



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217-782-7326

April 27, 2011

Via CDX

Eurika Durr, Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, N.W. Suite 600
Washington, D.C. 20005

Re: *Mississippi Lime Company*
PSD Appeal No. 11-01

Dear Ms. Durr:

Please find attached the *Certified Index of the Administrative Record* and *Affidavit of Minesh Patel* that was assembled by the Illinois Environmental Protection Agency ("Illinois EPA") for the above-captioned proceeding. Notice of this submission is being mailed to all individuals shown in the attached service list.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (217)782-7326. Thank you for your attention to this matter.

Sincerely,

Laurel L. Kroack
Chief, Bureau of Air

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
Mississippi Lime Company) PSD APPEAL NO. 11-01
)
Permit No. 157863AAC)

CERTIFIED INDEX OF ADMINISTRATIVE RECORD

Mississippi Lime Company permit application

1. Cover letter and attached PSD permit application, dated October 20, 2008, from Mississippi Lime Company (“MLC”) to Illinois EPA, consisting of public and non-public copies of a two-volume set of materials in paper and electronic format, including attached modeling files. [Eight documents, or portions thereof, from the redacted copy of the permit application were not included in the administrative record on the grounds that they contained materials previously claimed by MLC as trade secrets].
2. Cover letter, dated April 7, 2010, and two attached copies of *Ecological Risk Assessment Screening Evaluation*, from MLC to Illinois EPA.
3. Email and attached *Modeling Protocol Supplement for NO₂ and PM_{2.5} Ambient Air Quality Impact Analysis*, dated May 18, 2010, from Shell Engineering & Associates, Inc. (“Shell Engineering”) to Illinois EPA.
4. Email, attached modeling files and attached *Start-up Modeling Ambient Air Quality Impact Analysis*, dated June 8, 2010, from MLC to Illinois EPA.
5. Email and attached *Start-up Modeling Ambient Air Quality Impact Analysis*, dated June 8, 2010, from MLC to Illinois EPA.
6. Cover letter and attached *Additional Information*, dated June 11, 2010, from MLC to Illinois EPA.
7. *Addendum to the Soils and Vegetation Impact Analysis*, dated June 21, 2010, from Shell Engineering to Illinois EPA.
8. *Preliminary Modeling Supplement, PM_{2.5} Ambient Air Quality Impact Analysis*, dated June 25, 2010, from Shell Engineering to Illinois EPA.
9. *Preliminary Modeling Supplement, One-hour NO₂ Ambient Air Quality Impact Analysis*, dated June 25, 2010, from Shell Engineering to Illinois EPA.

10. Email, dated July 6, 2010, and attachments of *Post Processing 1-hour Air Dispersion Models with SQL Queries* and *Modeling Supplement – One-hour NO₂ Ambient Air Quality Impact Analysis*, from Shell Engineering to Illinois EPA.
11. Email and attached *Modeling Supplement – PM_{2.5} Ambient Air Quality Impact Analysis*, dated July 15, 2010, from Shell Engineering to Illinois EPA.
12. Email, dated July 28, 2010, and attachments of *Breakdown/Malfunction Modeling* and an additional copy of *Post-Processing 1-hour Air Dispersion Models with SQL Queries*, from Shell Engineering to Illinois EPA.
13. Email, dated July 30, 2010, and attachments of *Modeling Supplement – One-hour SO₂ Ambient Air Quality Impact Analysis*, dated July 26, 2010, and an additional copy of *Post-Processing 1-hour Air Dispersion Models with SQL Queries*, from Shell Engineering to Illinois EPA.
14. Email presenting information addressing various modeling issues, dated September 3, 2010, from Shell Engineering to Illinois EPA.
15. Email, dated September 9, 2010, and attached *Supplemental BACT Information* relating to GHG emissions from the lime kilns, from MLC to Illinois EPA.
16. Email, dated September 14, 2010, and attached *Storage Pile Emissions and Ambient Impacts*, from Shell Engineering to Illinois EPA.
17. Email, dated September 20, 2010, and attached tables relating to PM, PM₁₀ and PM_{2.5} emissions from control devices, from MLC to Illinois EPA.
18. Email, dated September 22, 2010, and attached tables relating to PM, PM₁₀ and PM_{2.5} emissions from haul roads and storage piles, from MLC to Illinois EPA.
19. Email, dated September 23, 2010, and attached PM_{2.5} modeling files from Shell Engineering to Illinois EPA.
20. Email presenting information addressing miscellaneous issues, dated September 30, 2010, from MLC to Illinois EPA.
21. Email, dated October 4, 2010, and attached tables relating to controlled and uncontrolled limestone emissions, from MLC to Illinois EPA.
22. Email presenting PM_{2.5} emission estimates for various equipment, dated October 4, 2010, from MLC to Illinois EPA.
23. Email, dated October 7, 2010, and attached tables relating to *Modeling Supplement for One-hour SO₂*, from Shell Engineering to Illinois EPA.

24. Email presenting information addressing issues relating to PM10 spreadsheet and modeling, and soils and vegetation analyses, dated October 7, 2010, from Shell Engineering to Illinois EPA.
25. Email, dated October 7, 2010, and attached modeling files containing updated SO2 1-hour modeling, from Shell Engineering to Illinois EPA.
26. Email presenting information addressing issues relating to sulfur deposition and adverse VOC effects on soils and vegetation, dated October 22, 2010, from Shell Engineering to Illinois EPA.
27. Emails, dated December 22, 2010 through December 27, 2010, and attachments relating to keyhole receptors and modeled predicted highs, from MLC and Shell Engineering to Illinois EPA.
28. Email presenting additional coal-related information, dated December 30, 2010, from MLC to Illinois EPA.
29. Email presenting additional coal-related information, dated December 30, 2010, from MLC to Illinois EPA.

Public hearing and Hearing Officer materials

30. Hearing transcript of November 18, 2010, public hearing.
31. File containing Exhibit List and accompanying Exhibits 1-7, as recorded by Hearing Officer, received at public hearing and submitted during public comment period.
32. File containing miscellaneous materials maintained by the Hearing Officer, including: file cover identifying project contacts, emails and copies of the project summary, final permitting decision and final Responsiveness Summary.

Permit review

33. Notice of comment period and public hearing relating to MLC project. [One working draft was not included in the administrative record on the grounds that it contained opinions and/or agency deliberations regarding policy/future actions].
34. Final Project Summary. [One working draft was not included in the administrative record on the grounds that it contained opinions and/or agency deliberations regarding policy/future actions].
35. File containing Illinois EPA working drafts of permit – August 23, 2010; August 31, 2010; September 9, 2010; and two undated versions. [Eleven working drafts, or selected portions thereof, were not included in the

administrative record on the grounds that they contain opinions and/or agency deliberations regarding policy/future actions].

36. File containing MLC comments to various drafts of permit – dated August 23, 2010; August 26, 2010; September 9, 2010; September 17, 2010; September 21, 2010; September 22, 2010; and December 14, 2010.
37. Draft Construction Permit/PSD Approval – NSPS/NESHAP Source issued for public notice.
38. File of materials assembled by Matt Will containing miscellaneous modeling information. [Five documents, or portions thereof, were not included in the administrative record on the grounds that they contained materials previously claimed by MLC as trade secrets].
39. Comprehensive set of modeling files, including various computer discs submitted with permit application materials, separate external hard drives submitted by MLC for the Calpuff, NO₂ 1-hour and SO₂ 1-hour modeling, and the audit files generated by the Illinois EPA in its review of the modeling files.
40. File containing miscellaneous hand-written notes/comments to working draft documents generated by Permits Section (i.e., Chris Romaine and Minesh Patel).
41. File containing miscellaneous hand-written notes/comments to working draft documents generated by Air Quality Planning Section (i.e., Jeff Sprague and Matt Will).
42. Final Calculation Sheet.
43. File containing materials relating to Endangered Species Act review – Cover letter, dated April 7, 2010, and attached Ecological Risk Assessment Screening Evaluation, dated April 5, 2010, from MLC to Illinois EPA; an email, dated June 17, 2010, from MLC to Illinois EPA, containing an attached message from USEPA/Region V relating to the ESA analysis; and an email, dated July 23, 2010, from MLC to Illinois EPA containing an attached message from USEPA/Region V and an attached letter relating to the ESA analysis.
44. File containing miscellaneous emails relating to MLC project, dating from September 14, 2007 through December 31, 2010. [Selected contents of four internal agency emails were not included in the administrative record on the grounds that said contents contain opinions and/or agency deliberations regarding policy/actions, or are subject to the attorney-client privilege].

45. Notice of Final Permit Decision letters and accompanying mailing list, dated December 30, 2010.
46. Final Responsiveness Summary.
47. Final Construction Permit/PSD Approval – NSPS/NESHAP Source permit, dated December 30, 2010.

Support documents

48. File relating to ambient air monitoring – a copy of the Illinois’ 2009 Annual Air Quality Report and seven narrative excerpts from the Missouri Department of Natural Resources’ Environmental Services Program regarding Southeast Missouri air monitoring sites.
49. File relating to assorted locations – narrative excerpts from Wikipedia.org regarding Prairie du Rocher, Illinois, Baldwin, Illinois, and Superior, Wisconsin.
50. File relating to American Bottom – a narrative excerpt from Wikipedia.org regarding American Bottom.
51. File relating to coal power plants – an article from Grist entitled “Power Struggle: America’s Old Coal Plants and New EPA Regulation – Process of Elimination.”
52. File containing excerpts from Electronic Code of Federal Regulations relating to ambient monitoring.
53. File relating to cement kilns SCR – an article regarding USEPA and LaFarge agreement to install first SCR unit on US cement plant, as well as two miscellaneous internet search results.
54. File containing narrative discussion of Graymont Superior Limestone Plant.
55. File relating to Toxic Release Inventory Program – a news release regarding USEPA analysis of toxic releases in Midwestern states, an excerpt from the Scorecard website regarding MLC, a narrative discussion about the Toxic Release Inventory, a Trends Report and eleven Facility Reports for Missouri and Illinois from the USEPA’s TRI Explorer Report, and a hand-written chart of toxic release information prepared by Chris Romaine.
56. File relating to Lambert Field – an excerpt from flystl.com and a narrative discussion concerning the history of weather service in St. Louis, Missouri.
57. File relating to Prairie du Rocher – an excerpt from www.greatriverroad.com and a narrative excerpt from Wikipedia.org.
58. File relating to Mississippi River flooding – an article entitled “Findings and Implications of ‘No Basis for Changing History.’”

59. File relating to topography – ten various depictions of the Mississippi River Corridor Topo Map copied from www.trails.com.
60. File relating to the federal appellate court decision of McEvoy v. IEI Barge Services – copies of the court ruling and two news articles concerning the ruling.
61. File containing an excerpt from Vulcan Materials Corporation's supplement to its permit application, dated November 14, 2008.
62. File relating to MLC's aggregate plant lifetime operating permit – a copy of the lifetime permit application, dated May 20, 2010, and a copy of a joint construction permit and lifetime operating permit issued August 10, 2010.
63. File relating to reference documents – copy of a construction permit/PSD approval issued to Vulcan Materials Corporation, dated April 9, 2010, and a copy of a construction permit issued to Graymont (WI) LLC, dated February 6, 2009.

STATE OF ILLINOIS
COUNTY OF SANGAMON

AFFIDAVIT

I, Minesh Patel, being first duly sworn, depose and state that the following statements set forth in this instrument are true and correct, except as to matters therein stated to on information and belief and, as to such matters, the undersigned certifies that he believes the same to be true:

1. I am employed by the Illinois Environmental Protection Agency ("Illinois EPA") as a permit analyst for the Division of Air Pollution Control's ("DAPC") Permits Section located at 1021 North Grand Avenue East, Springfield, Illinois. I have been employed by the Illinois EPA since 1994.

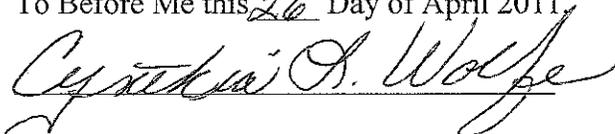
2. As part of my job responsibilities, I was assigned the review of a permit application, Permit Application No. 08100063 and I.D. No. 157863AAC, involving Mississippi Lime Company ("MLC") and its proposed construction of a lime manufacturing plant near Prairie du Rocher, Randolph County, Illinois. By virtue of my review of the application and the resulting issuance of a state Construction Permit/Prevention of Significant Deterioration Approval – NSPS/NESHAP Source permit to MLC on December 30, 2010, I am familiar with the materials contained within the permit files relating to the project.

3. I have reviewed the Certified Index of the Administrative Record and, to the best of my knowledge and belief, I find that it is complete and contains that information relied upon by the Illinois EPA in its final permit decision.

Further affiant sayeth not.



Subscribed and Sworn
To Before Me this 26 Day of April 2011.





Mailing List

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I hereby certify that copies of the foregoing were sent to the following persons on this date, April 27, 2011.



Brenda Jones
Executive Secretary II