



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

NOV 13 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Pratt
General Manager
Tri Central Coop
104 North Michigan Avenue
Ashkum, Illinois 60911

Re: Notice and Finding of Violation
Tri Central Coop, Ashkum, Illinois

Dear Mr. Pratt:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Tri Central Coop (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the New Source Performance Standards (NSPS) for Grain Elevators at 40 C.F.R. Part 60, Subpart DD as well as the Illinois State Implementation Plan, at your Ashkum, Illinois facility.

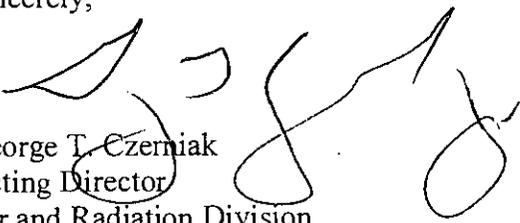
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. 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 Jennifer Wilson. You may call her at 312-353-3115 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,


George T. Czerniak
Acting Director
Air and Radiation Division

Enclosure

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

5. 40 C.F.R. Part 60, Subpart DD applies to grain handling operations at grain terminal elevators at "affected facilities," or those that were constructed, modified, or reconstructed after August 3, 1978. 40 C.F.R. § 60.300.
6. Grain terminal elevators are grain elevators that have a permanent storage capacity of more than 2.5 million bushels. 40 C.F.R. § 63.301(c)
7. Permanent storage capacity is grain storage capacity which is inside a building, bin, or silo. 40 C.F.R. § 63.301(d)
8. 40 C.F.R. Part 60, Subpart DD requires affected facilities to perform specified performance tests to determine compliance with the particulate matter standards, opacity limits and other standards in 40 C.F.R. 60.302 within 180 days after startup. 40 C.F.R. § 60.303

C. Illinois State Implementation Plan

9. On May 31, 1972, EPA approved 35 Illinois Administrative Code (Ill. Admin. Code) § 201.141 as part of the federally enforceable SIP for the State of Illinois. *See* 37 Fed. Reg. 10862. 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."
10. 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. 37 Fed. Reg. 10842.
11. 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).
12. The Illinois SIP at Rule 103(a)(1) [35 Ill. Admin. Code § 201.142] states 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).
13. The Illinois SIP at Rule 103(b)(1) [35 Ill. Admin. Code § 201.143] provides 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.
14. 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 Ill. Admin. Code §§ 212.461, 212.462, and 212.463.

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

- 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 Check List. Housekeeping check lists to be developed by the Agency shall be completed by the manager and maintained on the premises for inspection by Agency personnel.

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

17. 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].”

18. 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 Illinois SIP at Rule 203(d)(9)(A) [35 Ill. Admin. Code §212.461(b)] are being met; ...”

19. 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.

20. 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 for grain-handling facilities having a grain throughput of not more than 2 million bushels per year or located outside of a major population area (MPA) is confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90% by weight.

21. The Illinois SIP at Rule 203(d)(9)(B)(ii)(a)(4) [35 Ill. Admin. Code § 212.462(b)(1)(D)] also requires that means or devices (including, but not limited to quick-closing doors, air curtains or wind deflectors) shall 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.

22. 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:

(a) 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 which has a rated and actual particulate removal efficiency of not less than 90% by weight prior to release into the atmosphere.

23. The Illinois SIP at Rule 203(d)(9)(B)(i)(b) [35 Ill. Admin. Code § 212.462(a)(2)] requires that air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90% by weight.

24. 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 six inches below the sides of the receiving vehicle.”

25. 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.

26. 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.

27. 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 IEPA; and

(b) is not required to obtain a Clean Air Act Program Permit pursuant to [415 ILCS 5/39.5].

28. 22. The Illinois SIP at Part 211 (M words) [35 Ill. Admin. Code § 211.3610] defines “major population area” inter alia to include “the municipalities of Kankakee, Bradley and Bourbonnais, plus a zone extending two miles beyond the boundaries of said municipalities in Kankakee County.”

29. 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.”

30. The Illinois SIP at Rule 203(d)(9)(C) [35 Ill. Admin. Code § 212.463] requires operating permits for dryers with a total grain-drying capacity in excess of 750 bushels/hour at five percent moisture extraction.

Factual Background

31. Tri Central Coop owns and operates a grain elevator located at 104 North Michigan Avenue, Ashkum, Iroquois County, Illinois 60911 (the Facility).

32. The Facility is located more than two miles beyond the boundaries of Kankakee, Bradley and Bourbonnais, and thus 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].

33. The Facility processes soybeans and corn with the aid of trucks, dump pits, belt conveyors, cleaners, screeners, two dryers, rail car loadout, and storage bins in a manner that creates particulate matter.

34. During fiscal year 2011, the Facility processed 4,290,247 bushels of grain.

35. The Facility has two column dryers. One was installed in 1972 and has a design capacity of 2,500 bushels/hour at 5% moisture extraction. The other dryer was installed in 1990 and has a

design capacity of 3,500 bushels/hour at 5% moisture extraction. Neither dryer has an operating permit and the latter dryer does not have a construction permit.

36. The Facility currently has 4,409,032 bushels of permanent storage. 702,881 bushel storage bins were built at the Facility in the years 2009, 2006, and 2004. Prior to building these three bins, Tri Central Coop had 2,300,389 bushels of storage. Building the 702,881 bushel storage bin in 2004 increased permanent storage capacity beyond 2.5 million bushels, making the Facility subject to NSPS Subpart DD.

37. Since becoming subject to NSPS Subpart DD, Tri Central Coop has built two conveyors to two storage bins at the Facility.

38. EPA representatives performed an inspection at the Facility on July 11, 2012, and observed the following:

1. Operating Permits: Representatives of the Facility did not produce an air pollution construction or operating permit application for either dryer.
2. Dump pit area: The dump pit sheds were open at both ends and did not utilize quick-closing doors, air curtains or wind deflectors. One dump pit did not have a suction system that collected air pollutants and treated them with a pollution control device.
3. 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.
4. Cleaning: The Facility utilized various screening devices to remove foreign material. None of these devices had pollution controls.
5. Loadout Areas: A sock, sleeve or equivalent device did not extend six inches below the side of a truck that was being loaded at the Facility. EPA observed visible emissions during the loading process and read the opacity to be at least 60%.
6. Housekeeping Checklist: the Facility's housekeeping checklist does not include checking air pollution controls or the internal transferring area daily.
7. The Facility did not have any PM emission records for 2012.
8. The Facility did not have any records of opacity testing for NSPS Subpart DD.
9. The Facility provided copies of its housekeeping checklists from March, April, May, and June 2012. The checklists do not include checks of the internal transferring area.

39. During a phone call after the inspection, a representative of the Facility confirmed that the sleeves do not extend into the trucks when the trucks were being loaded at the Facility.

Permit Background

40. On February 23, 2010, IEPA issued Tri Central Coop a Lifetime General Operating Permit for Grain Elevator – NSPS Source #76010382 for a grain elevator with various pieces of equipment.
41. Paragraph 5b. of permit #76010382 states, “The Permittee shall implement and perform the required housekeeping practices identified in 35 Ill. Adm. Code 212.461(b)(1) through (b)(5) and maintain a housekeeping check list for the grain elevator pursuant to 35 Ill. Adm. Code 212.461(b)(6).”
42. Paragraph 6c. ii. of permit #76010382 states, “The grain elevator shall be inspected for presence of visible emissions from internal transfer and cleaning, while such activity is occurring, at least once each week when such activity is performed.”
43. Paragraph 6d. i. of permit #76010382 states, “Grain load-out shall be conducted with socks, sleeves or equivalent devices, extending to within at least 6 inches below the sides of the receiving vehicle except for topping off. Choke load-out may be performed as an equivalent method.”
44. Paragraph 7a. of permit #76010382 states, “Within 180 days of initial startup of the permitted grain handling operations structures/equipment, the emissions of opacity shall be measured during conditions which are representative of maximum emissions as required by 40 CFR Part 60 Subparts A and DD.”
45. Paragraph 8. of permit #76010382 states, “The authorization to operate the equipment described in this operating permit shall terminate if the testing required by 40 CFR Part 60 Subparts A and DD is not performed as required or if satisfactory testing results demonstrating compliance with the applicable standards and permit conditions are not achieved and submitted to the Illinois EPA as required.”
46. Paragraph 11b. of permit #76010382 states, “The Permittee shall maintain monthly records of the following items for the source: ... v. PM emissions (tons/month, tons/year) with supporting calculations.”

Violations

47. By failing to obtain an air pollution construction permit for the dryer installed at the Facility in 1990, Tri Central Coop is in violation of Rule 103(a)(1) of the Illinois SIP [35 Ill. Admin. Code § 201.142].
48. By failing to obtain air pollution operating permits for the two dryers installed and operated at the Facility, Tri Central Coop is in violation of Rules 103(b)(1) and 203(d)(9)(C) of the Illinois SIP [35 Ill. Admin. Code §§ 201.143 and 212.463].
49. By not checking air pollution controls at the Facility daily, Tri Central Coop is in violation of Rule 203(d)(9)(A)(i) of the Illinois SIP [35 Ill. Admin. Code §212.461(a)(1)] and Paragraph 5b. of operating permit #76010382.

50. By failing to operate a dump pit with aspiration equipment and dust control devices at the Facility, Tri Central Coop is in violation of Rule 203(d)(9)(A)(iii)(a) and (b) of the Illinois SIP [35 Ill. Admin. Code § 212.461(b)(3)(A) and (B)] and Paragraph 5b. of operating permit #76010382.

51. By not inspecting the internal transferring area of the Facility once per week, Tri Central Coop is in violation of Paragraph 6c. ii. of operating permit #76010382.

52. 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, Tri Central Coop is in violation of 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].

53. 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 of the Facility, Tri Central Coop is in violation of Rule 203(d)(9)(B)(ii)(a)(4) of the Illinois SIP [35 Ill. Admin. Code § 212.462(b)(1)(D)].

54. 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, Tri Central Coop is in violation of Rule 203(d)(9)(B)(ii)(a)(2) of the Illinois SIP [35 Ill. Admin. Code §§ 212.462(b)(1)(A) and (B)].

55. By failing to collect and convey the contaminants from the internal transferring area of the Facility through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90% by weight, Tri Central Coop is in violation of Rule 203(d)(9)(B)(iii) of the Illinois SIP [35 Ill. Admin. Code § 212.462(c)(2)].

56. By failing to collect and convey the contaminants from the cleaning and separating operations of the Facility through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 90% by weight, Tri Central Coop is in violation of Rule 203(d)(9)(B)(i)(b) of the Illinois SIP [35 Ill. Admin. Code § 212.462(a)(2)].

57. By failing to use socks or sleeves or equivalent devices that extend six inches below the sides of vehicles during loading at the Facility, Tri Central Coop is in violation of Rule 203(d)(9)(B) (iv)(a) of the Illinois SIP [35 Ill. Admin. Code § 212.462(d)(1)] and Paragraph 6d.i. of operating permit #76010382.

58. By not having PM emission records for the Facility for 2012, Tri Central Coop is in violation of Paragraph 11b.v. of operating permit #76010382.

59. By failing to perform the performance testing of the conveyors that were added to the Facility after it became subject to NSPS Subpart DD, Tri Central Coop is in violation of Subpart DD, 40 C.F.R. §§ 60.300 – 303, and Paragraph 7a. of operating permit #76010382.

60. By continuing to operate the Facility without performing the testing required by NSPS Subpart DD, Tri Central Coop is in violation of Paragraph 8. of operating permit #76010382.

61. By violating Paragraph 8. of operating permit #76010382, the authorization of the permit has expired, and the Facility is operating without a valid operating permit in violation of Rule 203(d)(9)(B) of the Illinois SIP [35 Ill. Admin. Code § 212.462].

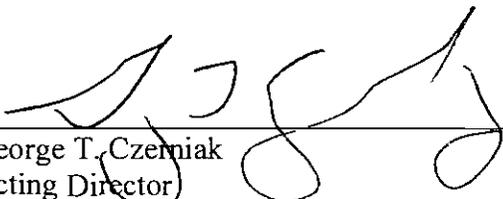
62. Violations of the Illinois SIP constitute violations of the CAA.

Environmental Impact of Violations

63. 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

11/13/12


George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

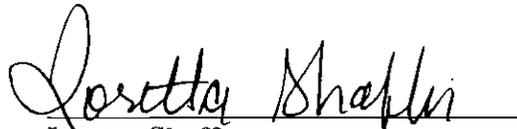
I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-12-IL-20, by Certified Mail, Return Receipt Requested, to:

David Pratt
General Manager
Tri Central Coop
104 North Michigan Avenue
Ashkum, Illinois 60911

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 19 day of November 2012



Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 4430