

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
Petitioner,)	
)	
v.)	PCB No. _____
)	(Permit Appeal-Ninety
ILLINOIS ENVIRONMENTAL)	Day Extension)
PROTECTION AGENCY,)	
Respondent.)	

NOTICE OF FILING

TO: John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board KCBX TERMINALS COMPANY'S and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S **JOINT REQUEST FOR NINETY-DAY EXTENSION OF APPEAL PERIOD**, a copy of which is herewith served upon you.

Respectfully submitted,
KCBX TERMINALS COMPANY,
Petitioner,

Dated: January 18, 2013

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

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

Robb H. Layman
Illinois Environmental Protection Agency
1021 North Grand Avenue
Post Office Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached JOINT REQUEST FOR NINETY-DAY EXTENSION OF APPEAL PERIOD

upon:

John T. Therriault
Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on January 18, 2013; and upon:

Robb H. Layman
Illinois Environmental Protection Agency
1021 North Grand Avenue
Post Office Box 19276
Springfield, Illinois 62794-9276

by depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on January 18, 2013.

/s/ Katherine D. Hodge
Katherine D. Hodge

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

KCBX TERMINALS COMPANY,)	
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JOINT REQUEST FOR NINETY-DAY EXTENSION OF APPEAL PERIOD

NOW COME the Petitioner, KCBX Terminals Company, by and through its attorneys, HODGE DWYER & DRIVER, and Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Robb H. Layman, Assistant Counsel, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Admin. Code § 105.208(a), and hereby request that the Illinois Pollution Control Board (“Board”) grant an extension of the 35-day period for petitioning for a hearing to contest the Construction Permit – NSPS and NESHAP Source – Revised, Application No. 07050082 (the “Permit”), a copy of which is attached hereto as Exhibit A.

The parties stipulate to and respectfully request an extension of 90 days, up to and including April 22, 2013, for Petitioner to file a Petition for Review of the Construction Permit. Petitioner represents that the requested date is within 125 days of service of the Permit on Petitioner.

In support of this request, the parties further submit:

1. On December 18, 2012, Illinois EPA issued the Permit to DTE Chicago Fuels Terminal, LLC ("DTE") (Facility I.D. 031600GSF) for the construction of various emission units associated with the planned conveyor addition project.
2. On December 20, 2012, Illinois EPA revised and reissued the Permit to reflect the change in ownership and operation of the facility from DTE to Petitioner.
3. Petitioner has concerns regarding certain conditions of the Permit, and Illinois EPA is willing to meet to review and discuss the Petitioner's concerns.
4. On January 17, 2013, the Petitioner made a written request (attached hereto as Exhibit B) to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the 35-day period for filing a petition by 90 days.
5. Because Illinois EPA originally issued the Permit to DTE on December 18, 2012, and the Petitioner does not know when DTE was served with the Permit, Petitioner is conservatively using the date of issuance of the Permit to DTE as the date of service. Accordingly, the 35th day after issuance of the Permit is presently January 22, 2013.
6. The parties agree that additional time would be useful to allow negotiations that may eliminate the need to submit a formal appeal.

WHEREFORE, for the reasons stated above, Petitioner, KCBX TERMINALS COMPANY and Respondent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, request that the Board grant this request for a 90-day extension of the 35-day period for petitioning for a hearing.

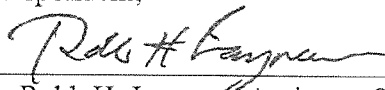
Respectfully submitted,

KCBX TERMINALS COMPANY,
Petitioner,

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

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Respondent,


Robb H. Layman, Assistant Counsel

Dated: January 18, 2013

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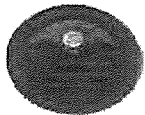


Exhibit A
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

217/785-1705

CONSTRUCTION PERMIT -- NSPS and NESHAP SOURCE -- REVISED

PERMITTEE

DTE Chicago Fuels Terminal, LLC
Attn: Donald Januszek
414 South Main Street
Ann Arbor, Michigan 48104

Application No.: 07050082

I.D. No.: 031600GSF

Applicant's Designation:

Date Received: September 20, 2012

Subject: Conveyor Addition

Date Issued: December 18, 2012

Location: 10730 South Burley Avenue, Chicago, 60617

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

Two (2) Rail Unloaders (RU-2 and RU-3);
Seven (7) Conveyors (C-7, C-8, C-9, C-10, C-11, C-12, and C-13);
Three (3) Reclaim Conveyors (RC-5, RC-6, and RC-7);
Twelve (12) Portable Conveyors (PC-1, PC-2, PC-3, PC-4, PC-5, PC-6, PC-7, PC-8, PC-9, PC-10, PC-11, and PC-12);
Direct Ship Hopper 1 (DSH-1);
Portable Feed Hopper (PFH-1);
Portable Feeder (PF-1);
Rental Portable Screen (RPS-1);
Rental Portable Crusher/Screen (RPCS-1);
Two (2) Transfer Points (TP-1 and TP-2);
Stacker Feed Transfer Point (SFTP-1);
Stacker 4 (S-4);
Three (3) Coke Piles (CEP-1, CEP-2, and CEP-3);
Six (6) 118 HP Diesel-Powered Generators (DG-1, DG-2, DG-3, DG-4, DG-5, and DG-6)
One (1) 400 HP Diesel-Powered Generator (DG-7);
One (1) 375 HP Diesel-Powered Generator (DG-8);
One (1) 40 HP Diesel-Powered Generator (DG-9);
Three (3) 300 HP Diesel Generators (DG-10, DG-11, and DG-12); and
One (1) 20 HP Diesel-Powered Water Pump (DWP-1)

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

- 1a. This Permit is issued based on the modification of the materials transloading system (to increase the permitted throughput) and the construction of the diesel generators and portable conveyors not constituting a new major source or major modification pursuant to Title I of the Clean Air Act, specifically 35 Ill. Adm. Code Part 203, Major Stationary Sources Construction and Modification. The source has requested that the Illinois EPA establish emission limitations and

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other appropriate terms and conditions in this permit that limit the emissions of Nitrogen Oxides (NO_x) and Particulate Matter less than 10 microns (PM₁₀) from the above-listed equipment below the levels that would trigger the applicability of these rules.

- b. The Permittee may operate the equipment listed above under this construction permit until the Illinois EPA takes final action on the Permittee's application for a Federally Enforceable State Operating Permit (FESOP) provided that the Permittee timely complies with all the terms of this construction permit.
- 2a. Diesel-Powered Generators Sets DG-1 through DG-12 and Diesel-Powered Water Pump DWP-1 are subject to the New Source Performance Standards (NSPS) for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60 Subparts A and IIII. The Illinois EPA is administering the NSPS in Illinois on behalf of the United States EPA under a delegation agreement. Pursuant to 40 CFR 60.4200(a), the provisions of 40 CFR 60 Subpart IIII are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) and other persons as specified in 40 CFR 60.4200(a)(1) through (4). For the purposes of 40 CFR 60 Subpart IIII, the date that construction commences is the date the engine is ordered by the owner or operator.
 - i. Owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines,
 - ii. Owners and operators of any stationary CI ICE that are modified or reconstructed after July 11, 2005 and any person that modifies or reconstructs any stationary CI ICE after July 11, 2005.
 - iii. The provisions of 40 CFR 60.4208 are applicable to all owners and operators of stationary CI ICE that commence construction after July 11, 2005
 - b. Pursuant to 40 CFR 60.4201(a), stationary CI internal combustion engine manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 2,237 kilowatt (KW) (3,000 horsepower (HP)) and a displacement of less than 10 liters per cylinder to the certification emission standards for new nonroad CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.
 - c. Pursuant to 40 CFR 60.4204(b), owners and operators of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder must comply with the emission standards for new CI engines in 40 CFR 60.4201 for their 2007 model year and later stationary CI ICE as applicable.

- 3a. Diesel-Powered Generators Sets DG-1 through DG-12 and Diesel-Powered Water Pump DWP-1 are subject to the National Emission Standards for Hazardous Air pollutants (NESHAP) Stationary Reciprocating Internal Combustion Engines, 40 CFR 63 Subparts A and ZZZZ. The Illinois EPA is administering the NESHAP in Illinois on behalf of the USEPA under a delegation agreement. Pursuant to 40 CFR 63.6590(a), an affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.
- b. Pursuant to 40 CFR 63.6590(c)(1), a new or reconstructed stationary residential, commercial, or institutional emergency stationary RICE located at an area source must meet the requirements of 40 CFR Part 63 by meeting the requirements of 40 CFR 60 Subpart IIII, for compression ignition engines or 40 CFR 60 Subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under 40 CFR Part 63.
- 4a. Pursuant to 40 CFR 89.112(a), exhaust emission from nonroad engines to which 40 CFR 89 Subpart B is applicable shall not exceed the applicable exhaust emission standards contained in Table 1, as follows:

Table 1.-Emission Standards (g/kW-hour)

Rated Power (kW)	Tier	Model Year ¹	NO _x	HC	NMHC + NO _x	CO	PM
8 ≤ kW < 19	Tier 1	2000	--	--	9.5	6.6	0.80
	Tier 2	2005	--	--	7.5	6.6	0.80
19 ≤ kW < 37	Tier 1	1998	9.2	--	9.5	6.6	0.80
	Tier 2	2004	--	--	7.5	5.0	0.60
75 ≤ kW < 130	Tier 1	1997	9.2	--	--	--	--
	Tier 2	2003	--	--	6.6	5.0	0.30
	Tier 3	2007	--	--	4.0	5.0	--
130 ≤ kW < 225	Tier 1	1996	9.2	1.3	--	11.4	0.54
	Tier 2	2003	--	--	6.6	3.5	0.20
	Tier 3	2006	--	--	4.0	3.5	--
225 ≤ kW < 450	Tier 1	1996	9.2	1.3	--	11.4	0.54
	Tier 2	2002	--	--	6.6	3.5	0.20
	Tier 3	2006	--	--	4.0	3.5	--
kW>560	Tier 1	2000	9.2	1.3	--	11.4	0.54
	Tier 2	2006	--	--	6.4	3.5	0.20

¹ The model years listed indicates the model years for which the specified tier of standards take effect.

- b. Pursuant to 40 CFR 89.112(d), in lieu of the NO_x standards, NMHC + NO_x standards, and PM standards specified in 40 CFR 89.112(a), manufacturers may elect to include engine families in the averaging, banking, and trading program, the provisions of which are specified in 40 CFR 89 Subpart C. The manufacturer must set a family emission limit (FEL) not to exceed the levels contained in Table 2. The FEL

established by the manufacturer serves as the standard for that engine family. Table 2 follows:

Table 2.-Upper Limit for Family Emission Limits (g/kW-hour)

Rated Power (kW)	Tier	Model Year ¹	NO _x FEL	NMHC + NO _x FEL	PM FEL
8<kW<19	Tier 1	2000	--	16.0	1.2
	Tier 2	2005	--	9.5	0.80
19<kW<37	Tier 1	1999	14.6	16.0	1.2
	Tier 2	2004	--	9.5	0.80
75 ≤ kW < 130	Tier 1	1997	14.6	--	1.2
	Tier 2	2003	--	11.5	
	Tier 3	2007	--	6.6	
130<kW<225	Tier 1	1996	14.6	--	--
	Tier 2	2003	--	10.5	0.54
	Tier 3	2006	--	6.6	
225<kW<450	Tier 1	1996	14.6	--	--
	Tier 2	2001	--	10.5	0.54
	Tier 3	2006	--	6.4	
kW>560	Tier 1	2000	14.6	--	--
	Tier 2	2006	--	10.5	0.54

¹ The model years listed indicates the model years for which the specified tier of standards take effect.

- c. Pursuant to 40 CFR 89.112(e), naturally aspirated nonroad engines to which 40 CFR 89 Subpart B is applicable shall not discharge crankcase emissions into the ambient atmosphere, unless such crankcase emissions are permanently routed into the exhaust and included in all exhaust emission measurements. This provision applies to all Tier 2 engines and later models. This provision does not apply to engines using turbochargers, pumps, blowers, or superchargers for air induction.
- d. Pursuant to 40 CFR 89.113(a), exhaust opacity from compression-ignition nonroad engines for which 40 CFR 89 Subpart B is applicable must not exceed:
 - i. 20 percent during the acceleration mode;
 - ii. 15 percent during the lugging mode; and
 - iii. 50 percent during the peaks in either the acceleration or lugging modes.
- 5a. Pursuant to 35 Ill. Adm. Code 212.123(a), no person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to the requirements of 35 Ill. Adm. Code 212.122.

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- b. Pursuant to 35 Ill. Adm. Code 212.123(b), the emission of smoke or other particulate matter from any such emission unit may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 meter (1000 foot) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period.
- c. Pursuant to 35 Ill. Adm. Code 212.301, no person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the source.
- d. Pursuant to 35 Ill. Adm. Code 212.316(b), no person shall cause or allow fugitive particulate matter emissions generated by the crushing or screening of slag, stone, coke or coal to exceed an opacity of 10 percent.
- e. Pursuant to 35 Ill. Adm. Code 212.316(f), unless an emission unit has been assigned a particulate matter, PM₁₀, or fugitive particulate matter emissions limitation elsewhere in 35 Ill. Adm. Code 212.316 or in 35 Ill. Adm. Code 212 Subparts R or S, no person shall cause or allow fugitive particulate matter emissions from any emission unit to exceed an opacity of 20 percent.
- f. Pursuant to 35 Ill. Adm. Code 212.321(a), except as further provided in 35 Ill. Adm. Code Part 212, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in 35 Ill. Adm. Code 212.321(c).
- g. Pursuant to 35 Ill. Adm. Code 212.324(b), except as otherwise provided in 35 Ill. Adm. Code 212.324, no person shall cause or allow the emission into the atmosphere, of PM₁₀ from any process emission unit to exceed 68.7 mg/scm (0.03 gr/scf) during any one hour period.
- h. Pursuant to 35 Ill. Adm. Code 212.700(a), 35 Ill. Adm. Code 212 Subpart UU (Additional Control Measures) shall apply to those sources in the areas designated in and subject to 35 Ill. Adm. Code 212.324(a)(1) or 212.423(a) and that have actual annual source-wide emissions of PM₁₀ of at least fifteen (15) tons per year.
- 6a. Pursuant to 35 Ill. Adm. Code 214.122(b)(2), no person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one

Page 6

- hour period from any new fuel combustion source with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hour), burning liquid fuel exclusively to exceed 0.46 kg of sulfur dioxide per MW-hour of actual heat input when distillate fuel oil is burned (0.3 lbs/mmBtu).
- b. Pursuant to 35 Ill. Adm. Code 214.301, except as further provided by 35 Ill. Adm. Code Part 214, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission unit to exceed 2000 ppm.
 - c. Pursuant to 35 Ill. Adm. Code 214.304, the emissions from the burning of fuel at process emission sources located in the Chicago or St. Louis (Illinois) major metropolitan areas shall comply with applicable 35 Ill. Adm. Code 214 Subparts B through F (i.e., 35 Ill. Adm. Code 214.122).
7. This permit is issued based on the conveyors, crushers, and screens at this source not being subject to the New Source Performance Standards (NSPS) for Coal Preparation Plants, 40 CFR 60 Subpart Y, because no machinery at this source facility is used to reduce the size of coal or to separate coal from refuse.
- 8a. Pursuant to 35 Ill. Adm. Code 212.314, 35 Ill. Adm. Code 212.301 shall not apply and spraying pursuant to 35 Ill. Adm. Code 212.304 through 212.310 and 35 Ill. Adm. Code 212.312 shall not be required when the wind speed is greater than 40.2 km/hour (25 mph). Determination of wind speed for the purposes of this rule shall be by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site. In cases where the duration of operations subject to this rule is less than one hour, wind speed may be averaged over the duration of the operations on the basis of on-site wind speed instrument measurements.
- b. Pursuant to 35 Ill. Adm. Code 212.324(d), the mass emission limits contained in 35 Ill. Adm. Code 212.324(b) and (c) shall not apply to those emission units with no visible emissions other than fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense finding of a violation of the mass emission limits contained in 35 Ill. Adm. Code 212.324(b) and (c).
- 9a. Pursuant to 40 CFR 60.11(b), compliance with opacity standards in 40 CFR Part 60 shall be determined by conducting observations in accordance with Method 9 in Appendix A of 40 CFR Part 60, any alternative method that is approved by the Illinois EPA or USEPA, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
- b. Pursuant to 40 CFR 60.11(c), the opacity standards set forth in 40 CFR Part 60 shall apply at all times except during periods of startup,

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shutdown, malfunction, and as otherwise provided in the applicable standard.

- c. Pursuant to 40 CFR 60.11(d), at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Illinois EPA or USEPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- 10a. Pursuant to 40 CFR 60.4206, owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.
- b. Pursuant to 40 CFR 60.4207(a), beginning October 1, 2007, owners and operators of stationary CI ICE subject to 40 CFR 60 Subpart IIII that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).
- c. Pursuant to 40 CFR 60.4207(b), beginning October 1, 2010, owners and operators of stationary CI ICE subject to 40 CFR 60 Subpart IIII 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.
- d. Pursuant to 40 CFR 60.4211(a), if you are an owner or operator and must comply with the emission standards specified in 40 CFR 60 Subpart IIII, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.
- e. Pursuant to 40 CFR 60.4211(c), if you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in 40 CFR 60.4204(b) or 40 CFR 60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to 40 CFR 60 Subpart IIII and must comply with the emission standards specified in 40 CFR 60.4205(c), you must comply by purchasing an engine certified to the emission standards in 40 CFR 60.4204(b), or 40 CFR 60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case

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of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in 40 CFR 60.4211(g).

- f. Pursuant to 40 CFR 60.4211(e)(1), if you are an owner or operator of a modified or reconstructed stationary CI internal combustion engine and must comply with the emission standards specified in 40 CFR 60.4204(e) or 40 CFR 60.4205(f), you must demonstrate compliance according to one of the methods specified in 40 CFR 60.4211(e)(1) or (2). Purchasing, or otherwise owning or operating, an engine certified to the emission standards in 40 CFR 60.4204(e) or 40 CFR 60.4205(f), as applicable.
- 11a. Pursuant to 40 CFR 80.510(b), beginning June 1, 2010. Except as otherwise specifically provided in 40 CFR 80 Subpart I, all NR and LM diesel fuel is subject to the following per-gallon standards:
 - i. Sulfur content 15 ppm maximum for NR diesel fuel.
 - ii. Cetane index or aromatic content, as follows:
 - A. A minimum cetane index of 40; or
 - B. A maximum aromatic content of 35 volume percent.
- 12a. Pursuant to 35 Ill. Adm. Code 212.324(f), for any process emission unit subject to 35 Ill. Adm. Code 212.324(a), the owner or operator shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this 35 Ill. Adm. Code 212.324 shall be met at all times. 35 Ill. Adm. Code 212.324 shall not affect the applicability of 35 Ill. Adm. Code 201.149. Proper maintenance shall include the following minimum requirements:
 - i. Visual inspections of air pollution control equipment;
 - ii. Maintenance of an adequate inventory of spare parts; and
 - iii. Expeditious repairs, unless the emission unit is shutdown.
- b. Pursuant to 35 Ill. Adm. Code 212.701(a), those sources subject to 35 Ill. Adm. Code 212 Subpart UU shall prepare contingency measure plans reflecting the PM₁₀ emission reductions set forth in 35 Ill. Adm. Code 212.703. These plans shall become federally enforceable permit conditions. Such plans shall be submitted to the Illinois EPA by November 15, 1994. Notwithstanding the foregoing, sources that become subject to the provisions of 35 Ill. Adm. Code 212 Subpart UU after July 1, 1994, shall submit a contingency measure plan to the Illinois EPA for review and approval within ninety (90) days after the date such source or sources became subject to the provisions of 35 Ill. Adm. Code 212 Subpart UU or by November 15, 1994, whichever is later. The Illinois EPA shall notify those sources requiring contingency measure plans, based on the Illinois EPA's current information; however, the Illinois EPA's failure to notify any source of its requirement to

Page 9

submit contingency measure plans shall not be a defense to a violation of 35 Ill. Adm. Code 212 Subpart UU and shall not relieve the source of its obligation to timely submit a contingency measure plan.

- c. Pursuant to 35 Ill. Adm. Code 212.703(a), all sources subject to 35 Ill. Adm. Code 212 Subpart UU shall submit a contingency measure plan. The contingency measure plan shall contain two levels of control measures:
 - i. Level I measures are measures that will reduce total actual annual source-wide fugitive emissions of PM₁₀ subject to control under 35 Ill. Adm. Code 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 by at least 15%.
 - ii. Level II measures are measures that will reduce total actual annual source-wide fugitive emissions of PM₁₀ subject to control under 35 Ill. Adm. Code 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 by at least 25%.
- d. Pursuant to 35 Ill. Adm. Code 212.703(b), a source may comply with 35 Ill. Adm. Code 212 Subpart UU through an alternative compliance plan that provides for reductions in emissions equal to the level of reduction of fugitive emissions as required at 35 Ill. Adm. Code 212.703(a) and which has been approved by the Illinois EPA and USEPA as federally enforceable permit conditions. If a source elects to include controls on process emission units, fuel combustion emission units, or other fugitive emissions of PM₁₀ not subject to 35 Ill. Adm. Code 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 at the source in its alternative control plan, the plan must include a reasonable schedule for implementation of such controls, not to exceed two (2) years. This implementation schedule is subject to Illinois EPA review and approval.
- e. Pursuant to 35 Ill. Adm. Code 212.704(b), if there is a violation of the ambient air quality standard for PM₁₀ as determined in accordance with 40 CFR Part 50, Appendix K, the Illinois EPA shall notify the source or sources the Illinois EPA has identified as likely to be causing or contributing to one or more of the exceedences leading to such violation, and such source or sources shall implement Level I or Level II measures, as determined pursuant to 35 Ill. Adm. Code 212.704(e). The source or sources so identified shall implement such measures corresponding to fugitive emissions within ninety (90) days after receipt of a notification and shall implement such measures corresponding to any nonfugitive emissions according to the approved schedule set forth in such source's alternative control plan. Any source identified as causing or contributing to a violation of the ambient air quality standard for PM₁₀ may appeal any finding of culpability by the Illinois EPA to the Illinois Pollution Control Board pursuant to 35 Ill. Adm. Code 106 Subpart J.
- f. Pursuant to 35 Ill. Adm. Code 212.704(e), the Illinois EPA shall require that sources comply with the Level I or Level II measures of

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their contingency measure plans, pursuant 35 Ill. Adm. Code 212.704(b), as follows:.

- i. Level I measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to 40 CFR 50, Appendix K, is less than or equal to 170 ug/m³.
 - ii. Level II measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to 40 CFR 50, Appendix K, exceeds 170 ug/m³.
- 13a. Pollution control devices associated with the emission units being modified under this permit shall be in operation at all times when the associated emission units are in operation and emitting air contaminants.
- b. The transloading facility shall be operated in accordance with good operating practices to minimize particulate matter emissions including the following.
- i. Enclosures shall be maintained in good condition and wet suppressant shall be applied as needed whenever materials are being moved past a point of application; and
 - ii. Remedial actions shall be taken if visible emissions are observed beyond the property line.
- c. This permit is issue based on the handling of only coal, petroleum coke, and like materials, and salt at the plant. The handling of any other material at the source requires that the Permittee first obtain a construction permit from the Illinois EPA.
- d. The water pump and the generator sets shall only be operated with distillate fuel oil as the fuel. The use of any other fuel in the water pump or the generator sets requires that the Permittee first obtain a construction permit from the Illinois EPA and then perform stack testing to verify compliance with all applicable requirements.
- e. The Permittee shall not keep, store, or use distillate fuel oil (Grades No. 1 and 2) at this source with a sulfur content greater than the larger of the following values:
- i. 0.28 weight percent, or
 - ii. The Wt. percent given by the formula: Maximum Wt. percent sulfur = $(0.000015) \times (\text{Gross heating value of oil, Btu/lb})$.
- f. Organic liquid by-products or waste materials shall not be used in the diesel generator sets without written approval from the Illinois EPA.

- g. The Illinois EPA shall be allowed to sample fuel stored at the source associated with the diesel generator set.
- 14a. The total amount of materials handled through the transloading facility shall not exceed 1.13 million tons/month and 11.25 million tons/year.
 - b. Materials handled by truck shall not exceed 175,000 tons/month and 1,750,000 tons per year (includes coal inbound/outbound via truck and salt outbound via truck).
 - c. Emissions and operation of the transloading facility shall not exceed the following limits:
 - i. Material Storage Piles and Transfer and Conveying, and Loadout:

Process	Material Throughput		PM Emissions			PM ₁₀ Emissions		
	(Ton/Mo)	(Ton/Yr)	(lb/Ton)	(T/Mo)	(T/Yr)	(lb/Ton)	(T/Mo)	(T/Yr)
Coal & Coke*	1,100,000	11,000,000	0.00064	12.21	102.08	0.0003	4.79	47.85
Salt	25,000	250,000	0.00064	0.27	2.87	0.0003	0.13	1.28
Incidental Soil Crushing*	30,660	306,600	0.0033	0.03	0.25	0.00101	0.01	0.08
Incidental Soil Screening*	30,660	306,600	0.00067	0.01	0.05	0.00034	0.01	0.03
				Totals 105.25				49.24

* 50 % control for wet suppression

- ii. These limits are based on the maximum materials throughput of 11.25 million tons per year with at most 1,750,000 tons/year handled by trucks, and standard emission factors (Table 13.2.4, AP 42, Fifth Edition, Volume I, November 2006 with U = 16.4 and M = 18.3).
- iii. The above limitations contain revisions to previously issued Permits 03100038 and 06040012. The source has requested that the Illinois EPA establish conditions in this permit that allow various refinements from the conditions of the aforementioned permit. The source has requested these revisions and has addressed the applicability and compliance of Title I of the Clean Air Act, specifically 35 Ill. Adm. Code Part 203, Major Stationary Sources Construction and Modification. These limits continue to ensure that the construction and/or modification addressed in this permit does not constitute a new major source or major modification pursuant to these rules. These limits are the primary enforcement mechanism for the equipment and activities permitted in this permit and the information in the construction permit application contains the most current and accurate information for the source. Specifically, the source's permitted annual throughput is being increase from 11.0 million tons per year to 11.25 million tons per year and the permitted

emissions of PM₁₀ are being increases from 12.5 tons per year to 49.24 tons per year.

d. Emissions and operation of the 15 kW (20 HP) Diesel-Powered Water Pump (DWP-1) shall not exceed the following:

- i. The diesel-powered water pump runtime shall not exceed 150 hours/month and 500 hours/year.
- ii. Emissions from the diesel-powered water pump shall not exceed:

<u>Pollutant</u>	Emission	Emissions	
	Factor (lb/HP-Hour)	(Tons/Month)	(Tons/Year)
Carbon Monoxide (CO)	0.01079	0.02	0.05
Nitrogen Oxides (NO _x)	0.015	0.03	0.08
Particulate Matter (PM)	0.0013	0.01	0.01
Particulate Matter-10 (PM ₁₀)	0.0013	0.01	0.01
Sulfur Dioxide (SO ₂)	**	0.01	0.01
Volatile Organic Material (VOM)	0.00062	0.01	0.01

These limits are based on the emission factors for units with power rating of less than 600 HP, and the emission factors for CO, NO_x, VOM, and PM are based on the allowable rates in 40 CFR 89.112(a), table 1. Emission totals shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant.

** SO₂ emissions calculated using 40 CFR 60.4207(a), maximum sulfur content of 0.05% per gallon of fuel and a fuel consumption rate of 10 gallons of diesel fuel per hour per engine.

$$500 \text{ hour/year} \times 10 \text{ gallons/hour} \times 7.1 \text{ lbs/gallon} \times 0.05\% \text{ S} / 2,000 \text{ lbs/gallon} = 0.01 \text{ tpy}$$

e. Emissions and operation of the 30 kW (40 HP) Diesel-Powered Generator (DG-9) shall not exceed the following:

- i. The diesel-powered generator runtime shall not exceed 350 hours/month and 3,500 hours/year.
- ii. Emissions from the diesel-powered generator shall not exceed:

<u>Pollutant</u>	Emission	Emissions	
	Factor (lb/HP-Hour)	(Tons/Month)	(Tons/Year)
Carbon Monoxide (CO)	0.00903	0.06	0.63
Nitrogen Oxides (NO _x)	0.015	0.11	1.05
Particulate Matter (PM)	0.001	0.01	0.07

<u>Pollutant</u>	Emission	Emissions	
	Factor (lb/HP-Hour)	(Tons/Month)	(Tons/Year)
Particulate Matter-10 (PM ₁₀)	0.001	0.01	0.07
Sulfur Dioxide (SO ₂)	**	0.01	0.06
Volatile Organic Material (VOM)	0.00062	0.01	0.04

These limits are based on the emission factors for units with power rating of less than 600 HP, and the emission factors for CO, NO_x, VOM, and PM are based on the allowable rates in 40 CFR 89.112(a), table 1. Emission totals shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant.

** SO₂ emissions calculated using 40 CFR 60.4207(a), maximum sulfur content of 0.05% per gallon of fuel and a fuel consumption rate of 10 gallons of diesel fuel per hour per engine.

$$3,500 \text{ hours/year} \times 10 \text{ gallons/hour} \times 7.1 \text{ lbs/gallon} \times 0.05\% \text{ S} / 2,000 \text{ lbs/gallon} = 0.06 \text{ tpy}$$

- f. Emissions and operation of the six 88 kW (118 HP) Diesel-Powered Generators (DG-1, DG-2, DG-3, DG-4, DG-5, and DG-6) combined will not exceed the following:
 - i. The diesel-powered generators runtime shall not exceed 2,100 hours/month and 21,000 hours/year.
 - ii. Emissions from the six diesel-powered generators combined shall not exceed:

<u>Pollutant</u>	Emission	Emissions	
	Factor (lb/HP-Hour)	(Tons/Month)	(Tons/Year)
Carbon Monoxide (CO)	0.00815	1.01	10.10
Nitrogen Oxides (NO _x)	0.015	1.86	18.59
Particulate Matter (PM)	0.0005	0.06	0.62
Particulate Matter-10 (PM ₁₀)	0.0005	0.06	0.62
Sulfur Dioxide (SO ₂)	**	0.04	0.37
Volatile Organic Material (VOM)	0.00033	0.04	0.41

These limits are based on the emission factors for units with power rating of less than 600 HP, and the emission factors for CO, NO_x, VOM, and PM are based on the allowable rates in 40 CFR 89.112(a), table 1. Emission totals shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant.

** SO₂ emissions calculated using 40 CFR 60.4207(a), maximum sulfur content of 0.05% per gallon of fuel and a fuel consumption rate of 10 gallons of diesel fuel per hour per engine.

$$21,000 \text{ hour/year} \times 10 \text{ gallons/hour} \times 7.1 \text{ lbs/gallon} \times 0.05\% \text{ S} / 2,000 \text{ lbs/gallon} = 0.37 \text{ tpy}$$

g. Emissions and operation of the three 224 kW (300 HP) Diesel-Powered Generators (DG-10, DG-11, and DG-12) combined shall not exceed the following:

- i. The diesel-powered generators runtime shall not exceed 1,050 hours/month and 10,500 hours/year.
- ii. Emissions from the three diesel-powered generators combined shall not exceed:

<u>Pollutant</u>	<u>Emission Factor (lb/HP-Hour)</u>	<u>Emissions</u>	
		<u>(Tons/Month)</u>	<u>(Tons/Year)</u>
Carbon Monoxide (CO)	0.00573	0.90	9.02
Nitrogen Oxides (NO _x)	0.015	2.36	23.63
Particulate Matter (PM)	0.0003	0.05	0.47
Particulate Matter-10 (PM ₁₀)	0.0003	0.05	0.47
Sulfur Dioxide (SO ₂)	**	0.02	0.19
Volatile Organic Material (VOM)	0.00033	0.05	0.52

These limits are based on the emission factors for units with power rating of less than 600 HP, and the emission factors for CO, NO_x, VOM, and PM are based on the allowable rates in 40 CFR 89.112(a), table 1. Emission totals shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant.

** SO₂ emissions calculated using 40 CFR 60.4207(a), maximum sulfur content of 0.05% per gallon of fuel and a fuel consumption rate of 10 gallons of diesel fuel per hour per engine.

$$10,500 \text{ hour/year} \times 10 \text{ gallons/hour} \times 7.1 \text{ lbs/gallon} \times 0.05\% \text{ S} / 2,000 \text{ lbs/gallon} = 0.19 \text{ tpy}$$

h. Emissions and operation of the 280 kW (375 HP) Diesel-Powered Generator (DG-8) shall not exceed the following:

- i. The diesel-powered generator runtime shall not exceed 350 hours/month and 3,500 hours/year.
- ii. Emissions from the diesel-powered generator shall not exceed:

<u>Pollutant</u>	<u>Emission Factor (lb/HP-Hour)</u>	<u>Emissions</u> <u>(Tons/Month) (Tons/Year)</u>	
Carbon Monoxide (CO)	0.00573	0.38	3.76
Nitrogen Oxides (NO _x)	0.015	0.98	9.84
Particulate Matter (PM)	0.0003	0.02	0.20
Particulate Matter-10 (PM ₁₀)	0.0003	0.02	0.20
Sulfur Dioxide (SO ₂)	**	0.01	0.06
Volatile Organic Material (VOM)	0.00033	0.02	0.22

These limits are based on the emission factors for units with power rating of less than 600 HP, and the emission factors for CO, NO_x, VOM, and PM are based on the allowable rates in 40 CFR 89.112(a), table 1. Emission totals shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant.

** SO₂ emissions calculated using 40 CFR 60.4207(a), maximum sulfur content of 0.05% per gallon of fuel and a fuel consumption rate of 10 gallons of diesel fuel per hour per engine.

3,500 hours/year x 10 gallons/hour x 7.1 lbs/gallon x 0.05% S / 2,000 lbs/gallon = 0.06 tpy

i. Emissions and operation of the 298 kW (400 HP) Diesel-Powered Generator (DG-7) shall not exceed the following:

i. The diesel-powered generator runtime shall not exceed 350 hours/month and 3,500 hours/year.

ii. Emissions from the diesel-powered generator shall not exceed:

<u>Pollutant</u>	<u>Emission Factor (lb/HP-Hour)</u>	<u>Emissions</u> <u>(Tons/Month) (Tons/Year)</u>	
Carbon Monoxide (CO)	0.00573	0.40	4.01
Nitrogen Oxides (NO _x)	0.015	1.05	10.50
Particulate Matter (PM)	0.0003	0.02	0.21
Particulate Matter-10 (PM ₁₀)	0.0003	0.02	0.21
Sulfur Dioxide (SO ₂)	**	0.01	0.06
Volatile Organic Material (VOM)	0.000033	0.02	0.23

These limits are based on the emission factors for units with power rating less than 600 HP, and the emission factors for CO, NO_x, VOM, and PM are based on the allowable rates in 40 CFR 89.112(a), table 1. Emission totals shall be calculated by multiplying the diesel generator set runtime and the emission factors for each pollutant.

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** SO₂ emissions calculated using 40 CFR 60.4207(a), maximum sulfur content of 0.05% per gallon of fuel and a fuel consumption rate of 10 gallons of diesel fuel per hour per engine.

$$\frac{3,500 \text{ hour/year} \times 10 \text{ gallons/hour} \times 7.1 \text{ lbs/gallon} \times 0.05\% \text{ S}}{2,000 \text{ lbs/gallon}} = 0.06 \text{ tpy}$$

- j. Compliance with the annual limits of this permit shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 months total).
- 15. This permit is issued based on the potential to emit (PTE) for Hazardous Air Pollutants (HAP) as listed in Section 112(b) of the Clean Air Act from the source being less than 10 tons/year of any single HAP and 25 tons/year of any combination of such HAPs. As a result, this permit is issued based on the emissions of all HAPs from this source not triggering the requirements of Section 112(g) of the Clean Air Act.
- 16. This permit is issued based on Diesel-Powered Generators Sets DG-1 through DG-12 and Diesel-Powered Water Pump DWP-1 each having a displacement of less than 30 liters per cylinder and have been certified by the manufacturer, as required by 40 CFR 60.4211(c), to meet the standards of 40 CFR 60.4204(b) or 60.4205(b). As a result, this permit is issued based on the Diesel-Powered Generators Sets DG-1 through DG-12 and Diesel-Powered Water Pump DWP-1 not being subject to the testing requirements of 40 CFR 60.8.
- 17a. Pursuant to 35 Ill. Adm. Code 201.282, every emission source or air pollution control equipment shall be subject to the following testing requirements for the purpose of determining the nature and quantities of specified air contaminant emissions and for the purpose of determining ground level and ambient air concentrations of such air contaminants:
 - i. Testing by Owner or Operator. The Illinois EPA may require the owner or operator of the emission source or air pollution control equipment to conduct such tests in accordance with procedures adopted by the Illinois EPA, at such reasonable times as may be specified by the Illinois EPA and at the expense of the owner or operator of the emission source or air pollution control equipment. The Illinois EPA may adopt procedures detailing methods of testing and formats for reporting results of testing. Such procedures and revisions thereto, shall not become effective until filed with the Secretary of State, as required by the APA Act. All such tests shall be made by or under the direction of a person qualified by training and/or experience in the field of air pollution testing. The Illinois EPA shall have the right to observe all aspects of such tests.
 - ii. Testing by the Illinois EPA. The Illinois EPA shall have the right to conduct such tests at any time at its own expense. Upon

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request of the Illinois EPA, the owner or operator of the emission source or air pollution control equipment shall provide, without charge to the Illinois EPA, necessary holes in stacks or ducts and other safe and proper testing facilities, including scaffolding, but excluding instruments and sensing devices, as may be necessary.

- b. Testing required by Condition 18 shall be performed upon a written request from the Illinois EPA by a qualified independent testing service.
- 18. Pursuant to 35 Ill. Adm. Code 212.110(c), upon a written notification by the Illinois EPA, the owner or operator of a particulate matter emission unit subject to 35 Ill. Adm. Code Part 212 shall conduct the applicable testing for particulate matter emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Illinois EPA within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Illinois EPA.
- 19a. Pursuant to 40 CFR 60.4209(a), if you are an owner or operator, you must meet the monitoring requirements of 40 CFR 60.4209. In addition, you must also meet the monitoring requirements specified in 40 CFR 60.4211. If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.
- b. Pursuant to 40 CFR 60.4209(b), If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in 40 CFR 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.
- 20a. Pursuant to 40 CFR 60.7(b), any owner or operator subject to the provisions of 40 CFR Part 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
- b. Pursuant to 40 CFR 60.7(f), any owner or operator subject to the provisions of 40 CFR Part 60 shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Part 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records.

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21. Pursuant to 40 CFR 60.4214(c), if the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.
- 22a. Pursuant to 35 Ill. Adm. Code 212.110(e), the owner or operator of an emission unit subject to 35 Ill. Adm. Code Part 212 shall retain records of all tests which are performed. These records shall be retained for at least three (3) years after the date a test is performed.
 - b.
 - i. Pursuant to 35 Ill. Adm. Code 212.316(g)(1), the owner or operator of any fugitive particulate matter emission unit subject to 35 Ill. Adm. Code 212.316 shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of 35 Ill. Adm. Code 212.316 and shall submit to the Illinois EPA an annual report containing a summary of such information.
 - ii. Pursuant to 35 Ill. Adm. Code 212.316(g)(2), the records required under 35 Ill. Adm. Code 212.316(g) shall include at least the following:
 - A. The name and address of the source;
 - B. The name and address of the owner and/or operator of the source;
 - C. A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of roadways;
 - D. For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent and, if diluted, percent of concentration, used each day; and
 - E. A log recording incidents when control measures were not used and a statement of explanation.
 - iii. Pursuant to 35 Ill. Adm. Code 212.316(g)(3), the records required under 35 Ill. Adm. Code 212.316 shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Illinois EPA representatives during working hours.
 - iv. Pursuant to 35 Ill. Adm. Code 212.316(g)(4), the records required under 35 Ill. Adm. Code 212.316(g) shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Illinois EPA representatives during working hours.

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- c. i. Pursuant to 35 Ill. Adm. Code 212.324(g)(1), written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment shall be kept in accordance with 35 Ill. Adm. Code 212.324(f).
 - ii. Pursuant to 35 Ill. Adm. Code 212.324(g)(2), the owner or operator shall document any period during which any process emission unit was in operation when the air pollution control equipment was not in operation or was malfunctioning so as to cause an emissions level in excess of the emissions limitation. These records shall include documentation of causes for pollution control equipment not operating or such malfunction and shall state what corrective actions were taken and what repairs were made.
 - iii. Pursuant to 35 Ill. Adm. Code 212.324(g)(3), a written record of the inventory of all spare parts not readily available from local suppliers shall be kept and updated.
 - iv. Pursuant to 35 Ill. Adm. Code 212.324(g)(5), the records required under 35 Ill. Adm. Code 212.324 shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Illinois EPA representatives during working hours.
- 23a. The Permittee shall maintain records of the following items so as to demonstrate compliance with the conditions of this permit:
- i. Records addressing use of good operating practices for the dust suppression systems associated with the materials transloading system:
 - A. Records for periodic inspection of the dust suppression systems with date, individual performing the inspection, and nature of inspection; and
 - B. Records for prompt repair of defects, with identification and description of defect, effect on emissions, date identified, date repaired, and nature of repair.
 - ii. Name and total amount of each material shipped (tons/month and tons/year);
 - iii. Name and amount of each material shipped by truck (tons/month and tons/year);
 - iv. Amount of each material that is deposited on storage piles (tons/month and tons/year);
 - v. Diesel generator sets runtime (hours/month and hours/year);
 - vi. Certification from the fuel supplier of weight percent sulfur content of each fuel shipment received;

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- vii. Amount of fuel used (gallons/month and gallons/year);
 - viii. An inspection, maintenance and repair log of the generators listing each activity performed with date; and
 - iv. Monthly and annual emissions of NO_x, CO, SO₂, PM, PM₁₀ and VOM from the source with supporting calculations (tons/month and tons/year).
- b. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least five (5) years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer storage device) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to an Illinois EPA or USEPA request for records during the course of a source inspection.
- 24a. Pursuant to 40 CFR 60.7(a), any owner or operator subject to the provisions of 40 CFR Part 60 shall furnish the Illinois EPA or USEPA written notification or, if acceptable to both the Illinois EPA and USEPA and the owner or operator of a source, electronic notification, as follows:
- i. A notification of the date construction (or reconstruction as defined under 40 CFR 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
 - ii. A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
 - iii. A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Illinois EPA or USEPA may request additional relevant information subsequent to this notice.
- 25a. Pursuant to 35 Ill. Adm. Code 212.110(d), a person planning to conduct testing for particulate matter emissions to demonstrate compliance shall give written notice to the Illinois EPA of that intent. Such notification shall be given at least thirty (30) days prior to the initiation of the test unless a shorter period is agreed to by the

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Illinois EPA: Such notification shall state the specific test methods from 35 Ill. Adm. Code 212.110 that will be used.

- b. i. Pursuant to 35 Ill. Adm. Code 212.324(g)(4), copies of all records required by 35 Ill. Adm. Code 212.324 shall be submitted to the Illinois EPA within ten (10) working days after a written request by the Illinois EPA.
 - ii. Pursuant to 35 Ill. Adm. Code 212.316(g)(5), a quarterly report shall be submitted to the Illinois EPA stating the following: the dates any necessary control measures were not implemented, a listing of those control measures, the reasons that the control measures were not implemented, and any corrective actions taken. This information includes, but is not limited to, those dates when controls were not applied based on a belief that application of such control measures would have been unreasonable given prevailing atmospheric conditions, which shall constitute a defense to the requirements of 35 Ill. Adm. Code 212.316. This report shall be submitted to the Illinois EPA thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.
 - iii. Pursuant to 35 Ill. Adm. Code 212.324(g)(6), upon written request by the Illinois EPA, a report shall be submitted to the Illinois EPA for any period specified in the request stating the following: the dates during which any process emission unit was in operation when the air pollution control equipment was not in operation or was not operating properly, documentation of causes for pollution control equipment not operating or not operating properly, and a statement of what corrective actions were taken and what repairs were made.
- 26a. If there is an exceedance of or a deviation from the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance or deviation. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or deviation and efforts to reduce emissions and future occurrences.

- b. Two (2) copies of required reports and notifications shall be sent to:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276


and one (1) copy shall be sent to the Illinois EPA's regional office at the following address unless otherwise indicated:

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Illinois Environmental Protection Agency
Division of Air Pollution Control
9511 West Harrison
Des Plaines, Illinois 60016

It shall be noted that this permit was revised to add four portable conveyors to the list of emission units and to increase the emissions limits in Condition 14(c).

If you have any questions on this, please call Mike Dragovich at 217/785-1705.

Handwritten signature of Edwin C. Bakowski in cursive, with the initials "E.C.B." written below the signature.

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

Date Signed: _____

12/18/2012

ECB:MJD:psj

cc: Region 1



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 to copy any records required to be kept under the terms and conditions of this permit,
 - c. to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit,
 - d. to obtain and remove samples of any discharge or emissions 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 other applicable statutes 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



HODGE DWYER & DRIVER

KATHERINE D. HODGE
E-mail: khodge@hddattorneys.com

RECEIVED
Division of Legal Counsel

January 17, 2013

JAN 17 2012

VIA HAND DELIVERY

Environmental Protection
Agency

Julie K. Armitage, Esq.
Acting Chief Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, Illinois 67294-9276

RE: Request for Extension of Time for Petitioning for an Appeal
Revised Construction Permit for Conveyor Addition (App. No. 07050082)
KCBX Terminals Company
10730 South Burley Avenue, Chicago, Illinois 60617
Facility I.D. 031600GSF

Dear Ms. 

On December 18, 2012, the Illinois Environmental Protection Agency ("Illinois EPA") issued a "revised" construction permit (No. 07050082) (the "Permit") to DTE Chicago Fuels Terminal, LLC ("DTE") (Facility I.D. 031600GSF) for the construction of various emission units associated with the planned conveyor addition project. Then, on December 20, 2012, Illinois EPA revised and reissued the Permit to reflect the change in ownership and operation of the facility from DTE to KCBX Terminals Company ("KCBX"). The Permit, however, failed to include many of the revisions requested in DTE's September 20, 2012 application for additional portable conveyors, stackers, storage piles, and diesel generators, as well as revisions discussed in follow-up submittals and with DTE.

On behalf of KCBX, the current permittee under the Permit, and consistent with Section 40(a)(1) of the Illinois Environmental Protection Act (the "Act") and implementing regulations, we are requesting that Illinois EPA join KCBX in its request to extend the 35-day period for petitioning for an appeal of the Permit by an additional 90 days. See 415 ILCS 5/40(a)(1); 35 Ill. Admin. Code §§ 105.206(c), 105.208(a), (c). KCBX hereby requests that the appeal period within which it may file a petition for review of the Permit be extended for a total of 125 days

from the December 18, 2012 Permit issue date, *i.e.*, up to and including April 22, 2013, in order to allow for further discussions with Illinois EPA regarding the technical and/or legal issues associated with the Permit, including the following:

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January 17, 2013
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- The Permit was issued solely as a construction permit¹ instead of the requested joint construction and operating permit;
- The emission sources listed in the Permit are not consistent with the application because the Permit includes sources that will not be constructed and excludes sources that will be constructed;
- The NSPS conditions, including the tables for nonroad engines, should be updated to be consistent with the size and type of engines at the site (See Conditions 2a, 4a, 4b, 10f, 16, and 19a);
- The NESHAP conditions should be updated to reflect current applicability (See Condition 3b);
- The Permit excluded opacity conditions previously included in the draft permit;
- The Permit's limits on throughput and emissions from multiple emission source groups do not reflect the limits included in the September 2012 permit application and should be updated to reflect planned operations at the facility (See Conditions 14c, 14d, 14f, 14g, 14h, and 14i); and
- Revise and update permit terms, as necessary, to ensure consistency with the permit application, applicable regulations, and operations at the facility.

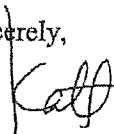
The additional time requested herein will allow for further discussions with Illinois EPA and resolution of most, if not all, of the issues listed above. I understand from discussions with your staff that Illinois EPA is agreeable with this extension. However, please contact me with any questions you may have regarding this extension request. The deadline for filing an extension request with the Illinois Pollution Control Board is January 22, 2013.

¹ Note, however, that Illinois EPA treated the September 20, 2012 application as a revision to the previously issued Joint Construction and Operating Permit, i.e., Illinois EPA used the same application number, instead of assigning a new application number to the September 20, 2012 application.

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Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kath", written over the word "Sincerely,".

Katherine D. Hodge

pc: Robb H. Layman (via hand delivery)
Mr. Jeff Culver (via electronic mail)