

ILLINOIS POLLUTION CONTROL BOARD
November 30, 1978

HOMER GRAIN COMPANY,)
)
 Petitioner,)
)
 v.) PCB 78-184
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION OF THE BOARD (by Dr. Stachell):

This matter comes before the Board upon a variance petition filed on July 13, 1978 requesting a continuation of its variance from Rule 203(d)(9)(B) of the Chapter 2: Air Pollution Control Regulations. Previously Petitioner had been granted a variance, PCB 76-312, 25 PCB 39 (1977), until October 1, 1978. An amended petition was filed on August 21, 1978. The Environmental Protection Agency (Agency) filed its recommendation on October 10, 1978. This Opinion is in support of the Board Order in this matter passed on November 16, 1978.

Homer Grain Company's facility, Homer, Illinois, is engaged in the receiving, storing, cleaning, drying, handling and shipping of whole kernel grain. The elevator employs twelve people with an annual payroll of \$230,000 and purchases approximately \$350,000 worth of operating supplies in Champaign County. Approximately 10,000,000 bushels are received and shipped every year.

The original variance was granted to allow Petitioner time to install certain air pollution control equipment. This additional variance is required because Petitioner has not completed its program. Petitioner claims financial hardship due to the effect of falling grain prices, rising operating costs and inflation. The Agency states that lack of timely compliance is more likely because Petitioner did not hire an engineering consultant to handle the problem until February, 1978. However, the parties do agree that the source is currently unable to comply with the Board's Rules.

The facility has six dump pits for receiving grain. Pits G-1 and G-2 have had dust pick-up installed (which is beyond the original compliance plan). Pit C-1 is exempt from Rule 203(d)(9)(B) because its annual through-put is less than 300,000 bushels. Pit B-2 has been brought into compliance by restricting its through-put to 300,000 bushels or less annually. On August 21, 1978 Petitioner applied for construction permits for air pollution control systems for the railroad load-out, conveyor D-1 and dump pits B-1 and B-3.

The Agency believes that these systems, if installed, will be adequate to bring Petitioner into compliance with Rule 203(d) (9)(B). The Agency further states that it believes it is more likely these systems will be installed and operational by June 30, 1979 if the schedule set out by Petitioner is approved. Furthermore, since controls were installed on the reversible belt and the rack type grain dryers were replaced, the number of citizen complaints concerning Petitioner's operation have decreased considerably. Two former complainants contacted by the Agency observed few dust problems from Homer Grain during the summer of 1978; one person did express concern over the potential for dust problems during the 1978 harvest season.

Petitioner's current compliance plan contains the following:

1. Binding agreement to design modifications as necessary (Engineering consultants are E.A. Campbell & Assoc., Inc.). Complete
2. Survey of all emission sources to determine what can and need be controlled. Complete
3. Preliminary design for dump pit dust control (Pit B-1 and B-3). o/b 7/31/78
4. Compliance engendered on Pit B-2 via through-put restriction. Complete
5. Construction permit application filed with EPA for all additional systems (DC-4, 5, 6, 7 & 8). o/b 8/15/78
6. DC-5 rail load-out preliminary design. Complete
Solicit bids 6/15/78
Let contracts 7/15/78
Permit Applications 8/15/78
Construction complete 10/15/78
On line operation 10/31/78
7. DC-4, Conveyor D-1
DC-8, Boot pit & basement
Preliminary Design Complete
Permit Applications 8/15/78
Solicit Bids 9/15/78
Let Contracts 11/15/78
Construction complete 6/1/79
On line operation 6/30/79

The Agency recommends the grant of the variance. The Board will grant this variance. Petitioner cannot currently comply with the Regulations without undue hardship. The Agency recommends several variance conditions. Several of these conditions are not consistent with Petitioner's proposed compliance plan. In the earlier variance, PCB 76-312, Petitioner had proposed emission controls for dump pit B-2. Petitioner's current plan is to limit through-put to less than 300,000 bushels which would exempt it from the Board rules. The Agency feels this is difficult to enforce and recommends Petitioner either be required to seal off the grate area for dump pit B-2 or install emission controls. Because of Petitioner's cash flow problems the Board will accept Petitioner's method of compliance and will not require different methods unless violations of the Act or Regulations become apparent. However, Petitioner will be required to make annual verification to the Agency of the grain through-put of pit B-2.

The prior Board Order required emission controls to replace the cyclones on top of the workhouse; this has not been done. Currently Petitioner's engineering consultant indicates that compliance can be achieved through a maintenance and malfunction program without replacing the existing workhouse cyclones. The Agency recommends that Petitioner be required to verify the efficiency of the existing cyclones and that a program to replace these cyclones be submitted if the existing equipment is not adequate. This condition will be required by the Board.

Petitioner runs two grain cleaners which the Agency states may need aspiration because of potential safety and housekeeping problems. If the grain cleaners are aspirated to existing dust control equipment the Agency recommends Petitioner should be required to verify the efficiency of the existing control equipment and that a program to replace this equipment be submitted if the existing equipment is not adequate to meet the requirements of Rule 203(d)(9). The Board finds that since this is a potential problem, not an existing one, that this condition is inappropriate.

The Agency further recommended that another performance bond of \$100,000, in addition to the one posted in PCB 76-312, be posted. The Board will require a continuation of the bond posted in PCB 76-312; however, additional bond will not be required as it is not likely to serve a useful purpose and would intensify the cash flow problems.

In accordance with Section 35 of the Environmental Protection Act, amended August 2, 1978 by P.A. 80-1299, the Board may grant variances only if they are consistent with the provisions of the

Federal Clean Air Act. In this case the variance must be consistent with Section 113(d). The Board believes the required conditions have or will be met. The source is unable to currently comply. Notice and opportunity for public hearing have been provided. A compliance schedule is provided. Reasonable and practicable interim controls must be provided along with monitoring and reporting. Compliance will be provided by June 30, 1979. Since Petitioner is a major source it is now warned of its possible liability for noncompliance penalties under Section 120 of the Clean Air Act. Petitioner is granted a variance to June 30, 1979, subject to conditions.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 30th day of November, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board