

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHAMPION LABORATORIES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 01-65
(CAAPP Permit Appeal)

RECEIVED
CLERK'S OFFICE
OCT 17 2003
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn Division of Legal Counsel
Clerk of the Board Illinois Environmental Protection Agency
Illinois Pollution Control Board 1021 North Grand Avenue East
100 West Randolph Street Post Office Box 19276
Suite 11-500 Springfield, Illinois 62794-9276
Chicago, Illinois 60601
(VIA CERTIFIED MAIL/ (VIA FIRST CLASS MAIL)
RETURN RECEIPT REQUESTED)

(SEE PERSONS ON ATTACHED LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of an **ENTRY OF APPEARANCE OF KATHERINE D. HODGE; ENTRY OF APPEARANCE OF CASSANDRA L. KARIMI; PETITION FOR REVIEW; MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT; and AFFIDAVIT OF MARY KAYE SMERDON**, copies of which are herewith served upon you.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

By: Kath D. Hodge
One of Its Attorneys

Dated: October 14, 2003

Katherine D. Hodge
Cassandra L. Karimi
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

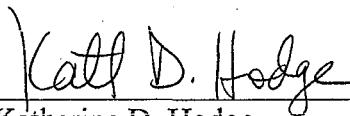
CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served copies of the attached ENTRY OF APPEARANCE OF KATHERINE D. HODGE; ENTRY OF APPEARANCE OF CASSANDRA L. KARIMI; PETITION FOR REVIEW; MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT; and AFFIDAVIT OF MARY KAYE SMERDON, upon:

Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail in Springfield, Illinois on
October 14, 2003.



Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHAMPION LABORATORIES, INC.,)
)
Petitioner,)
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v.)
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PCB 04-65
(CAAPP Permit Appeal)

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ENTRY OF APPEARANCE OF KATHERINE D. HODGE

NOW COMES Katherine D. Hodge, of the law firm of HODGE DWYER
ZEMAN, and hereby enters her appearance on behalf of Petitioner, CHAMPION
LABORATORIES, INC.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

By: Kath D. Hodge
Katherine D. Hodge

Date: October 14, 2003

Katherine D. Hodge
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CHLA:001/Fil/EOA - KDH

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHAMPION LABORATORIES, INC.,)
)
 Petitioner,)
)
 v.) PCB 04-65
) (CAAPP Permit Appeal)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ENTRY OF APPEARANCE OF CASSANDRA L. KARIMI

NOW COMES Cassandra L. Karimi, of the law firm of HODGE DWYER
ZEMAN, and hereby enters her appearance on behalf of Petitioner, CHAMPION
LABORATORIES, INC.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

By: Cassandra L. Karimi
Cassandra L. Karimi

Date: October 14, 2003

Cassandra L. Karimi
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CHLA:001/Fil/EOA - CLK

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHAMPION LABORATORIES, INC.,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 64-65
(CAAPP Permit Appeal)

RECEIVED
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OCT 17 2003
STATE OF ILLINOIS
Pollution Control Board

PETITION FOR REVIEW

NOW COMES, Petitioner, CHAMPION LABORATORIES, INC. (hereinafter "Champion Labs" or "Petitioner"), by and through its attorneys, HODGE DWYER ZEMAN, pursuant to Section 40.2 of the Illinois Environmental Protection Act (415 ILCS 5/40.2) ("Act") and 35 Ill. Admin. Code § 105.Subpart C, and petitions the Illinois Pollution Control Board ("Board") for review of the Clean Air Act Permit Program ("CAAPP") permit granted to Champion Labs by the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 39.5 of the Act.

In support thereof, Champion Labs states as follows:

1. Champion Labs owns and operates a manufacturing plant of oil filters for automobiles in West Salem, Illinois (the "Facility"), which is classified as a "major source" for purposes of Title V of the Clean Air Act and Section 39.5 of the Act.
2. Pursuant to Section 504 of the Clean Air Act (42 U.S.C. § 7661b(c)) and Section 39.5(5) of the Act, Champion Labs submitted an application for a CAAPP permit for the Facility to the Illinois EPA on February 12, 1996.
3. Subsequently, Champion Labs was in communication with the Illinois EPA on several occasions regarding the need to update its pending CAAPP application

because of changes at the Facility. Champion Labs understood that it would be notified of the Illinois EPA's review of its application and would have the opportunity to update its application at this time.

4. Despite these communications, the Illinois EPA did not notify Champion Labs that it was reviewing the pending CAAPP application. On or about April 10, 2002, the Illinois EPA made available for public comment the final draft/proposed CAAPP permit for the Facility and upon information and belief also provided a copy of the proposed permit to the United States Environmental Protection Agency ("USEPA").

5. On May 10, 2002, Champion Labs submitted public comments to the Illinois EPA explaining the situation and requesting the Illinois EPA to refrain from issuing the CAAPP permit until Champion Labs could submit a supplement to the initial CAAPP application. (A copy of these public comments is attached as Exhibit A.)

6. Thereafter, on May 30, 2002, Champion Labs submitted a supplement to its CAAPP application to the Illinois EPA.

7. On June 24, 2002, on information and belief, the Illinois EPA granted a final CAAPP permit for the Facility. The Illinois EPA failed to address Champion Labs' concerns regarding the final CAAPP permit raised during the public comment period and in its supplemental application filed immediately thereafter.

8. The Illinois EPA failed to provide notification to Champion Labs regarding the issuance of the final CAAPP permit for the Facility pursuant to 35 Ill. Admin. Code § 252.401.

9. Champion Labs did not become aware of the issuance of this permit until September 2003. In early September, Charles B. Gjersvik, the Senior Project Manager

for Secor International, Inc. and Champion Labs' consultant in this matter, spoke to Jack Yates, a permit analyst for the Illinois EPA, regarding the status of a permit for Champion Labs' Albion, Illinois facility. Mr. Yates mentioned to Mr. Gjersvik that the Illinois EPA already had issued a final CAAPP permit for the Facility on June 24, 2002. Mr. Gjersvik communicated this to Champion Labs. Subsequently, Champion Labs contacted the Illinois EPA to verify the issuance of the CAAPP permit for the Facility and requested that the Illinois EPA issue a copy to Champion Labs.

10. On or about September 9, 2003, the Illinois EPA issued a copy of the final CAAPP permit for the Facility to Champion Labs. (A file-stamped copy of the June 24, 2002, permit is attached as Exhibit B.) Champion Labs received the CAAPP permit on September 10, 2003, and then appealed this CAAPP permit within 35 days of issuance of the copy of the CAAPP permit.

11. The Illinois EPA must notify an applicant of a final permit decision. 35 Ill. Admin. Code § 252.401 (2003). Where, as here, the administrative agency doesn't specify a method for notice, either personal delivery or U.S. mail will suffice. 735 ILCS 5/3-103(2) (2003). Once properly stamped, addressed, and deposited in the mail, it is presumed that the applicant received notice and a rebuttable presumption arises.

Winkfield v. American Continental Insurance Company, 110 Ill. App. 2d 156 (1st Dist. 1969), A-1 Security Services, Inc., v. Stackler, 61 Ill. App. 3d 285 (1st Dist. 1978), Orrway Motor Service, Inc., v. Illinois Commerce Commission, 40 Ill. App. 3d 869 (1st Dist. 1976). The applicant may then rebut the presumption by denying that he/she received such notice and the issue of whether notice was valid becomes an issue for the trier of fact. Id. Champion Labs did not receive notice until receipt of the permit on

September 10, 2003. Thus, the Illinois EPA did not provide Champion Labs with notice pursuant to 35 Ill. Admin. Code § 252.401 of the final permit decision at issuance, therefore entitling Champion Labs to review of this final permit action.

12. The Illinois EPA erred in failing to consider Champion Labs' supplement changing the emissions calculations and administrative controls, recordkeeping, and reporting changes at the Facility, and issued the CAAPP permit without altering these conditions. The Illinois EPA's determinations in these conditions are neither supported in the record before the Illinois EPA in this matter nor by applicable law and regulation.

13. In light of these errors, the CAAPP permit does not reflect the appropriate applicable requirements or the current operations at the Facility, and thus is not "consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder." Such conditions are not required to "accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements." As such, the Illinois EPA has exceeded its authority and imposed conditions that violate Section 39.5 of the Act.

WHEREFORE, CHAMPION LABORATORIES, INC. petitions the Illinois Pollution Control Board for a hearing on the Illinois Environmental Protection Agency's action to issue this CAAPP permit with the above-referenced erroneous conditions. And, as set forth in the accompanying Motion to Stay Effectiveness of CAAPP Permit,

CHAMPION LABORATORIES, INC. requests that the effectiveness of the CAAPP permit be stayed until the Illinois Pollution Control Board's final determination in this matter.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

By: Kath D. Hodge
One of Its Attorneys

Dated: October 14, 2003

Katherine D. Hodge
Cassandra L. Karimi
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
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(217) 523-4900

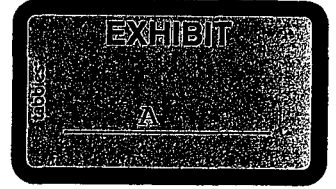
CHLA:001/Fil/Petition for Review



HODGE · DWYER · ZEMAN

ATTORNEYS AT LAW

KATHERINE D. HODGE
E-mail: khodge@hdzlaw.com



May 10, 2002

VIA HAND DELIVERY

Mr. Brad Frost
Division of Air Pollution Control
Illinois Environmental Protection Agency
PO Box 19506
Springfield, Illinois 62794-9506

RE: Champion Laboratories, Inc.
Final Draft/Proposed CAAPP Permit for
West Salem, Illinois Facility
Facility ID: 047020AAA
Our File No. - CHLA:001

RECEIVED
MAY 10 2002
IEPA - DAPC - SPRLD

Dear Brad:

This letter is in response to the issuance of a final draft/proposed Clean Air Act Permit Program ("CAAPP") permit for the West Salem Champion Laboratories, Inc. ("Champion Labs") facility, which was made available for public comment on April 10, 2002. As you may be aware, Champion Labs filed its initial CAAPP permit application for the West Salem facility on February 12, 1996. The facility subsequently received a Violation Notice ("VN") on October 9, 1998, and was involved in settlement negotiations with the Illinois Environmental Protection Agency ("Agency") in this enforcement matter. As a result, the facility implemented several new emission calculation methodologies after filing its initial application.

Specifically, Champion Labs proposed a Compliance Commitment Agreement ("CCA") to the Agency on December 10, 1998, in which it proposed to utilize a new compliance method, i.e., the alternative coating limitations of 35 Ill. Admin. Code § 215.207. In addition, Champion agreed to implement improved administrative controls and updated recordkeeping and reporting to ensure that it accepted only coatings that comply with the VOM limitation of 3.5 lb/gal. of volatile organic material ("VOM") set forth at 35 Ill. Admin. Code § 215.204(j)(3). Finally, Champion agreed to submit the annual emission report ("AER") form required under 35 Ill. Admin. Code Part 254, Subpart B for larger sources, and to revise its AERs for 1996 and 1997 to reflect the new emission calculation methods and submit these to the Agency. The Agency accepted this Compliance Commitment Agreement on April 2, 1999.

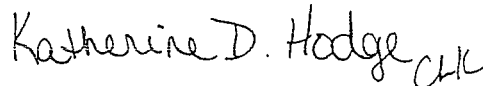
Mr. Brad Frost
May 10, 2002
Page 2

It is our understanding that the Agency has indicated its desire to review only one update of a pending CAAPP application, and that it is the Agency's practice to notify an applicant before reviewing a pending CAAPP application to allow the applicant to provide any necessary update. Despite Champion Labs' communications with the Agency regarding the need to update the pending CAAPP application, and in particular with the previous permit writer, Champion Labs was not notified that the Agency was reviewing its pending CAAPP application. If Champion Labs had been so notified, it would have informed the Agency, again, that it had been previously asked by the Agency not to submit an update until the Agency provided this notification, and that it would finalize its supplement.

Thus, Champion Labs asks that the Agency refrain from issuing this permit until Champion Labs has the opportunity to submit this supplement to its initial CAAPP application. Champion Labs expects to submit this supplement along with more specific comments by June 1, 2002. We have greatly appreciated the Agency's cooperation in these matters, and believe that this additional information will resolve the matter to everyone's satisfaction.

Please feel free to call me with any questions or comments.

Sincerely,



Katherine D. Hodge

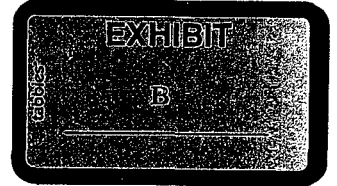
KDH:CLK:plt

pc: Ms. Mary Kaye Smerdon (via U.S. Mail)
Mr. Charles B. Gjersvik (via U.S. Mail)
Mr. David J. Kolaz (via U.S. Mail)
Donald E. Sutton, P.E. (via U.S. Mail)
Mr. James R. Ross (via U.S. Mail)
Mr. Jack Yates (via U.S. Mail)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

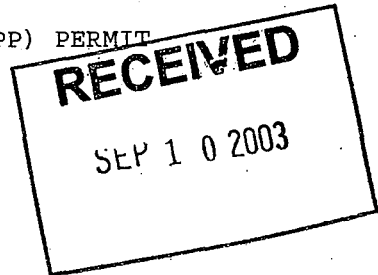
P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506

RENEE CIPRIANO, DIRECTOR



217/782-2113

TITLE V - CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT
and
TITLE I PERMIT¹



PERMITTEE

Champion Laboratories, Inc.
Attn: Mary Kay Smerdon
200 South 4th Street.
Albion, Illinois 62806

<u>Application No.:</u> 96020041	<u>I.D. No.:</u> 047020AAA
<u>Applicant's Designation:</u>	<u>Date Received:</u> February 13, 1996
<u>Operation of:</u> Manufacturing Plant Of Oil Filters For Automobiles	
<u>Date Issued:</u> June 24, 2002	<u>Expiration Date²:</u> June 24, 2007
<u>Source Location:</u> 325 North West St., West Salem, Edwards County, IL 62476	
<u>Responsible Official:</u> Mary Kay Smerdon/Loss Control Manager	

This permit is hereby granted to the above-designated Permittee to operate a manufacturing plant of oil filters for automobiles, pursuant to the above referenced permit application. This permit is subject to the conditions contained herein.

If you have any questions concerning this permit, please contact Jack Yates at 217/782-2113.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:JMY:psj *fmy*

cc: Illinois EPA, FOS, Region 3
USEPA

COPY
Original Signed by
Donald E. Sutton, P.E.

¹ This permit may contain terms and conditions which address the applicability, and compliance if determined applicable, of Title I of the CAA and regulations promulgated thereunder, including 40 CFR 52.21 - federal PSD and 35 IAC Part 203 - Major Stationary Sources Construction and Modification. Any such terms and conditions are identified within this permit.

² Except as provided in Condition 8.7 of this permit.

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1.0 SOURCE IDENTIFICATION

1.1 Source

Champion Laboratories, Inc.
325 North West Street
West Salem, Illinois 62476
618-445-6011

I.D. No.: 047020AAA
Standard Industrial Classification: 3714, Motor Vehicle Parts and
Accessories

1.2 Owner/Parent Company

Champion Laboratories, Inc.
200 South 4th Street
Albion, Illinois 62806

1.3 Operator

Champion Laboratories, Inc.
200 South 4th Street
Albion, Illinois 62806

Mary Kay Smerdon
618-445-6011

1.4 General Source Description

Champion Laboratories Inc. is located at 325 North West Street,
West Salem Illinois, 62476. The source manufactures oil filters
for automobiles. In addition, the source manufactures oil
filters for other types of vehicles.

2.0 LIST OF ABBREVIATIONS/ACRONYMS USED IN THIS PERMIT

ACMA	Alternative Compliance Market Account
Act	Illinois Environmental Protection Act [415 ILCS 5/1 et seq.]
AP-42	Compilation of Air Pollutant Emission Factors, Volume 1, Stationary Point and Other Sources (and Supplements A through F), USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711
ATU	Allotment Trading Unit
BAT	Best Available Technology
Btu	British thermal unit
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAAPP	Clean Air Act Permit Program
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
ERMS	Emissions Reduction Market System
HAP	Hazardous Air Pollutant
hr	hour
IAC	Illinois Administrative Code
I.D. No.	Identification Number of Source, assigned by Illinois EPA
ILCS	Illinois Compiled Statutes
Illinois EPA	Illinois Environmental Protection Agency
kW	kilowatts
LAER	Lowest Achievable Emission Rate
lb	pound
MACT	Maximum Achievable Control Technology
mmBtu	Million British thermal units
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM ₁₀	Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by applicable test or monitoring methods.
ppm	parts per million
PSD	Prevention of Significant Deterioration
RMP	Risk Management Plan
SO ₂	Sulfur Dioxide
T1	Title I - identifies Title I conditions that have been carried over from an existing permit
T1N	Title I New - identifies Title I conditions that are being established in this permit
T1R	Title I Revised - identifies Title I conditions that have been carried over from an existing permit and subsequently revised in this permit
USEPA	United States Environmental Protection Agency
VOM	Volatile Organic Material

3.0 INSIGNIFICANT ACTIVITIES

3.1 Identification of Insignificant Activities

The following activities at the source constitute insignificant activities as specified in 35 IAC 201.210:

- 3.1.1 Activities determined by the Illinois EPA to be insignificant activities, pursuant to 35 IAC 201.210(a) (1) and 201.211, as follows:

None

- 3.1.2 Activities that are insignificant activities based upon maximum emissions, pursuant to 35 IAC 201.210(a) (2) or (a) (3), as follows:

Parts washing for water based cutting lubricants
Water evaporator
Plastisol storage tanks
Paint burn off oven
Metal forming operations

- 3.1.3 Activities that are insignificant activities based upon their type or character, pursuant to 35 IAC 201.210(a) (4) through (18), as follows:

Direct combustion units designed and used for comfort heating purposes and fuel combustion emission units as follows: (A) Units with a rated heat input capacity of less than 2.5 mmBtu/hr that fire only natural gas, propane, or liquefied petroleum gas; (B) Units with a rated heat input capacity of less than 1.0 mmBtu/hr that fire only oil or oil in combination with only natural gas, propane, or liquefied petroleum gas; and (C) Units with a rated heat input capacity of less than 200,000 Btu/hr which never burn refuse, or treated or chemically contaminated wood [35 IAC 201.210(a) (4)].

Die casting machines where a metal or plastic is formed under pressure in a die [35 IAC 201.210(a) (12)].

Coating operations (excluding powder, architectural and industrial maintenance coating) with aggregate VOM usage that never exceeds 15 lbs/day from all coating lines at the source, including VOM from coating, dilutents, and cleaning materials [35 IAC 201.210(a) (13)].

Printing operations with aggregate organic solvent usage that never exceeds 750 gallons per year from all printing lines at the source, including organic

solvent from inks, dilutents, fountain solutions, and cleaning materials [35 IAC 201.210(a)(14)].

3.1.4 Activities that are considered insignificant activities pursuant to 35 IAC 201.210(b).

3.2 Compliance with Applicable Requirements

Insignificant activities are subject to applicable requirements notwithstanding status as insignificant activities. In particular, in addition to regulations of general applicability, such as 35 IAC 212.301 and 212.123 (Condition 5.2.2), the Permittee shall comply with the following requirements, as applicable:

- 3.2.1 For each cold cleaning degreaser, the Permittee shall comply with the applicable equipment and operating requirements of 35 IAC 215.182, 218.182, or 219.182.
- 3.2.2 For each particulate matter process emission unit, the Permittee shall comply with the applicable particulate matter emission limit of 35 IAC 212.321 or 212.322. For example, the particulate matter emissions from a process emission unit shall not exceed 0.55 pounds per hour if the emission unit's process weight rate is 100 pounds per hour or less, pursuant to 35 IAC 266.110.
- 3.2.3 For each organic material emission unit that uses organic material, e.g., a mixer or printing line, the Permittee shall comply with the applicable VOM emission limit of 35 IAC 215.301, 218.301, or 219.301, which requires that organic material emissions not exceed 8.0 pounds per hour or do not qualify as photochemically reactive material as defined in 35 IAC 211.4690.

3.3 Addition of Insignificant Activities

- 3.3.1 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type that is identified in Condition 3.1, until the renewal application for this permit is submitted, pursuant to 35 IAC 201.212(a).
- 3.3.2 The Permittee must notify the Illinois EPA of any proposed addition of a new insignificant activity of a type addressed by 35 IAC 201.210(a) and 201.211 other than those identified in Condition 3.1, pursuant to Section 39.5(12)(b) of the Act.
- 3.3.3 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type identified in 35 IAC 201.210(b).

4.0 SIGNIFICANT EMISSION UNITS AT THIS SOURCE

Emission Unit	Description	Date Constructed	Emission Control Equipment
Oil Filter Line 100	Oil Filter Manufacturing Line 100 with Pleater Oven (electric) PLOL3, Element Oven EOL3, Paint Booth PBL3, Paint Oven PAOL3, and Silk Screen Drying Tunnel SSCRN3	May, 1973	None
Oil Filter Line 110	Oil Filter Manufacturing Line 110 with Pleater Oven PLOL1, Element Oven EOL1, Paint Booth PBL1, Paint Oven PAOL1, and Silk Screen Drying Tunnel SSCRN1	May, 1973	None
Oil Filter Line 120	Oil Filter Manufacturing Line 120 with Pleater Oven PLOL2, Pregel Oven (electric) PG2, Element Oven EOL2, Paint Booth PBL2, Paint Oven PAOL2, and Silk Screen Drying Tunnel SSCRN2	May, 1973	None
Oil Filter Line 130	Oil Filter Manufacturing Line 130 with Pleater Oven PLOL5, Pregel Oven (electric) PG5, Element Oven EOL5, Paint Booth PBL5, Paint Oven PAOL5, and Silk Screen Drying Tunnel SSCRN5	January, 1984	None
Oil Filter Line 140	Oil Filter Rework Line 140 with Pleater Oven PLOL4, Element Oven EOL4, Paint Booth PBL4, Paint Oven PAOL4, and Silk Screen Drying Tunnel SSCRN4	May, 1973	None

5.0 OVERALL SOURCE CONDITIONS

5.1 Source Description

- 5.1.1 This permit is issued based on the source requiring a CAAPP permit as a major source of VOM and HAPs emissions.

5.2 Applicable Regulations

- 5.2.1 Specific emission units at this source are subject to particular regulations as set forth in Section 7 (Unit-Specific Conditions) of this permit.
- 5.2.2 In addition, emission units at this source are subject to the following regulations of general applicability:
- a. No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally overhead at a point beyond the property line of the source unless the wind speed is greater than 40.2 kilometers per hour (25 miles per hour), pursuant to 35 IAC 212.301 and 212.314.

Compliance with this requirement is considered to be assured by the inherent nature of operations at this source, as demonstrated by historical operation.

- b. No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to the requirements of 35 IAC 212.122, pursuant to 35 IAC 212.123(a), except as allowed by 35 IAC 212.123(b) and 212.124.
- 5.2.3 Ozone Depleting Substances

The Permittee shall comply with the standards for recycling and emissions reduction of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners in Subpart B of 40 CFR Part 82:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.

5.2.4 Risk Management Plan

Should this stationary source, as defined in 40 CFR Section 68.3, become subject to the Accidental Release Prevention regulations in 40 CFR Part 68, then the owner or operator shall submit [40 CFR 68.215(a)(2)(i) and (ii)]:

- a. A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR 68.10(a); or
- b. A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan (RMP), as part of the annual compliance certification required by 40 CFR Part 70 or 71.

- 5.2.5 a. Should this stationary source become subject to a regulation under 40 CFR Parts 60, 61, or 63, or 35 IAC after the date issued of this permit, then the owner or operator shall, in accordance with the applicable regulation(s), comply with the applicable requirements by the date(s) specified and shall certify compliance with the applicable requirements of such regulation(s) as part of the annual compliance certification, as required by 40 CFR Part 70 or 71.
- b. No later than upon the submittal for renewal of this permit, the owner or operator shall submit, as part of an application, the necessary information to address either the non-applicability of, or demonstrate compliance with all applicable requirements of any potentially applicable regulation which was promulgated after the date issued of this permit.

5.2.6 Episode Action Plan

- a. If the source is required to have an episode action plan pursuant to 35 IAC 244.142, the Permittee shall maintain at the source and have on file with the Illinois EPA a written episode action plan (plan) for reducing the levels of emissions during yellow alerts, red alerts, and emergencies, consistent with safe operating procedures. The plan shall contain the information specified in 35 IAC 244.144.

- b. The Permittee shall immediately implement the appropriate steps described in this plan should an air pollution alert or emergency be declared.
- c. If a change occurs at the source which requires a revision of the plan (e.g., operational change, change in the source contact person), a copy of the revised plan shall be submitted to the Illinois EPA for review within 30 days of the change. Such plans shall be further revised if disapproved by the Illinois EPA.
- d. For sources required to have a plan pursuant to 35 IAC 244.142, a copy of the original plan and any subsequent revisions shall be sent to:
 - i. Illinois EPA, Compliance Section; and
 - ii. For sources located in Cook County and outside of the city of Chicago: Cook County Department of Environmental Control; or
 - iii. For sources located within the city of Chicago: Chicago Department of Environmental Control.

5.3 Non-Applicability of Regulations of Concern

5.3.1 This permit is issued based on the source not being subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the source does not have a pollutant-specific emissions unit that uses an add-on control device to achieve compliance with an emission limitation or standard.

5.4 Source-Wide Operational and Production Limits and Work Practices

In addition to the source-wide requirements in the Standard Permit Conditions in Section 9, the Permittee shall fulfill the following source-wide operational and production limitations and/or work practice requirements:

None

5.5 Source-Wide Emission Limitations

5.5.1 Permitted Emissions for Fees

The annual emissions from the source, not considering insignificant activities as addressed by Section 3.0 of this permit, shall not exceed the following limitations. The overall source emissions shall be determined by adding emissions from all emission units. Compliance with these

limits shall be determined on a calendar year basis. These limitations (Condition 5.5.1) are set for the purpose of establishing fees and are not federally enforceable.

Permitted Emissions of Regulated Pollutants

Pollutant	Tons/Year
Volatile Organic Material (VOM)	177.52
Sulfur Dioxide (SO ₂)	0.003
Particulate Matter (PM)	0.74
Nitrogen Oxides (NO _x)	0.53
HAP, not included in VOM or PM	-----
TOTAL	178.79

5.5.2 Emissions of Hazardous Air Pollutants

Source-wide emission limitations for HAPs as listed in Section 112(b) of the CAA are not set. This source is considered to be a major source of HAPs.

5.5.3 Other Source-Wide Emission Limitations

Other source-wide emission limitations are not set for this source pursuant to either the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21, Illinois EPA rules for Major Stationary Sources Construction and Modification, 35 IAC Part 203, or Section 502(b)(10) of the CAA. However, there may be unit specific emission limitations set forth in Section 7 of this permit pursuant to these rules.

5.6 General Recordkeeping Requirements

5.6.1 Emission Records

The Permittee shall maintain records of the following items for the source to demonstrate compliance with Condition 5.5.1, pursuant to Section 39.5(7)(b) of the Act:

Total annual emissions on a calendar year basis for the emission units covered by Section 7 (Unit Specific Conditions) of this permit.

5.6.2 Records for HAP Emissions

a. Emissions of HAPs, ton/mo and ton/yr.

5.6.3 Records for Operating Scenarios

N/A

5.6.4 Retention and Availability of Records

- a. All records and logs required by this permit shall be retained for at least five years from the date of entry (unless a longer retention period is specified by the particular recordkeeping provision herein), shall be kept at a location at the source that is readily accessible to the Illinois EPA or USEPA, and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request.
- b. The Permittee shall retrieve and print, on paper during normal source office hours, any records retained in an electronic format (e.g., computer) in response to an Illinois EPA or USEPA request for records during the course of a source inspection.

5.7 General Reporting Requirements

5.7.1 General Source-Wide Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section of deviations of the source with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.

5.7.2 Annual Emissions Report

The annual emissions report required pursuant to Condition 9.7 shall contain emissions information for the previous calendar year.

5.7.3 Annual Reporting of HAP Emissions

The Permittee shall submit an annual report to the Illinois EPA, Compliance Section, on HAP emissions from the source, including the following information, so as to demonstrate whether the source is being operated as a non-major source of HAP emissions. This report shall be submitted with the Annual Emissions Report (Condition 9.7).

- a. The annual emissions of individual HAPs for each month of the previous calendar year, tons/year (e.g., for the month of January, the emissions from February of the preceding calendar year through January; for the month of February, the emissions from March of the preceding calendar year through February; 12 months in all); and
- b. The total emissions of all HAPs combined for each month of the previous calendar year, tons/year (e.g.,

for the month of January, the emissions from February of the preceding calendar year through January; for the month of February, the emissions from March of the preceding calendar year through February; 12 months in all).

5.8 General Operational Flexibility/Anticipated Operating Scenarios

N/A

5.9 General Compliance Procedures

5.9.1 General Procedures for Calculating Emissions

Compliance with the source-wide emission limits specified in Condition 5.5 shall be based on the recordkeeping and reporting requirements of Conditions 5.6 and 5.7, and Compliance Procedures in Section 7 (Unit Specific Conditions) of this permit.

6.0 [NOT APPLICABLE TO THIS PERMIT]

7.0 UNIT SPECIFIC CONDITIONS

7.1 Paint Booths and Ovens

7.1.1 Description

The "oil line paint booths and ovens" and the "rework line paint booth and oven" are process emission units used to manufacture oil filters. Emissions of volatile organic materials (VOM) result from the use of solvent based paint and related materials and the use of plastisol and resin impregnated filter paper.

7.1.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
Oil Filter Line 100	Oil Filter Manufacturing Line 100 with Pleater Oven (electric) PLOL3, Element Oven EOL3, Paint Booth PBL3, Paint Oven PAOL3, and Silk Screen Drying Tunnel SSCRN3	None
Oil Filter Line 110	Oil Filter Manufacturing Line 110 with Pleater Oven PLOL1, Element Oven EOL1, Paint Booth PBL1, Paint Oven PAOL1, and Silk Screen Drying Tunnel SSCRN1	None
Oil Filter Line 120	Oil Filter Manufacturing Line 120 with Pleater Oven PLOL2, Pregel Oven (electric) PG2, Element Oven EOL2, Paint Booth PBL2, Paint Oven PAOL2, and Silk Screen Drying Tunnel SSCRN2	None
Oil Filter Line 130	Oil Filter Manufacturing Line 130 with Pleater Oven PLOL5, Pregel Oven (electric) PG5, Element Oven EOL5, Paint Booth PBL5, Paint Oven PAOL5, and Silk Screen Drying Tunnel SSCRN5	None
Oil Filter Line 140	Oil Filter Rework Line 140 with Pleater Oven PLOL4, Element Oven EOL4, Paint Booth PBL4, Paint Oven PAOL4, and Silk Screen Drying Tunnel SSCRN4	None

7.1.3 Applicability Provisions and Applicable Regulations

- a. The "affected paint booths and ovens" for the purpose of these unit-specific conditions, are the process emission units described in Conditions 7.1.1 and 7.1.2.

- b. Each affected paint booth and oven is subject to the emission limits identified in Condition 5.2.2.
- c. The affected paint booths and ovens are subject to 35 IAC 212.321(a), which provides that:

No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of 35 IAC 212.321 (see also Attachment 1) [35 IAC 212.321(a)].

- d. The affected paint booths and ovens are subject to 35 IAC 214.301, which provides that:

Except as provided by 35 IAC 214.302, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2000 ppm.

- e. The affected paint booths and ovens are subject to 35 IAC 215.204(j)(3), Paper Coating, which provides that:

No owner or operator of a coating line shall apply at any time any coating in which the VOM content exceeds 0.42 kg/liter (3.5 lb/gallon). The emission limitation is expressed in units of VOM per volume of coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied at each coating applicator. Compounds which are specifically exempted from the definition of VOM should be treated as water for the purpose of calculating the "less water" part of the coating composition.

7.1.4 Non-Applicability of Regulations of Concern

- a. No coating line subject to the limitations of 35 IAC 215.204 is required to meet 35 IAC 215.301 or 215.302 after the date by which the coating line is required to meet 35 IAC 215.204 [35 IAC 215.209].

7.1.5 Operational and Production Limits and Work Practices

None

7.1.6 Emission Limitations

In addition to Condition 5.2.2 and the source wide emission limitations in Condition 5.5, the affected paint booths and ovens are subject to the following:

- a. Emissions from the affected paint booth and oven line 130 (PLOL5, EOL5, PBL5, and PAOL5) shall not exceed the following limits:

<u>Pollutant</u>	<u>(Ton/Year)</u>
VOM	24.9

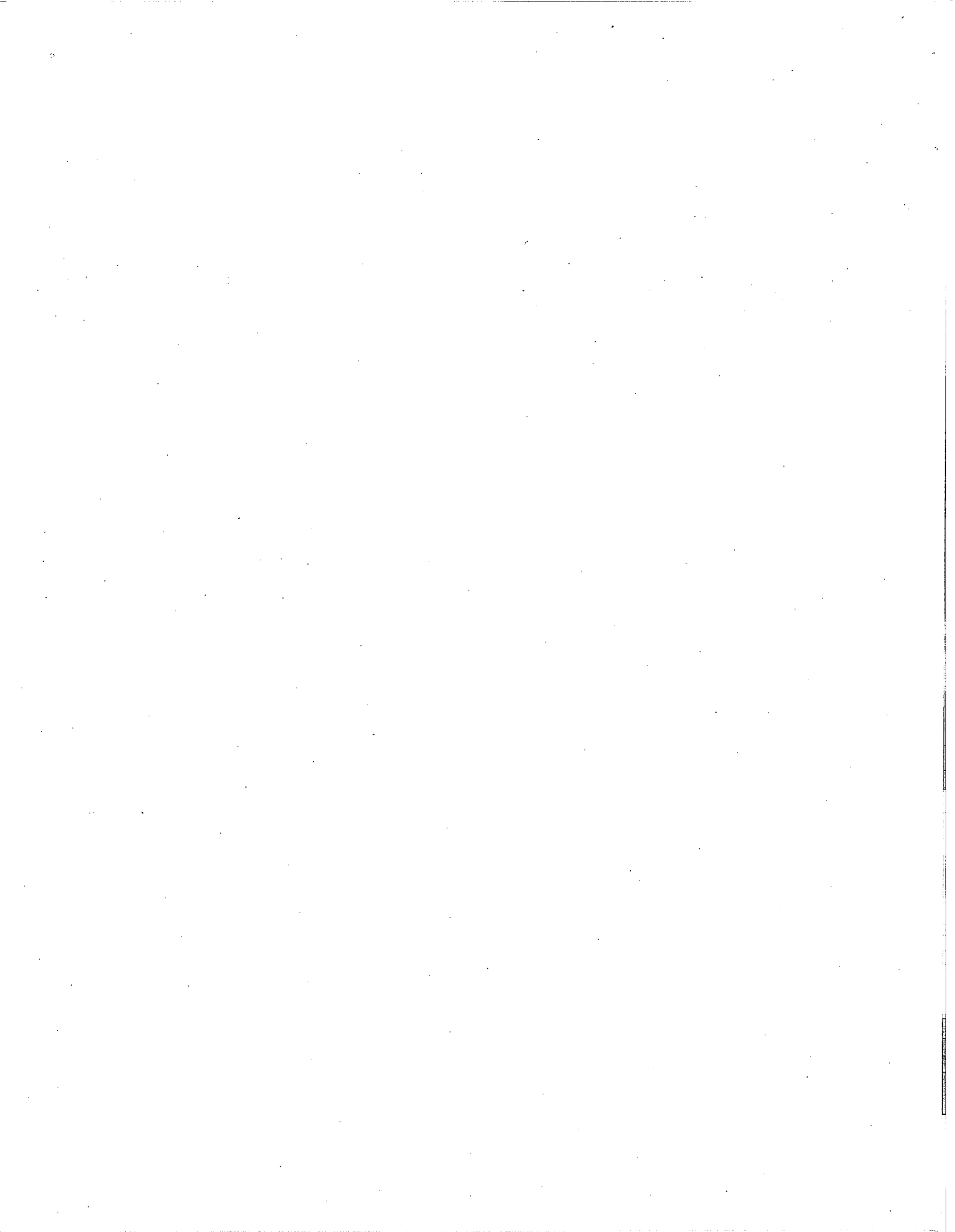
Compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].

The above limitations were established in Permit 83090050, pursuant to 40 CFR 52.21, Prevention of Significant Deterioration (PSD). These limits ensure that the construction and/or modification addressed in the aforementioned permit does not constitute a new major source or major modification pursuant to Title I of the CAA, specifically the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21 [T1].

7.1.7 Testing Requirements

Testing for VOM content of inks, coatings, cleaning solvents, and other materials shall be performed as follows [35 IAC 215.105(a) and Section 39.5(7)(b) of the Act]:

- a. Upon reasonable request by the Illinois EPA, the VOM content of representative inks, coatings, cleaning solvents, and other materials "as applied" on the affected enameling lines shall be determined according to USEPA Reference Methods 24 or 24A of 40 CFR 60, Appendix A, and the procedures of 35 IAC 215.105(a).
- b. This testing may be performed by the supplier of a material provided that the supplier provides appropriate documentation for such testing to the Permittee and the Permittee's records required by Condition 7.1.9 directly reflect the application of such material and separately account for any additions of solvent.



7.1.8 Monitoring Requirements

None

7.1.9 Recordkeeping Requirements

In addition to the records required by Condition 5.6, the Permittee shall maintain records of the following items for the affected paint booths and ovens to demonstrate compliance with Conditions 5.5.1, 7.1.3, and 7.1.6, pursuant to Section 39.5(7)(b) of the Act:

- a. The name and identification number of each type of VOM containing material used in the affected paint booths and ovens, as applied.
- b. The usage of each type of VOM containing material used in the affected paint booths and ovens, gallons/month and gallons/yr.
- c. The wt.% VOM content of each type of VOM containing material used in the affected paint booths and ovens.
- d. HAP content of each material used in the affected paint booths and ovens, wt. %.
- e. The density of each type of VOM containing material used in the affected paint booths and ovens, lbs/gallon.
- f. VOM and HAP emissions from the affected paint booths and ovens, ton/month and ton/yr.

7.1.10 Reporting Requirements

The Permittee shall promptly notify the Illinois EPA, Compliance Section, of deviations of an affected paint booth or oven with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken:

- a. Emissions from or operation of an affected paint booth or oven in excess of the limits specified in Conditions 7.1.3 and 7.1.6 within 30 days of such occurrence.

7.1.11 Operational Flexibility/Anticipated Operating Scenarios

N/A

7.1.12 Compliance Procedures

- a. Compliance with Conditions 7.1.3(c) and (d) is demonstrated by proper operating conditions of the affected paint booths and ovens.
- b. Compliance with Condition 7.1.3(e) shall be demonstrated by the records required in Condition 7.1.9.
- c. Compliance with the emission limits in Conditions 5.5 and 7.1.6 shall be based on the recordkeeping requirements in Condition 7.1.9 and the emission factors and formulas listed below:
 - i. Emissions from the affected paint booths and ovens shall be calculated based on the following formula:

Appropriate Emissions, lbs = Σ (Material Usage, gallons) * (Material Density, lbs/gallon) * (Appropriate Material Content, wt. %)

Where:

The summation Σ is the summation of all VOM containing material used.

Note, emissions from natural gas combustion from the ovens are considered to be negligible.

8.0 GENERAL PERMIT CONDITIONS

8.1 Permit Shield

Pursuant to Section 39.5(7)(j) of the Act, the Permittee has requested and has been granted a permit shield. This permit shield provides that compliance with the conditions of this permit shall be deemed compliance with applicable requirements which were applicable as of the date the proposed permit for this source was issued, provided that either the applicable requirements are specifically identified within this permit, or the Illinois EPA, in acting on this permit application, has determined that other requirements specifically identified are not applicable to this source and this determination (or a concise summary thereof) is included in this permit.

This permit shield does not extend to applicable requirements which are promulgated after April 10, 2002 (the date of issuance of the draft permit) unless this permit has been modified to reflect such new requirements.

8.2 Applicability of Title IV Requirements (Acid Deposition Control)

This source is not an affected source under Title IV of the CAA and is not subject to requirements pursuant to Title IV of the CAA.

8.3 Emissions Trading Programs

No permit revision shall be required for increases in emissions allowed under any USEPA approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for elsewhere in this permit and that are authorized by the applicable requirement [Section 39.5(7)(o)(vii) of the Act].

As of the date of issuance of this permit, there are no such economic incentive, marketable permit or emission trading programs that have been approved by USEPA.

8.4 Operational Flexibility/Anticipated Operating Scenarios

8.4.1 Changes Specifically Addressed by Permit

Physical or operational changes specifically addressed by the Conditions of this permit that have been identified as not requiring Illinois EPA notification may be implemented without prior notice to the Illinois EPA.

8.4.2 Changes Requiring Prior Notification

The Permittee is authorized to make physical or operational changes that contravene express permit terms without applying for or obtaining an amendment to this

permit, provided that [Section 39.5(12)(a)(i) of the Act]:

- a. The changes do not violate applicable requirements;
- b. The changes do not contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
- c. The changes do not constitute a modification under Title I of the CAA;
- d. Emissions will not exceed the emissions allowed under this permit following implementation of the physical or operational change; and
- e. The Permittee provides written notice to the Illinois EPA, Division of Air Pollution Control, Permit Section, at least 7 days before commencement of the change. This notice shall:
 - i. Describe the physical or operational change;
 - ii. Identify the schedule for implementing the physical or operational change;
 - iii. Provide a statement of whether or not any New Source Performance Standard (NSPS) is applicable to the physical or operational change and the reason why the NSPS does or does not apply;
 - iv. Provide emission calculations which demonstrate that the physical or operational change will not result in a modification; and
 - v. Provide a certification that the physical or operational change will not result in emissions greater than authorized under the Conditions of this permit.

8.5 Testing Procedures

Tests conducted to measure composition of materials, efficiency of pollution control devices, emissions from process or control equipment, or other parameters shall be conducted using standard test methods. Documentation of the test date, conditions, methodologies, calculations, and test results shall be retained pursuant to the recordkeeping procedures of this permit. Reports of any tests conducted as required by this permit or as the result of a request by the Illinois EPA shall be submitted as specified in Condition 8.6.

8.6 Reporting Requirements

8.6.1 Monitoring Reports

If monitoring is required by any applicable requirements or conditions of this permit, a report summarizing the required monitoring results, as specified in the conditions of this permit, shall be submitted to the Air Compliance Section of the Illinois EPA every six months as follows [Section 39.5(7)(f) of the Act]:

<u>Monitoring Period</u>	<u>Report Due Date</u>
January - June	September 1
July - December	March 1

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with Condition 9.9.

8.6.2 Test Notifications

Unless otherwise specified elsewhere in this permit, a written test plan for any test required by this permit shall be submitted to the Illinois EPA for review at least 60 days prior to the testing pursuant to Section 39.5(7)(a) of the Act. The notification shall include at a minimum:

- a. The name and identification of the affected unit(s);
- b. The person(s) who will be performing sampling and analysis and their experience with similar tests;
- c. The specific conditions under which testing will be performed, including a discussion of why these conditions will be representative of maximum emissions and the means by which the operating parameters for the source and any control equipment will be determined;
- d. The specific determination of emissions and operation which are intended to be made, including sampling and monitoring locations;
- e. The test method(s) which will be used, with the specific analysis method, if the method can be used with different analysis methods;
- f. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification; and

- g. Any proposed use of an alternative test method, with detailed justification.

8.6.3 Test Reports

Unless otherwise specified elsewhere in this permit, the results of any test required by this permit shall be submitted to the Illinois EPA within 60 days of completion of the testing. The test report shall include at a minimum [Section 39.5(7)(e)(i) of the Act]:

- a. The name and identification of the affected unit(s);
- b. The date and time of the sampling or measurements;
- c. The date any analyses were performed;
- d. The name of the company that performed the tests and/or analyses;
- e. The test and analytical methodologies used;
- f. The results of the tests including raw data, and/or analyses including sample calculations;
- g. The operating conditions at the time of the sampling or measurements; and
- h. The name of any relevant observers present including the testing company's representatives, any Illinois EPA or USEPA representatives, and the representatives of the source.

8.6.4 Reporting Addresses

- a. The following addresses should be utilized for the submittal of reports, notifications, and renewals:

- i. Illinois EPA - Air Compliance Section

- Illinois Environmental Protection Agency
Bureau of Air
Compliance Section (MC 40)
P.O. Box 19276
Springfield, Illinois 62794-9276

- ii. Illinois EPA - Air Regional Field Office

- Illinois Environmental Protection Agency
Division of Air Pollution Control
2009 Mall Street
Collinsville, Illinois 62234

iii. Illinois EPA - Air Permit Section (MC 11)

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
P.O. Box 19506
Springfield, Illinois 62794-9506

iv. USEPA Region 5 - Air Branch

USEPA (AE - 17J)
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

- b. Unless otherwise specified in the particular provision of this permit, reports shall be sent to the Illinois EPA - Air Compliance Section with a copy sent to the Illinois EPA - Air Regional Field Office.

8.7 Obligation to Comply with Title I Requirements

Any term, condition, or requirement identified in this permit by T1, T1R, or T1N is established or revised pursuant to 35 IAC Part 203 or 40 CFR 52.21 ("Title I provisions") and incorporated into this permit pursuant to both Section 39.5 and Title I provisions. Notwithstanding the expiration date on the first page of this permit, the Title I conditions remain in effect pursuant to Title I provisions until the Illinois EPA deletes or revises them in accordance with Title I procedures.

9.0 STANDARD PERMIT CONDITIONS

9.1 Effect of Permit

9.1.1 The issuance of this permit does not release the Permittee from compliance with State and Federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or applicable ordinances, except as specifically stated in this permit and as allowed by law and rule [Section 39.5(7)(j)(iv) of the Act].

9.1.2 In particular, this permit does not alter or affect the following:

- a. The provisions of Section 303 (emergency powers) of the CAA, including USEPA's authority under that Section;
- b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- c. The applicable requirements of the acid rain program consistent with Section 408(a) of the CAA; and
- d. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the CAA.

9.1.3 Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements.

9.2 General Obligations of Permittee

9.2.1 Duty to Comply

The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the CAA and the Act, and is grounds for any or all of the following: enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application [Section 39.5(7)(o)(i) of the Act].

The Permittee shall meet applicable requirements that become effective during the permit term in a timely manner unless an alternate schedule for compliance with the applicable requirement is established.

9.2.2 Duty to Maintain Equipment

The Permittee shall maintain all equipment covered under this permit in such a manner that the performance or operation of such equipment shall not cause a violation of applicable requirements.

9.2.3 Duty to Cease Operation

No person shall cause, threaten or allow the continued operation of any emission unit during malfunction or breakdown of the emission unit or related air pollution control equipment if such operation would cause a violation of an applicable emission standard, regulatory requirement, ambient air quality standard or permit limitation unless such malfunction or breakdown is allowed by a permit condition [Section 39.5(6)(c) of the Act].

9.2.4 Disposal Operations

The source shall be operated in such a manner that the disposal of air contaminants collected by the equipment operations, or activities shall not cause a violation of the Act or regulations promulgated thereunder.

9.2.5 Duty to Pay Fees

The Permittee must pay fees to the Illinois EPA consistent with the fee schedule approved pursuant to Section 39.5(18) of the Act, and submit any information relevant thereto [Section 39.5(7)(o)(vi) of the Act]. The check should be payable to "Treasurer, State of Illinois" and sent to: Fiscal Services Section, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, Illinois 62794-9276.

9.3 Obligation to Allow Illinois EPA Surveillance

Upon presentation of proper credentials and other documents, the Permittee shall allow the Illinois EPA, or an authorized representative to perform the following [Section 39.5(7)(a) and (p)(ii) of the Act and 415 ILCS 5/4]:

- a. Enter upon the Permittee's premises where an actual or potential emission unit is located; where any regulated equipment, operation, or activity is located or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect during hours of operation any sources, equipment (including monitoring and air pollution control

equipment), practices, or operations regulated or required under this permit;

- d. Sample or monitor any substances or parameters at any location:
 - i. At reasonable times, for the purposes of assuring permit compliance; or
 - ii. As otherwise authorized by the CAA, or the Act.
- e. Obtain and remove samples of any discharge or emission of pollutants authorized by this permit; and
- f. Enter and utilize any photographic, recording, testing, monitoring, or other equipment for the purposes of preserving, testing, monitoring, or recording any activity, discharge or emission at the source authorized by this permit.

9.4 Obligation to Comply With Other Requirements

The issuance of this permit does not release the Permittee from applicable State and Federal laws and regulations, and applicable local ordinances addressing subjects other than air pollution control.

9.5 Liability

9.5.1 Title

This permit shall not be considered as in any manner affecting the title of the premises upon which the permitted source is located.

9.5.2 Liability of Permittee

This permit does not release the Permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the sources.

9.5.3 Structural Stability

This permit does not take into consideration or attest to the structural stability of any unit or part of the source.

9.5.4 Illinois EPA Liability

This permit in no manner implies or suggests that the Illinois EPA (or its officers, agents or employees) assumes any liability, directly or indirectly, for any

loss due to damage, installation, maintenance, or operation of the source.

9.5.5 Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege [Section 39.5(7)(o)(iv) of the Act].

9.6 Recordkeeping

9.6.1 Control Equipment Maintenance Records

A maintenance record shall be kept on the premises for each item of air pollution control equipment. As a minimum, this record shall show the dates of performance and nature of preventative maintenance activities.

9.6.2 Records of Changes in Operation

A record shall be kept describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes [Section 39.5(12)(b)(iv) of the Act].

9.6.3 Retention of Records

- a. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit [Section 39.5(7)(e)(ii) of the Act].
- b. Other records required by this permit shall be retained for a period of at least 5 years from the date of entry unless a longer period is specified by a particular permit provision.

9.7 Annual Emissions Report

The Permittee shall submit an annual emissions report to the Illinois EPA, Compliance Section no later than May 1 of the following year, as required by 35 IAC Part 254.

9.8 Requirements for Compliance Certification

Pursuant to Section 39.5(7)(p)(v) of the Act, the Permittee shall submit annual compliance certifications. The compliance

certifications shall be submitted no later than May 1 or more frequently as specified in the applicable requirements or by permit condition. The compliance certifications shall be submitted to the Air Compliance Section, Air Regional Field Office, and USEPA Region 5 - Air Branch. The addresses for the submittal of the compliance certifications are provided in Condition 8.6.4 of this permit.

- a. The certification shall include the identification of each term or condition of this permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent; the method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.
- b. All compliance certifications shall be submitted to USEPA Region 5 in Chicago as well as to the Illinois EPA.
- c. All compliance reports required to be submitted shall include a certification in accordance with Condition 9.9.

9.9 Certification

Any document (including reports) required to be submitted by this permit shall contain a certification by a responsible official of the Permittee that meets the requirements of Section 39.5(5) of the Act [Section 39.5(7)(p)(i) of the Act]. An example Certification by a Responsible Official is included as an attachment to this permit.

9.10 Defense to Enforcement Actions

9.10.1 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit [Section 39.5(7)(o)(ii) of the Act].

9.10.2 Emergency Provision

- a. An emergency shall be an affirmative defense to an action brought for noncompliance with the technology-based emission limitations under this permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:
 - i. An emergency occurred as provided in Section 39.5(7)(k) of the Act and the Permittee can identify the cause(s) of the emergency.

Normally, an act of God such as lightning or flood is considered an emergency;

- ii. The permitted source was at the time being properly operated;
 - iii. The Permittee submitted notice of the emergency to the Illinois EPA within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken; and
 - iv. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or regulations in this permit.
- b. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a Permittee of any reporting obligations under existing federal or state laws or regulations.

9.11 Permanent Shutdown

This permit only covers emission units and control equipment while physically present at the indicated source location(s). Unless this permit specifically provides for equipment relocation, this permit is void for the operation or activity of any item of equipment on the date it is removed from the permitted location(s) or permanently shut down. This permit expires if all equipment is removed from the permitted location(s), notwithstanding the expiration date specified on this permit.

9.12 Reopening and Reissuing Permit for Cause

9.12.1 Permit Actions

This permit may be modified, reopened, and reissued, for cause pursuant to Section 39.5(15) of the Act. The filing of a request by the Permittee for a permit modification, revocation, and reissuance, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition [Section 39.5(7)(o)(iii) of the Act].

9.12.2 Reopening and Revision

This permit must be reopened and revised if any of the following occur [Section 39.5(15) (a) of the Act]:

- a. Additional requirements become applicable to the equipment covered by this permit and three or more years remain before expiration of this permit;
- b. Additional requirements become applicable to an affected source for acid deposition under the acid rain program;
- c. The Illinois EPA or USEPA determines that this permit contains a material mistake or inaccurate statement when establishing the emission standards or limitations, or other terms or conditions of this permit; and
- d. The Illinois EPA or USEPA determines that this permit must be revised to ensure compliance with the applicable requirements of the Act.

9.12.3 Inaccurate Application

The Illinois EPA has issued this permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation under Section 39.5(15) (b) of the Act.

9.12.4 Duty to Provide Information

The Permittee shall furnish to the Illinois EPA, within a reasonable time specified by the Illinois EPA any information that the Illinois EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to the Illinois EPA copies of records required to be kept by this permit, or for information claimed to be confidential, the Permittee may furnish such records directly to USEPA along with a claim of confidentiality [Section 39.5(7) (o) (v) of the Act].

9.13 Severability Clause

The provisions of this permit are severable, and should any one or more be determined to be illegal or unenforceable, the validity of the other provisions shall not be affected. The rights and obligations of the Permittee shall be construed and enforced as if this permit did not contain the particular provisions held to be invalid and the applicable requirements

underlying these provisions shall remain in force [Section 39.5(7)(i) of the Act].

9.14 Permit Expiration and Renewal

The right to operate terminates on the expiration date unless the Permittee has submitted a timely and complete renewal application. For a renewal to be timely it must be submitted no later than 9 and no sooner than 12 months prior to expiration. The equipment may continue to operate during the renewal period until final action is taken by the Illinois EPA, in accordance with the original permit conditions [Section 39.5(5)(l), (n), and (o) of the Act].

10.0 ATTACHMENTS

10.1 Attachment 1 Emissions of Particulate Matter from New Process Emission Units

10.1.1 Process Emission Units for Which Construction or Modification Commenced On or After April 14, 1972

- a. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of 35 IAC 212.321 [35 IAC 212.321(a)].
- b. Interpolated and extrapolated values of the data in subsection (c) of 35 IAC 212.321 shall be determined by using the equation [35 IAC 212.321(b)]:

$$E = A(P)^B$$

where:

P = Process weight rate; and
E = Allowable emission rate; and,

- i. Up to process weight rates of 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	1.214	2.54
B	0.534	0.534

- ii. For process weight rate greater than or equal to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	11.42	24.8
B	0.16	0.16

- c. Limits for Process Emission Units For Which Construction or Modification Commenced On or After April 19, 1972 [35 IAC 212.321(c)]:

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.2	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.0	3.9	10.00	8.70
13.0	4.8	15.00	10.80
18.0	5.7	20.00	12.50
23.0	6.5	25.00	14.00
27.0	7.1	30.00	15.60
32.0	7.7	35.00	17.00
36.0	8.2	40.00	18.20
41.0	8.8	45.00	19.20
45.0	9.3	50.00	20.50
90.0	13.4	100.00	29.50
140.0	17.0	150.00	37.00
180.0	19.4	200.00	43.00
230.0	22.0	250.00	48.50
270.0	24.0	300.00	53.00
320.0	26.0	350.00	58.00
360.0	28.0	400.00	62.00
408.0	30.1	450.00	66.00
454.0	30.4	500.00	67.00

10.2 Attachment 2 Example Certification by a Responsible Official

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:

Name:

Official Title:

Telephone No.:

Date Signed:

10.3 Attachment 3 Guidance on Revising This Permit

The Permittee must submit an application to the Illinois EPA using the appropriate revision classification in accordance with Sections 39.5(13) and (14) of the Act and 35 IAC 270.302. Specifically, there are currently three classifications for revisions to a CAAPP permit. These are:

1. Administrative Permit Amendment;
2. Minor Permit Modification; and
3. Significant Permit Modification.

The Permittee must determine, request, and submit the necessary information to allow the Illinois EPA to use the appropriate procedure to revise the CAAPP permit. A brief explanation of each of these classifications follows.

1. Administrative Permit Amendment

- Corrects typographical errors;
- Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- Requires more frequent monitoring or reporting by the Permittee;
- Allows for a change in ownership or operational control of the source where no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new Permittees has been submitted to the Illinois EPA. This shall be handled by completing form 272-CAAPP, REQUEST FOR OWNERSHIP CHANGE FOR CAAPP PERMIT; or
- Incorporates into the CAAPP permit a construction permit, provided the conditions of the construction permit meet the requirements for the issuance of CAAPP permits.

2. Minor Permit Modification

- Do not violate any applicable requirement;
- Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

- Do not require a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis;
- Do not seek to establish or change a permit term or condition for which there is no corresponding underlying requirement and which avoids an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the CAA; and
 - An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA.
- Are not modifications under any provision of Title I of the CAA;
- Are not required to be processed as a significant permit modification; and
- Modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches.

An application for a minor permit modification shall include the following:

- A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- The source's suggested draft permit/conditions;
- Certification by a responsible official that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- Information as contained on form 271-CAAPP, MINOR PERMIT MODIFICATION FOR CAAPP PERMIT for the Illinois EPA to use to notify USEPA and affected States.

3. Significant Permit Modification

- Applications that do not qualify as either minor permit modifications or as administrative permit amendments;
- Applications requesting a significant change in existing monitoring permit terms or conditions;
- Applications requesting a relaxation of reporting or recordkeeping requirements; and
- Cases in which, in the judgment of the Illinois EPA, action on an application for modification would require decisions to be made on technically complex issues.

An application for a significant permit modification shall include the following:

- A detailed description of the proposed change(s), including all physical changes to equipment, changes in the method of operation, changes in emissions of each pollutant, and any new applicable requirements which will apply as a result of the proposed change. Note that the Permittee need only submit revised forms for equipment and operations that will be modified.

The Illinois EPA requires the information on the following appropriate forms to be submitted in accordance with the proper classification:

- Form 273-CAAPP, REQUEST FOR ADMINISTRATIVE PERMIT AMENDMENT FOR CAAPP PERMIT; or
- Form 271-CAAPP, MINOR PERMIT MODIFICATION FOR CAAPP PERMIT; or
- Form 200-CAAPP, APPLICATION FOR CAAPP PERMIT (for significant modification).

Application forms can be obtained from the Illinois EPA website at <http://www.epa.state.il.us/air/forms>.

Note that the request to revise the permit must be certified for truth, accuracy, and completeness by a responsible official.

Note that failure to submit the required information may require the Illinois EPA to deny the application. The Illinois EPA reserves the right to require that additional information be submitted as needed to evaluate or take final action on applications pursuant to Section 39.5(5)(g) of the Act and 35 IAC 270.305.



Illinois Environmental Protection Agency
Division Of Air Pollution Control -- Permit Section
P.O. Box 19506
Springfield, Illinois 62794-9506

Application For Construction Permit (For CAAPP Sources Only)	For Illinois EPA use only
	ID number:
	Permit number:
	Date received:

This form is to be used by CAAPP sources to supply information necessary to obtain a construction permit. Please attach other necessary information and completed CAAPP forms regarding this construction/modification project.

Source Information			
1. Source name:			
2. Source street address:			
3. City:		4. Zip code:	
5. Is the source located within city limits? <input type="checkbox"/> Yes <input type="checkbox"/> No			
6. Township name:		7. County:	8. ID number:

Owner Information		
9. Name:		
10. Address:		
11. City:	12. State:	13. Zip code:

Operator Information (if different from owner)		
14. Name:		
15. Address:		
16. City:	17. State:	18. Zip code:

Applicant Information	
19. Who is the applicant? <input type="checkbox"/> Owner <input type="checkbox"/> Operator	20. All correspondence to: (check one) <input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Source
21. Attention name and/or title for written correspondence:	
22. Technical contact person for application:	23. Contact person's telephone number:

This Agency is authorized to require and you must disclose this information under 415 ILCS 5/39. Failure to do so could result in the application being denied and penalties under 415 ILCS 5 et seq. It is not necessary to use this form in providing this information. This form has been approved by the forms management center.

Summary Of Application Contents

<p>24. Does the application address whether the proposed project would constitute a new major source or major modification under each of the following programs:</p> <p>a) Non-attainment New Source Review – 35 IAC Part 203; b) Prevention of Significant Deterioration (PSD) – 40 CFR 52.21; c) Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources – 40 CFR Part 63?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>25. Does the application identify and address all applicable emissions standards, including those found in the following:</p> <p>a) Board Emission Standards – 35 IAC Chapter I, Subtitle B; b) Federal New Source Performance Standards – 40 CFR Part 60; c) Federal Standards for Hazardous Air Pollutants – 40 CFR Parts 61 and 63?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>26. Does the application include a process flow diagram(s) showing all emission units and control equipment, and their relationship, for which a permit is being sought?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>27. Does the application include a complete process description for the emission units and control equipment for which a permit is being sought?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>28. Does the application include the information as contained in completed CAAPP forms for all appropriate emission units and air pollution control equipment, listing all applicable requirements and proposed exemptions from otherwise applicable requirements, and identifying and describing any outstanding legal actions by either the USEPA or the Illinois EPA? Note: The use of "APC" application forms is not appropriate for applications for CAAPP sources. CAAPP forms should be used to supply information.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>29. If the application contains TRADE SECRET information, has such information been properly marked and claimed, and have two separate copies of the application suitable for public inspection and notice been submitted, in accordance with applicable rules and regulations?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Not Applicable, No TRADE SECRET information in this application</p>

Note 1: Answering "No" to any of the above may result in the application being deemed incomplete.

Signature Block

This certification must be signed by a responsible official. Applications without a signed certification will be returned as incomplete.

30. I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in this application are true, accurate and complete.

Authorized Signature:

BY:

_____	_____
AUTHORIZED SIGNATURE	TITLE OF SIGNATORY
_____	/ _____ /
TYPED OR PRINTED NAME OF SIGNATORY	DATE

Note 2: An operating permit for the construction/modification permitted in a construction permit must be obtained by applying for the appropriate revision to the source's CAAPP permit, if necessary.

10.5 Attachment 5 Guidance on Renewing This Permit

Timeliness - Pursuant to Section 39.5(5)(n) of the Act and 35 IAC 270.301(d), a source must submit to the Illinois EPA a complete CAAPP application for the renewal of a CAAPP permit not later than 9 months before the date of permit expiration of the existing CAAPP permit in order for the submittal to be deemed timely. Note that the Illinois EPA typically sends out renewal notices approximately 18 months prior to the expiration of the CAAPP permit.

The CAAPP application must provide all of the following information in order for the renewal CAAPP application to be deemed complete by the Illinois EPA;

1. A completed form 200-CAAPP, APPLICATION FOR CAAPP PERMIT.
2. A completed compliance certification for the source. For this purpose, the Illinois EPA will accept a copy of the most recent form 401-CAAPP, ANNUAL COMPLIANCE CERTIFICATION submitted to the Illinois EPA.
3. If this is the first time this permit is being renewed and this source has not yet addressed CAM, the application should contain the information on form 464-CAAPP, COMPLIANCE ASSURANCE MONITORING (CAM) PLAN.
4. Information addressing any outstanding transfer agreement pursuant to the ERMS.
5.
 - a. If operations of an emission unit or group of emission units remain unchanged and are accurately depicted in previous submittals, the application may contain a letter signed by a responsible official that requests incorporation by reference of existing information previously submitted and on file with the Illinois EPA. The boxes should be marked yes on form 200-CAAPP, APPLICATION FOR CAAPP PERMIT, as existing information is being incorporated by reference.
 - b. If portions of current operations are not as described in previous submittals, then in addition to the information above for operations that remain unchanged, the application must contain the necessary information on all changes, e.g., discussion of changes, new or revised CAAPP forms, and a revised fee form 292-CAAPP, FEE DETERMINATION FOR CAAPP PERMIT, if necessary.

The Illinois EPA will review all applications for completeness and timeliness. If the renewal application is deemed both timely and complete, the source shall continue to operate in accordance with the terms and conditions of its CAAPP permit until final action is taken on the renewal application.

Notwithstanding the completeness determination, the Illinois EPA may request additional information necessary to evaluate or take final action on the CAAPP renewal application. If such additional information affects your allowable emission limits, a revised form 292-CAAPP; FEE DETERMINATION FOR CAAPP PERMIT must be submitted with the requested information. The failure to submit to the Illinois EPA the requested information within the time frame specified by the Illinois EPA, may force the Illinois EPA to deny your CAAPP renewal application pursuant to Section 39.5 of the Act.

Application forms may be obtained from the Illinois EPA website at <http://www.epa.state.il.us/air/forms.html>.

If you have any questions regarding this matter, please contact a permit analyst at 217/782-2113.

Mail renewal applications to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section (MC 11)
P.O. Box 19506
Springfield, Illinois 62794-9506

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

CHAMPION LABORATORIES, INC.,)
)
 Petitioner,)
)
 v.)
) PCB _____
) (CAAPP Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT

NOW COMES Petitioner, CHAMPION LABORATORIES, INC., (“Champion Labs” or “Petitioner”), by and through its attorneys, HODGE DWYER ZEMAN and hereby moves the Illinois Pollution Control Board (“Board”) to stay the effectiveness of Champion Labs’ Clean Air Act Permit Program (“CAAPP”) permit in this matter, pursuant to 35 Ill. Admin. Code § 105.304(b).

In support thereof, Champion Labs states as follows:

1. On June 24, 2002, the Illinois Environmental Protection Agency (“Illinois EPA”) apparently issued a final CAAPP permit (No. 96020041) for Champion Labs’ West Salem, Illinois facility. Illinois EPA did not notify Champion Labs of the issuance of this permit.
2. Today, October 14, 2003, Champion Labs has filed a Petition for Review in order to preserve its right to appeal in this matter.
3. The Board has recognized four standards, provided by Illinois law, which it may look to in helping determine whether or not to grant a stay. Nielsen & Bainbridge, L.L.C. v. IEPA, PCB 03-98 (Feb. 6, 2003). These standards are: 1) a certain and clearly ascertainable right needs protection; 2) irreparable injury will occur without the

injunction; 3) no adequate remedy at law exists; and 4) there is a probability of success on the merits. Nielsen & Bainbridge, L.L.C. v. IEPA, PCB 03-98 (Feb. 6, 2003), citing Motor Oils Refining Company, Inc. v. IEPA, PCB 89-116 (Aug. 31, 1989). The Board has also noted that the likelihood of environmental harm is of particular concern when determining whether or not to grant a stay. Community Landfill Company and City of Morris v. IEPA, PCB 01-48 and 01-49 (Oct. 19, 2000).

4. A stay of effectiveness of the CAAPP permit is needed to prevent irreparable harm to the Petitioner, and to protect a certain and clearly ascertainable right of the Petitioner, the right to appeal permit conditions.

5. The Illinois EPA, the public, and the environment will not be harmed if a stay is granted.

6. For the reasons set forth in the Petition for Review, Petitioner is likely to prevail on the merits and has no adequate remedy at law.

WHEREFORE, the Petitioner, CHAMPION LABORATORIES, INC., moves the Illinois Pollution Control Board to grant a stay of effectiveness of CHAMPION LABORATORIES, INC.'S CAAPP permit until the Illinois Pollution Control Board's final action in this matter.

Respectfully submitted,

CHAMPION LABORATORIES, INC.,
Petitioner,

By: Kath D. Hodge
One of Its Attorneys

Dated: October 14, 2003

Katherine D. Hodge
Cassandra L. Karimi
HODGE DWYER ZEMAN
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

CHLA:001/Fil/Motion to Stay

STATE OF ILLINOIS)
) SS.
COUNTY OF EDWARDS)

AFFIDAVIT OF MARY KAYE SMERDON

I, Mary Kaye Smerdon, being first duly sworn, depose and state as follows:

1. I am over the age of eighteen and am otherwise competent to execute this Affidavit.
2. I am currently employed as Loss Control Manager for Champion Laboratories, Inc. ("Champion Labs").
3. I have been employed at Champion Labs for twenty-one years in various positions where part of my job was to oversee environmental management.
4. I oversee environmental management at the West Salem, Illinois facility (the "Facility") in addition to my other duties. As part of this, I receive environmental documents for the Facility and maintain records of these.
5. On February 12, 1996, Champion Labs submitted an application for a Clean Air Act Permit Program ("CAAPP") permit for the Facility to the Illinois Environmental Protection Agency ("Illinois EPA").
6. In early September 2003, Champion Labs' consultant, Charles B. Gjersvik, the Senior Project Manager for Secor International Incorporated, informed me that Jack Yates, the permit analyst at the Illinois EPA, had told him that the Illinois EPA had issued a final CAAPP permit for the Facility on June 24, 2002.

7. The Illinois EPA failed to provide notification to Champion Labs regarding the issuance of the final CAAPP permit for the Facility. I did not receive a copy of this permit by mail or other delivery method.

8. Immediately upon hearing from Mr. Gjersvik that the Illinois EPA had issued a final CAAPP permit, Champion Labs contacted the Illinois EPA to verify the issuance of the CAAPP permit for the Facility and requested a copy of the final CAAPP permit.

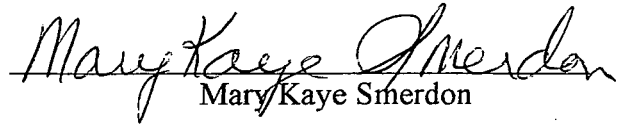
9. On or about September 9, 2003, the Illinois EPA issued a copy of the final CAAPP permit for the Facility to Champion Labs. I received this copy on September 10, 2003. (See the file-stamped copy of the June 24, 2002, permit, attached as Exhibit B to the Petition for Review).

10. Champion Labs then properly appealed this CAAPP permit within 35 days of issuance of the copy of the CAAPP permit.

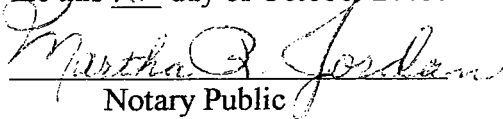
11. I have read the foregoing Petition For Review and hereby certify that the information submitted in the Petition For Review of the Illinois EPA's final CAAPP permit is true and complete to the best of my knowledge, after due inquiry regarding the same.

12. I have reviewed this Affidavit and all of the statements set forth herein are true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.


Mary Kaye Smerdon

Subscribed and sworn to before
me this 13th day of October 2003.


Notary Public

CHLA:001/Fil/Affidavit



