

# ***Statement of Basis***

for the DRAFT CAAPP Permit for:

**Source Name:**

**U.S. Silica Company**

Statement of Basis No.: 95060046-1307

I.D. No.: 099825AAA

Permit No.: 95060046

Date Prepared: 12/30/2013

**Permitting Authority:**

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

This Statement of Basis is being provided to USEPA and any interested parties as required by Section 39.5(8)(b) of the Illinois Environmental Protection Act.

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## **PREFACE**

### **Reason For This Document**

This document is a requirement of the permitting authority in accordance with 502(a) of the Clean Air Act, 40 CFR 70.7(a)(5), and Section 39.5(8)(b) of the Illinois Environmental Protection Act. Section 39.5(8)(b) of the Illinois Environmental Protection Act states the following:

"The Agency shall prepare a ..... statement that sets forth the legal and factual basis for the Draft CAAPP permit conditions, including references to the applicable statutory or regulatory provisions."

### **Purpose Of This Document**

The purpose of this Statement of Basis is to provide discussion regarding the development of this Draft CAAPP Permit. This document would also provide the permitting authority, the public, the source, and the USEPA with the applicability and technical matters that form the basis of the Draft CAAPP Permit.

### **Summary Of Historical Actions Leading Up To Today's Permitting Action**

Since the last Renewal CAAPP Permit issued on October 29, 2003, the source has also been issued the following: A minor modification issued on May 3, 2006.

### **Limitations**

This Statement of Basis is not enforceable and only sets forth the legal and factual basis for the Draft CAAPP Permit Conditions (Chapters I and II). Chapter III contains supplemental material that would assist in educating interested parties about this source and the Draft CAAPP Permit. The Statement of Basis does not shield the source from enforcement actions or its responsibility to comply with existing or future applicable regulations. Nor does the Statement of Basis constitute a defense to a violation of the Federal Clean Air Act or the Illinois Environmental Protection Act including implementing regulations.

This document does not purport to establish policy or guidance.

## **INTRODUCTION**

The Clean Air Act Permit Program (CAAPP) is the operating permit program established in Illinois for major stationary sources as required by Title V of the federal Clean Air Act and Section 39.5 of the Illinois Environmental Protection Act. The Title V Permit Program (CAAPP) is the primary mechanism to apply the various air pollution control requirements established by the Clean Air Act to major sources, defined in accordance with Title V of the Clean Air Act. The Draft CAAPP Permit contains conditions identifying the state and federal applicable requirements that apply to the source. The Draft CAAPP Permit also establishes the necessary monitoring and compliance demonstrations. The source must implement this monitoring to demonstrate that the source is operating in accordance with the applicable requirements of the permit. The Draft CAAPP Permit identifies all applicable requirements for the various emission units as well as establishes detailed provisions for testing, monitoring, recordkeeping, and reporting to demonstrate compliance with the Clean Air Act. Further explanations of the specific provisions of the Draft CAAPP Permit are contained in the following Chapters of this Statement of Basis.

In addition, the Illinois EPA has committed substantial resources and effort in the development of an acceptable Statement of Basis (this document) that would meet the expectations of USEPA, Region 5. As a result, this document contains discussions that address applicability determinations, periodic monitoring, streamlining, prompt reporting, and SSM authorizations (as necessary). These discussions involve, where necessary, a brief description and justification for the resulting conditions and terms in this Draft CAAPP Permit. This document begins by discussing the legal basis for the contents of the Draft CAAPP Permit, moves into the factual description of the permit, and ends with supplemental information that has been provided to further assist with the understanding of the background and genesis of the permit content.

It is Illinois EPA's preliminary determination that this source's Permit Application meets the standards for issuance of a "Final" CAAPP Permit as stipulated in Section 39.5(10)(a) of the Illinois Environmental Protection Act (see Chapter I - Section 1.2 of this document). The Illinois EPA is therefore initiating the necessary procedural requirements to issue a Final CAAPP Permit. The Illinois EPA has posted the Draft CAAPP permit and this Statement of Basis on USEPA website:

<http://www.epa.gov/reg5oair/permits/ilonline.html>

## **CHAPTER I - LEGAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS**

### **1.1 Legal Basis for Program**

The Illinois EPA's state operating permit program for major sources established to meet the requirements of 40 CFR Part 70 are found at Section 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/39.5]. The program is called the Clean Air Act Permitting Program (CAAPP). The underlying statutory authority is found in the Illinois Environmental Protection Act at 415 ILCS 5/39.5. The CAAPP was given final full approval by USEPA on December 4, 2001 (see 66 FR 62946).

### **1.2 Legal Basis for Issuance of CAAPP Permit**

In accordance with Section 39.5(10)(a) of the Illinois Environmental Protection Act, the Illinois EPA may only issue a CAAPP Permit if all of the following standards for issuance have been met:

- The applicant has submitted a complete and certified application for a permit, permit modification, or permit renewal consistent with Sections 39.5(5) and (14) of the Illinois Environmental Protection Act, as applicable, and applicable regulations (Section a. below);
- The applicant has submitted with its complete application an approvable compliance plan, including a schedule for achieving compliance, consistent with Section 39.5(5) of the Illinois Environmental Protection Act and applicable regulations (Section b. below);
- The applicant has timely paid the fees required pursuant to Section 39.5(18) of the Illinois Environmental Protection Act and applicable regulations (Section c. below); and
- The applicant has provided any additional information as requested by the Illinois EPA (Section d. below).

#### **a. Application Status**

The source submitted an application for a Renewal CAAPP Permit on January 30, 2008. The source is currently operating under an application shield resultant from a timely and complete renewal application submittal. This Draft CAAPP Permit addresses application content and necessary revisions to meet the requirements for issuance of the permit.

#### **b. Present Compliance Status**

At the time of this Draft CAAPP Permit, there were no pending State or Federal enforcement actions against the source; therefore, a Compliance Schedule is not required for this source. The source submitted an approvable Compliance Plan as part of its Certified Permit Application. The source has certified compliance with all applicable rules and regulations. In addition, the draft permit requires the source to certify its compliance status on an annual basis.

#### **c. Payment of Fees**

The source is current on payment of all fees associated with operation of the emission units.

**d. Additional Information**

The source provided all the necessary additional application material as requested by the Illinois EPA.

**1.3 Legal Basis for Conditions in the CAAPP Permit**

This industrial source is subject to a variety of Federal and SIP regulations, which are the legal basis for the conditions in this permit (see Sections a. and b. below). Also, the CAAPP provides the legal basis for additional requirements such as periodic monitoring, reporting, and recordkeeping. The following list summarizes those regulations that form the legal basis for the conditions in this Draft CAAPP Permit and are provided in the permit itself as the origin and authority.

**a. Applicable Federal Regulations**

This source operates emission units that are subject to the following Federal regulations.

40 CFR Part 60 - Subpart A, NSPS General Provisions  
40 CFR Part 60 - Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants  
40 CFR Part 63 - Subpart A, NESHAP General Provisions  
40 CFR Part 63 - Subpart CCCCCC, NESHAP for Source Category: Gasoline Dispensing Facilities  
40 CFR Part 64 - Compliance Assurance Monitoring (CAM)

**b. Applicable SIP Regulations**

This source operates emission units that are subject to the following SIP regulations:

35 IAC Part 201 - Permits And General Provisions  
35 IAC Part 212 - Visible And Particulate Matter Emissions  
35 IAC Part 214 - Sulfur Limitations  
35 IAC Part 244 - Episodes  
35 IAC Part 254 - Annual Emissions Report

**c. Other Applicable Requirements**

There are no other applicable requirements for this source.

## **CHAPTER II - FACTUAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS**

### **2.1 Source History**

There is no significant source history warranting discussion for this source.

### **2.2 Description of Source**

SIC Code: 1446

County: LaSalle

The source produces silica sand by mining of sandstone from the silica-bearing land. One of the primary uses for the silica sand is in the manufacturing of glass. However no glass is manufactured at the Ottawa plant. Operation at the Ottawa facility is generally continuous.

The sandstone is "blasted" from the mine. The blasted sandstone, being very friable, breaks into loose individual sand grains and is washed into a sump formed in the pit floor. Slurried (wet) sand is transported to a screening pit where contaminants and larger material are removed. The slurry is pumped to the plant for processing.

The sand is filtered, sized and dewatered before entering one of four fluidized bed dryers. Using airflow, the dryers place the sand in suspension as it dries. High efficiency scrubbers are used for control of particulate emissions from the dryers. The dry fine sand is conveyed and elevated to either the Fine Sand plant or the Sizing building, where the different grain sizes of sand are divided for various usages by screening, classifying, and "sizing" operations.

The source contains the following processes:

<i>Emission Units</i>	<i>Description</i>
Fluid Bed Dryers	The four fluidized bed dryers are natural gas fired units which are designed to remove water from the incoming wet sand. The four dryers may be fired on propane under a theoretical operating scenario in which natural gas supply is curtailed, a scenario considered unlikely. The fluidized bed dryers heat an incoming air stream, direct it through the bed which is held in suspension via air movement and exhausted through a control device (i.e., the high efficiency wet scrubbers).
Material Handling and Processing Operations (Subject to NSPS OOO and Constructed on or After April 22, 2008)	Various process emission units are located throughout several producing mills identified as Mill "D", Mill "U", Mill "F", and Mill "G" and the "Fine Sand Plant". At US Silica, these sources are generally controlled using 12 separate baghouses located throughout the facility (Baghouses A-L), as specified in Conditions 4.2.1, 4.3.1, and 4.4.1.
Material Handling and Processing Operations (Subject to NSPS OOO and Constructed Prior to April 22, 2008)	These various process emission units generally consist of sources which move, store, size or mill silica sand. Typical process emission point sources are: truck and rail loading; conveyors; elevators and bins; product screens and classifiers; product baggers and milling.
Other Material Handling and Processing Operations	

<i>Emission Units</i>	<i>Description</i>
Gasoline Storage Tank	One 1,000 gallon gasoline storage tank
Fugitive Emissions	<p>Fugitive emissions are defined as those emissions, which would not reasonably pass through a stack, vent or other functionally equivalent opening.</p> <p>Fugitive or "non-point source" emissions are particulate matter emissions from paved and unpaved roadways; storage piles, loading/unloading activities; materials being transported in a vehicle; materials collected from air pollution control equipment. US Silica has the following potential fugitive emission units: cars on paved and unpaved roads; trucks on paved and unpaved roads; sand handling; storage piles and blasting.</p>

### **2.3 Single Source Status**

This source does not have any collocated facilities that would be considered a single source with this facility based on information found in the certified application.

### **2.4 Ambient Air Quality Status for the Area**

The source is located in an area that as of the date of permit issuance designated attainment or unclassifiable for the National Ambient Air Quality Standards for all criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, PM<sub>2.5</sub>, PM<sub>10</sub>, sulfur dioxide). (See 40 CFR Part 81 - Designation of Areas for Air Quality Planning Purposes)

### **2.5 Source Status**

The source requires a CAAPP permit because this source is considered major (based on its PTE) for the following regulated pollutants: PM<sub>10</sub>

This source is considered a natural minor for the following regulated pollutants: nitrogen oxides (NO<sub>x</sub>), volatile organic material (VOM), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>) and/or hazardous air pollutant (HAP).

Based on available data, this source is not a major source of emissions for GHG. U.S. Silica Company voluntarily submitted data on its emissions of GHG in its 2011 AER, reporting actual annual emissions of GHG of 31,046 tons per year. Specifically, the emissions consist 0.60 tons of N<sub>2</sub>O and 0.57 tons of methane with the remaining portion consisting of CO<sub>2</sub>.

This source is not currently subject to any "applicable requirements," as defined by Section 39.5(1) of the Act, for emissions of greenhouse gases (GHG) as defined by 40 CFR 86.1818-12(a), as referenced by 40 CFR 52.21(b)(49)(i). There are no GHG-related requirements under the Illinois Environmental Protection Act, Illinois' State Implementation Plan, or the Clean Air Act that apply to this facility, including terms or conditions in a Construction Permit addressing emissions of GHG or BACT for emissions of GHG from a major project at this facility under the PSD rules. In particular, the USEPA's Mandatory Reporting Rule for GHG emissions, 40 CFR Part 98, does not constitute an "applicable requirement" because it was adopted under the authority of Sections 114(a)(1) and 208 of the Clean Air Act. This permit also does not relieve the Permittee from the legal obligation to comply with the relevant provisions of the Mandatory Reporting Rule for this facility.

## **2.6 Annual Emissions**

The following table lists annual emissions (tons) of criteria pollutants for this source, as reported in the Annual Emission Reports (AER) sent to the Illinois EPA:

Pollutant	2012	2011	2010	2009
CO	19.20	10.70	8.73	8.40
NOx	44.44	36.22	34.91	33.60
PM	192.98	188.58	228.61	191.99
SO <sub>2</sub>	0.19	0.16	0.15	0.14
VOM	1.34	0.82	0.70	0.68
CO <sub>2E</sub>	38,092	31,046	29,922	28,804
HAP	---	---	---	---

## **2.7 Fee Schedule**

The following table lists the approved annual fee schedule (tons) submitted in the Source's permit application:

Pollutant	Tons/Year
Volatile Organic Material (VOM)	3.36
Sulfur Dioxide (SO <sub>2</sub> )	0.37
Particulate Matter (PM)	233.83
Nitrogen Oxides (NO <sub>x</sub> )	85.30
HAP, not included in VOM or PM (HAP)	---
Total	325.96

## **2.8 SIP Permit Facts (T1 Limits)**

CAAPP Permits must address all "applicable requirements," which includes the terms and conditions of preconstruction permits issued under regulations approved by USEPA in accordance with Title I of the CAA (See definition of applicable requirements in Section 39.5(1) of the Illinois Environmental Protection Act). Preconstruction permits, commonly referred to in Illinois as Construction Permits, derive from the New Source Review ("NSR") permit programs required by Title I of the CAA. These programs include the two major NSR permit programs: (1) the Prevention of Significant Deterioration ("PSD") program<sup>1</sup> and (2) the nonattainment NSR program.<sup>2</sup> These programs also encompass state construction permit programs for projects that are not major.

In the CAAPP or Illinois's Title V permit program, the Illinois EPA's practice is to identify requirements that are carried over from an earlier Title I permit into a New or Renewed CAAPP Permit as "TI" conditions (i.e., Title I conditions). Title I Conditions that are revised as part of their incorporation into a CAAPP Permit are further designated as "TIR". Title I Conditions that are newly established through a CAAPP Permit are designated as "TIN". It is important that Title I Conditions be identified in a CAAPP Permit because these conditions will not expire when the CAAPP Permit expires. Because the underlying authority for Title I Conditions comes from Title I of the CAA and their initial establishment in Title I Permits, the effectiveness of T1 Conditions derives from Title I of the CAA rather than being linked to Title V of the A. For "changes" to be made to Title I Conditions, they must either cease to be applicable based on obvious circumstances, e.g., the subject

emission unit is permanently shut down, or appropriate Title I procedures must be followed to change the conditions.

- Previously Incorporated Construction Permits:

<i>Permit No.</i>	<i>Date Issued</i>	<i>Subject</i>
92110024	2/5/1993	Modification of Circuit #8 Dust Collector
94090040	10/25/1994	Fine sand load out chute for C-2
94110063	1/3/1995	Sand Scalping for Glass Sand
96020012	3/26/1996	Revised Sand Loadout Chute
97050035	11/3/2003	Sand Cooling Elevator
97090033	12/9/1997	Belt Conveyor, Bin, and Truck Loadout
97110068	1/21/1998	Silica Production Facility
02120013	2/27/2003	Bulk Truck Loading
04060050	9/29/2004	Filter Belt & Grinding Circuit Project

- Newly Issued Construction Permits:

<i>Permit No.</i>	<i>Date Issued</i>	<i>Subject</i>
08060067	2/13/2009	Rotex Screens
11010056	4/4/2011	2 Mineral Separators
12070009	9/13/2012	Sand crusher trial
13010018	3/7/2013	Product Flour Bin Vent Dust Collectors
11020014	10/16/2013	Sand Plant Expansion

- Extraneous or Obsolete T1 Conditions:<sup>3</sup>

<i>Construction Permit No.</i>	<i>Condition Number</i>	<i>Subject</i>
97110068	8	Elevator and two screens controlled by existing Baghouse I

### **CHAPTER III - SUPPLEMENTAL DISCUSSIONS REGARDING THE PERMIT**

The information provided in this Chapter of the Statement of Basis is being provided to assist interested parties in understanding what additional information may have been relied on to support this draft CAAPP permit.

#### **3.1 Environmental Justice Discussions**

This location has not been identified as a potential concern for Environmental Justice consideration.

#### **3.2 Emission Testing Results**

The source has performed the following emission testing:

<i>Emission Unit</i>	<i>Date</i>	<i>Pollutant</i>	<i>Results of Run #1</i>	<i>Results of Run #2</i>	<i>Results of Run #3</i>	<i>3-Run Average</i>	<i>Compliance Margin %</i>
Fluid Bed Dryer #4	5/8/12	PM	4.8 lb/hr	3.3 lb/hr	2.4 lb/hr	3.5 lb/hr	39.7 %
	5/8/12	PM	0.017 gr/dscf	0.011 gr/dscf	0.008 gr/dscf	0.012 gr/dscf	20.0 %
	5/8/12	Opacity	0 %	0 %	0 %	0 %	7% opacity
Mineral Separator Screeners 7-9 (Baghouse L)	5/11/12	PM	0.0006 gr/dscf	0.0007 gr/dscf	0.0002 gr/dscf	0.0006 gr/dscf	95.7 %
	5/11/12	Opacity	0 %	0 %	0 %	0 %	7% opacity
ROTEX Screen MS-1, ROTEX Screen MS-2, ROTEX Screen MS-3, ROTEX Screen MS-4, ROTEX Screen MS-5, ROTEX Screen MS-6, Elevator BE-1, Elevator BE-2, Elevator BE-3, Elevator BE-4, Distribution Box (Equipment controlled by Baghouse K as of 2011)	8/3/11	PM	0.49 lb/hr	0.22 lb/hr	0.17 lb/hr	0.29 lb/hr	85.7 %
	8/3/11	PM	0.0042 gr/dscf	0.0019 gr/dscf	0.0014 gr/dscf	0.0025 gr/dscf	82.1 %
	8/3/11	Opacity	-	-	-	0 %	7% opacity
ROTEX Screen MS-1, ROTEX Screen MS-2, ROTEX Screen MS-3, ROTEX Screen MS-4, Elevator BE-1, Elevator	2/17/10	PM	0.085 lb/hr	0.062 lb/hr	0.051 lb/hr	0.066 lb/hr	-
	2/17/10	PM	0.001 gr/dscf	0.001 gr/dscf	0.001 gr/dscf	0.001 gr/dscf	95.4 %

Emission Unit	Date	Pollutant	Results of Run #1	Results of Run #2	Results of Run #3	3-Run Average	Compliance Margin %
BE-2, Elevator BE-3, Elevator BE-4, Distribution Box (Equipment controlled by Baghouse K as of 2009)	2/17/10	Opacity	0 %	0 %	0 %	0 %	7% opacity
Air Slide (Mill G Dust Collector)	2/17/10	PM	0.107 lb/hr	0.055 lb/hr	0.039 lb/hr	0.067 lb/hr	-
	2/17/10	PM	0.001 gr/dscf	0.000 gr/dscf	0.000 gr/dscf	0.001 gr/dscf	95.4 %
	2/17/10	Opacity	0 %	0 %	0 %	0 %	7% opacity

### **3.3 Compliance Reports (Annual Certifications, Semiannual Monitoring, NESHAP, etc.)**

A review of the source's compliance reports demonstrates the sources ability to comply with all applicable requirements.

### **3.4 Field Inspection Results**

A review of the source's latest field inspection report dated 8/18/10 demonstrates the source's ability to comply with all applicable requirements.

### **3.5 Historical Non-Compliance**

There is no significant historical non-compliance for this source.

### **3.6 Source Wide Justifications and Rationale**

<b>Applicable Requirements Summary</b>		
Applicable Requirement	Type	Location
Fugitive Particulate Matter (35 IAC 212.301 and 35 IAC 212.314)	Applicable Standard	See the Permit, Condition 3.1(a)
PM, CO, and NO <sub>x</sub> Requirements (T1's)	Applicable Limit	See the Permit, Condition 3.3(a)(i)(A-C)
HAP Requirement	Applicable Limit	See the Permit, Condition 3.4(a)(i)(A)

### **Particulate Matter Emission (35 IAC 212.301)**

- ✓ Monitoring as follows (Condition 3.1(a))
  - Daily visible observations shall be performed upon request from IEPA.
- ✓ Recordkeeping as follows (Condition 3.1(a)):
  - Records of any observation(s).
- ✓ Reporting as follows (Condition 3.5(a)(i)):

- Report to IEPA any deviation within 30 days.

#### Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for these emission units because:

- Emissions do not vary significantly under normal operation.
- Source has not exhibited a history of non-compliance.
- Due to the source's long standing and on-going compliance with this applicable standard, heightened monitoring requirements to demonstrate compliance with this regulation are not needed at this time.

#### Particulate Matter, Carbon Monoxide, and Nitrogen Oxides Emissions (T1's)

- ✓ Recordkeeping as follows:
  - The source's overall emissions of PM/PM<sub>10</sub>, including both filterable and condensable particulate but excluding emissions from roadways, ton/mo and ton/yr (12 month rolling average) with supporting calculations, which addresses the limits set forth in Condition 3.3(a)(i)(A).
  - The source's overall emissions of CO and NO<sub>x</sub>, ton/mo and ton/yr (12 month rolling average) with supporting calculations, which addresses the limits set forth in Condition 3.3(a)(i)(B).
  - The combined emission of PM/PM<sub>10</sub> from operations at the plant, other than the Fluid Bed Dryers, Mineral Separators #7, #8, and #9 and their associated conveyors, and the roadways, ton/mo and ton/yr (12 month rolling average) with supporting calculations, which addresses the limits set forth in Condition 3.3(a)(i)(C).
- ✓ Reporting as follows (Condition 3.5):
  - Prompt reporting of deviation within 30 days

#### Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for the source because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.

#### Non-Applicability Discussion

Complex source-wide non-applicability determinations were not made for this source.

#### Prompt Reporting Discussion

Prompt reporting of deviations for source wide emission units has been established as 30 days. See rationale in Chapter III Section 3.9.

### **3.7 Emission Unit Justifications and Rationale**

<b>1. Fluid Bed Dryers</b>		
<b>Applicable Requirements Summary</b>		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123)	Applicable Standard	See the Permit, Condition 4.1.2(a)(i)(A)
PM Requirement (40 CFR 60.732(a))	Applicable Standard	See the Permit, Condition 4.1.2(b)(i)(A)
PM Requirement (35 IAC 212.321)	Applicable Standard	See the Permit, Condition 4.1.2(b)(i)(B)
PM Requirement (T1)	Applicable Limit	See the Permit, Condition 4.1.2(b)(i)(C)
PM Requirement (T1)	Applicable Limit	See the Permit, Condition 4.1.2(b)(i)(D)
SO <sub>2</sub> Requirement (35 IAC 214.301)	Applicable Standard	See the Permit, Condition 4.1.2(c)(i)(A)
Operational and Production Requirements (T1's)	Applicable Limits	See the Permit, Conditions 4.1.2(d)(i)(A-C)
Work Practice Requirement	Applicable Work Practice	See the Permit, Condition 4.1.2(e)(i)(A)
T1 Limits	Applicable Limits	See the Permit, Conditions 4.1.4(a)(i)(A-C)

#### **Rationale/Justification for Periodic Monitoring of Visible Emissions**

Periodic Monitoring is sufficient for these emission units because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance with the opacity standard for this equipment.
- Monitoring is consistent with other sources in this source category.
- As specified in the permit, observations for the presence of visible emissions once per month, followed by Method 9 measurements if visible emissions are present, is sufficient to demonstrate compliance with the applicable opacity standard. Due to the high efficiency of the controls associated with this equipment and judging by the performance testing completed on May 8, 2012 for some this equipment it can be assumed that the likelihood of these units violating opacity is small.

#### **Rationale/Justification for Periodic Monitoring of Particulate Matter Emission**

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990.
- Presumed as the source is subject to CAM.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- The testing performed on May 8, 2012 demonstrated the source's overall ability to comply with the applicable PM standards established for these

units. Further, the source will be required to perform periodic testing for these units to verify the ongoing compliance status of these units.

#### **Rationale/Justification for Periodic Monitoring of Sulfur Emissions**

Periodic Monitoring is sufficient for these emission units because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- By definition in 40 CFR 72.2, "pipeline quality" natural gas contains a sulfur content that is significantly lower than the applicable sulfur content limitation of 2,000 ppm. This would result in SO<sub>2</sub> emission less than the limit 2,000 ppm because the properties associated with this process means the sulfur level discharged will not exceed sulfur level input to the dryers. It should also be noted that the source is also required to maintain the type of fuel used, maintain inspection records, and maintain maintenance and repair logs of the dryers. These records would help the Illinois EPA determine if the dryers are being operated properly and therefore would result in SO<sub>2</sub> being minimized.

#### **Rationale/Justification for Periodic Monitoring of Operational/Production Requirements**

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990.
- Presumed as the source is subject to CAM.
- The source has a substantial margin of compliance.
- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Records of the type of fuel fired in the dryers are sufficient to demonstrate compliance with the fuel type limitations.
- Records of throughput and hours of operation on a daily basis are sufficient to verify the throughput limitations for the dryers.

#### **Rationale/Justification for Periodic Monitoring of Work Practice Requirement**

Periodic Monitoring is sufficient for these emission units because:

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- The required weekly inspection of the equipment will ensure that the equipment remains in proper working condition by ensuring no "atypical" accumulations of sand fines, no visible leaks in duct work, etc.

**Rationale/Justification for Periodic Monitoring of T1 Requirements**  
**Section 4.1.4)**

Periodic Monitoring is sufficient for these emission units because:

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- The requirement for the source to maintain records of the amount of fuel fired in these units enables combustion related emissions to be calculated using a conservative approach with emission factors. The source will ensure compliance on at least a monthly basis by performing these calculations to verify no applicable limits were exceeded. It should be noted that these units fired pipeline quality natural gas, which is considered a "clean" fuel.
- For VOM and SO<sub>2</sub> limits, the requirement for the source to fire only pipeline quality natural gas is sufficient to verify compliance with the applicable limits for these pollutants. Natural gas fired combustion units are shown to have de minimis levels of SO<sub>2</sub> emissions as directly related to the sulfur content of the fuel(s). Therefore, a record and requirement to fire only pipeline quality natural gas and ultra-low sulfur diesel fuel results is considered adequate monitoring for these units.
- For NO<sub>x</sub> and CO limits, the source will be requirement to perform testing on these units to demonstrate ongoing compliance with the applicable limits. See Permit Condition 4.1.4(a)(ii)(A) for these testing requirements.

**Non-Applicability Discussion**

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

**Prompt Reporting Discussion**

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

2. Material Handling and Processing Operations (Subject to NSPS 000 and Constructed on or After April 22, 2008)		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (40 CFR 60.672)	Applicable Standard	See the Permit, Condition 4.2.2(a)(i)(A)
Opacity Requirement (35 IAC 212.123)	Applicable Standard	See the Permit, Condition 4.2.2(a)(i)(B)
PM Requirement (40 CFR 60.672)	Applicable Standard	See the Permit, Condition 4.2.2(b)(i)(A)
PM Requirement (35 IAC 212.321)	Applicable Standard	See the Permit, Condition 4.2.2(b)(i)(B)
PM Requirement (35 IAC 212.313)	Applicable Standard	See the Permit, Condition 4.2.2(b)(i)(C)
PM Requirements (T1's)	Applicable Limits	See the Permit, Conditions 4.2.2(b)(i)(D & E)

2. Material Handling and Processing Operations (Subject to NSPS 000 and Constructed on or After April 22, 2008)		
Applicable Requirements Summary		
Work Practice Requirement (40 CFR 60.11)	Applicable Work Practice	See the Permit, Condition 4.2.2(c)(i)(A)
Work Practice Requirement (35 IAC 212.309)	Applicable Work Practice	See the Permit, Condition 4.2.2(c)(i)(B)

#### Rationale/Justification for Periodic Monitoring of Visible Emissions

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990. As the source is subject to the monitoring requirements of an NSPS promulgated after November 1990 (i.e., NSPS 000), the periodic monitoring as required by the regulation is sufficient.
- The source has a substantial margin of compliance. Per testing performed at the source for equipment vented to Baghouse L, 0 % opacity was demonstrated throughout the test. Per testing performed at the source for equipment vented to Baghouse K, 0 % opacity was demonstrated throughout the test. See Section 3.2 for testing results.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

#### Rationale/Justification for Periodic Monitoring of Particulate Matter Emission

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990. As the source is subject to the monitoring requirements of an NSPS promulgated after November 1990 (i.e., NSPS 000), the periodic monitoring as required by the regulation is sufficient.
- Presumed as the source is subject to CAM.
- The source has a substantial margin of compliance. Per testing performed at the source for equipment vented to Baghouse L, a 95% compliance margin was demonstrated with the applicable NSPS standard. Per testing performed at the source for equipment vented to Baghouse K, a 82% compliance margin was demonstrated with the applicable NSPS standard and a 85% compliance margin was demonstrated with the process weight rate standard.
- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Further, the records required to demonstrate compliance with the applicable T1 requirements is sufficient to demonstrate compliance given the stringent monitoring requirements of the NSPS.
- PM testing at least once every 5 years is required demonstrate ongoing compliance with the applicable limits and standards.

### Non-Applicability Discussion

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

### Prompt Reporting Discussion

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

3. Material Handling and Processing Operations (Subject to NSPS 000 and Constructed Prior to April 22, 2008)		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (40 CFR 60.672(a))	Applicable Standard	See the Permit, Condition 4.3.2(a)(i)(A)
Opacity Requirement (40 CFR 60.672(b))	Applicable Standard	See the Permit, Condition 4.3.2(a)(i)(B)
Opacity Requirement (35 IAC 212.123)	Applicable Standard	See the Permit, Condition 4.3.2(a)(i)(C)
PM Requirement (40 CFR 60.672)	Applicable Standard	See the Permit, Condition 4.3.2(b)(i)(A)
PM Requirement (35 IAC 212.321)	Applicable Standard	See the Permit, Condition 4.3.2(b)(i)(B)
PM Requirement (35 IAC 212.313)	Applicable Standard	See the Permit, Condition 4.3.2(b)(i)(C)
PM Requirements (T1's)	Applicable Limits	See the Permit, Conditions 4.3.2(b)(i)(D-G)
Work Practice Requirement (40 CFR 60.11)	Applicable Work Practice	See the Permit, Condition 4.3.2(c)(i)(A)
Work Practice Requirement (35 IAC 212.309)	Applicable Work Practice	See the Permit, Condition 4.3.2(c)(i)(B)

### Rationale/Justification for Periodic Monitoring of Visible Emissions

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990. As the source is subject to the monitoring requirements of an NSPS promulgated after November 1990 (i.e., NSPS 000), the periodic monitoring as required by the regulation is sufficient.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Monitoring to ensure fugitive opacity is in compliance must be performed on each emission unit at least once every 6 months.
- Monitoring to ensure stack discharge opacity is in compliance must be performed on each emission unit at least once every quarter.

### Rationale/Justification for Periodic Monitoring of Particulate Matter Emission

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990. As the source is subject to the monitoring requirements of an NSPS promulgated after November 1990 (i.e., NSPS 000), the periodic monitoring as required by the regulation is sufficient.
- Presumed as the source is subject to CAM.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Emissions are considered negligible
- Further, the records required to demonstrate compliance with the applicable T1 requirements is sufficient to demonstrate compliance given the stringent monitoring requirements of the NSPS.
- PM testing at least once every 5 years is required demonstrate ongoing compliance with the applicable limits and standards.

#### Non-Applicability Discussion

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

#### Prompt Reporting Discussion

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

4. Other Material Handling and Processing Operations Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123)	Applicable Standard	See the Permit, Condition 4.4.2(a)(i)(A)
PM Requirement (35 IAC 212.321)	Applicable Standard	See the Permit, Condition 4.4.2(b)(i)(A)
PM Requirement (35 IAC 212.313)	Applicable Standard	See the Permit, Condition 4.4.2(b)(i)(B)
Work Practice Requirement (39.5(7)(a) of the Act)	Applicable Work Practice	See the Permit, Condition 4.3.2(c)(i)(A)
Work Practice Requirement (35 IAC 212.309)	Applicable Work Practice	See the Permit, Condition 4.3.2(c)(i)(B)

#### Rationale/Justification for Periodic Monitoring of Visible Emissions

Periodic Monitoring is sufficient for these emission units because:

- Presumed as the source has elected to comply with a standard promulgated after November 1990. As the source has elected to comply with the monitoring requirements of an NSPS promulgated after November 1990 (i.e., NSPS 000), the periodic monitoring as required by the permit is sufficient.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

- Monitoring to ensure fugitive opacity is in compliance must be performed on each emission unit at least once every 6 months.

#### Rationale/Justification for Periodic Monitoring of Particulate Matter Emission

Periodic Monitoring is sufficient for these emission units because:

- Presumed by rule as the source has elected to comply with a standard promulgated after November 1990. As the source has elected to comply with the monitoring requirements of an NSPS promulgated after November 1990 (i.e., NSPS 000), the periodic monitoring as required by the regulation is sufficient.
- Presumed as the source is subject to CAM.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- PM testing at least once every 5 years is required demonstrate ongoing compliance with the applicable limits and standards.

#### Non-Applicability Discussion

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

#### Prompt Reporting Discussion

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

5. Gasoline Storage Tank		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
VOM Requirement (35 IAC 215.122)	Applicable Standard	See the Permit, Condition 4.5.2(a)(i)(A)
VOM Requirement (35 IAC 215.583)	Applicable Standard	See the Permit, Condition 4.5.2(a)(i)(B)
HAP Requirement (40 CFR 63 Subpart CCCCCC)	Applicable Standard	See the Permit, Condition 4.5.2(b)(i)(A)

#### Rationale and Justification for Periodic Monitoring of VOM Requirements

Periodic Monitoring is sufficient for these emission units because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Annual inspections to ensure the presence of a submerged loading pipe accompanied with records of these inspections are sufficient to demonstrate compliance with the applicable requirements. The source is also required to maintain design information regarding the tanks to demonstrate that the tanks are designed to have a submerged loading pipe.

### **Rationale and Justification for Periodic Monitoring of HAP Requirement**

Periodic Monitoring is sufficient for the gasoline storage tank because:

- Presumed by rule as the source is subject to a standard promulgated after November 1990.
- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- The requirements under the compliance method for VOM emissions (Condition 4.5.2(a)(ii)) ensure compliance with the applicable HAP requirements. Specifically the following:
  - Annual inspections of the tanks and associated equipment to ensure that good and safe work practices are followed.
  - Records to verify that gasoline spills were minimized.
  - Records to demonstrate that any spills that occurred were cleaned expeditiously.
  - Records to verify that covers and gasketed seals were in place on containers and the tank fill-pipes.
  - Records to demonstrate that the gasoline sent to open waste collection systems was minimized.

### **Non-Applicability Discussion**

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

### **Prompt Reporting Discussion**

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

6. Fugitive Emissions		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123)	Applicable Standard	See the Permit, Condition 4.6.2(a)(i)(A)
PM Requirement (35 IAC 212.309)	Applicable Standard	See the Permit, Condition 4.6.2(b)(i)(B)

### **Rationale/Justification for Periodic Monitoring of Visible Emissions**

Periodic Monitoring is sufficient for the source because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

### **Rationale/Justification for Periodic Monitoring of Particulate Matter Emission**

Periodic Monitoring is sufficient for the source because:

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

#### **Non-Applicability Discussion**

Complex non-applicability determinations were not made for this emission unit. All non-applicability discussions can be found in the Draft CAAPP Permit.

#### **Prompt Reporting Discussion**

Prompt reporting of deviations has been established as 30 days. See rationale in Chapter III Section 3.9.

#### **3.8 Insignificant Activities Discussion**

<b>Applicable Requirements Summary</b>		
Applicable Requirement	Type	Location
NESHAP Requirement (40 CFR 63 Subpart ZZZZ)	Applicable Standard	See the Permit, Condition 6.1(a)(i)

#### **National Emission Standards for Hazardous Air Pollutants (NESHAP)**

- Presumed by rule as the source is subject to a standard promulgated after November 1990.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

#### **3.9 Prompt Reporting Discussion**

Among other terms and conditions, CAAPP Permits contain reporting obligations to assure compliance with applicable requirements. These reporting obligations are generally four-fold. More specifically, each CAAPP Permit sets forth any reporting requirements specified by state or federal law or regulation, requires prompt reports of deviations from applicable requirements, requires reports of deviations from required monitoring and requires a report certifying the status of compliance with terms and conditions of the CAAPP Permit over the calendar year.

The number and frequency of reporting obligations in any CAAPP Permit is source-specific. That is, the reporting obligations are directly related to factors, including the number and type of emission units and applicable requirements, the complexity of the source and the compliance status. This four-fold approach to reporting is common to virtually all CAAPP Permits as described below. Moreover, this is the approach established in the Draft CAAPP Permit for this source.

#### **Regulatory Reports**

Many state and federal environmental regulations establish reporting obligations. These obligations vary from rule-to-rule and thus from CAAPP source to CAAPP source and from CAAPP Permit to CAAPP Permit. The variation is found in the report triggering events, reporting period, reporting frequency and reporting content. Regardless, the CAAPP makes clear that all reports established under applicable regulations shall be carried forward into the CAAPP Permit as stated in Section 39.5(7)(b) of the Illinois Environmental Protection Act. Generally, where sufficiently detailed to meet the exacting

standards of the CAAPP, the regulatory reporting requirements are simply restated in the CAAPP Permit. Depending on the regulatory obligations, these regulatory reports may also constitute a deviation report as described below.

The Draft CAAPP Permit for this source would embody all regulatory reporting as promulgated under federal and state regulations under the Clean Air Act and the Illinois Environmental Protection Act. Depending on the frequency of the report, the regulatory report may also satisfy the prompt reporting obligations discussed below. These reports must be certified by a responsible official.

These reports are generally found in the reporting sections for each emission unit group. The various regulatory reporting requirements are summarized in the table at the end of this Reporting Section.

#### **Deviation Reports (Prompt Reporting)**

Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require prompt reporting of deviations from the permit requirements.

Neither the CAAPP nor the federal rules upon which the CAAPP is based and was approved by USEPA define the term "prompt". Rather, 40 CFR Part 70.6(a)(3)(iii)(B) intended that the term have flexibility in application. The USEPA has acknowledged for purposes of administrative efficiency and clarity that the permitting authority (in this case, Illinois EPA) has the discretion to define "prompt" in relation to the degree and type of deviation likely to occur at a particular source. The Illinois EPA follows this approach and defines prompt reporting on a permit-by-permit basis. In instances where the underlying applicable requirement contains "prompt" reporting, the Illinois EPA typically incorporates the pre-established timeframe in the CAAPP permit (e.g. a NESHAP or NSPS deviation report). Where the underlying applicable requirement fails to explicitly set forth the timeframe for reporting deviations, the Illinois EPA generally uses a timeframe of 30 days to define prompt reporting of deviations.

This approach to prompt reporting of deviations as discussed herein is consistent with the requirements of Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act as well as 40 CFR Part 70 and the CAA. The reporting arrangement is designed so that the source will appropriately notify the Illinois EPA of those events that might warrant attention. The timing for these event-specific notifications is necessary and appropriate as it gives the source enough time to conduct a thorough investigation into the causes of an event, collecting any necessary data, and developing preventive measures, to reduce the likelihood of similar events, all of which must be addressed in the notification for the deviation, while at the same time affording regulatory authority and the public timely and relevant information. The approach also affords the Illinois EPA and USEPA an opportunity to direct investigation and follow-up activities, and to make compliance and enforcement decisions in a timely fashion.

The Draft CAAPP Permit for this source would require prompt reporting as required by the Illinois Environmental Protection Act in the fashion described in this subsection. In addition, pursuant to Section 39.5(7)(f)(i) of the Illinois Environmental Protection Act, this Draft CAAPP Permit would also require the source to provide a summary of all deviations with the Semi-Annual Monitoring Report. These reports must be certified by a responsible official, and are generally found in the reporting sections for each emission unit group.

### **Semi-Annual Monitoring Reports**

Section 39.5(7)(f)(i) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require a report relative to monitoring obligations as set forth in the permit. Depending upon the monitoring obligation at issue, the semi-annual monitoring report may also constitute a deviation report as previously discussed. This monitoring at issue includes instrumental and non-instrumental emissions monitoring, emissions analyses, and emissions testing established by state or federal laws or regulations or as established in the CAAPP Permit. This monitoring also includes recordkeeping. Each deviation from each monitoring requirement must be identified in the relevant semi-annual report. These reports provide a timely opportunity to assess for compliance patterns of concern. The semi-annual reports shall be submitted regardless of any deviation events. Reporting periods for semi-annual monitoring reports are January 1 through June 30 and July 1 through December 31 of each calendar year. Each semi-annual report is due within 30 days after the close of reporting period. The reports shall be certified by a responsible official. The Draft CAAPP Permit for this source would require such reports at Condition 3.5(b).

### **Annual Compliance Certifications**

Section 39.5(7)(p)(v) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require a source to submit a certification of its compliance status with each term and condition of its CAAPP Permit. The reports afford a broad assessment of a CAAPP sources compliance status. The CAAPP requires that this report be submitted, regardless of compliance status, on an annual basis. Each CAAPP Permit requires this annual certification be submitted by May 1 of the year immediately following the calendar year reporting period. The report shall be certified by a responsible official. The Daft CAAPP Permit for this source would require such a report at Condition 2.6(a).

Prompt reporting of deviations is critical in order to have timely notice of deviations and the opportunity to respond, if necessary. The effectiveness of the permit depends upon, among other important elements, timely and accurate reporting. The Illinois EPA, USEPA, and the public rely on timely and accurate reports submitted by the source to measure compliance and to direct investigation and follow-up activities. Prompt reporting is evidence of the source's good faith in disclosing deviations and describing the steps taken to return to compliance and prevent similar incidents.

Any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in this Draft CAAPP Permit is a deviation subject to prompt reporting. Additionally, any failure to comply with any permit term or condition is a deviation of that permit term or condition and must be reported to the Illinois EPA as a permit deviation. The deviation may or may not be a violation of an emission limitation or standard. A permit deviation can exist even though other indicators of compliance suggest that no emissions violation or exceedance has occurred. Reporting permit deviations does not necessarily result in enforcement action. The Illinois EPA has the discretion to take enforcement action for permit deviations that may or may not constitute a deviation from an emission limitation or standard or the like, as necessary and appropriate.

As a result, the Illinois EPA's approach to prompt reporting of deviations as discussed herein is consistent with the requirements of Section

39.5(7)(f)(ii) of the Illinois Environmental Protection Act as well as 40 CFR Part 70 and the CAA. This reporting arrangement is designed so that the source will appropriately notify the Illinois EPA of those events that might warrant individual attention.

### **3.10 Incorporation by Reference Discussion**

Based on guidance found in White Paper 2 and past petition responses by the Administrator, it is recognized that Title V permit authorities may, within their discretion, incorporate plans by reference. As recognized in the *White Paper 2*, permit authorities can effectively streamline the contents of a Title V permit, avoiding the inevitable clutter of restated text and preventing unnecessary delays where, as here, permit issuance is subject to a decision deadline.<sup>4</sup> However, it is also recognized that the benefits of incorporation of plans must be carefully balanced by a permit authority with its duty to issue permits in a way that is "clear and meaningful" to the Permittee and the public.<sup>5</sup>

The criteria that are mentioned in USEPA Administrator Petition Responses stress the importance of identifying, with specificity, the object of the incorporation.<sup>6</sup> The Illinois EPA agrees that such emphasis is generally consistent with USEPA's pronouncements in previous guidance.

For each condition incorporating a plan, the Illinois EPA is also briefly describing the general manner in which the plan applies to the source. Identifying the nature of the source activity, the regulatory requirements or the nature of the equipment associated with the plan is a recommendation of the *White Paper 2*.<sup>7</sup> The Illinois EPA has stopped short of enumerating the actual contents of a plan, as restating them in the permit would plainly defeat the purpose of incorporating the document by reference and be contrary to USEPA guidance on the subject.<sup>8</sup>

Plans may need to be revised from time to time, as occasionally required by circumstance or by underlying rule or permit requirement. Except where expressly precluded by the relevant rules, this Draft CAAPP Permit allows the Permittee to make future changes to a plan without undergoing formal permit revision procedures. This approach will allow flexibility to make required changes to a plan without separately applying for a revised permit and, similarly, will lessen the impacts that could result for the Illinois EPA if every change to a plan's contents required a permitting transaction.<sup>9</sup> Changes to the incorporated plans during the permit term are automatically incorporated into the Draft CAAPP Permit unless the Illinois EPA expresses a written objection.

The Draft CAAPP Permit incorporates by reference the following plans: Fugitive Particulate Matter Operating Program and Episode Action Plan.<sup>10</sup>

### **3.11 Periodic Monitoring General Discussions**

Pursuant to Section 504(c) of the Clean Air Act, a Title V permit must set forth monitoring requirements, commonly referred to as "Periodic Monitoring," to assure compliance with the terms and conditions of the permit. A general discussion of Periodic Monitoring is provided below. The Periodic Monitoring that is proposed for specific operations and emission units and at this source is discussed in Chapter III of this Statement of Basis. Chapter III provides a narrative discussion of and justification for the elements of Periodic

Monitoring that would apply to the different emission units and types of emission units at the facility.

As a general matter, the required content of a CAAPP Permit with respect to such Periodic Monitoring is addressed in Section 39.5(7) of the Illinois Environmental Protection Act.<sup>11</sup> Section 39.5(7)(b) of the Illinois Environmental Protection Act<sup>12</sup> provides that in a CAAPP Permit:

The Agency shall include among such conditions applicable monitoring, reporting, record keeping and compliance certification requirements, as authorized by paragraphs d, e, and f of this subsection, that the Agency deems necessary to assure compliance with the Clean Air Act, the regulations promulgated thereunder, this Act, and applicable Board regulations. When monitoring, reporting, record keeping and compliance certification requirements are specified within the Clean Air Act, regulations promulgated thereunder, this Act, or applicable regulations, such requirements shall be included within the CAAPP Permit.

Section 39.5(7)(d)(ii) of the Illinois Environmental Protection Act further provides that a CAAPP Permit shall:

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  
...

Accordingly, the scope of the Periodic Monitoring that must be included in a CAAPP Permit is not restricted to monitoring requirements that were adopted through rulemaking or imposed through permitting. When applicable regulatory emission standards and control requirements or limits and control requirement in relevant Title 1 permits are not accompanied by compliance procedures, it is necessary for Monitoring for these standards, requirements or limits to be established in a CAAPP Permit.<sup>13, 14</sup> Monitoring requirements must also be established when standards and control requirement are accompanied by compliance procedures but those procedures are not adequate to assure compliance with the applicable standards or requirements.<sup>15, 16</sup> For this purpose, the requirements for Periodic Monitoring in a CAAPP Permit may include requirements for emission testing, emissions monitoring, operational monitoring, non-instrumental monitoring, and recordkeeping for each emission unit or group of similar units at a facility, as required by rule or permit, as appropriate or as needed to assure compliance with the applicable substantive requirements. Various combinations of monitoring measures will be appropriate for different emission units depending on their circumstances, including the substantive emission standards, limitations and control requirements to which they are subject.

What constitutes sufficient Periodic Monitoring for particular emission units, including the timing or frequency associated with such Monitoring requirements, must be determined by the permitting authority based on its knowledge, experience and judgment.<sup>17</sup> For example, as Periodic Monitoring must collect representative data, the timing of Monitoring requirements need not match the averaging time or compliance period of the associated substantive requirements, as set by the relevant regulations and permit provisions. The timing of the various requirements making up the Periodic Monitoring for an emission unit is something that must be considered when those Monitoring requirements are being

established. For this purpose, Periodic Monitoring often consists of requirements that apply on a regular basis, such as routine recordkeeping for the operation of control devices or the implementation of the control practices for an emission unit. For certain units, this regular monitoring may entail "continuous" monitoring of emissions, opacity or key operating parameters of a process or its associated control equipment, with direct measurement and automatic recording of the selected parameter(s). As it is infeasible or impractical to require emissions monitoring for most emission units, instrumental monitoring is more commonly conducted for the operating parameters of an emission unit or its associated control equipment. Monitoring for operating parameter(s) serves to confirm proper operation of equipment, consistent with operation to comply with applicable emission standards and limits. In certain cases, an applicable rule may directly specify that a particular level of an operating parameter be maintained, consistent with the manner in which a unit was being operated during emission testing. Periodic Monitoring may also consist of requirements that apply on a periodic basis, such as inspections to verify the proper functioning of an emission unit and its associated controls.

The Periodic Monitoring for an emission unit may also include measures, such as emission testing, that would only be required once or only upon specific request by the Illinois EPA. These requirements would always be accompanied by Monitoring requirements would apply on a regular basis. When emission testing or other measure is only required upon request by the Illinois EPA, it is included as part of the Periodic Monitoring for an emission unit to facilitate a response by the Illinois EPA to circumstances that were not contemplated when Monitoring was being established, such as the handling of a new material or a new mode of operation. Such Monitoring would also serve to provide further verification of compliance, along with other potentially useful information. As emission testing provides a quantitative determination of compliance, it would also provide a determination of the margin of compliance with the applicable limit(s) and serve to confirm that the Monitoring required for an emission unit on a regular basis is reliable and appropriate. Such testing might also identify specific values of operating parameters of a unit or its associated control equipment that accompany compliance and can be relied upon as part of regular Monitoring.

There are a number of considerations or factors that are or may be relevant when evaluating the need to establish new monitoring requirements as part of the Periodic Monitoring for an emission unit. These factors include: (1) The nature of the emission unit or process and its emissions; (2) The variability in the operation and the emissions of the unit or process over time; (3) The use of add-on air pollution control equipment or other practices to control emissions and comply with the applicable substantive requirement(s); (4) The nature of that control equipment or those control practices and the potential for variability in their effectiveness; (5) The nature of the applicable substantive requirement(s) for which Periodic Monitoring is needed; (6) The nature of the compliance procedures that specifically accompany the applicable requirements; (7) The type of data that would already be available for the unit; (8) The effort needed to comply with the applicable requirements and the expected margin of compliance; (9) The likelihood of a violation of applicable requirements; (10) The nature of the Periodic Monitoring that may be readily implemented for the emission unit; (11) The extent to which such Periodic Monitoring would directly address the applicable requirements; (12) The nature of Periodic Monitoring commonly required for similar emission units at other facilities and in similar circumstances; (13) The interaction or relationship between the different measures in the Periodic Monitoring for an emission unit;

and (14) The feasibility and reasonableness of requiring additional measures in the Periodic Monitoring for an emission unit in light of other relevant considerations.<sup>18</sup>

## **CHAPTER IV - CHANGES FROM PREVIOUSLY ISSUED CAAPP PERMITS**

### **4.1 Major Changes Summary**

This renewal CAAPP draft is presented in a new format. The new format is the result of recommendations by the USEPA, comments made by sources, and interactions with the public.

	<i>Previous CAAPP Permit Layout</i>	<i>New CAAPP Permit Layout</i>
Section 1	Source Identification	Source Information
Section 2	List Of Abbreviations/Acronyms	General Permit Requirements
Section 3	Insignificant Activities	Source Requirements
Section 4	Significant Emission Units	Emission Unit Requirements
Section 5	Overall Source Conditions	Title I Requirements
Section 6	Emission Control Programs	Insignificant Activities
Section 7	Unit Specific Conditions	Other Requirements
Section 8	General Permit Conditions	State Only Requirements
Section 9	Standard Permit Conditions	---
Section 10	Attachments	Attachments

## Endnotes

<sup>1</sup> The federal PSD program, 40 CFR 52.21, applies in Illinois. The Illinois EPA administers PSD permitting for major projects in Illinois pursuant to a delegation agreement with USEPA.

<sup>2</sup> Illinois has a state nonattainment NSR program, pursuant to state rules, Major Stationary Sources Construction and Modification ("MSSCM"), 35 IAC Part 203, which have been approved by USEPA as part of the State Implementation Plan for Illinois.

<sup>3</sup> The incorporation, or carry-over, of terms or conditions from previous Title I permits into Title V permits typically does not occur on a wholesale basis. Recognizing that construction permits may frequently contain obsolete or extraneous terms and conditions, USEPA has emphasized that only "environmentally significant terms" from previous preconstruction permits must be carried over into Title V permits. See, White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995. Therefore, certain T1 terms and conditions have not been carried over from these SIP approved permits for reasons that are explained below.

<sup>4</sup> Among other things, USEPA observed that the stream-lining benefits can consist of "reduced cost and administrative complexity, and continued compliance flexibility...". *White Paper 2*, page 41.

<sup>5</sup> See, In the Matter of Tesoro Refining and Marketing, Petition No. IX-2004-6, Order Denying in Part and Granting in Part Petition for Objection to Permit, at page 8 (March 15, 2005); see also, *White Paper 2* at page 39 ("reference must be detailed enough that the manner in which any referenced materials applies to a facility is clear and is not reasonably subject to misinterpretation").

<sup>6</sup> The Order provides that permit authorities must ensure the following: "(1) referenced documents be specifically identified; (2) descriptive information such as the title or number of the document and the date of the document be included so that there is no ambiguity as to which version of the document is being referenced; and (3) citations, cross references, and incorporations by reference are detailed enough that the manner in which any referenced material applies to a facility is clear and is not reasonably subject to misinterpretation." See, Petition Response at page 43, citing *White Paper 2* at page 37.

<sup>7</sup> See, *White Paper 2* at page 39.

<sup>8</sup> Nothing in USEPA guidance, including the *White Paper 2* or previous orders responding to public petitions, supports the notion that permit authorities incorporating a document by reference must also restate contents of a given plan in the body of the Title V permit. Such an interpretation contradicts USEPA recognition that permit authorities need not restate or recite an incorporated document so long as the document is sufficiently described. *White Paper 2* at page 39; see also, In the matter of Consolidated Edison Co. of New York, Inc., 74th St. Station, Petition No. II-2001-02, Order Granting in Part and Denying in Part Petition for Objection to Permit at page 16 (February 19, 2003).

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<sup>9</sup> This approach is consistent with USEPA guidance, which has previously embraced a similar approach to certain SSM plans. See, Letter and Enclosures, dated May 20, 1999, from John Seitz, Director of Office of Air Quality Planning and Standards, to Robert Hodanbosi and Charles Lagges, STAPPA/ALAPCO, pages 9-10 of Enclosure B.

<sup>10</sup> Each incorporated plan addressed by this Section of the Statement of Basis is part of the source's permit file. As such, these plans are available to any person interested in viewing the contents of a given plan may do so at the public repository during the comment period or, alternatively, may request a copy of the same from the Illinois EPA under the Freedom of Information Act. See also 71 FR 20447.

<sup>11</sup> The provisions of the Act for Periodic Monitoring in CAAPP permits reflect parallel requirements in the federal guidelines for State Operating Permit Programs, 40 CFR 70.6(a)(3)(i)(A), (a)(3)(i)(B), and (c)(1).

<sup>12</sup> Section 39.5(7)(p)(i) of the Act also provides that a CAAPP permit shall contain "Compliance certification, testing, monitoring, reporting and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit."

<sup>13</sup> The classic example of regulatory standards for which Periodic Monitoring requirements must be established in a CAAPP permit are state emission standards that pre-date the 1990 Clean Air Act Amendments that were adopted without any associated compliance procedures. Periodic Monitoring must also be established in a CAAPP permit when standards and limits are accompanied by compliance procedures but those procedures are determined to be inadequate to assure compliance with the applicable standards or limits.

<sup>14</sup> Another example of emission standards for which requirements must be established as part of Periodic Monitoring is certain NSPS standards that require initial performance testing but do not require periodic testing or other measures to address compliance with the applicable limits on a continuing basis.

<sup>15</sup> The need to establish Monitoring requirements as part of Periodic Monitoring when existing compliance procedures are determined to be inadequate, as well as when they are absent, was confirmed by the federal appeals court in *Sierra Club v. Environmental Protection Agency*, 536 f. 3d 673, 383 U.S. App. D.C. 109.

<sup>16</sup> The need to establish Monitoring requirements as part of Periodic Monitoring is also confirmed in USEPA's Petition Response. USEPA explains that "...if there is periodic monitoring in the applicable requirements, but that monitoring is not sufficient to assure compliance with permit terms and conditions, permitting authorities must supplement monitoring to assure such compliance." Petition Response, page 6.

<sup>17</sup> The test for the adequacy of "Periodic Monitoring" is a context-specific determination, particularly whether the provisions in a Title V permit reasonably address compliance with relevant substantive permit conditions. 40 CFR 70.6(c)(1); see also 40 CFR 70.6(a)(3)(i)(B); see also, *In the Matter of*

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*CITGO Refinery and Chemicals Company L.P.*, Petition VI-2007-01 (May 28, 2009); see also, *In the Matter of Waste Management of LA. L.L.C. Woodside Sanitary Landfill & Recycling Center, Walker, Livingston Parish, Louisiana*, Petition VI-2009-01 (May 27, 2010); see also, *In the Matter of Wisconsin Public Service Corporation's JP Pulliam Power Plant*, Petition V-2009-01 (June 28, 2010).

<sup>18</sup> A number of these factors are specifically listed by USEPA in its Petition Response. USEPA also observes that the specific factors that it identifies in its Petition Response with respect to Periodic Monitoring provide "...the permitting authority with a starting point for its analysis of the adequacy of the monitoring; the permitting authority also may consider other site-specific factors." Petition Response, page 7.