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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ETHYL PETROLEUM ADDITIVES, INC.,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

STATE OF ILLINOIS RECEIVED
POLLUTION CONTROL BOARD

JAN - 5 2004

PCB No. 04-113 STATE OF ILLINOIS
(CAAPP Permit Appeal) POLLUTION CONTROL BOARD

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
 Clerk of the Board
 Illinois Pollution Control Board
 100 West Randolph Street
 Suite 11-500
 Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

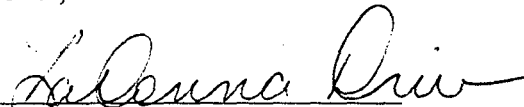
Division of Legal Counsel
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276
(VIA FIRST CLASS MAIL)

(SEE PERSONS ON ATTACHED SERVICE 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 **ETHYL PETROLEUM ADDITIVES, INC.'S PETITION FOR REVIEW; MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT; ENTRY OF APPEARANCE OF KATHERINE D. HODGE and ENTRY OF APPEARANCE OF N. LADONNA DRIVER**, copies of which are hereby served upon you.

Respectfully submitted,

ETHYL PETROLEUM ADDITIVES, INC.
Petitioner,

By: 
 N. LaDonna Driver

Dated: January 2, 2004

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

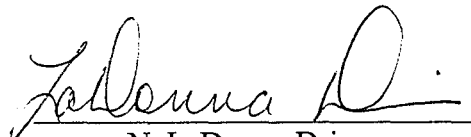
CERTIFICATE OF SERVICE

I, N. LaDonna Driver, the undersigned, certify that I have served the attached
ETHYL PETROLEUM ADDITIVES, INC.'S PETITION FOR REVIEW; MOTION TO
STAY EFFECTIVENESS OF CAAPP PERMIT; ENTRY OF APPEARANCE OF
KATHERINE D. HODGE and ENTRY OF APPEARANCE OF N. LADONNA DRIVER
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, postage prepaid, in Springfield,
Illinois, on January 2, 2004.


N. LaDonna Driver

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STATE OF ILLINOIS
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Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

PCB No. 04 - 113
(CAAPP Permit Appeal)

PETITION FOR REVIEW

NOW COMES, Petitioner, ETHYL PETROLEUM ADDITIVES, INC.

(hereinafter "Ethyl"), 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 Ethyl by the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 39.5 of the Act on December 1, 2003.

In support thereof, Ethyl states as follows:

1. Ethyl owns and operates a chemical manufacturing facility (the "facility") in Sauget, Illinois, 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, Ethyl submitted an application for a CAAPP permit for its Sauget, Illinois, facility to the Illinois EPA on December 4, 1995.

3. On or about September 10, 2003, Illinois EPA sent to public notice a draft CAAPP permit for this facility and also provided a copy of the proposed permit to the United States Environmental Protection Agency (“USEPA”).

4. During the public comment period provided pursuant to Section 505d of the Clean Air Act (42 U.S.C. § 7661d) and Section 39.5(8) and (9) of the Act, upon information and belief, Illinois EPA received no written objection from the USEPA or from any “affected states.” Upon information and belief, Illinois EPA received three public comments on the draft permit, including comments filed by Ethyl (“Ethyl Comments,” which are attached hereto as Exhibit A).

5. On December 1, 2003, Illinois EPA granted a final CAAPP permit for the Ethyl facility. (The December 1, 2003, permit is attached hereto as Exhibit B.) Although some of Ethyl’s concerns were addressed in the final CAAPP permit, the Illinois EPA failed to make certain changes to the CAAPP permit, as requested by Ethyl, as set forth below.

6. Condition 3.1.2 of the CAAPP permit pertains to “activities that are listed as insignificant activities based upon maximum emissions, pursuant to 35 IAC 201.210(a)(2) or (a)(3), as follows.” Ethyl requested that several Unit 266 storage tanks identified in Section 7.9 be removed from this section and be reclassified as insignificant activities pursuant to Condition 3.1.2. The final CAAPP permit did not reclassify these tanks, as requested in Ethyl Comments 3(a) and 30.

7. Unit 270 and 275 Therminol Furnaces should have been incorporated into Section 4.0 of the CAAPP permit. In addition, Unit 270 Therminol Furnace should have been included as an emission unit, along with the pertinent applicable requirements, in

Section 7.19 of the CAAPP permit. Unit 275 Therminol Furnace should have been included as an emission unit, along with the pertinent applicable requirements, in Section 7.22 of the CAAPP permit. Ethyl requested these changes in Ethyl Comments 5, 40 and 48, but the changes were not incorporated into the final CAAPP permit.

8. Condition 5.2.5(a) requires compliance and certification of compliance with future regulations, particularly “40 C.F.R. Parts 60, 61 or 63 or 35 IAC.” Ethyl believes this condition should be revised to state that only Subtitle B of 35 Ill. Admin. Code is relevant to this condition. Ethyl requested such clarification in Ethyl Comments 6, but the Illinois EPA did not revise Condition 5.2.5(a) accordingly.

9. Condition 5.2.7(c) provides that “The provisions of Subpart H apply to all equipment . . . that is intended to operate organic HAP service 300 hours or more during the calendar year within a source subject to 40 CFR 63, Subpart F [40 CFR 63.160(a)].” In Ethyl Comments 8, Ethyl requested this sentence to be revised to clarify that only “HON affected units” meeting the applicability criteria of 40 C.F.R. 63.160(a) are subject to the provisions of 40 C.F.R. 63, Subpart H. Illinois EPA did not revise Condition 5.2.7(c) as requested.

10. In Condition 5.3, the entire paragraph referencing the non-applicability of 40 C.F.R. 60, Subpart VV was removed from the final CAAPP permit. In Ethyl Comments 9, Ethyl requested this Condition be revised in order to be consistent with Condition 7.1.4(c). The non-applicability provision should be included and be made consistent with Condition 7.1.4(c), as requested by Ethyl.

11. Condition 5.4 contains source-wide operational and production limits and work practice requirements for the facility. However, this Condition does not address

requirements for malfunctions and breakdown, as requested in the CAAPP permit application. Thus, as set forth in Ethyl Comments 10, Ethyl sought revision of Condition 5.4 to address the requirements for malfunction or breakdown events. In the final CAAPP permit, the malfunction and breakdown provisions are still listed for most of the individual units within Section 7. However, the individual provisions are not consistent and do not address all types of control equipment at all of the emission units.

12. Conditions 5.5.3(a) and (b) contain hourly emission limits on sulfur dioxide, carbon monoxide, nitrogen oxides and volatile organic material emissions for Flare 36-0011. In Ethyl Comments 13, Ethyl requested the hourly emission limits be converted to a monthly basis. The CAAPP permit states that the basis for this limit is to ensure that the affected emission units are not subject to the control requirements of 40 C.F.R. 52.21. However, as set forth in Ethyl Comments 13, the applicability of 40 C.F.R. 52.21 is not determined on an hourly basis and hourly limits are not practically enforceable due to the nature of Ethyl's operation. Thus, monthly limits should be utilized, as requested.

13. In Ethyl Comments 15(c) and 43, Ethyl requested the ability to determine short-term production/emission rates on a "per batch" or monthly basis. However, several of the hourly emission limits for batch systems were not converted to a "per batch" or monthly basis, as requested.

14. Condition 7.8.5(d) states that compliance with the H₂S scrubber minimum efficiency "shall be determined monthly from a running total of monthly material balance data." In Ethyl Comments 27, Ethyl requested that this condition be revised to state that compliance will be determined by monitoring the scrubber outlet temperature, scrubbant

flow rate, and breakthrough point. The monthly material balance requirement for the Unit 280 H₂S system was not removed from Conditions 7.8.5(d) or 7.8.9(g), as requested.

15. The Vacuum Pump Venturi Scrubber is no longer operated at the facility and is not among the emission control equipment listed in Condition 7.8.2. However, the limitations for the Vacuum Pump Venturi Scrubber were not removed from Condition 7.8.6, as requested in Ethyl Comments 29.

16. Condition 7.19.6(a) contains VOM emission limits referenced from Construction Permit No. 85060020. The primary VOM emissions from the affected Unit 270 reactors are HAPs. In Ethyl Comments 42, Ethyl requested that the VOM limits for these reactors be revised to be consistent with the HAP emissions limits stated in Operating Permit No. 72121045. The limits were not revised as requested.

17. Condition 7.19.12(b) explains that the emissions from the Unit 270 reactors are determined based on a material balance. The emission factor stated in the draft version of this condition was not required to determine emissions and Ethyl requested that this emission factor be removed from the compliance procedures section. The emission factor was removed as requested, but the corresponding stack test requirement in this condition was not removed, as requested in Ethyl Comments 44.

18. Finally, the emission limitation in Condition 7.20.6 was not revised to incorporate storage tank 35-610, as requested in Ethyl Comments 45.

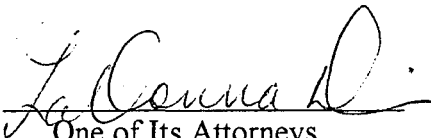
19. For the above-referenced reasons, the CAAPP permit does not reflect the current applicable requirements or the current operations at the facility, and thus is not "consistent with the Clean Air Act and regulations promulgated thereunder and this Act and regulations promulgated thereunder." Certain conditions discussed herein are not

required to “accomplish the purposes and provisions of this Act and to assure compliance with all applicable requirements.”

WHEREFORE, Ethyl petitions the Board for a hearing on the Illinois EPA’s final action to issue this CAAPP permit in this fashion. And, as set forth in the accompanying Motion to Stay Effectiveness of CAAPP Permit, Ethyl requests that the effectiveness of the CAAPP permit be stayed until the Board’s final determination in this matter.

Respectfully submitted,

ETHYL PETROLEUM ADDITIVES, INC.
Petitioner,

By: 
One of Its Attorneys

Dated: January 2, 2004

Katherine D. Hodge
N. LaDonna Driver
HODGE DWYER ZEMAN
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Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

ETHL:007/Fil/Petition for Review

Due to the volume of this pleading,
please contact the Clerk's Office

at

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to view this file.

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v.)

PCB No. 04 - 113
(CAAPP Permit Appeal)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

MOTION TO STAY EFFECTIVENESS OF CAAPP PERMIT

NOW COMES, Petitioner, ETHYL PETROLEUM ADDITIVES, INC.

(hereinafter "Ethyl"), by and through its attorneys, HODGE DWYER ZEMAN, and hereby moves the Illinois Pollution Control Board ("Board") to stay the effectiveness of Ethyl's Clean Air Act Permit Program ("CAAPP") permit in this matter, pursuant to 35 Ill. Admin. Code § 105.304(b).

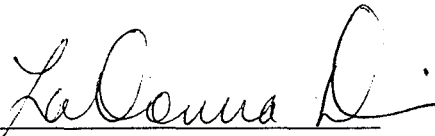
In support thereof, Ethyl states as follows:

1. On December 1, 2003, the Illinois Environmental Protection Agency ("Illinois EPA") issued a final CAAPP permit (No. 95120012) for Ethyl's manufacturing facility in Sauget, Illinois.
2. Today, January 2, 2004, Ethyl has filed a Petition for Review in order to preserve its right to appeal in this matter.
3. 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.
4. The Illinois EPA, the public, and the environment will not be harmed if a stay is granted.

WHEREFORE, the Petitioner moves the Board to grant a stay of effectiveness of Ethyl's CAAPP permit until the Board's final action in this matter.

Respectfully submitted,

ETHYL PETROLEUM ADDITIVES, INC.
Petitioner,

By: 
One of Its Attorneys

Dated: January 2, 2004

Katherine D. Hodge
N. LaDonna Driver
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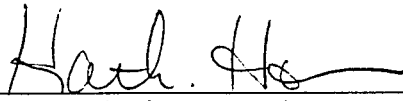
PCB No. 04-113
(CAAPP Permit Appeal)

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, ETHYL
PETROLEUM ADDITIVES, INC., in the above-referenced matter.

Respectfully submitted,

ETHYL PETROLEUM ADDITIVES, INC.
Petitioner,

By: 
Katherine D. Hodge

Dated: January 2, 2004

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ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

Respondent.)

ENTRY OF APPEARANCE OF N. LADONNA DRIVER

NOW COMES N. LaDonna Driver, of the law firm of HODGE DWYER

ZEMAN, and hereby enters her appearance on behalf of Petitioner, ETHYL

PETROLEUM ADDITIVES, INC., in the above-referenced matter.

Respectfully submitted,

ETHYL PETROLEUM ADDITIVES, INC.
Petitioner,

By *N. LaDonna Driver*
N. LaDonna Driver

Dated: January 2, 2004

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