



## Illinois Association of Aggregate Producers

1115 S. 2<sup>nd</sup> Street • Springfield, Illinois 62704  
Phone (217)241-1639 Fax (217)241-1641 [www.iaap-aggregates.org](http://www.iaap-aggregates.org)

---

March 2, 2023

Clerk's Office  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630  
Chicago, IL 60605

Via email to [Don.Brown@illinois.gov](mailto:Don.Brown@illinois.gov) and Clerk's Office Online at [pcb.illinois.gov](http://pcb.illinois.gov)

Re: Public Comments on Illinois Environmental Protection Agency Proposed Amendments to 35 Ill. Adm. Code 201, 202, and 212, R-2023-018

To the Clerk:

Please accept these comments on behalf of Illinois Association of Aggregate Producers regarding Illinois Pollution Control Board Docket R-2023-18, In the Matter of Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212.

The Illinois Association of Aggregate Producers (IAAP), the trade association representing companies that produce and recycle crushed stone, sand, gravel and other industrial minerals in Illinois, submits the following written comments in opposition to the Illinois Environmental Protection Agency's (Illinois EPA) proposed revisions to 35 Ill. Adm. Code Parts 201, 202, and 212.

The IAAP represents companies that mine and produce crushed stone, sand, gravel, silica sand and agricultural lime or "aggregates." Natural aggregates and industrial minerals are essential materials that are vital for infrastructure projects as well as general construction, agricultural and various other industries. Utilizing local aggregate sources is critical for economic growth, protecting the environment, and maintaining the high quality of life enjoyed by the residents of this state. These companies operate under a multitude of air operating permits, which in turn require additional site-specific plans to comply with the conditions listed in these permits. The proposed revisions to 35 Ill. Adm. Code Parts 201, 202, and 212 would essentially remove specific language pertaining to startup, shutdown, and malfunctions within these operations that allows for an exemption from opacity standards during these brief periods, typically three (3) to five (5) minutes.

Two (2) member companies have facilities that operate under a Federally Enforceable State Operating Permit (FESOP). In addition, the majority of our members operate under a General Lifetime Permit for Small Aggregate Processing Plant. These permits have several conditions that would be impacted by these proposed rules, which forms the basis of the IAAP's opposition, as listed below.

*Pursuant to 40 CFR 60.11(c), the opacity standards set forth in 40 CFR Part 60 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. (FESOP)*

and

*Pursuant to 40 CFR 60.11(d), at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Illinois EPA or USEPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (FESOP)*

and

*...Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard (40 CFR 60.8(c) (General Lifetime Permit)*

A copy of 40 CFR 60.8(c) and 60.11(c) & (d) is included with these comments.

Processing equipment in use at IAAP member locations do not operate without issue. When maintenance is required to be performed on processing units that generate emissions, verification checks must be performed simulating normal operating conditions and procedures to confirm the equipment is functioning appropriately. When these verification checks are performed, normal operating conditions are typically achieved within three (3) to five (5) minutes and compliance with permit requirements such as opacity would be attained upon reaching the five (5) minute time period. During the maintenance verification checks, dust suppression controls are in use but the facility is also covered by the two conditions listed above (40 CFR 60.11(c) & (d)) in the event the controls are not fully managing the opacity issues during the brief startup period. In these cases, as far as practicable, every attempt is made to reduce the incidence and duration of startups and potential excessive emissions, albeit brief. Even with dust suppression controls in place, startup conditions may result in less than optimal emissions control. Breakdowns and unavoidable malfunctions will occur, despite the facility's every effort to maintain the equipment according to the manufacturer's specifications. The facility should be afforded the opportunity to return to normal operating conditions without risk of non-compliance when conducting startups, shutdowns or during malfunctioning periods until after required maintenance is completed and verified.

The permitting language within the FESOPs issued by the Agency clearly and specifically excludes startup, shutdown, and malfunctions periods to be used to determine compliance with the opacity standards. In addition, Section 201.149 of 35 Ill. Adm. Code clearly outlines that, unless the current operating permit granted by the Illinois EPA provides for operation during malfunction or breakdown, only then should an operation potentially be found in violation of the permit's emission standards. Therefore, if the facility's permit and the statute specifically authorize startup, shutdown, and malfunction exemptions, these proposed rules are arbitrary and capricious and do not provide a practical solution to achieve compliance during these limited periods where operations are affected by a temporary stoppage due to equipment issues. As a result, IAAP member companies have now called into question what our actual obligations are.

In conclusion, the IAAP is opposed to Illinois EPA's proposed revisions and its approach in addressing SSM by removing these provisions without adding alternative language in its place to address compliance during what are likely to be inevitable exceedances during SSM events. If Illinois EPA's proposal is adopted without any alternative standards, IAAP member companies will be left with the impossible task of risking noncompliant operations while relying on Illinois EPA's use of enforcement discretion. In the alternative, should the Board move forward despite the testimony provided in this hearing, we respectfully request that the language in 40 CFR 60.8(c) and/or 60.11(c) & (d) be codified or included in the Agency's proposal to provide the appropriate authority in the FESOPs and General Lifetime Permits for these facilities.

Thank you for the opportunity to provide these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Eichholz". The signature is stylized with large, flowing loops and a prominent "D" at the beginning.

Dan Eichholz, Executive Director  
Illinois Association of Aggregate Producers