

ILLINOIS POLLUTION CONTROL BOARD

August 9, 1973

RE: )  
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GRAIN HANDLING REGULATIONS ) R72-18

INTERIM OPINION OF THE BOARD (by Mr. Henss)

The Environmental Protection Agency proposed amendments to the Pollution Control Board Rules and Regulations for the purpose of relaxing the particulate regulations and operating permit requirements for farmers and commercial operators of rural elevators and for some elevators located in municipalities. The Rules to be amended were Part I, Rule 203 (General Provisions) and Part II, Rules 201 and 203 (Emissions Standards and Limitations for Stationary Sources). The Agency stated that "investigation reveals that the majority of the particulate emissions (due to their size and density) would result in localized nuisance problems as opposed to affecting suspended particulate ambient air quality levels".

The proposal was to exempt farm and rural elevators from particulate standards for grain handling and feed processing operations, but to require in some cases simple housekeeping procedures such as screening or the use of sleeves on spouts. Under the EPA proposal, elevators located in a municipality would not be required to add controls on grain dryers or grinders until after September 1, 1974 (or September 1, 1975 for smaller operations). Such elevators would be expected to use good housekeeping procedures and to maintain existing control equipment in good working order. Cook County grain elevators were not to be exempt from the regulations under the first proposal.

The Agency proposed that farmers and the operators of existing rural elevators not be required to obtain operating permits. Permits were to be obtained for new rural elevators and all elevators located in a municipality.

Hearings were scheduled to commence almost 4 months after the Agency filed its proposal, but the Agency and the Grain and Feed Association jointly requested a postponement of the first 3 hearings so that they might have more time to obtain data.

After the first hearing the Director of the EPA notified this Board that "the Agency agreed to establish a Joint EPA-Industry Task Force to develop substantive regulations for the control of emissions from grain handling and conditioning operations. The membership of the Task Force consists of Agency engineers, representatives of the Feed and Grain Association, farmers and grain elevator operators. The Task Force has the approval of the Illinois Agricultural Association. The Task Force has held three meetings to date and is actively working to develop the necessary regulations as soon as possible." The Director requested that we amend the regulations to extend the date by which an operating permit is required for grain handling and conditioning operations to September 1, 1974. "The Agency believes that this extension is necessary in order to give the Joint EPA-Industry Task Force enough time to propose new regulations covering grain handling and conditioning operations." (Letter of April 19, 1973)

The Agency filed a formal request that its original proposal be withdrawn.

This procedure was debated at the public hearings. In addition to the deadline for obtaining an operating permit, a date for compliance with the Standard was discussed. Mr. Kissel, a member of the Task Force, representing the Grain and Feed Association recommended "that the compliance date for those operations be extended to May 30, 1975 with an understanding that if the Task Force can come up with a sooner compliance date, that we will do so". (Galesburg R. 42)

Three hearings have now been held on the proposal. We will not detail all of the evidence since the hearings are not complete and we are not making a decision on the merits at this time.

Our decision was to postpone the effective dates of the Regulation as it relates to grain handling and conditioning operations, in order to give participants in the hearings more time to come up with a new proposal. The Task Force believes that it will have its best opportunity to come up with a comprehensive regulation if it can write on a clean slate, unburdened with a regulation which might be applicable to some and not all of the grain handling operators. We are willing to try this approach and have therefore, extended the dates for operating permits to September 1, 1974 and for compliance with Rule 203 to May 30, 1975 for all grain handling and conditioning operations. Upon final consideration, the obligation of obtaining a permit or complying with the Standard may be eliminated for some and retained for others. Those operators who remain subject to the Regulation may finally be faced with permit or compliance dates

earlier or later than the dates we now adopt in this Interim Opinion. The action of the Board in this proceeding is intended to facilitate study by the Task Force and the development of a comprehensive program relating to grain handling. The dates selected are for that purpose and are not to be regarded as the final dates for compliance with the permit requirement or the emission standard.

Although grain handlers are relieved of their Rule 203 Standards for a while longer, we hasten to point out that this is no license to pollute. The Environmental Protection Act states: "No person shall cause or threaten to 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...." [EPA Section 9(a)] During this interim period grain handling operations which cause air pollution as defined in the Statute will be subject to prosecution. Grain handlers in populated areas will have to be especially careful in their procedures since the local impact of emissions is greatest in such an area.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted this 14<sup>th</sup> day of August, 1973 by a vote of 3 to 0.

Christan L. Moffett

