

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF AIR

January 2001

Responsiveness Summary
on Proposed Issuance of a
State Construction and Lifetime Operating Permit to
Ganna Construction Inc., Lemont

Facility Identification No.: 031806ABG
Application No.: 00060083

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Illinois EPA Decision

Following review of comments received during the public comment period and final review of the application, the Illinois EPA has determined that Ganna Construction Inc.'s application for an air permit meets the standards set in state law and regulation. Accordingly, on January 22, 2001, the Illinois Environmental Protection Agency (Illinois EPA) issued a state construction and lifetime operating permit to Ganna Construction Inc. for an asphalt plant to be located in unincorporated Cook County near Lemont.

Permit Process

Ganna submitted an application for an air pollution control construction and lifetime operating permit for an asphalt plant to be built near Lemont, Illinois. The proposed project is not considered a major source because the permitted emissions of pollutants from the facility would be less than major source thresholds.

The Illinois EPA Bureau of Air processes applications for permits for sources of emissions to the atmosphere. An air permit application must appropriately address compliance with applicable air pollution control laws and regulations before a permit can be issued. Following its initial technical review of Ganna's application, the Bureau of Air made a preliminary determination that the application met the standards for issuance of a state construction and lifetime operating permit and prepared a draft permit for public review and comment. The company was eligible to apply for the lifetime operating permit because its potential emissions will be well below the major source thresholds.

Comment Period and Public Hearing

The public comment period began on August 26, 2000, with the publication of a notice in the Joliet Daily Herald. Notices were also published in this paper on September 2 and 9, 2000. A public hearing was held on Thursday, October 12, 2000, at the Lemont Township High School to receive oral comments and answer questions regarding the application and draft air permit. The comment period remained open until November 28, 2000 to receive written comments.

City of Lemont - Air Quality Impact Assessment

In December 2000 the City of Lemont submitted an Air Quality Impact Assessment prepared by the Aires Consulting Group, Inc. as comment on the draft permit and application for Ganna Construction Company. As stated above, after review of all comments including the Air Quality Impact Assessment the Illinois EPA has determined that the application submitted meets all applicable State and Federal air regulations.

The Illinois EPA staff thoroughly reviewed and discussed the findings of this report as part of the deliberations on this matter. This study supports the fact that the National Ambient Air Quality Standards (NAAQS) will not be violated by the addition of the project. The study identified formaldehyde and chromium as toxics of concern. After the completion of the study, the USEPA issued revised AP 42 emission factors on December 22, 2000 for formaldehyde, chromium and other HAP emissions from asphalt plants. These factors were considerably lower than the June 1995 USEPA factors relied upon to complete the study. The facility as permitted will not be a threat to public health or the environment.

Questions and Comments

Air Quality Impact

1. Does Illinois EPA have existing standards for air quality?

Yes. The Illinois EPA uses the National Ambient Air Quality Standards (NAAQS) to determine healthful levels for ambient air quality.

The Clean Air Act established two types of national air quality standards. *Primary standards* set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. *Secondary standards* set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. NAAQS are based on worldwide research on health effects or secondary environmental effects.

The USEPA Office of Air Quality Planning and Standards (OAQPS) has set National Ambient Air Quality Standards for six principal pollutants, which are called "criteria" pollutants. The standards are legally enforceable limitations, and any person causing a violation of the standards is subject to enforcement proceedings under the Clean Air Act. The standards have also been designed for use as a basis for the development of implementation plans by State and local agencies for the abatement and control of pollutant emissions from existing sources, and for the determination of air contaminant emission limitations to insure that population and economic growth trends do not add to the region's air pollution problems.

2. How does the IEPA assure that granting this permit will not result in a violation of air quality standards?

The Illinois EPA has a monitoring station in Lemont to directly measure ambient air quality to assure that the area remains in compliance with NAAQS. In addition, the permit has a specific limits on emissions and the company is required to perform a compliance test before operating. The company is also required to keep records of production and report emissions. The Illinois EPA inspects the facility to assure that it is complying with the permit.

3. Dispersion modeling needs to be done to determine the impact of this facility on air quality.

Major source is defined conservatively to assure that facilities that could have an impact on air quality will

have to perform dispersion modeling. Conversely, facilities whose emissions are below those major source thresholds should not impact air quality. This facility's emissions are well below the major source thresholds and it should not impact ambient air quality. The major source criteria are defined in 35 Ill. Adm. Code 203 for New Source Review and Section 39.5 of the Environmental Protection Act for Title V permit requirements.

4. What are the current background levels of VOM, PM, NO_x, and SO₂.

The current background level shows that ambient air quality for all of these contaminants is better than the ambient air quality standards. The Illinois EPA annually publishes an Air Quality Report detailing the results of our statewide monitoring program, including the monitor in Lemont. The document is available online at the Illinois EPA website www.epa.state.il.us (look under Air, Air Quality Information, Annual Air Quality Report) or by calling the contact listed at the bottom of this document.

5. Are fugitive particulate emissions from truck traffic and barge unloading included in the permitted amounts allowed?

The fugitive emissions caused by truck traffic or material loading and unloading are not included in permitted amounts. There are no specific regulations that limit such emissions. There are general regulations that address fugitive emissions beyond the property boundaries and opacity limits for fugitive emissions. The company has submitted a fugitive dust plan to the Illinois EPA, which outlines measures that will be taken to control fugitive emissions.

6. What will be done to ensure that fugitive dust from trucks going down the dirt road won't be a problem?

Pursuant to 35 Illinois Administrative Code (IAC) Section 212.301, no person shall cause or allow the emission of fugitive particulate matter from any process, including material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property of the source. The regulation under Section 212.301 does not apply, however, when the wind speed is greater than 25 mph. This exemption is based on 35 IAC 212.314. Determination of wind speed for the purposes of the exemption under 35 IAC 212.314 shall be by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site. Fugitive particulate matter is defined as any particulate matter emitted into the atmosphere other than through a stack. PM emissions from the stockpiles and traffic areas are classified as fugitive emissions.

Fugitive emissions leaving the site, no matter what the source, are a violation of the Environmental Protection Act and 35 Illinois Administrative Code (IAC) Section 212.301. To comply with these regulations the company will need to control fugitive emissions. As with other potential sources of fugitive emissions, the Illinois EPA will inspect, respond to complaints and enforce the applicable regulations listed above to ensure that fugitives are not a concern from the facility.

7. Are other facilities' emissions taken into account when permitting a new source?

For non-major sources, which do not have large amounts of emissions, no dispersion modeling is required. In this case, because of significant public interest in the project, the Illinois EPA has taken the further step

of screening for HAP and performing dispersion modeling to assure that this facility will not impact ambient air quality. Current ambient air quality used in the screening would reflect the impact of facilities already operating in the area.

8. Air quality in Lemont is poor.

Ambient air quality in Lemont is generally considered “good”, based on the Pollutant Standard Index. For all criteria pollutants, ambient levels are below the NAAQS threshold levels. As discussed in more detail above, the NAAQS are developed to be protective of sensitive populations. Further, the Illinois EPA is implementing programs statewide and others that are Chicago area specific (which includes Will County) that will further improve air quality.

9. In terms of the toxics release inventory, Lemont already has the eighth dirtiest air in the state of Illinois. Does the IEPA limit the amount of industry that can be in one area? When do we reach our limit of the amount of emissions that are allowed in the air?

The Illinois EPA does not play a role in determining appropriate locations for industry. The Illinois EPA’s Bureau of Air ensures that wherever a facility decides to locate, that it will not impact air quality and thus public health. The Illinois EPA would limit the construction of new industry if that construction would cause ambient air quality to exceed the NAAQS. Emissions from this source should not cause a violation of the NAAQS.

The Village of Lemont is located in an area that is presently designated as an attainment area for particulate matter of size less than 10 micron (PM₁₀), sulfur dioxide, nitrogen oxide, lead and carbon monoxide. This means that the air quality for these pollutants is better than the ambient air quality standards set by USEPA.

10. The local geography of the Des Plaines River helps to retain and concentrate these emissions on calm and humid days making an already bad situation worse. What effect does the valley have on concentrating pollutants?

The IEPA operates an ambient air quality monitoring station at 729 Houston in Lemont. This monitoring station is equipped with sophisticated air quality monitors, which take in ambient air breathed by local residents of Lemont and determine its sulfur dioxide and ozone content. Both of these monitors record levels of sulfur dioxide and ozone, which are below the ambient air quality standards established by USEPA and IEPA. The Illinois EPA chooses the locations of its monitors to obtain the maximum readings that would be representative of ambient levels.

11. Particulate emissions exceeded the standard in the past year.

Particulate matter ambient air quality did not exceed the standard last year. The nearest monitors show particulate (PM₁₀) levels below the ambient air quality standard. The Illinois EPA publishes an Annual Air Quality Report that lists its monitors and the ambient levels recorded. The document is available online at the Illinois EPA website www.epa.state.il.us (look under Air, Air Quality Information, Annual Air Quality Report) or by calling the contact listed at the bottom of this document.

12. What overall is the IEPA doing to improve air quality?

Through Illinois' State Implementation Plan the Illinois EPA implements several programs to reduce emissions statewide generally with the ultimate goal of bringing the Chicago area into attainment with the ozone NAAQS. Two of these programs are the Acid Rain Program (control of NO_x and SO₂ from coal fired utilities) and the Emission Reduction Market System (caps levels of VOM from large sources). The Illinois EPA also administers the Partners for Clean Air, which seeks to stimulate voluntary actions by individuals and companies to help prevent ozone formation on days most favorable for ozone to exceed the NAAQS.

13. The power plant proposed for Lockport will have an effect on our air quality.

The Illinois EPA required the proposed Rolls-Royce facility perform dispersion modeling as part of its application. The dispersion modeling indicated that the facility would not significantly impact ambient air quality.

14. IEPA has grossly underestimated the total emissions from this plant, especially uncontrolled, fugitive emissions of particulate matter and VOCs; IEPA's failure to characterize total emissions suggests it has not reviewed the factors needed to characterize this plant as a major or minor source; IEPA's failure to review emissions from discreet points in the plant process means several units in the plant will be uncontrolled, unmonitored contributors of regulated pollutants into Lemont and surrounding communities; information prepared as part of the public hearing process by the applicant and IEPA, focusing solely on emissions from the mixing unit, failed to provide members of the public with a full and complete portrait of total plant emissions defeating the goal of public participation; and, any risk assessment that has or will be considered by the Agency will be incomplete if it does not include total plant emissions rather than emissions from the mixing unit alone.

A June 2000 draft report issued by the USEPA entitled "Hot Mix Asphalt Plants, Emission Assessment Report" (EPA-454/R-00-0XX), which is based on data collected from more than 350 asphalt plant emission test reports, evaluates emissions from other emission units in addition to the main emission unit, which is the drum-mix dryer. These include asphalt load-out operations, silo filling operations, asphalt storage, and yard fugitive emissions from loaded trucks. Table 2 of this report shows that emission units other than the dryer emit only a small fraction (less than 4%) of the total plant PM-10 emissions. For CO, this fraction is approximately 2%. For all remaining criteria pollutants, except VOC, the emissions from the other plant sources mentioned above were even less significant. For VOC, silo filling operations in a typical plant result in fugitive emissions which constitute about 25% of the total VOC emissions and those from load-out operations constitute about 8%. The proposed plant will contain a special fan and ducting system, which will return fugitive emissions from the top of the silos, during silo filling operations, back to the dryer, significantly reducing the fugitives, which would normally be emitted in the typical plant.

There are no regulatory basis to determine the total fugitive particulate emissions nor are there any emission limits that allow IEPA to control the fugitive emissions other than 35 Ill. Adm. Code 212.301, which limits the visible emissions beyond the property line as specified in special condition #18 of the draft

permit. Actual emissions will be lower than specified in the permit. Normally, uncontrolled emissions are not specified in the permit.

Health Impacts

15. Will air emissions from Ganna cause health impacts to area residents, especially sensitive populations such as children or the elderly? Will the emissions from Ganna in combination with other sources in the area cause health impacts?

Permitted emissions from the facility should have a negligible impact on ambient air quality. As discussed below, ambient air quality is regulated to be protective of human health and the environment. Therefore, the emissions from the facility should not impact human health or the environment.

The Clean Air Act established two types of national air quality standards. ***Primary standards*** set limits to protect public health, including the health of "sensitive" populations such as asthmatics, children, and the elderly. ***Secondary standards*** set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. NAAQS are based on worldwide research on health effects or secondary environmental effects.

The USEPA Office of Air Quality Planning and Standards (OAQPS) has set National Ambient Air Quality Standards for six principal pollutants, which are called "criteria" pollutants. These standards are used as a basis for the development of implementation plans by State and local agencies for the abatement and control of pollutant emissions from existing sources, and for the determination of air contaminant emission limitations to insure that population and economic growth trends do not add to the region's air pollution problems.

Also, USEPA is required by the Clean Air Act Amendments of 1990 to study hazardous air pollutants to develop the National Emission Standards for Hazardous Air Pollutants, known as NESHAP. Based on its findings, USEPA is required to establish maximum achievable control technology, known as MACT, for hazardous air pollutants. After three years study and development of the asphalt industry's profile and activities, USEPA's initial recommendation is that the emissions from asphalt plants have minimal impacts on health and the development of such a standard (NESHAP) is not necessary.

16. This area is classified as a severe nonattainment area for ozone smog. Ozone is known to cause lung damage and premature death.

The Chicago metropolitan area is presently designated as a non-attainment area for ozone. All of Cook, Will, DuPage, Lake, Kane and McHenry Counties and parts of Kendall and Grundy Counties comprise the non-attainment zone. For many years, the ozone monitor located in Lemont has not shown any violation of ozone NAAQS. However, the non-attainment zone is considered a single entity and one part cannot be redesignated as attainment so long as another part has violations of the standard. Any industry located in a non-attainment area is required to comply with stringent emission control requirements if their volatile organic material (VOM) emissions are over 25 tons per year. Ganna emits only very small amounts of VOM, which are regulated as ozone causing pollutants.

17. What impact will the facility have on ozone?

Ganna emits only very small amounts of volatile organic material, which are regulated as ozone causing pollutants. As such it will not have a measurable effect on local ozone air quality.

18. Even though the emissions of HAP meet the regulations they still will not be safe.

The CAA amended in 1990 required USEPA to develop a list of Industrial Source Categories and a schedule for those sources to achieve maximum reductions of HAPs. These standards, maximum achievable control technology (MACT), were set by the development of background information from the listed sources in each category.

USEPA published subsequent amendments to the list in which USEPA de-listed some source categories based upon weight of evidence that the sources in a specific category do not have a major impact on the public health and the environment. The Asphalt Concrete Manufacturing source category is one of the categories that USEPA intends to de-list because the weight of evidence indicates that there is no adverse impact on the public and environment.

19. The oxides of nitrogen, sulfur and carbon, in addition to ozone, which is produced, are well-known precipitants of exacerbations of asthma, chronic bronchitis, and emphysema. Emissions from this facility will exacerbate breathing problems for asthmatics.

Illinois EPA continues to implement regulations that annually reduce the oxides of nitrogen, sulfur and carbon in addition to ozone. These regulations require reductions in hazardous air pollutants as well. Illinois EPA's air quality program is designed to provide for the health and welfare of the public as well as the environment.

While asthma can be triggered by ozone, particulate matter and other air borne pollutants, the USEPA's National Ambient Air Quality Standards have been developed to be protective of sensitive individuals including asthmatics. Air quality in Will and Cook Counties is generally considered "good" and meets all NAAQS (including for ozone although the area is designated as non-attainment for ozone). The impact of this facility on ambient air quality would be negligible and should not cause a violation of the NAAQS.

20. The particulate matter, which is two to five microns in size, can be inhaled and deposited in the periphery of the lungs, very similar to asbestos and silica.

USEPA recently established standards for 2.5-micron size particles and each state will be required to establish criteria to meet these standards by the year 2003, although this date may be extended due to pending lawsuits. The proposed standards for PM_{2.5} are 65 ug/m³ for a 24-hour average and 15.0 ug/m³ for annual arithmetic mean average. In general, air quality for particulate matter is much cleaner than the standards established by USEPA.

21. The organic hazardous air pollutants emitted from a drum mixing asphalt plant are known as carcinogens. A health study should be done to determine if this would result in a higher incidence of cancer in Lemont.

The City of Lemont commissioned an air quality study and submitted it to the Illinois EPA as part of the city's comments. Using the emission factors available at the time (June 1995 emission factors), the study indicated that formaldehyde and chromium emissions could pose an increased risk. However, recently, on December 22nd, 2000, and since the study was completed, the USEPA, after many years of study, revised and lowered the emission factors for HAP from asphalt plants. The revised formaldehyde and chromium emissions factors were considerably lower than the June 1995 USEPA factors relied upon to complete the study. The facility as permitted will not be a threat to public health or the environment.

22. Is the health of the community considered in making a decision on the permit?

The impact of air quality on the health of citizens is the primary consideration in the development of the overarching laws and regulations of which the permit program is one part. For example, the National Ambient Air Quality Standards (NAAQS) are set to be protective of sensitive populations; if ambient air is in violation of the NAAQS then the Illinois EPA must take steps to reduce pollution to bring air quality into compliance with the standard, including stricter restrictions on permitting of major sources.

23. Can IEPA guarantee that this will be safe?

The Illinois EPA cannot give an absolute guarantee that the facility is safe. It has relied on experience elsewhere showing that asphalt plants do not have significant effects. In addition, as described above a toxic screening that was performed by the Illinois EPA showed that there would not be an impact from toxics offsite.

24. What is Illinois EPA or USEPA doing to reduce benzene emissions?

As part of the Clean Air Act Amendments of 1990, USEPA has promulgated federal standards requiring reductions of benzene emissions from many industrial facilities. USEPA is also mandated to reduce benzene and additional hazardous air pollutants from mobile sources (autos, trucks, etc.) New toxics emission performance requirements are being set for conventional gasoline and cleaner-burning reformulated gasoline. Under these new requirements refiners must maintain their average 1998-2000 toxics performance levels, which are better than what regulations require for benzene and formaldehyde.

Permit Conditions/Administrative Procedures

25. How will the Illinois EPA oversee the operation?

Facility emissions are based upon the amount of throughput and fuel fired and the appropriate USEPA emission factor for an asphalt plant. The permit sets limitations on throughput, so that the facility will not exceed its permitted limitations. The permit conditions also establish appropriate compliance procedures, including inspection practices, record keeping requirements, and reporting requirements. The Permittee must carry out these procedures on an on-going basis to demonstrate that the facility is operating within the limitations set by the permit and is properly controlling emissions. The Illinois EPA will inspect the facility to assure that the company is properly operating the facility and following the procedures outlined in the permit.

In addition, prior to the operation, the company is required to perform a compliance test and demonstrate compliance with all applicable regulations.

26. Is it good policy to announce inspections?

The Illinois EPA performs both announced and unannounced inspections depending on what is to be accomplished in the inspection. Unannounced inspections would occur if the Illinois EPA had reason to believe that there was a problem at the facility that the company may be trying to hide. The Illinois EPA frequently announces inspections to the company because the Agency wants to review paperwork, meet with company environmental staff and wants to make sure that people and records are readily accessible when the Agency arrives for the inspection.

27. The hours of operation of the facility should be restricted so that it is not operating before 6 am or after 10:30 pm.

The IEPA does not have the authority to restrict the hours the plant can operate. This jurisdiction may lie with local zoning authority.

28. The company says that they will barge in the stone that they use. Is there anything in the permit that would keep them from bringing stone in by truck?

There are no restrictions in the permit that prevent the company from bringing in raw materials by truck. Nor does the Illinois EPA have the authority to require raw materials or product to be transported by a distinct mode. Voluntarily, the company may decide to bring some of the raw materials in by barges.

29. Should this permit be granted, what is the appeal process for those of us who are opposed to this operation?

Citizen appeals for state permits can only be raised in very limited cases. Appeal rights questions should be directed to the Illinois Pollution Control Board.

30. Ganna's emission calculations are based on a normal workday of 14 hours a day, 6 days per week. Nothing in the permit would constrain Ganna from adding a third shift operating 24 hours a day, 7 days a week, if they had the business to justify it.

Ganna's application indicates that the plant will operate 14 hours per day, six days a week. If Ganna desires to operate 24 hours per day, 7 days a week, then they are required to submit an amendment to the application. The Illinois EPA does not limit based on the hours of operation per day. Usually hours are limited on an annual basis. Based on USEPA emissions factors, if the company operated 24 hours a day, seven days a week they would exceed their currently permitted limits.

31. What happens if the company emits more than is allowed by the permit and goes over the major source threshold?

The company's permitted levels are currently less than half of the major source limits for operating permits. It is unlikely that they would ever exceed the major source limits. However, if they did exceed that level, in addition to any fines that they would be subject to, the company would be required to obtain a Clean Air Act Permit Program, also known as a Title V, permit.

32. If they don't comply, are they subject to any fines? Ganna will tell the IEPA whatever they want to get a permit and will pay fines to violate the permit as part of business.

If there is a numerical violation of a permit, the Illinois EPA takes steps to assure that the problem is corrected. The Illinois EPA would set up a compliance schedule, exact appropriate fines for the non-compliance, and take steps to bring the company into compliance. The Illinois EPA generally seeks fines that penalize the company over and above any economic benefit that the company may have received from operating in violation. In this way it is not an economic boon for the company to operate out of compliance.

33. How much will the facility pollute if their baghouse burns?

If the baghouse is not working for whatever reason, the facility must shut down operations.

34. The EPA should delay the permit until the city does a traffic impact study.

According to the Environmental Protection Act (Act) Section 35, the IEPA is required to take final action on an application with 90 days of receipt or within 180 days if the project requires a hearing. In Ganna's case, the final decision date was December 22, 2000. Ganna has extended that date to January 22, 2001, to allow the Illinois EPA time to receive and review the Village of Lemont's report. If the IEPA fails to take final action by this date, the permit is granted by default.

35. How can we be sure that the pollution control equipment that's being proposed will really be used and will remain at the low levels that are predicted?

The company must maintain records concerning the pollution control equipment, fuel usage, material throughput, etc. The Illinois EPA inspects these records periodically.

36. Does the company monitor themselves?

If this plant is permitted and built, then they also are required to perform a compliance test to show whether they comply with the applicable regulations and the permit limits.

Since it is unfeasible for the IEPA to be at every facility in the state all the time, the record keeping and monitoring requirements implemented in the permit serve as a means to ensure the company complies with all applicable regulations on an on-going basis. In addition to the required records, field inspectors conduct routine and unannounced inspections at the sites. The residents in the surrounding area of a facility can often times be highly instrumental in assisting the IEPA in identifying violators.

37. Are inspection reports published or otherwise available to the public?

After making a visit, the inspector will prepare an inspection report. The report is available by submitting a Freedom of Information Act request to the Illinois EPA. Send FOIA requests to Illinois EPA, Bureau of Air FOIA Section, Marilyn Clardy, 1021 North Grand Avenue East, Springfield, IL 62794-9506.

38. The asphalt plants are temporary or moveable facilities why are we giving them a lifetime operating permit.

The IEPA, Bureau of Air issues the following types of permits, which are issued based on their annual emissions:

Clean Air Act Permit Program (CAAPP)
Federally Enforceable State Operating Permit (FESOP)
Lifetime Operating Permit

Based on Ganna's emissions, this project qualifies for a Lifetime Operation permit. If the company shuts down the asphalt plant and moves to a different location, the permit will be withdrawn.

39. What is considered in making your determination on the permit? Do citizen comments have an effect on permit decisions?

Citizens comments can and do impact Illinois EPA decisions about permits. However, the Agency is required to implement the environmental regulations. If the company submits an application that meets the environmental regulations the Illinois EPA is required to issue a permit to the company. Citizen comments can help the Illinois EPA add conditions to the permit, clarify the permit and make it more enforceable. To deny the permit, comments would need to be received that clearly show that the company would not comply with the environmental laws and regulations.

40. If the federal EPA has issued guidance with regard to the levels that it currently determines as acceptable, would the Illinois EPA utilize those in its decision as to whether or not to grant Ganna a permit?

The Illinois EPA does use USEPA guidance in determining emission levels. The USEPA has developed specific rules for a asphalt plants known as New Source Performance Standards listed as 40 CFR 60 Subpart A & I. Ganna will comply with these rules.

The CAA amended in 1990 required USEPA to develop a list of Industrial Source Categories and a schedule for promulgation of 40 CFR Part 63 NESHAP to achieve maximum reductions of HAPs. The use of maximum achievable control technology (MACT) to reduce HAP was to be accomplished through the development of background information from the listed sources in each category, and develop a MACT "floor" for the listed sources.

USEPA was also required to develop a source Category list under Section 112 (c) and a schedule for NESHAP promulgation under Section 112(e). USEPA also published subsequent amendments to the list in which USEPA de-listed some source categories based upon weight of evidence that the sources in a specific category do not have a major impact on the public health and the environment.

The Asphalt Concrete Manufacturing source category is one of the categories that USEPA intends to de-list because of the lack of evidence of adverse impact on the public and environment.

41. Are the environmental regulations less strict since the facility is locating in an industrial area? Would the regulations that apply to the source at this location be the same if the facility

was proposed to be built in a rural area?

The facility is a non-major source and as such the environmental laws and regulations that apply to this facility would be the same no matter where it was located in the state. The Illinois EPA does not decide or evaluate where projects are to be located. The regulations for air quality are protective regardless of where a project is located, in rural or urban locations. Decisions about where a facility is built are left to local decision makers, e.g. city or county zoning boards.

42. The company is willing to operate the facility at reduces loads to avoid more stringent regulations.

Most asphalt plants restrict their operation by permit limits, as has Ganna. The company has proposed to operate the facility at levels appropriate for an asphalt plant, 14 hours per day, six days a week. If the company exceeds annual limits by operating more hours than this, then appropriate enforcement actions will be taken including the requirement that the company obtain a CAAPP permit if they exceed major source levels.

43. Has Ganna had permit violations at other facilities?

By state law, the past performance of an applicant cannot be considered in the decision to grant or deny a permit. If Ganna violates any Illinois EPA regulations while operating at this site they will be subject to enforcement action.

Data on historic violations at a particular facility can be obtained from the Illinois EPA by submitting a Freedom of Information Act request. The address to send such a request is Illinois EPA, BOA FOIA Section, 1021 North Grand Avenue East, P.O. Box 19506, Springfield, IL 62794-9506.

44. The draft permit is inadequate because it does not adequately describe and address particulate and hazardous air pollutants.

The Ganna Construction, Inc asphalt plant is required to comply with New Source Performance Standard 40 CFR 60, Subpart A & I, developed by USEPA. These rules specifically describe the limit on the total particulate emissions. In addition, this project requires the company to emit less than 25 ton/year of VOM, 10 ton/year of a single HAP, or 25 tons/year of total HAP. There are no other rules that specifically establish emission limits with which Ganna needs to comply. The draft permit specifically addresses this issue.

USEPA, on December 20, 2000 issued revised emission factors for asphalt plants, which indicates that total HAP and VOM emissions will be well below the limit specified above. Based on this information, the Illinois EPA feels that the final permit does not require any additional conditions.

45. The draft permit is inadequate because it does not identify and limit fuel sources and raw materials that directly affect plant emission.

The draft permit and the copy of the construction permit application specifies that natural gas will be the only fuel used in this project. Changes in fuels would require a revision to the permit.

46. If it decides to issue a permit, IEPA should issue a construction permit and should defer a decision on an operating permit until the completion of emission testing.

The draft permit specifically states that the company is required to perform a compliance test once the facility is constructed and can operate the facility only after demonstration of compliance with the applicable rules.

If Ganna fails to comply with any regulations or causes any nuisance, the Agency will investigate such violations. Many such violations are followed up by enforcement action through the Attorney General's office. Many such enforcement actions are resolved with a consent decree and monetary penalties. In addition, as specified in the permit, the Lifetime Operating permit can be terminated with 180-day notice if the Illinois EPA finds reason to do so.

Other Impacts

47. This project could hurt Lemont's efforts to preserve its historic downtown as a historic destination. Truck traffic will not correspond well with the historic nature of the downtown area.

The Illinois EPA does not have authority to regulate public traffic areas nor does the Illinois EPA study traffic patterns during the review. Ganna Construction, Inc. testified in the hearing that truck traffic would be minimal, if any, going through downtown Lemont. It is within the local jurisdiction to impose and enforce weight limits, tarping requirements, and other trucking limits on locally controlled roads.

48. Does this application address expected noise levels from the plant.

This permit is for the regulation of air emissions from this source not noise or other environmental issues. The company must still comply with all other environmental laws and regulations that they may be subject to outside the scope of the permit. The state has noise regulations that the facility will need to comply with.

49. The stacks will be visible and be an eyesore.

Height restrictions and other visual nuisance issues are addressed through local zoning requirements.

50. Does the permit require institutional barriers, berms or trees, to provide visual and noise protection?

As discussed above this permit only addresses air emissions. This permit does not shield the company from complying with other state, federal or local requirements, including state noise pollution standards.

51. Does the applicant address what odor mitigation plan, if any, the developers have proposed for their asphalt plant?

In the case of an odor problem, residents should contact the Illinois EPA Field Office located at 9511 West Harrison in Des Plaines at 847/294-4000. In most cases they will investigate the complaint and follow-up with a warning letter to the company. In such cases, the company is requested to resolve the problem or the IEPA will take legal action through the Attorney General's office.

52. Does the permit address mobile sources of pollution? Diesel emissions contribute to soot and smog pollution that is associated with 15,000 premature deaths annually as well as a million cases of respiratory problems annually.

The permit only addresses stationary sources of emissions not mobile sources. Mobile sources are regulated by the federal government, which sets standards for fuel formulation and engine emissions. USEPA is currently developing a rule, which will require a drastic reduction of sulfur content in diesel fuel. USEPA also proposed new NO_x and PM limits for diesel engines in May 2000. It is expected that when these rules are in place that significant reductions in diesel engine emissions will be realized.

53. Would plant or animal species in the valley be affected by this facility? Will emissions from this facility harm the environment or endangered species?

The Illinois EPA notifies the Illinois Department of Natural Resources for comment. IDNR has not informed the Illinois EPA that there would be an impact on local species. Further it is the Illinois EPA's experience from other asphalt plants that their air emissions do not have an impact on local vegetation or animal species.

54. Were there soil studies done on that particular piece of property that they plan to build on? Does this site have any contamination? Do they need to clean it up?

There is no specific requirement to perform soil study prior to any construction since this will be used as an industrial site. However, many industries may on a voluntary basis perform such studies.

55. How will Ganna's use of recycled asphalt effect air pollution?

Use of recycled asphalt is a common practice for any asphalt plant. Use of recycled asphalt will not contribute to additional emissions.

56. What impact will this facility have on water quality?

The type of air pollution control equipment being used does not use water to control air emissions. This facility should not impact water quality.

General Comments

57. Does the air permit application address the traffic impacts?

No. Traffic impacts are appropriately addressed through the local zoning authority.

58. It would seem that with the overwhelming objection to the proposed asphalt plant by Ganna by the citizens here tonight the decision would be obvious to reject this application.

Any application for a permit is reviewed based on the applicable rules and regulations. If the applicant shows compliance with applicable rules then the Illinois EPA cannot deny the permit because of public opposition to the project. If the Illinois EPA decides to deny the permit, the company can take the matter to court and under such circumstances, the company may have a permit that does not restrict emissions.

59. Does the Illinois EPA require a certain level of protection or training from the fire district to

handle an asphalt plant?

The Illinois EPA does not regulate fire protection. The company must work with the local fire protection district to determine the level of fire protection needed on site. The company's insurance carrier may also have an interest in assuring that the company has adequate fire protection. The local fire protection district in Lemont should have experience working with industrial sources to assure that they have the needed equipment and fire fighting capacity.

Environmental Policy

60. Does approval of this permit meet the Illinois EPA's mission of safeguarding the environmental quality consistent with the social and economic needs of the state as to protect, health, welfare, property, and quality of life.

The Illinois EPA meets its mission of safeguarding the environmental quality of the state by implementing and enforcing federal and state laws and regulations. The impact of air quality on the health of citizens is the primary consideration in the development of the overarching laws and regulations of which the permit program is one part. For example, the National Ambient Air Quality Standards (NAAQS) are set to be protective of sensitive populations; if ambient air is in violation of the NAAQS then the Illinois EPA must take steps to reduce pollution to bring air quality into compliance with the standard, including stricter restrictions on permitting of major sources.

61. I would ask that every government official and governing body represented here do everything within their power to severely limit and even decrease the toxins in our air.

The Illinois EPA has been working cooperatively with the USEPA and other states to develop maximum achievable control technology (MACT) standards. MACT standards are developed to limit hazardous air pollutants (HAP) and are developed by industrial grouping. The USEPA develops the MACT standard by reviewing extensive data collected from emission testing. The implementation of the MACT standards will reduce emissions of HAP across the country. After review of emission data collected from more than 350 asphalt plant emission reports, the USEPA has lowered the emission factors to be used in determining HAP emissions from asphalt plants and determined that a MACT standard is not needed for this industrial grouping, "Hot Mix Asphalt Plants".

62. What new legislation would be required to have the Illinois EPA evaluate multiple sources of toxic chemicals when making permitting decisions?

This is difficult to answer because lots of considerations are required before rules are developed such as technological advancement, economic benefit, support in the environmental and industrial communities and the need for such legislation.

63. We are victims of a state with some of the weakest environmental laws in the nation.

The State of Illinois being an industrial state has more stringent regulations than many of the surrounding states. Illinois' Air Pollution Control program is rated as one of the better programs in Region V by USEPA.

For Additional Information

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

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Signed: signed Date: January 22, 2001
William Seltzer, Hearing Officer