

construction permit application shall include a compliance plan and project completion schedule showing the grain-handling operation's or grain-drying operation's program for complying with the standards and limitations of Section 212.462 or 212.463 as the case may be, within a reasonable time after the date on which notice of a certified investigation indicating alleged pollution was received by said operation; provided, however, any such operation shall not be required to reduce emissions from those parts of the operation that the applicant can prove to the Agency are not the probable cause of the pollution alleged in the certified investigation.

- 1) The written notice of loss of exemption is not a final action of the Agency appealable to the Board.
- 2) Denial of a permit requested pursuant to subsection (d) is a final action appealable to the Board under Section 40 of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1040).
- e) Circumvention. It shall be a violation of this regulation for any person or persons to attempt to circumvent the requirements of this regulation by establishing a pattern of ownership or facility development which, except for such pattern of ownership or facility development, would otherwise require application of Section 212.462 or 212.463.
- f) Standard on Appeal to Board. In ruling on any appeal of a permit denial under subsection (c) or (d) above, the Board shall not order the permit to be issued by the Agency unless the applicant who has appealed the permit denial has proved to the Board that the grain-handling operation or grain-drying operation which is the subject of the denied application is not injurious to human, plant or animal life, to health, or to property, and does not unreasonably interfere with the enjoyment of life or property.
- g) Alternate Control of Particulate Emissions.
 - 1) Grain-handling or grain-drying operations, which were in numerical compliance with Section 212.322, as of April 14, 1972, and continue to be in compliance with Section 212.322 need not comply with the provisions under this Subpart, except the housekeeping practices in subsection (b) and this subsection (g).
 - 2) Grain-handling or grain-drying operations, which were not in numerical compliance with Section 212.322, as of April 14, 1972, but which came into compliance with Section 212.321 prior to April 14, 1972, and continue to be in compliance with Section 212.321 need not comply with the provisions under this Subpart, except the housekeeping practices in subsection (b) and this subsection (g).

3) Proof of compliance with said rule shall be made by stack sampling and/or material balance results obtained from actual testing of the subject facility or process and be submitted at the time of an application for, or renewal of, an operating permit.

h) Severability. If any provision of these rules and regulations is adjudged invalid, such invalidity shall not affect the validity of this 35 Ill. Adm. Code: Subtitle B, Chapter 1 (Chapter) as a whole or of any Part, Subpart, sentence or clause thereof not adjudged invalid.

(Source: Amended at 3 Ill. Reg. 184, effective September 28, 1979)

Section 212.462 Grain Handling Operations

Unless otherwise exempted pursuant to Section 212.461(c) or (d), or allowed to use alternate control according to Section 212.461(g), existing grain-handling operations with a total annual grain through-put of 100,000 bushels or more shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall demonstrate compliance with the following:

- a) Cleaning and Separating Operations.
 - 1) Particulate matter generated during cleaning and separating operations shall be captured to the extent necessary to prevent visible particulate matter emissions directly into the atmosphere.
 - 2) For grain-handling facilities having a grain through-put of not more than 2 million bushels per year or located outside a major population area, air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 90% by weight prior to release into the atmosphere.
 - 3) For grain-handling facilities having a grain through-put exceeding 2 million bushels per year and located within a major population area, air contaminants collected from cleaning and separating operations shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98% by weight prior to release into the atmosphere.
- b) Major Dump-Pit Area.
 - 1) Induced Draft.
 - A) Induced draft shall be applied to major dump pits and their associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained at the