
 - c) A truck generated visible emissions as it drove over the gravel when it approached one of the dump pits. Grant Park Co-Op informed EPA that the Facility hires someone to spray water on its roads only once a year.
 - d) The dryers at the Facility, which contain an operation that mechanically separates undesired substances from corn, were not equipped with air pollution control equipment for PM.
 - e) The internal transferring areas of the Facility were not equipped with air pollution control equipment for PM.
 - f) Corn being loaded into a truck at the Facility at the time of the EPA inspection generated visible emissions. A sock, sleeve, or equivalent device did not extend 6 inches below the side of the truck while it was being loaded.
 - g) Grant Park Co-Op does not maintain records of completed housekeeping check lists for the Facility. During the inspection, EPA received a copy of a blank housekeeping check list, which Grant Park Co-Op stated it follows once a month during harvest season. The check list was not current.

Violations

- 33) Grant Park Co-Op failed to keep floors at the Facility swept and cleaned and failed to keep exposed flat surfaces clean of grain and dust, in violation of 35 IAC § 212.461(b)(2)(A) of the Illinois SIP, Condition 5.b of its lifetime operating permit No. 76010139, and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.
- 34) Grant Park Co-Op failed to asphalt, oil, or equivalently treat the Facility yard and driveway to control dust, in violation of 35 IAC § 212.461(b)(5) of the Illinois SIP, Condition 5.b of its lifetime operating permit No. 76010139, and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.
- 35) Grant Park Co-Op failed to maintain completed housekeeping check lists at the Facility, in violation of 35 IAC § 212.461(b)(6) of the Illinois SIP and Conditions 5.b and 8.a.i of its lifetime operating permit No. 76010139.

- 36) Grant Park Co-Op failed to convey air contaminants collected from its cleaning and separating operations at the Facility through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent by weight prior to release into the atmosphere, in violation of 35 IAC § 212.462(a)(2) of the Illinois SIP and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.
- 37) Grant Park Co-Op failed to apply induced draft to its major dump pit areas at the Facility and their associated equipment and confine and convey the induced draft air stream through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90 percent by weight (or to use any equivalent method, technique, system, or combination thereof adequate to achieve, at a minimum, an equal PM emission reduction as provided by 35 IAC § 212.462(b)(2)), in violation of 35 IAC §§ 212.461(b)(3) and 212.462(b)(1)(A) and (B) of the Illinois SIP, Condition 6.a.i of its lifetime operating permit No. 76010139, and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.
- 38) Grant Park Co-Op failed to employ means or devices (including, but not limited to, quick-closing doors, air curtains, or wind deflectors) at the Facility to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at its major dump pit areas, in violation of 35 IAC § 212.462(b)(1)(D) of the Illinois SIP, Condition 6.a.i of its lifetime operating permit No. 76010139, and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.
- 39) Grant Park Co-Op failed to convey air contaminants collected from the internal transfer operations at its internal transferring areas at the Facility through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90 percent by weight prior to release into the atmosphere, in violation of 35 IAC § 212.462(c)(2) of the Illinois SIP and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.
- 40) Grant Park Co-Op failed to employ socks, sleeves, or equivalent devices at the Facility which extend 6 inches below the sides of the receiving vehicle during truck loading, in violation of 35 IAC § 212.462(d)(1) of the Illinois SIP and 415 ILCS 5/9(a) of the Illinois Environmental Protection Act.

Environmental Impact of Violations

- 41) Violation of the pollution control requirements for grain elevators in the Illinois SIP increases public exposure to unhealthy PM. Acute respiratory effects of the inhalation of PM 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

12/21/12

George T. Czerniak

Director

Air and Radiation Division

CERTIFICATE OF MAILING

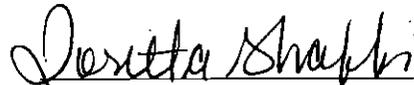
I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-13-IL-06, by Certified Mail, Return Receipt Requested, to:

Daniel Stadt
Manager
Grant Park Co-Op Grain Company Inc.
161 South East Main Street
Grant Park, Illinois 60940

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 21st day of December, 2012.



Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 0432