

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF AIR

DIVISION of AIR POLLUTION CONTROL

PERMIT SECTION

PROJECT SUMMARY for the
DRAFT CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT

Stepan Company Millsdale Plant
22500 West Millsdale Road
Elwood, Illinois 60421-9646

Illinois EPA ID Number: 197800AAE

Application Number: 96030061

Application Type: Renewal Permit

Start of Public Comment Period: November 24, 2008

Close of Public Comment Period: December 24, 2008

Permit Engineer/Technical Contact: Dan Punzak, 217/782-2113

Community Relations/Comments Contact: Brad Frost, 217/782-7027

(This Project Summary generally describes the source and explains the draft permit. This document has been prepared pursuant to Section 39.5(8)(b) of the Illinois Environmental Protection Act, which requires "a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions.")

I. INTRODUCTION

This source has applied for a renewal of its Clean Air Act Permit Program (CAAPP) operating permit. The CAAPP is the program established in Illinois for operating permits for significant stationary sources as required by Title V of the federal Clean Air Act and Section 39.5 of Illinois' Environmental Protection Act. The conditions in a CAAPP permit are enforceable by the Illinois Environmental Protection Agency (Illinois EPA), the USEPA, and the public. This document is for informational purposes only and does not shield the Permittee from enforcement actions or its responsibility to comply with applicable regulations. This document shall not constitute a defense to a violation of the Act or any rule or regulation.

A CAAPP permit contains conditions identifying the applicable state and federal air pollution control requirements that apply to a source. The permit also establishes emission limits, appropriate compliance procedures, and specific operational flexibility. The appropriate compliance procedures may include monitoring, record keeping, and reporting to show compliance with these requirements. The Permittee must carry out these procedures on an on-going basis to demonstrate that the source is operating in accordance with the requirements of the permit. Further explanations of the specific provisions of the draft CAAPP permit are contained in the attachments to this document, which also identify the various emission units at the source.

The principal changes from the current permit are the addition of a number of NESHAPs, a program that requires a higher level of control of hazardous air pollutant emissions, although some will not be effective until several years after issuance of this permit.

II. GENERAL SOURCE DESCRIPTION

a. Nature of source

The Stepan Company Millsdale Plant is located at 22500 West Millsdale Road, Elwood in Will County. The source manufactures specialty organic chemicals such as surfactants. In addition, the source operates boilers to supply steam for the manufacturing processes.

b. Ambient air quality status for the area

The source is located in an area that is currently designated nonattainment for the National Ambient Air Quality Standards for ozone and PM_{2.5} and attainment or unclassifiable for all other criteria pollutants (carbon monoxide, lead, nitrogen, PM₁₀ and sulfur dioxide)

c. Major source status

1. The source requires a CAAPP permit as a major source of VOM, NO_x, SO₂, PM and HAP emissions.

d. Source Emissions

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The following table lists annual emissions of criteria pollutants from this source, as reported in the Annual Emission Reports sent to the Illinois EPA.

Pollutant	Annual Emissions (tons)				
	2007	2006	2005	2004	2003
CO	115.20	119.50	112.90	121.00	113.50
NO _x	29.60	25.20	29.20	24.00	23.90
PM	38.10	37.10	34.90	31.30	33.10
SO ₂	72.10	59.60	65.00	57.10	74.80
VOM	309.90	292.80	262.40	307.10	262.50
Maleic Anhydride (top HAP)	104.20	103.10	81.30	97.10	70.20
Methyl Alcohol (2 nd highest HAP)	53.20	44.50	47.50	37.20	38.20

III. NEW SOURCE REVIEW/TITLE I CONDITIONS

This draft permit contains terms and conditions that address the applicability of permit programs for new and modified sources under Title I of the Clean Air Act (CAA) and regulations promulgated thereunder, including 40 CFR 52.21, Prevention of Significant Deterioration (PSD) and 35 IAC Part 203, Major Stationary Sources Construction and Modification. Any such terms and conditions are identified within the draft permit by T1, T1R, or T1N. Any conditions established in a construction permit pursuant to Title I and not revised or deleted in this draft permit, remain in effect pursuant to Title I provisions until such time that the Illinois EPA revises or deletes them. Where the source has requested that the Illinois EPA establish new conditions or revise such conditions in a Title I permit, those conditions are consistent with the information provided in the CAAPP application and will remain in effect pursuant to Title I provisions until such time that the Illinois EPA revises or deletes them.

This draft permit would establish new Title I requirements.

IV. COMPLIANCE INFORMATION

The source has certified compliance with all applicable rules and regulations; therefore, a compliance schedule is not required for this source. In addition, the draft permit requires the source to certify its compliance status on an annual basis.

V. PROPOSED ILLINOIS EPA ACTION / REQUEST FOR COMMENTS

It is the Illinois EPA's preliminary determination that this source's permit application meets the standards for issuance of a CAAPP permit. The Illinois EPA is therefore proposing to issue a CAAPP permit, subject to the conditions proposed in the draft permit.

Comments are requested by the Illinois EPA for the draft or proposed permit, pursuant to 35 IAC Part 252 and Sections 39.5(8) and (9) of the Illinois Environmental Protection Act. A final decision on the draft or proposed permit will not be made until the public, affected states, and USEPA have had an opportunity to comment. The Illinois EPA is not required to accept recommendations that are not based on applicable requirements. If substantial public interest is shown in this matter, the Illinois EPA will consider holding a public hearing in accordance with 35 IAC Part 166.

ATTACHMENT 1: Summary of Source-Wide Requirements

The following table indicates the source-wide emissions control programs and planning requirements that are applicable to this source. These programs are addressed in Sections 5 and 6 of the draft permit.

Program/Plan	Applicable
Emissions Reduction Market System (ERMS)	Yes
Nitrogen Oxides (NO _x) Trading Program	No
Acid Rain Program	No
Compliance Assurance Monitoring (CAM) Plan	Yes
Fugitive Particulate Matter (PM) Operating Program	Yes
Risk Management Plan (RMP)	Yes
PM ₁₀ Contingency Measure Plan	No

- a. The ERMS is a market-based program designed to reduce VOM emissions from stationary sources located in the Chicago ozone non-attainment area in order to contribute to reasonable further progress toward attainment (35 IAC Part 205). If applicable, this program is further described in Section 6.0 of the draft permit, including the Illinois EPA’s determination of the source’s baseline emissions and allotment of trading units under the ERMS.
- b. Compliance Assurance Monitoring (CAM) is a program for pollutant-specific emission units which use an add-on control device to achieve compliance with an emission limitation or standard. A CAM plan is required for such units that have potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than major source threshold levels, and are not specifically exempt by 40 CFR Part 64. Subject units and the CAM plans are identified in Attachment 3 of the draft permit.
- c. The fugitive PM operating program is required to significantly reduce fugitive particulate matter emissions from certain affected locations and facilities (35 IAC Part 212.309 – 212.312). Normally, elements of this program include, but are not limited to, addressing normal traffic pattern roads, parking facilities, and material piles and handling through the use of water, oils, or chemical dust suppressants.
- d. The RMP is a program for reducing the levels of emissions during an emergency, consistent with safe operating procedures (Section 112(r) of the federal Clean Air Act). The program requires the immediate implementation the appropriate steps described in this plan should an emergency be declared. The Permittee is required to maintain and have this plan on file with the USEPA.

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ATTACHMENT 2: Summary of Requirements for Specific Emission Units

The following tables include information on the requirements that apply to significant emission units at this source. The requirements are found in Section 7 of the draft permit, which is further divided into subsection, i.e., Section 7.1, 7.2, etc., for the different categories of units at the source. A separate table is provided for each subsection in Section 7 of the draft permit. An explanation of acronyms and abbreviations is contained in Section 2 of the draft permit.

Table 1 (Section 7.1 of the draft permit)

Emission Unit – Air Oxidation Process (Phthalic Anhydride)	
Description	Produced by the partial oxidation of o-xylene over a catalyst. Side products are formed and need to be separated from the main product by distillation. The partial oxidation also results in the formation of CO but the catalytic afterburner control destroys both CO and residual VOM. The final product can be either a solid at room temperature or a liquid at an elevated temperature.
Date Constructed	The main four reactors were constructed between 1977 and 1998.
Emission Control Equipment	Reactors are controlled by catalytic afterburners and the flaking process by a baghouse.
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> • HON Rule (NESHAP Subparts F, G and H) • 35 IAC 218.520(a) and 218.301/302 • 35 IAC 216.362 • 35 IAC 214.301 • Distillation columns subject to 218 subpart Q and comply using TRE calculation • Batch residue column subject to 218 Subpart V • LDAR Testing under the HON and 218 Subpart Q • Flaking is subject to 35 IAC 212 Subparts B and L
Streamlining	<ul style="list-style-type: none"> • Since 218.302 only required 85% control and 218.520 and the HON requires 98% so compliance with the latter two rules assures compliance with the former.
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.1.5 and 7.1.6. These limits were incorporated from Permits 90100012 and 97010026.

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Emission Unit – Air Oxidation Process (Phthalic Anyhdride)	
Non-applicability	<ul style="list-style-type: none"> • Batch residue column and flakers not subject to HON. • Not subject to NSPS because subject to HON. • Not subject to 218 Subpart RR because they are subject to 218 Subpart Q and/or V. • Reactors and batch residue column are not subject to CAM because they are subject to NESHAP. • Distillation columns are not subject to CAM because there is no control equipment.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	<ul style="list-style-type: none"> • Control efficiency and TRE values upon request. HON testing as required by the rule.
Emissions Monitoring	None
Operational Monitoring	<ul style="list-style-type: none"> • Catalytic afterburners as required by the HON and 35 IAC 218.105. • Bypass lines as required by the HON. • LDAR testing as required by HON and 218 Subpart Q. • CAM requirements for baghouse.
Inspections	<ul style="list-style-type: none"> • Weekly inspection of baghouse discharge.
Recordkeeping	<ul style="list-style-type: none"> • Monitoring Data. • Startup and Shutdown. • Malfunction and Breakdown.
Other	
Reporting	
Prompt Reporting	<ul style="list-style-type: none"> • Exceeding emission limitations. • Malfunction and Breakdown.
Other Reporting	<ul style="list-style-type: none"> • As required by HON. • As required by CAM. • Startup and Shutdown.
Other Information	
Footnotes	

Table 2 (Section 7.2 of the draft permit)

Emission Unit - Batch Processes	
Description	Numerous batch chemical processes
Date Constructed	Various
Emission Control Equipment	Many none but there are some condensers and scrubbers and an occasional baghouse for solid products
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> • 35 IAC 218 Subpart V (Batch processes). Most units meet the requirements for no control required due to de minimis emission rate. • Units that do not meet the de minimis rate are subject to the control requirements of 218.501. • All of the units are subject to the limits of 218.301/302. • The Alkoxylation process is subject to the NESHAP for Polyether polyol (Subpart PPP) which in turn requires LDAR under Subpart H. • The biodiesel reactors (EUBD), amides reactors (EUAM), and esterification reactor and fractionator (EUE) are subject to the control requirements of the Miscellaneous Organic NESHAP (the MON, Subpart FFFF). Many other units are subject to the MON but are Group 2 units that do not require control. • Solids handling processes are subject to 35 IAC 212 Subparts B and L.
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.1.5 and 7.1.6. These limits were incorporated from Permit 89040012, 00100086, 93090006, 94090023, 95040086, 90050072, 93120031, 87030076, 89050067, 90070080, 98080070 and 05070058.
Non-applicability	<ul style="list-style-type: none"> • Not subject to 218 Subpart RR because subject to Subpart V. • Not subject to NSPS for reactor or distillation processes or HON because not on list of affected chemicals. • Many units are not subject to CAM because they do not have control equipment and several units not subject to CAM because they are subject to a NESHAP proposed after 1990. • Several other units are not subject to CAM because the pre-control emissions do not exceed major source levels.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	<ul style="list-style-type: none"> • Testing to determine if units meet the de minimis levels. • Testing to determine control efficiency

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Emission Unit - Batch Processes	
Emissions Monitoring	
Operational Monitoring	<ul style="list-style-type: none"> • Scrubber monitoring as required by 35 IAC 218.504(c). • Condenser monitoring as required by 35 IAC 218.504(d). • CAM monitoring as required by Part 40 CFR 64.
Inspections	LDAR
Recordkeeping	<ul style="list-style-type: none"> • Verification of de minimis calculations. • Control equipment monitoring including CAM. • Records required by two NESHAPs.
Other	
Reporting	
Prompt Reporting	<ul style="list-style-type: none"> • Discovery that the de minimis level not being achieved or a Group 2 NESHAP unit becomes a Group 1 unit. • Control levels specified are not being achieved. • Exceedances of Title I requirements.
Other Reporting	<ul style="list-style-type: none"> • As required by NESHAPs. • As required by CAM.
Other Information	
Footnotes	

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Table 3 (Section 7.3 of the draft permit)

Emission Unit - Continuous Processes	
Description	Some of the chemical processes are continuous in nature as compared to the batch processes in the previous section. For many of the continuous processes a TRE (total resource effectiveness) value is used to determine compliance if there is no control equipment.
Date Constructed	Various
Emission Control Equipment	Many uncontrolled but one unit has a scrubber and two units are vented to control equipment from other processes previously discussed (i.e. Section 7.1 or 7.2)
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> • 35 IAC 218 Subpart Q for SOCOMI processes • 35 IAC 218.301/302 • 35 IAC 214.301 and 214.303 • NESHAP Subpart FFFF (MON)
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.3.5 and 7.3.6. These limits were incorporated from Permit 94060078, 98020024, 95060104, 96110013, and 90110068.
Non-applicability	<ul style="list-style-type: none"> • Not subject to 35 IAC 218 Subpart RR because it is Subject to Subpart Q. • 40 CFR 60 Subpart VV, NNN or RRR: Not on list of chemicals affected by rule. • 40 CFR 63 Subparts F, G and H: Not on list of chemicals affected by rule. • Most units not subject to CAM because they do not have control equipment. • Polyol Unit not subject to CAM because it is subject to a NESHAP issued after 1990.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	<ul style="list-style-type: none"> • Testing upon request to verify emission rates or TRE values
Emissions Monitoring	N/A

Emission Unit - Continuous Processes	
Operational Monitoring	<ul style="list-style-type: none"> • Since the TRE is above 4.0 on many processes, monitoring is not required for those processes. • One unit vents to control equipment in Section 7.1 and thus must comply with the monitoring requirements in that section. • Although one condenser is a process condenser it is still required to be monitored for temperature to assure TRE value is being achieved.
Inspections	N/A
Recordkeeping	<ul style="list-style-type: none"> • Records of TRE values and testing or calculations to determine the TRE value. • Records required by CAM. • Records required by NESHAP.
Other	
Reporting	
Prompt Reporting	<ul style="list-style-type: none"> • Discovering that a TRE index was below the value exempting it from control equipment. • Not meeting the control requirements or work practice standards of Condition 7.3.5 or exceeding the emission limits of Condition 7.3.6.
Other Reporting	<ul style="list-style-type: none"> • CAM and NESHAP
Other Information	
Footnotes	

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Table 4 (Section 7.4 of the draft permit)

Emission Unit - Storage Tanks	
Description	Most of the storage tanks at the site are insignificant emission units but there are a few that do not meet those criteria.
Date Constructed	Various
Emission Control Equipment	Several scrubbers
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> • NESHAP Subpart FFFF • Some other tanks are subject to NESHAP Subpart F and G but since they are Group 2 tanks they only have to do recordkeeping. • Other tanks are subject to NSPS but due to size and vapor pressure they are only subject to recordkeeping.
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.4.5 and 7.4.6. These limits were incorporated from Permits 00070058, 05040028 and 05120053.
Non-applicability	<ul style="list-style-type: none"> • CAM: The units do not use control equipment or if they do the potential precontrol emissions are less than major source threshold.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	<ul style="list-style-type: none"> • Per NESHAP, if required.
Emissions Monitoring	N/A
Operational Monitoring	<ul style="list-style-type: none"> • NESHAP monitoring of the scrubbers using a continuous parameter monitoring system. • The scrubbers on the ethylene oxide and propylene oxide tanks are only used when a shipment is received but must be checked periodically.
Inspections	N/A
Recordkeeping	<ul style="list-style-type: none"> • Monitoring information • As required by NESHAP
Other	

Emission Unit - Storage Tanks	
Reporting	
Prompt Reporting	<ul style="list-style-type: none"> • Storage of a material with a higher vapor pressure that would make the tank subject to a different regulation. • Emissions exceeding the rate specified in Title I conditions.
Other Reporting	<ul style="list-style-type: none"> • As required by NESHAP
Other Information	
Footnotes	

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Table 5 (Section 7.5 of the draft permit)

Emission Unit - Fuel Combustion Devices	
Description	Five natural gas-fired boilers, two of which have backup oil (including biodiesel) as fuel, several vaporizers and a small air heater. All have a firing rate of less than 100 mmBtu/hr.
Date Constructed	Various but boiler #5R is subject to NSPS and NESHAP due to its construction in 2005
Emission Control Equipment	None
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> Boiler 5R is subject to the NSPS Subpart Dc. There are standards for sulfur dioxide and opacity. There are state standards for CO (§216.121), Opacity (§212.123), PM (§212.206 and 212.207) and SO₂ when burning liquid fuel (§214.122)
Streamlining	<ul style="list-style-type: none"> The NSPS standard for SO₂ is less stringent than the state standard so compliance with §214.122 assures compliance with the NSPS.
Title I Conditions	<ul style="list-style-type: none"> The draft permit contains limits on operation and emissions in Conditions 7.5.5 and 7.5.6. These limits were incorporated from Permit 05080081.
Non-applicability	<ul style="list-style-type: none"> 35 IAC 217.141: Not applicable to any unit because the firing rate is less than 250 mmBtu/hr NSPS Subpart Dc: Opacity monitor not required because the boiler does not burn coal or residual fuel oil. Not subject to CAM because the units do not have control equipment
Periodic Monitoring (other than basic regulatory requirements)	
Testing	<ul style="list-style-type: none"> Rather than using a sulfur dioxide monitor the Permittee has the fuel supplier certify the sulfur content of the fuel oil.
Emissions Monitoring	N/A
Operational Monitoring	N/A
Inspections	N/A
Recordkeeping	<ul style="list-style-type: none"> Fuel and biodiesel usage. Sulfur content of fuel oil (supplier certifications). As required by NSPS and NESHAP.
Other	

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Emission Unit - Fuel Combustion Devices	
Reporting	
Prompt Reporting	<ul style="list-style-type: none"> • Exceedance of Conditions 7.5.3, 7.5.5 or 7.5.6.
Other Reporting	<ul style="list-style-type: none"> • As required by NSPS or NESHAP
Other Information	
Footnotes	

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Table 6 (Section 7.6 of the draft permit)

Emission Unit - Non-Manufacturing Operations	
Description	This is a catchall section a small number of units that do not fit into the other sections of the permit. Includes the wastewater treatment plant and cooling towers.
Date Constructed	Various
Emission Control Equipment	Filter on one units and absorber on another.
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> • The lime silo is subject to the PM and opacity standards of 212 Subparts B and L. • The wastewater treatment plant is subject to 218.301. • The SO₂ unloading system is subject to 214.301.
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.6.5 and 7.6.6. These limits were incorporated from Permit 98030058.
Non-applicability	<ul style="list-style-type: none"> • 218 Subpart TT: Exempts industrial wastewater treatment plants from potential to emit. • 218 Subpart TT: Cooling towers not subject because all units subject to TT have potential to emit of less than 25 tons/year. • CAM does not apply because the units either have no control equipment or pre-control emissions do not exceed major source thresholds. • The wastewater treatment plant is not subject to NESHAP because the concentration of HAPs is not high enough to classify it as a Group I unit.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	N/A
Emissions Monitoring	N/A
Operational Monitoring	N/A
Inspections	N/A
Recordkeeping	<ul style="list-style-type: none"> • Wastewater treatment throughput
Other	

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Emission Unit - Non-Manufacturing Operations	
Reporting	
Prompt Reporting	<ul style="list-style-type: none"> Emissions exceeding Condition 7.6.6
Other Reporting	If wastewater treatment plant becomes subject to NESHAP
Other Information	
Footnotes	

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ATTACHMENT 3: Prompt Reporting of Deviations

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 Permittee to measure compliance and to direct investigation and follow-up activities. Prompt reporting is evidence of a Permittee'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 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 an emission limitation or standard or the like, as necessary and appropriate.

Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, which mirrors 40 CFR 70.6(a)(3)(iii)(B), requires prompt reporting of deviations from the permit requirements. 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. Furthermore, Section 39.5(7)(f)(i) of the Illinois Environmental Protection Act, which mirrors 40 CFR 70.6(a)(3)(iii)(A) requires that monitoring reports must be submitted at least every 6 months. Therefore, USEPA generally considers anything less than 6 months to be "prompt" as long as the selected time frame is justified appropriately (60 Fed. Reg. 36083, 36086 (July 13, 1995)).

The USEPA has stated that, for purposes of administrative efficiency and clarity, it is acceptable to define prompt in each individual permit. *Id.* The Illinois EPA has elected to follow this approach and defines prompt reporting on a permit by permit basis. In instances where the underlying applicable requirement contains "prompt" reporting, this frequency or a shorter frequency of reporting is the required timeframe used in this permit. Where the underlying applicable requirement fails to explicitly set forth the timeframe for reporting deviations, the Illinois EPA has developed a structured manner to determine the reporting approach used in this permit.

The Illinois EPA generally uses a time frame of 30 days to define prompt reporting of most deviations. Also, for certain permit conditions in individual permits, the Illinois EPA may require an alternate timeframe that is less than 30 days if the permit requirement justifies a shorter reporting time period. Under certain circumstances, EPA may establish a deviation reporting period longer than 30 days, but, in no event exceeding 6 months. Where it has established a deviation reporting period other than 30 days in an individual permit (specifically Section 7.x.10), the Illinois EPA has explained the reason for the alternative timeframe. (See Attachment 2 of this Project Summary.)

The timing for certain deviation reporting may be different when a source or emission unit at a source warrants reporting to address operation, independent of the occurrence of any deviations. This is the case for a source that is required to perform continuous monitoring for the emission unit, for which quarterly or semi-annual “monitoring” reports are appropriate. Where appropriate, reporting of deviations has generally been combined in, or coordinated with these quarterly or semi-annual reports, so that the overall performance of the plant can be reviewed in a comprehensive fashion. This will allow a more effective and efficient review of the overall performance of the source by the Illinois EPA and other interested parties, as well as by the source itself.

At the same time, there are certain deviations for which quicker reporting is appropriate. These are deviations for which individual attention or concern may be warranted by the Illinois EPA, USEPA, and other interested parties. Under this scenario, emphasis has been placed primarily on deviations that could represent substantial violations of applicable emission standards or lapses in control measures at the source. For these purposes, depending on the deviation, immediate notification may be required and preceded by a follow-up report submitted within 15 days, during which time the source may further assess the deviation and prepare its detailed plan of corrective action.

In determining the timeframe for prompt reporting, the Illinois EPA assesses a variety of criteria such as:

- historical ability to remain in continued compliance,
- level of public interest in a specific pollutant and/or source,
- seriousness of the deviation and potential to cause harm,
- importance of applicable requirement to achieving environmental goals,
- designation of the area (i.e., non-attainment or attainment),
- consistency among industry type and category,
- frequency of required continuous monitoring reports (i.e., quarterly),
- type of monitoring (inspection, emissions, operational, etc.), and
- air pollution control device type and operation

These prompt reporting decisions reflect the Illinois EPA’s consideration of the possible nature of deviations by different emission units and the responses that might be required or taken for those different types of deviations. As a consequence, the conditions for different emission units may identify types of deviations which include but are not limited to: 1) Immediate (or very quick) notification; 2) Notification within 30 days as the standard; or 3) Notification with regular quarterly or semi-annual monitoring reports.

The Illinois EPA’s decision to use the above stated prompt reporting approach for deviations as it pertains to establishing a shorter timeframe in certain circumstances reflects the criteria discussed as well as USEPA guidance on the topic.

- 40 CFR 71.6(a)(3)(iii)(B) specifies that certain potentially serious deviations must be reported within 24 or 48 hours, but provides for semi-annual reporting of other deviations. (Serious or severe consequences)

- FR Vol. 60, No. 134, July 13, 1995, pg. 36086 states that prompt should generally be defined as requiring reporting within two to ten days of the deviation, but longer time periods may be acceptable for a source with a low level of excess emissions. (intermediate consequences)
- Policy Statement typically referred to as the “Audit Policy” published by the USEPA defines prompt disclosure to be within 21 days of discovery. (Standard for most “pollutant limiting” related conditions)
- Responses to various States by USEPA regarding other States’ definition of prompt.

As a result, the Illinois EPA’s approach to prompt reporting for deviations as discussed herein is consistent with the requirements of 39.5(7)(f)(ii) of the 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. 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 to develop preventative measures, to reduce the likelihood of similar events, all of which must be addressed in the notification for the deviation.

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