



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

MAR 27 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Bob Haugens
General Manager
Farmers Grain Company of Dorans
6877 East County Road 1200 North
Mattoon, Illinois 61938

Re: Notice and Finding of Violation
Farmers Grain Company of Dorans, Mattoon, Illinois

Dear Mr. Haugens:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Farmers Grain Company of Dorans (you or Farmers). We find that you are violating the Standards of Performance (NSPS) for Grain Elevators at 40 C.F.R. Part 60, Subpart DD as well as the Illinois State Implementation Plan, at your Mattoon, 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 or criminal 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

B. NSPS for Grain Elevators

4. The NSPS for Grain Elevators is found at 40 C.F.R. Part 60, Subpart DD, 40 C.F.R. §§ 60.300 – 304 (Subpart DD).
5. 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 any grain elevator that has 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. Subpart DD requires affected facilities to perform specified performance tests to determine compliance with the particulate matter standards, opacity limits and other standards in Section 60.302 within 180 days after startup. 40 C.F.R. § 60.303

C. Illinois State Implementation Plan

9. 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.
10. 35 IAC 212.461(b) sets forth certain housekeeping practices that all grain-handling and grain-drying operations must implement regardless of size. These include:
 - a. “Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.”
 - b. Cleaning and Maintenance
 - i. “Floors shall be kept swept and cleaned” Roof or bin decks shall be “kept clean of grain and dust.”
 - ii. Cleaning shall not cause “dust to escape to the atmosphere.”
 - iii. The yard and surrounding area “shall be cleaned to prevent the accumulation of rotting grain.”
 - c. Dump pit
 - i. “Aspiration equipment shall be maintained and operated.”
 - ii. “Dust control devices shall be maintained and operated.”

- d. The head house shall be maintained such that “visible quantities of dust or dirt are not allowed to escape to the atmosphere.”
 - e. The yard and driveway shall be “asphalted, oiled, or equivalently treated to control dust.”
 - f. Housekeeping check lists “shall be completed by the manager and maintained on the premises for inspection by Agency personnel.”
11. Certain facilities may be exempt from 35 IAC 212.461 and 212.462, but that exemption ceases to apply when a facility is in violation of the Housekeeping Practices of 35 IAC 212.461(b) and summarized in paragraph 10.
12. 35 IAC 212.462(b) 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.
13. 35 IAC 212.462(b)(2)(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.
14. 35 IAC 212.462(c) requires pollution controls for the internal transferring area. Specifically, “(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.”

Factual Background

15. Farmers Grain Company of Dorans owns and operates a grain elevator located at 6877 East County Road 1200, North Mattoon, Illinois 61938 (the Facility).
16. The Facility processes soybeans, corn, and wheat with the aid of trucks, dump pits, belt conveyors, a dryer, storage bins, and railcars that create particulate matter.
17. The Facility has a total annual grain throughput of 300,000 bushels or more per year.
18. The Facility has a permanent storage capacity of at least 3.3 million bushels.
19. In September 2011, EPA received two complaints from residents who live near the Facility indicating that particulate matter from the grain elevator is blowing onto their property.

20. In response to these complaints, EPA performed an inspection at the Facility on October 28, 2011.
21. Information received during the inspection revealed that the Facility has difficulty performing the housekeeping during harvest.
22. EPA inspectors observed that the Facility's truck unloading area is not equipped with doors and is not equipped with aspiration equipment or dust control devices on the dump shed.
23. During the inspection, EPA observed a 1,000,000 bushel grain storage pile that was built in 2007. Installation of this storage pile increased permanent storage capacity beyond 2.5 million bushels.
24. This grain storage is a type that was determined to be permanent storage by the Agency in a letter dated November 21, 2007, to the National Grain and Feed Association.
25. Since the 1,000,000 bushel grain storage pile was built in 2007, EPA has not received any performance test results for the dryers and other operations at the facility that were built after 1978 as required by 40 C.F.R. § 60.303.
26. The Facility is not exempt from 35 IAC 212.461 because it has not met the requirements of 35 IAC 212.461 (b).

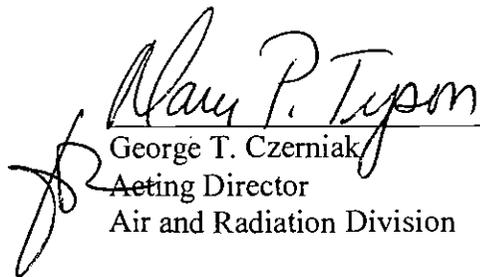
Violations

27. Farmers' actions in 2007 resulted in having more than 2.5 million bushels of permanent storage at the Facility, making any truck loading station, railcar loading station, railcar unloading station and grain handling operation constructed after August 3, 1978 an affected facility per Subpart DD.
28. By failing to perform the performance testing within 180 days of increasing permanent storage beyond 2.5 million bushels in 2007, Farmers has violated and continues to violate Subpart DD. 40 C.F.R. §§ 60.300 – 303.
29. By operating dump pits without aspiration equipment or dust collection, Farmers is violating 35 IAC 212.461(b)(3) of the Illinois SIP.
30. By failing to employ a means or device, 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, Farmers violated 35 IAC 212.462 of the Illinois SIP.
31. By failing to treat the yard and driveway in order to control dust, Farmers is violating 35 IAC 212.461(b)(5).
32. 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, Farmers is in violation of 35 IAC 212.462.

33. By failing to employ means or devices to prevent a wind velocity in excess of 50 percent of the induced draft velocity at the pit, Farmers is in violation of 35 IAC 212.462(b)(1)(D).

34. Violations of the SIP constitute violations of the CAA.

03/27/12
Date


George T. Czerniak
Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

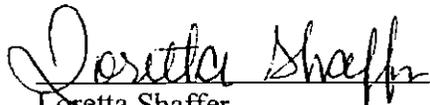
I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-12-IL-07, by Certified Mail, Return Receipt Requested, to:

Bob Haugens, General Manager
Farmers Grain Company of Dorans
6877 East County Road 1200 North
Mattoon, Illinois 61938

I also certify that I sent copies of the Notice and Finding 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 30 day of March 2012


Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680 0000 7673 9528