BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BUNGE NORTH AMERICA, INC. Petitioner,	)	
v.	)	PCB _____ (Permit Appeal – Air)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

NOTICE OF ELECTRONIC FILING

TO: Don Brown, Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street
Suite 630
Chicago, IL 60605
Don.Brown@illinois.gov
(Via Electronic Mail)

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
epa.dlc@illinois.gov
(Via Electronic Mail)

PLEASE TAKE NOTICE that on January 25, 2023, **Bunge North America, Inc.** electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the APPEARANCE OF THOR W. KETZBACK, APPEARANCE OF NORA J. FARIS, and PETITION FOR REVIEW OF AIR CONSTRUCTION PERMIT AND REQUEST FOR STAY OF CONTESTED CONDITIONS, a copy of which is hereby served upon you.

/s/ Thor W. Ketzback
Thor W. Ketzback

Dated: January 25, 2023

Thor W. Ketzback
Nora J. Faris
Bryan Cave Leighton Paisner
161 N. Clark St., Suite 4300
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Thor.Ketzback@bclplaw.com
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BUNGE NORTH AMERICA, INC. Petitioner, v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)))))))	PCB 2023-089 (Permit Appeal – Air)

CERTIFICATE OF E-MAIL SERVICE

I, the undersigned, on oath state the following:

That I have served the NOTICE OF ELECTRONIC FILING, APPEARANCE OF THOR W. KETZBACK, APPEARANCE OF NORA J. FARIS, and PETITION FOR REVIEW OF AIR CONSTRUCTION PERMIT AND REQUEST FOR STAY OF CONTESTED CONDITIONS by e-mail upon the following persons:

Illinois Pollution Control Board
Attn: Clerk's Office
60 E. Van Buren Street, Suite 630
Chicago, IL 60605
Don.Brown@illinois.gov
Via electronic mail on January 25, 2023

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
epa.dlc@illinois.gov
Via electronic mail on January 25, 2023

That my e-mail address is Thor.Ketzback@bclplaw.com.

That the number of pages in the e-mail transmission is 185.

That the e-mail transmission took place before 4:30 p.m. on Wednesday, January 25, 2023.

/s/ Thor W. Ketzback
Thor W. Ketzback

Thor W. Ketzback
Bryan Cave Leighton Paisner
161 N. Clark St., Suite 4300
Chicago, IL 60601
Thor.Ketzback@bclplaw.com
(312) 602-5111

Dated: January 25, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BUNGE NORTH AMERICA, INC.	)	
Petitioner,	)	
	)	PCB _____
v.	)	(Permit Appeal – Air)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Bunge North America, Inc.

*/s/ Thor W. Ketzback*_____
Thor W. Ketzback

Thor W. Ketzback
Bryan Cave Leighton Paisner
161 N. Clark St., Suite 4300
Chicago, IL 60601
Thor.Ketzback@bclplaw.com
(312) 602-5111

Dated: January 25, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BUNGE NORTH AMERICA, INC.	)	
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v.	)	(Permit Appeal – Air)
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ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
Respondent.	)	

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Bunge North America, Inc.

/s/ Nora J. Faris
Nora J. Faris

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Dated: January 25, 2023

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BUNGE NORTH AMERICA, INC. Petitioner, v. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent	))))))))	PCB _____ (Permit Appeal – Air)

PETITION FOR REVIEW OF AIR CONSTRUCTION PERMIT AND REQUEST FOR STAY OF CONTESTED CONDITIONS

NOW COMES Petitioner, Bunge North America, Inc.[1] ("Bunge" or the "Company"), by and through its attorneys, who hereby petition the Illinois Pollution Control Board (the "Board"), pursuant to Section 40 of the Illinois Environmental Protection Act (the "Act") (415 ILCS 5/40 *et seq.*) and 35 Ill. Adm. Code Part 105 for the review of certain conditions contained in Construction Permit No. 22110001 (the "Permit"), issued by the Illinois Environmental Protection Agency (the "Agency") on December 21, 2022 (attached as "Exhibit A"). Bunge further requests that the Board issue a stay of the challenged conditions during the pendency of this appeal. In support of its Petition, Bunge states as follows:

I. BACKGROUND

1. Bunge is the operator of a soybean processing facility in Cairo, Alexander County, Illinois (the "Facility"), operated pursuant to Clean Air Act Permit Program ("CAAPP") Permit No. 96030140 (the "CAAPP Permit").

[1] The Permit was issued to "Bunge North America, Inc." as the Facility operator. Note that on April 26, 2022, Bunge submitted a Notification of and Request for Ownership Change to the Agency for the Cairo Facility, transferring ownership of the Facility from "Bunge North America, Inc." to "BGAR LLC." The ownership change was effective May 1, 2022. On May 11, 2022, Bunge submitted a Notification of Name Change and Request for Administrative Permit Amendment, informing the Agency of the name change of the ownership entity from "BGAR LLC" to "Bunge Chevron Ag Renewables LLC." The Request for Ownership Change and Request for Administrative Permit Amendment have not yet been processed by the Agency. Once processed, the proper Facility owner would be "Bunge Chevron Ag Renewables LLC." "Bunge North America, Inc." remains the operator of the Facility and the CAAPP permittee.

2. On October 24, 2022, Bunge applied to the Agency for an air construction permit to cover planned Facility improvements, including (i) replacement of existing grain cleaning units and a baghouse and (ii) the addition of six new gas-fired grain dryers to replace two existing grain dryers.

3. On December 9, 2022, Bunge entered an expedited permit review agreement with the Agency (attached as "Exhibit B"), with an agreed permit issuance date of December 22, 2022.

4. The Agency circulated draft copies of the construction permit to Bunge on December 13, 2022 and December 20, 2022 for the Company's review (attached as "Exhibit C" and "Exhibit D," respectively). Bunge submitted comments (attached as "Exhibit E") on these draft permits to the Agency, raising the issues set forth in Section II of this Petition.

5. The Agency issued the final construction permit (the "Permit") to Bunge on December 21, 2022. The Agency did not acknowledge or incorporate Bunge's comments relating to the contested conditions in the final Permit, resulting in the imposition of conditions that are arbitrary, unnecessary, unlawful, and/or improperly applied to Bunge's Facility.

6. Bunge submits this Petition appealing the conditions outlined in Section II and requesting a stay of those conditions pending the resolution of this appeal.

II. ISSUES ON APPEAL

a. The grain cleaning units covered by the Permit are not an "affected facility," and the NSPS Subpart DD testing requirements do not apply to this project.

7. Conditions 6.a – 6.e of the Permit impose testing requirements for Bunge's new grain cleaning units pursuant to the New Source Performance Standards for Grain Elevators at 40 C.F.R. 60, Subpart DD ("NSPS Subpart DD").

8. The Agency's reference to the grain cleaning units as an "affected" facility and the application of NSPS Subpart DD testing requirements to the grain cleaning units is improper

because the grain cleaning units do not constitute an "affected facility" subject to NSPS Subpart DD.

9. 40 C.F.R. § 60.300 provides that NSPS Subpart DD requirements apply to "each affected facility at any grain terminal elevator or any grain storage elevator." Such "affected facilities" include: "truck unloading station[s], truck loading station[s], barge and ship unloading station[s], barge and ship loading station[s], railcar loading station[s], railcar unloading station[s], grain dryer[s], and *all grain handling operations*." 40 C.F.R. § 60.300(a) (emphasis added).

10. The U.S. Environmental Protection Agency ("US EPA") does not consider discrete pieces of grain handling equipment (such as the individual grain cleaning units to be installed by Bunge) to constitute "affected facilities." *See, e.g.*, Standards of Performance for New Stationary Sources, 42 Fed. Reg. 2,843 (Jan. 13, 1977) ("Grain handling operations are grouped as one affected facility since they have similar operating capacities, and air pollution control devices frequently serve several pieces of handling equipment. . .the whole handling system would be subject to the proposed standards.")

11. In prior guidance, US EPA rejected the idea that each piece of equipment in a grain handling operation constitutes an "affected facility" individually subject to NSPS Subpart DD, noting: "The affected facility is the entire grain handling operation, and not each bucket elevator, scalper, *cleaner*, etc. Replacement of one of the individual pieces of equipment within the grain handling operation would not be subject to the NSPS, unless such replacement caused an increase in emissions from the overall grain handling operation, or constituted reconstruction of the affected facility." *See* US EPA, Memorandum – NSPS Subpart DD: Definition of Grain Handling Operations (1990) (emphasis added) (attached as "Exhibit F").

12. The Facility improvements covered by Bunge's Permit will not result in an increase in emissions from the Facility's overall grain handling operations that constitutes a "modification" under the NSPS. *See* Permit, Condition 1(b) ("[T]he new units [will] continue to be bottlenecked by downstream process units at this plant. In this regard, this permit includes enforceable limits on the operation of these new units so that there would [] not be an increase in the amount of grain that could be processed by or emissions of downstream process units."); *see also* Permit, Condition 3.a ("[T]his project will not result in a significant increase in emissions.") The planned Facility improvements would not be considered a "modification" of the grain handling operation subject to NSPS Subpart DD, as one of the definitional prerequisites for a "modification"—"an increase in the emission rate to the atmosphere of any pollutant to which a standard applies"—is inapposite here. 40 C.F.R. § 60.14(a). The definition of a modification has been interpreted to mean an increase in the hourly emission rate of an affected facility (i.e., the overall capacity of the affected facility). *See, e.g., Envtl. Def. v. Duke Energy Corp.*, 549 U.S. 561, 567 (2007) (defining an NSPS "modification" as a change that "increase[s] . . . the emission rate," which "shall be expressed as kg/hr of any pollutant discharged into the atmosphere) (citing 40 C.F.R. § 60.14(b)); Prevention of Significant Deterioration, Nonattainment New Source Review, and New Source Performance Standards, 70 Fed. Reg. 61,089 (Oct. 20, 2005) ("[T]he NSPS program regulates all emissions increases (that is, it regulates any increase in the hourly emissions). . .The NSPS modification provisions apply an hourly emission rate test to measure emissions increases resulting from a physical or operational change.")

13. Likewise, the improvements could not be considered a "reconstruction" of the Facility's grain handling operations, as "the fixed capital cost of the new components [does not] exceed[] 50

percent of the fixed capital cost that would be required to construct a comparable entirely new facility" (i.e., comparable, entirely new grain handling operations). 40 C.F.R. § 60.15.

14. The Agency's application of NSPS Subpart DD testing requirements to Bunge's grain cleaning units is erroneous in light of the clear US EPA guidance on point, which affirms that individual pieces of equipment within a grain handling operation (such as the grain cleaning units covered by the Permit) do not constitute an NSPS Subpart DD "affected facility." Thus, any references within the Permit to the grain cleaning units as an "affected facility" must be removed. Moreover, because Bunge's improvements do not meet the regulatory definition of a "reconstruction" or "modification" of "all grain handling operations"—the relevant "affected facility" for purposes of applying NSPS Subpart DD—Conditions 6.a and 6.b of the Permit must be removed.

b. <u>The Permit requirements for test plans do not align with standards defined in Agency regulations.</u>

15. Condition 6.c of the Permit requires submission of written test plans to the Agency and specifies the information such plans must include. However, the requirements outlined in Condition 6.c go beyond the requirements listed in the relevant regulation.

16. The Agency may not impose additional requirements via a permit beyond those already clearly delineated in codified regulations without subjecting those additional substantive requirements to the appropriate administrative procedures. *See, e.g.*, 415 ILCS 5/27; 415 ILCS 5/28 ("No substantive regulation shall be adopted, amended, or repealed until after a public hearing. . .").

17. Specifically, 35 Ill. Adm. Code § 283.220 provides that a test plan is generally required to include: "(1) the purpose of the test; (2) the operating parameters; (3) the test methods; and (4) any

other procedures that will be followed when conducting an emissions test. . .” 35 Ill. Adm. Code § 283.220(c)(1)-(4).

18. Meanwhile, the Permit issued by the Agency purports to require the following additional information that is nowhere referenced in the regulation governing the contents of test plans: “(i) the person(s) who will be performing sampling and analysis and their experience with similar tests; (ii) the specific conditions under which testing will be performed, including a discussion of why these conditions will be considered representative operating conditions and the means by which the operating parameters for the emission unit and any control equipment will be determined; (iii) the specific determinations of emissions and operation which are intended to be made, including sampling and monitoring locations; . . . (v) any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification; and (vi) the format and content of the Source Test Report.” *See* Permit, Condition 6.c.i-iii, v-vi.

19. The relevant regulation further provides that submission of a test plan is not necessary “where the source intends to use a standard test method or procedure.” 35 Ill. Adm. Code § 283.220(d)(2). In that circumstance, the source need only submit a notice including (i) the purpose of the test and (ii) the standard test method or procedure to be used. *Id.* This flexibility granted by the regulation is not reflected in the current Permit conditions regarding test plans.

20. In light of the foregoing, Bunge requests that Condition 6.c of the Construction Permit be amended (i) so that the required content of a test plan listed in the permit is consistent with the requirements outlined in 35 Ill. Adm. Code § 283.220(c)(1)-(4) and (ii) to clarify that Bunge is not required to submit a test plan where it elects to use a standard test method or procedure, pursuant to 35 Ill. Adm. Code § 283.220(d)(2).

c. <u>A 12-month rolling average is the most appropriate method for monitoring and enforcing grain dryer fuel usage limits.</u>

21. Condition 4-1.d.ii of the Permit limits fuel usage for the affected grain dryers to 53.1 million standard cubic feet per month and 318.5 million standard cubic feet per year.

22. In its comments to the Agency on the permit drafts (attached as "Exhibit E"), Bunge requested elimination of the monthly limit in favor of a 12-month rolling average limit, which would adequately restrict fuel usage while accommodating the significant seasonal variability in production conditions at the Facility. This change was not incorporated in the final Permit.

23. Bunge proposes to eliminate the monthly limit in Condition 4-1.d.ii and instead demonstrate compliance with the annual limit monthly on a 12-month rolling basis.

24. Bunge's proposed approach is appropriate and satisfies the need for a short-term limit because the facility experiences substantial and unpredictable annual variations in production based on fluctuations in weather conditions, soybean supply and soybean moisture content.

25. For example, fuel usage is generally higher in colder months, and additional fuel usage may be necessary depending on the condition of the beans entering the facility (e.g., beans with a higher moisture content will require more fuel to dry). The Facility also experiences unpredictable variations in capacity throughout the year depending on transportation and logistical factors or the agricultural production cycle—factors beyond Bunge's control. In light of the significant variability in production conditions at the Facility from month to month, in particular during harvest season, the monthly limit imposed in the current Permit is untenable.

26. US EPA guidance affirms that a 12-month rolling average is an appropriate and practically enforceable limit for facilities such as Bunge's that experience "substantial and unpredictable annual variation in production." *See* US EPA, Guidance on Limiting Potential to Emit in New Source Permitting (June 13, 1989) (attached as "Exhibit G"). US EPA has

specifically cited "agricultural production such as harvesting or food processing" as an example of an industry for which the use of 12-month rolling averages is appropriate, "allow[ing] for short-term enforceability of production or operation limits while allowing for long-term data to be considered." *See* US EPA, Use of Long-Term Rolling Averages to Limit Potential to Emit (Feb. 24, 1992) (attached as "Exhibit H").

27. Imposition of a month-to-month limit is unnecessary and merely results in additional recordkeeping with no corresponding environmental or compliance benefit.

28. Because Bunge's agricultural processing operations are subject to substantial and unpredictable annual variation, the limits on natural gas usage at Condition 4-1.d.ii of the Permit should be expressed as a 12-month rolling average, rolled on a monthly basis, rather than an arbitrary and unworkable month-to-month limit.

d. <u>The Agency lacks the authority to require installation of a bag leak detection system in connection with the Facility's new baghouse.</u>

29. Under Conditions 5-1.a through 5-1.c of the Permit, Bunge is required to install, operate and maintain a bag leak detection system ("BLDS") in connection with the Facility's new baghouse. Condition 5-2.a.v also requires corrective actions related to the BLDS to be incorporated in an operations, maintenance and monitoring plan for the new baghouse.

30. In its comments to the Agency on the permit drafts (attached as "Exhibit E"), Bunge proposed daily visible emissions observations as an alternative method of compliance assurance, in lieu of installing a BLDS. Under Bunge's proposed approach, the grain cleaning equipment and associated baghouse would be shut down for appropriate repairs within one hour after observation of any visible emissions. Daily visible emissions observations would be recorded, along with any corrective actions and follow-up observations conducted after completion of necessary repairs.

31. The BLDS requirement is arbitrary, unnecessary to protect human health or the environment, and beyond the Agency's limited authority to "fill gaps" in the regulatory regime for air emissions. The Agency has pointed to no statutory or regulatory basis authorizing installation of a BLDS as an emissions monitoring device—let alone *requiring* it. By requiring a BLDS, the Agency is effectively engaging in a rulemaking by permit, imposing a de facto requirement without the necessary public comment or oversight. *See, e.g.*, 415 ILCS 5/27; 415 ILCS 5/28 ("No substantive regulation shall be adopted, amended, or repealed until after a public hearing. . .").

32. Although this petition focuses on a construction permit as opposed to a CAAPP permit, because the Facility is a CAAPP source, the provisions of the construction permit will ultimately be folded into the Facility's CAAPP Permit as substantive requirements, and therefore, references to the CAAPP laws and regulations are relevant. Section 39.5(7)(d)(ii) of the Act provides, with respect to emissions monitoring requirements:

> "[T]he permit shall: (ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit. . .The Agency may determine that recordkeeping requirements are sufficient to meet the requirements of this subparagraph."

415 ILCS 5/39.5(7)(d)(ii).

33. This provision affords the Agency limited authority to "gap-fill"—i.e., to include monitoring requirements in CAAPP permits where an applicable standard or permit condition does not otherwise include such requirements.

34. The federal counterpart to Section 39.5(7)(d)(ii)—40 C.F.R. § 70.6(a)(3)(i)(B)—has been interpreted by US EPA and federal courts as limiting environmental agencies' ability to impose, via permitting actions, substantive requirements that are new or different from those contained in

existing standards. *See Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1026–27 (D.C. Cir. 2000) ("Nothing on the face of the regulation or in EPA's commentary. . .said anything about giving State authorities a roving commission to pore over existing State and federal standards, to decide which are deficient, and to use the permit system to amend, supplement, alter or expand the extent of testing already provided."); *see also* US EPA Region X, Memo to Region 10 State and Local Air Pollution Agencies from J. Cabreza (Feb. 29, 1996) ("[G]apfilling means taking an EXISTING condition and adding whatever is needed to make it clear and enforceable as a practical matter. . .Gapfilling does not allow [permitting authorities] to CHANGE the existing condition.") (emphasis in original).

35. The Agency has acknowledged the limits of its gap-filling authority in the context of prior permitting decisions, noting that imposition of certain control or monitoring "requirements would likely raise legal questions including whether [] permit authorities may create new substantive requirements and whether mandating the use of certain emission requirements constitutes improper rulemaking. To replicate, through a [] permit, principal elements of a regulatory program that could not otherwise be imposed on a source as an applicable requirement would likely exceed the scope of gap-filling and/or other implied authorities available" to permitting agencies. *See, e.g.*, Illinois EPA, Statement of Basis for a Planned Significant Modification of the CAAPP Permit for Midwest Generation, LLC – Powerton Generating Station, at fn. 57 (Mar. 9, 2015); Illinois EPA, Statement of Basis for a Planned Significant Modification of the CAAPP Permit for Newton Energy Center, at fn. 53 (Feb. 25, 2015).

36. By requiring installation of a BLDS at Bunge's Facility, the Agency is doing more than "filling gaps" to clarify what is required under existing monitoring standards. Rather, it is imposing a new substantive requirement to install and maintain a BLDS, even though other

monitoring methods—for example, the visual emissions observation method proposed by Bunge—are also effective at demonstrating compliance with applicable air emissions standards.

37. Visual emissions observations have previously been considered an adequate monitoring method to identify and control emissions from baghouse leaks. For example, other baghouses at the Facility are subject to compliance assurance monitoring ("CAM") requirements pursuant to 40 C.F.R. § 64 because those baghouses' pre-control emissions are above the major source threshold. *See* CAAPP Permit (Exhibit I), at Conditions 4.5.2.b.ii.B and 7.5 and Table 7.5.1 (applying CAM requirements to MH-3 Cool Meal Conveyor, Meal Grinding and Calcium Tank Aspiration equipment). In alignment with CAM requirements, those baghouses are monitored daily through visual emissions observations and differential pressure readings. The pre-control emissions for the new baghouse are not above major source thresholds, and therefore, CAM requirements would not apply to the new baghouse. However, Bunge has proposed adhering to heightened monitoring practices consistent with CAM (i.e., daily visual emissions observations and differential pressure readings), which US EPA considers effective for baghouse emissions monitoring without the use of a BLDS.

38. Bunge notes that it has and continues to operate its existing grain cleaning and drying units pursuant to the work practice requirements outlined at Section 4.2.2.d of its CAAPP Permit, which are intended to ensure compliance with applicable air emissions standards. The Facility adheres to these work practice requirements, including conditions related to baghouse maintenance. To date, the Facility has not been issued a notice of violation or been subject to other enforcement based on a failure to properly maintain the Facility's existing baghouses in accordance with those requirements.

39. As referenced above, although the present challenge concerns a construction permit rather than a CAAPP permit, the requirements outlined in the construction permit will be incorporated into Bunge's compliance obligations pursuant to the Facility's existing CAAPP Permit. Therefore, the distinction in permit type is immaterial in determining the bounds of the Agency's gap-filling authority.

40. A BLDS is unnecessary to demonstrate compliance, particularly in light of other equally effective and less burdensome methods (e.g., visual emissions observations) already employed for similar equipment at the Facility.[2] The Agency's inconsistency in applying the BLDS "requirement" reflects the arbitrary nature of its approach to baghouse emissions monitoring, as well as the Agency's implicit acknowledgment that other control measures—such as visual emissions observations—are adequate to effectively monitor the emissions control efficiency of baghouse systems. By requiring installation of a BLDS, the Agency is using the permitting system to impose a substantive requirement on a regulated source that simply is not contemplated by existing standards.

41. Therefore, Bunge requests that all references to a BLDS be removed from the Permit and that a visual emissions observation program be incorporated as the operative monitoring method for the baghouse covered by the Permit.

[2] *See, e.g.*, Conditions 4.1.2.a.ii.A, 4.2.2.a.ii.A, 4.3.2.a.ii.A, 4.4.2.a.ii.A, 4.5.2.a.ii.A and 4.6.2.a.ii.A of the CAAPP Permit (Exhibit I) requiring quarterly visible emissions observations; CAAPP Permit Conditions 4.1.2.d.i.A.I and 4.2.2.d.i.A.I requiring daily visible observations of air pollution control devices to ensure proper operation; CAAPP Permit Conditions 4.5.2.b.ii.A and 4.5.2.b.ii.B imposing compliance assurance monitoring conditions and Table 7.5.1 requiring daily differential pressure monitoring of baghouses to ensure proper operation.

III. REQUEST FOR STAY OF CONTESTED CONDITIONS

42. Bunge requests a stay of the contested conditions described in Section II of this Petition—i.e., Conditions 4-1.d.ii, 5-1.a through 5-1.c, 5-2.a.v, and 6.a through 6.e—during the pendency of this appeal.

43. The Board has the authority to grant discretionary stays of contested permit conditions and has exercised that authority "both when the Agency did and did not consent to such stays." *Midwest Generation, LLC – Will County Generating Station v. IEPA*, PCB 06-156, slip op. at 5–6 (July 20, 2006) (citing *Community Landfill Co. and City of Morris v. IEPA*, PCB 01-48 and 01-49 (consolidated), slip op. at 4 (Oct. 19, 2000)).

44. The Board may consider the following four factors in evaluating the grounds for a discretionary stay: (i) whether a certain and clearly ascertainable right needs protection; (ii) whether irreparable injury will occur without the stay; (iii) whether an adequate remedy at law exists; and (iv) whether the petitioner has demonstrated a probability of success on the merits. *See, e.g., Bridgestone/Firestone Off-Road Tire Co. v. IEPA*, PCB 02-31, slip op. at 3 (Nov. 1, 2001) (citing *Community Landfill Co. and City of Morris v. IEPA*, PCB 01-48 and 01-49 (consolidated), slip op. at 5). In the present appeal, all four factors weigh in Bunge's favor.

45. Bunge has a statutory right to appeal the contested conditions in the Permit. This appeal would be rendered moot if Bunge were forced to comply with the contested conditions during the pendency of this appeal. *See, e.g., Bridgestone/Firestone Off-Road Tire Co. v. IEPA*, PCB 02-31, slip op. at 3 (Nov. 1, 2001) ("[P]etitioner's right to appeal the permit condition is a certain and ascertainable right that needs protection.").

46. Bunge would suffer irreparable injury if required to comply with the contested permit conditions during the pendency of this appeal. For example, the installation of a BLDS pursuant

to Conditions 5-1.a through 5-1.c and 5-2.a.v would involve a significant and irreversible compliance cost. If no stay is granted, Bunge would be forced to comply (or attempt to comply) with permit conditions that, as detailed in Section II above, are beyond the Agency's authority to impose. "If the appeal is resolved in favor of [Bunge], but during [the pendency of the appeal, Bunge] complied with the contested conditions, the result would be that [the Company] had an unnecessary hardship imposed" upon it. *Community Landfill Co. and City of Morris v. IEPA*, PCB 01-48 and 01-49 (consolidated), slip op. at 5.

47. No adequate remedy at law exists outside this forum at this time.

48. Given the Agency's imposition of unlawful, unnecessary, and unreasonable permit conditions as outlined in Section II above, Bunge has demonstrated a probability of success on the merits warranting a stay of the contested conditions.

49. A stay of the contested conditions will not result in any environmental harm. While the contested conditions are stayed, Bunge will continue operating in compliance with applicable emissions limits, as well as monitoring, recordkeeping and reporting requirements outlined in the uncontested provisions of the Permit and in the Facility's existing CAAPP permit.

WHEREFORE, for the reasons stated above, Bunge requests that the Board grant its petition to appeal the Permit issued by the Agency on December 21, 2022, and stay the conditions or portions thereof appealed herein for the duration of the appeal.

Respectfully submitted,

BUNGE NORTH AMERICA, INC.

By: */s/ Thor. W. Ketzback*
Thor W. Ketzback

Dated: January 25, 2023

Thor W. Ketzback | (312) 602-5111 | Thor.Ketzback@bclplaw.com
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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

CONSTRUCTION PERMIT
NSPS SOURCE

PERMITTEE

Bunge North America, Inc.
Attn: Christopher Cunningham, Plant Manager
203 34th Street
Cairo, Illinois 62914

Application No.: 22110001 I.D. No.: 003005AAI
Applicant's Designation: Date Received: November 3, 2022
Subject: Grain Cleaning and Drying Units
Date Issued: December 21, 2022
Location: 203 34th Street, Cairo, Alexander County

This Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of grain cleaning and drying units, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s).

1. Introduction

a. This permit addresses the following at this grain processing plant, which processes soybeans into vegetable oil and animal feeds:

i. Construction of one new grain cleaning operation, consisting of units that would be used to clean, i.e., separate foreign matter, such as sticks and stones from, grain. A new baghouse would be constructed to control emissions of particulates from this operation. The new grain cleaning units and baghouse would take the place of the existing grain cleaning units and baghouse, which have reached the end of their useful life and will be removed from the source.

ii. Construction of six new gas-fired grain dryers. The new grain dryers would take the place of the existing two grain dryers, which have reached the end of their useful life and will be removed from the source.

b. While the new units addressed by Conditions 1(a)(i) and (ii) will have the capacity to process more grain than the existing grain cleaning and drying units, the new units would continue to be bottlenecked by downstream process units at this plant. In this regard, this permit includes enforceable limits on the operation of these new units so that there would l not be an increase in

the amount of grain that could be processed by or emissions of downstream process units. (See Condition 4-1.)

c. For purposes of this permit:

i. The units comprising the grain cleaning operation addressed by Condition 1(a)(i) are referred to as the "affected grain cleaning units."

ii. The new baghouse that would be used to control the affected grain cleaning units is referred to as the "affected baghouse."

iii. The new grain dryers addressed by Condition 1(a)(ii) are referred to as the "affected grain dryers."

iv. The affected grain cleaning units and affected grain dryers are collectively referred to as the "affected units."

2. Coordination With Other Permits

a. Except as specifically provided, for the affected units, the Permittee shall comply with all applicable requirements for grain cleaning and drying units, including emissions standards and limits and related testing, recordkeeping and reporting requirements, as addressed by Section 4.2 of the Clean Air Act Permit Program (CAAPP) Permit issued for the source, Permit 96030140 (the "CAAPP Permit"), including the following:

i. Requirements of the New Source Performance Standards (NSPS) for Grain Elevators, 40 CFR 60 Subpart DD.

ii. Emissions standards for visible and particulate matter emissions under 35 IAC Part 212, including 35 IAC 212.123(a) (opacity of emissions), 35 IAC 212.301 (fugitive particulate matter), and 35 IAC 212 Subpart S (Agriculture).

iii. For the affected grain dryers, emissions standards for carbon monoxide (CO) emissions, including 35 IAC 216.121.

3. Nonapplicability Provisions

a. This permit is issued based on this project not being a major modification for purposes of Illinois' rules for Prevention of Significant Deterioration, 35 IAC Part 204. This is because this project will not result in a significant increase in emissions. (See Attachment 1.)

b. This permit is issued based on the affected grain dryers not being subject to the particulate matter standard of the NSPS, 40 CFR 60.301(a)(1), i.e., 0 percent opacity from any column dryer with column plate perforation exceeding 2.4 mm (0.094 inch). This is because the affected grain dryers will have column plate perforation that will not exceed 2.4 mm (0.094 inch). (See Condition 4-1(e)).

c. This permit is issued based on the affected units not being subject to the state emission standards for particulate matter emissions in 35 IAC 212.321(a). As generally provided by 35 IAC 212.461(a), 35 IAC 212.321 shall not apply to grain handling and drying operations.

4-1. Operational Limits and Requirements

a. The existing grain cleaning and drying units shall be permanently shut down before the affected units begin operation.

b. The affected grain cleaning units shall not process more than 1,601,133 tons/year grain. Compliance with this annual limit and other annual limits set by this permit shall be determined monthly from a running total of 12 consecutive months of data.

c. The maximum rated air flow rate of the affected baghouse shall not exceed 26,000 standard cubic feet per minute (scfm).

d. i. Natural gas shall be the only fuel fired in the affected grain dryers.

ii. Fuel usage of the affected grain dryers shall not exceed 53.1 million standard cubic feet (mmscf) per month (mmscf/month) and 318.5 million standard cubic feet (mmscf) per year (mmscf/year).

e. The column plate perforation of each affected grain dryer shall not exceed 2.4 mm diameter (0.094 inch).

4-2. Emissions

a. Emissions of particulates from the affected grain cleaning units shall not exceed the following:

Pollutant	Emissions	
	gr/dscf*	tons/year
PM	0.002	1.95
PM_{10}		1.95
$PM_{2.5}$	0.001	0.98

* Grains (gr) per dry standard cubic foot (dscf)

b. i. Emissions from the affected grain dryers, including emissions from combustion, shall not exceed the following limits:

Pollutant	Emissions	
	pounds/hour	tons/year
PM	26.7	63.4
PM_{10}	13.4	31.7
$PM_{2.5}$	2.3	5.39
NOx*	6.7	15.9
CO	5.6	13.8
VOM**	0.2	0.98

* Nitrogen oxides
** Volatile organic material

ii. This permit is issued based on negligible emissions of sulfur dioxide (SO_2) from the affected grain dryers, i.e., emissions of no more than 0.44 tons/year.

5-1. Monitoring Requirements for the Affected Baghouse

a. The Permittee shall install, operate, and maintain a bag leak detection system for the affected baghouse as specified in Conditions 5-1(b) and (c) and in accordance with the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

b. The bag leak detection system must meet the following specifications and requirements:

i. The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 4.6 milligrams per actual cubic meter (0.002 grains per actual cubic foot) or less.

ii. The bag leak detection system sensor must provide output of relative PM loadings. The Permittee shall continuously record the output from the bag leak detection system using electronic or other means (e.g., using a strip chart recorder or a data logger).

iii. The bag leak detection system must be equipped with an alarm system that will alert operating personnel when the system detects an increase in relative particulate loading over the alarm set point and the alarm must be located such that it can be detected by operating personnel.

iv. In the initial adjustment of the bag leak detection system, the Permittee must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

v. After initial adjustment, the range, averaging period, alarm set points, or alarm delay time may not be adjusted except as specified in the operations, maintenance, and monitoring plan required by Condition 5-2. The Permittee must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition.

vi. The Permittee must install the bag leak detection sensor downstream of the affected baghouse. If multiple bag leak detectors are required, detectors may share the system instrumentation and alarm.

vii. Each triboelectric bag leak detection system must be installed, operated, adjusted, and maintained so that it follows USEPA's "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997).

c. For the bag leak detection system, the Permittee must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. The Permittee must resolve the cause of the alarm within 3 hours of the alarm by taking necessary corrective action(s). Corrective actions may include, but are not limited to the following:

i. Inspecting the affected baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

ii. Sealing off defective bags or filter media;

iii. Replacing defective bags or filter media or otherwise repairing the control device;

iv. Sealing off a defective baghouse compartment;

v. Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or

vi. Shutting down the process producing the PM emissions.

5-2. Operations, Maintenance and Monitoring Plan for the Affected Baghouse

a. The operations, maintenance, and monitoring plan must include the following:

i. Process and control device parameters that the Permittee will monitor to determine compliance, along with established operating levels or ranges for the affected grain cleaning units operation and associated affected baghouse.

ii. A monitoring schedule.

iii. Procedures for properly operating and maintaining the affected baghouse used to meet the emission limits (0.002 and 0.001 gr/dscf) in Condition 4-1(b) of this permit.

iv. Procedures for keeping records to document compliance.

v. Corrective actions you will take if process or control device parameters vary from the levels established during performance testing. For bag leak detection system alarms, example corrective actions that may be included in the operations, maintenance, and monitoring plan include:

A. Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in emissions.

B. Sealing off defective bags or filter media.

C. Replacing defective bags or filter media, or otherwise repairing the control device.

D. Sealing off a defective fabric filter compartment.

E. Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

F. Shutting down the affected grain cleaning units.

G. The Permittee shall notify the Illinois EPA's Compliance Section of any adjustment to the range, averaging period, alarm set points or alarm delay time. This notification shall be submitted to the Illinois EPA's Compliance Section within 30 days of any adjustment.

5-3. Inspection and Maintenance Requirements.

a. For the affected grain dryers, the Permittee shall conduct inspections of the burners of the affected grain dryers once per calendar year. As part of these inspections, the Permittee shall perform maintenance, including cleaning and/or replacement of components of the burners as necessary.

6. Testing Requirements

a. For the affected grain cleaning units, unless USEPA waives such testing as provided for by 40 CFR 60.8(b), the Permittee shall have performance tests conducted to demonstrate compliance with the applicable requirements of the NSPS, including 40 CFR 60.302(b) and (c)(2), and submit a written report for those tests to the Illinois EPA. The timing of these tests shall be in accordance with 40 CFR 60.8(a).

i. These performance tests shall be conducted using the methods specified in 40 CFR 60.303(b) or (c).

ii. The Permittee shall notify the Illinois EPA prior to these tests in accordance with 40 CFR 60.8(d).

b. In addition to the testing required by Condition 6(a), within 180 days of initial startup of the affected grain cleaning units, the Permittee shall have emission testing conducted for PM_{10} and $PM_{2.5}$ emissions of the affected grain cleaning units by an independent testing service in accordance with USEPA Methods 201A and 202. USEPA Method 5 may be used if all PM is assumed to be $PM_{10}/PM_{2.5}$. This testing may be coordinated with the performance testing required by Condition 6(a).

c. At least 60 days prior to the actual date of emission testing, a written test plan shall be submitted to the Illinois EPA for review. The Illinois EPA may at the discretion of the Compliance Section Manager (or designee) accept a written test plan less than 60 days prior to testing provided it does not interfere with

the Illinois EPA's ability to review and comment on the protocol and does not deviate from the applicable state or federal statutes. This plan shall describe the specific procedures for testing, including as a minimum:

i. The person(s) who will be performing sampling and analysis and their experience with similar tests.

ii. The specific conditions under which testing will be performed, including a discussion of why these conditions will be considered representative operating conditions and the means by which the operating parameters for the emission unit and any control equipment will be determined.

iii. The specific determinations of emissions and operation which are intended to be made, including sampling and monitoring locations.

iv. The test method(s) which will be used, with the specific analysis method, if the method can be used with different analysis methods.

v. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification.

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

d. The Illinois EPA shall be notified prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of the measurements shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of measurement shall be submitted a minimum of five working days prior to the actual date of the measurement. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notifications if it interferes with the Illinois EPA's ability to observe the measurements.

e. Copies of the Final Report(s) for these tests shall be submitted to the Illinois EPA within 60 days following the test. The Final Report shall include at a minimum:

i. A summary of results.

ii. General information.

iii. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.

iv. Detailed description of test conditions, including:

A. Process information, i.e., mode(s) of operation and process rate; and

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

v. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.

7. Recordkeeping Requirements

a. For the affected units, the Permittee shall fulfill the recordkeeping requirements of the NSPS, including 40 CFR 60.7(b).

b. The Permittee shall maintain records of the following items for the affected grain cleaning units in addition to other required records:

i. A file containing a copy of the manufacturer's specifications and recommended operating and maintenance procedures for the affected baghouse.

ii. Records for the amount of grain processed by the affected grain cleaning units (tons/month and tons/year).

iii. The following records related to particulate emissions:

A. The PM, PM_{10} and $PM_{2.5}$ emission factor(s) and maximum hourly emissions rates used by the Permittee to determine emissions of the affected grain cleaning units with supporting documentation.

B. Records of all other data used or relied upon by the Permittee to determine the PM, PM_{10} and $PM_{2.5}$ emissions of affected grain cleaning units.

C. PM, PM_{10} and $PM_{2.5}$ emissions from the affected grain cleaning units based on appropriate emission factors and operating data (tons/month and tons/year), with supporting documentation and calculations.

c. The Permittee shall keep the following information and records for the affected grain dryers:

i. A file containing the manufacturer, model number, serial number and the maximum design heat input capacity, if this information is not listed on a nameplate attached to the grain dryer.

ii. A file containing the determination of the maximum hourly emissions of PM, PM_{10}, $PM_{2.5}$, NOx and CO, VOM and SO_2 with supporting data and calculations.

iii. Records for natural gas usage (mmscf/month and mmscf/year), with supporting documentation and calculations.

iv. Records of actual emissions of PM, PM_{10}, $PM_{2.5}$, NOx, CO and VOM (tons/month and tons/year), with supporting data and calculations.

v. Records for inspections of and maintenance performed on the burners of the affected grain dryers, which include:

A. The date and time of inspection.

B. Maintenance performed on the burners, if any.

8. Notification and Reporting Requirements

a. For the affected units, the Permittee shall fulfill all applicable notification and reporting requirements of the NSPS, including 40 CFR 60.7(a)and (b).

b. The Permittee shall notify the Illinois EPA within 30 days of the following:

i. The date that the affected grain cleaning units begin operation.

ii. The date that the affected grain dryers begin operation.

iii. The date(s) that the existing grain cleaning and drying units are removed from the source.

9. Authorization to Operate

a. The Permittee may operate the affected units pursuant to this construction permit until the CAAPP Permit is revised or renewed to address these units. This condition supersedes Standard Condition 6.

If you have any questions on this permit, please contact Daniel Rowell at 217/558-4368.

William D. Marr JMS 12-21-2022

William D. Marr
Manager, Permit Section
Bureau of Air

WDM:DBR:tan

DBR
12/22/2022

ATTACHMENT 1

Emissions Increases for the Project (Tons/Year)

Unit(s)	Pollutant						
	PM	PM_{10}	$PM_{2.5}$	NOx	CO	VOM	SO_2
Baseline Actual Emissions of Existing Units[a]							
Grain Cleaning	0.2	0.2	0.1	-	-	-	-
Grain Drying	53.5	26.7	4.6	11.8	9.9	0.6	0.07
Subtotal	53.7	26.9	4.7	11.8	9.9	0.6	0.07
Potential Emissions of New Units							
Grain Cleaning	1.95	1.95	0.98	-	-	-	-
Grain Drying	63.4	31.7	5.39	15.9	13.8	0.88	0.10
Subtotal	65.4	33.7	6.37	15.9	13.8	0.88	0.10
Overall Increase[b]	11.7	6.8	1.7	4.1	3.9	0.3	0.03
Significant Emission Rate	25	15	10	40	100	40	40
Significant?	No	No	No	No	No	No	No

Table Notes:

a. Represents the baseline actual emissions of the existing grain cleaning and drying units for the 24-month baseline period beginning February 2015 and ending January 2017. The existing grain cleaning and drying units will be shut down as part of this project.

b. Totals may not match sums due to rounding.

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

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

July 1, 1985

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

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

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.

2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act, and Regulations adopted by the Illinois Pollution Control Board.

3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.

4. The Permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:

   a. to enter the Permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,

   b. to have access to and 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.

5. The issuance of this permit:

   a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,

   b. does not release the Permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities,

   c. does not release the Permittee from compliance with the other applicable statues and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,

   d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

e. in no manner implies or suggests that the Agency (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 facility.

6. a. Unless a joint construction/operation permit has been issued, a permit for operation shall be obtained from the Agency before the equipment covered by this permit is placed into operation.

b. For purposes of shakedown and testing, unless otherwise specified by a special permit condition, the equipment covered under this permit may be operated for a period not to exceed thirty (30) days.

7. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:

a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed, or

b. upon finding that any standard or special conditions have been violated, or

c. upon any violations of the Environmental Protection Act or any regulation effective thereunder as a result of the construction or development authorized by this permit.

EXHIBIT B

AGREEMENT FOR EXPEDITED REVIEW OF PERMIT APPLICATION

The Illinois Environmental Protection Agency ("Agency") and Bunge North America Inc having its principal place of business at 203 34th St, Cairo, Illinois ("Applicant"), enter into and execute this Agreement for Expedited Review of Permit Application ("Agreement") and hereby agree as follows:

SECTION 1 AUTHORITY:

This Agreement is entered into pursuant to Section 39.14 of the Environmental Protection Act ("Act"), 415 ILCS 5/39.14, and is subject to the laws of the State of Illinois.

SECTION 2 ENTIRE AGREEMENT:

This document contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party, orally or in writing, that are not contained in this written Agreement are valid or binding. This Agreement may not be enlarged, modified, or altered except in writing signed by the parties.

SECTION 3 PERMIT APPLICATION:

Source Location:	203 34th St, Cairo, Illinois
Source I.D. No.:	003005AAI
Application Type:	Construction
Application No.:	22110001
Date Received:	11-03-2022
Description:	New Grain Cleaning and Drying Units

SECTION 4 EXPEDITED REVIEW:

A. The Agency agrees to perform the usual and customary review of Applicant's permit application described in Section 3 ("Application") as necessary for processing any similar application.

B. The Agency agrees to take an action on the Application by approving or denying the application (hereinafter "action" or "an action") within 13 calendar days from the date this agreement is fully executed, the date the Agency has received the permit application or the date the Agency receives the payment specified in Section 6, whichever is latest, subject to tolling as provided in Section 5.

C. Applicant hereby agrees to toll any time period for Agency action on the Application that is set forth in the Act or Board rules. Tolling shall begin on the date this Agreement is fully executed, the date the Agency has received the permit application or the date the Agency receives the payment specified in Section 6,

whichever is latest. Any time period tolled under this subsection (C) shall resume upon termination of this Agreement. While this Agreement may establish a different review time for the Application than otherwise set forth in the Act or Board rules, this Agreement is not intended to create any right to automatic approval of the Application upon the Agency's failure to meet the expedited review time frame.

D. The Agency's review of the Application within the time frame set forth in paragraph B shall be known as "Expedited Review." This Agreement addresses only Expedited Review of the Application and does not create any other right or obligation for either party.

E. The Expedited Review shall be of the Application as described in Section 3. In the Agency's discretion, changes to the Application may necessitate changes to this Agreement.

F. The Agency's action on the Application does not affect the Applicant's obligations and responsibilities under this Agreement, including but not limited to, the payment of the fee specified in Section 6.

SECTION 5 TOLLING OF EXPEDITED REVIEW:

A. The period of time set forth in Section 4 will be tolled during any period of time the Agency is waiting for the Applicant or any other party to provide information necessary for the Agency to complete its Expedited Review. The date the Agency requests necessary information from the Applicant or from any other party shall be the date tolling of the time period set forth in Section 4 begins. The time period set forth in Section 4 shall resume when the Agency receives the necessary information. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt from the Agency or certified or registered mail.

B. If the Agency sends the Applicant a notice of intention to terminate pursuant to Section 7, the time period set forth in Section 4 will be tolled until the Applicant corrects the deficiencies identified in the notice, unless the Agency elects to terminate this Agreement.

C. If notice and opportunity to comment is provided to the public, the time period in Section 4 will be tolled, beginning when public notice is published and resuming 21 calendar days after the comment period closes.

D. If a public hearing is held in the course of the Agency's review of the Application, the time period set forth in Section 4 will be tolled, beginning when notice for the public hearing is published and resuming 21 calendar days after the record in the hearing is closed.

E. The Agency will document when a tolling period begins, the reason(s) the time period in Section 4 is being tolled and when the tolling period ends. The Agency will provide the Applicant a copy of this documentation upon request.

SECTION 6 FEES:

The Applicant agrees to pay the Agency an expedited permit fee in the amount of $40,000. Payment must be made by check or money order, in the amount of $40,000 made payable to the "Illinois EPA." The expedited permit fee is in addition to any other costs or fees required by the Act or Board rules, including, but not limited to, standard permit fees, initial permit fees, recurring permit fees, and annual permit fees.

The Agency may, at its discretion, accept a method of payment different than stated above.

SECTION 7 TERMINATION:

A. The Applicant may terminate this Agreement at any time. To terminate this Agreement, the Applicant must submit written notification of termination to the Agency. The termination shall take effect on the date the Agency receives the notification. When the Applicant terminates this Agreement, the Applicant waives any and all right to seek reimbursement or refund of the expedited permit fee paid pursuant to Section 6.

B. The Agency may terminate this Agreement for the following reasons.

1. After requested by the Agency, the Applicant fails to provide information the Agency deems necessary to complete the Expedited Review.

2. A third party fails to provide information to the Agency that the Agency deems necessary to the completion of the Expedited Review.

3. The Applicant fails to correct deficiencies in the Application as identified by the Agency.

4. The Applicant's modification of the Application causes the Agency to be unable to take an action within the time period set forth in Section 4.

5. The Applicant fails to pay the fee provided in Section 6, or the payment of the fee is drawn from an account with insufficient funds to cover the fee amount specified in Section 6.

6. The Applicant fails to pay other fees or costs as required by the Act or Board rules.

7. The Agency no longer has the resources available to take action on the Application within the time period set forth in Section 4.

Prior to terminating this Agreement, the Agency shall notify the applicant in writing of its intention to terminate and the reasons for the termination. When possible, the Agency shall provide the applicant with a reasonable opportunity to correct the reasons for the termination. If deficiencies remain uncorrected after the time period specified by the Agency, the Agency may proceed with termination of this Agreement. The Agency must provide the Applicant with written notification of termination that includes the reasons for the termination. The notice shall be provided by certified or registered mail postmarked with a date stamp and with return receipt requested. Termination of the Agreement shall take effect on the date the notification of termination is postmarked.

C. This Agreement will automatically be terminated upon withdrawal of the Application by the Agency in response to a written request to withdraw the Application received from the Applicant. The termination of the Agreement shall take effect on the date the Agency issues an Application withdrawal letter.

SECTION 8 AMENDMENTS:

This Agreement may be modified by written agreement between the Agency and the Applicant. No modification, amendment, supplement to or waiver of this Agreement or any of its provisions shall be binding upon the Agency or Applicant unless made in writing and duly signed by both parties. A failure of or delay by either party to this Agreement to enforce at any time any of the provisions of this Agreement or to require at any time performance of any of the provisions of this Agreement shall in no way be construed to be a waiver of such provision.

SECTION 9 REFUNDS:

The Applicant waives all rights to a refund from the Agency of any fee paid under Section 6 except as provided in this Section. Any refund to the Applicant shall not exceed the fee amount in Section 6 and shall not accrue interest.

A. Termination by Agency. If the Agency terminates this Agreement pursuant to subsection 7(B)(7), the Agency will refund the entire fee paid under Section 6 to the Applicant. The Applicant is not entitled to a refund of the fee paid under Section 6 if the Agency terminates this Agreement for the reasons set forth in subsections 7(B)(1)-(6).

B. Late Action. If the Agency takes an action on the Application, but fails to take this action within the time period set forth in Section 4, taking into account the tolling in Section 5, the Applicant shall be entitled to a refund of the expedited permit fee paid under Section 6 on a prorated basis. The refund shall be calculated as follows.

$$\text{Refund} = \frac{\text{Expedited Permit Fee}}{13} \times \text{Number of Days Past Expedited Review Deadline}$$

The parties agree that the Applicant will not receive a refund if the Agency's failure to take action on the permit application within the time period specified in Section 4 was due to a force majeure.

SECTION 10 DISPUTES:

Disputes relating to performance of this Agreement that are not resolved by the parties shall be decided by the Director of the Agency, or his or her authorized representative, who shall render a decision in writing. This decision shall be furnished to the Applicant by mail, electronic mail, facsimile, personal service, or by similar means. The decision of the Director shall be final and conclusive.

SECTION 11 INDEMNIFICATION AND LIABILITY:

The Applicant agrees to defend, indemnify and hold harmless the State, its agencies, officers, employees, agents and volunteers from any and all costs, demands, expenses, losses, claims, damages, liabilities, settlements and judgments, including reasonable in-house and contracted attorney's fees and expenses, caused by, arising out of or occurring in connection with any breach or violation of this Agreement, or any Agency action taken on the permit application specified in Section 3.

SECTION 12 SEVERABILITY:

If any provision of this Agreement is held to be illegal, invalid, or unenforceable, that provision will be fully severable, and this Agreement will be construed and enforced as if the illegal, invalid or unenforceable provision had never been part of this Agreement, and the remaining provisions of this Agreement will remain in full force and effect.

SECTION 13 NOTICE:

Notices and other communications provided for herein, unless otherwise specified, shall be given in writing by registered or certified mail, return receipt requested, by receipted hand delivery, by courier (UPS, FedEx or other similar and reliable carrier), by e-mail or by fax showing the date and time of successful receipt. By giving notice, either Party may change the contact information. Notice shall be sent to following persons:

Agency Contact
William D. Marr
Manager, Permit Section
Illinois EPA, Bureau of Air
1021 N. Grand Avenue East
Springfield, IL 62702
Phone: 217-785-1705
Email: Bill.Marr@illinois.gov

Applicant Contact
James Burris
Environmental Specialist
Bunge North America Inc
203 34th St
Cairo, IL 62914
Phone: 314-292-2937
Email: James.Burris@Bunge.com

SECTION 14 IMPLEMENTATION:

The Applicant agrees to execute such further documents and take such further steps as the Agency reasonably determines may be necessary to effectuate its review of the Applicant's permit application.

SECTION 15 AUTHORIZATION:

Each party to this Agreement represents and warrants to the other that (a) it has the right, power, and authority to enter into and perform its obligations under this Agreement, and (b) it has taken all requisite action (corporate, statutory or otherwise) to approve execution, delivery and performance of this Agreement, and (c) this Agreement constitutes a legal, valid and binding obligation upon itself in accordance with the terms of the Agreement.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed on behalf of the parties. This Agreement shall be considered fully executed on the latest date of the Agency's or the Applicant's signature below.

Illinois Environmental Protection Agency

Signature _____
John J. Kim, Director

Date 12-09-2022

Bunge North America Inc

Signature Christopher Cunningham

Printed Name Christopher Cunningham

Title Plant Manager

Date 12/6/22

EXHIBIT C

217/785-1705

CONSTRUCTION PERMIT
NSPS SOURCE

PERMITTEE

Bunge North America, Inc.
Attn: Christopher Cunningham, Plant Manager
203 34th Street
Cairo, Illinois 62914

Application No.: 22110001 I.D. No.: 003005AAI
Applicant's Designation: Date Received: November 3, 2022
Subject: Grain Cleaning and Drying Units
Date Issued: DRAFT --- December 13, 2022
Location: 203 34th Street, Cairo, Alexander County

This Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of grain cleaning and drying units, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s).

1. Introduction

a. This permit addresses the following at this grain processing plant, which processes soybeans into vegetable oil and animal feeds:

i. Construction of one new grain cleaning operation, consisting of units that would be used to clean, i.e., separate foreign matter, such as sticks and stones from, grain. A new baghouse would be constructed to control emissions of particulates from this operation. The new grain cleaning units and baghouse would take the place of the existing grain cleaning units and baghouse, which have reached the end of their useful life and will be removed from the source.

ii. Construction of six new gas-fired grain dryers. The new grain dryers would take the place of the existing two grain dryers, which have reached the end of their useful life and will be removed from the source.

b. While the new units addressed by Conditions 1(a)(i) and (ii) will have the capacity to process more grain than the existing grain cleaning and drying units, the new units would continue to be bottlenecked by downstream process units at this plant. In this regard, this permit includes enforceable limits on the operation of these new units so that there would l not be an increase in the amount of grain that could be processed by or emissions of downstream process units. (See Condition 4-1.)

c. For purposes of this permit:

i. The units comprising the grain cleaning operation addressed by Condition 1(a)(i) are referred to as the "affected grain cleaning units."

ii. The new baghouse that would be used to control the affected grain cleaning units is referred to as the "affected baghouse."

iii. The new grain dryers addressed by Condition 1(a)(ii) are referred to as the "affected grain dryers."

iv. The affected grain cleaning units and affected grain dryers are collectively referred to as the "affected units."

2. Coordination With Other Permits

a. Except as specifically provided, for the affected units, the Permittee shall comply with all applicable requirements for grain cleaning and drying units, including emissions standards and limits and related testing, recordkeeping and reporting requirements, as addressed by Section 4.2 of the Clean Air Act Permit Program (CAAPP) Permit issued for the source, Permit 96030140 (the "CAAPP Permit"), including the following:

i. Requirements of the New Source Performance Standards (NSPS) for Grain Elevators, 40 CFR 60 Subpart DD.

ii. Emissions standards for visible and particulate matter emissions under 35 IAC Part 212, including 35 IAC 212.123(a) (opacity of emissions), 35 IAC 212.301 (fugitive particulate matter), and 35 IAC 212 Subpart S (Agriculture).

iii. For the affected grain dryers, emissions standards for carbon monoxide (CO) emissions, including 35 IAC 216.121.

3. Nonapplicability Provisions

a. This permit is issued based on this project not being a major modification for purposes of Illinois' rules for Prevention of Significant Deterioration, 35 IAC Part 204. This is because this project will not result in a significant increase in emissions. (See Attachment 1.)

b. This permit is issued based on the affected units not being subject to the state emission standards for particulate matter emissions in 35 IAC 212.321(a). As generally provided by 35 IAC 212.461(a), 35 IAC 212.321 shall not apply to grain handling and drying operations.

4-1. Operational Limits

a. The existing grain cleaning and drying units shall be permanently shut down before the affected units begin operation.

b. The affected grain cleaning units shall not process more than 164.5 tons per hour (tons/hour) grain.

c. The maximum rated air flow rate of the affected baghouse shall not exceed 26,000 standard cubic feet per minute (scfm).

d. i. Natural gas shall be the only fuel fired in the affected grain dryers.

ii. Fuel usage of the affected grain dryers shall not exceed 32 million standard cubic feet (mmscf) per month (mmscf/month) and 318.5 mmscf per year (mmscf/year).

4-2. Emissions

a. Emissions of particulates from the affected grain cleaning units shall not exceed the following:

Pollutant	Emissions	
	gr/dscf*	tons/year
PM	0.002	1.95
PM_{10}		1.95
$PM_{2.5}$	0.001	0.98

* Grains (gr) per dry standard cubic foot (dscf)

b. i. Emissions from the affected grain dryers, including emissions from combustion, shall not exceed the following limits:

Pollutant	Emissions	
	pounds/hour	tons/year
PM	26.7	63.4
PM_{10}	13.4	31.7
$PM_{2.5}$	2.3	5.39
NOx*	6.7	15.9
CO	5.6	13.8
VOM**	0.2	0.98

* Nitrogen oxides
** Volatile organic material

ii. This permit is issued based on negligible emissions of sulfur dioxide (SO_2) from the affected grain dryers, i.e., emissions of no more than 0.44 tons/year.

5-1. Monitoring Requirements

a. The Permittee shall install, operate, and maintain a bag leak detection system for the affected baghouse as specified in Conditions 5-1(b) and (c) and in accordance with the manufacturer’s written specifications and recommendations for installation, operation, and adjustment of the system.

b. The bag leak detection system must meet the following specifications and requirements:

i. The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 4.6 milligrams per actual cubic meter (0.002 grains per actual cubic foot) or less.

ii. The bag leak detection system sensor must provide output of relative PM loadings. The Permittee shall continuously record the output from the bag leak detection system using electronic or other means (e.g., using a strip chart recorder or a data logger).

iii. The bag leak detection system must be equipped with an alarm system that will alert operating personnel when the system detects an increase in relative particulate loading over the alarm set point and the alarm must be located such that it can be detected by operating personnel.

iv. In the initial adjustment of the bag leak detection system, the Permittee must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

v. After initial adjustment, the range, averaging period, alarm set points, or alarm delay time may not be adjusted except as specified in the operations, maintenance, and monitoring plan required by Condition 5-2. The Permittee must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition.

vi. The Permittee must install the bag leak detection sensor downstream of the affected baghouse. If multiple bag leak detectors are required, detectors may share the system instrumentation and alarm.

vii. Each triboelectric bag leak detection system must be installed, operated, adjusted, and maintained so that it follows USEPA's "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997).

c. For the bag leak detection system, the Permittee must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. The Permittee must resolve the cause of the alarm within 3 hours of the alarm by taking necessary corrective action(s). Corrective actions may include, but are not limited to the following:

i. Inspecting the affected baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

ii. Sealing off defective bags or filter media;

iii. Replacing defective bags or filter media or otherwise repairing the control device;

iv. Sealing off a defective baghouse compartment;

v. Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or

vi. Shutting down the process producing the PM emissions.

5-2. Operations, Maintenance and Monitoring Plan

a. The operations, maintenance, and monitoring plan must include the following:

i. Process and control device parameters that the Permittee will monitor to determine compliance, along with established operating levels or ranges for the affected grain cleaning units operation and associated affected baghouse.

ii. A monitoring schedule.

iii. Procedures for properly operating and maintaining the affected baghouse used to meet the emission limit (0.02 gr/dscf) in Condition 4(a) of this permit.

iv. Procedures for keeping records to document compliance.

v. Corrective actions you will take if process or control device parameters vary from the levels established during performance testing. For bag leak detection system alarms, example corrective actions that may be included in the operations, maintenance, and monitoring plan include:

A. Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in emissions.

B. Sealing off defective bags or filter media.

C. Replacing defective bags or filter media, or otherwise repairing the control device.

D. Sealing off a defective fabric filter compartment.

E. Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

F. Shutting down the affected grain cleaning units.

G. The Permittee shall notify the Illinois EPA’s Compliance Section of any adjustment to the range, averaging period, alarm set points or alarm delay time. This notification shall be submitted to the Illinois EPA’s Compliance Section within 30 days of any adjustment.

6. Testing Requirements

a. For the affected units, unless USEPA waives such testing as provided for by 40 CFR 60.8(b), the Permittee shall have performance tests conducted to demonstrate compliance with the applicable requirements of the NSPS, including 40 CFR 60.302, and submit a written report for those tests to the Illinois EPA. The timing of these tests shall be in accordance with 40 CFR 60.8(a).

i. These performance tests shall be conducted using the methods specified in 40 CFR 60.303(b) or (c).

ii. The Permittee shall notify the Illinois EPA prior to these tests in accordance with 40 CFR 60.8(d).

b. In addition to the testing required by Condition 6(a), within 180 days of initial startup of the affected units, the Permittee shall have emission testing conducted for PM_{10} and $PM_{2.5}$ emissions of the affected units by an independent testing service in accordance with USEPA Methods 201A and 202. USEPA Method 202 may be used if all PM is assumed to be $PM_{10}/PM_{2.5}$. This testing may be coordinated with the performance testing required by Condition 6(a).

c. Within 180 days of initial startup of the affected grain dryers, the Permittee shall have emission testing conducted for NOx and CO emissions of the affected grain dryers by an independent testing service in accordance with USEPA Methods 7 and 10, respectively. This testing may be coordinated with the performance testing required by Condition 6(a).

d. At least 60 days prior to the actual date of emission testing, a written test plan shall be submitted to the Illinois EPA for review. The Illinois EPA may at the discretion of the Compliance Section Manager (or designee) accept a written test plan less than 60 days prior to testing provided it does not interfere with the Illinois EPA's ability to review and comment on the protocol and does not deviate from the applicable state or federal statutes. This plan shall describe the specific procedures for testing, including as a minimum:

i. The person(s) who will be performing sampling and analysis and their experience with similar tests.

ii. The specific conditions under which testing will be performed, including a discussion of why these conditions will be considered representative operating conditions and the means by which the operating parameters for the emission unit and any control equipment will be determined.

iii. The specific determinations of emissions and operation which are intended to be made, including sampling and monitoring locations.

iv. The test method(s) which will be used, with the specific analysis method, if the method can be used with different analysis methods.

v. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification.

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

e. The Illinois EPA shall be notified prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of the measurements shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of measurement shall be submitted a minimum of five working days prior to the actual date of the measurement. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notifications if it interferes with the Illinois EPA's ability to observe the measurements.

f. Copies of the Final Report(s) for these tests shall be submitted to the Illinois EPA within 60 days following the test. The Final Report shall include at a minimum:

i. A summary of results.

ii. General information.

iii. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.

iv. Detailed description of test conditions, including:

A. Process information, i.e., mode(s) of operation and process rate; and

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

v. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.

7. Recordkeeping Requirements

a. For the affected units, the Permittee shall fulfill the recordkeeping requirements of the NSPS, including 40 CFR 60.7(b).

b. The Permittee shall maintain records of the following items for the affected grain cleaning units in addition to other required records:

i. A file containing a copy of the manufacturer's specifications and recommended operating and maintenance procedures for the affected baghouse.

ii. The following records related to particulate emissions:

A. The PM, PM_{10} and $PM_{2.5}$ emission factor(s) and maximum hourly emissions rates used by the Permittee to determine emissions of the affected grain cleaning units with supporting documentation.

B. Records of all other data used or relied upon by the Permittee to determine the PM, PM_{10} and $PM_{2.5}$ emissions of affected grain cleaning units.

C. PM, PM_{10} and $PM_{2.5}$ emissions from the affected grain cleaning units based on appropriate emission factors and operating data (tons/month and tons/year), with supporting calculations.

c. The Permittee shall keep the following information and records for the affected grain dryers:

i. A file containing the manufacturer, model number, serial number and the maximum design heat input capacity, if this information is not listed on a nameplate attached to the grain dryer.

ii. A file containing the determination of the maximum hourly emissions of PM, PM_{10}, $PM_{2.5}$, NOx and CO, VOM and SO_2 with supporting data and calculations.

iii. Records for natural gas usage (mmscf/month and mmscf/year), with supporting documentation and calculations.

iv. Records of actual emissions of PM, PM_{10}, $PM_{2.5}$, NOx, CO and VOM (tons/month and tons/year), with supporting data and calculations.

8. Notification and Reporting Requirements

a. For the affected units, the Permittee shall fulfill all applicable notification and reporting requirements of the NSPS, including 40 CFR 60.7(a)and (b).

b. The Permittee shall notify the Illinois EPA within 30 days of the following:

i. The date that the affected grain cleaning units begin operation.

ii. The date that the affected grain dryers begin operation.

iii. The date(s) that the existing grain cleaning and drying units are removed from the source.

9. Authorization to Operate

a. The Permittee may operate the affected units pursuant to this construction permit until the CAAPP Permit is revised or renewed

to address these units. This condition supersedes Standard Condition 6.

If you have any questions on this permit, please contact Daniel Rowell at 217/558-4368.

William D. Marr
Manager, Permit Section
Bureau of Air

WDM:DBR:

ATTACHMENT 1

Emissions Increases for the Project (Tons/Year)

Unit(s)	Pollutant						
	PM	PM_{10}	$PM_{2.5}$	NOx	CO	VOM	SO_2
Baseline Actual Emissions of Existing Units[a]							
Grain Cleaning	0.2	0.2	0.1	-	-	-	-
Grain Drying	53.5	26.7	4.6	11.8	9.9	0.6	0.07
Subtotal	53.7	26.9	4.7	11.8	9.9	0.6	0.07
Potential Emissions of New Units							
Grain Cleaning	1.95	1.95	0.98	-	-	-	-
Grain Drying	63.4	31.7	5.39	15.9	13.8	0.88	0.10
Subtotal	65.4	33.7	6.37	15.9	13.8	0.88	0.10
Overall Increase[b]	11.7	6.8	1.7	4.1	3.9	0.3	0.03
Significant Emission Rate	25	15	10	40	100	40	40
Significant?	No	No	No	No	No	No	No

Table Notes:

a. Represents the baseline actual emissions of the existing grain cleaning and drying units for the 24-month baseline period beginning February 2015 and ending January 2017. The existing grain cleaning and drying units will be shut down as part of this project.

b. Totals may not match sums due to rounding.

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

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

July 1, 1985

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

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

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.

2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act, and Regulations adopted by the Illinois Pollution Control Board.

3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.

4. The Permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:

    a. to enter the Permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,

    b. to have access to and 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.

5. The issuance of this permit:

    a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,

    b. does not release the Permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities,

    c. does not release the Permittee from compliance with the other applicable statues and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,

    d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

e. in no manner implies or suggests that the Agency (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 facility.

6. a. Unless a joint construction/operation permit has been issued, a permit for operation shall be obtained from the Agency before the equipment covered by this permit is placed into operation.

b. For purposes of shakedown and testing, unless otherwise specified by a special permit condition, the equipment covered under this permit may be operated for a period not to exceed thirty (30) days.

7. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:

a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed, or

b. upon finding that any standard or special conditions have been violated, or

c. upon any violations of the Environmental Protection Act or any regulation effective thereunder as a result of the construction or development authorized by this permit.

EXHIBIT D

217/785-1705

CONSTRUCTION PERMIT
NSPS SOURCE

PERMITTEE

Bunge North America, Inc.
Attn: Christopher Cunningham, Plant Manager
203 34th Street
Cairo, Illinois 62914

Application No.: 22110001 I.D. No.: 003005AAI
Applicant's Designation: Date Received: November 3, 2022
Subject: Grain Cleaning and Drying Units
Date Issued: DRAFT --- December 20, 2022
Location: 203 34th Street, Cairo, Alexander County

This Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment consisting of grain cleaning and drying units, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s).

1. Introduction

a. This permit addresses the following at this grain processing plant, which processes soybeans into vegetable oil and animal feeds:

i. Construction of one new grain cleaning operation, consisting of units that would be used to clean, i.e., separate foreign matter, such as sticks and stones from, grain. A new baghouse would be constructed to control emissions of particulates from this operation. The new grain cleaning units and baghouse would take the place of the existing grain cleaning units and baghouse, which have reached the end of their useful life and will be removed from the source.

ii. Construction of six new gas-fired grain dryers. The new grain dryers would take the place of the existing two grain dryers, which have reached the end of their useful life and will be removed from the source.

b. While the new units addressed by Conditions 1(a)(i) and (ii) will have the capacity to process more grain than the existing grain cleaning and drying units, the new units would continue to be bottlenecked by downstream process units at this plant. In this regard, this permit includes enforceable limits on the operation of these new units so that there would 1 not be an increase in the amount of grain that could be processed by or emissions of downstream process units. (See Condition 4-1.)

c. For purposes of this permit:

i. The units comprising the grain cleaning operation addressed by Condition 1(a)(i) are referred to as the "affected grain cleaning units."

ii. The new baghouse that would be used to control the affected grain cleaning units is referred to as the "affected baghouse."

iii. The new grain dryers addressed by Condition 1(a)(ii) are referred to as the "affected grain dryers."

iv. The affected grain cleaning units and affected grain dryers are collectively referred to as the "affected units."

2. Coordination With Other Permits

a. Except as specifically provided, for the affected units, the Permittee shall comply with all applicable requirements for grain cleaning and drying units, including emissions standards and limits and related testing, recordkeeping and reporting requirements, as addressed by Section 4.2 of the Clean Air Act Permit Program (CAAPP) Permit issued for the source, Permit 96030140 (the "CAAPP Permit"), including the following:

i. Requirements of the New Source Performance Standards (NSPS) for Grain Elevators, 40 CFR 60 Subpart DD.

ii. Emissions standards for visible and particulate matter emissions under 35 IAC Part 212, including 35 IAC 212.123(a) (opacity of emissions), 35 IAC 212.301 (fugitive particulate matter), and 35 IAC 212 Subpart S (Agriculture).

iii. For the affected grain dryers, emissions standards for carbon monoxide (CO) emissions, including 35 IAC 216.121.

3. Nonapplicability Provisions

a. This permit is issued based on this project not being a major modification for purposes of Illinois' rules for Prevention of Significant Deterioration, 35 IAC Part 204. This is because this project will not result in a significant increase in emissions. (See Attachment 1.)

b. This permit is issued based on the affected grain dryers not being subject to the particulate matter standard of the NSPS, 40 CFR 60.301(a)(1), i.e., 0 percent opacity from any column dryer with column plate perforation exceeding 2.4 mm (0.094 inch). This is because the affected grain dryers will have column plate perforation that will not exceed 2.4 mm (0.094 inch). (See Condition 4-1(e)).

~~b~~c. This permit is issued based on the affected units not being subject to the state emission standards for particulate matter emissions in 35 IAC 212.321(a). As generally provided by 35 IAC 212.461(a), 35 IAC 212.321 shall not apply to grain handling and drying operations.

4-1. Operational Limits and Requirements

a. The existing grain cleaning and drying units shall be permanently shut down before the affected units begin operation.

b. The affected grain cleaning units shall not process more than ~~164.5 tons per hour (tons/hour) grain~~1,601,133 tons/year grain. Compliance with this annual limit and other annual limits set by this permit shall be determined monthly from a running total of 12 consecutive months of data.

c. The maximum rated air flow rate of the affected baghouse shall not exceed 26,000 standard cubic feet per minute (scfm).

d. i. Natural gas shall be the only fuel fired in the affected grain dryers.

ii. Fuel usage of the affected grain dryers shall not exceed ~~32~~40 million standard cubic feet (mmscf) per month (mmscf/month) and 318.5 million standard cubic feet (mmscf) ~~mmscf~~ per year (mmscf/year).

e. The column plate perforation of each affected grain dryer shall not exceed 2.4 mm diameter (0.094 inch).

4-2. Emissions

a. Emissions of particulates from the affected grain cleaning units shall not exceed the following:

Pollutant	Emissions	
	gr/dscf*	tons/year
PM	0.002	1.95
PM_{10}		1.95
$PM_{2.5}$	0.001	0.98

* Grains (gr) per dry standard cubic foot (dscf)

b. i. Emissions from the affected grain dryers, including emissions from combustion, shall not exceed the following limits:

Pollutant	Emissions	
	pounds/hour	tons/year
PM	26.7	63.4
PM_{10}	13.4	31.7
$PM_{2.5}$	2.3	5.39
NOx*	6.7	15.9
CO	5.6	13.8
VOM**	0.2	0.98

* Nitrogen oxides
** Volatile organic material

Commented [RD1]: Condition revised to address an annual limit for the input to the grain cleaning units, i.e., "dirty" beans, as suggested by Bunge's 12/16/22 e-mail.

Commented [RD2]: In response to Comment 2:

This limit is based on information provided in the application for the baghouse. The limits for controlled emissions PM, PM_{10} and $PM_{2.5}$ were calculated using this value for baghouse airflow. Accordingly, this condition will remain in the permit.

Commented [RD3]: In response to Comment 3:

The Permit Section proposes increasing the monthly limit for fuel usage of the grain dryers to 1/8th the annual limit (approx. 39.8 mmscf).

Commented [RD4]: Included so that 40 CFR 60 Subpart DD does not apply to the grain dryers.

ii. This permit is issued based on negligible emissions of sulfur dioxide (SO_2) from the affected grain dryers, i.e., emissions of no more than 0.44 tons/year.

5-1. Monitoring Requirements for the Affected Baghouse

a. The Permittee shall install, operate, and maintain a bag leak detection system for the affected baghouse as specified in Conditions 5-1(b) and (c) and in accordance with the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system.

b. The bag leak detection system must meet the following specifications and requirements:

i. The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 4.6 milligrams per actual cubic meter (0.002 grains per actual cubic foot) or less.

ii. The bag leak detection system sensor must provide output of relative PM loadings. The Permittee shall continuously record the output from the bag leak detection system using electronic or other means (e.g., using a strip chart recorder or a data logger).

iii. The bag leak detection system must be equipped with an alarm system that will alert operating personnel when the system detects an increase in relative particulate loading over the alarm set point and the alarm must be located such that it can be detected by operating personnel.

iv. In the initial adjustment of the bag leak detection system, the Permittee must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

v. After initial adjustment, the range, averaging period, alarm set points, or alarm delay time may not be adjusted except as specified in the operations, maintenance, and monitoring plan required by Condition 5-2. The Permittee must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition.

vi. The Permittee must install the bag leak detection sensor downstream of the affected baghouse. If multiple bag leak detectors are required, detectors may share the system instrumentation and alarm.

vii. Each triboelectric bag leak detection system must be installed, operated, adjusted, and maintained so that it follows USEPA's "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997).

Commented [RD5]: In response to comments pertaining to BLDS:

As discussed on the morning of 12/20, BLDS are important for demonstrating proper operation of the baghouse. Moreover, Bunge has not provided a supported technical rationale as to why BLDS should not be applied to the baghouse controlling the grain cleaning operations. Accordingly, requirements for BLDS will remain in the permit.

c. For the bag leak detection system, the Permittee must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. The Permittee must resolve the cause of the alarm within 3 hours of the alarm by taking necessary corrective action(s). Corrective actions may include, but are not limited to the following:

i. Inspecting the affected baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

ii. Sealing off defective bags or filter media;

iii. Replacing defective bags or filter media or otherwise repairing the control device;

iv. Sealing off a defective baghouse compartment;

v. Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or

vi. Shutting down the process producing the PM emissions.

5-2. Operations, Maintenance and Monitoring Plan for the Affected Baghouse

a. The operations, maintenance, and monitoring plan must include the following:

i. Process and control device parameters that the Permittee will monitor to determine compliance, along with established operating levels or ranges for the affected grain cleaning units operation and associated affected baghouse.

ii. A monitoring schedule.

iii. Procedures for properly operating and maintaining the affected baghouse used to meet the emission limits (0.002 and 0.001 gr/dscf) in Condition 4-1(~~a~~b) of this permit.

iv. Procedures for keeping records to document compliance.

v. Corrective actions you will take if process or control device parameters vary from the levels established during performance testing. For bag leak detection system alarms, example corrective actions that may be included in the operations, maintenance, and monitoring plan include:

A. Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in emissions.

B. Sealing off defective bags or filter media.

C. Replacing defective bags or filter media, or otherwise repairing the control device.

Commented [RD6]: In response to Comment 7:

Highlighted statement for emphasis.

The Permit Section acknowledges Bunge's comment that, "…The baghouse being installed are not designed to be able to seal off defective bags;" and, "the baghouse being installed are not designed to be able to seal off filter compartments."

It should be understood that Condition 5-1(c) lists *examples* of corrective actions.

Commented [RD7]: In response to Comment 5:

The Permit Section agrees that this condition should reference a gr/dscf limit of 0.002, not 0.02. In addition, the gr/dscf limit for $PM_{2.5}$, 0.001 gr/dscf, is also addressed by this condition.

Commented [RD8]: In response to Comment 7:

Highlighted statement for emphasis.

The Permit Section acknowledges Bunge's comment that, "…The baghouse being installed are not designed to be able to seal off defective bags;" and, "the baghouse being installed are not designed to be able to seal off filter compartments."

It should be understood that Condition 5-2(a)(v) lists *examples* of corrective actions.

D. Sealing off a defective fabric filter compartment.

E. Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

F. Shutting down the affected grain cleaning units.

G. The Permittee shall notify the Illinois EPA's Compliance Section of any adjustment to the range, averaging period, alarm set points or alarm delay time. This notification shall be submitted to the Illinois EPA's Compliance Section within 30 days of any adjustment.

5-3. Inspection and Maintenance Requirements

a. For the affected grain dryers, the Permittee shall conduct monthly inspections of the burners of the affected grain dryers. As part of these monthly inspections, the Permittee shall perform maintenance, including cleaning and/or replacement of components of the burners as necessary.

6. Testing Requirements

a. For the affected grain cleaning units, unless USEPA waives such testing as provided for by 40 CFR 60.8(b), the Permittee shall have performance tests conducted to demonstrate compliance with the applicable requirements of the NSPS, including 40 CFR 60.302(b) and (c)(2), and submit a written report for those tests to the Illinois EPA. The timing of these tests shall be in accordance with 40 CFR 60.8(a).

i. These performance tests shall be conducted using the methods specified in 40 CFR 60.303(b) or (c).

ii. The Permittee shall notify the Illinois EPA prior to these tests in accordance with 40 CFR 60.8(d).

b. In addition to the testing required by Condition 6(a), within 180 days of initial startup of the affected grain cleaning units, the Permittee shall have emission testing conducted for PM_{10} and $PM_{2.5}$ emissions of the affected grain cleaning units by an independent testing service in accordance with USEPA Methods 201A and 202. USEPA Method ~~202~~ 5 may be used if all PM is assumed to be $PM_{10}/PM_{2.5}$. This testing may be coordinated with the performance testing required by Condition 6(a).

~~c. Within 180 days of initial startup of the affected grain dryers, the Permittee shall have emission testing conducted for NOx and CO emissions of the affected grain dryers by an independent testing service in accordance with USEPA Methods 7 and 10, respectively. This testing may be coordinated with the performance testing required by Condition 6(a).~~

~~d~~c. At least 60 days prior to the actual date of emission testing, a written test plan shall be submitted to the Illinois EPA for

Commented [RD9]: In response to Comment 8:

This information for BLDS is tracked by our Compliance Section.

Commented [RD10]: In response to Comment 11:

The Permit Section proposes this monitoring for the burners of the grain dryers in lieu of stack testing.

Commented [RD11]: In general response to Comment 9:

Conditions have been updated to clarify that only the grain cleaning units are subject to testing under the NSPS.

Commented [RD12]: In response to Condition 12:

As discussed during our call on the morning of 12/20/22, these requirements are typical for construction permits where testing is required.

review. The Illinois EPA may at the discretion of the Compliance Section Manager (or designee) accept a written test plan less than 60 days prior to testing provided it does not interfere with the Illinois EPA's ability to review and comment on the protocol and does not deviate from the applicable state or federal statutes. This plan shall describe the specific procedures for testing, including as a minimum:

i. The person(s) who will be performing sampling and analysis and their experience with similar tests.

ii. The specific conditions under which testing will be performed, including a discussion of why these conditions will be considered representative operating conditions and the means by which the operating parameters for the emission unit and any control equipment will be determined.

iii. The specific determinations of emissions and operation which are intended to be made, including sampling and monitoring locations.

iv. The test method(s) which will be used, with the specific analysis method, if the method can be used with different analysis methods.

v. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification.

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

~~e~~d. The Illinois EPA shall be notified prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of the measurements shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of measurement shall be submitted a minimum of five working days prior to the actual date of the measurement. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notifications if it interferes with the Illinois EPA's ability to observe the measurements.

~~f~~e. Copies of the Final Report(s) for these tests shall be submitted to the Illinois EPA within 60 days following the test. The Final Report shall include at a minimum:

i. A summary of results.

ii. General information.

iii. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.

iv. Detailed description of test conditions, including:

A. Process information, i.e., mode(s) of operation and process rate; and

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

v. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.

7. Recordkeeping Requirements

a. For the affected units, the Permittee shall fulfill the recordkeeping requirements of the NSPS, including 40 CFR 60.7(b).

b. The Permittee shall maintain records of the following items for the affected grain cleaning units in addition to other required records:

i. A file containing a copy of the manufacturer's specifications and recommended operating and maintenance procedures for the affected baghouse.

ii. Records for the amount of grain processed by the affected grain cleaning units (tons/month and tons/year).

iii. The following records related to particulate emissions:

A. The PM, PM_{10} and $PM_{2.5}$ emission factor(s) and maximum hourly emissions rates used by the Permittee to determine emissions of the affected grain cleaning units with supporting documentation.

B. Records of all other data used or relied upon by the Permittee to determine the PM, PM_{10} and $PM_{2.5}$ emissions of affected grain cleaning units.

C. PM, PM_{10} and $PM_{2.5}$ emissions from the affected grain cleaning units based on appropriate emission factors and operating data (tons/month and tons/year), with supporting documentation and calculations.

c. The Permittee shall keep the following information and records for the affected grain dryers:

i. A file containing the manufacturer, model number, serial number and the maximum design heat input capacity, if this information is not listed on a nameplate attached to the grain dryer.

ii. A file containing the determination of the maximum hourly emissions of PM, PM_{10}, $PM_{2.5}$, NOx and CO, VOM and SO_2 with supporting data and calculations.

iii. Records for natural gas usage (mmscf/month and mmscf/year), with supporting documentation and calculations.

Commented [RD13]: In response to Comment 13:

This condition is necessary to verify the baghouse is being properly operated and maintained in accordance with manufacturer's procedures.

The reliability and maintenance program maintained by Bunge, referenced by its comment provided by e-mail on 12/16/22, is not enforceable under this permit.

Commented [RD14]: As a general matter, the monthly records are used to calculate the rolling 12-month total.

iv. Records of actual emissions of PM, PM_{10}, $PM_{2.5}$, NOx, CO and VOM (tons/month and tons/year), with supporting data and calculations.

v. Records for inspections of and maintenance performed on the burners of the affected grain dryers, which include:

A. The date and time of inspection.

B. Maintenance performed on the burners, if any.

8. Notification and Reporting Requirements

a. For the affected units, the Permittee shall fulfill all applicable notification and reporting requirements of the NSPS, including 40 CFR 60.7(a)and (b).

b. The Permittee shall notify the Illinois EPA within 30 days of the following:

i. The date that the affected grain cleaning units begin operation.

ii. The date that the affected grain dryers begin operation.

iii. The date(s) that the existing grain cleaning and drying units are removed from the source.

9. Authorization to Operate

a. The Permittee may operate the affected units pursuant to this construction permit until the CAAPP Permit is revised or renewed to address these units. This condition supersedes Standard Condition 6.

If you have any questions on this permit, please contact Daniel Rowell at 217/558-4368.

William D. Marr
Manager, Permit Section
Bureau of Air

WDM:DBR:

ATTACHMENT 1

Emissions Increases for the Project (Tons/Year)

Unit(s)	Pollutant						
	PM	PM_{10}	$PM_{2.5}$	NOx	CO	VOM	SO_2
Baseline Actual Emissions of Existing Units[a]							
Grain Cleaning	0.2	0.2	0.1	-	-	-	-
Grain Drying	53.5	26.7	4.6	11.8	9.9	0.6	0.07
Subtotal	53.7	26.9	4.7	11.8	9.9	0.6	0.07
Potential Emissions of New Units							
Grain Cleaning	1.95	1.95	0.98	-	-	-	-
Grain Drying	63.4	31.7	5.39	15.9	13.8	0.88	0.10
Subtotal	65.4	33.7	6.37	15.9	13.8	0.88	0.10
Overall Increase[b]	11.7	6.8	1.7	4.1	3.9	0.3	0.03
Significant Emission Rate	25	15	10	40	100	40	40
Significant?	No	No	No	No	No	No	No

Table Notes:

a. Represents the baseline actual emissions of the existing grain cleaning and drying units for the 24-month baseline period beginning February 2015 and ending January 2017. The existing grain cleaning and drying units will be shut down as part of this project.

b. Totals may not match sums due to rounding.

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

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

July 1, 1985

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

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

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.

2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act, and Regulations adopted by the Illinois Pollution Control Board.

3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.

4. The Permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:

   a. to enter the Permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,

   b. to have access to and 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.

5. The issuance of this permit:

   a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,

   b. does not release the Permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities,

   c. does not release the Permittee from compliance with the other applicable statues and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,

   d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

e. in no manner implies or suggests that the Agency (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 facility.

6. a. Unless a joint construction/operation permit has been issued, a permit for operation shall be obtained from the Agency before the equipment covered by this permit is placed into operation.

b. For purposes of shakedown and testing, unless otherwise specified by a special permit condition, the equipment covered under this permit may be operated for a period not to exceed thirty (30) days.

7. The Agency may file a complaint with the Board for modification, suspension or revocation of a permit:

a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed, or

b. upon finding that any standard or special conditions have been violated, or

c. upon any violations of the Environmental Protection Act or any regulation effective thereunder as a result of the construction or development authorized by this permit.

EXHIBIT E

From: Rowell, Daniel <Daniel.Rowell@illinois.gov>
Sent: Tuesday, December 20, 2022 4:11 PM
To: James Burris <James.Burris@bunge.com>
Cc: Schnepp, Jason <Jason.Schnepp@Illinois.gov>
Subject: RE: Draft Construction Permit for Grain Cleaning and Drying Units - Cairo

Good afternoon Jim-

Please find attached to this e-mail a redline draft of the construction permit for the proposed grain cleaning and drying units at Bunge's Cairo facility. Where appropriate, the comments feature in Word has been used to briefly explain the Permit Section's position on changes to the draft and/or responses to Bunge's comments. This draft continues to include requirements for a bag leak detection system (BLDS) for the baghouse that would control the grain cleaning units. As we discussed on our call this morning, BLDS is being required by the permit as Bunge has not provided justification why BLDS cannot be applied.

Your review, comments and feedback are appreciated. Please feel free to reach out if you have questions

Thanks-

Daniel Rowell, P.E.

Technical Expert, Construction Unit
Illinois EPA, Bureau of Air Ph: 217-558-4368
1021 North Grand Avenue East
Springfield, Illinois 62794

From: James Burris <James.Burris@bunge.com>
Sent: Friday, December 16, 2022 8:38 AM
To: Rowell, Daniel <Daniel.Rowell@illinois.gov>
Cc: Schnepp, Jason <Jason.Schnepp@Illinois.gov>
Subject: [External] RE: Draft Construction Permit for Grain Cleaning and Drying Units - Cairo

Daniel,

Below are Bunge's comments on the Draft construction permit. Please let me know if you have any questions or if you would like to discuss any of the comments in more detail.

Comments on Draft Construction Permit, Application No. 22110001

1) On pages 2, Condition 4-1.b

This condition limits the grain cleaning unit to 164.5 tons/hour. The grain cleaning system has an hourly design capacity of 300 tons/hour and can in a single hour clean 300 tons of grain. The 164.5 tons/hour is a long term limit based on an annual maximum throughput of 1,441,020 tons/year of clean beans or 1,601,133 tons/year of dirty beans (assuming 10% foreign material in beans received.) bottlenecked rate.

Bunge proposes that this be changed to a 12-month rolling limit of 1,441,020 tons/year of clean beans processed measured on a monthly basis satisfying the need for a short term limit.

2) On pages 2, Condition 4-1.c

This condition states the maximum rated air flow rate of the cleaning equipment baghouse shall not exceed 26,000 scfm.

Bunge feels that this condition is not necessary. The baghouse is required to be tested to demonstrate compliance with the hourly emission rates. During the test, the air flow rate will be measured. While the fan is rated at 26,000 scfm, the air flow may fluctuate due to balancing of the air flow needed in the cleaning system. Air flow rates measured during the stack test might be shown to exceed 26,000 scfm while at the same time show hourly emission rates below the permitted limits. Bunge does not want to show compliance with emission limits only to be out of compliance with an air flow rate. Bunge proposes to remove this condition because the compliance stack test will be sufficient to demonstrate compliance with the hourly emission rate limits.

3) On pages 2, Condition 4-1.d.ii

This condition states fuel usage of the grain dryer shall not exceed 32 MMCF per month and 318.5 MMCF per year.

Bunge believes is it possible that the dryers could exceed this monthly limit. For example, a very cold January with really wet beans could require a large quantity of fuel. Bunge proposes to eliminate the monthly limit and instead record the quantity of fuel used on a monthly basis and demonstrate compliance with the annual limit monthly on a 12-month rolling basis. This satisfies the need for a short term limit.

4) On page 3, Condition 5-1, Monitoring Requirements

This condition requires the facility to install and use a bag leak detection system to assure that the grain cleaning system baghouse is in compliance with the permitted emission rate limits and is operating as intended.

Bunge proposes an alternative method of compliance assurance. Bunge proposes to perform daily visible emission observations and if any visible emissions are observed, the cleaning system equipment and baghouse would be shut down within one hour to investigate correct the issue. After any corrective actions are taken, a follow up visible emissions observation will be taken to confirm that the repairs were effective. The daily visible emissions observations would be recorded along with any corrective actions and follow up visible emissions results. Visible emissions observations are a

reliable method for monitoring a baghouse for proper operation and are employed for other baghouses at this facility.

5) On page 5, Condition 5-2.a.iii

This condition references a grain cleaning system baghouse limit of 0.02 gr/dscf. Bunge believes this limit should be 0.002 gr/dscf.

6) On page 5, Condition 5-2.a.v

This condition includes a reference to a bag leak detection system. Bunge has proposed a monitoring method that does not include a bag leak detection system. This reference can be removed. See comment 2.

7) On page 5, Condition 5-2.a.v.B, D and E

Condition B indicates that the operations, maintenance and monitoring plan should include "Sealing off defective bags or filter media". The baghouse being installed are not designed to be able to seal off defective bags. Defective bags will be replaced. This condition can be removed.

Condition D indicates that the operations, maintenance and monitoring plan should include "Sealing off defective fabric filter compartments". The baghouse being installed are not designed to be able to seal off filter compartments. Defective filter compartments will be repaired. This condition can be removed.

Condition E indicates that the operations, maintenance and monitoring plan should include "Cleaning the bag leak detection probe, or otherwise repairing the bag leak detection system". Bunge has proposed a monitoring method that does not include a bag leak detection system. This condition can be removed.

8) On page 5, Condition 5-2.a.v.G

This condition requires the facility to submit notifications to IEPA when the range, averaging period, alarm set points or alarm delay time are adjusted.

Bunge does not understand the purpose of this condition or when it would apply. Bunge feels that this condition should be removed.

9) On page 6, Condition 6.a

This condition is in reference to compliance testing required by NSPS, subpart DD. This project does not involve any affected facilities covered under subpart DD subject to compliance testing. This condition can be removed.

10) On page 6, Condition 6.b

This condition requires the facility to perform a PM10 and PM2.5 compliance test using Methods 201A and 202, noting that Method 202 may be used if all PM is assumed to be PM10/PM2.5. Bunge believes the alternate method should be Method 5.

11) On page 6, Condition 6.b and c

Condition b requires the facility to perform a PM10 and PM2.5 compliance test on the "affected units" which includes the grain dryers, and condition c requires the facility to perform a CO and NOx compliance testing on the grain dryers. The exhaust from the grain dryers does not pass through a stack, it passes through the screened walls of the dryers. Performing these tests is not possible. In lieu of performing the compliance tests, Bunge proposes to follow the NSPS, subpart DD requirement to install a dryer with screen perforations not exceeding 0.094 inches (2.4 mm) and include in their operation, maintenance and monitoring plan a requirement to perform an annual inspection of the dryer's burners and repair/replace as necessary to ensure efficient combustion and that the dryers are operating as designed.

12) On page 6, Condition 6.d

This condition requires a written test plan be submitted to IEPA and specifies what the test plan should include. Illinois regulation 35 IAC 283.220(c) specifies what is required to be in a test plan. It states that a test plan must specify:

- The purpose of the test,
- The operating parameters,
- The test method, and
- Any other procedures that will be followed when conducting an emissions test pursuant to the provisions of this Part.

Furthermore, 35 IAC 283.220(d) states that a test plan need not be submitted where the source intends to use a standard test method or procedure.

Bunge requests that this condition be amended so that the required content of a test plan is consistent with what is required by the regulation and add language to incorporate the part of the regulation that allows for circumstances when a test plan is not required.

13) On page 8, Condition 7.b.i

This condition requires a file containing a copy of the manufacturer's specifications and recommended operating and maintenance procedures for the grain cleaning system baghouse.

Bunge feels that this requirement is not necessary. Bunge incorporates manufacturer recommendations into its reliability and maintenance program. The maintenance and operation of the baghouse will be incorporated into the operation, maintenance and monitoring plan required by condition 5-2.

14) On page 8, Condition 7.b.ii.C and 7.c.iv

These conditions require the maintenance of records of emissions on a ton/month basis. There are no monthly emission limits to comply with. Bunge maintains emission records on a monthly basis, but the emissions calculated and recorded are a ton/12-month rolling basis. Bunge requests that the requirement to maintain a record of monthly emissions be replaced with a requirement to keep a record of the 12-month rolling emissions on a monthly basis.

Thank you,

Jim Burris, PE

Phone: 314-292-2937
Mobile: 314-308-3904
1391 Timberlake Manor Parkway
Chesterfield, MO 63017

BUNGE

From: Rowell, Daniel <Daniel.Rowell@illinois.gov>
Sent: Tuesday, December 13, 2022 11:18 AM
To: James Burris <James.Burris@bunge.com>
Cc: Schnepp, Jason <Jason.Schnepp@Illinois.gov>
Subject: Draft Construction Permit for Grain Cleaning and Drying Units - Cairo

Good morning Jim,

Please find attached to this e-mail a draft construction permit for the proposed grain cleaning and drying units at Bunge's Cairo facility. Note that this draft would require Bunge to install a bag leak detection system (BLDS) on the baghouse controlling the grain cleaning units. This is due to Bunge relying on this baghouse to substantially reduce emissions of particulates (PM, PM10 and PM2.5) so that this project does not result in a significant increase in emissions of particulates for purposes of Illinois' rules for Prevention of Significant Deterioration (PSD), 35 IAC Part 204. In addition, as Bunge's Cairo facility is located in an Environmental Justice (EJ) area, BLDS monitoring provides assurance that the baghouse is operating to effectively control particulates so as to not increase emissions of the facility, consistent with the Permit Section's objectives for sources located in EJ areas.

If BLDS cannot be used on the baghouse controlling the grain cleaning units, Bunge will need to provide adequate justification as to why BLDS cannot reasonably be applied.

Your review, comments and feedback on the draft permit are appreciated. If you have any questions during your review, please feel free to reach out to me.

Thanks-

Daniel Rowell, P.E.

ILLINOIS EPA

Technical Expert, Construction Unit
Bureau of Air Ph: 217-558-4368
1021 North Grand Avenue East
Springfield, Illinois 62794

EXHIBIT F

MEMORANDUM

SUBJECT: NSPS Subpart DD - Definition of Grain Handling Operations

FROM: John B. Rasnic, Acting Director
Stationary Source Compliance Division (EN-341W)
Office of Air Quality Planning and Standards

TO: David Kee, Director
Air and Radiation Division
Region V

This is in response to your August 21, 1990 memorandum requesting a determination of applicability for a definition of grain handling operations under NSPS Subpart DD (Grain Elevators). Your question is whether "... Applicability of the NSPS was intended for each grain handling operation individually or solely for the entire grain handling system at a facility ?". You cite an example in Minnesota where the State issued an NOV based on the belief that each piece of equipment was an affected facility.

We have discussed your question with the Emission Standards Division in Durham, North Carolina, and we have reviewed the available information about the standards to ascertain if previous guidance or policy exists. The following language is contained in the preamble to the proposed NSPS regulations for grain elevators at page 2843, of the January 13, 1977 Federal Register:

> "Grain handling operations are grouped as one affected facility since they have similar operating capacities, and air pollution control devices frequently serve several pieces of handling equipment. Modification of one part of the grain handling system will usually require modification of other parts in the system; therefore, the whole handling system would be subject to the proposed standards."

This policy was not modified upon promulgation of the standards for grain elevators, and continues to be our operational interpretation. Therefore, the affected facility is the entire grain handling operation, and not each bucket elevator, scalper, cleaner, etc. Replacement of one of the individual pieces of equipment within the grain handling operation would not be subject to the NSPS, unless such

replacement caused an increase in emissions from the overall grain handling operation, or constituted reconstruction of the affected facility. If however, the replacement or alteration of any piece of equipment within the grain handling operation did cause an emissions increase from overall grain handling operation, then all components of the grain handling operation, and not just the replaced or altered item, would need to meet the NSPS.

Thank you for the opportunity to clarify the applicability of these standards. If you have any further questions, please contact Kenneth Malmberg of my staff at FTS 398-8684.

Cc: Ron Meyers, ?SB, ESD
Sims Roy, SDB, ESD
Kenneth Malmberg, SSCD
Sally Mitoff, SSCD

EXHIBIT G

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUN 13 1989

MEMORANDUM

SUBJECT: Guidance on Limiting Potential to Emit in New Source Permitting

FROM: Terrell E. Hunt
Associate Enforcement Counsel
Air Enforcement Division
Office of Enforcement and Compliance Monitoring

John S. Seitz, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Addressees

This memorandum transmits the final guidance on conditions in construction permits which can legally limit a source's potential to emit to minor or de minimis levels. We received many helpful comments on the January 24, 1989 draft of this guidance, and have incorporated the comments into the final document wherever possible. A summary of the major changes which have been made to the guidance in response to these comments is provided below.

Several commenters noted that the draft guidance used the term "federally enforceable" to mean both federally enforceable as defined in the new source regulations (40 C.F.R. Sections 52.21(b) (17), 51.165(a) (1) (xiv), 51.166(b) (17)), and enforceable as a practical matter. We have tried to distinguish the places where each term should be used, explained the relationship between the two terms, and indicated that in order to properly restrict potential to emit, limitations must be both federally enforceable as defined in the regulations and practically enforceable.

Some commenters requested that the section on averaging times for production limits be more specific as to when it is appropriate to use limitations which exceed a one month time basis. We have tried to explain why it is not possible to develop generic criteria for making this distinction, and to indicate situations where exceptions to the policy that production and operation limitations not exceed one month may be warranted.

There were some requests for a section on enforcement. We have included a new Section VI which addresses this topic. We also received many good suggestions on the example permit limitations. The section on examples has been substantially reworked to reflect your comments.

Finally, we learned through the comments that in two specific circumstances, short term emission limits are the most useful and reasonable way to restrict and verify limits on potential to emit. These circumstances are: 1) when control equipment is installed but control equipment operating parameters are difficult to measure during enforcement inspections; and 2) in surface coating operations with numerous and unpredictable use of coatings containing varying VOC content, where add-on control equipment is not employed. Therefore, we have made a narrow exception to the flat prohibition on use of emission limits to restrict potential to emit for these specific circumstances, and only when certain additional conditions have been met.

Again, we appreciate the thoughtful comments we have received on this guidance. Please insert this document into your Clean Air Act Compliance/Enforcement Policy Compendium as Item Number H.3. If you have any questions, please contact Judith Katz in the Air Enforcement Division at FTS 382-2843, or Sally Farrell in the Stationary Source Compliance Division at FTS 382-2875.

Addressees:

Regional Counsels
Regions I-X

Regional Counsel Air Branch Chiefs
Regions I-X

Air Management Division Directors
Regions I, III, and IX

Air and Waste Management Division Director
Region II

Air, Pesticides, and Toxics Management Division Directors
Regions IV and VI

Air and Radiation Division Director
Region V

Air and Toxics Division Directors
Regions VII, VIII and X

Air Compliance Branch Chiefs
Regions I-X

New Source Review Contacts
Regions I-X

Alan Eckert
Associate General Counsel

Greg Foote, OGC
Gary McCutchen, NSRS, AQMD
David Solomon, NSRS, AQMD
Sally Farrell, SSCD
Judy Katz, AED

David Buente, Chief

Environmental Enforcement Section

DOJ

LIMITING POTENTIAL TO EMIT IN NEW SOURCE PERMITTING

JUNE 13, 1989

AIR ENFORCEMENT DIVISION
OFFICE OF ENFORCEMENT AND COMPLIANCE MONITORING

STATIONARY SOURCE COMPLIANCE DIVISION
OFFICE OF AIR QUALITY PLANNING AND STANDARDS

Limiting Potential to Emit in New Source Permitting

Limiting Potential to Emit in New Source Permitting

I. Introduction

Whether a new source or modification is major and subject to new source review under Parts C and D of the Clean Air Act is dependent on whether that source or modification has or will have the potential to emit major or significant amounts of a regulated pollutant. Therefore, the definition of "potential to emit" under the new source regulations is extremely important in determining the applicability of new source review to a particular source. The federal regulations define "potential to emit" as:

> the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of fuel combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

40 C.F.R Sections 52.21(b) (4), 51.165(a) (1) (iii), 51.166(b) (4).

Permit limitations are very significant in determining whether a source is subject to major new source review. This is because they are the easiest and most common way for a source to obtain restrictions on its potential to emit. A permit does not

have to be a major source permit to legally restrict potential emissions. A minor source construction permit issued pursuant to a state program approved by EPA as meeting the requirements of 40 C.F.R. Section 51.160 is federally enforceable. In fact, any permit limitation can legally restrict potential to emit if it meets two criteria: 1) it is federally enforceable as defined by 40 C.F.R. Sections 52.21(b) (17), 51.165(a) (1) (xiv), 51.166(b) (17), i.e., contained in a permit issued pursuant to an EPA-approved permitting program or a permit directly issued by EPA, or has been submitted to EPA as a revision to a State Implementation Plan and approved as such by EPA; and 2) it is enforceable as a practical matter. The second criterion is an implied requirement of the first criterion. A permit requirement may purport to be federally enforceable, but, in reality cannot be federally enforceable if it cannot be enforced as a practical matter.

Non-permit limitations can also legally restrict potential to emit. These limitations include New Source Performance Standards codified at 40 C.F.R. Part 60 and National Emission Standards for Hazardous Air Pollutants codified at 40 C.F.R. Part 61.

The appropriate means of restricting potential to emit through permit conditions has been an issue in recent enforcement cases. Through these cases and through guidance issued by EPA, the Agency has addressed three questions: what types of permit

limitations can legally limit potential to emit; whether long averaging times for production limitations are enforceable as a practical matter; and whether sources may limit potential to emit to minor source levels as a means of circumventing the preconstruction review requirements of major source review.

II. The Louisiana-Pacific Case

In United States v. Louisiana-Pacific Corporation, 682 F. Supp. 1122 (D. Colo. Oct. 30, 1987) and 682 F. Supp. 1141 (D. Colo. March 22, 1988), Judge Alfred Arraj discussed the type of permit restrictions which can be used to limit a source's potential to emit. The Judge concluded that:

> ... not all federally enforceable restrictions are properly considered in the calculation of a source's potential to emit. While restrictions on hours of operation and on the amount of materials combusted or produced are properly included, blanket restrictions on actual emissions are not.

682 F. Supp. at 1133.

The Court held that Louisiana-Pacific's permit conditions which limited carbon monoxide emissions to 78 tons per year and volatile organic compounds to 101.5 tons per year should not be considered in determining "potential to emit" because these blanket emission limits did not reflect the type of permit conditions which restricted operations or production such as limits on hours of operation, fuel consumption, or final product.

The Louisiana-Pacific court was guided in its reasoning by the D.C. Circuit's holding in Alabama Power v. Costle, 636 F. 2d 323 (D.C. Circuit 1979). Before Alabama Power, EPA regulations required potential to emit to be calculated according to a source's maximum uncontrolled emissions. In Alabama Power, the D. C. Circuit remanded those regulations to EPA with instructions that the Agency include the effect of in-place control equipment in defining potential to emit. EPA went beyond the minimum dictates of the D.C. Circuit in promulgating revised regulations in 1980 to include, in addition to control equipment, any federally enforceable physical or operational limitation. The Louisiana-Pacific court found that blanket limits on emissions did not fit within the concept of proper restrictions on potential to emit as set forth by Alabama Power.

Moreover, Judge Arraj found that:

> ...a fundamental distinction can be drawn between the federally enforceable limitations which are expressly included in the definition of potential to emit and (emission) limitations.... Restrictions on hours of operation or on the amount of material which may be combusted or produced ... are, relatively speaking, much easier to "federally enforce." Compliance with such conditions could be easily verified through the testimony of officers, all manner of internal correspondence and accounting, purchasing and production records. In contrast, compliance with blanket restrictions on actual emissions would be virtually impossible to verify or enforce.

Id. Thus, Judge Arraj found that blanket emission limits were not enforceable as a practical matter.

Finally, the Court reasoned that allowing blanket emission limitation to restrict potential to emit would violate the intent of Congress in establishing the Prevention of Significant Deterioration (PSD) program.

III. Types of Limitations that will Restrict Potential to Emit

As an initial matter in this discussion, a few important terms should be defined. Emission limits are restrictions over a given period of time on the amount of a pollutant which may be emitted from a source into the outside air. Production limits are restrictions on the amount of final product which can be manufactured or otherwise produced at a source. Operational limits are all other restrictions on the manner in which a source is run, including hours of operation, amount of raw material consumed, fuel combusted, or conditions which specify that the source must install and maintain add-on controls that operate at a specified emission rate or efficiency. All production and operational limits except for hours of operation are limits on a source's capacity utilization. Potential emissions are defined as the product of a source's emission rate at maximum operating capacity, capacity utilization, and hours of operation.

To appropriately limit potential to emit consistent with the opinion in Louisiana-Pacific, all permits issued pursuant to 40 C.F.R. Sections 51.160, 51.166, 52.21 and 51.165 must contain a

production or operational limitation in addition to the emission limitation in cases where the emission limitation does not reflect the maximum emissions of the source operating at full design capacity without pollution control equipment. Restrictions on production or operation that will limit potential to emit include limitations on quantities of raw materials consumed, fuel combusted, hours of operation, or conditions which specify that the source must install and maintain controls that reduce emissions to a specified emission rate or to a specified efficiency level. Production and operational limits must be stated as conditions that can be enforced independently of one another. For example, restrictions on fuel which relates to both type and amount of fuel combusted should state each as an independent condition in the permit. This is necessary for purposes of practical enforcement so that, if one of the conditions is found to be difficult to monitor for any reason, the other may still be enforced.

When permits contain production or operational limits, they should also have recordkeeping requirements that allow a permitting agency to verify a source's compliance with its limits. For example, permits with limits on hours of operation or amount of final product should require an operating log to be kept in which the hours of operation and the amount of final product produced are recorded. These logs should be available

for inspection should staff of a permitting agency wish to check a source's compliance with the terms of its permit.

When permits require add-on controls operated at a specified efficiency level, permit writers should include, so that the operating efficiency condition is enforceable as a practical matter, those operating parameters and assumptions which the permitting agency depended upon to determine that the control equipment would have a given efficiency.

An emission limitation alone would limit potential to emit only when it reflects the absolute maximum that the source could emit without controls or other operational restrictions. When a permit contains no limits on capacity utilization or hours of operation, the potential to emit calculation should assume operation at maximum design or achievable capacity (whichever is higher) and continuous operation (8760 hours per year).

The particular circumstances of some individual sources make it difficult to state operating parameters for control equipment limits in a manner that is easily enforceable as a practical matter. Therefore, there are two exceptions to the absolute prohibition on using blanket emission limits to restrict potential to emit. If the permitting agency determines that setting operating parameters for control equipment is infeasible in a particular situation, a federally enforceable permit

containing short term emission limits (e.g. lbs per hour) would be sufficient to limit potential to emit, provided that such limits reflect the operation of the control equipment, and the permit includes requirements to install, maintain, and operate a continuous emission monitoring (CEM) system and to retain CEM data, and specifies that CEM data may be used to determine compliance with the emission limit.

Likewise, for volatile organic compound (VOC) surface coating operations where no add-on control is employed but emissions are restricted through limiting VOC contents and quantities of coatings used, emission limits may be used to restrict potential to emit under the following limited circumstances. If the permitting agency determines for a particular surface coating operation that operating and production parameters (e.g. gallons of coating, quantities produced) are not readily limited due to the wide variety of coatings and products and due to the unpredictable nature of the operation, emission limits coupled with a requirement to calculate daily emissions may be used to restrict potential to emit. The source must be required to keep the records necessary for this calculation, including daily quantities and the VOC content of each coating used. Emission limits may be used in this limited circumstance to restrict potential to emit since, in this case, emission limits are more easily enforceable than operating or production limits.

IV. Time Periods For Limiting Production and Operation

As discussed above, a limitation specifically recognized by the regulations as reducing potential to emit is a limitation on production or operation. However, for these limitations to be enforceable as a practical matter, the time over which they extend should be as short term as possible and should generally not exceed one month. This policy was explained in a March 13, 1987 memorandum from John Seitz to Bruce Miller, Region IV. The requirement for a monthly limit prevents the enforcing agency from having to wait for long periods of time to establish a continuing violation before initiating an enforcement action.

EPA recognizes that in some rare situations, it is not reasonable to hold a source to a one month limit. In these cases, a limit spanning a longer time is appropriate if it is a rolling limit. However, the limit should not exceed an annual limit rolled on a monthly basis. EPA cannot now set out all inclusive categories of sources where a production limit longer than a month will be acceptable because every situation that may arise in the future cannot now be anticipated. However, permits where longer rolling limits are used to restrict production should be issued only to sources with substantial and unpredictable annual variation in production, such as emergency

boilers. Rolling limits could be used as well for sources which shut down or curtail operation during part of a year on a regular seasonal cycle, but the permitting authority should first explore the possibility of imposing a month-by-month limit. For example, if a pulp drier is periodically shut down from December to April, the permit could contain a zero hours of operation limit for each of those months, and then the appropriate hourly operation limit for each of the remaining months. Under no circumstances would a production or operation limit expressed on a calendar year annual basis be considered capable of legally restricting potential to emit.

V. Sham Operational Limits

In the past year, several sources have obtained purportedly federally enforceable permits with operating restrictions limiting their potential to emit to minor or de minimis levels for the purpose of allowing them to commence construction prior to receipt of a major source permit. In such cases where EPA can demonstrate an intent to operate the source at major source levels, EPA considers the minor source construction permit void ab initio and will take appropriate enforcement action to prevent the source from constructing or operating without a major source permit.

The following example illustrates the kind of situation addressed in this section: An existing major stationary source proposes to add a 12.5 megawatt electric utility steam generating unit, and applies for a federally enforceable minor source permit which restricts operation at the unit to 240 hours per year. Because the project is designed as a baseload facility, EPA does not believe that the source intends to operate the facility for only 240 hours a year. Further investigation would probably uncover documentation of the source's intent to operate at higher levels than those for which it is permitted.

This situation raises the question of whether a source can lawfully bypass the preconstruction or premodification review requirements of Prevention of Significant Deterioration (PSD) and nonattainment New Source Review by committing to permit conditions which restrict production to a level at which the source does not intend to operate for any extensive time. If, after constructing and commencing operation, the source obtains a relaxation of its original permit conditions prior to exceeding them, does this constitute a violation of the preconstruction review requirements? This section discusses why it is improper to construct a source with a minor source permit when there is intent to operate as a major source, and provides guidelines for identifying these "sham" permits.

A. Permits with conditions that do not reflect a source's planned mode of operation are void ab initio and cannot act to shield the source from the requirement to undergo preconstruction review.

1. Sham permits are not allowed by 40 CFR Section 52.21(r) (4) Section

52.21(r) (4) states:

> At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980 on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then (PSD) shall apply to the source or modification as though construction had not yet commenced on the source or modification.

When a source that is minor because of operating restrictions in a construction permit later applies for a relaxation of that construction permit which would make the source major, Section 52.21(r) (4) prescribes the methodology for determining best available control technology (BACT). However, it does not foreclose EPA's ability, in addition to the retroactive application of BACT and other requirements of the PSD program, to pursue enforcement where the Agency believes that the initial minor source permit was a sham. EPA will limit its activity to requiring application of 40 CFR 52.21(r) (4) only for the cases where a source legitimately changes a project after finding that the operating restrictions which were taken in good faith cannot be complied with. Whether a source has acted in good faith is a factual question which is answered by available evidence in the particular case.

2. Sham permits are not allowed by the definition of potential to emit:

40 C.F.R. Sections 52.21(b) (4), 51.165(a) (1) (iii), 51.166(b) (4).

The definition of potential to emit enables sources to obtain federally enforceable permits with operational restrictions as a means of limiting emissions to minor source levels. However, implicit in the application of these limitations is the understanding that they comport with the true design and intended operation of the project.

3. Sham permits are not allowed by the Clean Air Act

Parts C and D of the Clean Air Act exhibit Congress's clear intent that new major sources of air pollution be subject to preconstruction review. The purposes for these programs cannot be served without this essential element. Therefore, attempts to expedite construction by securing minor source status through the receipt of operational restrictions from which the source intends to free itself shortly after operation are to be treated as circumvention of the preconstruction review requirements.

B. Guidelines for determining when minor source construction permits are shams.

EPA's determination that a purportedly federally enforceable construction permit is a sham is made based on an evaluation of specific facts and evidence in each individual case. The following are criteria which should be scrutinized when making such a determination:

1. Filing a PSD or nonattainment NSR permit application

If a major source or major modification permit application is filed simultaneously with or at approximately the same time as the minor source construction permit, this is strong evidence of an intent to circumvent the requirements of preconstruction review. Even a major source application filed after the minor source application, but either before operation has commenced or after less than a year of operation should be looked at closely.

2. Applications for funding

Applications for commercial loans or, for public utilities, bond issues, should be scrutinized to see if the source has guaranteed a c ertain level of operation which is higher than that in its construction permit. If the project would not be funded or if it would not be economically viable if operated on an extended basis

(at least a year) at the permitted level of production, this should be considered as evidence of circumvention.

3. Reports on consumer demand and projected production levels.

Stockholder reports, reports to the Securities and Exchange Commission, utility board reports, or business permit applications should be reviewed for projected operation or production levels. Ifreported levels are necessary to meet projected consumer demand but are higher than permitted levels, this is additional evidence of circumvention.

4. Statements of authorized representatives of the source regarding plans for operation.

Statements by representatives of the source to EPA or to state or local permitting agencies about the source's plans for operation can be evidence to show intent to circumvent preconstruction review requirements.

Note that if a determination is made that a permit is a "sham" for one pollutant and, therefore, the source is a major source or major modification, the permit may possibly still contain valid limits on potential to emit for other pollutants.

In such cases, the entire source must still go through new source review, during which, for PSD review, all pollutants for which there is a net significant increase must be analyzed for BACT. In nonattainment new source review, new sources must have LAER determinations only for pollutants for which they are major. Major modifications, however, must have LAER determinations for all nonattainment pollutants emitted in significant amounts. If the valid limits in a partially void minor source construction permit keep certain pollutants below significance levels, then those pollutants would not have to be analyzed for BACT or LAER. However, if a source or modification is determined to be major for PSD or NSR because part of its minor permit is deemed void, it would have to undergo BACT or LAER analysis for all significant pollutants.

VI. Enforcement Procedures

This guidance has discussed permit conditions which will legally restrict potential to emit, shielding a source from the requirement to comply with major new source permitting regulation. Failure by a permitting agency to adhere to these guidelines may result in a permit that does not legally restrict potential to emit, thereby subjecting a source to major new source review. If that source has not gone through preconstruction review, it is a significant violator of the Clean Air Act and is subject to enforcement for constructing or

modifying without a major new source permit.

The enforcement options available to EPA in these situations include administrative action under Sections 167 or 113 (a) (5) of the Act or federal judicial action under Sections 113 (b) (2), 113 (b) (5), 113(c), or 167. Which enforcement option is selected depends on the facts of the particular situation. (See July 15, 1988 guidance on EPA Procedures for Addressing Deficient New Source Permits.)

VII. Examples

The following examples are provided to illustrate the type of permit restrictions which would and would not legally limit potential to emit to less than major source thresholds. These examples are provided for purposes of clarifying the potential to emit and averaging time guidance only. They are not intended to reflect all the permit conditions necessary for a valid permit. Specific test methods, compliance monitoring and recordkeeping and reporting requirements are necessary to make permit limitations enforceable as a practical matter. The use of examples where averaging times are the longest times allowed under EPA policies is not intended to necessarily condone the selection of the longest averaging times; averaging times should in practice be as short as possible.

1. The minor source construction permit for a boiler contains the following restrictions: 250,000 gal fuel/month; 0.8% S fuel; 8000 hours/year.

These conditions are federally enforceable production and operation limits, but do not limit potential to emit because one of them does not meet EPA policies on enforceability as a practical matter. The averaging time for hours of operation, one of the operational limits necessary to restrict emissions to less than 250 tpy, exceeds a monthly or rolling yearly limit. If, instead of 8000 hours/year, the hourly restriction were stated as 666 hours/month, the permit would serve to keep the source a minor source, assuming the permit contains appropriate recordkeeping provisions.

2. A waferboard plant which has the physical capacity to emit over 300 tpy of carbon monoxide in the absence of using specific combustion techniques has the following permit restriction as the sole emission limitation: 249 tpy.

This does not limit potential to emit since an operational or production restriction is necessary for the source to be restricted to 249 tpy. The permit must contain a restriction on hours of operation or capacity utilization which, when multiplied by the maximum emission rate for the CO sources at the plant, results in emissions of 249 tpy. Additionally, while the

emission limit alone cannot restrict potential to emit, the emission limit is unenforceable as a practical matter since it is limited on an annual basis. The permit should contain a short term emission limit (in addition to the annual emission limit), consistent with the compliance period or parameter in the applicable test method for determining compliance.

3. A small scale rock crushing plant that cannot emit more than 240 tpy under maximum operation without controls (including plant-wide particulate emissions from transfer and storage operations) has the following permit restriction as the sole emission limitation: 240 tpy particulate matter.

Since no operational limitations are necessary for the source to emit below 250 tpy, no operational restrictions need be in the permit to limit potential to emit. However, although this is not a major source, the state agency should express the emission limit in this permit as a lb/hour measure or gr/dscf so that it will be enforceable as a practical matter.

4. A plant consisting solely of a small rock crusher has the following permit restrictions: 0.05 lb gr PM/dscf; fabric filter must be employed and maintained at 99% efficiency.

Assuming that maintaining the fabric filter at 99% efficiency will result in emissions of less than 250 tpy, this permit would limit

potential to emit if it also contained either 1) parameters that allowed the permitting agency to verify the fabric filter's operating efficiency or 2) a requirement to install and operate continuous opacity monitors (COMs) and a specification that COM data may be used to verify compliance with emission limits. Note that if this second alternative were adopted, it would not be necessary to require that the fabric filter be maintained at 99% efficiency.

To determine potential to emit, the efficiency rate of the fabric filter would be multiplied by the maximum uncontrolled emission rate, the maximum number of operating hours and maximum throughput capacity since there are no other operating or production limits. However, the efficiency rate of the fabric filter would not be enforceable as a practical matter unless there were an enforceable means to monitor ESP performance on a short term basis. The two alternatives mentioned above would satisfy this requirement.

5. A surface coating operation has the capability of utilizing 15,000 gal coating/month, with the following permit restrictions: 3.0 lb VOC/gal coating minus water; 20.5 tons VOC/month; monthly VOC emissions to be determined from records of the daily volumes of coatings used times the manufacturers specified VOC content.

This does not limit potential to emit since the source has the physical capacity to exceed 250 tpy of VOC, and the permit does not contain a production or an operational limitation. A monthly limit on gallons of coating used which when multiplied by 3.0 lb/gal equates to less than the 250 tpy threshold 13,500 gallons/month), with appropriate recordkeeping, would generally be necessary to limit potential to emit. If, however, the permitting agency determines, due to the wide variety of coatings employed and products produced, that restrictions on operation or production are not practically enforceable, then the above emission limits could restrict potential to emit if there are requirements that the source calculate emissions daily, and keep the appropriate records.

If the source was alternatively to meet the 20.5 ton/month limit by employing add-on controls, the permit would need to contain an operational limit, such as the requirement to install and operate an incinerator at 99% efficiency. A requirement to monitor incinerator efficiency (either directly or indirectly via temperature monitoring for example), and appropriate recordkeeping retirements to verify compliance with each of the permit conditions would also be necessary to make the permit conditions enforceable as a practical matter. Note, however, that in the case where add-on controls are employed, the source may be able to meet a shorter term emission limit than the ton per month figure.

VIII. Conclusion

We hope this guidance will help EPA Regions identify sources which have the potential to emit major amounts of an air pollutant which will subject those sources to the requirements of preconstruction new source review. Every source which is subject to these requirements but has not obtained a major new source permit should be seriously considered for enforcement action.

EXHIBIT H

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 2046
FEB 24, 1992

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Use of Long Term Rolling Averages to Limit Potential to Emit

FROM: John B. Rasnic, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: David Kee, Director
Air and Radiation Division
Region V

This is in response to your memorandum dated September 17, 1991 and several other recent requests for clarification of the guidance entitled "Limiting Potential to Emit in New Source Permitting" (signed by Terrel Hunt and John Seitz, dated June 13, 1989). My staff met with your staff on these issues in October, 1991, and in response has surveyed the Regional offices for any additional suggestions for clarification of the policy. It was our understanding last fall that a direct response to your September memorandum would not be responsive to your needs. However, we have since determined that guidance on application of the "Potential to Emit Policy" to the nine source categories listed in your September 17 memorandum is warranted. To that end, this memorandum gives guidelines for determination of whether to allow long term rolling averages for the nine source categories.

Our survey of the Regions helped us to formulate our response regarding the nine source categories. As we have stated before, we believe that each case in which a source seeks to restrict its potential to emit by imposition of long-term production limits (i.e., limits that exceed one month) must be independently evaluated. Therefore, the facts of a specific case may lead to a different response, and the availability of a 12 month rolling average for the nine listed sources is not automatic. As you know, the potential to emit policy allows use of long-term rolling averages in any case where a source experiences "substantial and unpredictable" annual variations in production. Thus, it is the burden of the source to demonstrate the need for flexibility. In no event shall a source be allowed longer than an annual average rolled less frequently than a month.

General responses regarding the acceptability of long term averages for the nine source categories follows:

1. Agricultural production such as harvesting or food processing where part of a year the equipment is idle (sugar beet processing facilities).

Rolling averages have been allowed for seasonal food processors. 365 day rolling averages are appropriate given the uncertainties of operating schedules. Each case should be examined, however, for predictability, and alternative limits may be set that would not be as long as an annual rolling average. One option would be requiring a monthly production limit of zero for the off months, and a higher limit for the operating months.

2. Asphalt manufacturing in northern latitudes when there is no winter demand.

Units for which normal operating rates vary greatly (e.g., seasonal processes or batch mode operations) may be allowed longer averaging times. Such sources may be requested to document the historic unpredictability of their operations. Some regions do allow for longer averages where seasonal variations or climatological conditions affect the operation of the source. Any seasonal variations should be examined for predictability, and alternative limits may be set without using a longer averaging period. Again one option would be requiring a low production limit in the winter and higher production levels in the summer.

3. Emergency standby units.

This is a good example of a source that would qualify for a long term average. An emergency standby unit is the classic example of unpredictability.

4. Limit on oil usage in a boiler which can accommodate oil and natural gas but is on interruptable status during winter (commercial or institutional boilers).

Typically, this type of source may qualify for a longer rolling average. However, each case must be examined for predictability and it is recommended that sources demonstrate a history of unpredictable variations.

5. A printing press which has a surge in demand for Christmas season greeting cards.

Generally, this type of source may be able to predict such a seasonal increase in demand. However, if the source is able to demonstrate historical substantial unpredictability, it may be allowed a rolling average. You may also consider requiring a monthly average with higher monthly

production/operation in the busy season than in the off season, such that annual emissions are still below the applicability threshold.

6. Quarrying or mining activities which may be interrupted by winter weather.

Generally, this type of activity allows for use of a long term rolling average, unless it is determined that such interruptions are predictable.

7. Plants where there may be variations in production due to unpredictable orders or contracts.

Proof of historic substantial unpredictability should be provided to justify a long term rolling average.

8. Units used occasionally for testing new products or experimentation.

Generally, rolling averages may be allowed for this type of source. But again, this depends on the definition of "occasionally" for an individual plant.

9. Natural gas pipeline compressor stations with load variations depending on the seasonal variations in fuel demand in different parts of the network.

Unpredictable seasonable variations due to climatological conditions may very well support use of a long term rolling average.

When a determination is made that a rolling average is warranted due to substantial and unpredictable variation in production, the question of enforceability must be addressed. As we have discussed, a 365 day rolling average allows for short term enforceability of production or operation limits while allowing for long term data to be considered. When such a long term average is used, we believe that it is reasonable to require permit conditions which provide for interim limits that ensure compliance and enforceability during the first year. The method used to provide interim limits and the need to do so should be determined on a case by case basis, considering how close the allowable emissions would be to the applicability threshold, and how closely the enforcing agency believes monitoring is warranted for the particular source. You have indicated to us that some sources have suggested taking a requirement in the permit to use available data from the past year to average at the start of operations. This may weigh in favor of allowing a 365 day rolling average.

In response to your broader request for additional examples of how to apply the Potential to Emit Policy, we hope to discuss this issue at our annual NSR workshop. Our initial contact with other Regions indicated that the policy is adequate and allows sufficient flexibility for the permitting authority.

If you have any questions concerning our response, please contact Clara Poffenberger at FTS 678-8709.

cc: Gary McCutchen, NSR Section, AQMD (MD-15)
William L. MacDowell, Region V
Ron VanMersbergen, Region V
Rachel Rinehart, Region V
Karen Schapiro, AED
Julie Domike, AED
William Tyndall, OGC
Jeffrey Renton, OGC

EXHIBIT I

Attention:

Bunge North America, Inc.
Attn: Brian Searfoss
203 - 34th Street
Cairo, Illinois 62914

State of Illinois

CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT

Source:

Bunge North America, Inc.
203 - 34th Street
Cairo, Illinois 62914

I.D. No.: 003005AAI
Permit No.: 96030140

Permitting Authority:

Illinois Environmental Protection Agency
Bureau of Air, Permit Section
217/785-1705

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

CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT

Type of Application:	Minor Modification (MM)
Purpose of Application:	Revise Existing CAAPP Permit
ID No.:	003005AAI
Permit No.:	96030140
Statement of Basis No.:	96030140-1906
Date Application Received:	May 28, 2019
Date Issued:	December 16, 2019
Permit Effective Date[1]:	February 27, 2020
Date Revision Received	September 7, 2021
Date Revision Issued	December 10, 2021
Expiration Date:	February 27, 2025
Renewal Submittal Date:	9 Months Prior to February 27, 2025
Source Name:	Bunge North America, Inc.
Address:	203 - 34th Street
City:	Cairo
County:	Alexander
ZIP Code:	62914

This permit is hereby granted to the above-designated source authorizing operation in accordance with this CAAPP permit, pursuant to the above referenced application. This source is subject to the conditions contained herein. If a conflict exists between this document and previous versions of the CAAPP permit, this document supersedes those terms and conditions of the permit for which the conflict exists. The previous permit issued on December 16, 2019 is incorporated herein by reference. For further information on the source see Section 1 and for further discussion on the effectiveness of this permit see Condition 2.3(g).

If you have any questions concerning this permit, please contact Laura Pelaez at 217/785-1705.

William D Marr

William D. Marr
Manager, Permit Section
Bureau of Air

WDM:MTR:LCP:tan

cc: IEPA, Permit Section
IEPA, FOS, Region 3

1. This permit renewal was being issued prior to the expiration date of the existing CAAPP permit that was currently in effect for the source. Terms and conditions of each CAAPP permit remain in effect for the full five-year term of the permit. For this reason, the renewed permit became effective on the first day following the expiration date of the then existing permit, as denoted above, unless that permitting action was appealed and subsequently stayed by the Pollution Control Board.

Table of Contents

Section 1 - Source Information

1. Addresses

Source

Bunge North America, Inc.
203 - 34th Street
Cairo, Illinois 62914

Owner

Bunge North America, Inc.
1391 Timberlake Manor Parkway
St. Louis, Missouri 63017

Operator

Bunge North America, Inc.
203 - 34th Street
Cairo, Illinois 62914

Permittee

The Owner and Operator of the source as identified in this table.

2. Contacts

Certified Officials

The source shall submit an Administrative Permit Amendment for any change in the Certified Officials, pursuant to Section 39.5(13) of the Act.

	Name	*Title*
Responsible Official	Brian Searfoss	Plant Manager
Delegated Authority	No other individuals have been authorized by the IEPA.	N/A

Other Contacts

	Name	*Phone No.*	*Email*
Source Contact, Correspondence and Billing	Boris Moskoff	(618)734-4849	Boris.moskoff@bunge.com
Technical Contact	James Burris	(314)292-2937	James.burris@bunge.com

3. Single Source

The source identified in Condition 1.1 above shall be defined to include all the following additional source(s):

N/A	N/A	N/A

Section 2 - General Permit Requirements

1. Prohibitions

a. It shall be unlawful for any person to violate any terms or conditions of this permit issued under Section 39.5 of the Act, to operate the CAAPP source except in compliance with this permit issued by the IEPA under Section 39.5 of the Act or to violate any other applicable requirements. All terms and conditions of this permit issued under Section 39.5 of the Act are enforceable by USEPA and citizens under the Clean Air Act, except those, if any, that are specifically designated as not being federally enforceable in this permit pursuant to Section 39.5(7)(m) of the Act. [Section 39.5(6)(a) of the Act]

b. After the applicable CAAPP permit or renewal application submittal date, as specified in Section 39.5(5) of the Act, the source shall not operate this CAAPP source without a CAAPP permit unless the complete CAAPP permit or renewal application for such source has been timely submitted to the IEPA. [Section 39.5(6)(b) of the Act]

c. No Permittee of the CAAPP source shall cause or threaten or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations applicable to the source, unless this CAAPP permit granted to the source provides for such operation consistent with the Act and applicable Illinois Pollution Control Board regulations. [Section 39.5(6)(c) of the Act]

d. Pursuant to Section 39.5(7)(g) of the Act, emissions from the source are not allowed to exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act or the regulations promulgated thereunder, consistent with Section 39.5(17) of the Act and applicable requirements, if any.

2. Emergency Provisions

Pursuant to Section 39.5(7)(k) of the Act, the Permittee of the CAAPP source may provide an affirmative defense of emergency to an action brought for noncompliance with technology-based emission limitations under this CAAPP permit if the following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

a. i. An emergency occurred and the source can identify the cause(s) of the emergency.

ii. The source was at the time being properly operated.

iii. The source submitted notice of the emergency to the IEPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

iv. During the period of the emergency the source took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or requirements in this permit.

b. For purposes of Section 39.5(7)(k) of the Act, "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operation error.

c. In any enforcement proceeding, the source seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve

the source of any reporting obligations under existing federal or state laws or regulations.

3. General Provisions

a. Duty to Comply

The source must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the CAA and the Act, and is grounds for any or all of the following: enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [Section 39.5(7)(o)(i) of the Act]

b. Need to Halt or Reduce Activity is not a Defense

It shall not be a defense for the source in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Section 39.5(7)(o)(ii) of the Act]

c. Duty to Maintain Equipment

The source shall maintain all equipment covered under this permit in such a manner that the performance or operation of such equipment shall not cause a violation of applicable requirements. [Section 39.5(7)(a) of the Act]

d. Disposal Operations

The source shall be operated in such a manner that the disposal of air contaminants collected by the equipment operations, or activities shall not cause a violation of the Act or regulations promulgated there under. [Section 39.5(7)(a) of the Act]

e. Duty to Pay Fees

i. The source must pay fees to the IEPA consistent with the fee schedule approved pursuant to Section 39.5(18) of the Act, and submit any information relevant thereto. [Section 39.5(7)(o)(vi) of the Act]

ii. The IEPA shall assess annual fees based on the allowable emissions of all regulated air pollutants, except for those regulated air pollutants excluded in Section 39.5(18)(f) of the Act and insignificant activities in Section 6, at the source during the term of this permit. The amount of such fee shall be based on the information supplied by the applicant in its complete CAAPP permit application. [Section 39.5(18)(a)(ii)(A) of the Act]

iii. Fee payment shall be made either electronically at https://magic.collectorsolutions.com/magic-ui/Login/illinois-epa or by check or money order payable to "Illinois Environmental Protection Agency" and sent to: Fiscal Services #2, Illinois EPA, P.O. Box 19276, Springfield, IL, 62794-9276. Include on the check: ID #, Permit #, and "CAAPP Operating Permit Fees". [Section 39.5(18)(e) of the Act]

f. Obligation to Allow IEPA Surveillance

Pursuant to Sections 4(a), 39.5(7)(a), and 39.5(7)(p)(ii) of the Act, inspection and entry requirements that necessitate that, upon presentation of credentials and other documents as may be required by law and in accordance with constitutional limitations, the source shall allow the IEPA, or an authorized representative to perform the following:

i. Enter upon the source's premises where the emission unit(s) are located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit.

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.

iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.

iv. Sample or monitor any substances or parameters at any location at reasonable times:

A. As authorized by the Clean Air Act or the Act, at reasonable times, for the purposes of assuring compliance with this CAAPP permit or applicable requirements; or

B. As otherwise authorized by the Act.

v. Enter and utilize any photographic, recording, testing, monitoring, or other equipment for the purposes of preserving, testing, monitoring, or recording any activity, discharge or emission at the source authorized by this permit.

g. Effect of Permit

i. Pursuant to Section 39.5(7)(j)(iv) of the Act, nothing in this CAAPP permit shall alter or affect the following:

A. The provisions of Section 303 (emergency powers) of the CAA, including USEPA's authority under that Section.

B. The liability of the Permittee of the source for any violation of applicable requirements prior to or at the time of permit issuance.

C. The applicable requirements of the acid rain program consistent with Section 408(a) of the Clean Air Act.

D. The ability of USEPA to obtain information from the source pursuant to Section 114 (inspections, monitoring, and entry) of the Clean Air Act.

ii. Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, pursuant to Sections 39.5(7)(j) and (p) of the Act, any person (including the Permittee) may also use other credible evidence to establish compliance or noncompliance with applicable requirements. [35 IAC 201.122 and Section 39.5(7)(a) of the Act]

h. Severability Clause

The provisions of this permit are severable. In the event of a challenge to any portion of this permit, other portions of this permit may continue to be in effect. Should any portion of this permit be determined to be illegal or unenforceable, the validity of the other provisions shall not be and the rights and obligations of the source shall be construed and enforced as if this permit did not contain the particular provisions held to be invalid and the applicable requirements underlying these provisions shall remain in force. [Section 39.5(7)(i) of the Act]

4. Testing

a. Tests conducted to measure composition of materials, efficiency of pollution control devices, emissions from process or control equipment, or other parameters shall be conducted using standard test methods if applicable test methods are not specified by the applicable regulations or otherwise identified in the conditions of this permit. Documentation of the test date, conditions, methodologies, calculations, and test results shall be retained pursuant to the recordkeeping procedures of this permit. Reports of any tests conducted as required by this permit or as the result of a request by the IEPA

shall be submitted as specified in Condition 7.1 of this permit. [35 IAC Part 201 Subpart J and Section 39.5(7)(a) of the Act]

b. Pursuant to Section 4(b) of the Act and 35 IAC 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 Permittee: The IEPA may require the Permittee of the emission source or air pollution control equipment to conduct such tests in accordance with procedures adopted by the IEPA, at such reasonable times as may be specified by the IEPA and at the expense of the Permittee of the emission source or air pollution control equipment. 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 IEPA shall have the right to observe all aspects of such tests.

ii. Testing by the IEPA: The IEPA shall have the right to conduct such tests at any time at its own expense. Upon request of the IEPA, the Permittee of the emission source or air pollution control equipment shall provide, without charge to the IEPA, 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.

5. Recordkeeping

a. Control Equipment Maintenance Records

Pursuant to Section 39.5(7)(b) of the Act, a maintenance record shall be kept on the premises for each item of air pollution control equipment. At a minimum, this record shall show the dates maintenance was performed and the nature of preventative maintenance activities.

b. Retention of Records

i. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [Section 39.5(7)(e)(ii) of the Act]

ii. Pursuant to Section 39.5(7)(a) of the Act, other records required by this permit including any logs, plans, procedures, or instructions required to be kept by this permit shall be retained for a period of at least 5 years from the date of entry unless a different period is specified by a particular permit provision.

c. Availability of Records

i. Pursuant to Section 39.5(7)(a) of the Act, the Permittee shall retrieve and provide paper copies, or as electronic media, any records retained in an electronic format (e.g., computer) in response to an IEPA or USEPA request during the course of a source inspection.

ii. Pursuant to Section 39.5(7)(a) of the Act, upon written request by the IEPA for copies of records or reports required to be kept by this permit, the Permittee shall promptly submit a copy of such material to the IEPA. For this purpose, material shall be submitted to the IEPA within 30 days unless additional time is provided by the IEPA or the Permittee believes that the volume and nature of requested material would make this overly burdensome, in which case, the Permittee shall respond within 30 days with the explanation and a schedule for submittal of the requested material. (See also Condition 2.9(d))

6. Certification

a. Compliance Certification

i. Pursuant to Section 39.5(7)(p)(v)(C) of the Act, the source shall submit annual compliance certifications by May 1 unless a different date is specified by an applicable requirement or by a particular permit condition. The annual compliance certifications shall include the following:

A. The identification of each term or condition of this permit that is the basis of the certification.

B. The compliance status.

C. Whether compliance was continuous or intermittent.

D. The method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.

ii. Pursuant to Section 39.5(7)(p)(v)(D) of the Act, all compliance certifications shall be submitted to USEPA Region 5 in Chicago as well as to the IEPA Compliance Section. Addresses are included in Attachment 3.

iii. Pursuant to Section 39.5(7)(p)(i) of the Act, all compliance reports required to be submitted shall include a certification in accordance with Condition 2.6(b).

b. Certification by a Responsible Official

Any document (including reports) required to be submitted by this permit shall contain a certification by the responsible official of the source that meets the requirements of Section 39.5(5) of the Act and applicable regulations. [Section 39.5(7)(p)(i) of the Act]. An example Certification by a Responsible Official is included in Attachment 4 of this permit.

7. Permit Shield

a. Pursuant to Section 39.5(7)(j) of the Act, except as provided in Condition 2.7(b) below, the source has requested and has been granted a permit shield. This permit shield provides that compliance with the conditions of this permit shall be deemed compliance with applicable requirements which were applicable as of the date the proposed permit for this source was issued, provided that either the applicable requirements are specifically identified within this permit, or the IEPA, in acting on this permit application, has determined that other requirements specifically identified are not applicable to this source and this determination (or a concise summary thereof) is included in this permit. This permit shield does not extend to applicable requirements which are promulgated after October 23, 2014 (date USEPA notice started), unless this permit has been modified to reflect such new requirements.

b. Pursuant to Section 39.5(7)(j) of the Act, this permit and the terms and conditions herein do not affect the Permittee's past and/or continuing obligation with respect to statutory or regulatory requirements governing major source construction or modification under Title I of the CAA. Further, neither the issuance of this permit nor any of the terms or conditions of the permit shall alter or affect the liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance.

c. Pursuant to Section 39.5(7)(a) of the Act, the issuance of this permit by the IEPA does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the IEPA or the USEPA may have against the applicant including, but not limited to, any enforcement action authorized pursuant to the provision of applicable federal and state law.

8. Title I Conditions

Pursuant to Sections 39(a), 39(f), and 39.5(7)(a) of the Act, as generally identified below, this CAAPP permit may contain certain conditions that relate to requirements arising from the construction or modification of emission units at this source. These requirements derive from permitting programs authorized under Title I of the Clean Air Act (CAA) and regulations thereunder, and Title X of the Illinois Environmental Protection Act (Act) and regulations implementing the same. Such requirements, including the New Source Review programs for both major (i.e., PSD and nonattainment areas) and minor sources, are implemented by the IEPA.

a. This permit may contain conditions that reflect requirements originally established in construction permits previously issued for this source. These conditions include requirements from preconstruction permits issued pursuant to regulations approved or promulgated by USEPA under Title I of the CAA, as well as requirements contained within construction permits issued pursuant to state law authority under Title X of the Act. Accordingly, all such conditions are incorporated into this CAAPP permit by virtue of being either an "applicable Clean Air Act requirement" or an "applicable requirement" in accordance with Section 39.5 of the Act. These conditions are identifiable herein by a designation to their origin of authority.

b. This permit may contain conditions that reflect necessary revisions to requirements established for this source in preconstruction permits previously issued under the authority of Title I of the CAA. These conditions are specifically designated herein as "TIR".

   i. Revisions to original Title I permit conditions are incorporated into this permit through the combined legal authority of Title I of the CAA and Title X of the Act. Public participation requirements and appeal rights shall be governed by Section 39.5 of the Act.

   ii. Revised Title I permit conditions shall remain in effect through this CAAPP permit, and are therefore enforceable under the same, so long as such conditions do not expire as a result of a failure to timely submit a complete renewal application or are not removed at the applicant's request.

c. This permit may contain conditions that reflect new requirements for this source that would ordinarily derive from a preconstruction permit established under the authority of Title I of the CAA. These conditions are specifically designated herein as "TIN".

   i. The incorporation of new Title I requirements into this CAAPP permit is authorized through the combined legal authority of Title I of the CAA and Title X of the Act. Public participation requirements and appeal rights shall be governed by Section 39.5 of the Act.

   ii. Any Title I conditions that are newly incorporated shall remain in effect through this CAAPP permit, and are therefore enforceable under the same, so long as such conditions do not expire as a result of a failure to timely submit a complete renewal application or are not removed at the applicant's request.

9. Reopening and Revising Permit

a. Permit Actions

This permit may be modified, revoked, reopened and reissued, or terminated for cause in accordance with applicable provisions of Section 39.5 of the Act. The filing of a request by the source for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [Section 39.5(7)(o)(iii) of the Act]

b. **Reopening and Revision**

Pursuant to Section 39.5(15)(a) of the Act, this permit must be reopened and revised if any of the following occur:

i. Additional requirements become applicable to the equipment covered by this permit and three or more years remain before expiration of this permit;

ii. Additional requirements become applicable to the source for acid deposition under the acid rain program;

iii. The IEPA or USEPA determines that this permit contains a material mistake or that an inaccurate statement was made in establishing the emission standards or limitations, or other terms or conditions of this permit; or

iv. The IEPA or USEPA determines that this permit must be revised or revoked to ensure compliance with the applicable requirements.

c. **Inaccurate Application**

Pursuant to Sections 39.5(5) I and (i) of the Act, the IEPA has issued this permit based upon the information submitted by the source in the permit application referenced on page 1 of this permit. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation or reopening of this CAAPP under Section 39.5(15) of the Act.

d. **Duty to Provide Information**

The source shall furnish to the IEPA, within a reasonable time specified by the IEPA any information that the IEPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the source shall also furnish to the IEPA copies of records required to be kept by this permit. [Section 39.5(7)(o)(v) of the Act]

10. Emissions Trading Programs

No permit revision shall be required for increases in emissions allowed under any USEPA approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for elsewhere in this permit and that are authorized by the applicable requirement. [Section 39.5(7)(o)(vii) of the Act]

11. Permit Renewal

a. Upon the expiration of this permit, if the source is operated, it shall be deemed to be operating without a permit unless a timely and complete CAAPP application has been submitted for renewal of this permit. However, if a timely and complete application to renew this CAAPP permit has been submitted, the terms and all conditions of the most recent issued CAAPP permit will remain in effect until the issuance of a renewal permit. [Sections 39.5(5)(l) and (o) of the Act]

b. For purposes of permit renewal, a timely application is one that is submitted no less than 9 months prior to the date of permit expiration. [Section 39.5(5)(n) of the Act]

12. Permanent Shutdown

Pursuant to Section 39.5(7)(a) of the Act, this permit only covers emission units and control equipment while physically present at the source location(s). Unless this permit specifically provides for equipment relocation, this permit is void for the operation or activity of any item of equipment on the date it is removed from the permitted location(s) or permanently shut down. This permit expires if all equipment is removed from the permitted location(s), notwithstanding the expiration date specified on this permit.

13. Startup, Shutdown, and Malfunction

Pursuant to Section 39.5(7)(a) of the Act, in the event of an action to enforce the terms or conditions of this permit, this permit does not prohibit a Permittee from invoking any affirmative defense that is provided by the applicable law or rule.

Section 3 - Source Requirements

1. Applicable Requirements

Pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act, the Permittee shall comply with the following applicable requirements. These requirements are applicable to all emission units (including insignificant activities unless specified otherwise in this Section) at the source.

a. Fugitive Particulate Matter

i. Pursuant to 35 IAC 212.301 and 35 IAC 212.314, 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 unless the wind speed is greater than 25 mph.

ii. Compliance Method (Fugitive Particulate Matter)

Upon request by the IEPA, the Permittee shall conduct observations at the property line of the source for visible emissions of fugitive particular matter from the source to address compliance with 35 IAC 212.301. For this purpose, daily observations shall be conducted for a week for particular area(s) of concern at the source, as specified in the request, observations shall begin either within one day or three days of receipt of a written request from the IEPA, depending, respectively, upon whether observations will be conducted by employees of the Permittee or a third-party observer hired by the Permittee to conduct observations on its behalf. The Permittee shall keep records for these observations, including identity of the observer, the date and time of observations, the location(s) from which observations were made, and duration of any fugitive emissions event(s).

b. Ozone Depleting Substances

Pursuant to 40 CFR 82.150(b), the Permittee shall comply with the standards for recycling and emissions reduction of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners in Subpart B of 40 CFR Part 82:

i. Pursuant to 40 CFR 82.156, persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices.

ii. Pursuant to 40 CFR 82.158, equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment.

iii. Pursuant to 40 CFR 82.161, persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program.

iv. Pursuant to 40 CFR 82 Subpart B, any person performing service on a motor vehicle for consideration when this service involves the refrigerant in the motor vehicle air conditioner shall comply with 40 CFR 82 Subpart B, Servicing of Motor Vehicle Air Conditioners.

v. Pursuant to 40 CFR 82.166, all persons shall comply with the reporting and recordkeeping requirements of 40 CFR 82.166.

c. Asbestos Demolition and Renovation

i. Asbestos Fees. Pursuant to Section 9.13(a) of the Act, for any site for which the Permittee must file an original 10-day notice of intent to renovate or demolish

pursuant to Condition 3.1(c)(ii) below and 40 CFR 61.145(b), the Permittee shall pay to the IEPA with the filing of each 10-day notice a fee of $150.

ii. Pursuant to 40 CFR 61 Subpart M, Standard of Asbestos, prior to any demolition or renovation at this facility, the Permittee shall fulfill notification requirements of 40 CFR 61.145(b).

iii. Pursuant to 40 CFR 61.145I, during demolition or renovation, the Permittee shall comply with the procedures for asbestos emission control established by 40 CFR 61.145I.

d. NESHAP Standards (40 CFR 63 Subpart DDDDD)

Pursuant to 40 CFR 63 Subpart DDDDD Table 3 Condition 4, no later than January 31, 2016, the source shall conduct a one-time energy assessment performed by a qualified energy assessor. This energy assessment shall include the following procedures:

i. A visual inspection of each boiler system.

ii. An evaluation of operating characteristics of each boiler system, specifications of energy using systems, operating and maintenance procedures, and unusual operating constraints.

iii. An inventory of major energy use systems consuming energy from boilers.

iv. A review of available architectural and engineering plans, facility operation and maintenance procedures and logs, and fuel usage.

v. A review of the facility's energy management practices and provide recommendations for improvements consistent with the definition of energy management practices, if identified.

vi. A list of cost-effective energy conservation measures that are within the facility's control.

vii A list of the energy savings potential of the energy conservation measures identified.

viii. A comprehensive report detailing the ways to improve efficiency, the cost of specific improvements, benefits, and the time frame for recouping those investments.

e. Future Emission Standards

Pursuant to Section 39.5(15)(a) of the Act, this source shall comply with any new or revised applicable future standards of 40 CFR 60, 61, 62, or 63; or 35 IAC Subtitle B after the date issued of this permit. The Permittee shall, in accordance with the applicable regulation(s), comply with the applicable requirements by the date(s) specified and shall certify compliance with the applicable requirements of such regulation(s) as part of the annual compliance certification, as required by Condition 2.6(a). This permit may also have to be revised or reopened to address such new regulations in accordance to Condition 2.9.

2. Applicable Plans and Programs

Pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act, the Permittee shall comply with the following applicable requirements. These requirements are applicable to all emission units (including insignificant activities unless specified otherwise in this Section) at the source.

a. **Compliance Demonstration Plan (40 CFR Part 63, Subpart GGGG)**

i. Pursuant to 40 CFR 63.2851, the Permittee has to maintain and implement a written plan for demonstrating compliance with 40 CFR Part 63, Subpart GGGG, for solvent extraction operations of vegetable oil production and prepared in accordance with requirements of 40 CFR 63.2851(a)(1) through (7).

ii. The plan for compliance demonstration, as prepared by the Permittee in the most current version from December 2014 is incorporated herein by reference. The document constitutes the formal plan for compliance demonstration required by 40 CFR 63.2851 and addresses all methods of measurements used by the Permittee to determine solvent losses and tons of soybeans processed.

iii. Pursuant to 40 CFR 63.2862(b), the Permittee shall keep a copy of the plan on-site and be readily available as long as the source is operational. Pursuant to 40 CFR 63.2851(a), when any changes to the plan are made, the Permittee shall keep all previous versions of the plan and make them readily available for inspection for at least 5 years after each revision.

b. **Fugitive PM Operating Program**

Should this source become subject to 35 IAC 212.302, the Permittee shall prepare and operate under a Fugitive PM Operating Program consistent with 35 IAC 212.310 and submitted to the IEPA for its review. The Fugitive PM Operating Program shall be designed to significantly reduce fugitive particulate matter emissions, pursuant to 35 IAC 212.309(a). Any future Fugitive PM Operating Program made by the Permittee during the permit term is automatically incorporated by reference provided the Fugitive PM Operating Program is not expressly disapproved, in writing, by the IEPA within 30 days of receipt of the Fugitive PM Operating Program. In the event that the IEPA notifies the Permittee of a deficiency with any Fugitive PM Operating Program, the Permittee shall be required to revise and resubmit the Fugitive PM Operating Program within 30 days of receipt of notification to address the deficiency pursuant to Section 39.5(7)(a) of the Act.

c. **PM_{10} Contingency Measure Plan**

Should this source become subject to 35 IAC 212.700, then the Permittee shall prepare and operate under a PM_{10} Contingency Measure Plan reflecting the PM_{10} emission reductions as set forth in 35 IAC 212.701 and 212.703. The Permittee shall, within 90 days after the date this source becomes subject to 35 IAC 212.700, submit a request to modify this CAAPP permit in order to include a new, appropriate PM_{10} Contingency Measure Plan.

d. **Episode Action Plan**

i. Pursuant to 35 IAC 244.141, the Permittee shall have on file with the IEPA an Episode Action Plan for reducing the levels of emissions during yellow alerts, red alerts, and emergencies, consistent with safe operating procedures. The Episode Action Plan shall contain the information specified in 35 IAC 244.144.

ii. The Permittee shall immediately implement the appropriate steps described in the Episode Action Plan should an air pollution alert or emergency be declared, as required by 35 IAC 244.169, or as may otherwise be required under 35 IAC 244, Appendix D.

iii. Pursuant to 35 IAC 244.143(d), if an operational change occurs at the source which invalidates the Episode Action Plan, a revised Episode Action Plan shall be submitted to the IEPA for review within 30 days of the change and is automatically incorporated by reference provided the revision is not expressly disapproved, in writing, by the IEPA within 30 days of receipt of the revision. In the event that the IEPA notifies the Permittee of a deficiency with any revision to the Episode Action Plan, the Permittee shall be required to revise and resubmit the Episode

Action Plan within 30 days of receipt of notification to address the deficiency pursuant to Section 39.5(7)(a) of the Act.

iv. The Episode Action Plan, as submitted by the Permittee on September 23, 2019, is incorporated herein by reference. The document constitutes the formal Episode Action Plan required by 35 IAC 244.142, addressing the actions that will be implemented to reduce SO_2, PM_{10}, NO_2, CO and VOM emissions from various emissions units in the event of a yellow alert, red alert or emergency issued under 35 IAC 244.161 through 244.165.

v. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep a copy of the Episode Action Plan, any amendments or revisions to the Episode Action Plan (as required by Condition 3.2(c)), and the Permittee shall also keep a record of activities completed according to the Episode Action Plan.

e. Risk Management Plan (RMP)

Should this stationary source, as defined in 40 CFR 68.3, become subject to the federal regulations for Chemical Accident Prevention in 40 CFR Part 68, then the Permittee shall submit a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR 68.10(a); or submit a certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan, as part of the annual compliance certification required by Condition 2.6(a). This condition is imposed in this permit pursuant to 40 CFR 68.215(a)(2)(i) and (ii).

3. Title I Requirements

As of the date of issuance of this permit, there are no source-wide Title I requirements that need to be included in this Condition.

4. Synthetic Minor Limits

As of the date of issuance of this permit, there are no source-wide synthetic minor limits that need to be included in this Condition.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows:

I. Requirements in Conditions 3.1(a)(i), 3.1(b), 3.1(c), 3.1(d), and 3.1(e).

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

iv. All deviation reports required in this Permit shall be identified, summarized, and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

b. Semiannual Reporting

i. Pursuant to Section 39.5(7)(f)(i) of the Act, the Permittee shall submit Semiannual Monitoring Reports to the IEPA, Air Compliance Section, summarizing required monitoring as part of the Compliance Methods in this Permit submitted every six months as follows, unless more frequent reporting is required in other parts of this permit.

Monitoring Period	Report Due Date
January through June	July 31
July through December	January 31

ii. The Semiannual Monitoring Report must be certified by a Responsible Official consistent with Condition 2.6(b).

c. Annual Emissions Reporting

Pursuant to 35 IAC Part 254, the Source shall submit an Annual Emission Report to the Air Quality Planning Section, due by May 1 of the year following the calendar year in which the emissions took place. All records and calculations upon which the verified and reported data are based must be retained by the source.

Section 4 - Emission Unit Requirements

4.1 Bean Receiving and Storage Units

1. Emission Units and Operations

Emission Units	*Pollutants Being Regulated*	*Original Construction Date*	*Modification/ Reconstruction Date*	*Air Pollution Control Devices or Measures*	*Monitoring Devices*
RS-1a Barge Unloading	PM	Pre 1978	June 3, 2008	Baghouse (also controls RS-1b)	None
RS-1b Barge Belt Loader Filter	PM	Pre 1978	N/A	Baghouse (also controls RS-1a)	None
RS-2 Rail Unloading	PM	Pre 1978	N/A	Baghouse	None
RS-3, 4,5, 6 Bean Storage Tanks	PM	Pre 1978	N/A	None	None
RS-9 Headhouse	PM	Pre 1978	N/A	Baghouse	None
RS-10 Truck Unloading	PM	Pre 1978	N/A	Baghouse	None

2. Applicable Requirements

For the emission units in Condition 4.1(1) above, the Permittee shall comply with the following applicable requirements pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act.

a. i. Opacity Requirements

A. 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 other than those emission units subject to the requirements of 35 IAC 212.122, except as allowed by 35 IAC 212.123(b) and 212.124.

B. Pursuant to Construction Permit #07040072, there shall be no visible emissions from the en-mass conveyor (in RS-1a) after the point at which grain enters the conveyor. [T1]

C. Pursuant to 40 CFR 60.302(b)(2), no owner or operator shall cause to be discharged into the atmosphere from the Barge Unloading (RS-1a) any process emission, as defined by 40 CFR 60.301(g), which exhibits greater than 0 percent opacity.

ii. Compliance Method (Opacity Requirements)

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, to ensure compliance with Condition 4.1.2(a)(i)(A), at a minimum, the Permittee shall perform observations for opacity for each control device stack (e.g., each baghouse stack) and on each emission unit listed in 4.1.1, in accordance with Reference Method 22 for visible emissions at least once per quarter during operation. If visible emissions are observed, the Permittee shall take corrective action within 4 hours of such observation to return the status of the operation to no visible emissions or shall perform a Reference Method 9 observation within one week. Corrective action may include, but is not limited to, shut down of the associated emission units, maintenance and repair, and/or adjustment of the equipment. If corrective action was taken, the Permittee shall perform a follow up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements

of opacity in accordance with Method 9 shall be conducted within one week in accordance with Condition 2.4.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep records for each Method 22 and Method 9 for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

b. i. Particulate Matter Requirements (PM)

A. Pursuant to Construction Permit #07040072, process emissions of particulate matter from RS-1a, Barge Unloading (Barge Fugitives) and RS-1b, Barge Belt Loader Filter (Process Emissions): [T1]

Type of Emissions	Emissions	
	Lbs/Ton	Tons/Year
Barge Unloading System	0.001	0.75
Barge Fugitive	0.030	22.20
Other Fugitives	----	----
Total	0.031	22.95

B. Pursuant to 40 CFR 60.302(b)(2), no owner or operator shall cause to be discharged into the atmosphere from the Barge Unloading (RS-1a) any process emission which contains particulate matter in excess of 0.023 g/dscm (ca. 0.01 gr/dscf).

ii. Compliance Method (PM)

Monitoring

A. Pursuant to Section 39.5(7)(b) of the Act, compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months as a running 12 month total.

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall conduct annual inspections of air pollution control equipment associated with operations identified by section 4.1.1 to ensure that no clogs have developed and air pollution control equipment has not malfunctioned. If required by results of these inspections, maintenance and repair shall commence within 48 hours of the inspection.

C. Pursuant to Construction Permit #07040072, the Permittee shall operate and maintain instrumentation on a baghouse for the system to measure pressure drop across the baghouse. [T1]

Recordkeeping

D. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of PM emissions with supporting calculations (tons/month and tons/year).

E. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of inspections of air pollution control devices along with the logs of maintenance/repair performed on these control devices.

i. Date of inspection, individual performing the inspection, and nature of the inspection

ii. Identification and description of any defective equipment, effect on emissions, date identified, date repaired, and nature of the repair.

F. Pursuant to Construction Permit #07040072, the Permittee shall keep records of the differential pressure of the baghouse recorded at least once per operating week. [T1]

c. i. Operating/Production Requirements

A. Pursuant to Construction Permit #07040072, RS-1a Barge Unloading shall not handle more than 1.48 million tons of grain per year. [T1]

ii. Compliance Method (PM)

Recordkeeping

A. Pursuant to Construction Permit #07040072, the Permittee shall keep records of grain unloaded in tons per month. [T1]

d. i. Work Practice Requirements

A. Pursuant to 35 IAC 212.461(b), the following housekeeping practices shall be implemented during operations of grain handling operations:

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 ensure proper operation.

II. Cleaning and Maintenance.

1. 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.

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

3. 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.

1. Aspiration equipment shall be maintained and operated.

2. 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.

ii. Compliance Method (Work Practice Requirements)

Recordkeeping

A. Pursuant to 35 IAC 212.461(b)(6), the Permittee shall keep the completed housekeeping checklists on the premises of the source.

3. Non-Applicability Determinations

a. i. Emission Units RS-1b, RS-2, RS-3, RS-4, RS-5, RS-6, RS-9 and RS-10 are not subject to the NSPS regulation 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, because these emission units were constructed, modified, or commenced reconstruction before August 3, 1978. The Illinois EPA is administering NSPS in Illinois on behalf of the USEPA under a delegation agreement.

ii. For Emission Unit RS-1a, this permit is issued based on the vertical en-mass conveyor associated with the Barge Unloading (RS-1a) unit not constituting an unloading leg, as defined by 40 CFR 60.301, so that the control requirements of the NSPS for unloading legs, 40 CFR 60.302(d), are not applicable to Emission Unit RS-1a.

Note: If the en-mass conveyor were considered an unloading leg, applicability of 40 CFR 60.302(d) (1) and (2) would have required the leg to be operated with ventilation to a control device on both sides of the belt and the grain receiving hopper, with the total rate of air ventilated being at least 32.1 actual cubic meters per cubic meter of grain handling capacity (ca. 40 cubic ft/bushel).

b. 35 IAC 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, as provided by 35 IAC 212.461(a).

c. The grain handling operation is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, and 35 IAC 212.464, Agriculture Sources in Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

d. The grain handling, grain drying operations, portable grain-handling equipment, and one - turn storage are not subject to 35 IAC 212.302(a), 212.321, and 212.322 pursuant to 35 IAC 212.461(a).

e. The Barge Belt Loader Filter, Rail Unloading, Headhouse, and Truck Unloading are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the Barge Belt Loader Filter, Rail Unloading, Headhouse, and Truck Unloading do not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

f. The Barge Unloading and Bean Storage Tanks are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the Barge Unloading and Bean Storage Tanks do not use an add-on control device to achieve compliance with an emission limitation or standard.

g. Pursuant to 35 IAC 212.461(c), 35 IAC 212.462 does not apply to the facility since it is not located in a Major Population Area and section 9(f) of the Act exempts grain elevators located outside of Major Populations Areas from the requirements of 35 IAC 212.462.

4. Other Requirements

As of the date of issuance of this permit, there are no other requirements that need to be included in this Condition.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e., NSPS or NESHAP requirement:

I. Requirements in Conditions 4.1(2)(a)(i), 4.1(2)(b)(i), and 4.1(2)(c)(i).

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

4.2 Cleaning and Drying Units

1. Emission Units and Operations

Emission Units	*Pollutants Being Regulated*	*Original Construction Date*	*Modification/ Reconstruction Date*	*Air Pollution Control Devices or Measures*	*Monitoring Devices*
CD-1 Cleaning/Scalping	PM	1989	N/A	Baghouse	None
CD-3 & 4 Grain Dryers (North/South)	PM, SO_2	1989	N/A	None	None
CD-12 Soybean Transfer System	PM	Pre 1978	N/A	Baghouse (Also Controls PR-1)	None

2. Applicable Requirements

For the emission units in Condition 4.2(1) above, the Permittee shall comply with the following applicable requirements pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act.

a. i. Opacity Requirements

A. 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 other than those emission units subject to the requirements of 35 IAC 212.122, except as allowed by 35 IAC 212.123(b) and 212.124.

B. Pursuant to 40 CFR subpart DD 60.302(a), no permittee subject to the provisions of this subpart shall cause to be discharged into the atmosphere any gases which exhibit greater than 0 percent opacity from any:

I. Column dryer with column plate perforation exceeding 2.4 mm diameter (ca. 0.094 inch).

C. Pursuant to 40 CFR 60.302(b), the source shall not cause to be discharged into the atmosphere from any emission unit subject to the requirements of 40 CFR 60 subpart DD, except a grain dryer, any process emission, as defined by 40 CFR 60.301(g), that exhibits greater than 0 percent opacity.

ii. Compliance Method (Opacity Requirements)

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, to ensure compliance with Condition 4.2.2(a)(i)(A), at a minimum, the Permittee shall perform observations for opacity for each control device stack (e.g., each baghouse stack), in accordance with Reference Method 22 for visible emissions at least once per quarter during operation. If visible emissions are observed, the Permittee shall take corrective action within 4 hours of such observation to return the status of the operation to no visible emissions or shall perform a Reference Method 9 observation within one week. Corrective action may include, but is not limited to, shut down of the associated emission units, maintenance and repair, and/or adjustment of the equipment. If corrective action was taken, the Permittee shall perform a follow up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within one week in accordance with Condition 2.4.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep records for each Method 22 and Method 9 for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s)

of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

b. i. **Particulate Matter Requirements (PM)**

A. Pursuant to 40 CFR 60.302(b)(1), the Permittee shall not cause to be discharged into the atmosphere from any cleaning any process emission which:

I. Contains particulate matter in excess of 0.023 g/dscm (ca. 0.01 gr/dscf).

ii. Compliance Method (PM)

Monitoring

A. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall conduct annual inspections of air pollution control equipment associated with emission unit CD-1 operations identified by section 4.2.1 to ensure that no clogs have developed and air pollution control equipment has not malfunctioned. If required by results of these inspections and tests, maintenance and repair shall commence within 48 hours of the inspection.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of inspections of air pollution control devices along with the logs of maintenance/repair performed on these control devices.

I. Date of inspection, individual performing the inspection, and nature of the inspection.

II. Identification and description of any defective equipment, effect on emissions, date identified, date repaired, and nature of the repair.

c. i. **Sulfur Dioxide Requirements (SO_2)**

A. 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 2000 ppm.

ii. Compliance Method (SO_2 Requirements)

Recordkeeping

A. Sufficient periodic monitoring, established in Condition 4.2.2(d)(i)(B) to meet Section 39.5(7)(a) of the Act, are addressed by the Work Practice Requirements in Condition 4.2.2(d).

d. i. **Work Practice Requirements**

A. Pursuant to 35 IAC 212.461(b), the following housekeeping practices shall be implemented during operations of grain handling operations:

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 ensure proper operation.

II. Cleaning and Maintenance.

1. 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.

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

3. 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.

1. Aspiration equipment shall be maintained and operated.

2. 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.

B. Pursuant to 39.5(7)(b) of the Act, the only fuels fired in the column dryer shall be:

I. Pipeline quality natural gas.

ii. Compliance Method (Work Practice Requirements)

Recordkeeping

A. Pursuant to 35 IAC 212.461(b)(6), the Permittee shall keep the completed housekeeping checklists on the premises of the source.

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep the following records related to pipeline quality natural gas:

I. Certification from the natural gas supplier that the fuel supplied is pipeline grade natural gas.

3. Non-Applicability Determinations

a. Emission Unit CD-12 is not subject to the NSPS regulation 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, because these emission units were constructed, modified, or commenced reconstruction before August 3, 1978. The Illinois EPA is administering NSPS in Illinois on behalf of the USEPA under a delegation agreement.

b. The grain handling, grain drying operations, portable grain-handling equipment, and one-turn storage are not subject to 35 IAC 212.302(a), 212.321, and 212.322 pursuant to 35 IAC 212.461(a).

c. The grain handling operation is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, and 35 IAC 212.464, Agriculture Sources in Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

d. Cleaning and Drying Units CD-3 and CD-4 are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the Cleaning and Drying

Units do not use an add-on control device to achieve compliance with an emission limitation or standard.

e. Cleaning and Drying Units CD-1 and CD-12 are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because CD-1 and CD-12 do not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

4. Other Requirements

As of the date of issuance of this permit, there are no other requirements that need to be included in this Condition.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e., NSPS or NESHAP requirement:

I. Requirements in Conditions 4.2(2)(a)(i), 4.2(2)(b)(i), and 4.2(2)(c)(i).

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

4.3 Soybean Preparation

1. Emission Units and Operations

Emission Units	Pollutants Being Regulated	Original Construction Date	Modification/ Reconstruction Date	Air Pollution Control Devices or Measures	Monitoring Devices
PR-1 Cracking/Conveying	PM	1976	N/A	Baghouse Collector (Also Controls CD-12)	None
PR-2 Primary Dehulling (Collecting/Screening)	PM	1980	N/A	Baghouse Collector	None
PR-3 Secondary Dehulling, Hull Grinding	PM	1985	N/A	Baghouse Collector	None
PR-5 Flakers	PM	1976	Oct 1, 1998	Cyclone Collectors (2)	None

2. Applicable Requirements

For the emission units in Condition 4.3(1) above, the Permittee shall comply with the following applicable requirements pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act.

a. i. **Opacity Requirements**

A. 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 other than those emission units subject to the requirements of 35 IAC 212.122, except as allowed by 35 IAC 212.123(b) and 212.124.

ii. Compliance Method (Opacity Requirements)

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, to ensure compliance with Condition 4.3.2(a)(i)(A), at a minimum, the Permittee shall perform observations for opacity for each control device stack (e.g., each baghouse stack), in accordance with Reference Method 22 for visible emissions at least once per quarter during operation. If visible emissions are observed, the Permittee shall take corrective action within 4 hours of such observation to return the status of the operation to no visible emissions or shall perform a Reference Method 9 observation within one week. Corrective action may include, but is not limited to, shut down of the associated emission units, maintenance and repair, and/or adjustment of the equipment. If corrective action was taken, the Permittee shall perform a follow up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within one week in accordance with Condition 2.4.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep records for each Method 22 and Method 9 for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

b. i. **Particulate Matter Requirements (PM)**

A. Pursuant to 35 IAC 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 for 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, which, at a source or premises, exceeds the allowable emission rates specified in 35 IAC 212.321(c) (See Condition 7.2.a).

ii. Compliance Method (PM Requirements)

Monitoring

A. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall conduct annual inspections of air pollution control equipment associated with operations identified by Condition 4.3(1) to ensure air pollution control equipment has not malfunctioned. If required by results of these inspections, maintenance and repair shall commence within 48 hours of the inspection.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of PM emissions with supporting calculations (lbs/hr) showing that the limits established by 35 IAC 212.321 cannot be exceeded.

C. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of inspections of air pollution control devices along with the logs of maintenance/repair performed on these control devices.

3. Non-Applicability Determinations

a. The milling operations are not subject to the NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, because the milling operations are not a grain handling process subject to these regulations.

b. The milling operations are not subject to 35 IAC 212.324, Process Emission Units in Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

c. The milling operations are not subject to 35 IAC 212.461, Grain Handling and Drying in General, and 35 IAC 212.463, Grain Drying Operations, because after being altered by the milling operations the soybeans cease to be grain as defined by 35 IAC 211.2650.

d. The Soybean Preparation is not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the Soybean Preparation does not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

4. Other Requirements

As of the date of issuance of this permit, there are no other requirements that need to be included in this Condition.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e., NSPS or NESHAP requirement:

I. Requirements in Conditions 4.3(2)(a)(i), and 4.3(2)(b)(i).

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

4.4 Solvent Extraction

1. Emission Units and Operations

Emission Units	*Pollutants Being Regulated*	*Original Construction Date*	*Modification/ Reconstruction Date*	*Air Pollution Control Devices or Measures*	*Monitoring Devices*
EX-3 Meal Drying, Meal Cooling	PM, VOM, HAP	1976	N/A	Process Cyclones (4)	None
EX-4 Extractor	PM, VOM, HAP	1976	N/A	Mineral Oil Scrubber	None
EX-4 Desolventizer Toaster Evaporators/ Condensers (Main and Vent)	PM, VOM, HAP	1976	Aug 23, 2009		None
EX-4 Oil Stripper	PM, VOM, HAP	1976	N/A		None
EX-4 H_2O Reboiler	PM, VOM, HAP	1976	N/A		None
EX-4 Hexane Storage Tanks	PM, VOM, HAP	1976	N/A		None

2. Applicable Requirements

For the emission units in Condition 4.4(1) above, the Permittee shall comply with the following applicable requirements pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act.

a. i. **Opacity Requirements**

A. 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 other than those emission units subject to the requirements of 35 IAC 212.122, except as allowed by 35 IAC 212.123(b) and 212.124.

ii. Compliance Method (Opacity Requirements)

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, to ensure compliance with Condition 4.4.2(a)(i)(A), at a minimum, the Permittee shall perform observations for opacity for each control device stack (e.g., each baghouse stack), in accordance with Reference Method 22 for visible emissions at least once per quarter during operation. If visible emissions are observed, the Permittee shall take corrective action within 4 hours of such observation to return the status of the operation to no visible emissions or shall perform a Reference Method 9 observation within one week. Corrective action may include, but is not limited to, shut down of the associated emission units, maintenance and repair, and/or adjustment of the equipment. If corrective action was taken, the Permittee shall perform a follow up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within one week in accordance with Condition 2.4.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep records for each Method 22 and Method 9 for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

b. i. **Volatile Organic Material Requirements (VOM)**

A. Pursuant to 35 IAC 215.340, the Permittee shall not exceed the following limits from hexane extraction soybean crushing operations from emission units EX-3 and EX-4 in section 4.4.1:

I. 0.0026 lbs of VOM per pound of conventional soybean crush.

B. Pursuant to 35 IAC 215.122(b) the Permittee shall not cause or allow the loading of any organic material into the EX-4 Hexane Storage tanks or any stationary tank having a storage capacity of greater than 946 1 (250 gal), unless such tank is equipped with a permanent submerged loading pipe, submerged fill, or an equivalent device approved by the Agency according to the provisions of 35 Ill. Adm. Code 201 or unless such tank is a pressure tank as described in Section 215.121(a) or is fitted with a recovery system as described in Section 215.121(b)(2).

C. Pursuant to Section 39.5(7)(a), (b) and (d) of the Act, the VOM solvent loss ratio (SLR) for the facility shall not exceed 0.18 gallons of solvent lost per ton of oilseed processed for conventional soybean processing in any 12-month period.

ii. Compliance Method (VOM Requirements)

Monitoring

A. Pursuant to 35 IAC 215.122(b), if any of the storage tanks store a material with a vapor pressure over 2.5 psia at 70°F then the submerged pipe shall be inspected every other year.

B. Pursuant to 35 IAC 215.345 Subpart N, each day, the Permittee of a source subject to Section 215.340 shall calculate the sum of:

I. Total conventional soybean crush for the previous 180 days, in pounds, multiplied by 0.0026.

C. Pursuant to 35 IAC 215.345 Subpart N, if such product is less than the total decrease in solvent storage inventory over the previous 180 days, then the provisions of Section 215.340 or 215.342, whichever is applicable, shall be deemed to have been exceeded.

D. Pursuant to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, EX-4 (Extractor, Desolventizer Toaster Evaporators/ Condensers, Oil Stripper, H_2O Reboiler, Hexane Storage Tanks) identified by section 4.4.1 is subject to 40 CFR Part 64. The Permittee shall comply with the monitoring requirements of the CAM Plan described in Condition 7.5 and Table 7.5.2, pursuant to 40 CFR Part 64 as submitted in the Permittee's CAM plan application. At all times, the Permittee shall maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment, pursuant to 40 CFR 64.7 (a) and (b).

Recordkeeping

E. Pursuant to Section 39.5(7)(b) and (d) of the Act, compliance with the VOM SLR of Condition 4.4.2(b)(i)(C) shall be determined as follows:

I. The facility shall maintain a Compliance Ratio of less than or equal to 1.0, which shall be calculated as follows:

Compliance Ratio = Actual Solvent Loss (gal)/Allowable Solvent Loss (gal)

Where:
Actual Solvent Loss = Gallons of solvent loss during the previous 12 operating months

Allowable Solvent Loss = Oilseed x SLR

SLR = 0.18 gal/ton

II. Solvent losses and quantities of oilseed processed during startup and shutdown periods shall not be excluded in determining solvent losses.

III. For purposes of calculating SLR, the facility may apply the provisions of 40 CFR 63 Subpart GGGG pertaining to malfunction periods when both of the conditions below are met:

1. The malfunction results in a total plant shutdown, which means a shutdown of the solvent extraction system; and

2. The total amount of solvent loss to which provisions of 40 CFR 63 Subpart GGGG relating to malfunction applied in a rolling 12-month period does not exceed the Allowable Malfunction Volume as defined below. The Allowable Malfunction Volume in gallons is equal to the facility's 12-month Crush capacity times the final VOM SLR limit (0.18 gal/ton) times 0.024, as follows:

   Allowable Malfunction Volume (gal) = 12-month Crush capacity (tons) x Final VOM SLR Limit (0.18 gal/ton) x 0.024

IV. Compliance with the final VOM SLR limit shall be determined in accordance with 40 CFR 63 Subpart GGGG with the following exceptions:

1. Provisions pertaining to HAP content shall not apply.

2. Monitoring and recordkeeping of solvent losses shall be conducted daily.

3. Solvent losses and quantities of oilseed processed during startup and shutdown shall not be excluded in determining solvent losses.

4. Records shall be kept in a form substantially similar to the following table:

	Total Crush (tons)		Total Solvent Loss (gallons)		Malfunction Solvent Loss (gallons)		Adjusted Solvent Loss[a] (gallons)		SLR[b] (gal/ton)	Plant Compliance Ratio[c]
Date	Monthly	12-month rolling	Monthly	12-month rolling	Monthly	12-month rolling	Monthly	12-month rolling	12-month rolling	

a. Adjusted Solvent Loss is equal to Total Solvent Loss minus Malfunction Period Solvent Loss.

b. Solvent Loss Ratio is equal to 12-month rolling Adjusted Solvent Loss divided by 12-month rolling Total Crush.

c. *Plant Compliance Ratio = Plant Actual Solvent Loss (gal) / Allowable Solvent Loss (gal)*

Where:
Plant Actual Solvent Loss = solvent loss (gal) during previous 12 operating months at plant
Allowable Solvent Loss = Oilseed x SLR
Oilseed = Tons of oilseed processed at plant during the previous 12 operating months
SLR = Final solvent loss ratio (SLR) limit or 0.18 gal/ton.

F. Pursuant to 35 IAC 215.344 Subpart N, the Permittee of a source subject to Section 215.340 and 215.342 shall maintain daily records of solvent storage inventory, and conventional soybean crush. Each day the total decrease in solvent storage inventory, and total conventional and specialty soybean crush or raw corn germ for the previous 180 days shall be calculated.

G. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of the presence of the submerged loading pipe.

H. Pursuant to 40 CFR 64.9 (b)(1), for purposes of implementation of the CAM Plan, the Permittee shall maintain records as described in condition 7.5 of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 CFR 64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

c. i. Particulate Matter Requirements (PM)

A. Pursuant to 35 IAC 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 for 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, which, at a source or premises, exceeds the allowable emission rates specified in 35 IAC 212.321(c) (See Condition 7.2.a).

ii. Compliance Method (PM Requirements)

Monitoring

A. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall conduct annual inspections of air pollution control equipment associated with operations identified by Condition 4.4(1) to ensure that no clogs have developed and air pollution control equipment has not malfunctioned. If required by results of these inspections, maintenance and repair shall commence within 48 hours of the inspection.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of PM emissions with supporting calculations (lbs/hr) showing that the limits established by 35 IAC 212.321 cannot be exceeded.

C. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of inspections of air pollution control devices along with the logs of maintenance/repair performed on these control devices.

d. i. Hazardous Air Pollutant Requirements (HAP)

A. Pursuant to Table 1 of 40 CFR 63.2840, allowable HAP solvent loss factors shall not exceed the following limits:

I. 0.2 gal/ton for conventional soybeans.

B. Pursuant to 40 CFR 63.2840(a)(1) and 63.2840(c), the compliance ratio shall stay at or below 1.0 the ratio of actual HAP loss to allowable HAP loss.

C. Pursuant to 40 CFR 63.2852, the Permittee shall comply with all applicable provisions as follows.

I. The Permittee must develop a SSM plan in accordance with 40 CFR 63.6(e)(3).

II. The Permittee must develop and implement a written plan for demonstrating compliance that provides the detailed procedures the Permittee will follow to monitor and record data necessary for demonstrating compliance with this subpart.

ii. Compliance Method (HAP Requirements)

Monitoring

A. Pursuant to 40 CFR 63.2853, the actual solvent loss shall be determined by the following procedures:

I. By the end of each calendar month following an operating month, the Permittee shall determine the total solvent loss in gallons for the previous operating month. The total solvent loss for an operating month includes all solvent losses that occur during normal operating periods within the operating month. If the Permittee has determined solvent losses for 12 or more operating months, then the Permittee shall also determine the 12 operating months rolling sum of actual solvent loss in gallons by summing the monthly actual solvent loss for the previous 12 operating months. The 12 operating months rolling sum of solvent loss is the "actual solvent loss", which is used to calculate compliance ratio as described in 40 CFR 63.2840.

II. To determine the actual solvent loss, the Permittee shall follow the procedures in the plan for demonstrating compliance to determine the items in 40 CFR 63.2853 as follows.

1. The dates that define each operating status period during a calendar month. The dates that define each operating status period include the beginning date of each calendar month and the date of any change in the source operating status. If the source maintains the same operating status during an entire calendar month, these dates are the beginning and ending dates of the calendar month. If, prior to the effective date of this rule, the Permittee's source determines the solvent loss on an accounting month, as defined in 40 CFR 63.2872, rather than a calendar month basis, and the Permittee have 12 complete accounting months of approximately equal duration in a calendar year, the Permittee may substitute the accounting month time interval for the calendar month time interval. If the Permittee choose to use an accounting month rather than a calendar month, the Permittee must document this measurement frequency selection in the Permittee's plan for demonstrating compliance, and the Permittee must remain on this schedule unless the Permittee request and receive written approval from the agency responsible for these NESHAP.

2. Source operating status. The Permittee must categorize the operating status of the Permittee's source for each recorded time interval in accordance with criteria in Table 1 of 40 CFR 63.2853.

3. Measuring the beginning and ending solvent inventory. The Permittee are required to measure and record the solvent inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. An operating month is any calendar month with at least one normal operating period. The Permittee must consistently follow the procedures described in the Permittee's plan for demonstrating compliance, as specified in 40 CFR 63.2851, to determine the extraction solvent inventory, and maintain readily available records of the actual solvent loss inventory, as described in 40 CFR 63.2862(c)(1). In general, the Permittee must measure and record the solvent inventory only when the source is actively processing any type of agricultural product. When the source is not active, some or all of the solvent working capacity is transferred to solvent storage tanks which can artificially inflate the solvent inventory.

4. Gallons of extraction solvent received. Record the total gallons of extraction solvent received in each shipment. For most processes, the gallons of solvent received represents purchases of delivered solvent added to the solvent storage inventory. However, if the Permittee's process refines additional vegetable oil from off-site sources, recovers solvent from the off-site oil, and adds it to the on-site solvent inventory, then the Permittee must determine the quantity of recovered solvent and include it in the gallons of extraction solvent received.

5. Solvent inventory adjustments. In some situations, solvent losses determined directly from the measured solvent inventory and quantity of solvent received is not an accurate estimate of the "actual solvent loss" for use in determining compliance ratios. In such cases, the Permittee may adjust the total solvent loss for each normal operating period as long as the Permittee provides a reasonable justification for the adjustment. Situations that may require adjustments of the total solvent loss include, but are not limited to, situations in the following paragraphs.

   a. Solvent destroyed in a control device. The Permittee may use a control device to reduce solvent emissions to meet the emission standard. The use of a control device does not alter the emission limit for the source. If the Permittee uses a control device that reduces solvent emissions through destruction of the solvent instead of recovery, then determine the gallons of solvent that enter the control device and are destroyed there during each normal operating period. All solvent destroyed in a control device during a normal operating period can be subtracted from the total solvent loss. Examples of destructive emission control devices include catalytic incinerators, boilers, or flares. Identify and describe, in the Permittee's plan for demonstrating compliance, each type of reasonable and sound measurement method that you use to quantify the gallons of solvent entering and exiting the control device and to determine the destruction efficiency of the control device. You may use design evaluations to document the gallons of solvent destroyed or removed by the control device instead of performance testing under 40 CFR 63.7. The design evaluations must be based on the procedures and options described in 40 CFR 63.985(b)(1)(i)(A)

through (C) or 40 CFR 63.11, as appropriate. All data, assumptions, and procedures used in such evaluations must be documented and available for inspection. If the Permittee use performance testing to determine solvent flow rate to the control device or destruction efficiency of the device, follow the procedures as outlined in 40 CFR 63.997(e)(1) and (2). Instead of periodic performance testing to demonstrate continued good operation of the control device, the Permittee may develop a monitoring plan, following the procedures outlined in 40 CFR 63.988(c) and using operational parametric measurement devices such as fan parameters, percent measurements of lower explosive limits, and combustion temperature.

b. Changes in solvent working capacity. In records the Permittee keep on-site, document any process modifications resulting in changes to the solvent working capacity in the Permittee's vegetable oil production process. Solvent working capacity is defined in 40 CFR 63.2872. In general, solvent working capacity is the volume of solvent normally retained in solvent recovery equipment such as the extractor, desolventizer-toaster, solvent storage, working tanks, mineral oil absorber, condensers, and oil/solvent distillation system. If the change occurs during a normal operating period, the Permittee must determine the difference in working solvent volume and make a one-time documented adjustment to the solvent inventory.

III. Pursuant to 40 CFR 63.2853(b), equation 1 of 40 CFR 63.2853(b) shall be used to determine the actual solvent loss for all normal operating periods recorded within a calendar month:

B. Pursuant to 40 CFR 63.2854, the weighted average volume fraction of HAP in the actual solvent loss shall be determined by the following procedures established by 40 CFR 63.2854(b)(1) through (3):

I. Record the volume fraction of each HAP comprising more than 1 percent by volume of the solvent in each delivery of solvent, including solvent recovered from off-site oil. To determine the HAP content of the material in each delivery of solvent, the reference method is EPA Method 311 of Appendix A of 40 CFR Part 60. The Permittee may use EPA Method 311, an approved alternative method, or any other reasonable means for determining the HAP content. Other reasonable means of determining HAP content include, but are not limited to, a material safety data sheet or a manufacturer's certificate of analysis. A certificate of analysis is a legal and binding document provided by a solvent manufacturer. The purpose of a certificate of analysis is to list the test methods and analytical results that determine chemical properties of the solvent and the volume percentage of all HAP components present in the solvent at quantities greater than 1 percent by volume. The Permittee is not required to test the materials it uses, but the Illinois EPA may require a test using EPA Method 311 (or an approved alternative method) to confirm the reported HAP content. However, if the results of an analysis by EPA Method 311 are different from the HAP content determined by another means, the EPA Method 311 results will govern compliance determinations.

II. Determine the weighted average volume fraction of HAP in the extraction solvent each operating month. The weighted average volume

fraction of HAP for an operating month includes all solvent received since the end of the last operating month, regardless of the operating status at the time of the delivery. Determine the monthly weighted average volume fraction of HAP by summing the products of the HAP volume fraction of each delivery and the volume of each delivery and dividing the sum by the total volume of all deliveries as expressed further in Equation 1 of 40 CFR 63.2854. Record the result by the end of each calendar month following an operating month.

III. Determine the volume fraction of HAP in extraction solvent as a 12 operating months weighted average. When the source has processed oilseed for 12 operating months, sum the products of the monthly weighted average HAP volume fraction and corresponding volume of solvent received, and divide the sum by the total volume of solvent received for the 12 operating months, as expressed by Equation 2. Record the result by the end of each calendar month following an operating month and use it in Equation 2 of 40 CFR 63.2840 to determine the compliance ratio.

C. Pursuant to 40 CFR 63.2855(a), to determine the tons as received of each type of oilseed processed at the source, follow the procedures in the plan for demonstrating compliance to determine the items in 40 CFR 63.2855 as follows.

I. The dates that define each operating status period. The dates that define each operating status period include the beginning date of each calendar month and the date of any change in the source operating status. If, prior to the effective date of this rule, the Permittee's source determines the oilseed inventory on an accounting month rather than a calendar month basis, and the Permittee have 12 complete accounting months of approximately equal duration in a calendar year, the Permittee may substitute the accounting month time interval for the calendar month time interval. If the Permittee choose to use an accounting month rather than a calendar month, the Permittee must document this measurement frequency selection in the Permittee's plan for demonstrating compliance, and the Permittee must remain on this schedule unless the Permittee request and receive written approval from the agency responsible for these NESHAP. The dates on each oilseed inventory log must be consistent with the dates recorded for the solvent inventory.

II. Source operating status. The Permittee must categorize the source operation for each recorded time interval. The source operating status for each time interval recorded on the oilseed inventory for each type of oilseed must be consistent with the operating status recorded on the solvent inventory logs as described in 40 CFR 63.2853(a)(2).

III. Measuring the beginning and ending inventory for each oilseed. The Permittee are required to measure and record the oilseed inventory on the beginning and ending dates of each normal operating period that occurs during an operating month. An operating month is any calendar month with at least one normal operating period. The Permittee must consistently follow the procedures described in the Permittee's plan for demonstrating compliance, as specified in 40 CFR 63.2851, to determine the oilseed inventory on an as received basis and maintain readily available records of the oilseed inventory as described by 40 CFR 63.2862(c)(3).

IV. Tons of each oilseed received. Record the type of oilseed and tons of each shipment of oilseed received and added to the Permittee's on-site storage.

V. Oilseed inventory adjustments. In some situations, determining the quantity of oilseed processed directly from the measured oilseed inventory and quantity of oilseed received is not an accurate estimate of the tons of oilseed processed for use in determining compliance ratios. For example, spoiled and molded oilseed removed from storage but not processed by the Permittee's source will result in an overestimate of the quantity of oilseed processed. In such cases, the Permittee must adjust the oilseed inventory and provide a justification for the adjustment. Situations that may require oilseed inventory adjustments include, but are not limited to, the situations listed as follows.

A. Oilseed that mold or otherwise become unsuitable for processing.

B. Oilseed the Permittee sell before it enters the processing operation.

C. Oilseed destroyed by an event such as a process malfunction, fire, or natural disaster.

D. Oilseed processed through operations prior to solvent extraction such as screening, dehulling, cracking, drying, and conditioning; but that are not routed to the solvent extractor for further processing.

E. Periodic physical measurements of inventory. For example, some sources periodically empty oilseed storage silos to physically measure the current oilseed inventory. This periodic measurement procedure typically results in a small inventory correction. The correction factor, usually less than 1 percent, may be used to make an adjustment to the source's oilseed inventory that was estimated previously with indirect measurement techniques. To make this adjustment, the Permittee's plan for demonstrating compliance must provide for such an adjustment.

D. Pursuant to 40 CFR 63.2855(b), equation 1 of 40 CFR 63.2855(b) shall be used to determine the quantity of each oilseed type processed during normal operating periods recorded within a calendar month:

E. Pursuant to 40 CFR 63.2855, the quantity of oilseed processed shall be determined as follows:

I. All oilseed measurements shall be determined on an as received basis, as defined in 40 CFR 63.2872. The as received basis refers to the oilseed chemical and physical characteristics as initially received by the source and prior to any oilseed handling and processing. By the end of each calendar month following an operating month, the Permittee shall determine the tons as received of each listed oilseed processed for the operating month. The total oilseed processed for an operating month includes the total of each oilseed processed during all normal operating periods that occur within the operating month. If the Permittee has determined the tons of oilseed processed for 12 or more operating months, then the Permittee shall also determine the 12 operating months rolling sum of each type oilseed processed by summing the tons of each type of oilseed processed for the previous 12 operating months. The 12 operating months rolling

sum of each type of oilseed processed is used to calculate the compliance ratio as described in 40 CFR 63.2840.

II. To determine the tons as received of each type of oilseed processed at the source, the Permittee shall follow the procedures in the plan for demonstrating compliance to determine the items in 40 CFR 63.2855 as follows.

Recordkeeping

F. Pursuant to 40 CFR 63.2862(c) and (d), the Permittee shall keep the following records:

I. For the solvent inventory, record the following information in accordance with the plan for demonstrating compliance:

1. Dates that define each operating status period during a calendar month.

2. The operating status of the source such as normal operation, nonoperating, initial startup period, malfunction period, or exempt operation for each recorded time interval.

3. Record the gallons of extraction solvent in the inventory on the beginning and ending dates of each normal operating period.

4. The gallons of all extraction solvent received, purchased, and recovered during each calendar month.

5. All extraction solvent inventory adjustments, additions or subtractions. The Permittee shall document the reason for the adjustment and justify the quantity of the adjustment.

6. The total solvent loss for each calendar month, regardless of the source operating status.

7. The actual solvent loss in gallons for each operating month.

II. For the weighted average volume fraction of HAP in the extraction solvent:

1. The gallons of extraction solvent received in each delivery.

2. The volume fraction of each HAP exceeding 1 percent by volume in each delivery of extraction solvent.

3. The weighted average volume fraction of HAP in extraction solvent received since the end of the last operating month as determined in accordance with 40 CFR 63.2854(b)(2).

III. For each type of listed oilseed processed, record the following items in accordance with the plan for demonstrating compliance:

1. The dates that define each operating status period. These dates must be the same as the dates entered for the extraction solvent inventory.

2. The operating status of the source such as normal operation, nonoperating, malfunction period, or exempt operation for each recorded time interval. On the log for each type of listed oilseed that is not being processed during a normal operating

period, record which type of listed oilseed is being processed in addition to the source operating status.

3. The oilseed inventory for the type of listed oilseed being processed on the beginning and ending dates of each normal operating period.

4. The tons of each type of listed oilseed received at the source each normal operating period.

5. All listed oilseed inventory adjustments, additions or subtractions for normal operating periods. The Permittee must document the reason for the adjustment and justify the quantity of the adjustment.

6. The tons of each type of listed oilseed processed during each operating month.

IV. Pursuant to 40 CFR 63.2862(d), after the source has processed listed oilseed for 12 operating months and is not operating during a malfunction period as described in 40 CFR 63.2850(e)(2), record the following items by the end of the calendar month following each operating month:

1. The 12 operating months rolling sum of the actual solvent loss in gallons as described in 40 CFR 63.2853(c).

2. The weighted average volume fraction of HAP in extraction solvent received for the previous 12 operating months as described in 40 CFR 63.2854(b)(3).

3. The 12 operating months rolling sum of each type of listed oilseed processed in tons as described in 40 CFR 63.2855(c).

4. A determination of the compliance ratio. Using the values from 40 CFR 63.2853, 63.2854, 63.2855, and Table 1 of 40 CFR 63.2840, calculate the compliance ratio using Equation 2 of 40 CFR 63.2840.

5. A statement of whether the source is in compliance with all of the requirements of 40 CFR Part 63 Subpart GGGG. This includes a determination of whether the source has met all of the applicable requirements in 40 CFR 63.2850.

3. Non-Applicability Determinations

a. The extraction process is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

b. The extraction process is not subject to 35 IAC 212.461, Grain Handling and Drying in General, and 35 IAC 212.463, Grain Drying Operations, because after being altered by the milling operations the soybeans cease to be grain as defined by 35 IAC 211.2650.

c. The extraction process is not subject to 35 IAC Part 215 Subpart A: General Provisions and 35 IAC Part 215 Subpart K: Organic Material Emission Standards and Limitations for the Use of Organic Material because the extraction process does not have an odor nuisance limitation. (See also Condition 8.2 - Odor Requirements)

d. The hexane, soybean oil, bad soybean oil and utility soybean oil storage tanks associated with the extraction process are not subject to 35 IAC Part 215 Subpart B, Section 215.121(a): Organic Emissions from Storage and Loading Operations because each of these

tanks have a capacity of less than 151 cubic meters (40,000 gal) and is a pressure tank capable of withstanding the vapor pressure of such liquid or the pressure of the gas, so as to prevent vapor or gas loss to the atmosphere at all times.

e. The soybean oil, bad soybean oil and utility soybean oil storage tanks associated with the extraction process are not subject to the NSPS for Storage Vessels, 40 CFR 60 Subparts A, K, Ka and Kb, because the tanks are not used as storage vessels for petroleum liquids and are not subject to these regulations.

f. Pursuant to 40 CFR 64.2(b)(1)(i) the extraction process not being subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the extraction process does not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

g. Pursuant to 40 CFR 64.2 (b)(1)(i) for the requirements in 4.4.2 (d)(i), the extraction process is not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Hazardous Air Pollutant (HAP), because EX-4 (Desolventizer Toaster Evaporators/ Condensers, Oil Stripper, H_2O Reboiler, and Hexane Storage Tanks) is subject to a NESHAP proposed after November 15, 1990.

4. Other Requirements

As of the date of issuance of this permit, there are no other requirements that need to be included in this Condition.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e., NSPS or NESHAP requirement:

I. Requirements in Conditions 4.4(2)(a)(i), 4.4(2)(b)(i), 4.4(2)(c)(i), and 4.4(2)(d)(i).

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

b. Federal Reporting

i. Pursuant to 40 CFR 63.2861, the first annual compliance certification is due 12 calendar months after the Permittee submit the notification of compliance status. Each subsequent annual compliance certification is due 12 calendar months after the previous annual compliance certification. The annual compliance certification provides the compliance status for each operating month during the 12 calendar months period ending 60 days prior to the date on which the report is due. Include the following information:

A. The name and address of the Permittee.

B. The physical address of the vegetable oil production process.

C. Each listed oilseed type processed during the 12 calendar months period covered by the report.

D. Each HAP identified under 63.2854(a) as being present in concentrations greater than 1 percent by volume in each delivery of solvent received during the 12 calendar months period covered by the report.

E. A statement designating the source as a major source of HAP or a demonstration that the source qualifies as an area source. An area source is a source that is not a major source and is not collocated within a plant site with other sources that are individually or collectively a major source.

F. A compliance certification to indicate whether the source was in compliance for each compliance determination made during the 12 calendar months period covered by the report. For each such compliance determination, the Permittee must include a certification of the items following:

I. The Permittee is following the procedures described in the plan for demonstrating compliance.

II. The compliance ratio is less than or equal to 1.00.

ii. Pursuant to 40 CFR 63.2861, the Permittee shall submit a deviation report for each compliance determination the Permittee make in which the compliance ratio exceeds 1.00 as determined under 63.2840(c). Submit the deviation report by the end of the month following the calendar month in which the Permittee determined the deviation. The deviation notification report must include the following items:

A. The name and address of the Permittee.

B. The physical address of the vegetable oil production process.

C. Each listed oilseed type processed during the 12 operating month period for which the Permittee determined the deviation.

D. The compliance ratio comprising the deviation. The Permittee may reduce the frequency of submittal of the deviation notification report if the agency responsible for these NESHAP does not object as provided in 63.10(e)(3)(iii).

4.5 Pellet Mill and Meal Handling

1. Emission Units and Operations

Emission Units	*Pollutants Being Regulated*	*Original Construction Date*	*Modification/ Reconstruction Date*	*Air Pollution Control Devices or Measures*	*Monitoring Devices*
MH-1 Pellet Cooler	PM	1994	N/A	Cyclone Receiver	None
MH-3 Cool Meal Conveyor, Meal Grinding and Calcium Tank	PM	1976	N/A	Baghouse	None
MH-6 Bulk Loading (Barge) (Meal & Hull Pellets)	PM	Pre 1978	N/A	None	None
RS-2 Meal Truck and Rail Loadout	PM	Pre 1978	N/A	Baghouse	None

2. Applicable Requirements

For the emission units in Condition 4.4(1) above, the Permittee shall comply with the following applicable requirements pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act.

a. i. **Opacity Requirements**

A. 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 other than those emission units subject to the requirements of 35 IAC 212.122, except as allowed by 35 IAC 212.123(b) and 212.124.

ii. Compliance Method (Opacity Requirements)

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, to ensure compliance with Condition 4.5.2(a)(i)(A), at a minimum, the Permittee shall perform observations for opacity for each control device stack (e.g., each baghouse stack), in accordance with Reference Method 22 for visible emissions at least once per quarter during operation. If visible emissions are observed, the Permittee shall take corrective action within 4 hours of such observation to return the status of the operation to no visible emissions or shall perform a Reference Method 9 observation within one week. Corrective action may include, but is not limited to, shut down of the associated emission units, maintenance and repair, and/or adjustment of the equipment. If corrective action was taken, the Permittee shall perform a follow up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within one week in accordance with Condition 2.4.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep records for each Method 22 and Method 9 for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

b. i. **Particulate Matter Requirements (PM)**

A. Pursuant to 35 IAC 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 for 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, which, at a source or premises, exceeds the allowable emission rates specified in 35 IAC 212.321(c) (See Condition 7.2).

ii. Compliance Method (PM Requirements)

Monitoring

A. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall conduct annual inspections of air pollution control equipment associated with operations identified by Condition 4.5.1 to ensure that the air pollution control equipment has not malfunctioned. If required by results of these inspections, maintenance and repair shall commence within 48 hours of the inspection.

B. Pursuant to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, MH-3 Cool Meal Conveyor, Meal Grinding and Calcium Tank identified by section 4.5.1 is subject to 40 CFR Part 64. The Permittee shall comply with the monitoring requirements of the CAM Plan described in Condition 7.5 and Table 7.5.1, pursuant to 40 CFR Part 64 as submitted in the Permittee's CAM plan application. At all times, the Permittee shall maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment, pursuant to 40 CFR 64.7(a) and (b).

Recordkeeping

C. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of PM emissions with supporting calculations (lbs/hr) showing that the limits established by 35 IAC 212.321cannot be exceeded.

D. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall maintain records of inspections of air pollution control devices along with the logs of maintenance/repair performed on these control devices.

E. Pursuant to 40 CFR 64.9(b)(1), for purposes of implementation of the CAM Plan, the Permittee shall maintain records as described in Condition 7.5 of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 CFR 64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

3. Non-Applicability Determinations

a. The pellet and meal process are not subject to the NSPS, 40 CFR 60 Subparts A: General Provisions and NSPS, 40 CFR 60 Subpart DD: Standards of Performance for Grain Elevators, because the pellet and meal process are not a grain handling process subject to this regulation.

b. The pellet and meal process is not subject to 35 IAC 212.324, Process Emission Units In Certain Areas, because the source is not located in a non-attainment area for PM_{10}, as identified in 35 IAC 212.324(a)(1).

c. The pellet and meal process is not subject to 35 IAC 212.461, Grain Handling and Drying in General, and 35 IAC 212.463, Grain Drying Operations, because after being altered by the milling operations the soybeans cease to be grain as defined by 35 IAC 211.2650.

d. MH-1, MH-6, RS-2 are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because MH-1, MH-6, RS-2 do not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

4. Other Requirements

As of the date of issuance of this permit, there are no other requirements that need to be included in this Condition.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e., NSPS or NESHAP requirement:

I. Requirements in Conditions 4.5(2)(a)(i) and 4.5(2)(b)(i).

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

4.6 Boiler

1. Emission Units and Operations

Emission Units	*Pollutants Being Regulated*	*Original Construction Date*	*Modification/ Reconstruction Date*	*Air Pollution Control Devices or Measures*	*Monitoring Devices*
Natural Gas Fired Portable Boiler (180.4 mmBtu/Hr)	PM, SO_2, VOM, NO_x, HAP, CO	2010	N/A	None	NO_x and O_2 CEMS

2. Applicable Requirements

For the emission units in Condition 4.4(1) above, the Permittee shall comply with the following applicable requirements pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act.

a. i. Opacity Requirements

A. 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 other than those emission units subject to the requirements of 35 IAC 212.122, except as allowed by 35 IAC 212.123(b) and 212.124.

ii. Compliance Method (Opacity Requirements)

Monitoring

A. Pursuant to Sections 39.5(7)(b) and (d) of the Act, the Permittee shall perform observations for opacity on the boiler stack, in accordance with Reference Method 22 for visible emissions at least once per year during operation. If visible emissions are observed, the Permittee shall take corrective action within 2 hours of such observation to return the status of the operation to no visible emissions or shall perform a Reference Method 9 observation within one week. Corrective action may include, but is not limited to, shut down of the associated emission units, maintenance and repair, and/or adjustment of the equipment. If corrective action was taken, the Permittee shall perform a follow up observation for visible emissions in accordance with Method 22. If visible emissions continue, then measurements of opacity in accordance with Method 9 shall be conducted within one week.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep records for each Method 22 and Method 9 for opacity conducted. These records shall include, at a minimum: date and time the observation was performed, name(s) of observing personnel, identification of which equipment was observed, whether or not the equipment was running properly, the findings of the observation including the presence of any visible emissions, and a description of any corrective action taken including if the corrective action took place within 4 hours of the observation.

b. i. Particulate Matter Requirements (PM)

A. Pursuant to Construction Permit #09120024, emissions from the boiler shall not exceed the following limits. [T1]

	Emissions	
Pollutant	(Lbs/Hour)	(Tons/Year)
PM	1.32	5.80

ii. Compliance Method (PM Requirements)

Monitoring

A. Pursuant to Section 39.5(7)(b) and (d) of the Act, compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months as a running 12 month total.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall maintain records of PM emissions with supporting calculations (lb/hr and tons/yr).

c. i. Sulfur Dioxide Requirements (SO_2)

A. Pursuant to 35 IAC 214.301, the source shall not cause or allow the emission of sulfur dioxide into the atmosphere to exceed 2,000 ppm.

B. Pursuant to Construction Permit #09120024, the boiler shall not exceed the following limits. [T1]

	Emissions	
Pollutant	(Lbs/Hour)	(Tons/Year)
SO_2	0.11	0.46

ii. Compliance Method (SO_2 Requirements)

Monitoring

A. Pursuant to Section 39.5(7)(b) and (d) of the Act, compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months as a running 12 month total.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall maintain records of SO2 emissions with supporting calculations (lbs/hr and tons/yr).

d. i. Carbon Monoxide Requirements (CO)

A. Pursuant to 35 IAC 216.121, the emissions of carbon monoxide (CO) into the atmosphere from any fuel combustion emission unit with actual heat input greater than 2.9 MW (10 mmBtu/hr) shall not exceed 200 ppm, corrected to 50 percent excess air.

B. Pursuant to Construction Permit #09120024, the boiler shall not exceed the following limits. [T1]

	Emissions	
Pollutant	(Lbs/Hour)	(Tons/Year)
CO	6.67	29.20

ii. Compliance Method (CO Requirements)

Monitoring

A. Pursuant to Section 39.5(7)(b) and (d) of the Act, compliance with annual limits shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months as a running 12 month total.

B. Additional sufficient periodic monitoring is also in Condition 4.6.2(h)(ii).

Recordkeeping

C. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall maintain records of CO emissions with supporting calculations (lb/hr and tons/yr).

e. i. NO_x Requirements

A. The emission of nitrogen oxides (NO_x) from the boiler, including periods of startup, malfunction, and breakdown, shall not exceed 0.2 lb/mmBtu in accordance with the provisions of the NSPS, 40 CFR 60.44b(a)(1)(ii), for high heat release steam generating unit.

B. Pursuant to Construction Permit #09120024, the boiler shall not exceed the following limits. [T1]

	Emissions	
Pollutant	(Lb/Hour)	(Tons/Year)
NO_x	6.65	28.70

ii. Compliance Method (NO_x Requirements)

Monitoring

A. Pursuant to 40 CFR 60.13(i), NO_x emissions shall be monitored for 30 successive boiler operating days and the 30-day average emission rate is used to determine compliance with the NSPS standard. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period, unless USEPA approves alternative procedures to demonstrate compliance with the NSPS.

B. Pursuant to 40 CFR 60.48b(B)(1) the permittee shall maintain, and operate a continuous NO_x emissions monitoring system, and record the output of the system for measuring nitrogen oxides emissions discharged to the atmosphere.

C. NO_x emissions data shall be collected in accordance with 40 CFR 60.8 and the methods and procedures specified in 40 CFR 60.46(e).

Recordkeeping

D. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall maintain records of NO_x emissions with supporting calculations (lbs/hr and tons/yr).

f. i. Volatile Organic Material Requirements (VOM)

A. Pursuant to Construction Permit #09120024, the boiler shall not exceed the following limits. [T1]

	Emissions	
Pollutant	(Lbs/Hour)	(Tons/Year)
VOM	0.96	4.20

ii. Compliance Method (**VOM**)

Recordkeeping

A. Additional sufficient periodic monitoring is also in Condition 4.6.2(h)(ii).

B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall maintain records of VOM emissions with supporting calculations (lbs/hr and tons/yr).

g. i. **Hazardous Air Pollutants (HAP)**

A. Pursuant to 40 CFR 63.7485 and 40 CFR 63.7495(b), the Permittee is subject to the National Emission Standards for Hazardous Air Pollutants, Subpart DDDDD, for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters, and must comply by January 31, 2016.

B. Pursuant to 40 CFR 63.7565 and 63.7500, the Permittee shall meet the applicable general provisions of 40 CFR 63 Subpart A (see Condition 7.3.b).

ii. Compliance Method (HAP)

Monitoring

A. Pursuant to 40 CFR 63.7500(a)(1) and 40 CFR 63 Subpart DDDDD Table 3, #1, conduct a tune-up of the boiler every 5 years as specified in 40 CFR 63.7540 and Condition 4.6.2(h)(i)(C).

Recordkeeping

B. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall maintain records of HAP emissions with supporting calculations (lbs/hr and tons/yr).

h. i. **Work Practice Requirements**

A. Pursuant to 40 CFR 63.7500(a), the Permittee must meet the requirements in 40 CFR 63.7500(a)(1) through (3). The Permittee must meet these requirements at all times the affected unit is operating, except as provided in 40 CFR 63.7500(f). Pursuant to 40 CFR 63.7500(f), these standards apply at all times the affected unit is operating, except during periods of startup and shutdown during which time the Permittee must comply only with Table 3 of 40 CFR 63 Subpart DDDDD.

I. Pursuant to 40 CFR 63.7500(a)(1), the Permittee must meet each emission limit and work practice standard in Tables 3 of 40 CFR 63 Subpart DDDDD that applies to the Permittee's boiler, for each boiler at the Permittee's source.

II. Pursuant to 40 CFR 63.7500(a)(3), at all times, the Permittee must operate and maintain any affected source (as defined in 40 CFR 63.7490), including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Illinois EPA that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

B. Pursuant to Table 3 number 3 of 40 CFR Subpart DDDDD of Part 63-Work Practice Standards, as stated in 40 CFR 63.7500, the Permittee must comply with the following applicable work practice standards:

I. Conduct a tune-up of the boiler or process heater annually as specified in 40 CFR 63.7540. Units in the Gas 1 subcategory will conduct this tune-up as a work practice for all regulated emissions under 40 CFR 63 Subpart DDDDD.

C. Pursuant to 40 CFR 63.7540(a), the Permittee must demonstrate continuous compliance with the work practice standards in Table 3 of 40 CFR 63 Subpart DDDDD, according to the methods specified in Table 8 of 40 CFR 63 Subpart DDDDD and 40 CFR 63.7540(a)(10) and (13), below:

I. Pursuant to 40 CFR 63.7540(a)(12), if the boiler or process heater has a continuous oxygen trim system that maintains an optimum air to fuel ratio, the Permittee must conduct a tune-up every 5 years of the boiler or process heater to demonstrate continuous compliance as specified below.

1. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the Permittee may delay the burner inspection until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;

2. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

3. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the Permittee may delay the inspection until the next scheduled unit shutdown).

4. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO_x requirement to which the unit is subject;

5. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and

6. Measure

II. Pursuant to 40 CFR 63.7540(a)(13), if the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup.

D. Pursuant to the Construction Permit #09120024, natural gas shall be the Only fuel fired in the boiler.

ii. Compliance Method (Work Practice Requirements)

Recordkeeping

A. Pursuant to 40 CFR 63.7540(a)(10)(vi), the Permittee shall keep the following records:

I. The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler;

II. A description of any corrective actions taken as a part of the tune-up; and

III. The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit.

3. Non-Applicability Determinations

a. Pursuant to 35 IAC 215.303, fuel combustion emission units are not subject to 35 IAC 215.301, Use of Organic Material.

b. The boilers are not subject to 35 IAC 217.121, Emissions of Nitrogen Oxides from New Fuel Combustion Emission Sources, because the actual heat input is less than 73.2 MW (250 mmBtu/hr).

c. Pursuant to 40 CFR 63.7500(e), boilers and process heaters designed to burn gas 1 fuels are not subject to the emission limits in Tables 1 and 2 or 11 through 13 of 40 CFR 63 Subpart DDDDD, or the operating limits in Table 4 of 40 CFR 63 Subpart DDDDD.

d. The boiler is not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, because the boiler does not use an add-on control device to achieve compliance with an emission limitation or standard.

4. Other Requirements

a. Start-up Requirements

i. Authorization for State Requirements

A. Start-up Requirements

Pursuant to 35 IAC 201.149, 201.261, and 201.262, the source is authorized to operate in violation of the applicable requirements of Condition 4.6.2(d)(i)(A) during startup. The Permittee shall comply with all applicable requirements in Section 7.4 of this permit.

5. Reporting Requirements

The Permittee shall submit the following information pursuant to Section 39.5(7)(f) of the Act. Addresses are included in Attachment 3.

a. Prompt Reporting

i. A. Pursuant to Section 39.5(7)(f)(ii) of the Act, the Permittee shall promptly notify the IEPA, Air Compliance Section, within 30 days of deviations from applicable requirements as follows unless a different period is specified by a particular permit provision, i.e., NSPS or NESHAP requirement:

I. Requirements in Conditions 4.6.2(a)(i), 4.6.2(b)(i), 4.6.2 (c)(i), 4.6.2(d)(i), 4.6.2)(e)(i), 4.6.2(f)(i), and 4.6.2 (g)(i),.

B. All such deviations shall be summarized and reported as part of the Semiannual Monitoring Report required by Condition 3.5(b).

ii. The Permittee shall notify the IEPA, Air Compliance Section, of all other deviations as part of the Semiannual Monitoring Report required by Condition 3.5(b).

iii. The deviation reports shall contain at a minimum the following information:

A. Date and time of the deviation.

B. Emission unit(s) and/or operation involved.

C. The duration of the event.

D. Probable cause of the deviation.

E. Corrective actions or preventative measures taken.

b. Federal Reporting

i. The Permittee shall submit the annual compliance reports, pursuant to 40 CFR 63.7550(b), no later than January 31 of each year following the compliance date of January 31, 2016.

ii. The annual compliance reports shall contain the information required by 40 CFR 63.7550(c)as follows:

A. The facility is subject to the requirements of a tune up and they must submit a compliance report with the information as follows:

I. Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual, biennial, or 5-year tune-up according to 63.7540(a)(10), (11), or (12) respectively. Include the date of the most recent burner inspection if it was not done annually, biennially, or on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.

iii. Pursuant to 40 CFR 63.7540(10)(vi), maintain on-site and submit, if requested by the Illinois EPA, an annual report containing the following information:

A. The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater;

B. A description of any corrective actions taken as a part of the tune-up; and

C. The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit.

Section 5 - Additional Title I Requirements

This Section is reserved for Title I requirements not specified in Sections 3 or 4. As of the date of issuance of this permit, there are no Title I requirements that need to be separately addressed in this Section.

Section 6 - Insignificant Activities Requirements

1. Insignificant Activities Subject to Specific Regulations

Pursuant to 35 IAC 201.210 and 201.211, the following activities at the source constitute insignificant activities. Pursuant to Sections 9.1(d) and 39.5(6)(a) of the Act, the insignificant activities are subject to specific standards promulgated pursuant to Sections 111, 112, 165, or 173 of the Clean Air Act. The Permittee shall comply with the following applicable requirements:

Insignificant Activity	*Number of Units*	*Insignificant Activity Category*
Diesel Emergency Fire Pump (83 HP)	1	35 IAC 201.210(a)(15)
Diesel Emergency Fire Pump (240 HP)	1	35 IAC 201.210(a)(16)

a. Applicable Requirements

Pursuant to Sections 39.5(7)(a), 39.5(7)(b), and 39.5(7)(d) of the Act, the Permittee shall comply with the following applicable requirements in addition to the applicable requirements in Condition 6.4:

i. New Source Performance Standard Requirements (NSPS)

Requirements under 40 CFR 60 Subpart IIII, for the 83 HP Diesel Emergency Engine:

A. Pursuant to 40 CFR 60.4205(b), this emergency generator is subject to the standards identified in 40 CFR 60.4202(a)(2), including 40 CFR 89.112 and 40 CFR 89.113.

B. Pursuant to 40 CFR 60.4207(b), beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.

C. Pursuant to 40 CFR 60.4211(c), for certified engines of a 2007 model year and later, the Permittee shall comply by purchasing an engine certified to the emission standards in 40 CFR 60.4205(b) for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications.

ii. National Emission Standards for Hazardous Air Pollutants (NESHAP)

Compression Ignition Engines (< 500 HP) shall comply with the following requirements identified in Table 2c, #1, Subpart ZZZZ, for the 240 HP Diesel Emergency Engine:

A. Change oil and filter every 500 hours of operation or annually, whichever comes first.

B. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.

C. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

iii. Operational and Production Requirements

A. The Permittee may operate the generator for purposes of non-emergency situations up to 100 hours per year.

Recordkeeping

B. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep records of hours of operation (hours/year) during emergency and non-emergency situations.

2. Insignificant Activities in 35 IAC 201.210(a) and 35 IAC 201.211

In addition to any insignificant activities identified in Condition 6.1, the following additional activities at the source constitute insignificant activities pursuant to 35 IAC 201.210 and 201.211:

Insignificant Activity	*Number of Units*	*Insignificant Activity Category*
Bean Conditioner	1	35 IAC 201.210(a)(1) and 201.211
Bean Day Tanks	3	35 IAC 201.210(a)(3)
Open Top Dumpsters	3	35 IAC 201.210(a)(3)
Bean Tempering Tanks	6	35 IAC 201.210(a)(3)
Meal/Hull Storage Sheds	2	35 IAC 201.210(a)(3)
Meal/Hull Storage Tanks	3	35 IAC 201.210(a)(3)
Pelletized Hull Storage Tank	1	35 IAC 201.210(a)(3)
Bin Deck Dust Vacuum	1	35 IAC 201.210(a)(3)
Prep Dust Vacuum	1	35 IAC 201.210(a)(3)
Stubble Grinder Reclaim System	1	35 IAC 201.210(a)(2) or (a)(3)
Pellet Hull Transfer Receiving Filter and Storage	1	35 IAC 201.210(a)(2) or (a)(3)
Gasoline Storage Tank (270 gallons)	1	35 IAC 201.210(a)(10)(B)
Diesel Storage Tanks	4	35 IAC 201.210(a)(11)
Gasoline Fuel Dispensing Operations	1	35 IAC 201.210(a)(19)(A)
Diesel Fuel Dispensing Operations	1	35 IAC 201.210(a)(19)(B)

3. Insignificant Activities in 35 IAC 201.210(b)

Pursuant to 35 IAC 201.210, the source has identified insignificant activities as listed in 35 IAC 201.210(b)(1) through (28) as being present at the source. The source is not required to individually list the activities.

4. Applicable Requirements

Insignificant activities in Conditions 6.1 and 6.2 are subject to the following general regulatory limits notwithstanding status as insignificant activities. The Permittee shall comply with the following requirements, as applicable:

a. 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 other than those emission units subject to 35 IAC 212.122, except as provided in 35 IAC 212.123(b).

b. Pursuant to 35 IAC 212.321 or 212.322 (see Conditions 7.2(a) and (b)), no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units at a source or premises, exceed the allowable emission rates specified 35 IAC 212.321 or 212.322 and 35 IAC Part 266.

c. 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, except as provided in 35 IAC Part 214.

d. 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 in 35 IAC 215.302, 215.303, 215.304 and the following exception: If no odor nuisance exists the limitation of 35 IAC 215 Subpart K shall apply only to photochemically reactive material.

e. Pursuant to 35 IAC 215.182, for each cold cleaning degreaser, the Permittee shall comply with the applicable equipment and operating requirements of 35 IAC 215.182, except as provided in 35 IAC 215.181.

f. Pursuant to 35 IAC 215.122(b), no person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 250 gal, unless such tank is equipped with a permanent submerged loading pipe, submerged fill, or an equivalent device approved by the IEPA according to 35 IAC Part 201 or unless such tank is a pressure tank as described in 35 IAC 215.121(a) or is fitted with a recovery system as described in 35 IAC 215.121(b)(2). Exception as provided in 35 IAC 215.122(c): If no odor nuisance exists the limitations of 35 IAC 215.122 shall only apply to the loading of volatile organic liquid with a vapor pressure of 2.5 psia or greater at 70°F.

5. Compliance Method

Pursuant to Section 39.5(7)(b) of the Act, the source shall maintain records of the following items for the insignificant activities in Conditions 6.1 and 6.2:

a. List of all insignificant activities, including insignificant activities added as specified in Condition 6.6, the categories the insignificant activities fall under, and supporting calculations as needed for any insignificant activities listed in 35 IAC 201.210(a)(1) through (3).

b. Potential to emit emission calculations before any air pollution control device for any insignificant activities listed in 35 IAC 201.210(a)(1) through (3).

6. Notification Requirements for Insignificant Activities

The source shall notify the IEPA accordingly to the addition of insignificant activities:

a. Notification 7 Days in Advance

i. Pursuant to 35 IAC 201.212(b), for the addition of an insignificant activity that would be categorized under 35 IAC 201.210(a)(1) and 201.211 and is not currently identified in Conditions 6.1 or 6.2, a notification to the IEPA Permit Section 7 days in advance of the addition of the insignificant activity is required. Addresses are included in Attachment 3. The notification shall include the following pursuant to 35 IAC 201.211(b):

A. A description of the emission unit including the function and expected operating schedule of the unit.

B. A description of any air pollution control equipment or control measures associated with the emission unit.

C. The emissions of regulated air pollutants in lbs/hr and tons/yr.

D. The means by which emissions were determined or estimated.

E. The estimated number of such emission units at the source.

F. Other information upon which the applicant relies to support treatment of such emission unit as an insignificant activity.

ii. Pursuant to 35 IAC 201.212(b), for the addition of an insignificant activity that would be categorized under 35 IAC 201.210(a)(2) through 201.210(a)(18) and is not currently identified in Conditions 6.1 or 6.2, a notification to the IEPA Permit Section 7 days in advance of the addition of the insignificant activity is required. Addresses are included in Attachment 3.

iii. Pursuant to Sections 39.5(12)(a)(i)(b) and 39.5(12)(b)(iii) of the Act, the permit shield described in Section 39.5(7)(j) of the Act (see Condition 2.7) shall not apply to any addition of an insignificant activity noted above.

b. **Notification Required at Renewal**

Pursuant to 35 IAC 201.212(a) and 35 IAC 201.146(kkk), for the addition of an insignificant activity that would be categorized under 35 IAC 201.210(a) and is currently identified in Conditions 6.1 or 6.2, a notification is not required until the renewal of this permit.

c. **Notification Not Required**

Pursuant to 35 IAC 201.212(c) and 35 IAC 201.146(kkk), for the addition of an insignificant activity that would be categorized under 35 IAC 201.210(b) as described in Condition 6.3, a notification is not required.

Section 7 - Other Requirements

1. Testing

a. Pursuant to Section 39.5(7)(a) of the Act, a written test protocol shall be submitted at least sixty (60) days prior to the actual date of testing, unless it is required otherwise in applicable state or federal statutes. The IEPA may at the discretion of the Compliance Section Manager (or designee) accept a protocol less than 60 days prior to testing provided it does not interfere with the IEPA's ability to review and comment on the protocol and does not deviate from the applicable state or federal statutes. The protocol shall be submitted to the IEPA, Compliance Section and IEPA, Stack Test Specialist for its review. Addresses are included in Attachment 3. This protocol shall describe the specific procedures for testing, including as a minimum:

i. The name and identification of the emission unit(s) being tested.

ii. Purpose of the test, i.e., permit condition requirement, IEPA or USEPA requesting test.

iii. The person(s) who will be performing sampling and analysis and their experience with similar tests.

iv. The specific conditions under which testing will be performed, including a discussion of why these conditions will be representative of maximum emissions and the means by which the operating parameters for the emission unit and any control equipment will be determined.

v. The specific determinations of emissions and operation which are intended to be made, including sampling and monitoring locations.

vi. The test method(s) that will be used, with the specific analysis method, if the method can be used with different analysis methods. Include if emission tests averaging of 35 IAC 283 will be used.

vii. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with detailed justification. This shall be included as a waiver of the test procedures. If a waiver has already been obtained by the IEPA or USEPA, then the waiver shall be submitted.

viii. Any proposed use of an alternative test method, with detailed justification. This shall be included as a waiver of the test procedures. If a waiver has already been obtained by the IEPA or USEPA, then the waiver shall be submitted.

ix. Sampling of materials, QA/QC procedures, inspections, etc.

x. Notwithstanding conditions 7.1 above, a test plan need not be submitted under the following circumstances:

1. Where the Permittee intends to utilize a test plan previously submitted. However, the Permittee must submit a notice containing the following:

A. The purpose of the test;

B. Date the previously submitted test plan was submitted; and

C. A statement that the source is relying on a previously submitted test plan.

2. Where the Permittee intends to submit a test plan in accordance with 35 IAC 283.220. The Permittee must submit a notice containing the following:

A. The purpose of the test;

B. The operating parameters the source will monitor during the test; and

C. The test method(s) or procedure(s) to be used.

3. Where the source intends to use a standard test method or procedure. However, the Permittee must submit a notice containing the following:

A. The purpose of the test; and

B. The standard test method or procedure to be used.

b. The IEPA, Compliance Section shall be notified prior to these tests to enable the IEPA to observe these tests pursuant to Section 39.7(a) of the Act as follows:

i. Notification of the expected date of testing shall be submitted in writing a minimum of thirty (30) days prior to the expected test date, unless it is required otherwise in applicable state or federal statutes.

ii. Notification of the actual date and expected time of testing shall be submitted in writing a minimum of five (5) working days prior to the actual date of the test. The IEPA may at its discretion of the Compliance Section Manager (or designee) accept notifications with shorter advance notice provided such notifications will not interfere with the IEPA's ability to observe testing.

c. Copies of the Final Report(s) for these tests shall be submitted to the IEPA, Compliance Section within fourteen (14) days after the test results are compiled and finalized but no later than ninety (90) days after completion of the test, unless it is required otherwise in applicable state or federal statutes or the IEPA may at the discretion of the Compliance Section Manager (or designee) an alternative date is agreed upon in advance pursuant to Section 39.7(a) of the Act. The Final Report shall include as a minimum:

i. General information including emission unit(s) tested.

ii. A summary of results.

iii. Discussion of conditions during each test run (malfunction/breakdown, startup/shutdown, abnormal processing, etc.).

iv. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.

v. Detailed description of test conditions, including:

A. Process information, i.e., mode(s) of operation, process rate, e.g. fuel or raw material consumption.

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

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

vi. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.

vii. An explanation of any discrepancies among individual tests or anomalous data.

viii. Results of the sampling of materials, QA/QC procedures, inspections, etc.

ix. Discussion of whether protocol was followed and description of any changes to the protocol if any occurred.

x. Demonstration of compliance showing whether test results are in compliance with applicable state or federal statutes.

d. Copies of all test reports and other test related documentation shall be kept on site as required by Condition 2.5(b) pursuant to Section 39.5(7)(e)(ii) of the Act.

2. PM Process Weight Rate Requirements

a. New Process Emission Units - 35 IAC 212.321

New Process Emission Units for Which Construction or Modification Commenced on or After April 14, 1972. [35 IAC 212.321]

i. No person shall cause or allow the emission of PM into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of PM 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 IAC 212.321(c). See Condition 7.2(a)(iii) below. [35 IAC 212.321(a)]

ii. Interpolated and extrapolated values of the data in 35 IAC 212.321(c) shall be determined by using the equation: [35 IAC 212.321(b)]

$$E = A(P)^B$$

Where:

P = Process weight rate (T/hr)
E = Allowable emission rate (lbs/hr)

A. Process weight rates of less than 450 T/hr:

A = 2.54
B = 0.53

B. Process weight rates greater than or equal to 450 T/hr:

A = 24.8
B = 0.16

iii. Limits for New Process Emission Units: [35 IAC 212.321(c)]

P (T/hr)	E (lbs/hr)	P (T/hr)	E (lbs/hr)
0.05	0.55	25.00	14.00
0.10	0.77	30.00	15.60
0.20	1.10	35.00	17.00
0.30	1.35	40.00	18.20
0.40	1.58	45.00	19.20
0.50	1.75	50.00	20.50
0.75	2.40	100.00	29.50
1.00	2.60	150.00	37.00
2.00	3.70	200.00	43.00
3.00	4.60	250.00	48.50
4.00	5.35	300.00	53.00
5.00	6.00	350.00	58.00
10.00	8.70	400.00	62.00
15.00	10.80	450.00	66.00
20.00	12.50	500.00	67.00

b. Existing Process Emission Units - 35 IAC 212.322

Existing Process Emission Units for Which Construction or Modification Commenced Prior to April 14, 1972. [35 IAC 212.322]

i. No person shall cause or allow the emission of PM into the atmosphere in any one hour period from any process emission unit for which construction or modification commenced prior to April 14, 1972, which, either alone or in combination with the emission of PM from all other similar process emission units at a source or premises, exceeds the allowable emission rates specified in 35 IAC 212.322(c)). See Condition 7.2(b)(iii) below. [35 IAC 212.322(a)]

ii. Interpolated and extrapolated values of the data in 35 IAC 212.322(c) shall be determined by using the equation: [35 IAC 212.322(b)]

$$E = C + A(P)^B$$

Where:

P = Process weight rate (T/hr)
E = Allowable emission rate (lbs/hr)

A. Process weight rates of less than or equal to 30 T/hr:

A = 4.10
B = 0.67
C = 0

B. Process weight rates greater than 30 T/hr:

A = 55.0
B = 0.11
C = -40.0

iii. Limits for Existing Process Emission Units: [35 IAC 212.322(c)]

P (T/hr)	E (lbs/hr)	P (T/hr)	E (lbs/hr)
0.05	0.55	25.00	35.40
0.10	0.87	30.00	40.00
0.2	1.40	35.00	41.30
0.30	1.83	40.00	42.50
0.40	2.22	45.00	43.60
0.50	2.58	50.00	44.60
0.75	3.38	100.00	51.20
1.00	4.10	150.00	55.40
2.00	6.52	200.00	58.60
3.00	8.56	250.00	61.00
4.00	10.40	300.00	63.10
5.00	12.00	350.00	64.90
10.00	19.20	400.00	66.20
15.00	25.20	450.00	67.70
20.00	30.50	500.00	69.00

3. 40 CFR 63 Subpart A Requirements (NESHAP)

a. 40 CFR 63 Subpart A and Subpart GGGG - Solvent Extraction for Vegetable Oil Production

Pursuant to 40 CFR 63 Subpart A and Subpart GGGG, the Permittee shall comply with the following applicable General Provisions as indicated:

General Provision Citation	*General Provision Applicable?*	*Subject of Citation*	*Explanation (if required)*
40 CFR 63.1	Yes	General Applicability of the General Provisions	
40 CFR 63.2	Yes	Definitions	Except as specifically provided in Subpart GGGG
40 CFR 63.3	Yes	Units and Abbreviations	
40 CFR 63.4	Yes	Prohibited Activities and Circumvention	
40 CFR 63.5	Yes	Preconstruction Review and Notification Requirements	Except for subsections of 40 CFR 63.5 as listed in Table 1 to 40 CFR 63.2870
40 CFR 63.6	Yes	Compliance with Standards and Maintenance Requirements	
40 CFR 63.7	Yes	Performance Testing Requirements	Subpart GGGG requires performance testing only if the source applies additional control that destroys solvent. Section 63.2850(a)(6) requires sources to follow the performance testing guidelines of the General Provisions if a control is added.
40 CFR 63.8	No	Monitoring Requirements	
40 CFR 63.9	Yes	Notification Requirements	Except for 63.9(b)(2), (f), (g), and (h)
40 CFR 63.10	Yes	Recordkeeping and Reporting Requirements	Except for subsections of 40 CFR 63.10 as listed in Table 1 to 40 CFR 63.2870
40 CFR 63.11	Yes	Control Device and Work Practice Requirements	Applies only if the Permittee's source uses a flare to control solvent emissions. Subpart GGGG does not require flares.
40 CFR 63.12	Yes	State Authority and Delegations	
40 CFR 63.13	Yes	Addresses of State Air Pollution Control Agencies and EPA Regional Offices	
40 CFR 63.14	Yes	Incorporations by Reference	
40 CFR 63.15	Yes	Availability of Information and Confidentiality	
40 CFR 63.16	N/A	Performance Track Provisions	

b. 40 CFR 63 Subpart A and Subpart DDDDD - Industrial, Commercial, and Institutional Boilers and Process Heaters

Pursuant to 40 CFR 63 Subpart A and Subpart DDDDD, the Permittee shall comply with the following applicable General Provisions as indicated:

General Provision Citation	*General Provision Applicable?*	*Subject of Citation*	*Explanation (if required)*
40 CFR 63.1	Yes	General Applicability of the General Provisions	
40 CFR 63.2	Yes	Definitions	
40 CFR 63.3	Yes	Units and Abbreviations	
40 CFR 63.4	Yes	Prohibited Activities and Circumvention	
40 CFR 63.5	Yes	Preconstruction Review and Notification Requirements	
40 CFR 63.6	Yes	Compliance with Standards and Maintenance Requirements	With exception of: 63.6(e)(1)(i)-(ii); (e)(3); (f)(1); and (h)(1)
40 CFR 63.7	Yes	Performance Testing Requirements	With exception of: 63.7(e)(1)
40 CFR 63.8	Yes	Monitoring Requirements	With exception of: 63.8(c)(1)(i) and (c)(1)(iii); and the last sentence of (d)(3)
40 CFR 63.9	Yes	Notification Requirements	
40 CFR 63.10	Yes	Recordkeeping and Reporting Requirements	With exception of: 63.10(b)(2)(ii); (b)(2)(iv) and (v); (b)(3); (c)(10) and (11); (c)(15); (d)(3); (d)(5)
40 CFR 63.11	No	Control Device and Work Practice Requirements	
40 CFR 63.12	Yes	State Authority and Delegations	
40 CFR 63.13	Yes	Addresses of State Air Pollution Control Agencies and EPA Regional Offices	
40 CFR 63.14	Yes	Incorporations by Reference	
40 CFR 63.15	Yes	Availability of Information and Confidentiality	
40 CFR 63.16	Yes	Performance Track Provisions	

7.4 Start-Up Requirements

a. Start-Up Provisions

Pursuant to 35 IAC 201.149, 201.261, and 201.262, the source is authorized to operate in violation of the applicable requirements (as referenced in Section 4.6.2(d)(i)(A) of this CAAPP permit) during start-up. The source has applied for such authorization in its application, generally describing the efforts that will be used "…to minimize start-up emissions, duration of individual starts, and frequency of start-ups." As provided by 35 IAC 201.265, authorization in this CAAPP permit for excess emissions during start-up does not shield the source from enforcement for any violation of applicable emission standard(s) that occurs during start-up and only constitutes a prima facie defense to such an enforcement action provided that the source has fully complied with all terms and conditions connected with such authorization.

i. This authorization does not relieve the source from the continuing obligation to demonstrate that all reasonable efforts are made to minimize start-up emissions, duration of individual starts, and frequency of start-ups.

ii. The source shall conduct start-ups in accordance with written start-up procedures prepared by the source and maintained at the source, that are specifically developed to minimize start-up emissions, duration of individual starts, and frequency of start-ups.

b. Monitoring - Recordkeeping

Pursuant to Section 39.5(7)(b) of the Act, the source shall maintain the following recordkeeping requirements for start-up procedures:

i. A copy of the most recent start-up procedures that contains at a minimum:

A. Estimates of excess emissions for Carbon Monoxide (CO) at start-up.

B. Reasonable steps that will be used to minimize stat-up emissions, duration of individual starts, and frequency of start-ups.

ii. Records for each individual start-up, that does not follow normal start-up procedures and results in excess emissions, including at a minimum:

A. Date, time, duration, and description of the start-up.

B. Whether the most recent start-up procedures were performed. If not performed, an explanation why the procedures were not performed.

C. An explanation of whether emissions during the start-up exceeded the estimates in the start-up procedures and whether emissions exceeded any applicable standard or limit not authorized to be violated during start-up.

c. Monitoring - Reporting

Pursuant to Sections 39.5(7)(b) and (f) of the Act, the source shall submit the following reporting requirements:

i. Prompt Reporting

A Deviation Report shall be submitted to the IEPA, Compliance Section (addresses are included Attachment 3) within five (5) days if a start-up exceeded the emission estimates in the start-up procedures or emissions exceeded any applicable standard or limit not authorized to be violated during start-up.

ii. Semiannual Reporting

As part of the required Semiannual Monitoring Reports, the source shall submit a start-up report for start-up incidents that do not follow normal start-up procedures and results in excess emissions, including the following at a minimum: a list of the start-ups that do not follow normal start-up procedures and results in excess emissions including the date, duration, and description of each start-up accompanied by any explanations of excess emissions.

7.5 Compliance Assurance Monitoring (CAM) Requirements

a. CAM Provisions

i. Proper Maintenance

Pursuant to 40 CFR 64.7(b), at all times, the source shall maintain the monitoring equipment, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

ii. Continued Operation

Pursuant to 40 CFR 64.7(c), except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the source shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit (PSEU) is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of 40 CFR Part 64, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The source shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

iii. Response to Excursions or Exceedances

A. Pursuant to 40 CFR 64.7(d)(1), upon detecting an excursion or exceedance, the source shall restore operation of the PSEU (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

B. Pursuant to 40 CFR 64.7(d)(2), determination of whether the source has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device.

C. Pursuant to 40 CFR 64.8, if a Quality Improvement Plan threshold specified in Tables 7.5.1 and 7.5.2, as appropriate, is exceeded then the source shall develop according to the requirements in 40 CFR 64.8(b)(2) and implement a Quality Improvement Plan (QIP) as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined. Implementation of a QIP shall not excuse the source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Clean Air Act.

b. Monitoring - Monitoring

Pursuant to 40 CFR 64.7(a), the source shall comply with the monitoring requirements of the CAM Plans as described in 7.5.4(e) below, pursuant to 40 CFR Part 64 as submitted in the source's CAM plan application.

c. Monitoring - Recordkeeping

Pursuant to 40 CFR 64.9(b)(1), the source shall maintain records of the monitoring data, monitor performance data, corrective actions taken, monitoring equipment maintenance, any written quality improvement plan (QIP) and any activities undertaken to implement a quality improvement plan, and other supporting information related to the monitoring requirements established for CAM.

d. Monitoring - Reporting

Pursuant to Sections 39.5(7)(b) and (f) of the Act, the source shall submit the following reporting requirements:

i. Semiannual Reporting

As part of the required Semiannual Monitoring Reports, the source shall submit a CAM report including the following at a minimum:

A. Summary information on the number, duration, and cause of excursions or exceedances, and the corrective actions taken pursuant to 40 CFR 64.6(c)(3) and 64.9(a)(2)(i).

B. Summary information on the number, duration, and cause for monitoring equipment downtime incidents, other than downtime associated with calibration checks pursuant to 40 CFR 64.6(c)(3) and 64.9(a)(2)(ii).

C. A description of the actions taken to implement a QIP during the reporting period. Upon completion of a QIP, include documentation that the implementation of the QIP has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

e. CAM Plans

The following tables contain the CAM Plans in this CAAPP permit:

Table	Emission Unit Section	PSEU Designation	Control Device	Pollutant
7.5.1	4.5	MH-3	Baghouse	PM
7.5.2	4.4	EX-4	Mineral Oil Scrubber	VOM

Table 7.5.1 - CAM Plan

Emission Unit Section:	4.5
PSEU Designation:	MH-3 Cool Meal Conveyor, Meal Grinding, and Calcium Tank Aspiration
Pollutant:	PM

Indicators:	#1) Differential Pressure	#2) N/A
General Criteria		
The Monitoring Approach Used to Measure the Indicators:	Measure and record baghouse differential pressure.	
The Indicator Range Which Provides a Reasonable Assurance of Compliance:	0.25 to 10.0 inches of water	
Quality Improvement Plan (QIP) Threshold Levels:	Three consecutive readings out of range.	
Performance Criteria		
The Specifications for Obtaining Representative Data:		
Verification Procedures to Confirm the Operational Status of the Monitoring:		
Quality Assurance and Quality Control (QA/QC) Practices that Ensure the Validity of the Data:	Annual inspection of differential pressure measuring device (magnehelic gauge)	
The Monitoring Frequency:	Daily	
The Data Collection Procedures That Will Be Used:	Visual observation recorded daily.	
The Data Averaging Period For Determining Whether an Excursion or Exceedance Has Occurred:	Multiple readings taken on a given day will be averaged	

Table 7.5.2 - CAM Plan

Emission Unit Section:	4.4
PSEU Designation:	EX-4
Pollutant:	VOM

Indicators:	#1) VOM Emission Rate	#2) N/A
General Criteria		
The Monitoring Approach Used to Measure the Indicators:	Measure and record solvent inventory and receipts, and soybeans processed.	
The Indicator Range Which Provides a Reasonable Assurance of Compliance:	Solvent loss 180-day average below 0.0026 lbs per pound of soybeans crushed.	
Quality Improvement Plan (QIP) Threshold Levels:	Three consecutive values above 0.0026	
Performance Criteria		
The Specifications for Obtaining Representative Data:		
Verification Procedures to Confirm the Operational Status of the Monitoring:		
Quality Assurance and Quality Control (QA/QC) Practices that Ensure the Validity of the Data:	Supervisors will review the collected data to evaluate quality.	
The Monitoring Frequency:	Daily	
The Data Collection Procedures That Will Be Used:	Solvent inventory and receipts soybean production records.	
The Data Averaging Period For Determining Whether an Excursion or Exceedance Has Occurred:	Complied Monthly Averaged over 180 days.	

Section 8 - State Only Requirements

1. Permitted Emissions for Fees

a. The annual emissions from the source solely for purposes of "Duty to Pay Fees" of Condition 2.3(e), not considering insignificant activities as addressed by Section 6, shall not exceed the following: [Section 39.5(18)(a)(ii) of the Act]

Pollutant		*Tons/Year*
Volatile Organic Material	(VOM)	116.65
Sulfur Dioxide	(SO_2)	0.53
Particulate Matter	(PM)	90.13
Nitrogen Oxides	(NO_x)	38.00
HAP, not included in VOM or PM	(HAP)	----
	Total	245.31

b. The overall source emissions shall be determined by adding emissions of the above pollutants from all emission units (not including insignificant activities) on a calendar year basis. The Permittee shall maintain records of annual emissions for fee purposes. [Section 39.5(18)(a)(ii) of the Act]

2. Odor Requirements

Pursuant to Section 39.5(7)(a) of the Act, upon reasonable request by the Illinois EPA, the Permittee shall inspect and evaluate the oil extraction and desolventizing operations, consistent with the requirements of Condition 4.4 , to determine whether any upset or emergency conditions may have occurred within the prior 24-hour period so as to have resulted in an odor that caused an unreasonable interference with the enjoyment of life or property beyond the property boundaries of the source. Consistent with Condition 2.5, the Permittee shall maintain a record of the inspection and evaluation, including an identification of emission units, duration of the conditions, probable cause of the conditions and any corrective action or preventative measures taken. The Permittee shall report the findings of the inspection and evaluation to the Illinois EPA, either by phone or in writing, within 7 days of receipt of the Illinois EPA's request.

Attachment 1 - List of Emission Units at This Source

Section	*Emission Units*	*Description*
4.1	Bean Receiving and Storage Units	Soybeans are received at the Cairo facility by rail, truck and barge. The soybeans are conveyed and stored in storage tanks. All overland transfer in the system is by covered belt or enclosed conveyors.
4.2	Cleaning and Drying Units	Soybeans reclaimed from storage are transferred to the cleaning and drying operations. The beans are scalped and screened to remove foreign contaminants. Rack type dryers reduce the moisture content of the cleaned soybeans. After drying, the beans are conveyed to tempering bins for temporary storage until they are sent to soybean preparation.
4.3	Soybean Preparation	The four (4) principal operations in soybean preparation are cracking, dehulling, conditioning and flaking. Enclosed drag conveyors transfer the soybeans from the tempering bins to the preparation building. Cracking rolls receive the beans, breaking each one into particles to facilitate separation of the bean hulls from the bean meat. The cracked beans are then passed through an aspiration system to remove the hulls. Hull grinders size the hulls prior to conveying to hull storage. The cracked, dehulled beans are fed into the rotary steam tube device for conditioning which softens the bean meat for the flaking operation. Flaking rolls press the bean particles into flakes. A portion of these flakes can be conveyed to the expanders. The expanded flakes (collet) are collected in a conveyor and sent to the extractor along with the non-expanded flakes.

Attachment 1 - List of Emission Units at This Source

Section	*Emission Units*	*Description*
4.4	Solvent Extraction	The extraction process removes oil from the soybean flakes with solvent in an extractor. Soybean flakes are transferred to the extractor unit which contains pie shaped mesh baskets rotating around a vertical shaft. These divisions rotate through a countercurrent solvent wash which extracts the soybean oil from the flakes. The hexane/ oil mixture is heated, sent through vacuum operated evaporators, and stripped in a column to remove the hexane which is sent through a vapor collection system. The stripped soybean oil leaving the column is then transferred to oil storage tanks. From the extractor, the solvent-laden, defatted soybean flakes are conveyed to a desolventizer-toaster (DT) which evaporates the solvent from the defatted flakes. To decrease the moisture from the flakes leaving the DT the flakes are passed through a dryer/ cooler (DC) unit. Heated air circulates through the flakes to reduce moisture content and then ambient air is circulated to cool the flakes. Hexane/ oil vapor mixtures collected from the oil stripping and flake desolventizing processes are condensed and sent to a hexane/ oil separator. The hexane separated from the mixture is recycled back to the extractor. The outlet water is sent through a reboiler to remove residual hexane which returns to the condenser. Water leaving the reboiler is sent to separation sump. All non-condensable vapors leaving the condenser are sent to the mineral oil scrubber for removal of hexane. The cleaned gas exits through the final process vent.
4.5	Pellet Mill and Meal Handling	The hulls collected at the preparation building in the various receiving/collection filters are recycled to the hull grinding process. After grinding, the hulls are either temporarily stored or sent to the pellet mill. Hulls sent to the mill are formed into pellets, cooled, and sent to the hull pellet storage tanks or sheds for storage. From the dryer/ cooler, the defattened soybean flakes (meal) are conveyed to the preparation building where they are sized by meal screens and grinders. The meal then receives a flow agent before transfer to the meal sheds or tanks for storage and load out by truck, rail or barge.
4.6	Boiler	All steam required for the facility is generated by a single 180.4 mmBtu/hr natural gas boiler.

Attachment 2 - Acronyms and Abbreviations

acfm	Actual cubic feet per minute
ACMA	Alternative Compliance Market Account
Act	Illinois Environmental Protection Act [415 ILCS 5/1 et seq.]
AP-42	Compilation of Air Pollutant Emission Factors, Volume 1, Stationary Point and Other Sources (and Supplements A through F), USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711
ATU	Allotment trading unit
BACT	Best Available Control Technology
BAT	Best Available Technology
BTU	British Thermal Units
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAAPP	Clean Air Act Permit Program
CAIR	Clean Air Interstate Rule
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CISWI	Commercial Industrial Solid Waste Incinerator
CO	Carbon monoxide
CO_2	Carbon dioxide
COMS	Continuous Opacity Monitoring System
CPMS	Continuous Parameter Monitoring System
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EAF	Electric arc furnace
ERMS	Emissions Reduction Market System
°F	Degrees Fahrenheit
GHG	Greenhouse gas
gr	Grains
HAP	Hazardous air pollutant
Hg	Mercury
HMIWI	Hospital medical infectious waste incinerator
HP	Horsepower
hr	Hour
H_2S	Hydrogen sulfide
I.D. No.	Identification number of source, assigned by IEPA
IAC	Illinois Administrative Code
ILCS	Illinois Compiled Statutes
IEPA	Illinois Environmental Protection Agency
KW	Kilowatts
LAER	Lowest Achievable Emission Rate
lb	Pound

m	Meter
MACT	Maximum Achievable Control Technology
mm	Million
mon	Month
MSDS	Material Safety Data Sheet
MSSCAM	Major Stationary Sources Construction and Modification (Non-attainment New Source Review)
MW	Megawatts
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate matter
PM_{10}	Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by applicable test or monitoring methods
$PM_{2.5}$	Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns as measured by applicable test or monitoring methods
ppm	Parts per million
ppmv	Parts per million by volume
PSD	Prevention of Significant Deterioration
PSEU	Pollutant-Specific Emission Unit
psia	Pounds per square inch absolute
PTE	Potential to emit
RACT	Reasonable Available Control Technology
RMP	Risk Management Plan
scf	Standard cubic feet
SCR	Selective catalytic reduction
SIP	State Implementation Plan
SO_2	Sulfur dioxide
T1	Title I - identifies Title I conditions that have been carried over from an existing permit
T1N	Title I New - identifies Title I conditions that are being established in this permit
T1R	Title I Revised - identifies Title I conditions that have been carried over from an existing permit and subsequently revised in this permit
USEPA	United States Environmental Protection Agency
VOM	Volatile organic material

Attachment 3 - Contact and Reporting Addresses

IEPA Compliance Section	Illinois EPA, Bureau of Air Compliance & Enforcement Section (MC 40) 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 Phone No.: 217/782-2113
IEPA Stack Test Specialist	Illinois EPA, Bureau of Air Compliance Section Source Monitoring - Third Floor 9511 Harrison Street Des Plaines, Illinois 60016 Phone No.: 847/294-4000
IEPA Air Quality Planning Section	Illinois EPA, Bureau of Air Air Quality Planning Section (MC 39) 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62794-9276 Phone No.: 217/782-2113
IEPA Air Regional Field Operations Regional Office #3	Illinois EPA, Bureau of Air Regional Office #3 1101 Eastport Plaza Drive, Suite 100 Collinsville, Illinois 62234 Phone No.: 618/346-5120
IEPA Permit Section	Illinois EPA, Bureau of Air Permit Section (MC 11) 1021 North Grand Avenue East P.O. Box 19506 Springfield, Illinois 62794-9506 Phone No.: 217/785-1705
USEPA Region 5 - Air Branch	USEPA (AR - 17J) Air and Radiation Division 77 West Jackson Boulevard Chicago, Illinois 60604 Phone No.: 312/353-2000

Attachment 4 - Example Certification by a Responsible Official

SIGNATURE BLOCK
NOTE: THIS CERTIFICATION MUST BE SIGNED BY A RESPONSIBLE OFFICIAL. APPLICATIONS WITHOUT A SIGNED CERTIFICATION WILL BE DEEMED AS INCOMPLETE.
I CERTIFY UNDER PENALTY OF LAW THAT, BASED ON INFORMATION AND BELIEF FORMED AFTER REASONABLE INQUIRY, THE STATEMENTS AND INFORMATION CONTAINED IN THIS APPLICATION ARE TRUE, ACCURATE AND COMPLETE. ANY PERSON WHO KNOWINGLY MAKES A FALSE, FICTITIOUS, OR FRAUDULENT MATERIAL STATEMENT, ORALLY OR IN WRITING, TO THE ILLINOIS EPA COMMITS A CLASS 4 FELONY. A SECOND OR SUBSEQUENT OFFENSE AFTER CONVICTION IS A CLASS 3 FELONY. (415 ILCS 5/44(H)) AUTHORIZED SIGNATURE: BY: _____ _____ AUTHORIZED SIGNATURE — TITLE OF SIGNATORY _____ _____/_____/_____ TYPED OR PRINTED NAME OF SIGNATORY — DATE