

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

TIGER DRYLAC USA, INC.)	
Petitioner,)	PCB 2021- ____
)	
v.)	
)	Air – Ninety Day Extension
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING

To: Crystal Myers-Wilkins
Crystal.Myers-Wilkins@Illinois.gov
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Avenue East
Springfield, IL 62794-9276

PLEASE TAKE NOTICE THAT I have today filed with Don Brown, Clerk of the Illinois Pollution Control Board, the attached APPEARANCE of the Petitioner, TIGER Drylac USA, Inc. and JOINT REQUEST FOR EXTENSION OF TIME PERIOD TO APPEAL LIFETIME OPERATING PERMIT of both the Petitioner and Respondent, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,
ICE MILLER LLP

DATED: April 13, 2021

By: /s/ Thomas W. Dimond
Thomas W. Dimond
thomas.dimond@icemiller.com
ICE MILLER LLP
200 West Madison Street, Suite 3500
Chicago, IL 60606
(312) 726-7125
Attorney for Petitioner

CERTIFICATE OF E-MAIL SERVICE

The undersigned attorney certifies that he served copies of the foregoing NOTICE OF FILING and the JOINT REQUEST FOR EXTENSION OF TIME PERIOD TO APPEAL LIFETIME OPERATING PERMIT to the above-listed parties, by sending a copy to the email addresses designated above on or before 5:00 pm on April 13, 2021.

/s/ Thomas W. Dimond
Attorney for Petitioner

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PROTECTION AGENCY,)	
)	
Respondent.)	

APPEARANCE

I, Thomas W. Dimond, hereby file my appearance in this proceeding on behalf of
Petitioner, TIGER Drylac USA, Inc.

Respectfully submitted,

ICE MILLER LLP

Dated: April 13, 2021

By: /s/ Thomas W. Dimond

Thomas W. Dimond
thomas.dimond@icemiller.com
ICE MILLER LLP
200 West Madison Street
Suite 3500
Chicago, IL 60606
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Attorney for Petitioner

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**JOINT REQUEST FOR EXTENSION OF TIME PERIOD TO APPEAL
LIFETIME OPERATING PERMIT**

NOW COMES the Petitioner, TIGER DRYLAC USA, INC. (“Petitioner”), by and through its undersigned counsel, and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through one of its attorneys, and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (“Act”) (415 ILCS 5/40(a)(1)) and the Illinois Pollution Control Board’s (“Board”) rules at 35 Ill. Adm. Code 201.143, 105.206 and 105.208, hereby respectfully request that the Board grant an additional ninety (90) day extension of the 35-day period to petition for an appeal of Lifetime Operating Permit No. 09120032. In support thereof, the Petitioner and Illinois EPA state as follows:

1. On March 9, 2021, the Illinois EPA issued a final determination of the Lifetime Operating Permit No. 09120032 to the Petitioner. *See* Exhibit A.
2. On or about March 12, 2021, the Petitioner was served Illinois EPA’s final determination for Lifetime Operating Permit No. 09120032.
3. Pursuant to Section 40(a)(1) and 35 Ill. Adm. Code 105.206, the Petitioner currently has until April 16, 2021, to file an appeal of the Illinois EPA’s final determination on the permit.

4. On April 9, 2021, Petitioner requested by email that Illinois EPA agree to extend the 35-day period for an appeal for an additional 90 days, up to and including July 15, 2021.

5. The additional time requested by the parties may eliminate the need for an appeal in this matter or, in the alternative, allow the parties to identify and limit the issues to be addressed at any appeal hearing that may be necessary to resolve this matter.

6. Respondent has reviewed the request for a 90-day extension of the appeal period and agrees with the contents of this request.

WHEREFORE, for the above reasons, the parties respectfully request that the Board grant a 90-day extension of the 35-day period to petition for any appeal of Lifetime Operating Permit No. 09120032 up to and including July 15, 2021.

Dated: April 13, 2021

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

TIGER DRYLAC USA, INC.

Respondent,

Petitioner,

By: /s/ Crystal Myers-Wilkins (with consent)
Crystal Myers-Wilkins
Crystal.Myers-Wilkins@Illinois.gov
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 N. Grand Ave. East
Springfield, IL 62794-9276
Telephone: (217) 782-5544

By: /s/ Thomas W. Dimond
Thomas W. Dimond
thomas.dimond@icemiller.com
Ice Miller LLP
200 West Madison Street
Suite 3500
Chicago, IL 60606
Telephone: (312) 726-7125

EXHIBIT A



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/785-1705

LIFETIME OPERATING PERMIT - REVISED

PERMITTEE

TIGER Drylac USA, Inc.
Attn: Brent Caldwell
3865 and 3945 Swenson Ave.
St. Charles, Illinois 60174

Application No.: 09120032

I.D. No.: 089483ADI

Applicant's Designation:

Date Received: December 10, 2020

Subject: Powder Coating Manufacturing

Date Issued: March 09, 2021

Expiration Date: See Condition 1

Location: 3865 and 3945 Swenson Ave, St. Charles, Kane County

This permit is hereby granted to the above-designated Permittee to OPERATE emission unit(s) and/or air pollution control equipment consisting of nine (9) powder coating manufacturing process lines including grinding and mixing stations (TDU_EX #01, 02, 11, 12, 31, 32, 33, 51, and 52) controlled by Cyclone and Baghouse, pursuant to the above-referenced application. This permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. This operating permit shall expire 180 days after the Illinois EPA sends a written request for the renewal of this permit.
- b. This permit shall terminate if it is withdrawn or is superseded by a revised permit.
2. The Permittee shall obtain appropriate construction permits for any future construction or emission units or air pollution control equipment and also request revision of this permit unless such emission unit is exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146.
- 3a.
 - i. The powder coating manufacturing process lines are subject to 35 Ill. Adm. Code Part 212 Subpart B (Visible Emissions). 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 and except as provided in 35 Ill. Adm. Code 212.123(b).
 - ii. 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

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

during any 60 minute period shall occur from only one such emission unit located within a 305 m (1000 ft) 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.

- b. The source is subject to 35 Ill. Adm. Code Part 212 Subpart K (Fugitive Particulate Matter). 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 (that is, looking at the sky directly overhead) from a point beyond the property line of the emission source, except as provided in 35 Ill. Adm. Code 212.314.
- c. The powder coating manufacturing process lines are subject to 35 Ill. Adm. Code Part 212 Subpart L (Particulate Matter Emissions from Process Emission Units). Pursuant to 35 Ill. Adm. Code 212.321(a), except as further provided in 35 Ill. Adm. Code Part 212, 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).
- 4a. Emissions and operation of the nine powder coating manufacturing processing lines shall not exceed the following limits:

Throughput		PM Emissions	
(Tons/Mo)	(Tons/Yr)	(Tons/Mo)	(Tons/Yr)
1,152.06	11,520.63	2.64	26.46

These limits are based on maximum production, cyclone efficiency of 90% and dust collection efficiency of 98%, maximum operating hours (8760 hours per year), and the information provided in the permit application.

- b. Compliance with 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).
- 5a. The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic inspections and maintenance on the equipment covered under this permit such that the equipment be kept in proper working condition and not cause a violation of the Environmental Protection Act or regulations promulgated therein.
- b. Pollution control devices shall be in operation at all times when the associated emission unit(s) is in operation and emitting air contaminants.

Page 3

- c. In the event that the operation of this emission source results in an odor nuisance, the Permittee shall take appropriate and necessary actions to minimize odors, including but not limited to, changes in material or installation of controls, in order to eliminate the odor nuisance.
- 6. The Permittee shall notify the Illinois EPA in writing prior to any modification, replacement or addition of equipment, including any change in mode of operation, type or amounts of raw materials used or fuel burned.
- 7a. 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 Condition 8 shall be performed upon a written request from the Illinois EPA by a qualified independent testing service.
- 8a. 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

Page 4

within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Illinois EPA.

- b. 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.
9. The Permittee shall maintain records of the following items so as to demonstrate compliance with the conditions of this permit:
 - a. Records addressing use of good operating practices for the cyclone and baghouse dust collector:
 - i. Records for periodic inspection of cyclone and baghouse with date, individual performing the inspection, and nature of inspection; and
 - ii. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.
 - b. Material throughput for each process line (tons/month and tons/year); and
 - c. Monthly and annual PM/PM10 emissions (tons/month and tons/year) from the source with supporting calculations.
10. All records and logs required by Condition 9 of this permit shall be retained at a readily accessible location at the source for at least three (3) years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer 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.
11. 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.
12. If there is an exceedance of or deviation from the requirements of this permit as determined by the records required by this permit or otherwise, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance/deviation. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant

Page 5

records, and a description of the exceedance or deviation and efforts to reduce emissions and future occurrences.

13. 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
Field Operation Section
9511 West Harrison
Des Plaines, Illinois 60016

14. Persons with lifetime operating permits must obtain a revised permit for any of the following changes at the source:

- a. An increase in emissions above the amount the emission unit or the source is permitted to emit;
- b. A modification;
- c. A change in operations that will result in the source's noncompliance with conditions in the existing permit; or
- d. A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

It should be noted that this permit has been revised, as requested by the Permittee, to address addition of four (4) new powder coating manufacturing process lines at the source and as a result the source is no longer eligible to operate under the Registration of Smaller Source (ROSS program, pursuant to 35 Ill. Adm. Code 201.175.

If you have any questions about this permit, please contact Madeleine McDonald at 217/785-1705.



William D. Marr
Manager, Permit Section
Bureau of Air

WDM:MM:tan



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

STANDARD CONDITIONS
FOR
LIFETIME OPERATING PERMITS

July 1, 1998

The Illinois Environmental Protection Act [415 ILCS 5/39 (formerly Illinois Revised Statutes, Chapter 111-1/2, Section 1039)] grants the Illinois Environmental Protection Agency authority to impose conditions on permits which it issues.

1. The issuance of this permit does not release the Permittee from compliance with state and federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or with applicable local laws, ordinances and regulations.
2. The Illinois EPA has issued this permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation under 35 Ill. Adm. Code 201.166.
3.
 - a. The Permittee shall not authorize, cause, direct or allow any modification, as defined in 35 Ill. Adm. Code 201.102, of equipment, operations or practices which are reflected in the permit application as submitted, until the appropriate permit is obtained from the Illinois EPA.
 - b. The Permittee shall obtain a new or revised permit under Section 39.5 of the Act, if the source no longer meets the applicability criteria of 35 Ill. Adm. Code 201.169 because of changes in emission units or control equipment.
 - c. The Permittee shall obtain a revised permit prior to any of the following changes to the source:
 - i. An increase in emissions above the amount the emission unit or the source is permitted to emit; or
 - ii. A modification; or
 - iii. A change in operation that will result in the source's noncompliance with a condition in the existing permit; or
 - iv. A change in ownership, company name, or address, so that the application is no longer accurate.
4.
 - a. This permit only covers emission units and control equipment while physically present at the indicated source location. Unless the permit specifically provides for equipment relocation, this permit is void for an item of equipment on the day it is removed from the permitted location or if all equipment is removed.
 - b. The Permittee shall notify the Illinois EPA in writing to withdraw the Permit if all operations at the source have been permanently discontinued.

5. The Permittee shall allow any duly authorized agent of the Illinois EPA, 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 emission 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.
6. 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 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 facilities;
 - c. Does not take into consideration or attest to the structural stability of any unit or part of the project; and
 - d. In no manner implies or suggests that the Illinois EPA (or its officers, agents, or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or source.
7. The Permittee shall maintain all equipment covered under this permit in such a manner that the performance of such equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.
8. The Permittee shall maintain a maintenance record on the premises for each item of air pollution control equipment. These records shall be made available to any agent of the Illinois EPA at any time during normal working hours and/or operating hours. At a minimum, this record shall show the dates of performance and nature of preventative maintenance activities.
9. No person shall cause or allow startup of any emission unit or continued operation during malfunction or breakdown of any emission unit or related air pollution control equipment if such startup or continued operation would cause a violation of an applicable emission standard or permit limitation if such operation is not allowed as a special condition of this Permit, as required by 35 Ill. Adm. Code 201.149.
10. The Permittee shall submit an Annual Emission Report as required by 35 Ill. Adm. Code 201.302 and 35 Ill. Adm. Code Part 254.
11. The Permittee shall pay the annual site fee for the source in accordance with Section 9.5 of the Act.