

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **RECEIVED**
CLERK'S OFFICE

JUN 22 2006

STATE OF ILLINOIS
Pollution Control Board

OMNI BIOENERGY, LLC,

PETITIONER

VS.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

RESPONDENT

PCB NO. 06-187

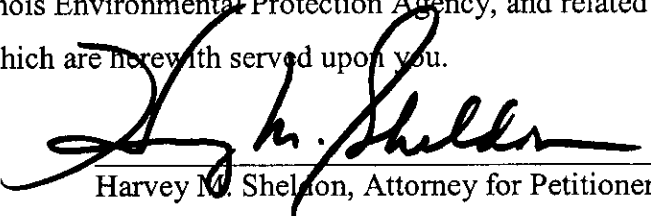
(AIR-Appeal Deadline)
(90 Day Extension)

NOTICE OF FILING AND
CERTIFICATE OF SERVICE

To: Hon. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601

Sally Carter, Esq.
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the Joint Notice And Request For Extension Of Time For Permit Appeal of Omni Bioenergy, LLC and the Illinois Environmental Protection Agency, and related Appearance of Counsel, copies of which are herewith served upon you.


Harvey M. Sheldon, Attorney for Petitioner

June 22, 2006

Harvey M. Sheldon
Hinshaw & Culbertson LLP
222 North LaSalle Street, Suite 300
Chicago, IL 60601-1081
Tel. 312-704-3504; Fax 312-704-3001
E-mail: hsheldon@hinshawlaw.com

Submitted on Recycled Paper

6071252v1 838204

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have today prior to 5:00 PM served the attached the Joint Notice And Request For Extension Of Time For Permit Appeal of Omni Bioenergy, LLC and the Illinois Environmental Protection Agency, together with Notice of Filing thereof and related Appearance of Counsel, by actual filing of an original and nine copies of each with the Clerk of the Board and by mailing a true copy thereof to the following persons:

Sally Carter, Esq.
Special Assistant Attorney General
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276



Harvey M. Sheldon

June 22, 2006

Harvey M. Sheldon
Hinshaw & Culbertson LLP
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Chicago, IL 60601-1081
Tel. 312-704-3504; Fax 312-704-3001

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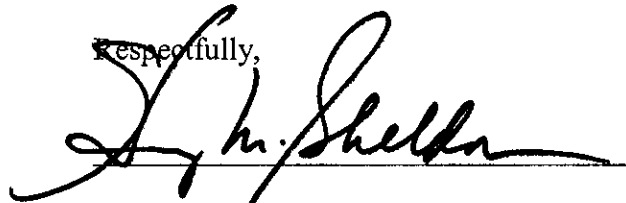
PCB NO. 06-187
(AIR-Appeal Deadline)
(90 Day Extension)

APPEARANCE OF COUNSEL

Harvey M. Sheldon and Hinshaw & Culbertson LLP hereby file their appearance as counsel for the Petitioner, Omni Bioenergy, LLC. Please address all notices, orders, pleadings and correspondence as follows:

Harvey M. Sheldon
Hinshaw & Culbertson LLP
222 North LaSalle Street, Suite 300
Chicago, IL 60601-1081

Respectfully,



Harvey M. Sheldon

June 22, 2006

Harvey M. Sheldon
Hinshaw & Culbertson LLP
222 North LaSalle Street, Suite 300
Chicago, IL 60601-1081
Tel. 312-704-3504; Fax 312-704-3001
E-mail: hsheldon@hinshawlaw.com

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 22 2006

STATE OF ILLINOIS
Pollution Control Board

OMNI BIOENERGY, LLC,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

PCB *06-187*
(Air - 90 Day Extension)APPEARANCE

The undersigned, as one of its attorneys, hereby enters her APPEARANCE on
behalf of Respondent, Illinois Environmental Protection Agency.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,*Sally Carter*Sally Carter
Assistant Counsel
Division of Legal Counsel

Date: June 21, 2006
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

JUN 22 2006

STATE OF ILLINOIS
Pollution Control Board

OMNI BIOENERGY, LLC,

PETITIONER

VS.

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,

RESPONDENT

PCB NO. 06-187

(AIR-Appeal Deadline)

(90 Day Extension)

**JOINT NOTICE AND REQUEST FOR EXTENSION
OF TIME FOR PERMIT APPEAL**

NOW COME Omni Bioenergy, LLC., Petitioner, and the Illinois Environmental Protection Agency, Respondent, by their undersigned respective counsel, and pursuant to Section 40 (a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)), and 35 Ill. Adm. Code 105.208(a), hereby jointly provide written notice and request that this Board extend the time for appeal of the Construction Permit-NSPS Source, Application No. 06010015 (the "Construction Permit"), a true copy of which is attached hereto as Exhibit A.

The parties stipulate to and respectfully request an extension of 90 days, to and including September 20, 2006, for Petitioner to file a Petition for Review of the Construction Permit. Omni Bioenergy, LLC. represents that the requested date is within 125 days of service of the Construction Permit on Petitioner.

In support of this Joint Notice and Request, the parties further submit:

1. The Construction Permit dated May 16, 2006 was mailed to Petitioner on May 18, 2006. According to Petitioner, the date of service by mail is May 22, 2006. As such, the 35th day after service and last day for appeal of the Construction Permit is presently June 26, 2006.

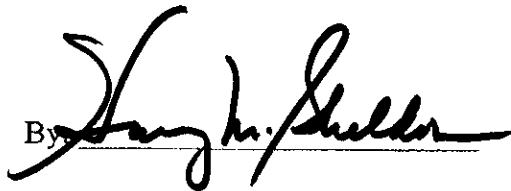
Submitted on Recycled Paper

2. Petitioner has substantive concerns regarding certain conditions of the permit, and the Respondent is willing to review the Petitioners concerns.
3. The parties agree that additional time would be useful to allow negotiations that may eliminate the need to submit a formal appeal.

WHEREFORE, the parties respectfully request the Board grant an extension of this period for filing an appeal of this permit to and including September 20, 2006.

OMNI BIOENERGY, LLC

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Harvey M. Sheldon

An Attorney for Petitioner

By: 

Sally Carter

Special Assistant Attorney General

Assistant Counsel

June 21, 2006

Harvey M. Sheldon
Hinshaw & Culbertson LLP
222 North LaSalle Street
Chicago, IL 60601

Tel. 312-704-3504
Fax 312-704-3001



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

June 21, 2006

Harvey M. Sheldon
Hinshaw & Culbertson LLP
222 North LaSalle Street
Chicago, Illinois 60601-1081

Re: Omni Bioenergy, LLC Request for Ninety Day Extension of Appeal Period

Dear Mr. Sheldon:

Please find the Request for Ninety Day Extension of Appeal Period and my Appearance as previously discussed. Thank you for filing the same with the Pollution Control Board. Upon receipt of file-stamped copies, please forward a copy to my office. If you have any questions, please do not hesitate to call.

Sincerely,

Sally Carter
Assistant Counsel

cc: Bob Bernoteit



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19506, SPRINGFIELD, ILLINOIS 62794-9506 - (217) 782-2113

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-2113

CONSTRUCTION PERMIT - NSPS SOURCE

PERMITTEE

Omni Bioenergy, LLC
Attn: Alex Dodd
Post Office Box 1593
Granite City, Illinois 62040

Application No.: 06010015

I.D. No.: 119040ATM

Applicant's Designation:

Date Received: January 5, 2006

Subject: Biodiesel Plant

Date Issued: May 16, 2006

Location: 2801 Rock Road, Granite City

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of:

Pipe Header Connected to all Process Tanks,
10,000 Gallon Sulfuric Acid Storage Tank,
5.118 - mmBtu/Hour Natural Gas Fired Thermal Oil Boiler
43.3 - mmBtu/Hour Natural Gas Fired Steam Boiler

pursuant to the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. This permit is issued based on the Potential to Emit (PTE) for Hazardous Air Pollutants (HAP) for Hazardous Air Pollutants (HAP) as listed in Section 112(b) of the Clean Air Act being less than 10 tons/year of any single HAP and 25 tons/year of any combination of such HAPs. As a result, this permit is issued based on the emissions of all HAPs from this source not triggering the requirements of Section 112(g) of the Clean Air Act.
2. This facility is subject to New Source Performance Standards (NSPS), 40 CFR 60, Subparts A, VV, RRR and NNN. The Illinois EPA is administering these standards in Illinois on behalf of the United States EPA under a delegation agreement.
3. The owner or operator shall comply with the applicable provisions based on 40 CFT 60, subpart VV "Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry".
4. The owner of operator shall comply with the applicable provisions based on 40 CFR 60, subpart NNN "Standards of Performance of Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations". Pursuant to 40 CFR 60.660(c)(6) each affected facility operated with a vent stream flow rate less than 0.008 scm/min (0.2825 scfm) is exempt from all provision of this subpart except for the test method and procedure and the recordkeeping and reporting requirements in 60.664(g) and (i), (l)(5), and (o) of 60.665.

EXHIBIT A.

5. This permit is issued based on the source not being subject to 40 CFR 60, subpart RRR "Standards of Performance for Volatile Organic Emissions for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes", via 40 CFR 60.700(c)(1) "Any reactor process that is designed and operated as a batch operation is not an affected facility.
6. No person shall cause or allow any visible emissions of fugitive particulate matter from any process, including any material handling or storage activity beyond the property line of the emission source, pursuant to 35 Ill. Adm. Code 212.301.
7. With the exception of fuel combustion emission sources and acid manufacturing, no person using sulfuric acid shall cause or allow the emission of sulfuric acid and/or sulfur trioxide from all other similar emission sources at a plant or premises to exceed 0.10 pounds in any one hour period for sulfuric acid usage less than 1,300 tons/year; of 0.50 pounds per ton of acid used for sulfuric acid usage greater than or equal to 1,300 tons/year, pursuant to 35 Ill. Adm. Code 214.303.
- 8a. No person shall cause or allow the discharge of more than 8 lbs/hour of organic material (VOM) into the atmosphere from any emission unit, pursuant to 35 Ill. Adm. Code 219.301.
- b. In the event that the operation of this emission unit results in an odor nuisance, the Permittee shall take appropriate and necessary actions to minimize odors, including but not limited to, changes in raw material or installation of controls, in order to eliminate the odor nuisance.
9. Emissions of facility shall not exceed the following limits:

<u>Equipment</u>	<u>VOM/HAP (Methanol)</u> <u>Emissions</u>		<u>Sulfuric Acid Mist</u>	
	<u>(Tons/Month)</u>	<u>(Tons/Year)</u>	<u>(Tons/Month)</u>	<u>(Tons/Year)</u>
Vapor Header	0.096	0.96		
Sulfuric Acid Tank			0.193	1.93

These limits are based on maximum production rates, and 8000 hours per year of operation. These emission limits will be adjusted based on test results required in this permit. Compliance with annual limits shall be determined from a running total of 12 months of data.

- 10a. Emissions and operation of the two boilers shall not exceed the following limits:

Material	(mmscf/Mo)	(mmscf/Yr)	Pollutant	Emission	Emissions	
				Factor (Lb/mmscf)	(T/Mo)	(T/Yr)
Natural Gas	38	380	NO _x	100	1.90	19.0
			CO	84	1.60	16.0
			PM	7.6	0.15	1.5
			VOM	5.5	0.11	1.1
			SO ₂	0.6	0.20	0.2

These limits define the potential emissions of VOM, PM, NO_x, and CO and are based on maximum usage, 8,000 hours of operation, and AP-42, Tables 1.4-1 and 1.4-2 emission factors. Compliance with annual limits shall be determined from a running total of 12 months of data.

- b. Natural gas shall be the only fuel combusted in the boilers. Use of any other fuel requires a permit change.
- 11a. Within 60 days of startup, the VOM and HAPs emissions of header connected to all process tanks shall be measured during conditions which are representative of maximum emissions. These tests shall determine the emissions in pounds of VOM and HAPs emission rates.. The following performance test shall also be conducted with feedstock containing the highest HAPs content which source is to use in their production of bio-diesel.
- b. In conducting the performance test required in 40 CFR 60.8 the Permittee shall use as reference methods and procedures the test methods in 40 CFR 60, Appendix A or other methods and procedures as specified in 40 CFR 60.485, except as provided in 40 CFR 60.8(b).
- c. The Permittee shall determine compliance with the standards in 40 CFR 60.482 as follows:
- i. Method 21 shall be used to determine the presence of leaking sources. The instrument shall be calibrated before use each day of its use in the procedures specified in Method 21. The following calibration gas shall be used:
- A. Zero air (less than 10 ppm of hydrocarbon in air); and
- B. Mixture of methane of n-hexane and air at a concentration of about, but less than, 10,000 ppm methane or n-hexane.
- d. Permittee shall determine compliance with the no detectable emission standards in 40 CFR 60.482-3(i), 40 CFR 60.482-4, and 40 CFR 60.482-7(f) as follows:
- i. The requirement of 40 CFR 60.485(b) shall apply.

- ii. Method 21 shall be used to determine the background level. All potential leak interfaces shall be traversed as close to the interface as possible. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
 - e. Permittee shall test each piece of equipment unless it is demonstrated that a process unit is not in VOC service i.e., that the VOC content would never be reasonably expected to exceed 10 percent by weight
 - f. Engineering judgment may be used to estimate the VOC content, if a piece of equipment had not been shown previously to be in service. If the IEPA disagrees with the judgment, 40 CFR 60.485(d)(1) and (2) shall be used.
 - g. Permittee shall demonstrate that an equipment is in light liquid service by showing that all the following conditions apply:
 - i. The vapor pressure of one or more of the components is greater than 0.3 kPa at 20 Celsius (1.2 in H₂O at 68 Fahrenheit).
 - ii. The total concentration of the pure components having vapor pressure greater than 0.3 kPa at 20 Celsius (1.2 in H₂O at 68 Fahrenheit) is greater than 20 percent by weight.
 - iii. The fluid is a liquid at operating conditions.
 - h. Samples used in conjunction with 40 CFR 60.485(d) and (e) shall be representative of the process fluid that is contained in or contacts the equipment.
 - i. Method 18, gas chromatography or any agency acceptable alternative testing for gaseous organic compound emissions, shall be used to test the drying process.
12. At least 30 days prior to the actual date of testing, a written test plan shall be submitted to the Compliance Section of the Division of Air Pollution Control for review. This plan shall describe the specific procedures for testing, including as a minimum:
- a. The person(s) who will be performing sampling and analysis and their experience with similar tests.
 - b. 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 emission unit and any control equipment will be determined.

- c. The specific determinations of emissions and operation, which are intended to be made, including sampling and monitoring locations.
 - d. The test method(s), which will be used, with the specific analysis method, if the method can be used with different analysis methods.
 - e. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification.
 - f. Any proposed use of an alternative test method, with detailed justification.
 - g. The format and content of the Source Test Report.
13. Copies of the Final Report(s) for these tests shall be submitted to the Illinois EPA within 14 days after the test results are compiled and finalized.
14. Fourteen days after completion of sampling, the Final Report shall include as a minimum:
- a. A summary of results
 - b. General information
 - c. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule
 - d. Detailed description of test conditions, including
 - i. Process information, i.e., mode(s) of operation, process rate, e.g. fuel or raw material consumption
 - ii. Control equipment information, i.e., equipment condition and operating parameters during testing, and
 - iii. A discussion of any preparatory actions taken, i.e., inspections, maintenance and repair
 - e. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration
 - f. An explanation of any discrepancies among individual tests or anomalous data
 - g. The results of all quality control evaluation, including a copy of all quality control data.
15. Satisfactory completion of these tests so as to demonstrate compliance with applicable emission limits is a prerequisite to issuance of an

operating permit, pursuant to 35 Ill. Adm. Code 201.160(a), (b) and (c).

16. The Permittee shall maintain monthly records of the following items:
 - a. Amount of raw material used in process (tons/month and tons/year);
 - b. VOM and HAP content in all feed stock (% by weight)
 - c. Natural gas usage for the boilers (therms/month and therms/year); and
 - d. NO_x, CO, VOM, PM and HAP emissions with supporting calculations (tons/month and tons/year).
17. 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 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 an Illinois EPA request for records during the course of a source inspection.
18. 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 recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.
19. Two (2) copies of required reports and notifications shall be sent to:

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:

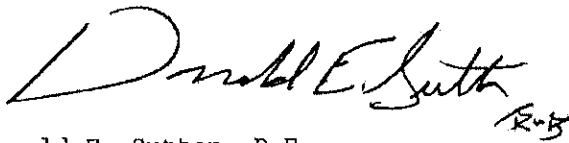
Illinois Environmental Protection Agency
Division of Air Pollution Control
9511 West Harrison
Des Plaines, Illinois 60016

It should be noted that the Illinois EPA's Division of Water Pollution Control has determined that the waste water stream for your facility requires

Page 7

a construction Permit in accordance with 35 Ill. Adm. Code 309.202(a). If you have any questions regarding this requirement, contact the Division of Water Pollution Control at 217/782-0610.

If you have any questions on this permit, please contact George Kennedy at 217/782-2113.

A handwritten signature in black ink, reading "Donald E. Sutton". The signature is written in a cursive style. To the right of the signature, there is a small handwritten mark that appears to be "R.B."

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

DES:GMK:psj

cc: Region 1



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P. O. BOX 19506
SPRINGFIELD, ILLINOIS 62794-9506

**STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

July 1, 1985

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) authorizes the Environmental Protection Agency to impose conditions on permits which it issues.

The following conditions are applicable unless superseded by special condition(s).

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.
2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:
 - a. to enter the permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,
 - b. to have access to and to copy any records required to be kept under the terms and conditions of this permit,
 - c. to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit,
 - d. to obtain and remove samples of any discharge or emissions of pollutants, and
 - e. to enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,
 - b. 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 proposed facilities,
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

IL 532-0226

APC 186 Rev. 5/99

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090-005

DIRECTORY
ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF AIR

For assistance in preparing a permit application contact the Permit Section.

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
1021 N. Grand Ave E.
P.O. Box 19506
Springfield, Illinois 62794-9506

or a regional office of the Field Operations Section. The regional offices and their areas of responsibility are shown on the map. The addresses and telephone numbers of the regional offices are as follows:

Illinois EPA
Region 1
Bureau of air, FOS
9511 West Harrison
Des Plaines, Illinois 60016
847/294-4000

Illinois EPA
Region 2
5415 North University
Peoria, Illinois 61614-
309/693-5463

Illinois EPA
Region 3
2009 Mall Street
Collinsville, Illinois 62234
618/346-5120

