

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>Caterpillar Logistics, Inc.,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No. _____</b>
	)	
<b>Illinois Environmental Protection Agency,</b>	)	<b>Permit Appeal – Air</b>
	)	
<b>Respondent.</b>	)	

**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 ELECTRONIC FILING)**

(PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that on March 14, 2006, I filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing Caterpillar Logistics, Inc.'s PETITION FOR REVIEW and ENTRY OF APPEARANCE OF PATRICIA F. SHARKEY, copies of which are hereby served upon you.

Dated: March 14, 2006

Respectfully submitted,

Caterpillar Logistics, Inc.

By: /s/ Patricia F. Sharkey\_\_\_\_\_  
One of its Attorneys

Patricia F. Sharkey  
Mayer, Brown, Rowe & Maw LLP  
71 South Wacker Drive  
Chicago, Illinois 60606-4637  
(312) 782-0600

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

Caterpillar Logistics, Inc.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. _____
	)	
Illinois Environmental Protection Agency,	)	Permit Appeal – Air
	)	
Respondent.	)	

**ENTRY OF APPEARANCE OF PATRICIA F. SHARKEY**

NOW COMES PATRICIA F. SHARKEY, and hereby enters her appearance in this matter on behalf of Caterpillar Logistics, Inc.

Dated: March 14, 2006

Respectfully submitted,  
Caterpillar Logistics, Inc.

By: /s/ Patricia F. Sharkey  
One of its Attorneys

Patricia F. Sharkey  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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Illinois Environmental Protection Agency,	)	Permit Appeal – Air
	)	
Respondent.	)	

**PETITION FOR REVIEW**

NOW COMES Caterpillar Logistics, Inc. (“Caterpillar”), by its attorney, Mayer, Brown, Rowe & Maw LLP, and petitions for review of Operating Permit No.730900071 issued by the Division of Air Pollution Control of the Illinois Environmental Protection Agency (“Illinois EPA”) on February 7, 2006.

In support thereof, Petitioner states:

1. On December 22, 2005, Caterpillar filed an application to amend its March 23, 2003 Operating Permit No. 730900071 to clarify two points related to the coating line.
2. On February 7, 2006, the Illinois EPA Division of Air Pollution Control issued a revised Operating Permit No. 730900071 which included the clarifications, but also deleted any reference to an emergency diesel generator which was authorized to operate under the March 26, 2003 permit.
3. Caterpillar believes the emergency diesel generator was deleted in error. We believe this error may have been due to the fact that the Illinois EPA used a 2001 version of the permit, rather than the more recent 2003 permit, to reprint the existing permit terms in the February 7, 2006 permit revision.

4. Caterpillar has filed a request for an administrative permit revision to correct this error and has no reason to believe the permit won't be revised as requested. However, in order to preserve its right to continue to operate the emergency generator, as needed, until such time as a revised operating permit can be issued, Caterpillar is required to appeal the deletion of the emergency generator permit conditions as they existed in the March 26, 2003 permit.

5. A copy of the February 7, 2006 permit with the emergency generator terms re-inserted and shown in underscoring is attached hereto as Attachment A.

WHEREFORE, Caterpillar petitions the Board for a hearing and determination reversing the Illinois EPA's deletion of the above referenced emergency diesel generator conditions from Operating Permit No. 73090071 as issued on February 7, 2006.

Dated: March 14, 2006

Respectfully submitted,

Caterpillar Logistics, Inc.

By: /s/ Patricia F. Sharkey  
One of its Attorneys

Patricia F. Sharkey  
Mayer, Brown, Rowe & Maw LLP  
71 South Wacker Drive  
Chicago, Illinois 60606-4637  
(312) 782-0600

ATTACHMENT A

OPERATING PERMIT

PERMITTEE

Caterpillar, Inc.  
Attn: Michael Montgomery  
100 North-East Adams Street  
Peoria, Illinois 61602

Application No.: 73090071

I.D. No.: 179050AAA

Applicant's Designation:

Date Received: December 22, 2005

Subject: Boilers and Painting Line

Date Issued: February 7, 2006

Expiration Date: February 7, 2007

Location: 500 North Morton Avenue, Morton

Permit is hereby granted to the above-designated Permittee to OPERATE emission unit(s) and/or air pollution control equipment consisting of two natural gas-fired boilers, one coating line, and one emergency diesel generator pursuant to the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

Deleted: and

- 1a. This permit shall expire 180 days after the Illinois EPA sends a written request for the renewal of this permit.
- b. This permit shall terminate if it is withdrawn or is superseded by a revised permit.
- 2a. The two boilers are subject to New Source Performance Standards (NSPS) for small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR 60, Subparts A and Dc. The Illinois EPA is administering these standards in Illinois on behalf of the United States EPA under a delegation agreement.
- b. The Permittee shall fulfill applicable reporting and recordkeeping requirements of 40 CFR 60.48(c).
- c. At all times the Permittee shall, to the extent practicable, maintain and operate the boiler, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
3. Operation and emissions of two boilers (combined) shall not exceed the following limits:

Natural Gas Usage: 20 mmscf/month, 220 mmscf/year

Pollutant	Emission Factor	Emissions	
	(Lbs/mmscf)	(Tons/Mo)	(Tons/Yr)
Nitrogen Oxides (NOx)	100	1.0	11.0
Carbon Monoxide (CO)	84	0.8	9.2
Particulate Matter (PM)	7.6	0.1	0.8
Volatile Organic Material (VOM)	5.5	0.1	0.6

These limits are based on the maximum boilers operations and standard emission factors given by AP-42. Compliance with annual limits shall be determined on a monthly basis from a running total of 12 months of data.

4. The coating line is subject to and shall comply with the volatile organic materials (VOM) emission limitations of 35 Ill. Adm. Code Part 215, Subpart F: Coating Operations. Compliance with the requirements of this subpart is achieved through the use of compliance coating pursuant to 35 Ill. Adm. Code 215.204(j)(2), (3) and (k)(2). The VOM content of the coatings, as applied, shall not exceed 3.5 lbs./gallon excluding water and any compounds which are specifically exempted from the definition of VOM for 215.204(j)(2) and (3) and 4.3 lbs/gallon for 215.204(k)(2) – extreme performance top coat coating.

5. Operation and emissions of the diesel emergency generator shall not exceed the following limits:

Operating Hours: 500 hours/month and 500 hours/year

Pollutant	Emission Factor	Emissions	
	(Lbs/hp-Hr)	(Tons/Mo)	(Tons/Yr)
<u>Nitrogen Oxides (NOx)</u>	<u>0.024</u>	<u>15.2</u>	<u>15.2</u>
<u>Carbon Monoxide (CO)</u>	<u>0.0055</u>	<u>3.5</u>	<u>3.5</u>
<u>Sulfur Dioxide (SO<sub>2</sub>)</u>	<u>0.0040</u>	<u>2.5</u>	<u>2.5</u>
<u>Particulate Matter (PM)</u>	<u>0.0007</u>	<u>0.4</u>	<u>0.4</u>
<u>Volatile Organic Material (VOM)</u>	<u>0.0007</u>	<u>0.4</u>	<u>0.4</u>

These limits are based on the maximum engine operation rate, sulfur content of the fuel less than 0.5% and standard emission factors (AP-42, Table 3.4-1). Compliance with annual limits shall be determined on a monthly basis from a running total of 12 months of data.

6. The emissions of HAPs as listed in Section 112(b) of the Clean Air Act shall not equal or exceed 10 tons per year of any single HAP or 25 tons per year of any combination of such HAPs, or such lesser quantity as USEPA may establish by rule

Deleted: 5

which would require the Permittee to obtain a Clean Air Act Permit Program permit from the Illinois EPA. As a result of this condition, this permit is issued based on the emissions of any HAP from this source not triggering the requirement to obtain a Clean Air Act Permit Program permit from the Illinois EPA.

7. The VOM emissions from coating and clean-up operations shall not exceed 6.7 tons/month and 72.0 tons/year. Deleted: 6

The emissions of VOM and HAP shall be determined from the following equation:

$$E = \sum(S_i \times C_i)$$

Where:

E – VOM/HAP emissions (ton);

S<sub>i</sub> – individual coating, thinner and clean-up solvent usage (ton);

C<sub>i</sub> – VOM content of the individual coating and solvent (weight fraction);

These limits are based on the maximum production rate. Compliance with annual limits shall be determined from a running total of 12 months of data.

8. The Permittee shall maintain monthly records of the following items: Deleted: 7

a. Names and amounts of coatings and solvents used (gallons/month, gallons/year);

b. VOM and HAP content of coatings and solvents (lbs/gallon);

c. VOM and HAP emission calculations (tons/month, tons/year); Deleted: and

d. VOM compliance calculations (lbs/gallon); and

e. Emergency generator operating hours (hr/mo, hr/yr).

9. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to the Illinois EPA request for records during the course of a source inspection. Deleted: 8

10. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the Deleted: 9

recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.

11. Two (2) copies of required reports and notifications concerning equipment operation or repairs, performance testing or a continuous monitoring system shall be sent to:

Deleted: 10

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Compliance Section (#40)  
P.O. Box 19276  
Springfield, Illinois 62794-9276

and one (1) copy shall be sent to the Illinois EPA's regional office at the following address unless otherwise indicated:

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
5415 North University  
Peoria, Illinois 61614

12. It should be noted that this permit has been revised to revise permit limits.

It also should be noted that during the review of this application it was determined that potential to emit (PTE) of volatile organic materials (VOM) from your facility exceeds major source threshold level of 100 tons per year and your facility is classified as a major source pursuant to Section 39.5(2)(c) of Illinois Environmental Protection Act. You shall apply for a Clean Air Act Permit Program (CAAPP) permit at least six months before the permit expiration date.

To avoid the CAAPP permitting requirements, you may want to consider applying for a Federally Enforceable State Operating Permit (FESOP) if your actual emissions are below the major threshold levels. A FESOP is an operating permit which contains federally enforceable limits in the form of permit conditions which effectively restrict the potential emissions of a source to below major source threshold, thereby excluding the source from the CAAPP.

If you have any questions on this, please call Valeriy Brodsky at 217/782-2113.

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

**CERTIFICATE OF SERVICE**

I, Patricia F. Sharkey, an attorney, hereby certify that I have served Caterpillar Logistics, Inc.'s PETITION FOR REVIEW and ENTRY OF APPEARANCE OF PATRICIA F.

SHARKEY upon:

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

Robert A. Messina  
Chief Legal Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(U.S. Mail)

Donald Sutton  
Manager, Permit Section  
Division of Air Pollution  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(U.S. Mail)

as indicated above, by e-mail and/or by depositing said document in the United States Mail, postage prepaid, in Chicago, Illinois on March 14, 2006.

/s/ Patricia F. Sharkey  
Patricia F. Sharkey

Patricia F. Sharkey  
Mayer, Brown, Rowe & Maw LLP  
71 South Wacker Drive  
Chicago, Illinois 60606-4637  
(312) 782-0600