

Illinois Environmental Protection Agency
Bureau of Air
February 2009

Responsiveness Summary for the
Public Comments Period on the
Renewal of the Federally Enforceable State Operating Permit for
Griffith Laboratories U.S.A., Inc. in
Chicago, Illinois

Source Identification No.: 031600CBW
Application No.: 75060048

Table of Contents

	Page
Decision	2
Background	2
Comment Period and Public Hearing	2
Availability of Documents	3
Complaint Process	3
Comments and Questions During the Public Comment Period	4
For Additional Information	10
Significant Changes Between the Draft and Issued Permit	11

DECISION

The Illinois EPA, Bureau of Air evaluates applications for permits for proposed sources of emissions. An air pollution control permit application must appropriately address compliance with applicable air pollution control laws and regulations before a permit can be issued.

On February 26, 2009, the Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air renewed the Federally Enforceable State Operating Permit (FESOP) for Griffith Laboratories U.S.A., Inc. (Griffith) for its food ingredients manufacturing plant located at 1437 West 37th Street in Chicago. At the same time, the Illinois EPA issued this Responsiveness Summary for the public comment period that was held on the proposed issuance of this permit.

BACKGROUND

Federally Enforceable State Operating Permits are the operating permit type issued to sources that are potentially major sources of air emissions but that take limits to limit the facility's emissions to non-major levels. FESOP permits must be renewed every five years. Prior to issuance or renewal a comment period is required to give the public an opportunity to comment of the draft permit. Griffith is a FESOP source who's permitted and actual emissions are well below major source levels.

During a previous renewal of Griffith's FESOP in 2002, a hearing was held and comments were received concerning the prevalence of odors from the facility. The FESOP was renewed but subsequent investigations over the next two years in response to odor complaints received by the Illinois EPA and the city of Chicago resulted in the installation of a regenerative thermal oxidizer (RTO) to control emissions from the spray dryer. After installation and testing of the RTO, there was a significant reduction in the number of odor complaints received by the city and Illinois EPA.

COMMENT PERIOD AND PUBLIC HEARING

Griffith applied for a renewal of its FESOP permit on April 9, 2007. After review of the application and preparation of a draft permit, the Illinois EPA opened a public comment period with the publishing of notices in the Bridgeport News and Brighton Park/McKinley Park Life on May 7, 2008. The comment period remained open until June 6, 2008. During the comment period the Illinois EPA received numerous requests for a public hearing citing concern about odors from Griffith.

The Illinois EPA scheduled a hearing in response to the requests. Notice of the hearing was published in the Journal News on October 1, 8, and 15, 2008 and in the Brighton Park McKinley Park Life on October 2, 9 and 16, 2008. The public hearing was held on November 18, 2008 at the McKinley Park Branch of the Chicago Public Library, 1915 West 35th Street in Chicago to accept oral comments and answer questions about the proposed plant and the draft permit prepared by the Illinois EPA. The comment period closed on December 18, 2008.

Following the close of the public comment period, the Illinois EPA conducted its final technical review of Griffith's application and review of the public comments received at the hearing and in writing during the comment period. This review led to a final determination by the Illinois EPA that the application for the proposed plant met the standards for issuance of a permit.

AVAILABILITY OF DOCUMENTS

Copies of the FESOP issued to Griffith and of this Responsiveness Summary are available by the following means:

1. From the Illinois Permit Database on the Internet:

www.epa.gov/region5/air/permits/ilonline.html

(Find the documents under Permits (Sorted by Type), FESOP Permit Records, under Griffith Laboratories U.S.A., Inc., near the end of the listing of sources whose names begin with "G")

2. By viewing documents at one of the following repositories:

Illinois EPA 9511 West Harrison Des Plaines, IL 60016 847/294-4000	Illinois EPA 1021 N. Grand Ave., East Springfield, IL 62794 217/782-7027
---	---

3. By contacting the Illinois EPA by telephone, facsimile or electronic mail:

Illinois EPA
Bradley Frost, Office of Community Relations Coordinator
888/372-1996 Toll Free – Environmental Helpline
217/782-7027 – Desk Line
217/782-9143 – TDD
217/524-5023 – Facsimile
brad.frost@illinois.gov

COMPLAINT PROCESS

One of the main questions/comments received during the hearing was the apparent confusion over how and to whom to submit complaints.

The city of Chicago Department of Environment has a contract with the Illinois EPA to perform inspections within the city for the Illinois EPA and complaints received by the Illinois EPA for sources within the city are initially referred to the Department of Environment. As such, for quickest response complaints should initially be sent to the Department of Environment at 312/744-7672. The Department of Environment reports the number of complaints it receives to the Illinois EPA on a quarterly basis.

Complaints may also be made to the Illinois EPA's Des Plaines field office at 847/294-4000 or online at <http://www.epa.state.il.us/pollution-complaint/>. These complaints will initially be referred to the city for follow up as is stipulated in our contract with the Department of Environment.

Complaints may also be made directly to Griffith at 773/523-5124. A condition has been added to the permit requiring Griffith to maintain records of the number and substance of complaints that it receives. The company is required to report to the Illinois EPA quarterly on the complaints received.

COMMENTS AND QUESTIONS DURING THE PUBLIC COMMENT PERIOD

1. Is the company currently in compliance?

Recent inspections of Griffith Laboratories have not found any compliance problems and the Illinois EPA does not have any pending enforcement actions against the company.

2. What are the current emission levels of the company?

All actual levels of air pollutants are well below levels allowed by permit. Below are listed the most recently reported emissions in tons per year, from 2007.

	2007	
	Reported (tpy)	Allowable by permit (tpy)
CO:	5.3	16.38
NOx	6.3	19.48
PM	0.48	29.93
SO2	0.0379	0.1074
VOM:	5.002	12.28
H2SO4	0.315	n/a
HCl	0.026	8.4
NH3	0.202	n/a

3. Who should citizens contact about odors? The city is not good at responding to citizen inquires. On Holidays, after normal work hours, and on weekends callers to the city hotline are sent to Streets and Sanitation who do not respond to the complaint.

As stated above in the section on the Complaint Process, complainants should initially contact the City of Chicago's Department of Environment with complaints. The City is under agreement to the State to perform inspections in the city for the Illinois EPA. The City also has the power to issue citations to a source of air pollution for a nuisance violation; authority that the state does not have. The contact for the city is Otis Omenazu and the City's Environmental Complaint line is 312/744-7672. After normal business hours, residents may call 311, however, when doing this be specific about the nature of the complaint and that it should be forwarded to the Department of Environment. The City responds to every complaint received.

Complaints may also be directed to the Illinois EPA's Des Plaines field office by calling 847/294-4000. Complaints may also be made to the Illinois EPA online at www.epa.state.il.us/pollution-complaint/. If a complaint is made to the Illinois EPA, we will log the complaint so that we have a record of the number of complaints received concerning Griffith Labs and then will forward the complaint to the city of Chicago for investigation. The Illinois may also choose to perform its own inspection.

Conditions were also added to the issued permit requiring the company to keep records of complaints received and report those complaints to the Illinois EPA quarterly (see conditions 16(a)(i) and 18(a) and 18(b)).

4. When was the last inspection?

The Illinois EPA inspected the facility on November 5, 2008. The inspection found no compliance issues.

The Illinois EPA has a contractual agreement with the City of Chicago for them to perform inspections for us within the city. The city has inspected Griffith Labs 269 times since 1995. The city last inspected Griffith on December 9, 2008.

5. How many calls complaining about the facility has the Illinois EPA received?

After the regenerative thermal oxidizer (RTO) was installed and operational, the Illinois EPA has noted a significant reduction in the number of complaints. A permit for the RTO was issued at the end of 2004 and it was tested at the beginning of 2006. In 2005, the Illinois EPA received two complaints; in 2006 the Illinois EPA received no complaints; in 2007 one complaint; and in 2008 one complaint. The city of Chicago received 25 complaints in 2005, 6 complaints in 2006, 1 complaint in 2007 and 3 complaints in 2008.

6. The Illinois EPA is not getting any complaints because the complaints do not appear to be doing anything.

When the Illinois EPA was receiving frequent complaints, more frequent inspections were occurring, which helped establish the need for a RTO. Since the installation of the RTO, the Illinois EPA has received few odor complaints.

7. I don't think there's ever been an Illinois EPA inspector that came out after a complaint was made to the Des Plaines field office.

The Illinois EPA may perform an inspection based on a complaint or otherwise. On November 5, 2008, the Illinois EPA performed an inspection as a result of odor concerns expressed prior to the hearing. However, as stated above, the Illinois EPA has an agreement with the City of Chicago for the City's Department of Environment to perform inspections for the state within city boundaries. When Illinois EPA receives odor complaints, they are referred to the city for inspection.

8. How many tickets has the city issued to Griffith Labs? How much do they pay?

Since 1995 the city of Chicago has issued 22 Notice of Violations to Griffith. The only ticket issued from 2006 to date was issued on February 4, 2008 for nuisance.

If found liable, fines vary from about \$300 to \$1,000. For the February 4, 2008 NOV, Griffith was found liable and fined \$300.00.

9. What is the Illinois EPA's contact information for non-business hours?

Environmental emergencies should be reported to the Illinois Emergency Management Agency at 1-800-782-7860. Non-emergency complaints should be reported to the city's Environmental Complaint line at 312/744-7672 or to the Illinois EPA's Des Plaines field office at 847/294-4000 during normal business hours (8:30 am to 5:00 pm, M-F).

10. The Illinois EPA does not send inspectors out during non-business hours.

The Illinois EPA will send inspectors out during non-business hours if circumstances dictate. For instance, inspectors may inspect during non-business hours if the source is operating differently during non-business hours or if there is an emergency release at the facility.

11. Does the company still turn over the number of complaints that they receive each month to the Alderman's office?

The Illinois EPA was not part of any agreement to have complaints turned over to the local Alderman's. This question should be directed to the office of your local Alderman.

However, a condition was added to the permit that requires Griffith to report the number of complaints it has received to the Illinois EPA on a quarterly basis. This information can be obtained through a Freedom of Information Act request to the Illinois EPA. For more information about FOIA requests, please see the Illinois EPA's website at <http://www.epa.state.il.us/foia/> or contact the Illinois EPA at the contact listed at the end of this document.

12. The company's hotline is not in Spanish. We have probably about an 80 percent Hispanic population in the neighborhood. Are there Spanish language speakers at the city's 311 number?

The city of Chicago's 311 number does have Spanish language speakers to respond to resident calls.

13. The City needs to train the 311 operators on how to take a call for an odor complaint because right away they think it's an emergency.

This comment has been passed to the city of Chicago. However, callers to 311 should make clear the intention of their call and also state that the call should be directed to the Department of Environment not to the fire department or streets and sanitation.

14. The odors are more than a nuisance. I've had people leave my house because of the odors. The odor is irritating to my respiratory system. The odor burns your nose and eyes. When the odor is very pungent, it's not just a smell that irritates you. It's a smell that burns your mucus membrane. My children have lived here their whole lives and can't stay outside and play in it.

The Illinois EPA recognizes from the comments received that local residents consider the odors more obnoxious than the description of a nuisance seems to recognize. However, odors are inherently subjective, difficult to monitor, and therefore there are no numerical limits in the regulations or permit for odors. Odor enforcement falls under Section 9(a) of the Environmental

Protection Act. Section 9(a) of the Environmental Protection Act prohibits, among other things, odors that unreasonably interfere with the enjoyment of life or property, which is commonly referred to as causing a nuisance.

15. How many complaints need to be received by the Illinois EPA before a permit will be conditioned or denied? Will five years of odor logs have an impact on Griffith Labs permit the next time it is being renewed?

The Illinois EPA added conditions to the FESOP based on the historical number of complaints received and comments tendered during the public notice and comment period. Specifically, Griffith is required to record all complaints received and report the complaints to the Illinois EPA (see conditions 16(a)(i), 18(a), and 18(b)).

16. How many complaints are needed before the Illinois EPA will initiate an enforcement action? At what point do the odors stop being a nuisance and become noncompliance?

There is no set number of complaints required before the Illinois EPA initiates an enforcement action. The Illinois EPA and the City of Chicago investigate each complaint, attempting to determine the source of the complaint and operating conditions that might have led to an odor release. If odors are a persistent issue and it is determined that additional odor control measures are necessary, the Illinois EPA will issue a Violation Notice. At the state level, odor issues are pursued pursuant to section 9(a) of the Illinois Environmental Protection Act. The Illinois EPA must have credible information on the consistency and impact from a particular source to pursue enforcement and referral to the Illinois Attorney General's office. As previously discussed, a good way for the Agency to obtain that information concerning the source of odors is for local residents to submit complaints to the Illinois EPA when odors occur.

17. Is it the citizens' responsibility to make a legal case for the Illinois EPA in regards to when there is odor, what direction the wind was blowing, etc.?

If there are complaints about odor from the facility the Illinois EPA will investigate to determine the source of the odor and potential responsibility. However, the Illinois EPA necessarily relies on the neighbors to submit complaints and if the odors are persistent possibly keep records so that the Illinois EPA has as much information as possible to utilize in its investigatory and enforcement action decisions.

18. In the past we have had hundreds of people sign petitions. Is this necessary for us to get the Illinois EPA to take action against Griffith?

To take enforcement action against a company, the Illinois EPA must have specific instances of non-compliance such as failure to comply with permit conditions. Petitions can help the Illinois EPA gauge the level of citizen concern and indicate an issue that warrants further attention. However, in order to provide information necessary to support a potential enforcement action, the Illinois EPA needs residents to submit complaints to the City of Chicago and Illinois EPA when an odor episode is occurring. Also, if the odors are persistent, the Illinois EPA may ask residents to keep records to facilitate Illinois EPA investigations.

19. When the odor is present, you only have to go around the facility to know that the odor is coming from Griffith.

Notwithstanding the fact that odors may seem to emanate from Griffith, it is often difficult to pin point the exact source of an odor when there are a number of potential odor sources in a given area. Odors can travel and be pervasive at long distances. The Illinois EPA's experience is that odors can travel for miles. The Illinois EPA and the City of Chicago rely on a number of investigatory techniques to locate, if possible, the source of odors.

20. There are times when there is an odor when Griffith Labs says that they are not operating but Griffith is the only company left in the area that produces an odor.

The Illinois EPA has identified several potential sources of air emissions in this general area. If an odor is being experienced when Griffith is not operating, the odor may be coming from a facility farther away. This is why it is important for the City of Chicago and Illinois EPA to investigate the source of an odor rather than just assuming that the odor is coming from any one particular facility.

21. The odor can be 2-3 days in a row and then for a month there won't be any odor. Is the odor caused by the company making a specific product? Griffith has a few small smoke stacks close to 37th Street which are emitting a very strong odor.

The Illinois EPA has not determined a correlation between the manufacture of a specific product and odor complaints. However, the Illinois EPA and the City of Chicago will continue to investigate odor complaints and attempt to determine the source of the odor. Please submit complaints to the city of Chicago's Environmental Hotline listed above when you are experiencing an odor so that the city and Illinois EPA may take appropriate action to resolve the odor issues.

22. It is particulate matter from the facility that is causing the odor.

The Illinois EPA believes that most of the odor was caused by volatile organic compounds (VOCs) from the batch cooking process at the facility. In 2005, Griffith replaced two batch cookers with new units and installed a RTO to control emissions. This significantly reduced VOC emissions and there was a large reduction in complaints. Future investigations about odors will also consider particulate matter as a potential source of odor.

23. The chemicals that are causing the odors are hazardous.

Many potential odor causing substances emitted by Griffith are not classified as hazardous air pollutants (HAPs). However, some potential odor causing substances are considered HAPs but the facility is not a major source of those substances. Many chemicals, such as ammonia, may be noticed as an odor far below levels that present a health concern.

24. The smell is better, less frequent and less pungent than previously.

This is consistent with the fewer amount of complaints that the City of Chicago and Illinois EPA have received since installation of the RTO.

25. What was the date of the last stack test?

The two most recent stack tests are the January 31, 2006 stack test of the RTO and the August 5, 2003 stack test of the HCl scrubber.

26. When did the company submit its most recent reporting to the Illinois?

The facility must submit an annual emission report to the Illinois EPA, the most recent of which was submitted in May 2008 for its emissions from 2007. The company is also required to maintain certain records to allow verification of operations and to submit reports to the Illinois EPA if there is a deviation from permitted requirements. No deviation reports have been submitted to the Illinois EPA in the past five years.

27. I don't see how this plant can co-exist with a residential neighborhood.

The Illinois EPA does not regulate the locations of facilities. Local authorities are charged with making decisions concerning the suitability of certain activities in specific areas. In the case of Griffith, the City of Chicago is the entity with the power to make zoning decisions. The Illinois EPA understands that the City of Chicago has designated "Planned Manufacturing Districts" in the city in areas of historical industrial activity to concentrate industry and minimize land-use conflicts between industrial corridors and expanding residential areas. Griffith is located in the Stockyards "Planned Manufacturing District".

28. Are there any other facilities in the city of Chicago that are directly across the street from a residential neighborhood that emits hydrochloric acid?

A search of Illinois EPA records indicates that there are several facilities located in the city of Chicago that have reported emissions of hydrochloric acid (HCl). An address search indicates that these facilities, as would be expected of facilities in an urban area, are located near residential areas. Most, like Griffith Laboratories, emit very small amounts of HCl.

29. What are the health ramifications of breathing in the hydrochloric acid that Griffith Labs emits?

Griffith Labs emits a very small amount of HCl which is highly dilute when leaving the facility and even more diluted by the ambient air. The concern with HCl is exposure to concentrated amounts, high dosages, and is of an immediate danger.

30. How do we know that the odors are not harmful?

Griffith emits hydrogen chloride and other hazardous air pollutants (HAP) in low concentrations. Griffith's permit requires emissions to stay below the major source threshold of (HAP) emissions. This means that the emissions of HAPs from Griffith are not subject to the USEPA's National Emission Standards for Hazardous Air Pollutants (NESHAP). The NESHAP requirements are established to limit emissions to levels that will maintain safe air quality.

31. I have no way of proving that it's related to Griffith, but all of my children have asthma.

Asthma is a very common chronic disease that has been on the rise in the United States, as well as other developed countries, even though ambient air pollution levels have been declining for more than 30 years, since the passage of the Clean Air Act in the 1970s which began the regulation of both stationary and mobile air emission sources. Approximately 1 in 4 high school students report having been told by a health professional at some point in their lives that they have asthma. The causes of asthma are still not fully understood but many environmental and genetic factors have been suggested. More information on asthma can be obtained from the Illinois Department of Public Health, www.idph.state.il.us

32. Diacetyl has caused serious lung problems in workers at facilities that use the chemical. There is a concern that the buttery odor sometimes apparent around the facility does affect your health and your respiratory system.

Diacetyl is not one of the 186 chemicals listed in Section 112(b) of the Clean Air Act as a Hazardous Air Pollutant. Nor is it regulated otherwise by the Illinois EPA or USEPA. As stated by the comment, the concern with diacetyl is for workers exposed to large amounts of the chemical. All cases involving diacetyl have involved workers or those exposed to amounts of diacetyl approximating worker exposure. There have been no cases or indication that diacetyl is a concern for those breathing the ambient air surrounding facilities that use the chemical.

FOR ADDITIONAL INFORMATION

Questions about the public comment period and permit decision should be directed to

Bradley Frost, Community Relations Coordinator
Illinois Environmental Protection Agency
Office of Community Relations
1021 North Grand Avenue, East
P. O. Box 19506
Springfield, Illinois 62794-9506

217-782-7027 Desk Line
217-782-9143 TDD
217-524-5023 Facsimile
brad.frost@illinois.gov

LISTING OF SIGNIFICANT CHANGES
BETWEEN THE DRAFT PERMIT AND THE ISSUED PERMIT

(not including editorial corrections, including correction of inconsistencies in terminology and correction of typographical errors)

- | | |
|--------------------------|--|
| Conditions 6(a) and 6(b) | These conditions were added to the permit to incorporate conditions of Consent Order EPA-5-04-113(a)-09-IL issued on September 14, 2004. |
| Condition 6(a) | This condition regulates the operation of the RTO and the associated process emission units including during periods of regeneration of the ceramic media beds in the RTO. |
| Condition 6(b) | This condition requires the RTO to be operated to maintain a minimum reduction of VOM emissions of at least 95 percent. |
| Condition 16(a)(i) | This condition was added to Griffith Labs' FESOP to require Griffith to maintain records of odor complaints. |
| Condition 18a. & 18b | These conditions were added to Griffith Labs' FESOP to require reporting of odor complaint records to the Illinois EPA. |