

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

MIDWESTERN REGIONAL MEDICAL)
CENTER, INC.)

Petitioner,)
v.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)

Respondent.)

PCB # 11-15
(Permit Appeal - Air)

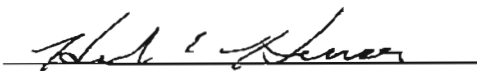
NOTICE OF FILING

To:
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 N. Grand Ave.
P.O. 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Pollution Control Board the following documents:

PETITION FOR REVIEW OF LIFETIME OPERATING PERMIT
CONDITIONS FOR MIDWESTERN REGIONAL MEDICAL CENTER, INC.,
APPEARANCE OF JOSEPH R. PODLEWSKI JR., and
APPEARANCE OF HEIDI E. HANSON,
a copy of which is hereby served upon you.

Respectfully submitted,



Heidi E. Hanson

Dated: September 23, 2010

Joseph R. Podlewski Jr.
Heidi E. Hanson
Podlewski & Hanson P.C.
4721 Franklin Ave, Suite 1500
Western Springs, IL 60558-1720
(708) 784-0624

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**PETITION FOR REVIEW OF LIFETIME OPERATING
PERMIT CONDITIONS FOR
MIDWESTERN REGIONAL MEDICAL CENTER, INC.**

NOW COMES the Petitioner, MIDWESTERN REGIONAL MEDICAL CENTER, INC., by and through its attorneys, Podlewski & Hanson P.C., and pursuant to Section 40 of the Illinois Environmental Protection Act (415 ILCS 5/40) and 35 Ill Adm. Code 105 Subpart C, petitions the Illinois Pollution Control Board for review of the August 18, 2010 Illinois Environmental Protection Agency Lifetime Operating Permit #10060026 issued to its facility in Zion, Illinois and further petitions for a stay of certain conditions of that permit. In support thereof Petitioner states as follows:

Background

1. MIDWESTERN REGIONAL MEDICAL CENTER, INC. (MRMC) is located in Lake County, Illinois and periodically emits Volatile Organic Material (VOM), Nitrogen Oxides (NOx), Particulate Matter (PM), Carbon Monoxide (CO) and Sulfur Dioxide (SO2) from the operation of an 1800 horsepower diesel emergency generator.
2. MRMC applied to the Illinois Environmental Protection Agency (Agency) in June of 2010 for a permit to operate its emergency generator for fewer than 500 hours per year.
3. The permit was dated August 18, 2010, delivered by the U. S. Postal Service on Saturday August 21, 2010 and stamped received on Monday August 23, 2010.

Grounds for Appeal

Emission Standards - Special Condition 8

4. The permit imposes emission standards for the generator on a gram per kilowatt-hour basis for PM, and CO, as well as an aggregate standard for combined nonmethane hydrocarbons and NO_x. The emission standards appear to have no basis in law and do not appear to be derived from the regulation (40 CFR 60.4205(b)) which is cited in Special Condition 8. Special Condition 8 is incorrect, not necessary to maintain compliance with, and not justified by, the Illinois Environmental Protection Act (Act) and Pollution Control Board Regulations (Regulations). The emissions limits should be recalculated using the correct emission factors.

Emission Factors and Emission Limits - Special Condition 13

5. The permit sets out specific emission factors and emission limits for VOM, NO_x, PM, CO and SO₂. The factors and limits appear to be based on regulations that are not applicable to the emergency generator and therefore the factors and limits have no basis in law. Special Condition 13 is incorrect, not necessary to maintain compliance with, and not justified by, the Act and Regulations. The correct and applicable factors should be listed and the emission limits should be recalculated.

Request for Partial Stay of the Permit

6. Petitioner asks that the Board stay the effectiveness of permit Special Conditions 8 and 13 in the particulars described above, or confirm the effectiveness of an automatic stay. Each of the objected-to conditions, or parts of conditions, impose requirements not found in previous permits and are not supported by the Act or the Regulations. Such stay is necessary in order to avert irreparable harm to Petitioner. Such stay will not harm the public or the environment.

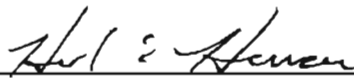
7. Petitioner reserves the right to review the permit record and verify that all materials sent to the IEPA and which should appear in the record do in fact appear in the record, including but not limited to file comments, notes of meetings and telephone conversations.

8. For the above referenced reasons, the contested permit conditions are not necessary to accomplish the purposes of the Act or Regulations, are arbitrary, capricious, and unnecessary, are beyond the Agency's authority, and/or render certain permit sections ambiguous or internally inconsistent.

WHEREFORE, Petitioner requests that the Board remand this permit to the IEPA and order that it make the changes described above.

Respectfully submitted,

Dated: September 23, 2010



Heidi E. Hanson,
PODLEWSKI & HANSON P.C.

on behalf of

MIDWESTERN REGIONAL
MEDICAL CENTER, INC

Joseph R. Podlewski
Heidi E. Hanson
Podlewski & Hanson P. C.
4721 Franklin Ave, Suite 1500
Western Springs, IL 60558-1720
(708) 784-0624

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

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CONSTRUCTION PERMIT DENIAL - LIFETIME OPERATING PERMIT GRANT - NSPS Source

PERMITTEE

Midwest Regional Medical Center
Attn: Tom Maurer
2520 Elisha Avenue
Zion, Illinois 60099

Application No.: 10060026

I.D. No.: 097802AAB

Applicant's Designation:

Date Received: June 14, 2010

Subject: Emergency Generator

Date Issued: August 18, 2010

Expiration Date: See Condition 1.

Location: 2520 Elisha Avenue, Zion, Lake County

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

One (1) 1800 HP Diesel Emergency Generator

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

- 1a. This operating permit shall expire 180 days after the Illinois EPA sends a written request for the renewal of this permit.
- b. This permit shall terminate if it is withdrawn or is superseded by a revised permit.
- 2. Pursuant to 35 Ill. Adm. Code 214.301, the Permittee shall not allow the emission of sulfur dioxide into the atmosphere from the diesel generator set to exceed 2,000 ppm.
- 3. The Permittee shall comply with the requirements of 35 Ill. Adm. Code 212.123 and 212.301.
- 4. The Illinois EPA shall be allowed to sample fuel stored at the source associated with the diesel generator set.
- 5. This permit is issued based on the potential to emit (PTE) for hazardous air pollutants (HAPs) as listed in Section 112(b) of the Clean Air Act being less than 10 tons per year of any single HAP and 25 tons per year of any combination of such HAPs, or such lesser quantity as USEPA may establish by rule which would require the Permittee to obtain a Clean Air Act Permit Program permit from the Illinois EPA.
- 6. This generator is subject to a New Source Performance Standard (NSPS) for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60, Subparts A and IIII. The Illinois EPA is administering NSPS in Illinois on behalf of the United States EPA under a delegation agreement.
- 7. The Permittee shall comply with the fuel requirements in 40 CFR 60.4207.

8. Pursuant to 40 CFR 60.4205(b), the generator shall comply with the following emission standards for 2007 model year and later emergency stationary engines with displacement of less than 30 liters per cylinder:

	<u>g/kW-Hour</u>	<u>g/HP-Hour</u>
Nonmethane Hydrocarbon + Nitrogen Oxides (NMHC + NO _x)	6.4	4.8
Particulate Matter (PM)	0.2	0.15
Carbon Monoxide (CO)	3.5	2.6

9. The Permittee shall comply with the applicable monitoring requirements in 40 CFR 60.4209 including installing a non-resettable hour meter prior to startup of the engine.
10. The Permittee shall comply with the compliance requirements of 40 CFR 60.4211(a) and (c).
11. The Permittee shall comply with the applicable testing requirements in 40 CFR 60.4212.
12. The diesel generator set runtime shall not exceed 500 hours/year.
13. Emissions and operation of the emergency diesel generator set shall not exceed the following:

<u>Pollutant</u>	<u>Emission Factor (Lbs/HP-Hour)</u>	<u>Emission Limit (Tons/Year)</u>
Carbon Monoxide (CO)	0.0057	2.58
Nitrogen Oxides (NO _x)	0.0100	4.52
Particulate Matter (PM)	0.0003	0.15
Sulfur Dioxide (SO ₂)	0.0004	0.18
Volatile Organic Material (VOM)	0.0005	0.24

The above emission factors and emission limits are derived from 40 CFR 89.112 and 40 CFR 89.113 (assuming 95% of the NMHC + NO_x total emission rate listed under 40 CFR 89.112 is NO_x, and the remaining 5% is VOM) as referenced in 40 CFR 60.4202(a) for units with a power rating of >560 KW with the exception of sulfur dioxide which was calculated from fuel sulfur content (0.05%) and AP-42 Table 3.4-1. Emission totals, except for SO₂, shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant. SO₂ emissions shall be calculated as noted above. 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.

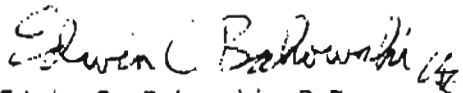
14. The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic inspections and maintenance on the equipment covered under this permit such that the equipment be kept in proper working condition and not cause a violation of the Environmental Protection Act or regulations promulgated therein.
- 15a. The Permittee shall maintain monthly records of the following items:
- i. Diesel generator set runtime (hours/month, hours/year);

- ii. Certification from the fuel supplier of weight percent sulfur content of each fuel shipment received;
 - iii. Amount of fuel used (gallons/month, gallons/year);
 - iv. Emissions of NO_x, CO, SO₂, PM, and VOM with supporting calculations (tons/month, tons/year); and
 - v. An inspection, maintenance and repair log listing each activity performed with date.
 - b. The Permittee shall comply with the notification, reporting and recordkeeping requirements in 40 CFR 60.4214(b).
16. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and copying by the Illinois EPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA request for records during the course of a source inspection.
17. If there is an exceedance of or deviation from the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance/deviation. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or deviation and efforts to reduce emissions and future occurrences.
18. Two (2) copies of required reports and notifications shall be sent to:
- Illinois Environmental Protection Agency
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276
- and one (1) copy shall be sent to the Illinois EPA's regional office at the following address unless otherwise indicated:
- Illinois Environmental Protection Agency
Division of Air Pollution Control
9511 West Harrison
Des Plaines, Illinois 60016
19. Persons with lifetime operating permits must obtain a revised permit for any of the following changes at the source:
- a. An increase in emissions above the amount the emission unit or the source is permitted to emit;
 - b. A modification;

- c. A change in operations that will result in the source's noncompliance with conditions in the existing permit; or
- d. A change in ownership, company name, or address, so that the application or existing permit is not longer accurate.

Pursuant to 35 Ill. Adm. Code 201.142, a construction permit is to be obtained prior to constructing or modifying an air pollution emission unit or control equipment. Information available to the Illinois EPA indicated that the construction or modification of the equipment described in this application has either commenced or been completed prior to the issuance of a construction permit. Consequently, your application for construction permit is hereby denied.

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



Edwin C. Bakowski, P.E.
Manager, Permit Section
Division of Air Pollution Control

Date Signed:

8-18-2010

ECB:JRS:jws

cc: Region 1
Ray Pilapil



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P.O. BOX 18506
SPRINGFIELD, ILLINOIS 62794-9506

STANDARD CONDITIONS
FOR
LIFETIME OPERATING PERMITS

1, 1998

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

The issuance of this Permit does not release the Permittee from compliance with state and federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or with applicable local laws, ordinances and regulations.

The Illinois EPA has issued this Permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be ground for revocation under 35 Ill. Adm. Code 201.166.

- a. The Permittee shall not authorize, cause, direct or allow any modification, as defined in 35 Ill. Adm. Code 201.102, of equipment, operations or practices which are reflected in the permit application as submitted, until the appropriate permit is obtained from the Illinois EPA.
- b. The Permittee shall obtain a new or revised permit under Section 39.5 of the Act, if the source no longer meets the applicability criteria of 35 Ill. Adm. Code 201.169 because of changes in emissions units or control equipment.
- c. The Permittee shall obtain a revised permit prior to any of the following changes at the source:
 - i. An increase in emissions above the amount the emission unit or the source is permitted to emit; or
 - ii. A modification; or
 - iii. A change in operations that will result in the source's noncompliance with a condition in the existing permit; or
 - iv. A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

This Permit only covers emission units and control equipment while physically present at the indicated source location. Unless the Permit specifically provides for equipment relocation, this Permit is void for an item of equipment on the day it is removed from the permitted location, or if all equipment is removed.

The Permittee shall notify the Illinois EPA in writing to withdraw the Permit if all operations the source have been permanently discontinued.

5. The Permittee shall allow any duly authorized agent of the Illinois EPA, upon the presentation of credentials, at reasonable times:
- To enter the Permittee's property where actual or potential effluent, emission or noise units are located or where any activity is to be conducted, pursuant to this Permit;
 - To have access to and to copy any records required to be kept under the terms and conditions of this Permit;
 - 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;
 - To obtain and remove samples of any discharge or emission of pollutants; and
 - To enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any activity, discharge or emission authorized by this Permit.
6. The issuance of this Permit:
- Shall not be considered as in any manner affecting the title of the premises upon which the permitted source is located;
 - Does not release the Permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the source;
 - Does not take into consideration or attest to the structural stability of any unit or part of the project; and
 - In no manner implies or suggests that the Illinois EPA (or its officers, agents, or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or source.
7. The Permittee shall maintain all equipment covered under this Permit in such a manner that the performance of such equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.
8. The Permittee shall maintain a maintenance record on the premises for each item of air pollution control equipment. This records shall be made available to any agent of the Illinois EPA at any time during normal working hours and/or operating hours. As a minimum, this record shall show the dates of performance and nature of preventative maintenance activities.
9. No person shall cause or allow startup of any emission unit or continued operation during malfunction or breakdown of any emission unit or related air pollution control equipment if such startup or continued operation would cause a violation of an applicable emission standard or permit limitation if such operation is not allowed as a special condition of this Permit, as required by 35 Ill. Adm. Code 201.149.
10. The Permittee shall submit an Annual Emission Report as required by 35 Ill. Adm. Code 201.302 and 35 Ill. Adm. Code Part 254.
11. The Permittee shall pay the annual site fee for the source in accordance with Section 9.5 of the Act.

ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF AIR

r assistance in preparing a permit
lication contact the Permit
tion.

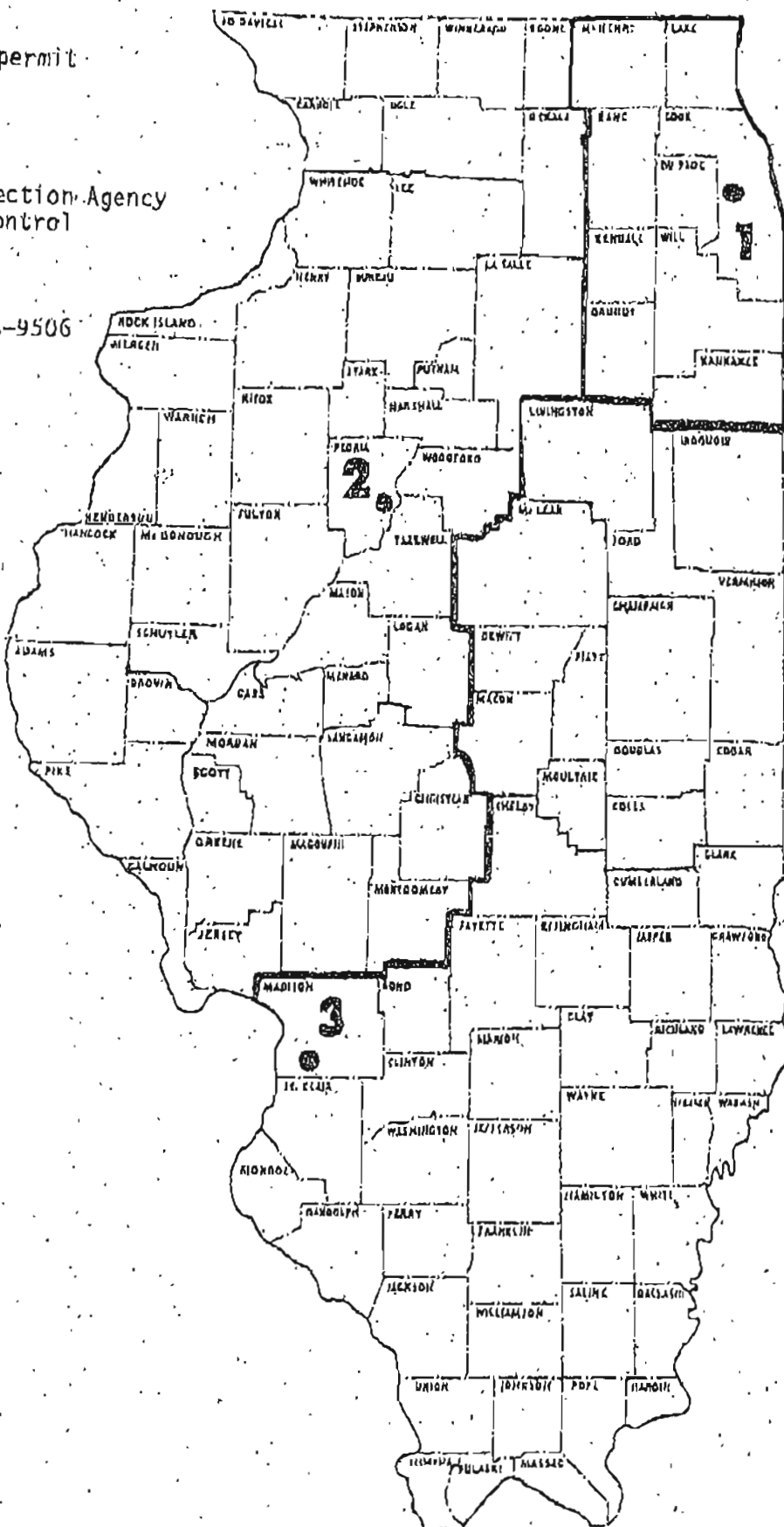
Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
1021 N. Grand Ave. E.
P.O. Box 19506
Springfield, Illinois 62794-9506

a regional office of the
ld Operations Section.
regional offices and their
as of responsibility are
wn on the map. The
resses and telephone
bers of the regional
ices are as follows:

Illinois EPA
egion 1
ureau of air, FOS
511 West Harrison
ea. Plains, Illinois 60016
47/294-4000

Illinois EPA
egion 2
15 North University
oria, Illinois 61614
9/693-5463

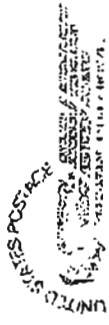
Illinois EPA
egion 3
99 Mall Street
linaville, Illinois 62234
3/346-5120



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



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)	
Respondent.)	

APPEARANCE OF JOSEPH R. PODLEWSKI

NOW COMES Joseph R. Podlewski Jr., of the law firm of PODLEWSKI & HANSON P.C. and hereby enters his appearance on behalf of Petitioner.

Respectfully submitted,

MIDWESTERN REGIONAL MEDICAL
CENTER, INC.


By its attorney,
Joseph R. Podlewski

Dated: September 22, 2010

Joseph R. Podlewski, Jr.
Heidi E. Hanson
Podlewski & Hanson P.C.
4721 Franklin Ave, Suite 1500
Western Springs, IL 60558-1720
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Respondent.)	

APPEARANCE OF HEIDI E. HANSON

NOW COMES Heidi E. Hanson, of the law firm of PODLEWSKI & HANSON
P.C. and hereby enters her appearance on behalf of Petitioner.

Respectfully submitted,

MIDWESTERN REGIONAL MEDICAL
CENTER, INC


By its attorney,
Heidi E. Hanson

Dated: September 22, 2010

Joseph R. Podlewski Jr.
Heidi E. Hanson
Podlewski & Hanson P.C.
4721 Franklin Ave, Suite 1500
Western Springs, IL 60558-1720
(708) 784-0624

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that I have served the attached PETITION FOR REVIEW OF LIFETIME OPERATING PERMIT CONDITIONS FOR MIDWESTERN REGIONAL MEDICAL CENTER, INC. and attached lifetime operating permit, APPEARANCE OF JOSEPH R. PODLEWSKI JR., and APPEARANCE OF HEIDI E. HANSON, and \$75 Filing fee by depositing same in the U. S. Mail at Western Springs, Illinois before 4:30 this day, September 23, 2010 postage prepaid, upon the following persons:

Original including check for filing fee, and nine (9) copies:

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

One copy to:

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

Dated: Sept 23, 2010



Joseph R. Podlewski Jr.
Heidi E. Hanson
Podlewski & Hanson P.C.
4721 Franklin Ave, Suite 1500
Western Springs, IL 60558-1720
(708) 784-0624

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