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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

APR 06 2005

STATE OF ILLINOIS
Pollution Control Board

U. S. MINERALS, LLC,)
)
Petitioner,)
)
vs.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. 05-182
(Permit Appeal - Air)

PETITION FOR REVIEW OF PERMIT DECISION

NOW COMES the Petitioner, U. S. MINERALS, LLC (hereafter "Petitioner" or "U. S. Minerals"), by and through its attorneys, Howard & Howard Attorneys, P.C., and pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (the "Act"), 415 ILCS 5/40(a)(1) and 35 Ill. Adm. Code, Part 105, Subpart B, hereby requests review by the Illinois Pollution Control Board ("Board") of the final decision by the Respondent, the Illinois Environmental Protection Agency (the "Agency" or "IEPA"), to include certain terms and conditions in the Lifetime Operating Permit – Revised issued for Petitioner's coal combustion byproduct processing facility located near Coffeen, Illinois.. In support of its Petition, the Petitioner states as follows:

1. Petitioner, U. S. MINERALS, LLC, an Indiana Limited Liability Company authorized to do business in the State of Illinois, operates an existing coal combustion byproduct processing facility located at the common address of 796 CIPS Trail, Coffeen, Illinois in rural Montgomery County (hereafter "Coffeen facility").

2. In January 2002, the Petitioner acquired the Coffeen facility as an ongoing concern. The Petitioner did not construct the Coffeen facility, install the coal combustion

byproduct processing equipment, place the byproduct storage piles or construct any of the other air pollutant emission sources currently located at the facility. The Coffeen facility was operating under the authority of Joint Construction and Operating Permit No. 98070091 issued on September 16, 1998 to the previous owner and operator of the Coffeen facility

3. On January 9, 2003, Petitioner filed with the IEPA its Application for Operating Permit for the existing Coffeen facility to provide notification of the change of facility ownership and to correct the list of processing equipment included in the 1998 Joint Construction and Operating Permit.

4. On or about March 2, 2005, Mr. Donald E. Sutton, P.E., Manager of the Permit Section, Division of Air Pollution Control for the IEPA, approved Petitioner's Application for Operating Permit and issued *Lifetime Operating Permit - Revised* No. 980700091 for the Coffeen facility. A copy of *Lifetime Operating Permit - Revised* No. 98070091 (hereafter "Operating Permit"), is attached to this Petition as Exhibit 1. (Note: The Operating Permit was not accompanied by a cover letter so there is some uncertainty as to the exact date of the final permit decision by Mr. Sutton; the Operating Permit itself identifies March 2, 2005 as the "Date Issued.").

5. Petitioner received the Operating Permit on March 7, 2005 via regular U. S. Mail service. Accordingly, the instant *Petition for Review of Permit Decision* is timely filed in accordance with Illinois Pollution Control Board Rules 105.206 (35 Ill. Adm. Code Section 105.206) and Section 40(a)(1) of the Illinois Environmental Protection Act [415 ILCS 5/40(a)(1)].

6. **Permit Condition No. 7** – The Operating Permit includes in Condition No. 7 a limitation of 8 pounds/hour on the emissions of volatile organic matter ("VOM") emissions

from “any emission source” at the Coffeen facility. However, the Operating Permit also includes in Condition No. 11.b. a VOM emission limitation specifically applicable to the rotary dryer, the only combustion source at the Coffeen facility. Petitioner does not use volatile organic compounds or photo-chemically reactive materials in its coal combustion byproduct processing operations. Since the Operating Permit includes a more stringent limitation on the emissions of VOM from the rotary dryer and there are no VOM emissions from the other processes at the facility, this Permit Condition No. 7 should be deleted. Permit Condition No. 7 is not necessary to accomplish the purposes of the Act and Board regulations and therefore, must be deleted from the Operating Permit. In the alternative, the Operating Permit should be clarified to specify the VOM emission limitation applicable to each process or emissions source at the Coffeen facility.

7. **Permit Condition No. 9** - The requirements included in subsections (b) through (f) or Permit Condition No. 9 are taken almost verbatim from the Board’s regulations at Sections 212.304 through 212.308 and 212.315. Those regulations are applicable to major sources of particulate matter (“PM”) emissions, *i.e.* sources emitting 100 tons/year, where such sources would have significant fugitive PM emissions from storage piles and material handling operations exceeding 50 tons/year. These regulations are designed for mining operations or facilities such as large coal-fired power plants or Portland cement plants with high rates of material throughput and conveyance. Petitioner’s Coffeen facility does not fall into the same category as these large PM pollution sources for which the fugitive dust regulations were developed. Permit Condition No. 9 is not necessary to accomplish the purposes of the Act and Board regulations and therefore, must be deleted from the Operating Permit. The use of a Fugitive Dust Control Plan that is subject to IEPA approval (and future revision should problems

develop), has been in the past and will in the future ensure compliance with 35 Ill. Admin. Code Section 212.301 at the existing Coffeen facility.

8. **Permit Condition No. 11.a** – Permit Condition 11.a of the Operating Permit includes limitations on “throughput” and PM emissions based on the allowable “throughput” rate. The “throughput” or production rate is not the maximum facility production or output rate and is not representative of facility operations. The production rate stated in Permit Condition No. 11.a is the average rate of material conveyed into the rotary dryer that was measured during compliance testing completed by Petitioner not the maximum rate. Moreover, the maximum allowable “throughput” rate fails to consider differences in raw material bulk density and the variable moisture content of the raw material processed during the course of a calendar year which are significant variables that affect plant output. Additionally, not all coal combustion byproduct is processed in the Rotary Dryer and therefore should not be included in a limitation on total plant production output. Permit Condition No. 11.a is not necessary to accomplish the purposes of the Act and Board regulations and therefore, must be deleted from the Operating Permit.

9. **Permit Condition No. 14** - The Operating Permit includes in Condition No. 14 detailed and comprehensive requirements to install, operate, maintain and generated detailed continuous operational records for a device or system to monitor for broken bags in the two existing baghouses. At this existing facility, Petitioner has maintained a procedure for visual inspections of the baghouse equipment on a daily basis. That procedure has been and will continue to be more effective than reliance on an automated broken bag detection system, even if such equipment were available for the baghouse systems currently at the facility. Combined with visual observations of the exhaust from the baghouse stacks, visual inspections of the

integrity of the bags allows the Permittee to arrange for periodic replacements of deteriorated or defective bags on a more frequent and effective basis than vendor recommendations or based on pressure drop across the bags. The requirements of Permit Condition No. 14 to install, operate, maintain and keep detailed operational records for a "broken bag detection" system Permit are in excess of what is required by the controlling state regulations, are not supported by the administrative record of the permit decision and impose an unreasonable burden on the Petitioner for no additional assurance of compliance or environmental benefit. The requirements of Permit Condition No. 14 are not necessary to accomplish the purposes of the Act and Board regulations and therefore, these requirements should be deleted from the final Operating Permit.

10. **Permit Conditions No. 9, 13, 14, 15, 16 and 17** – The Operating Permit includes numerous, duplicative requirements to conduct extensive monitoring of PM emissions from point sources and fugitive dust sources, to conduct frequent inspections of PM point sources and fugitive dust sources and associated control equipment, to maintain detailed records of such monitoring and inspections and to submit frequent reports to the IEPA. The monitoring, inspection, record keeping and reporting requirements included in the Operating Permit are in excess of what is required by the controlling state regulations, are not supported by the administrative record of the permit decision and impose an unreasonable burden on the Petitioner for no additional assurance of compliance or environmental benefit.

Reed Minerals owns and operates a similar coal combustion byproduct processing facility located near Pawnee, Illinois pursuant to the authority of Lifetime Operating Permit No. 85120005 (Facility ID # 021814AAE). The Operating Permit for Reed Minerals' Pawnee facility does not include the same type of stringent conditions on fugitive dust control that have been included in the Operating Permit for Petitioner's Coffeen facility. In issuing operating

permits to similar sources of air pollutant emissions, the Agency is not applying the Board's substantive rules and requirements of the Act equally and equitably. In the exercise of the powers granted to it by the Act, IEPA is subject to the constitutional command of equal protection of the laws, which means equal rights for all similarly situated. Therefore, IEPA must execute the law committed to it fairly and honestly and treat everyone alike according to the standards and rules of action prescribed. Failure in this respect, which extends beyond the rudimentary requirements of fair play, amounts to unreasonable and arbitrary action.

The monitoring, inspection, record keeping and reporting requirements included in the Operating Permit impose significant administrative and financial burdens on the Petitioner. The additional burdens placed on Petitioner would not contribute to a reduction in emissions or enhancement of the existing compliance monitoring methods. The monitoring, inspection, record keeping and reporting requirements included in Permit Conditions No. 9, 13, 14, 15, 16 and 17 are not necessary to accomplish the purposes of the Act and Board regulations and therefore, these requirements should be deleted from the final Operating Permit.

Closing Statements or Notations - The Operating Permit includes three separate paragraphs or notations set forth at the very end of the permit document. (See Page 11 of the Operating Permit). The first statement attempts to summarize the requirements of the Operating Permit and also alleges the existence of "previously un-permitted equipment" at the Coffeen facility. This statement is not a permit condition and should not be included in the final Operating Permit. Additionally, it is factually incorrect in several respects. The facility was operating under the authority of Joint Construction And Lifetime Operating Permit No. 98070091 and subsequent applications requesting corrections of the existing permit.

The second paragraph includes references to the Board's water pollution control regulations, specifically "Title 35: Subtitle C, Water Pollution Control, Chapter 1." The paragraph also states, "The Permittee may need to obtain a permit from the Division of Water Pollution Control."

The third paragraph includes references to waste management requirements established in Sections 21 and 39 of the Act and the corrective action release provided by Section 4(y) of the Act. The paragraph also states, "The Bureau of Land, Division of Remediation Management (217/782-6760) should be contacted prior to the installation of this equipment."

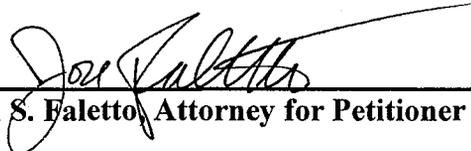
Petitioner is aware of its obligations to comply with all environmental laws and regulations that are applicable to its operations at the Coffeen facility. Standard Condition No.1 incorporated into every Lifetime Operating Permit issued by the Division of Air Pollution Control accurately states that the Operating Permit does not release Petitioner from compliance with all other applicable federal, state or local environmental requirements. However, it is inaccurate and inappropriate to include a statement in the body of the Operating Permit that implies or infers that a permit is required from the Division of Water Pollution Control or that the Bureau of Land must approve some unspecified equipment installation. The Operating Permit was issued by the Division of Air Pollution Control in its function to administer the air quality provisions of the Act and Board regulations. The Division of Air Pollution Control is not responsible for and arguably has no authority to regulate activities subject to the Board's water pollution control regulations, waste management activities subject to Sections 21 and 39 of the Act or corrective action pursuant to Section 4 of the Act.

These three paragraphs or notations appended to the end of the Operating Permit are not necessary to accomplish the purposes of the Act and Board regulations and therefore, should be deleted from the final Operating Permit.

WHEREFORE, for the above and foregoing reasons, the Petitioner respectfully requests that the Board reverse the Agency's March 2, 2005 permit decision and enter an Order directing the Agency to revise the terms and conditions of the Operating Permit as required by the Act and consistent with the Petitioner's request.

Respectfully submitted,

U. S. MINERALS, LLC, Petitioner

By: 
Jon S. Faletto, Attorney for Petitioner

Date: April 5, 2005

Jon S. Faletto
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211 Fulton Street
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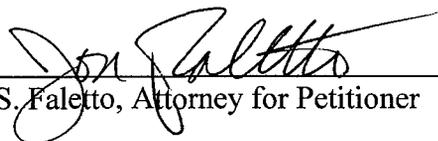
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CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached *Petition for Review of Permit Decision* on this 5th day of April, 2005, via first-class mail, postage fully prepaid, upon the following parties:

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

Pollution Control Board
Attn: Clerk
100 W. Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601-3218



Jon S. Faletto, Attorney for Petitioner

Howard & Howard Attorneys, P.C.
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211 Fulton Street
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STATE OF ILLINOIS
Pollution Control Board

PCB No. 05-182

(Permit Appeal - Air)

NOTICE OF FILING

Illinois Pollution Control Board
Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, Illinois 60601

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on this 5th day of April 2005, Petitioner, U. S. MINERALS, LLC, filed an original and nine (9) copies of the attached *Petition for Review of Permit Decision* with the Illinois Pollution Control Board, copies of which are herewith served upon you.

Respectfully submitted,

Dated: April 5, 2005

By:



Jon S. Faletto

Jon S. Faletto
Counsel for Petitioner
Howard & Howard Attorneys, P.C.
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211 Fulton Street
Peoria, IL 61602
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EXHIBIT 1

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-9506

RENEE CIPRIANO, DIRECTOR

217/782-2113

LIFETIME OPERATING PERMIT - REVISED

PERMITTEE

U.S. Minerals, L.L.C.
Attn: Jason Vukas
796 CIPS Trail
Coffeen, Illinois 62017

Application No.: 98070091
Applicant's Designation:
Subject: Coal Slag Processing Plant
Date Issued: March 2, 2005
Location: 796 CIPS Trail, Coffeen

I.D. No.: 135803AAB
Date Received: April 22, 2002
Expiration Date: See Condition 1.

This permit is hereby granted to the above-designated Permittee to OPERATE emission unit(s) and/or air pollution control equipment consisting of:

- 1 Feed Hopper
- 8 Storage Bins/Silos
- Storage Piles
- Truck Load-In
- Truck Load-Out
- 1 Bagger
- 8 Bucket Elevators
- 3 Screens Controlled by Baghouse
- 1 Scalper Screen Uncontrolled
- 2 Crushers Controlled by Baghouse
- 1 Rotary Dryer Controlled by Baghouse

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

- 1a. This permit shall expire 180 days after the Illinois EPA sends a written request for the renewal of this permit.
- b. This permit shall terminate if it is withdrawn or is superseded by a revised permit.
2. The facility is not subject to the New Source Performance Standard (NSPS) for Nonmetallic Mineral Processing Plants, 40 CFR 60, Subparts A and OOO because slag is not a nonmetallic mineral, and any plant dedicated to processing slag does not meet the definition of a nonmetallic mineral processing plant (See the Applicability Determination Index (ADI) Control Number 9900001).
3. Pursuant to 35 IAC 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.

ROD R. BLAGOJEVICH, GOVERNOR

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- 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 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.
4. Pursuant to 35 IAC 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.
5. Pursuant to 35 IAC 212.321, 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 determined by using the equation:
- $$E = 2.54 (P)^{0.534}$$
- Where:
- P = Process weight rate in T/hr
- E = Allowable emission rate in lbs/hr
6. Pursuant to 35 IAC 214.301, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2,000 ppm.
7. Pursuant to 35 IAC 215.301, no person shall cause or allow the discharge of more than 8 lbs/hr of organic material into the atmosphere from any emission source, except as provided by the following exception: If no odor nuisance exists this limitation shall apply only to photochemically reactive material.
8. At the above location, the Permittee shall comply with these work practices as follows:
- a. Only utilize distillate fuel oil (Grade No. 2) or bio-diesel with sulfur contents less than 1.0 weight percent as the fuel source for the rotary dryer.
- b. Not use organic liquid byproducts or waste materials in the process emission sources without written approval from the

Illinois EPA. The use of any other fuel shall require a revised permit.

- c. The Illinois EPA shall be allowed to sample all fuels stored at the above location.
 - d. The Permittee shall implement and maintain control measures for each piece of equipment and the storage piles that are identified by this permit, such as enclosure, natural surface moisture, application of dust suppressant, and use of dust collection devices, that minimize emissions of particulate matter and provide assurance of compliance with the applicable emission standards and limitations of Conditions 3, 4 and 5.
 - e. The baghouse control systems shall be in operation at all times when the associated emission unit(s) is in operation and emitting air contaminants. The baghouses shall be maintained and operated according to vendor's specifications, as well as operated to ensure compliance with the Illinois EPA Act and the Pollution Control Board (PCB) regulations of 35 Illinois Administrative Code (IAC) Title 35.
9. Pursuant to 35 IAC 201.161, to maintain continual compliance with Section 9(a) of the Act and 35 IAC 212.301, the Permittee shall at all times, other than those listed in Condition 9(g):
- a. Treat each open storage pile with water or other dust suppressant, or use other methods as needed to prevent fugitive particulate emissions from the pile from crossing the property line of the source, as determined by direct observation or the accumulation of material off plant property.
 - b. Utilize spray systems, telescopic chutes, enclosures, or other equivalent methods for all handling operations.
 - c. Pave, or treat with water or other dust suppressant all normal traffic pattern access areas surrounding active storage piles, as well as roads and parking facilities. All paved areas shall be cleaned on a regular basis. All areas treated with water or other dust suppressants shall have the treatment applied on a regular basis.
 - d. Utilize dust control methods for all unloading, loading, and transportation of materials collected by pollution control equipment to prevent visible fugitive emissions from crossing the property line of the source.
 - e. Utilize dust control methods as needed for processing operations, including crushers, dryers, grinding mills, screening operations, and associated transfer equipment to prevent visible fugitive emissions from crossing the property line of the source.

f. The spraying of dust suppressants pursuant this Condition shall not be required, and Condition 4 (35 IAC 212.301) shall not apply when the wind speed is greater than 25 mph. Determination of wind speed shall be based on a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau, or by wind speed logging instruments operated on the site. In cases where the duration of operation is less than one hour, the wind speed may be averaged over the duration of the operation on the basis of on-site wind speed logging instrument measurements.

10. In the event that the operation of the plant results in odors in quantities and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property such that an odor nuisance exists, the Permittee shall take appropriate and necessary actions to minimize odors, including but not limited to, changes in raw material, changes in plant operations, changes in rotary dryer burner settings, or installation of controls, in order to reduce or eliminate the odor nuisance.

11a. Emissions and operation of slag processing shall not exceed the following limits:

| Item of Equipment | Throughput | | Emission Factor (Lb/T) | PM Emissions | |
|----------------------------|------------|---------|------------------------|--------------|--------|
| | (T/Mo) | (T/Yr) | | (T/Mo) | (T/Yr) |
| Coal Slag Processing Plant | 34,339.2 | 343,392 | 0.0854 | 1.47 | 14.66 |

These limits are based on the combination of AP-42 emission factors (Table 11.19.2-2 and 11.31-1) for a combined plant wide emission factor and 343,392 tons of slag processed per year. Compliance with annual limits shall be determined from a running total of 12 months of data.

b. Emissions and operation of the rotary dryer shall not exceed the following limits:

i. Operational limitations:

| Fuel Usage | Emissions | |
|------------|--------------|----------------|
| | (Gallons/Mo) | (Gallons/Year) |
| | 17,532 | 175,323 |

Compliance with annual limits shall be determined from a running total of 12 months of data.

ii. Emission Limitations:

| Contaminant | Emission Factor (Lb/T) | Emissions | |
|-----------------|------------------------|-----------|-------------|
| | | (Tons/Mo) | (Tons/Year) |
| NO _x | 0.055 | 0.94 | 9.44 |
| CO | 0.13 | 2.23 | 22.32 |
| SO ₂ | 0.011 | 0.19 | 1.89 |
| VOM | 0.032 | 0.55 | 5.49 |
| PM | 0.033 | 0.57 | 5.67 |

These limits are based on AP-42 emission factors (Table 11.1.7) and for 343,392 tons of slag processed per year. Compliance with annual limits shall be determined from a running total of 12 months of data.

- c. Based upon the testing performed on June 2-3, 2004, the maximum facility production rate shall not exceed the average of the three test runs, which is 39.2 tons/hour.
12. This permit is issued based on negligible emissions of particulate matter from receiving, bulk load out, bagging, internal transfer (bucket elevators, feed hoppers, conveying). For this purpose emissions from each emission source shall not exceed nominal emission rates of 0.1 lb/hour and 0.44 ton/yr.
- 13a. i. The Permittee shall have the opacity of the exhaust from the baghouse exhaust stacks during representative weather and operating conditions determined by a qualified observer in accordance with USEPA Test Method 9, pursuant to 35 IAC 201.282. See Condition 18(c).
- A. For each baghouse exhaust stack, Method 9 opacity testing shall be conducted at least quarterly. For this purpose, testing shall first be conducted within three months of the issuance of this permit.
 - B. Upon written request by the Illinois EPA, such testing shall be conducted for specific affected process(es) within 45 calendar days of the request or on the date agreed upon by the Illinois EPA, whichever is later.
- b. i. The Permittee shall have the particulate matter emissions at the baghouse exhaust stacks during representative maximum operating conditions measured by a qualified testing service within 90 days of a written request from the Illinois EPA, as specified by such request, pursuant to 35 IAC 201.282. See Condition 18(d).
- ii. Testing shall be conducted using USEPA Test Methods 1-5, following timely submittal of a test protocol and notification of the date and time of testing to the Illinois EPA.
 - iii. A complete report for the test shall be submitted to the Illinois EPA within 30 days following the testing, unless agreed upon by and alternative time by the Illinois EPA.
- c. The Permittee shall have particulate matter less than 10 microns (PM-10) emissions from baghouse exhaust stacks measured during representative maximum operating conditions by a qualified testing service within 90 days of a written request from the Illinois EPA, as specified by such request, pursuant to 35 IAC 201.282. See Condition 18(b).

- d. The Permittee shall have fugitive particulate matter emissions from the pieces of equipment or storage piles that are identified by this permit measured during representative maximum operating conditions by a qualified testing service within 90 days of a written request from the Illinois EPA, as specified by such request, pursuant to 35 IAC 201.282. See Condition 18(a).

14. Pursuant to 35 IAC 201.281:

- a. The baghouses shall be equipped with devices that shall monitor for broken bags in the baghouses within 60 days of issuance of this permit. The Permittee shall provide notification to the Illinois EPA as required by Condition 22 upon the completion of the monitoring system. This monitor shall be a continuous monitoring device which is installed, calibrated, maintained, and continuously operated according to vendor's specifications at all times that the baghouses are in use. The monitor shall provide the operator with an audible alert or other type of notification that the control equipment may be improperly operating.
 - i. If the monitor detects broken bag(s), the Permittee shall promptly repair the baghouse(s) to ensure the operations are in compliance with this permit's requirements and the Act.
 - ii. The above does not authorize the use of the processing equipment in the event of a malfunction or breakdown of the baghouse(s), including broken bags, that results in excess particulate matter emissions or opacity. In this event, the Permittee shall immediately stop the operation(s) that are being controlled by the baghouse(s) until repaired to ensure operation is in compliance with this permit's requirements and the Act.
- b. Pursuant to 35 IAC 201.301, the Permittee shall collect and record the following information:
 - i. Baghouse broken bag detector data on at least a 1-minute average basis if using a digital recording technique, or on a continuous basis if using a strip chart technique.
 - ii. A log of operating time for the capture system, control system, monitoring devices, and the associated emission unit(s).
 - iii. A maintenance log for the capture system, control system, and monitoring devices detailing all routine and non-routine maintenances performed including the dates and durations of any outages.

- iv. The Permittee shall, at a minimum frequency, follow the baghouse bag vendor's specifications for bag replacement schedules. In addition to the maintenance logs required above, the Permittee shall maintain a log of the dates of baghouse bag replacements.
- 15a. The Permittee shall perform inspections of each piece of equipment and the storage piles that are identified by this permit on at least a weekly basis, including associated control measures, to confirm compliance with the requirements of Conditions 4 and 5 (35 IAC 212.301 and 212.123), pursuant to 35 IAC 201.281.
- b. The Permittee shall perform detailed inspections of the dust collection equipment for affected processes at least every week, with an initial inspection performed before any maintenance and repair activities are conducted and a follow-up inspection performed after any such activities are completed pursuant to 35 IAC 201.281.
16. The Permittee shall maintain records of the following items to show both compliance with the applicable State limits and with the operational and emission based limits within this permit, pursuant to 35 IAC 201.301:
- a. Facility slag throughput (tons/month and tons/year).
 - b. Rotary dryer fuel usage (gallons/month and gallons/year).
 - c. Criteria pollutant (PM, PM₁₀, NO_x, SO₂, VOM, CO) emissions, (tons/month and tons/year).
 - d. Air pollution control equipment inspection and maintenance records.
 - e. Opacity testing done in accordance with USEPA Method 9.
 - f. Particulate matter emission testing done in accordance with USEPA Method 5.
17. The Permittee shall maintain records of the following items pursuant to 35 IAC 201.301:
- a. The Permittee shall maintain records of the following for the inspections required by Condition 15:
 - i. For the inspections required by Condition 15(a) for each piece of equipment and storage piles that are identified by this permit:
 - A. Date and time the inspection was performed and name(s) of inspection personnel.

- B. The observed condition of the control measures for each piece of equipment and storage piles that are identified by this permit, including the presence of any visible emissions or visible accumulations of slag dust in the vicinity of the process.
 - C. A description of any maintenance or repairs associated with the control measures that are recommended as a result of the inspections, and a review of any outstanding recommendations for maintenance or repair from previous inspection(s), i.e., whether recommended action has been taken, is yet to be performed or no longer appears to be required.
- ii. For the inspections required by Condition 15(b) for the dust collection equipment for affected processes:
- A. Date and time the inspection was performed and name(s) of inspection personnel.
 - B. The observed condition of the equipment.
 - C. A summary of the maintenance and repair that is to be or was conducted on the equipment.
 - D. A description of any maintenance or repair that is recommended as a result of the inspection and a review of outstanding recommendations for maintenance or repair from previous inspection(s), i.e., whether recommended action has been taken, is yet to be performed or no longer appears to be required.
- b. Pursuant to 35 IAC 201.263, the Permittee shall maintain records, related to malfunction and breakdown for each piece of equipment and the storage piles that are identified by this permit that as a minimum, shall include:
- i. A maintenance and repair log for each piece of equipment and the storage piles that are identified by this permit with associated equipment, listing activities performed with date.
 - ii. Records for each malfunction or breakdown that causes or could cause excess emissions:
 - A. Date and duration of malfunction or breakdown.
 - B. A description of the malfunction or breakdown.
 - C. The corrective actions used to reduce the quantity of emissions and the duration of the incident.

- D. The preventative measures planned or taken to prevent similar malfunctions or breakdowns or reduce their frequency and severity.

c. Records for Opacity Measurements

Records of all opacity measurements made pursuant to Condition 13 in accordance with USEPA Method 9 for the baghouse exhaust stacks. For each occasion on which such measurements are made, these records shall include the formal report for the measurements, the identity of the observer, a description of the measurements that were made, operating condition of the affected process, observed opacity, and copies of the raw data sheets for the measurements.

- i. The Permittee is not required to submit the reports associated with the opacity testing to the Illinois EPA unless requested or unless the testing results show a violation of 35 IAC 212.123. The Permittee shall have 30 days from the receipt of a request or test that resulted in a violation to submit the required reports. This Condition supercedes the requirements of Condition 22.

18. The Permittee shall perform testing for the determination of PM, PM₁₀, or opacity levels in accordance with Condition 13 using the following test methods:

- a. Pursuant to 35 IAC 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 IAC 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 Subpart shall not apply to 35 IAC 212.301.

b. Pursuant to 35 IAC 212.108,

- i. Emissions of PM₁₀ shall be measured by any of the following methods at the option of the owner or operator of an emission unit.

- A. Method 201, 40 CFR Part 51, Appendix M, incorporated by reference in 35 IAC 212.113.

- B. Method 201A, 40 CFR Part 51, Appendix M, incorporated by reference in 35 IAC 212.113.

- C. Method 5, 40 CFR Part 60, Appendix A, incorporated by reference in 35 IAC 212.113, provided that all

particulate matter measured by Method 5 shall be considered to be PM₁₀.

- ii. Emissions of condensable PM₁₀ shall be measured by Method 202, 40 CFR part 51, Appendix M, incorporated by reference in 35 IAC 212.113.
 - iii. The volumetric flow rate and gas velocity for stack test methods shall be determined in accordance with Methods 1, 1A, 2, 2A, 2C, 2D, 3, or 4, 40 CFR part 60, Appendix A, incorporated by reference in 35 IAC 212.113.
 - iv. Upon a written notification by the Illinois Environmental Protection Agency (Illinois EPA), the owner or operator of a PM₁₀ emission unit subject to this Section shall conduct the applicable testing for PM₁₀ emissions, condensable PM₁₀ emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Agency within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Illinois EPA.
 - v. A person planning to conduct testing for PM₁₀ or condensable PM₁₀ emissions to demonstrate compliance shall give written notice to the Agency of that intent. Such notification shall be given at least thirty (30) days prior to initiation of the test unless a shorter pre-notification is agreed to by the Illinois EPA. Such notification shall state the specific test methods from subsection (a) of this Condition that will be used.
 - vi. The owner or operator of an emission unit subject to 35 IAC 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.
 - vii. This Condition shall not affect the authority of the United States Environmental Protection Agency (USEPA) under Section 114 of the Clean Air Act (CAA) (42 U.S.C. Section 7414 (1990)).
- c. Pursuant to 35 IAC 212.109, except as otherwise provided in 35 IAC 212, and except for the methods of data reduction when applied to 35 IAC 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 IAC 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.

- d. Pursuant to 35 IAC 212.110,
 - i. Measurement of particulate matter emissions from stationary emission units subject to 35 IAC 212 shall be conducted in accordance with 40 CFR part 60, Appendix A, Methods 5, 5A, 5D, or 5E, as incorporated by reference in 35 IAC 212.113.
 - ii. 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, incorporated by reference in 35 IAC 212.113.
 - iii. Upon a written notification by the Illinois EPA, the owner or operator of a particulate matter emission unit subject to this part 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 Agency within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Illinois EPA.
 - iv. 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 this Section that will be used.
 - v. The owner or operator of an emission unit subject to 35 IAC 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.
 - vi. This Section shall not affect the authority of the USEPA under Section 114 of the CAA.
- 19. The Permittee shall obtain the appropriate construction and operating permits prior to any future construction of emission unit(s) or air pollution control equipment pursuant to 35 IAC 201.142 and 35 IAC 201.143, unless such emission unit(s) is exempted from permitting requirements pursuant to 35 IAC 201.146.
- 20. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and

copying by the Illinois EPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA request for records during the course of a source inspection.

21. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.
22. Two (2) copies of required reports and notifications concerning equipment operation or repairs, emission performance testing or a continuous monitoring system 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
5415 North University
Peoria, Illinois 61614

and one (1) copy of any documents relating to emission performance testing shall be sent to following address unless otherwise indicated:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Source Monitoring Unit
9511 Harrison Street
Des Plaines, Illinois 60016-1563

23. Persons with lifetime operating permits must apply for and 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

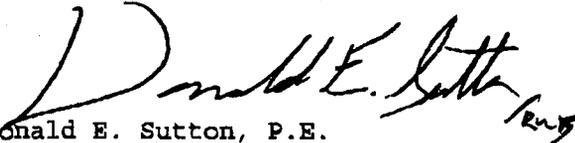
- d. A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

It should be noted that this permit has been revised to include previously un-permitted equipment, address process emissions, and include monitoring, testing, and recordkeeping requirements.

It should be noted that the issuance of this permit does not relieve the Permittee of the responsibility of complying with the provisions of the State of Illinois Rules and Regulations, Title 35: Subtitle C, Water Pollution Control, Chapter 1. The Permittee may need to obtain a permit from the Division of Water Pollution Control.

It should be noted that issuance of this permit does not relieve the Permittee from compliance with the permit requirements of Section 21 and 39 of the Environmental Protection Act with respect to a waste management operation, nor does it constitute a release from further responsibility for preventive or correction action as defined under Section 4(y) of the Environmental Protection Act. The Bureau of Land, Division of Remediation Management (217/782-6760) should be contacted prior to the installation of this equipment.

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


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

DES:RWC:jar

cc: ^{RWC} Region 2



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 ground 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 emissions units or control equipment.
 - c. The Permittee shall obtain a revised permit prior to any of the following changes at 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 operations 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 or existing permit 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 the source have been permanently discontinued.

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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 units 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 source is 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 source;
 - 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. This records shall be made available to any agent of the Illinois EPA at any time during normal working hours and/or operating hours. As 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.

Directory Environmental Protection Agency Bureau of Air

May 22, 2003

For assistance in preparing a permit application, contact the Permit Section:

Illinois EPA
Division of Air Pollution Control
Permit Section
1021 N. Grand Ave E.
P.O. Box 19506
Springfield, Illinois 62794-9506
217/782-2113

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

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

Illinois EPA
Region 2
5415 North University
Peoria, Illinois 61614
309/693-5461

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

