

ILLINOIS POLLUTION CONTROL BOARD
March 17, 1977

McLEAN COUNTY SERVICE COMPANY,)
)
 Petitioner,)
)
 v.) PCB 76-270
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

On October 28, 1976 McLean County Service Company (Service Company) filed a petition for variance from Rule 203(d)(9) of the Chapter 2: Air Pollution Control Regulations (Chapter 2). An amended petition was filed December 8, 1976 in which the compliance date was set as December 1, 1977 instead of May 1, 1977 as originally requested. The Environmental Protection Agency (Agency) filed its recommendation in this matter on February 4, 1977. Petitioner filed a response on March 15, 1977.

Petitioner is the owner and operator of a grain handling facility located in Yuton, Illinois within McLean County. The facility, which has an annual throughput of 4.5 million bushels of grain consists of three dump pits, two for grain and one for wet grain; three grain dryers, two with individual drying capacities of 1400 bushels per hour (BPH) and one with a 2500 BPH capacity; one grain cleaner with an actual capacity of 3000 BPH, and various items for storage and transfer of grain.

Petitioner states that at the time of the adoption of the grain handling regulations that the Service Company believed it was subject to the exemption of Rule 203(d)(9)(D) of Chapter 2, in that Petitioner believed its facilities were located outside a major population area. However, on receipt of an Agency permit denial on March 18, 1976 Petitioner found that its facilities were 1.95 miles from Normal, Illinois and did not meet the requirement of being 2.0 miles from a major population area and was not covered by the exemption. Upon discovery of this information Petitioner formulated a compliance plan and schedule.

Petitioner proposes to install an aspiration system on the three dump pits and on two legs associated with the dry grain transfer process. The control equipment for the aspiration equipment will be a baghouse. In addition, quick closing doors or some type of wind deflectors will be installed on the three dump pits. The control program will cost approximately \$90,000.

The compliance schedule calls for completion of final plans and specifications by December 1, 1976; final delivery of equipment by April 1, 1977; completion of construction by July 1, 1977; and full operation by December 1, 1977. Petitioner states that full operation of the equipment cannot be determined until the facility is operated during the grain season. Modifications may be necessary during this time.

The Agency in its recommendation states that because Petitioner's facility is located in a major population area, the regulations require that Petitioner's pollution control equipment function at an efficiency of at least 98 percent. The Agency states that it appears Petitioner's plan is adequate. The Agency does question the time schedule. The Agency feels that the construction and debugging phases of the schedule can be shortened considerably. The Agency suggests a June 1, 1977 construction completion date and that debugging should be completed by July 1, 1977 with full operation beginning at that time. The Agency makes this suggestion based on experience at other grain handling facilities in Illinois and the fact that Petitioner receives grain throughout the year so there is no need to await the harvest season to evaluate the effectiveness of the operation.

There are five residences within a one mile radius of the facility. The nearest residence is approximately 200 feet away; the remaining residences are all more than 800 feet away. The Agency has not discussed the variance with any of the neighbors but has had no complaints concerning Petitioner's operations. Petitioner also states there have been no complaints from neighbors.

The nearest ambient air monitoring station is located approximately four miles southeast of the facility in Bloomington, Illinois. The average annual geometric mean for particulate matter at that station in 1975 was 64 micrograms per cubic meter, under the primary ambient air standard of 75 micrograms per cubic meter as an annual geometric mean.

Without a variance, Petitioner has only until April 30, 1977 to come into compliance with Rule 203(d)(9)(B) of Chapter 2. It is apparent from the facts presented that Petitioner cannot make that deadline with an assured pollution control efficiency of 98 percent. The Board does find sufficient hardship exists to grant Petitioner a variance. The Agency suggests an earlier compliance date than that requested by Petitioner. Petitioner states the full operational efficiency of the equipment cannot be determined until operation during the grain season. Although Petitioner may receive grain during the entire season, peak operations would not occur until the harvest season. The Board notes also that there have been no complaints recorded to date. For these reasons the Board will grant Petitioner a variance until December 1, 1977 subject to the conditions of the Agency's recommendation.

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

ORDER

It is the order of the Pollution Control Board that McLean County Service Company is hereby granted a variance from Rule 203(d)(9)(B) of Chapter 2: Air Pollution Regulations for its grain handling facility at Yuton, Illinois until December 1, 1977 subject to the following conditions:

1. McLean County Service Company shall apply for construction permits for its pollution control system as soon as possible. McLean County Service Company shall use all reasonably available means to secure such a construction permit from the Agency no later than April 1, 1977.
2. McLean County Service Company shall apply for an operating permit for its pollution control system no later than April 1, 1977. McLean County Service Company shall use all reasonably available means to secure such an operating permit no later than July 1, 1977.
3. Within thirty-five days of this order McLean County Service Company shall execute and forward to the:

Control Program Coordinator
Division of Air Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

a Certification of Acceptance and agreement to be

bound to all terms and conditions of the variance.
The form of that Certification shall be as follows:

CERTIFICATION

I (We), _____ having read
and fully understanding the Order of the Illinois
Pollution Control Board in PCB 76-270, hereby accept
said Order and agree to be bound by all the terms
and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify the above Opinion and Order
were adopted on the 17th day of March, 1977 by a
vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board