

ILLINOIS POLLUTION CONTROL BOARD  
July 19, 1984

VILLA GROVE FARMERS ELEVATOR CO., )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 84-53  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

MR. DAVID PRAHL, OF VILLA GROVE FARMERS ELEVATOR, APPEARED FOR THE PETITIONER;

MR. JOSEPH R. PODLEWSKI, JR., ATTORNEY-AT-LAW, APPEARED FOR THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter comes to the Board on a April 26, 1984, Petition for Variance filed by Villa Grove Farmers Elevator Co. ("Farmers") seeking a three-year variance from 35 Ill. Adm. Code 212.462(d) (old Rule 203(d)(8)(B)(ii) of Chapter 2: Air Pollution). That regulation requires induced draft aspiration and a 90% by weight particulate collection efficiency for dump pit areas. On May 31, 1984, the Illinois Environmental Protection Agency ("Agency") filed a recommendation that variance be granted with certain conditions. Hearing was held June 18, 1984 in Tuscola, Illinois. No public comments were received.

Farmers operates a country corn and soybean grain elevator in Bongard, in Champaign County, about fifteen miles south and west of Urbana. The elevator can store 350,000 bushels at one time and handles about 904,000 bushels per year, receiving grain from the farmers for eventual shipment to market by truck and rail (Pet. pp. 1-2). The grain elevator presently consists of a truck dump and boot pit grain receiving area, headhouse receiving legs, a dryer leg, a rack grain dryer, nine steel storage bins, a truck and rail loadout as well as the associated auxiliary conveying equipment (Rec. ¶2). Farmers plans to tear down the old wooden grain receiving and workhouse which had an open dump pit and replace it with new equipment. The old structure is obsolete and new equipment will increase their production rate and make Farmers more competitive. The new equipment is totally enclosed and will reduce dumping time by two-thirds (Pet. p. 2).

Title 35, Illinois Administrative Code, Part 212, Subpart S (Agriculture), places restrictions on the emissions from grain-handling and drying operations. Section 212.462(b) requires major dump pit areas to have an induced draft air stream, and, as

applicable here, pollution control equipment with a particulate collection efficiency of not less than 90% by weight. Farmers existing operation would be subject to this limitation except for the provisions of §212.461(c); that section provides an exemption for existing grain handling operations located outside of a major population area. Since Farmers presently qualifies for the exemption, no new induced draft/collection system is needed. Farmers need only comply with the housekeeping practices of §212.461(b). However, Farmer's replacement of the receiving and workhouse constitutes modification of the facility, and pursuant to §212.462(c) Farmer's modified facility will be subject to the induced draft/90% particulate collection requirements.

The Agency has described Farmers as an insignificant air pollution source located in an isolated rural county that is in attainment with total suspended particulate ("TSP") standards (Rec. ¶¶ 10,13). Following an investigation, the Agency calculated TSP emissions before and after the proposed modification as follows (Rec., ¶ 10-12):

#### Emissions Before Modification

Dump and Boot pit	=	7.56 tons per year TSP
All other emissions	=	34.36 tons per year TSP
Total Emissions	=	41.92 tons per year TSP

#### Emissions After Modification

Dump and Boot pit	=	7.56 tons per year TSP
All other emissions	=	5.88 tons per year TSP
Total Emissions	=	13.44 tons per year TSP

Thus, while total TSP emissions from Farmers will be reduced by approximately 68% as a result of the modifications, the emissions attributable to the dump and boot pit will remain constant at 7.56 tons per year; the allowable emissions for the dump pit would be 0.76 tons per year TSP.

The cost of the renovation project for the facility is \$500,000, about one-half Farmer's total net worth (Pet., p. 2). Technology for the dump pit controls is available at a cost of approximately \$30,000; however this added amount Farmers would have to borrow would put them over the limit of 60% debt to equity set by their lender, the Saint Louis Bank of Cooperatives (Pet., p. 2). Thus, Farmers needs more time to reduce the debt ratio before they can borrow the funds necessary to finance the installation of dump pit controls.

Farmers proposes to construct aspiration equipment (cyclone), pit baffle, and a dust bin, which the Agency believes would achieve compliance (Rec., ¶16). Farmers proposes completion of the dump pit pollution control equipment by September 1, 1987.

The Board will grant the requested variance. The Board finds that grant of variance will have minimal adverse environmental impact, since emissions during the variance period will be substantially below present emissions and the dump pit will only be in operation during two harvest seasons (a total of 112.5 hours per year). The Board finds that in view of the minimal adverse environmental impact, immediate compliance would cause an arbitrary or unreasonable hardship in that funding requirements for pollution control equipment would exceed the debt/equity ratio set by Farmer's lender. The Board will condition this variance on submission of a construction permit application and program schedule for the dump pit controls.

The Opinion constitutes the Board's findings of facts and conclusions of law in this matter.

#### ORDER

Villa Grove Farmers Elevator is hereby granted a variance from 35 Ill. Adm. Code 212.462(b) subject to the following conditions:

1. This variance shall expire September 1, 1987.
2. No later than December 31, 1984, Farmers shall submit to the Agency an application for a permit to construct equipment on its new dump pit providing an induced draft air stream confined and conveyed through air pollution control equipment having an overall rated and actual particulate collection efficiency of not less than 90% by weight. The equipment shall include, at a minimum, aspiration equipment (H.E. cyclone), pit baffles, dust bin, and small dump pit enclosure.
3. In addition to its application for a construction permit, Farmers shall submit to the Agency no later than December 31, 1984 a construction program schedule which will provide a timetable for compliance with Section 212.462(b) not later than September 1, 1987.
4. Within forty-five (45) days of the adoption of the Board Order in this proceeding, Farmers shall execute and forward to:

Mr. Joseph R. Podlewski, Jr.  
Enforcement Attorney  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

a Certificate of Acceptance and Agreement to be bound by all terms and conditions of this variance. This forty-five (45) day period shall be held in abeyance for any period during which this matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

Villa Grove Farmers Elevator Company hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB NO. 84-53 dated \_\_\_\_\_, 1984.

VILLA GROVE FARMERS ELEVATOR CO.

By: \_\_\_\_\_  
As Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED

Chairman J. D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 19~~84~~ day of July, 1984 by a vote of 6-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board