BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SCF DEVELOPMENT, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB No. 11-_____
	)	(Air Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Respondent.	)	

NOTICE OF FILING

TO: Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC 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 a **PETITION FOR REVIEW and MOTION TO STAY THE EFFECTIVENESS OF CERTAIN CONTESTED PERMIT CONDITIONS**, copies of which are herewith served upon you.

Respectfully submitted,

SCF DEVELOPMENT, LLC,
Petitioner,

Dated: March 3, 2011

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
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 the attached PETITION FOR REVIEW and MOTION TO STAY THE EFFECTIVENESS OF CERTAIN CONTESTED PERMIT CONDITIONS upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on March 3, 2011 and upon:

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 March 3, 2011.

/s/ Katherine D. Hodge
Katherine D. Hodge

BUNG:002/Fil/NOF-COS – Petition and Motion to Stay

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached PETITION FOR REVIEW and MOTION TO STAY THE EFFECTIVENESS OF CERTAIN CONTESTED PERMIT CONDITIONS upon:

Mr. John Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

via electronic mail on March 2, 2011 and upon:

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 March 2, 2011.

/s/ Katherine D. Hodge
Katherine D. Hodge

BUNG:002/Fil/NOF-COS – Petition and Motion to Stay

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SCF DEVELOPMENT, LLC, Petitioner, v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	PCB No. 11-_____ (Air Permit Appeal)

PETITION FOR REVIEW

NOW COMES Petitioner, SCF DEVELOPMENT, LLC ("SCF"), a Delaware Limited Liability Company, by and through its attorneys, HODGE DWYER & DRIVER, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/40(a)(1)), 35 Ill. Admin. Code § 105.204 and 35 Ill. Admin. Code § 105.Subpart B, and petitions the Illinois Pollution Control Board ("Board") for review of the Construction Permit issued to SCF by the Illinois Environmental Protection Agency ("Illinois EPA") on January 27, 2011.

In support of its Petition, SCF states as follows:

1. SCF Development, LLC is a joint venture between Bunge North America, Inc. and SCF Marine Inc. (a subsidiary of SEACOR Holdings Inc.) to build a state-of-the-art grain and dry bulk commodity river terminal ("Grain and Dry Bulk Commodity Terminal") on the Mississippi River capable of receiving and handling grains, soybeans, their byproducts and other dry bulk commodities, and efficiently shipping them either domestically or to the export market.

2. SCF proposes to construct the new Grain and Dry Bulk Commodity Terminal in St. Clair County, Illinois.

3. In October 2010, SCF submitted to Illinois EPA a Construction Permit Application for the Grain and Dry Bulk Commodity Terminal project ("Permit Application").

4. On January 17, 2011, SCF submitted to Illinois EPA an Addendum to the Construction Permit Application for the Grain and Dry Bulk Commodity Terminal project ("Application Addendum").

5. On January 27, 2011, without allowing SCF an opportunity to review a draft, Illinois EPA issued the Construction Permit to SCF for construction of the Grain and Dry Bulk Commodity Terminal. A copy of the Construction Permit is attached hereto as Exhibit A.

6. As set forth herein, Illinois EPA included conditions in the Construction Permit that neither accurately reflect the information SCF provided to Illinois EPA in the Permit Application or Application Addendum, nor accurately reflect the proposed operations of the Grain and Dry Bulk Commodity Terminal.

7. Furthermore, Illinois EPA included conditions in the Construction Permit that are arbitrary and capricious, are not required by the Act or regulations promulgated thereunder, and are not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

8. SCF specifically objects to, and hereby appeals, the following conditions in the Construction Permit on the following bases:

a. List of Emission Sources and/or Air Pollution Control Equipment (Opening Paragraph)

i. The list of emission sources and/or air pollution control equipment included by Illinois EPA in the opening paragraph of the Construction Permit does not accurately reflect the information SCF provided to Illinois EPA in the Permit Application or Application Addendum, nor does it accurately reflect the proposed operations of the Grain and Dry Bulk Commodity Terminal. Furthermore, the list is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, the list of emission sources and/or air pollution control equipment authorized by Illinois EPA in the Construction Permit does not reflect emission sources and/or air pollution control equipment SCF referenced in the Application Addendum.

iii. The following emission sources and/or air pollution control equipment are listed in the Construction Permit:

> One (1) Truck Dump Pit with Baghouse Control;
> One (1) Rail Dump Pit with Baghouse Control;
> Internal Transfer – Enclosed;
> One (1) Barge Load-out with Baghouse Control;
> Grain Storage (2,114,262 Bushel Capacity);
> One (1) 7,000 Bu/Hour Liquid Propane or Natural Gas or Distillate Fuel Oil-Fired (60.192 mmBtu/hour) Column Grain Dryer;
> Barge Loadout Controlled by Baghouse;
> Rail Loadout Controlled by Baghouse;
> Truck Load-out with Socks; and
> Dry Bulk Handling Dock.

Exhibit A at 1.

iv. However, the following emission sources and/or air pollution control equipment were listed by SCF in the Application Addendum:

One (1) Rail Receiving Dump Pit with Baghouse Control;
Two (2) Truck Receiving Dump Pits with Baghouse Control;
One (1) Barge Loadout Shipping Station with Baghouse Control;
One (1) Rail Loadout Shipping Station with Baghouse Control;
One (1) Truck Loadout Shipping Station with Enclosure and Dust Control Spout;
Material Handling and Transfer Equipment – Enclosed except River Conveyor Belt which is Covered – All Material Handling and Transfer Equipment is Aspirated with Baghouse Control;
Permanent Material Storage (2,114,262 bushel capacity);
Temporary Ground Pile Storage (1,500,000 bushel capacity);
One Column Grain Dryer (7,000 bushel/hour) Capable of Burning Natural Gas, Propane, or Distillate Fuel Oil with a Maximum Heat Input Rating of 60.192 MMBtu/hr.

Application Addendum at 1 (relevant pages of which are attached hereto as Exhibit B).

v. Therefore, there are several major differences between the emission sources and/or air pollution control equipment listed by SCF in the Application Addendum and listed by Illinois EPA in the Construction Permit. Such differences include the following:

a) SCF applied for the Construction Permit to cover two Truck Receiving Dump Pits, and only one was permitted;

b) Not all transfer equipment (described in the Construction Permit as "internal transfer") will be enclosed at the Grain and Dry Bulk Commodity Terminal. Specifically, the River Belt will not be enclosed. However, the transfer equipment is baghouse controlled;

c) The Construction Permit lists Barge Load-out twice;

d) SCF did not apply for the Construction Permit to cover a "Dry Bulk Handling Dock;"

e) The Construction Permit references socks for the Truck Load-out; however, SCF applied for a Truck Load-out Shipping Station with Enclosure and Dust Control Spout; and

f) The Construction Permit does not include the temporary grain pile referenced by SCF in the Application Addendum.

vi. Therefore, while the opening paragraph reflects a good portion of the emission sources and/or air pollution control equipment proposed for the Grain and Dry Bulk Commodity Terminal, SCF requests the opening paragraph be revised to accurately reflect the information SCF provided to Illinois EPA in the Permit Application and Application Addendum.

b. Permit Condition 1b.

i. Permit Condition 1b. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Therefore, Permit Condition 1b. should be revised to state the following: "The above listed equipment may be operated under this construction permit until such time as the appropriate terms and conditions of this construction permit are incorporated into a Federally Enforceable State Operating Permit."

c. Permit Condition 6b.

i. Permit Condition 6b. does not accurately reflect the information SCF provided to Illinois EPA in the Permit Application and Application Addendum, nor does it accurately reflect the proposed operations of the Grain and Dry Bulk Commodity Terminal. Futhermore, it is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Therefore, Permit Condition 6b. should be revised to state the following: "Each baghouse shall be in operation at all times when the equipment it aspirates is in operation."

d. Permit Condition 6c.

i. Permit Condition 6c. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Therefore, Permit Condition 6c. should be revised to state the following: "The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic maintenance on the baghouses such that the baghouses are kept in proper working condition."

e. Permit Condition 6d.

i. Permit Condition 6d. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to

correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Therefore, SCF requests Permit Condition 6d. be deleted from the Construction Permit.

f. Permit Condition 6f.

i. Permit Condition 6f. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, only one dryer is proposed for the Grain and Dry Bulk Commodity Terminal.

iii. Therefore, Permit Condition 6f. should be revised to state the following: "The column dryer shall be inspected for any leaks in the enclosures and proper condition of the external sheeting, on at least an annual basis."

g. Permit Condition 6g.

i. Permit Condition 6g. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, the inspection required in Permit Condition 6g. is not required to demonstrate any compliance with any regulation or permit condition, or to show the dryer is operating properly.

iii. Therefore, SCF requests that Permit Condition 6g. be deleted from the Construction Permit.

h. Permit Condition 6h.

i. Permit Condition 6h. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, the inspection required in Permit Condition 6h. is not required to demonstrate any compliance with any regulation or permit condition, or to show the grain elevator is operating properly.

iii. Therefore, SCF requests that Permit Condition 6h. be deleted from the Construction Permit.

i. Permit Condition 6i.

i. Permit Condition 6i. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Therefore, SCF requests Permit Condition 6i. be deleted from the Construction Permit.

j. Permit Condition 6j.

i. Permit Condition 6j. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to

correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, Permit Condition 6j. unnecessarily limits the grain and dry bulk commodities that may be received and handled at the Grain and Dry Bulk Commodity Terminal.

iii. Consistent with SCF's application and the designated "subject" of the Construction Permit, Permit Condition 6j. should be revised to state the following: "This permit authorizes the facility to receive and handle grains, soybeans, grain and soybean byproducts, including meals and dried distillers grain, and other dry bulk commodities."

k. Permit Condition 6k.

i. Permit Condition 6k. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Therefore, Permit Condition 6k. should be revised to state the following: "This permit does not authorize the facility to receive and handle dry bulk materials other than grains, soybeans, grain and soybean byproducts, including meals and dried distillers grain, and other dry bulk commodities. Any change to the facility to receive and handle dry bulk materials not authorized in Condition 6j. above shall require a construction permit from the Illinois EPA."

l. Permit Condition 7a. (Monthly Emission Limits).

i. The monthly emission limits contained in Permit Condition 7a. are arbitrary and capricious, are not required by the Act or regulations promulgated thereunder, and are not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, Permit Condition 7a. imposes the following annual (tons/year) and monthly (tons/month) emission limits on particulate matter ("PM") and PM with an aerodynamic diameter less than or equal to 10 micrometers ("PM_{10}"):

PM_{10} Emissions		PM Emissions	
Tons/Month	Tons/Year	Tons/Month	Tons/Year
6.65	79.9	16.66	199.9

iii. SCF requests that the monthly emission limit for PM_{10} in Permit Condition 7a. be revised to allow PM_{10} emissions of 13.3 tons/month to provide the Grain and Dry Bulk Commodity Terminal with the flexibility necessary to operate in accordance with seasonal fluctuations. Additionally, SCF also requests that the monthly emissions of PM in Permit Condition 7a. be revised to allow PM emissions of 33.32 tons/month to provide the Grain and Dry Bulk Commodity Terminal with the flexibility necessary to operate in accordance with seasonal fluctuations.

m. Permit Condition 7a. (Emissions Factors).

i. The emissions factors relied upon in Permit Condition 7a. are arbitrary and capricious, are not required by the Act or regulations promulgated

thereunder, and are not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, Permit Condition 7a. describes how PM and PM_{10} emissions from all sources covered by the Construction Permit are to be calculated in order to demonstrate ongoing compliance with annual PM and PM_{10} emissions limits (199.9 tons/year and 79.9 tons/year, respectively). The method involves using an equation listed in Permit Condition 7a., and the equation identifies standards and calculated emission factors to be used for each emission source.

iii. SCF questions the PM_{10} emission factors for sources associated with the receiving and shipping of meal and proposes alternate emission factors. The sources in question include the following:

EP-01b Rail Receiving Meal;
EP-02b Truck Receiving Meal;
EP-03b Barge Loadout Meal;
EP-04b Rail Loadout Meal; and
EP-05b Truck Loadout Meal.

iv. AP-42, *Compilation of Air Pollutant Emission Factors* ("AP-42") provides a PM emission factor for meal load-out (Source Classification Code ("SCC") 3-02-007-91) of 0.27 pounds ("lbs") of PM per ton ("lbs/ton"), but does not provide an emission factor for PM_{10}. Illinois EPA has included in the Construction Permit a PM_{10} emission factor of 0.1323 to use when calculating PM_{10} emissions from the above-listed sources. The basis for this emission factor is that, according to AP-42, Appendix B.1-36, PM_{10} emissions are 49% of total PM emissions, or 0.1323 lbs/ton is 49% of 0.27 lbs/ton. The graph and table on page B.1-36 of AP-42 present a particle size

distribution for grain receiving at country elevators. It shows that 49% of PM is PM_{10} for uncontrolled emissions from receiving grain at a country elevator.

v. If this were the only source available to determine a PM_{10} emission factor for meal receiving/load-out, SCF could assume that PM and PM_{10} emissions from receiving grain are similar to the PM and PM_{10} emissions from meal load-out, but the United States Environmental Protection Agency ("USEPA") published a PM_{10} emission factor for meal load-out in 1990. The March 1990 USEPA publication, "Airs Facility Subsystem Source Classification Codes and Emission Factor Listing for Criteria Air Pollutants," lists emission factors for meal load-out (SCC 3-02-007-91) for PM and PM_{10}. The PM emission factor listed is 0.27 lbs PM/ton, which corresponds to the AP-42 emission factor for the same SCC code, and the PM_{10} emission factor listed is 0.04 lbs PM_{10}/ton.

vi. SCF requests that the emissions factors in Permit Condition 7a. be revised to reflect the use of 0.04 lb PM_{10}/ton when calculating PM_{10} emissions from EP-01b, EP-02b, EP-03b, EP-04b and EP-05b.

n. Permit Condition 11a.

i. Permit Condition 11a. is arbitrary and capricious, is not required by the Act or regulations promulgated thereunder, and is not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

ii. Specifically, the grain elevator at the Grain and Dry Bulk Commodity Terminal is exempt from 35 Ill. Admin. Code § 212.462 pursuant to Section 9 of the Act, 415 ILCS 5/9, which states the following, in relevant part:

> Any grain elevator located outside of a major population area, as defined in Section 211.3610 of Title 35 of the Illinois Administrative Code, shall be exempt from the requirements of Section 212.462 of Title 35 of the Illinois Administrative Code provided that the elevator: (1) does not violate the prohibitions of subsection (a) of this Section or have a certified investigation, as defined in Section 211.970 of Title 35 of the Illinois Administrative Code, on file with the Agency and (2) is not required to obtain a Clean Air Act Permit Program permit pursuant to Section 39.5. Notwithstanding the above exemption, new stationary source performance standards for grain elevators, established pursuant to Section 9.1 of this Act and Section 111 of the federal Clean Air Act, shall continue to apply to grain elevators.

415 ILCS 5/9.

iii. The grain elevator at the Grain and Dry Bulk Commodity Terminal is located outside of a major population area; it does not violate Section 9(a) of the Act; it does not have a certified investigation on file with Illinois EPA; and it is not required to obtain a Clean Air Act Permit Program permit. Therefore, the grain elevator at the Grain and Dry Bulk Commodity Terminal is exempt from the requirements of 35 Ill. Admin. Code § 212.462. Since the elevator is not required to comply with 35 Ill. Admin. Code § 212.462, then testing to demonstrate compliance with any part of 35 Ill. Admin. Code § 212.462 is not necessary, and should, therefore, be deleted from the Construction Permit.

9. The current appeal has been timely filed within the 35-day appeal deadline prescribed by Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1)).

10. Therefore, as set forth herein, Illinois EPA included conditions in the Construction Permit that neither accurately reflect the information SCF provided to Illinois EPA in the Permit Application or Application Addendum, nor accurately reflect the proposed operations of the Grain and Dry Bulk Commodity Terminal.

11. Furthermore, Illinois EPA included conditions in the Construction Permit that are arbitrary and capricious, are not required by the Act or regulations promulgated thereunder, and are not necessary to correct, detect, or prevent noncompliance with, or to otherwise accomplish the purposes of, the Act or regulations.

WHEREFORE Petitioner, SCF DEVELOPMENT, LLC, petitions the Illinois Pollution Control Board for a hearing on the Illinois Environmental Protection Agency's action to issue the Construction Permit, and for such other relief as the Board deems appropriate.

Respectfully submitted,

SCF DEVELOPMENT, LLC,
Petitioner,

By: /s/ Katherine D. Hodge
One of Its Attorneys

Dated: March 2, 2011

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

BUNG:022/Fil/Petition for Review

EXHIBIT
tabbies
A

217/782-2113

CONSTRUCTION PERMIT

PERMITTEE

SCF Development, LLC
Attn: Jim Burris
11720 Borman Drive
St. Louis, Missouri 63146

Application No.: 10110007 I.D. No.: 163045AGR
Applicant's Designation: Date Received: November 3, 2010
Subject: Grain and Dry Bulk Commodity River Terminal
Date Issued: January 27, 2011
Location: 600 North Front Street, East St. Louis, St. Clair County

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

One (1) Truck Dump Pit with Baghouse Control;
One (1) Rail Dump Pit with Baghouse Control;
Internal Transfer - Enclosed;
One (1) Barge Load-out with Baghouse Control;
Grain Storage (2,114,262 Bushel Capacity);
One (1) 7,000 Bu/Hour Liquid Propane or Natural Gas or Distillate Fuel Oil-Fired (60.192 mmBtu/hour) Column Grain Dryer;
Barge Loadout Controlled by Baghouse;
Rail Loadout Controlled by Baghouse;
Truck Load-out with Socks; and
Dry Bulk Handling Dock

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

1a. This permit is issued based on the construction of the Grain and Dry Bulk Commodity River Terminal not constituting a new major source or major modification pursuant to Title I of the Clean Air Act, specifically 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The source has requested that the Illinois EPA establish emission limitations and other appropriate terms and conditions in this permit that limit the Particulate Matter (PM) and Particulate Matter less than 10 Microns(PM_{10}) emissions from the above-listed equipment below the levels that would trigger the applicability of these rules.

b. The above listed equipment may be operated under this construction permit for a period of twelve (12) months from the date of issuance above.

c. The Grain and Dry Bulk Commodity River Terminal shall not begin operation until construction, including construction of any air pollution control equipment, is complete and reasonable measures short of actual operation have been taken to verify proper operation.

2a. Pursuant to 35 Ill. Adm. Code 212.123(a), 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 35 Ill. Adm. Code 212.122.

b. Pursuant to 35 Ill. Adm. Code 212.123(b), the emission of smoke or other particulate matter from any such emission unit may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 meter (1000 foot) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period.

c. Pursuant to 35 Ill. Adm. Code 212.301, 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 toward the zenith at a point beyond the property line of the source.

d. Pursuant to 35 Ill. Adm. Code 212.321(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 which, 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 35 Ill. Adm. Code 212.321(c).

e. Housekeeping Practices. Pursuant to 35 Ill. Adm. Code 212.461(b), all grain-handling and grain-drying operations, regardless of size, must implement and use the following housekeeping practices:

i. Air pollution control devices shall be checked daily and cleaned as necessary to insure proper operation.

ii. Cleaning and Maintenance.

A. Floors shall be kept swept and cleaned from boot pit to cupola floor. Roof or bin decks and other exposed flat surfaces shall be kept clean of grain and dust that would tend to rot or become airborne.

B. Cleaning shall be handled in such a manner as not to permit dust to escape to the atmosphere.

C. The yard and surrounding open area, including but not limited to ditches and curbs, shall be cleaned to prevent the accumulation of rotting grain.

iii. Dump Pit.

A. Aspiration equipment shall be maintained and operated.

B. Dust control devices shall be maintained and operated.

iv. Head House. The head house shall be maintained in such a fashion that visible quantities of dust or dirt are not allowed to escape to the atmosphere.

v. Property. The yard and driveway of any source shall be asphalted, oiled or equivalently treated to control dust.

vi. Housekeeping Check List. Housekeeping check lists to be developed by the Illinois EPA shall be completed by the manager and maintained on the premises for inspection by Illinois EPA personnel.

f. Pursuant to 35 Ill. Adm. Code 212.462, unless otherwise exempted pursuant to 35 Ill. Adm. Code 212.461(c) or (d), or allowed to use alternate control according to 35 Ill. Adm. Code 212.461(g), existing grain-handling operations with a total annual grain through-put of 300,000 bushels or more shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall demonstrate compliance with the following:

i. Major Dump-Pit Area.

A. Induced draft shall be applied to major dump pits and their associated equipment (including, but not limited to, boots, hoppers and legs) to such an extent that a minimum face velocity is maintained, at the effective grate surface, sufficient to contain particulate emissions generated in unloading operations. The minimum face velocity at the effective grate surface shall be at least 200 fpm, which shall be determined by using the equation:

$$V = Q/A$$

where:

V = face velocity; and

Q = induced draft volume in scfm; and

A = effective grate area in ft^2; and

B. The induced draft air stream for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual

particulate collection efficiency of not less than 90 percent by weight; and

C. The induced draft air stream for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be confined and conveyed through air pollution control equipment which has an overall rated and actual particulate collection efficiency of not less than 98 percent by weight; and

D. Means or devices (including, but not limited to, quick-closing doors, air curtains or wind deflectors) shall be employed to prevent a wind velocity in excess of 50 percent of the induced draft face velocity at the pit; provided, however, that such means or devices do not have to achieve the same degree of prevention when the ambient air wind exceeds 25 mph. The wind velocity shall be measured, with the induced draft system not operating, at a point midway between the dump-pit area walls at the point where the wind exits the dump-pit area, and at a height above the dump-pit area floor of approximately 2 feet;

ii. Internal Transferring Area.

A. Internal transferring area shall be enclosed to the extent necessary to prohibit visible particulate matter emissions directly into the atmosphere.

B. Air contaminants collected from internal transfer operations for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be conveyed through air pollution control equipment which has a rated and actual particulate removal efficiency of not less than 98 percent by weight prior to release into the atmosphere.

iii. Watercraft Loading.

A. Particulate matter emissions generated during loading for grain-handling sources having a grain through-put of not more than 2 million bushels per year or located outside a major population area shall be captured in an induced draft air stream, which shall be ducted through air pollution control equipment that has a rated and actual particulate matter removal efficiency of not less than 90 percent by weight prior to release into the atmosphere.

B. Particulate matter emissions generated during loading for grain-handling sources having a grain through-put exceeding 2 million bushels per year and located in a major population area shall be captured in an induced draft air

stream, which shall be ducted through air pollution control equipment that has a rated and actual particulate removal efficiency of not less than 98 percent by weight prior to release into the atmosphere; except for the portion of grain loaded by trimming machines for which particulate matter emission reductions, at a minimum, shall equal the reduction achieved by compliance with 35 Ill. Adm. Code 212.462(d)(3)(A).

g. Pursuant to 35 Ill. Adm. Code 212.463(a), unless otherwise exempted pursuant to 35 Ill. Adm. Code 212.461(c) or (d) or allowed to use alternate control according to 35 Ill. Adm. Code 212.461(g), grain-drying operations for which construction or modification commenced prior to June 30, 1975, with a total grain-drying capacity in excess of 750 bushels per hour for 5 percent moisture extraction at manufacturer's rated capacity (using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers) shall be operated in such a fashion as to preclude the emission of particulate matter larger than 300 microns mean particle diameter, shall apply for an operating permit pursuant to 35 Ill. Adm. Code 201, and shall comply with the following:

Column Dryers. The largest effective circular diameter of transverse perforations in the external sheeting of a column dryer shall not exceed 0.094 inch, and the grain inlet and outlet shall be enclosed.

3a. Pursuant to 35 Ill. Adm. Code 214.122(b)(2), no person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel combustion source with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hour), burning liquid fuel exclusively to exceed 0.46 kg of sulfur dioxide per MW-hour of actual heat input when distillate fuel oil is burned (0.3 lbs/mmBtu).

b. Pursuant to 35 Ill. Adm. Code 214.301, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2000 ppm.

c. Pursuant to 35 Ill. Adm. Code 214.304, the emissions from the burning of fuel at process emission sources located in the Chicago or St. Louis (Illinois) major metropolitan areas shall comply with applicable 35 Ill. Adm. Code 214 Subparts B through F (i.e., 35 Ill. Adm. Code 214.122(b)).

4. This permit is issued based on the source not being subject to the New Source Performance Standards (NSPS) for Grain Elevators, 40 CFR 60 Subpart DD, because the permanent storage capacity is less than 88,100 m^3 (ca. 2.5 million U.S. bushels).

5a. Pursuant to 35 Ill. Adm. Code 212.314, 35 Ill. Adm. Code 212.301 shall not apply and spraying pursuant to 35 Ill. Adm. Code 212.304 through

212.310 and 35 Ill. Adm. Code 212.312 shall not be required when the wind speed is greater than 40.2 km/hour (25 mph). Determination of wind speed for the purposes of this rule shall be by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site. In cases where the duration of operations subject to this rule is less than one hour, wind speed may be averaged over the duration of the operations on the basis of on-site wind speed instrument measurements.

b. Pursuant to 35 Ill. Adm. Code 212.461(a), 35 Ill. Adm. Code 212.302(a), 212.321, and 212.322 shall not apply to grain-handling and grain-drying operations, portable grain-handling equipment and one-turn storage space.

6a. In the event that the operation of this source 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.

b. The baghouses shall be in operation at all times when the associated with the rail dump pits, truck dump pits, and the barge load-out are in operation and emitting air contaminants.

c. The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic maintenance on the baghouses such that the baghouses are kept in proper working condition and not cause a violation of the Illinois Environmental Protection Act or regulations promulgated therein.

d. Each dump pit shall be inspected for proper operation while receiving is occurring, at least once each week (Monday through Sunday) when grain is received.

e. The column grain dryer shall only be operated with liquid propane or natural gas or distillate fuel oil as the fuel. The use of any other fuel in the column grain dryer requires that the Permittee first obtain a construction permit from the Illinois EPA and then perform stack testing to verify compliance with all applicable requirements.

f. Each column dryer shall be inspected for any leaks in the enclosures and proper condition of the external sheeting, on at least an annual basis prior to the harvest season.

g. The column dryers shall be inspected for visible emissions in the exhaust while drying is occurring, at least once each week when a dryer is operated.

h. The grain elevator shall be inspected for presence of visible emissions from internal transfer and cleaning, while such activity is occurring, at least once each week when such activity is performed.

i. Grain load-out socks, sleeves or equivalent devices shall be inspected for proper operation while load-out is occurring, at least once each week when grain load-out is performed.

j. For purposes of this permit, dry bulk materials are considered to be materials like:

   i. Dry Distillers Grain Soluable (DDGS);

   ii. Dry Distillers Grain (DDG);

   iii. Soybean Meal;

k. This permit does not authorize physical changes to the facility to handle bulk materials. Any such physical change shall require a construction permit from the Illinois EPA.

l. This permit does not excuse the Permittee from obtaining other approvals that may be required from the Illinois EPA, Bureau of Land, or other state or federal agencies to handle a new dry bulk material.

m. The Permittee shall obtain a construction permit from the Illinois EPA prior to receipt and handling of a new dry bulk material that is not listed in Condition 6(j). The application shall include, but not be limited to:

   i. A description of the material to be handled;

   ii. The estimated annual amount of material to be handled;

   iii. Any additional work practices or control devices used to reduce emissions;

   iv. A copy of a Material Safety Data Sheet (MSDS) for the material to be handled, if available;

   v. Type(s) and description of emission control method(s) to be used, if any; and

   vi. The estimated potential emissions from the receipt, storage, and handling of the proposed new material including an indication whether the receipt, storage and handling of the proposed new material will result in an exceedance of the emission limits in Condition 7 of this permit. If the emission limits in Condition 7 will be exceeded by the receipt of a new material, the construction permit application shall request new emission limits for the new material.

n. The Permittee shall not keep, store or use distillate fuel oil (Grades No. 1 and 2) at this source with a sulfur content greater than the larger of the following two values:

i. 0.28 weight percent; or

ii. The wt. percent given by the formula: Maximum wt. percent sulfur = (0.00015) x (Gross heating value of oil, Btu/lb).

o. Organic liquid by-products or waste materials shall not be used in any emission unit at this source without written approval from the Illinois EPA.

p. The Illinois EPA shall be allowed to sample all fuels stored at the above location.

7a. Emissions from and operation of grain and dry bulk material handling operations shall not exceed the following limits:

PM_{10} Emissions		PM Emissions	
(Tons/Month)	(Tons/Year)	(Tons/Month)	(Tons/Year)
6.65	79.9	16.66	199.9

These limits are based on maximum material throughput, standard emission factors (Table 9.9-1, AP-42, Fifth Edition, Volume I, Update 2003, May 2003 and Table 9.11.1-1, AP-42, Fifth Edition, Volume I, Supplement B, October 1996), grain loading of the baghouses, exhaust flow rates of the baghouse houses, minimum capture efficiencies, and emissions calculated using the following formulas:

$$E = E_1 + E_2 + E_3 + E_4 + E_5 + E_6 + E_7 + E_8 + E_9 + E_{10} + E_{11} + E_{12} + E_{13} + E_{14} + E_{15} + E_{16} + E_{17} + E_{18} + E_{19} + E_{20} + E_{21} + E_{22}$$

Where:

E = Emissions from grain and dry bulk material handling operations (tons);

E_1 = Emissions from Rail Receiving Grain. Emissions shall be calculated using the following formula:

$$E_1 = [EF \times P_1 \times (1 - Capture/100) + P_1/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200553);
= 0.0078 lb PM_{10}/ton;
= 0.032 lb PM/ton;

P_1 = Rolling 12-Month Throughput of Grain Received by Rail (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1800 tons/hour;

Q = Exhaust Flow Rate;
= 24,600 dscfm;

L = Grain Loading from Baghouse;
= 0.00219 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_2 = Emissions from Rail Receiving Meal. Emissions shall be calculated using the following formula:

$$E_2 = [EF \times P_2 \times (1 - Capture/100) + P_2/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.11.1-1 (SCC 30200791);
= 0.1323 lb PM_{10}/ton (49% of PM per AP-42, Appendix B.1-36);
= 0.27 lb PM/ton;

P_2 = Rolling 12-Month Throughput of Meal Received by Rail (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1200 tons/hour;

Q = Exhaust Flow Rate;
= 24,600 dscfm;

L = Grain Loading from Baghouse;
= 0.00072 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_3 = Emissions from Rail Receiving DDGS. Emissions shall be calculated using the following formula:

E_3 = [EF x P_3 x (1 - Capture/100) + P_3/M x Q x L x k_1] x k_2

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200553);
= 0.0078 lb PM_{10}/ton;
= 0.032 lb PM/ton;

P_3 = Rolling 12-Month Throughput of DDGS Received by Rail (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1125 tons/hour;

Q = Exhaust Flow Rate;
= 24,600 dscfm;

L = Grain Loading from Baghouse;
= 0.00219 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_4 = Emissions from Truck Receiving Grain. Emissions shall be calculated using the following formula:

E_4 = [EF x P_4 x (1 - Capture/100) + P_4/M x Q x L x k_1] x k_2

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200551);
= 0.059 lb PM_{10}/ton;
= 0.18 lb PM/ton;

P_4 = Rolling 12-Month Throughput of Grain Received by Truck (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1800 tons/hour;

Q = Exhaust Flow Rate;
= 46,550 dscfm;

L = Grain Loading from Baghouse;
= 0.00219 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_5 = Emissions from Truck Receiving Meal. Emissions shall be calculated using the following formula:

$$E_5 = [EF \times P_5 \times (1 - Capture/100) + P_5/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.11.1-1 (SCC 30200791);
= 0.1323 lb PM_{10}/ton (49% of PM per AP-42, Appendix B.1-36);
= 0.27 lb PM/ton;

P_5 = Rolling 12-Month Throughput of Meal Received by Truck (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1200 tons/hour;

Q = Exhaust Flow Rate;
= 46,550 dscfm;

L = Grain Loading from Baghouse;
= 0.00072 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_6 = Emissions from Truck Receiving DDGS. Emissions shall be calculated using the following formula:

$$E_6 = [EF \times P_6 \times (1 - Capture/100) + P_6/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200552);
= 0.0078 lb PM_{10}/ton;
= 0.032 lb PM/ton;

P_6 = Rolling 12-Month Throughput of Grain Received by Truck (tons/12-months)

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1125 tons/hour;

Q = Exhaust Flow Rate;
= 46,550 dscfm;

L = Grain Loading from Baghouse;
= 0.00219 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_7 = Emissions from Barge Loading Grain. Emissions shall be calculated using the following formula:

$$E_7 = [EF \times P_7 \times (1 - Capture/100) + P_7/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200564);
= 0.0040 lb PM_{10}/ton;
= 0.016 lb PM/ton;

P_7 = Rolling 12-Month Throughput of Grain Shipped by Barge (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 75%;

M = Maximum Hourly Throughput Rate;
= 1800 tons/hour;

Q = Exhaust Flow Rate;
= 5,000 dscfm;

L = Grain Loading from Baghouse;
= 0.00119 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_8 = Emissions from Barge Loading Meal. Emissions shall be calculated using the following formula:

$$E_8 = [EF \times P_8 \times (1 - Capture/100) + P_8/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.11.1-1 (SCC 30200791);
= 0.1323 lb PM_{10}/ton (49% of PM per AP-42, Appendix B.1-36);
= 0.27 lb PM/ton;

P_8 = Rolling 12-Month Throughput of Meal Shipped by Barge (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 75%;

M = Maximum Hourly Throughput Rate;
= 1200 tons/hour;

Q = Exhaust Flow Rate;
= 5,000 dscfm;

L = Grain Loading from Baghouse;
= 0.00072 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_9 = Emissions from Barge Loading DDGS. Emissions shall be calculated using the following formula:

$$E_9 = [EF \times P_9 \times (1 - Capture/100) + P_9/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200564);
= 0.004 lb PM_{10}/ton;
= 0.016 lb PM/ton;

P_9 = Rolling 12-Month Throughput of DDGS Shipped by Barge (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1125 tons/hour;

Q = Exhaust Flow Rate;
= 5,000 dscfm;

L = Grain Loading from Baghouse;
= 0.00119 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{10} = Emissions from Rail Loading Grain. Emissions shall be calculated using the following formula:

$$E_{10} = [EF \times P_{10} \times (1 - Capture/100) + P_{10}/M \times Q \times L \times k_1] \times k_2$$

where:

EF = PM_{10} Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200563);
= 0.0022 lb PM_{10}/ton;
= 0.027 lb PM/ton;

P_{10} = Rolling 12-Month Throughput of Grain Shipped by Rail (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1800 tons/hour;

Q = Exhaust Flow Rate;
= 24,600 dscfm;

L = Grain Loading from Baghouse;
= 0.0012 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{11} = Emissions from Rail Loading Meal. Emissions shall be calculated using the following formula:

$E_{11} = [EF \times P_{11} \times (1 - Capture/100) + P_{11}/M \times Q \times L \times k_1] \times k_2$

where:

EF = Emission Factor from AP-42, Section 9.11.1-1 (SCC 30200791);
= 0.1323 lb PM_{10}/ton (49% of PM per AP-42, Appendix B.1-36);
= 0.27 lb PM/ton;

P_{11} = Rolling 12-Month Throughput of Meal Shipped by Rail (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1200 tons/hour;

Q = Exhaust Flow Rate;
= 24,600 dscfm;

L = Grain Loading from Baghouse;
= 0.00072 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{12} = Emissions from Rail Loading DDGS. Emissions shall be calculated using the following formula:

$E_{12} = [EF \times P_{12} \times (1 - Capture/100) + P_{12}/M \times Q \times L \times k_1] \times k_2$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200563);
= 0.0022 lb PM_{10}/ton;
= 0.027 lb PM/ton;

P_{12} = Rolling 12-Month Throughput of DDGS Shipped by Rail (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97%;

M = Maximum Hourly Throughput Rate;
= 1125 tons/hour;

Q = Exhaust Flow Rate;
= 24,600 dscfm;

L = Grain Loading from Baghouse;
= 0.0012 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{13} = Emissions from Truck Loading Grain. Emissions shall be calculated using the following formula:

$$E_{13} = EF \times P_{13} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200560);
= 0.029 lb PM_{10}/ton;
= 0.086 lb PM/ton;

P_{13} = Rolling 12-Month Throughput of Grain Shipped by Truck (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{14} = Emissions from Truck Loading Meal. Emissions shall be calculated using the following formula:

$$E_{14} = EF \times P_{14} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.11.1-1 (SCC 30200791);
= 0.1323 lb PM_{10}/ton (49% of PM per AP-42, Appendix B.1-36);
= 0.27 lb PM/ton;

P_{14} = Rolling 12-Month Throughput of Meal Shipped by Truck (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{15} = Emissions from Truck Loading DDGS. Emissions shall be calculated using the following formula:

$$E_{15} = EF \times P_{15} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200560):
= 0.029 lb PM_{10}/ton;
= 0.086 lb PM/ton;

P_{15} = Rolling 12-Month Throughput of DDGS Shipped by Truck (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{16} = Emissions from Grain Handling/Transfer. Emissions shall be calculated using the following formula:

$$E_{16} = [EF \times P_{16} \times (1 - Capture/100) + P_{16}/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200530);
= 0.034 lb PM_{10}/ton;
= 0.061 lb PM/ton;

P_{16} = Rolling 12-Month Throughput of Grain Received at Elevator (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97% (all but one conveyor/leg is completely enclosed - all conveyors/legs are baghouse controlled);

M = Maximum Hourly Throughput Rate;
= 1800 tons/hour;

Q = Exhaust Flow Rate;
= 40,300 dscfm;

L = Grain Loading from Baghouse;
= 0.00119 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;

= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{17} = Emissions from Meal Handling/Transfer. Emissions shall be calculated using the following formula:

$$E_{17} = [EF \times P_{17} \times (1 - Capture/100) + P_{17}/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200530). Meal dust emissions are typically 10 times that of grain dust emissions;
= 0.34 lb PM_{10}/ton;
= 0.61 lb PM/ton;

P_{17} = Rolling 12-Month Throughput of Meal Received at Elevator (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97% (all but one conveyor/leg is completely enclosed - all conveyors/legs are baghouse controlled);

M = Maximum Hourly Throughput Rate;
= 1200 tons/hour;

Q = Exhaust Flow Rate;
= 40,300 dscfm;

L = Grain Loading from Baghouse;
= 0.00076 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{18} = Emissions from DDGS Handling/Transfer. Emissions shall be calculated using the following formula:

$$E_{18} = [EF \times P_{18} \times (1 - Capture/100) + P_{18}/M \times Q \times L \times k_1] \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200530);
= 0.034 lb PM_{10}/ton;
= 0.061 lb PM/ton;

P_{18} = Rolling 12-Month Throughput of DDGS Received at Elevator (tons/12-months);

Capture = Capture Efficiency of the Aspiration;
= 97% (all but one conveyor/leg is completely enclosed - all conveyors/legs are baghouse controlled);

M = Maximum Hourly Throughput Rate;
= 1125 tons/hour;

Q = Exhaust Flow Rate;
= 40,300 dscfm;

L = Grain Loading from Baghouse;
= 0.00119 grain/dscf (from stack test data of similar unit);

k_1 = conversion factor from minutes to hours and grains to pounds;
= (60 min/hour x 1 lb/7000 grains);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{19} = Emissions from Grain Storage. Emissions shall be calculated using the following formula:

$$E_{19} = EF \times P_{19} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200540);
= 0.0063 lb PM_{10}/ton;
= 0.025 lb PM/ton;

P_{19} = Rolling 12-Month Throughput of Grain Received at Elevator (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{20} = Emissions from Meal Storage. Emissions shall be calculated using the following formula:

$$E_{20} = EF \times P_{20} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200540). Meal dust emissions are typically 10 times that of grain dust emissions;
= 0.063 lb PM_{10}/ton;
= 0.25 lb PM/ton;

P_{20} = Rolling 12-Month Throughput of Meal Received at Elevator (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{21} = Emissions from DDGS Storage. Emissions shall be calculated using the following formula:

$$E_{21} = EF \times P_{21} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200540):
= 0.0063 lb PM_{10}/ton;
= 0.025 lb PM/ton;

P_{21} = Rolling 12-Month Throughput of DDGS Received at Elevator (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

E_{22} = Emissions from Column Grain Dryer. Emissions shall be calculated using the following formula:

$$E_{22} = EF \times P_{22} \times k_2$$

where:

EF = Emission Factor from AP-42, Section 9.9.1-1 (SCC 30200527);
= 0.055 lb PM_{10}/ton
= 0.22 lb PM/ton;

P_{22} = Rolling 12-Month Throughput of Grain Dried (tons/12-months);

k_2 = conversion from lbs to tons;
= (1 ton/2000 lbs);

b. Emissions from the combustion of fuel in the column grain dryer shall not exceed the following limits:

Pollutant	Emissions (Lbs/Hour)	Emissions (Tons/Year)
Carbon Monoxide (CO)	5.06	22.15
Nitrogen Oxides (NO_x)	14.34	62.82
Particulate Matter (PM)	1.43	6.28
Sulfur Dioxide (SO_2)	17.09	74.87
Volatile Organic Material (VOM)	0.66	2.88

These limits are based on the maximum firing rate (60.192 mmBtu/hour), a heat content of 91.5 mmBtu/1000 gallons of propane, a maximum sulfur content of 5% for propane, a heat content of 1,000 Btu/scf for natural gas, a heat content of 140,000 Btu/gallon for distillate fuel oil, a maximum sulfur content of 0.28%, and 8,760 hours/year of operation. To determine compliance with the above limits, the following emission factors shall be used:

i. Emissions from the combustion of propane (Table 1.5-1, AP-42, Fifth Edition, Volume I, Updated, July 2008):

Pollutant	Emission Factor (Lbs/1000 gal)
Carbon Monoxide (CO)	7.5
Nitrogen Oxides (NO_x)	13.0
Particulate Matter (PM)	0.7
Sulfur Dioxide (SO_2)	0.5
Volatile Organic Material (VOM)	1.0

ii. Emissions from the combustion of natural gas (Tables 1.4-1 and 1.4-2, AP-42, Fifth Edition, Volume I, Supplement D, July 1998):

Pollutant	Emission Factor (Lbs/mmscf)
Carbon Monoxide (CO)	84
Nitrogen Oxides (NO_x)	100
Particulate Matter (PM)	7.6
Sulfur Dioxide (SO_2)	0.6
Volatile Organic Material (VOM)	5.5

iii. Emissions from the combustion of distillate fuel oil (Table 1.3-1, AP-42, Fifth Edition, Volume I, Supplement E Corrected, May 2010):

Pollutant	Emission Factor (lbs/1000 gal)
Carbon Monoxide (CO)	5
Nitrogen Oxides (NO_x)	20
Particulate Matter (PM)	2
Sulfur Dioxide (SO_2)	142 S
Volatile Organic Material (VOM)	0.2

S is the weight percent sulfur in the distillate fuel oil.

c. Compliance with the annual limits of this permit 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).

8. This permit is issued based on the Potential to Emit (PTE) for Hazardous Air Pollutants (HAP) as listed in Section 112(b) of the Clean Air Act from the source 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 to obtain a Clean Air Act Permit Program (CAAPP) Permit.

9a. Pursuant to 35 Ill. Adm. Code 201.282, every emission source or air pollution control equipment shall be subject to the following testing requirements for the purpose of determining the nature and quantities of specified air contaminant emissions and for the purpose of determining ground level and ambient air concentrations of such air contaminants:

i. Testing by Owner or Operator. The Illinois EPA may require the owner or operator of the emission source or air pollution control equipment to conduct such tests in accordance with procedures adopted by the Illinois EPA, at such reasonable times as may be specified by the Illinois EPA and at the expense of the owner or operator of the emission source or air pollution control equipment. The Illinois EPA may adopt procedures detailing methods of testing and formats for reporting results of testing. Such procedures and revisions thereto, shall not become effective until filed with the Secretary of State, as required by the APA Act. All such tests shall be made by or under the direction of a person qualified by training and/or experience in the field of air pollution testing. The Illinois EPA shall have the right to observe all aspects of such tests.

ii. Testing by the Illinois EPA. The Illinois EPA shall have the right to conduct such tests at any time at its own expense. Upon request of the Illinois EPA, the owner or operator of the emission source or air pollution control equipment shall provide, without charge to the Illinois EPA, necessary holes in stacks or ducts and other safe and proper testing facilities, including scaffolding, but excluding instruments and sensing devices, as may be necessary.

b. Testing required by Conditions 10 and 11 shall be performed upon a written request from the Illinois EPA by a qualified independent testing service.

10a. Pursuant to 35 Ill. Adm. Code 212.107, for both fugitive and nonfugitive particulate matter emissions, a determination as to the presence or absence of visible emissions from emission units shall be conducted in accordance with Method 22, 40 CFR Part 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 212.113, except that the length of the observing period shall be at the discretion of the observer, but not less than one minute. This Condition shall not apply to 35 Ill. Adm. Code 212.301, pursuant to 35 Ill. Adm. Code 212.107.

b. Pursuant to 35 Ill. Adm. Code 212.109, except as otherwise provided in 35 Ill. Adm. Code Part 212, and except for the methods of data reduction when applied to 35 Ill. Adm. Code 212.122 and 212.123, measurements of opacity shall be conducted in accordance with Method 9, 40 CFR Part 60, Appendix A, and the procedures in 40 CFR 60.675(c) and (d), if applicable, incorporated by reference in 35 Ill. Adm. Code 212.113, except that for roadways and parking areas the number of readings required for each vehicle pass will be three taken at 5-second intervals. The first reading shall be at the point of maximum opacity and second and third readings shall be made at the same point, the observer standing at right angles to the plume at least 15 feet away from the plume and observing 4 feet above the surface of the roadway or parking area. After four vehicles have passed, the 12 readings will be averaged, pursuant to 35 Ill. Adm. Code 212.109.

c. Pursuant to 35 Ill. Adm. Code 212.110(a), measurement of particulate matter emissions from stationary emission units subject to 35 Ill. Adm. Code Part 212 shall be conducted in accordance with 40 CFR Part 60, Appendix A, Methods 5, 5A, 5D, or 5E, pursuant to 35 Ill. Adm. Code 212.110(a).

d. Pursuant to 35 Ill. Adm. Code 212.110(b), the volumetric flow rate and gas velocity shall be determined in accordance with 40 CFR Part 60, Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, and 4, pursuant to 35 Ill. Adm. Code 212.110(b).

e. Pursuant to 35 Ill. Adm. Code 212.110(c), upon a written notification by the Illinois EPA, the owner or operator of a particulate matter emission unit subject to 35 Ill. Adm. Code Part 212 shall conduct the applicable testing for particulate matter emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Illinois EPA within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Illinois EPA, pursuant to 35 Ill. Adm. Code 212.110(c).

11a. Within 180 days of initial startup of the dump pits and the barge loadout, the overall control efficiency of the baghouses associated with the dump pits and barge loadout shall be measured during conditions which are representative of maximum emissions. These tests shall determine the PM emissions capture, removal and overall control efficiency to demonstrate compliance with 35 Ill. Adm. Code 212.462.

b. The following methods and procedures shall be used for testing of fugitive emissions from the dump pits with enclosures unless another method is approved by the Illinois EPA: Refer to 40 CFR Part 60, Appendix A, and 40 CFR Part 61, Appendix B, for USEPA test methods.

Location of Sample Points	USEPA Method 1
Gas Flow and Velocity	USEPA Method 2
Flue Gas Weight	USEPA Method 3
Moisture	USEPA Method 4

Particulate Matter	USEPA Method 5
Opacity	USEPA Method 9

c. At least 30 days prior to the actual date of testing, the Permittee shall submit a written test plan to the Illinois EPA, Compliance Section for review and approval. This plan shall describe the specific procedures for testing, including as a minimum:

i. The name (or other identification) of the emission unit(s) to be tested and the name and address of the facility at which they are located;

ii. The name and address of the independent testing service(s) performing the tests, with the names of the individuals who may be performing sampling and analysis and their experience with similar tests;

iii. The specific determinations of emissions and/or performance which are intended to be made, including the site(s) in the ductwork or stack at which sampling will occur;

iv. The specific conditions under which testing will be performed, including a discussion of why these conditions will be representative of the maximum emissions, maximum operating rate, the levels of operating parameters at or within which compliance is intended to be shown, if applicable, and the means by which the operating parameters for the emission unit will be determined;

v. The test method(s) which will be used, with the specific analysis method, if the method can be used with different analysis methods. The specific sampling, analytical and quality control procedures which will be used, with an identification of the standard methods upon which they are based;

vi. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justifications;

vii. Any proposed use of an alternative test method, with detailed justification; and

viii. The format and content of the Source Test Report.

d. The Permittee shall provide the Illinois EPA with written notification of testing at least thirty (30) days prior to testing to enable the Illinois EPA to have an observer present. This notification shall include the name of emission unit(s) to be tested, scheduled date and time, and contact person with telephone number.

e. If testing is delayed, the Permittee shall promptly notify the Illinois EPA by facsimile, at least five (5) days prior to the scheduled date of testing or immediately, if the delay occurs in the five (5) days prior

to the scheduled date. This notification shall also include the new date and time for testing, if set, or a separate notification shall be sent with this information when it is set.

f. The Permittee shall submit the Final Report(s) for these tests accompanied by a cover letter stating whether or not compliance was shown, to the Illinois EPA without delay, within 30 days after the results are compiled, but no later than 60 days after the date of testing or sampling. The Final Report shall include as a minimum:

i. General information describing the test, including the name and identification of the emission source which was tested, date of test, names of personnel performing the tests, and Illinois EPA observers, if any;

ii. A summary of results;

iii. Description of test procedures and method(s), including description and map of emission units and sampling points, sampling train, testing and analysis equipment, and test schedule;

iv. Detailed description of test conditions, including:

A. List and description of the equipment (including serial numbers or other equipment specific identifiers) tested and process information (i.e., mode(s) of operation, process rate/throughput, fuel or raw material consumption rate, and heat content of the fuels);

B. Control equipment information (i.e., equipment condition and operating parameters) during testing; and

C. A discussion of any preparatory actions taken, i.e., inspections, maintenance and repair.

v. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration. Identification of the applicable regulatory standards that the testing was performed to demonstrate compliance with, a comparison of the test results to the applicable regulatory standards, and a statement whether the test(s) demonstrated compliance with the applicable standards;

vi. An explanation of any discrepancies among individual tests, failed tests or anomalous data; and

vii. The results of all quality control evaluation, including a copy of all quality control data.

g. Satisfactory completion of this test so as to demonstrate compliance with applicable emission standards is a prerequisite to issuance of an

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

12. Pursuant to 35 Ill. Adm. Code 212.110(e), the owner or operator of an emission unit subject to 35 Ill. Adm. Code Part 212 shall retain records of all tests which are performed. These records shall be retained for at least three (3) years after the date a test is performed.

13a. The Permittee shall maintain monthly records of the following items so as to demonstrate compliance with the conditions of this permit:

i. Records of housekeeping check lists.

ii. Records addressing use of good operating practices for the baghouses:

A. Vendor recommendations for maintenance and repair of the air pollution control equipment at the facility and be available for inspection and copying by the Illinois EPA.

B. Records for periodic inspection of the baghouses with date, individual performing the inspection, and nature of inspection; and

C. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.

ii. Records of housekeeping check lists completed by the elevator manager.

iii. Records for the inspections required by Conditions 6(d), (f), (g), (h) and (i), with date, time and observations if such information is not incorporated in the housekeeping check list.

iv. Amount of grain received by rail, tons/month and tons/year (running total);

v. Amount of meal received by rail, tons/month and tons/year (running total);

vi. Amount of DDGS received by rail, tons/month and tons/year (running total);

vii. Amount of grain received by truck, tons/month and tons/year (running total);

viii. Amount of meal received by truck, tons/month and tons/year (running total);

ix. Amount of DDGS received by truck, tons/month and tons/year (running total);

x. Amount of grain shipped by barge, tons/month and tons/year (running total);

xi. Amount of meal shipped by barge, tons/month and tons/year (running total);

xii. Amount of DDGS shipped by barge, tons/month and tons/year (running total);

xiii. Amount of grain shipped by barge, tons/month and tons/year (running total);

xiv. Amount of meal shipped by barge, tons/month and tons/year (running total);

xv. Amount of DDGS shipped by barge, tons/month and tons/year (running total);

xvi. Amount of grain shipped by rail, tons/month and tons/year (running total);

xvii. Amount of meal shipped by rail, tons/month and tons/year (running total);

xviii. Amount of DDGS shipped by rail, tons/month and tons/year (running total);

xiv. Amount of grain shipped by truck, tons/month and tons/year (running total);

xx. Amount of meal shipped by truck, tons/month and tons/year (running total);

xxi. Amount of DDGS shipped by truck, tons/month and tons/year (running total);

xxii. Monthly and annual PM, and PM_{10}, emissions from the source with supporting calculations (tons/month and tons/year).

xxiii. Total grain received, (bushels/month and bushels/year) running total of 12 months of data;

xxiv. Grain dried, (tons/month and tons/year) running total of 12 months of data;

xxv. Distillate fuel oil consumption of the column grain dryer (gallons/month and gallons/year);

xxvi. Certification from the fuel supplier of weight percent sulfur content of each fuel shipment received;

xxvii. Propane consumption of the column grain dryer (gallons/month and gallons/year);

xxviii. Natural gas consumption of the column grain dryer (mmscf/month and mmscf/year); and

xxviv. Monthly and annual CO, NO_x, PM and PM_{10}, SO_2, and VOM emissions from the source with supporting calculations (tons/month and tons/year).

b. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least five (5) years from the date of entry and shall be available for inspections and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer storage device) 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 or USEPA request for records during the course of a source inspection.

14. Pursuant to 35 Ill. Adm. Code 212.110(d), a person planning to conduct testing for particulate matter emissions to demonstrate compliance shall give written notice to the Illinois EPA of that intent. Such notification shall be given at least thirty (30) days prior to the initiation of the test unless a shorter period is agreed to by the Illinois EPA. Such notification shall state the specific test methods from 35 Ill. Adm. Code 212.110 that will be used.

15a. If there is an exceedance of or a deviation from 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 or deviation. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedances or deviation and efforts to reduce emissions and future occurrences.

b. 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
2009 Mall Street
Collinsville, Illinois 62234

It should be noted that during the analysis of this permit application, it was determined that your facility has the potential to emit more than 100 tons per year of particulate matter of less than ten microns PM_{10} and will be classified as a major source under the Clean Air Act Permit Program (CAAPP). To avoid the CAAPP permitting requirements, you may want to consider applying for a Federally Enforceable State Operating Permit (FESOP).

A FESOP is an operating permit containing federally enforceable limits in the form of permit conditions which effectively restrict the potential emissions of a source to below major source thresholds, thereby excluding the source from the CAAPP. The necessary application forms are available on the Illinois EPA's website at http://www.epa.state.il.us/air/caapp/permit-forms.html.

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

Edwin C. Bakowski, P.E. Date Signed: _____
Manager, Permit Section
Division of Air Pollution Control

ECB:MJD:psj

cc: Region 3

ADDENDUM TO THE CONSTRUCTION PERMIT APPLICATION

Terminal Grain Elevator Project

SCF Development, LLC
East Saint Louis, Illinois

January 17, 2011

Per a phone conversation with Mike Dragovich, the permit engineer working on the draft construction permit for this project, I am providing the following information as an addendum to the construction permit application.

1) A list of emission units to be listed in the construction permit.
2) A description of how throughput will be limited in order to demonstrate compliance with the requested annual PM-10 emission limit of 79.9 tons per year.
3) A list of records that will be kept that will allow the facility to demonstrate compliance with the limits described in 2) above.

List of Emission Units to be Listed in the Construction Permit

One (1) Rail Receiving Dump Pit with Baghouse Control;
Two (2) Truck Receiving Dump Pits with Baghouse Control;
One (1) Barge Loadout Shipping Station with Baghouse Control;
One (1) Rail Loadout Shipping Station with Baghouse Control;
One (1) Truck Loadout Shipping Station with Enclosure and Dust Control Spout;
Material Handling and Transfer Equipment – Enclosed except River Conveyor Belt which is Covered – All Material Handling and Transfer Equipment is Aspirated with Baghouse Control;
Permanent Material Storage (2,114,262 bushel capacity)
Temporary Ground Pile Storage (1,500,000 bushel capacity)
One Column Grain Dryer (7,000 bushel/hour) Capable of Burning Natural Gas, Propane, or Distillate Fuel Oil with a Maximum Heat Input Rating of 60.192 MMBtu/hr.

PM-10 Emission Limit of 79.9 tons per year Compliance Demonstration

Emissions and operations of the East St Louis elevator shall not exceed 79.9 tons/year of PM-10.

Throughput and operation shall be limited such that $\sum_{n=1}^{24} E_n$ is less than 79.9 tons in any 12-month period.

EP-01a
Rail Receiving Grain

$$\mathbf{E_1 = [EF \times P_1 \times (1\text{-}Capture/100) + P_1/M \times Q \times L \times k_1] \times k_2}$$

where
EF = PM-10 Emission Factor = 0.0078 lb/ton (from AP-42, Section 9.9.1-1, SCC 30200553)
P_1 = 12-Month Throughput of Grain Received by Rail (tons/12-months)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SCF DEVELOPMENT, LLC, Petitioner, v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	PCB No. 11-_____ (Air Permit Appeal)

MOTION TO STAY THE EFFECTIVENESS OF CERTAIN CONTESTED PERMIT CONDITIONS

NOW COMES Petitioner, SCF DEVELOPMENT, LLC ("SCF"), a Delaware Limited Liability Company, by and through its attorneys, HODGE DWYER & DRIVER, pursuant to Section 10-65(b) of the Illinois Administrative Procedure Act (5 ILCS 100/10-65(b)) and pursuant to the Illinois Pollution Control Board's ("Board") authority to grant discretionary stays of permit conditions (*see, e.g., Community Landfill Co. and City of Morris v. Illinois EPA*, PCB Nos. 01-48 and 01-49 (Ill.Pol.Control.Bd. Oct. 19, 2000)), and hereby moves the Board to stay the effectiveness of the contested conditions of the Construction Permit at issue in this matter.

In support of this Motion, SCF states as follows:

1. On January 27, 2011, without allowing SCF an opportunity to review a draft, the Illinois Environmental Protection Agency ("Illinois EPA") issued a Construction Permit to SCF for construction of the proposed grain and dry bulk commodity river terminal ("Grain and Dry Bulk Commodity Terminal"). *See* Petition for Review.

2. Today, SCF filed simultaneously with this Motion a timely Petition for Review ("Petition") regarding the Construction Permit.

3. The Board may grant a stay of contested permit conditions where a petitioner has requested such a stay. *See, e.g., Midwest Generation, LLC Will County Generating Station v. Illinois EPA*, PCB No. 06-156 (Ill.Pol.Control.Bd. July 20, 2006) (granting a request for a partial stay of construction permit conditions), *North Shore Sanitary District v. Illinois EPA*, PCB No. 03-146 (Ill.Pol.Control.Bd. Mar. 20, 2003) (granting Petitioner's Motion to Stay Condition 1 pending the outcome of the appeal), *Hartford Working Group v. Illinois EPA*, PCB No. 05-74 (Ill.Pol.Control.Bd. Nov. 18, 2004) (granting Petitioner's Motion to Stay Effectiveness of Special Condition 2.0 until the Board takes final action in the appeal).

4. A stay of effectiveness of Permit Conditions 1b., 6b., 6c., 6d., 6f., 6g., 6h., 6i., 6j., 6k., 7a. and 11a., of the Construction Permit issued to SCF on January 27, 2011, is needed to prevent irreparable harm to SCF. Further, a stay is necessary to protect SCF's right to appeal permit conditions. That is, SCF's appeal would be rendered meaningless if it must comply with these provisions while its appeal is pending. Finally, no adequate remedy exists at law, and SCF has a probability of success on the merits. *See* Petition for Review.

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

WHEREFORE, Petitioner, SCF DEVELOPMENT, LLC, moves the Illinois Pollution Control Board to grant a Stay of Effectiveness of Permit Conditions 1b., 6b., 6c., 6d., 6f., 6g., 6h., 6i., 6j., 6k., 7a. and 11a. of SCF's January 27, 2011 Construction Permit until the Board's final action in this matter.

Respectfully submitted,

SCF DEVELOPMENT, LLC,
Petitioner,

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Dated: March 2, 2011

Katherine D. Hodge
Lauren C. Lurkins
HODGE DWYER & DRIVER
3150 Roland Avenue
Post Office Box 5776
Springfield, Illinois 62705-5776
(217) 523-4900

BUNG:022/Fil/Motion to Stay Effectiveness of Contested Permit Conditions