

ILLINOIS POLLUTION CONTROL BOARD  
May 29, 1980

CONTINENTAL GRAIN COMPANY,            )  
  )  
                                  Petitioner,    )  
  )  
                                  v.                )       PCB 79-221  
  )  
ENVIRONMENTAL PROTECTION AGENCY,    )  
  )  
                                  Respondent.    )

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

This matter comes before the Board upon a petition and amended petition for variance filed October 19 and December 4, 1979 by Continental Grain Company (Continental Grain). The amended petition requests a variance through June, 1980 from the requirements of Rule 203(d)(8)(B)\* of Chapter 2: Air Pollution Control Regulations which relate to the requirement of induced draft equipment for control of total suspended particulate (TSP) emissions from grain elevators. On January 18, 1980 the Environmental Protection Agency (Agency) recommended that the variances be granted with conditions. A public hearing was held in Carmi on April 24, 1980 at which time the parties presented a stipulation of fact (Joint Ex. 1). No members of the public attended, although written comment was received from a Mrs. Edwin E. Potter.

Continental Grain operates a grain elevator in Crossville, White County. The town has a population of 850. The elevator is located just south of town, northwest of Illinois Route 1, about 300 feet from the nearest residence (Rec., Ex. C). It is a point-of-origin elevator which receives grain from area farmers for transshipment by truck to Continental Grain's terminal elevator in Mt. Vernon, Indiana. It receives grain by way of two truck dump pits within the same enclosure. The enclosure is equipped with quick closing doors to limit particulate emissions during dumping. Apparently this is the only air pollution control equipment at this elevator. At one time the Agency issued an operating permit for the facility even though it lacked induced draft controls required by Rule 203(d)(8)(B)(ii). Since it was an existing facility handling not more than 2,000,000 bushels annually and located outside a major population area, it was exempt under Rule 203(d)(8)(D).

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\*The pleadings actually refer to Rule 203(d)(9) which has recently been renumbered and is now Rule 203(d)(8).

On September 1, 1979 the Agency denied Continental Grain's request for a renewal of its operating permit (Rec. 3). However, on August 24, 1979 the Agency granted a permit to construct dust collection equipment. Continental Grain intends to use a bag-house rated at 18,000 cfm with an air to cloth ratio of 8 to 1 (Stip. 2). Control equipment will be installed not only in the truck dump area but also in internal transfer areas for fire and explosion protection, even though this is not required by Board rules (Amended Pet. 4). The Agency expects the equipment to be 99.9% efficient, in excess of the 90% required by Rule 203(d)(8)(B)(ii)(a)(2). The equipment will cost \$143,000, \$100,000 of which is attributable to the truck dump area (Amended Pet. 4).

Since 1976 Continental Grain's annual through-put has been between 2.3 and 3.2 million bushels (Amended Pet. 2, 3). The increase is attributed to bumper crops and reduced barge traffic on rivers frozen by severe winter weather. According to the Agency, using the definition of "annual grain through-put" from Rule 201, the 1979 through-put was 2.73 million bushels (Rec. 3). Since this represents an increase of more than 30% over the 2.0 million bushels originally permitted, the elevator is a modified operation under Rule 203(d)(8)(F), the exemptions for existing facilities are inapplicable and induced draft controls under Rule 203(d)(8)(B)(ii) are required. Although Continental Grain disputes this conclusion, it has elected to install control equipment of even greater efficiency than that required by the Agency's interpretation (Stip. 3). The parties have specifically requested that the Board not decide the issue concerning annual through-put (R. 9, 20; Stip. 5).

Continental Grain's compliance schedule provides for delivery of equipment by April 15, completion of construction by June 1 and operation by July 1, 1980 (Stip. 3). Actual equipment delivery was expected on April 25 at the time of the hearing. This would not delay the July 1980 operation date (R. 16, 18). On May 21, 1980 Continental Grain filed an agreed motion to supplement the record indicating that the equipment actually arrived on April 29, 1980.

White County is an attainment area for TSP. The Agency considers the facility a major source by its standards. It has the potential to emit more than 100 tons per year of particulates. The Agency calculates that it actually emits fifty-three tons per year, twenty-seven from the truck dump area (Stip. 3). The facility is an existing source and is not subject to review for prevention of significant deterioration of air quality in attainment areas. The nearest TSP air monitoring station is fifty miles to the west at Mt. Vernon, Illinois. The Agency does not believe

grant of the variance will cause violation of ambient air quality standards (Stip. 5). The Agency believes the variance will be approved as a revision to the State Implementation Plan (Rec. 7).

The Agency agrees that denial of the variance would impose an arbitrary and unreasonable hardship. The Board finds that to require Continental Grain to shut down the facility or come into immediate compliance would impose an arbitrary and unreasonable hardship.

The Agency received a letter from Mrs. Edwin E. Potter of Crossville, written November 8, 1979 (Rec., Ex. A). The letter complained of dust settling on structures in the immediate area of the elevator and inquired as to whether this variance would affect Continental Grain's responsibility for this dust. The Agency responded negatively and advised Mrs. Potter of her right to file a written objection with the Board. No further objection has been received and Mrs. Potter did not attend the hearing (R. 4).

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

#### ORDER

Petitioner, Continental Grain Company, is granted a variance from Rule 203(d)(8)(B)(ii) as it applies to the truck dump pit at Petitioner's Crossville elevator, subject to the following conditions:

1. This variance will expire on July 1, 1980.
2. Within forty-five days of the date of this Order Petitioner shall apply for an operating permit for the Crossville elevator.
3. Petitioner's May 21, 1980 motion to supplement record is granted.
4. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed: The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read and fully understanding the Order in PCB 79-221, hereby accept that Order and agree to be bound by all of its terms and conditions.

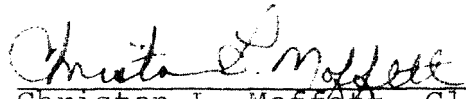
SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 29<sup>th</sup> day of May, 1980 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board