



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 20 2011

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

N. LaDonna Driver
Hodge Dwyer & Driver
3150 Roland Avenue
Springfield, Illinois 62705-5776

Re: *In the Matter of: The DeLong Company, Inc., Channahon, Illinois*
Docket No. EPA 5-11-113(a)-IL-13

Dear Ms. Driver:

I have enclosed a signed Administrative Consent Order (ACO) with The DeLong Company, Inc. under the Clean Air Act. Pursuant to paragraph 36, the ACO is effective on the date of signature by the Director of the Air and Radiation Division.

If you have any questions on this matter, please do not hesitate to call Ms. Jennifer Wilson, of my staff, at (312)353-3115, or, with legal questions, Jan Carlson, Associate Regional Counsel, at (312) 886-6059.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Frank".

Nathan Frank
Chief,
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

cc: David Bloomberg, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-11-113(a)-IL-13
)	
The DeLong Company, Inc. Channahon, Illinois)	Proceeding Under Sections 113(a)(1), (a)(3), 114(a)(1) of the Clean Air Act 42 U.S.C. §§ 7413(a)(1),(a)(3) and 7414(a)(1)
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Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to The DeLong Company, Inc. under Sections 113(a)(1), (a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1), (a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

3. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rules 101 and 103 as part of the federally enforceable State Implementation Plan (SIP) for Illinois. 37 Fed. Reg. 10842. IPCB Rule 101 is codified at 35 Illinois Administrative Code (IAC) § 201.102. IPCB Rule 103 is codified at 35 IAC §§ 201.142 and 201.143.

4. On February 21, 1980, EPA approved IPCB Rule 203 as part of the federally enforceable SIP for the State of Illinois, 45 Fed. Reg. 11493. IPCB Rule 203 is codified at 35 IAC §§ 212.461 and 212.462.

5. IPCB Rule 203(d)(9)(B)(iii) [35 IAC 212.462(c)] states that an internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions, directly into the atmosphere. This section also states that air contaminants collected from internal transferring operations for grain-handling facilities having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98% by weight prior to release into the atmosphere.

6. 35 IAC 211.3210 defines "internal transferring area" as "areas and associated equipment used for conveying grain among the various grain operations."

7. 35 IAC 211.3610 defines "major populations area" to include Will County, Illinois.

8. IPCB Rule 203(d)(9)(A) [35 IAC 212.461(b)(5) and (6)] states that all grain handling and grain-drying operations, regardless of size, are required to follow certain housekeeping practices including: keeping the yard and driveway of the facility "asphalted, oiled or equivalently treated to control dust" and completion of "housekeeping check lists" by the manager.

9. Under Section 113(a)(1) of the Act, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

10. The Administrator of EPA may require any person who owns or operates an emission source to make reports; install, use and maintain monitoring equipment; sample emissions; and provide information required by the Administrator under Section 114(a)(1) of the

Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

11. The DeLong Company (DeLong) is a corporation authorized to do business in the State of Illinois, and as such, is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

12. DeLong owns and operates a grain elevator located in Channahon, Illinois (the Facility). The Facility has a total annual grain throughput of greater than 2 million bushels and processes soybeans, corn gluten meal, soybean meal, ethanol byproducts, other feed pellets and other feed stuffs (stocks) using trucks, dump pits, internal transferring areas with belt conveyors, and storage bins that create particulate matter.

13. At all times relevant to this Order, the Facility was subject to the provisions of IPCB Rule 203(d)(9)(A) [35 IAC 212.461] and IPCB Rule 203(d)(9)(B) [35 IAC 212.462].

14. On October 29, 2010, EPA personnel performed an inspection of the Facility and observed the following:

- a) the internal transferring area shown in Attachment A contained conveyors that were open to the atmosphere and grains covered the floor and the conveyor equipment; and
- b) the parking areas, yard and dirt driveways were dusty and scattered with grains.

15. On January 19, 2011, EPA issued to DeLong a Notice and Finding of Violation alleging that it violated the IPCB Rules 101, 102 and 203.

16. On February 16, 2011, representatives of DeLong and EPA discussed the Notice and Finding of Violation.

17. DeLong violated IPCB Rule 203(d)(9)(B)(iii) [35 IAC 212.462(c)] by failing to enclose the internal transferring area to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere and failing to convey the air pollutants from the internal transferring area to air pollution control equipment, which has a rated and actual particulate removal efficiency of not less than 98% by weight prior to release into the atmosphere.

18. DeLong violated IPCB Rule 203(d)(9)(A) by failing to conduct appropriate housekeeping practices at the parking areas and driveway.

Compliance Program

19. Within 30-calendar days of the effective date of this Order, DeLong must apply to Illinois EPA for a construction permit and supplement the pending application for the Federally Enforceable State Operating Permit to incorporate a Schedule of Compliance for the conditions provided in paragraphs 20 through 23 below.

20. By no later than one year from the date of this Order, DeLong must achieve, demonstrate, and maintain compliance with IPCB Rule 203(d)(9)(A) [35 IAC 212.461(b)(5) and (6)] and IPCB Rule 203(d)(9)(B) [35 IAC 212.462(c)] at the Facility.

21. By no later than one year from the date of this Order, DeLong must enclose its conveyors and vent air pollutants from the conveyors to a filtering system or baghouse, which has a rated and actual particulate removal efficiency of not less than 98% by weight prior to release into the atmosphere. DeLong shall construct the enclosure and filtering system or baghouse substantially in accordance with the drawing incorporated into this Order as Exhibit A. DeLong shall test the particulate removal efficiency of the filtering system or baghouse within 60

days after commencement of operation and provide the test results to EPA within 30 days after the test. DeLong shall ensure that any safety systems needed to monitor for explosions, such as temperature warnings on the bearings, are added to the system. After any leakage or breakage of the conveyors, DeLong shall immediately sweep and clean the conveyor area to remove grains in accordance with housekeeping requirements.

22. By the effective date of this Order and thereafter, DeLong shall use water vehicles twice per day, except when precipitation is on the ground, to control dust on all parking and driveway areas that do not have blacktop or asphalt grindings. DeLong shall maintain the parking and driveway areas that have blacktop and asphalt grindings to control dust.

23. DeLong shall prepare and use a housekeeping checklist that includes:

a) For each date that vehicles are used to wet the parking areas and driveways, provide the starting and ending odometer readings for a water truck and starting and ending time readings for the other mobile vehicle without an odometer ("other vehicle"). The starting value will be considered the reading on the odometer (in miles) immediately before the water truck is used and/or the time reading immediately before the other vehicle is used to water the parking areas and driveways. The daily ending value will be considered the reading on the odometer (in miles) immediately after the water truck is done being used and/or the time reading immediately after the other vehicle is done being used to water the parking areas and driveways. If more than one vehicle is used to water, the spreadsheet will clearly distinguish which vehicle was used by a unique identifying feature such as the license plate number; and

b) The odometer and/or hourly information shall be tabulated in a spreadsheet in Lotus 1-2-3 or Microsoft Excel. The spreadsheet shall provide the

difference between the two odometer readings and the difference between the two time readings in a separate column for each date that watering occurs. For dates on which watering does not occur, the spreadsheet shall contain an explanation as to why watering did not occur, the type (snow, rain, sleet, etc.) of precipitation that fell and the amount of precipitation received at the nearest airport in another column.

PERIODIC REPORTING

24. After the effective date of this Order, and for one year thereafter, DeLong must submit electronic monthly reports to EPA by the 15th day of every month that include:

a) the housekeeping checklist set forth in paragraph 23, including the daily starting and ending odometer readings for a water truck and hourly information for the other vehicle that wet the parking and driveway areas;

b) status of the application for a construction permit for the pollution control requirements for the internal transferring area set forth in paragraph 21;

c) status of construction of the enclosures, testing of baghouse efficiency and other requirements for the conveyors set forth in paragraph 21; and

d) status of the application requirements for the construction permit and Federally Enforceable State Operating Permit set forth in paragraph 19.

25. DeLong must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

26. DeLong must send all electronic reports required by this Order to wilson.jennifera@epa.gov and r5airenforcement@epa.gov.

General Provisions

27. This Order does not affect DeLong's responsibility to comply with other federal, state and local laws.

28. This Order does not restrict EPA's authority to enforce the Illinois SIP or any other section of the Act.

29. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for DeLong's violation of the Illinois SIP.

30. Failure to comply with this Order may subject DeLong to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

31. The terms of this Order are binding on DeLong, its assignees and successors. DeLong must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

32. DeLong may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If DeLong fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not

entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

33. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on CD or thumb drive. If not possible, provide your response to this Order without staples; paper clips and binder clips, however, are acceptable.

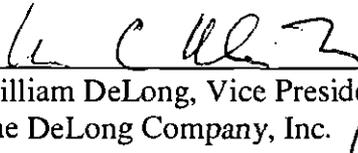
34. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

35. DeLong agrees to the terms of this Order.

36. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

Date

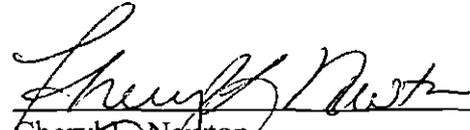
12/2/11


William DeLong, Vice President
The DeLong Company, Inc.

Administrative Consent Order
In the Matter of The DeLong Company, Inc.
Channahon, Illinois

Date

12/20/11


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

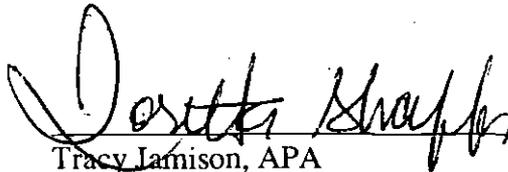
I, Tracy Jamison, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-11-113(a)-IL-13, by certified mail, return receipt requested, to:

William (Bo) DeLong
The DeLong Company, Inc.
23551 West Bluff Road
Channahon, IL 60410

I also certify that I sent a copy of the Administrative Consent Order, EPA Order No. 5-11-113(a)-IL-13, by first-class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois EPA
1021 North Grand Avenue East
Springfield, Illinois 62702

On the 21 day of December 2011.



Tracy Jamison, APA
AECAB, IL/IN

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7673 8910

DUMP BUILDING

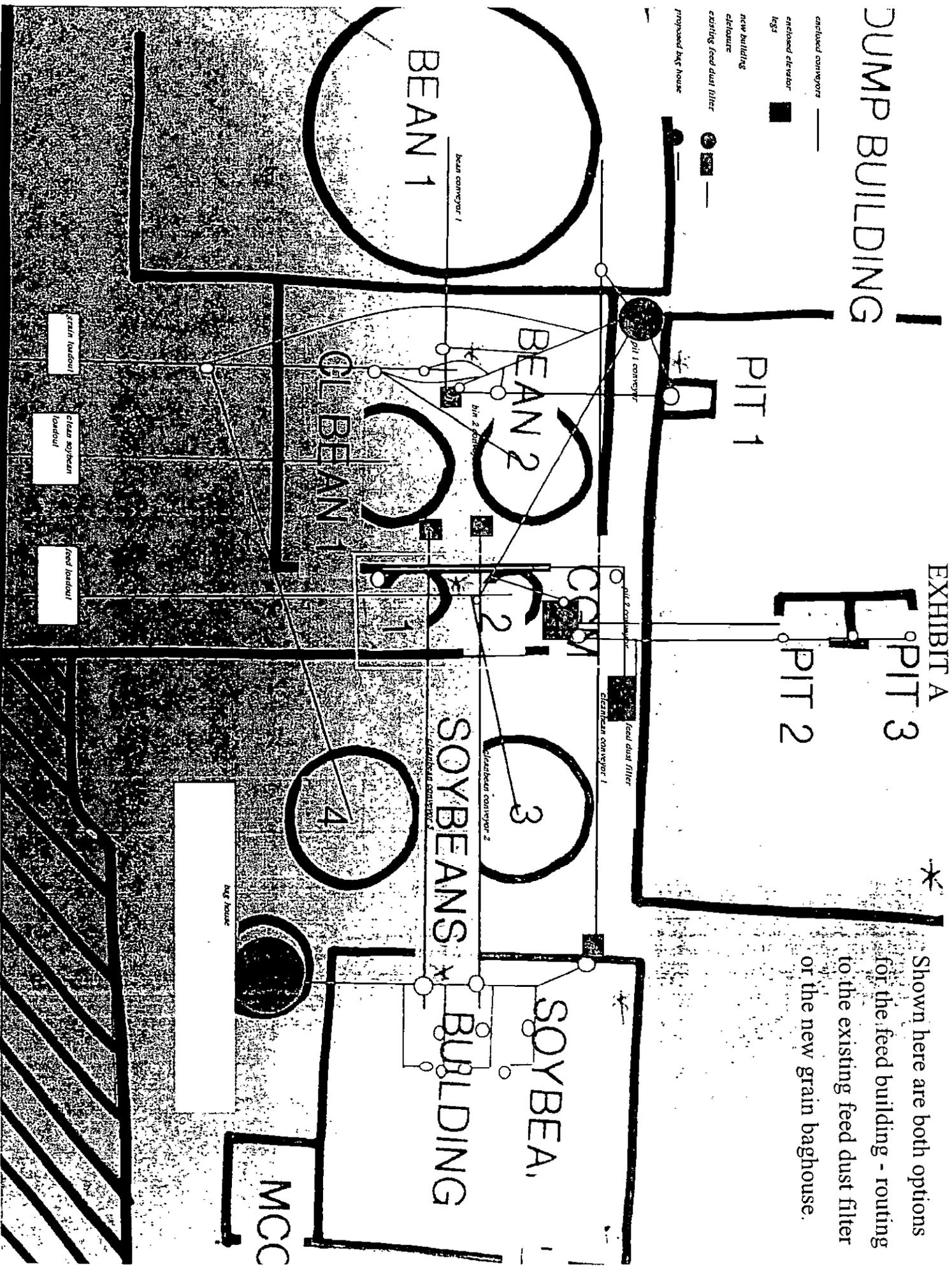
enclosed conveyors —
 enclosed elevator ■
 legs

new building
 elevator
 existing feed dust filter

proposed bag house

PIT 1

EXHIBIT A
 PIT 3
 PIT 2



Shown here are both options for the feed building - routing to the existing feed dust filter or the new grain baghouse.