

Statement of Basis

for the DRAFT CAAPP Permit for:

Source Name:

**City of Monmouth
North Wastewater Treatment Plant**

Statement of Basis No.: 01040047-1311

I.D. No.: 187808AAH

Permit No.: 01040047

Date Prepared: November 18, 2013

Permitting Authority:

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

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

Table of Contents

PREFACE

INTRODUCTION

CHAPTER I - LEGAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

- 1.1 Legal Basis for Program
- 1.2 Legal Basis for Issuance of CAAPP Permit
 - a. Application Status
 - b. Compliance Status
 - c. Payment of Fees
 - d. Additional Information Status
- 1.3 Legal Basis for Conditions in the CAAPP Permit
 - a. Applicable Federal Regulations
 - b. Applicable SIP Regulations
 - c. Other Applicable Requirements

CHAPTER II - FACTUAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

- 2.1 Source History
- 2.2 Source Description
- 2.3 Single Source Status
- 2.4 Ambient Air Quality Status
- 2.5 Source Status
- 2.6 Annual Emissions
- 2.7 Fee Schedule
- 2.8 SIP Permit Facts

CHAPTER III - SUPPLEMENTAL INFORMATION REGARDING THE PERMIT AND CONDITIONS

- 3.1 Environmental Justice
- 3.2 Emission Testing Results
- 3.3 Compliance Reports
- 3.4 Field Inspection Results
- 3.5 Historical Non-Compliance
- 3.6 Source Wide Justifications and Rationale
- 3.7 Emission Unit Justifications and Rationale
 - a. Anaerobic Wastewater Treatment Lagoon
- 3.8 Insignificant Activities Discussion
- 3.9 Prompt Reporting Discussion
- 3.10 Periodic Monitoring General Discussions

CHAPTER IV - DESCRIPTION OF THE CHANGES FROM PREVIOUSLY ISSUED CAAPP PERMITS

- 4.1 Major Changes Summary
- 4.2 Specific Permit Condition Changes

ENDNOTES

PREFACE

Reason For This Document

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

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

Purpose Of This Document

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

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

Since the last New CAAPP Permit issued on March 27, 2002, the source has also been issued the following:

Administrative Amendment issued on March 15, 2004 that decreased amount of fees to be paid by the source based on actual emissions over previous few years.

Minor Modification issued on June 5, 2006 that increased amount of fees to be paid by the source based on an increase of volume and hydrogen sulfide concentration in the wastewater stream.

Limitations

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

This document does not purport to establish policy or guidance.

INTRODUCTION

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

The Illinois EPA has focused in on key elements of the permit that relate to the requirements of the CAAPP Program:

- Emissions of:
 - SO₂
 - Potential for odors and associated monitoring/reporting

- The area surrounding City of Monmouth North Wastewater Treatment Plant has the potential for environmental justice ("EJ") concerns. Therefore, the Illinois EPA has taken a careful review of the monitoring in the DRAFT CAAPP permit and has provided for public input. Given the nature of the source to be an anaerobic treatment lagoon with potential odor issues, the Draft CAAPP permit requires the following. A discussion of this monitoring can be found in Section 3.1 of this Statement of Basis.
 - Quarterly sampling and testing of sulfur content of biogas to ensure compliance with emission limitations.
 - Monthly inspections of anaerobic wastewater treatment system and associated control system and equipment and prompt reporting of incidents where biogas is vented directly to the atmosphere.

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

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

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

CHAPTER I – LEGAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

1.1 Legal Basis for Program

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

1.2 Legal Basis for Issuance of CAAPP Permit

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

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

a. Application Status

The source submitted an application for a Renewal CAAPP Permit on September 11, 2006. This Draft CAAPP Permit addresses application content and necessary revisions to meet the requirements for issuance of the permit.

b. Present Compliance Status

The City of Monmouth was issued VN A-2013-00175 on 07/22/2013 for failure to apply for renewal of CAAPP permit in a timely manner. The current CAAPP Permit expired on 03/27/2007 and application for renewal was received on September 11, 2006. Issuance of this permit will resolve the alleged violation.

c. Payment of Fees

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

d. Additional Information

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

1.3 Legal Basis for Conditions in the CAAPP Permit

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

a. Applicable Federal Regulations

This source does not operate emission units that are subject to Federal regulations.

b. Applicable SIP Regulations

This source operates an emission unit that is subject to the following SIP regulations:

- 35 IAC Part 201 - Permits And General Provisions
- 35 IAC Part 212 - Visible And Particulate Matter Emissions
- 35 IAC Part 214 - Sulfur Limitations
- 35 IAC Part 228 - Asbestos
- 35 IAC Part 244 - Episodes
- 35 IAC Part 254 - Annual Emissions Report

c. Other Applicable Requirements

T1R requirements are included in the permit to address recent modification of biogas collection and flare system. Details of this construction activity and the T1R conditions are in the following Chapter.

CHAPTER II - FACTUAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

2.1 Source History

In mid-September 2011, a portion of the permanent cover on the lagoon pulled out from the anchor trench, which resulted in termination of combusting the biogas on December 15, 2011. The City of Monmouth repaired the lagoon cover and replaced the aging thermal oxidation system with two 300 scfm blowers and a single 6" open stick flare. Combustion of the biogas recommenced on November 8, 2012.

2.2 Description of Source

SIC Code: 4952
County: Warren

The Source is an anaerobic treatment facility for wastewater collected in a lagoon that produces odorous biogas containing methane, carbon dioxide and sulfur compounds, principally hydrogen sulfide (H₂S). A permanent cover on the lagoon allows the collection of the biogas, which is supplied to an open stick flare by two 300 scfm blowers. The combustion of the biogas converts the sulfur compounds into sulfur dioxide (SO₂) and other products of combustion. For the purpose of this CAAPP permit, the open stick flare is considered a process emission source because it converts odorous biogas containing hydrogen sulfide into sulfur dioxide, which is a regulated criteria pollutant.

The source contains the following processes:

<i>Emission Units</i>	<i>Description</i>
Anaerobic Wastewater Treatment Lagoon	Wastewater treatment lagoon with biogas collection system equipped with two 300 scfm blower and a 6" open stick flare

2.3 Single Source Status

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

2.4 Ambient Air Quality Status for the Area

The source is located in an area that as of the date of permit issuance designated attainment or unclassifiable for the National Ambient Air Quality Standards for all criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, PM_{2.5}, PM₁₀, sulfur dioxide). (See 40 CFR Part 81 - Designation of Areas for Air Quality Planning Purposes)

2.5 Source Status

The source requires a CAAPP permit because this source is considered major (based on its PTE) for the following regulated pollutants: sulfur dioxide (SO₂), and green house gas (GHG).

This source is considered a natural minor for the following regulated pollutants: PM₁₀, PM_{2.5}, nitrogen oxides (NO_x), volatile organic material (VOM), carbon monoxide (CO), and/or hazardous air pollutant (HAP).

Based on available data, this source is a major source of emissions for GHG, with potential emissions of GHG that are more than 100,000 tons per year (CO₂e). The City of Monmouth submitted data in its application for which the Illinois EPA estimated the PTE of GHG emissions to be 124,388 tons per year. The emissions consist of 5,014 tons of methane and 4,864 tons of CO₂ from the biogas potentially supplied to flare each and 14,211 tons of CO₂, 8 tons of N₂O, and 6 tons of methane from the biogas potentially combusted by the flare each year.

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

2.6 Annual Emissions

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

<i>Pollutant</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
CO	17.96	12.67	1.62
NO _x	21.55	15.20	1.94
PM	1.47	1.03	0.13
SO ₂	131.34	116.41	14.56*
VOM	0.13	0.09	0.01

* Annual Emissions of SO₂ dropped in 2012 because permanent cover pulled away from the anchor trench in September 2011 and biogas could not be combusted after December 15 2011. The cover was repaired in summer 2012 and combustion of biogas resumed in November 2012.

2.7 Fee Schedule

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

<i>Pollutant</i>	<i>Tons/Year</i>
Volatile Organic Material (VOM)	7.36
Sulfur Dioxide (SO ₂)	245.94
Particulate Matter (PM)	0.0

<i>Pollutant</i>		<i>Tons/Year</i>
Nitrogen Oxides	(NO _x)	3.57
HAP, not included in VOM or	(HAP)	----
Total		256.87

2.8 SIP Permit Facts (T1 Limits)

CAAPP Permits must address all "applicable requirements," which includes the terms and conditions of preconstruction permits issued under regulations approved by USEPA in accordance with Title I of the CAA (See definition of applicable requirements in Section 39.5(1) of the Illinois Environmental Protection Act). Preconstruction permits, commonly referred to in Illinois as Construction Permits, derive from the New Source Review ("NSR") permit programs required by Title I of the CAA. These programs include the two major NSR permit programs: (1) the Prevention of Significant Deterioration ("PSD") program¹ and (2) the nonattainment NSR program.² These programs also encompass state construction permit programs for projects that are not major.

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

- There are no previously issued Construction Permits required to be incorporated into the CAAPP Permit.
- The Illinois EPA has not recently issued Construction Permits for this source.
- There are no newly issued Construction Permits for projects not yet constructed for this source.
- The following table lists the T1R Limit issued by the Illinois EPA and require incorporation into the CAAPP Permit prior to the proposal and issuance of this Draft CAAPP Permit.

<i>T1 Type</i>	<i>Condition</i>	<i>Subject</i>
T1R	Section 4.1 Condition 4.1.2(b)(i)(B) & (C)	NSR Avoidance limits for SO ₂ and sulfur content of biogas calculated on a running 12-month basis.

- Extraneous or Obsolete T1 Conditions:³

Construction Permit No. *Condition Number* *Subject*

<i>Construction Permit No.</i>	<i>Condition Number</i>	<i>Subject</i>
99080056	Entire Permit	Emission Units and Control devices constructed under this permit were removed from the facility in the Summer of 2012
92060030	Entire Permit	Emission Units and Control devices constructed under this permit were removed from the facility in the Summer of 2012
05090048	Entire Permit	Emission Units and Control devices constructed under this permit were removed from the facility in the Summer of 2012

CHAPTER III - SUPPLEMENTAL DISCUSSIONS REGARDING THE PERMIT

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

3.1 Environmental Justice Discussions

While the Illinois EPA is sensitive to the location of this facility in a potential EJ community, Title V does not provide for substantive emission control requirements beyond those arising under currently applicable regulations. Thus, when issuing a CAAPP Permit for this facility, the Illinois EPA does not have the authority to impose additional emission control requirements to reduce emissions beyond the levels provided for by applicable state and federal regulations. At the same time, CAAPP Permits do not allow for additional emissions.

Having a facility subject to a CAAPP Permit provides benefits for air quality, the public and the environment generally. CAAPP Permits require more reporting on a facility's compliance status than is required by underlying state operating permits. For example, the requirements for semi-annual reports for all monitoring and annual compliance certifications only become applicable upon the effectiveness of a CAAPP Permit. In addition, CAAPP Permits generally provide clarity and awareness of applicable regulations and the mechanisms by which sources must comply with these regulations. CAAPP Permits add to the compliance checks put on facilities. Where a facility has outstanding compliance deficiencies, CAAPP Permits may establish compliance schedules and other additional conditions for monitoring and reporting.

With this Statement of Basis, the Illinois EPA has made very clear the applicable emission limitations, standards, and other enforceable terms and conditions, as well as attendant monitoring, reporting, recordkeeping, and certifications to assure compliance. The Illinois EPA has provided an explanation of same, as well as a justification for why the conditions that assure compliance are appropriate. The level of detail in the Statement of Basis is atypically involved and is in recognition of the public interest in the permitting of this complex facility in a potential EJ community. The Statement of Basis has been provided to the USEPA for its review. The extremely detailed explanation of the requirements, particularly Periodic Monitoring, applicable to this source is intended to further meaningful public participation.

3.2 Emission Testing Results

Test analysis data in the permit record indicated the following results of analysis completed on the byproduct gas:

Date Sampled	Date of Analysis Report	Results as specified below
05/21/2004	06/08/2004	2.032 Mol % H ₂ S 1.9 Weight % Sulfur
07/28/2004	08/19/2004	1.5 Weight % H ₂ S
October 2013	10/18/2013	2.0 by Volume % H ₂ S

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

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

3.4 Field Inspection Results

A review of the source's latest field inspection report dated May 17, 2012 demonstrates the source's ability to comply with all applicable requirements.

3.5 Historical Non-Compliance

None

3.6 Source Wide Justifications and Rationale

Applicable Requirements Summary	
Applicable Requirements	Not applicable

There are no source-wide requirements for the source.

3.7 Emission Unit Justifications and Rationale

a. Anaerobic Wastewater Treatment Lagoon		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirements (35 IAC 212.123(a))	Applicable Limit	See the Permit, Condition 4.1.2(a)
SO ₂ Requirements (35 IAC 214.301, T1R Limit and 40 CFR 64)	Applicable Limits	See the Permit, Condition 4.1.2(b)
Work Practice Requirements (Section 39.5(7)(a) of the Act)	Applicable Work Practices	See the Permit, Condition 4.1.2(c)

Visible Emissions (i.e., Opacity)

- ✓ Monitoring as follows (Condition 4.1.2(a)(ii)(A-B))
 - o Permittee must complete monthly visual observations of the stick flare flame and an annual observation for visible emissions from the flare in accordance with USEPA Method 22.

- ✓ Recordkeeping as follows (Condition 4.1.2(a)(ii)(C-D)):
 - o Permittee must keep records of all flame observations and opacity observations/measurements conducted in accordance with USEPA Method 22 and 9 and Permit Condition 4.1.2(a)(ii)(B)
 - o Permittee must record any incidents of flame outages.

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for this emission unit because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Btu content is high enough to sustain complete combustion.
- Source has not exhibited a history of non-compliance regarding opacity.
- Monitoring is consistent with similar flares.
- Monthly visual observation of flame and annual opacity observations are considered to be appropriate to demonstrate compliance with the applicable requirements because the stick flare is a smokeless flare.

Sulfur Emissions

- ✓ Monitoring as follows (Condition 4.1.2(b)(ii)(A-D)):
 - o Permittee must sample and analyze the biogas on a quarterly basis for total sulfur content. Frequency of analysis may be reduced to semi-annual if 2 of 4 consecutive results indicate hydrogen sulfide content is less than 1.8 percent by volume. Quarterly analysis must be resumed if semi-annual results indicate hydrogen sulfide content is greater than 1.8 percent by volume.
 - o Permittee must determine flow of biogas to the stick flare on a daily basis.
- ✓ Recordkeeping as follows (Condition 4.1.2(b)(ii)(E-F)):
 - o Permittee must maintain records of hydrogen sulfide and sulfur content of the biogas, flow determinations of biogas flow to the stick flare and actual emissions of SO₂ along with any supporting calculations that verify compliance with emission limitations.
 - o Permittee required to maintain files, records and logs as specified in permit condition 4.1.2(b)(ii)(F) related to the operation of the gas collection system for the anaerobic wastewater treatment lagoon.
- ✓ Reporting as follows (Condition 4.1.5(a-b)):
 - o Permittee required to notify IEPA within 7 calendar days of any incident where biogas is vented directly to the atmosphere and provide written follow-up report to the IEPA within 30 days of the incident, which contains, at a minimum, information regarding the incident as specified in Condition 4.1.5(b).

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for this emission unit because:

- SO₂ emissions are directly dependent on the sulfur content of the biogas.
- There is no Reference Method test to directly measure emissions from an open flare due to the inability to measure flow given combustion air is introduced at the tip of the flare and exhaust gases are not vented to the atmosphere.
- Increasing test frequency to semi-annual when sulfur content is consistently below 1.8 percent by volume is considered appropriate because potential annual emissions at 1.8 percent sulfur by volume will be below permitted limit based on historic operational data for the facility.

Work Practice Requirements

- ✓ Monitoring as follows (Condition 4.1.2(c)(ii)(A)):

- o Permittee is required to complete monthly inspections of the anaerobic wastewater treatment system and associated control systems and equipment,
- ✓ Recordkeeping as follows (Condition 4.1.2(c)(ii)(B)):
 - o Permittee is required to maintain records of the monthly inspections along with a maintenance and repair log in accordance with the requirements in permit condition 4.1.2(c)(ii)(B)

Rationale and Justification for Periodic Monitoring

- Periodic Monitoring is sufficient for this emission unit because routine inspections are warranted based on potentially odorous nature of the biogas and historic operations of the facility.

Non-Applicability Discussion

The anaerobic wastewater treatment lagoon and associated control equipment (e.g. lagoon cover and stick flare) is designed to control emissions of odorous biogas that contains methane and hydrogen sulfide. The stick flare efficiently destroys these pollutants but the combustion results in the generation of a criteria pollutant - sulfur dioxide. Because the flare is a passive control device for treatment of the biogas and there are no add-on control devices after the flare to achieve compliance with an emission limitation or standard, the system is not subject to the requirements in 40 CFR 64 - Compliance Assurance Monitoring.

Other non-applicability determinations are adequately explained in the permit.

Prompt Reporting Discussion

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

3.8 Insignificant Activities Discussion

Applicable Requirements Summary		
Applicable Requirement	Type	Location
NESHAP Requirement (40 CFR 63 Subpart A and ZZZZ)	Applicable Work Practices	See the Permit, Condition 6.1(a)(i)
SIP Requirement (35 IAC 212.123(a))	Applicable Limit	See the Permit, Condition 6.1(a)(ii)(A)
SIP Requirement (35 IAC 214.301)	Applicable Limit	See the Permit, Condition 6.1(a)(ii)(B)

National Emission Standards for Hazardous Air Pollutants (NESHAP)

- Presumed by rule as the source is subject to a standard promulgated after November 1990.

State Requirements (SIP)

- Emissions do not vary significantly under normal operation and/or vary slowly with time.

- Monitoring is consistent with other sources in this source category.

3.9 Prompt Reporting Discussion

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

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

Regulatory Reports

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

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

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

Deviation Reports (Prompt Reporting)

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

Neither the CAAPP nor the federal rules upon which the CAAPP is based and was approved by USEPA define the term "prompt". Rather, 40 CFR Part 70.6(a)(3)(iii)(B) intended that the term have flexibility in application. The USEPA has acknowledged for purposes of administrative efficiency and clarity that the permitting authority (in this case, Illinois EPA) has the discretion

to define "prompt" in relation to the degree and type of deviation likely to occur at a particular source. The Illinois EPA follows this approach and defines prompt reporting on a permit-by-permit basis. In instances where the underlying applicable requirement contains "prompt" reporting, the Illinois EPA typically incorporates the pre-established timeframe in the CAAPP permit (e.g. a NESHAP or NSPS deviation report). Where the underlying applicable requirement fails to explicitly set forth the timeframe for reporting deviations, the Illinois EPA generally uses a timeframe of 30 days to define prompt reporting of deviations.

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

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

Semi-Annual Monitoring Reports

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

Annual Compliance Certifications

Section 39.5(7)(p)(v) of the Illinois Environmental Protection Act mandates that each CAAPP Permit require a source to submit a certification of its

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

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

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

As a result, the Illinois EPA's approach to prompt reporting of deviations as discussed herein is consistent with the requirements of Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act as well as 40 CFR Part 70 and the CAA. This reporting arrangement is designed so that the source will appropriately notify the Illinois EPA of those events that might warrant individual attention.

3.10 Periodic Monitoring General Discussions

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

As a general matter, the required content of a CAAPP Permit with respect to such Periodic Monitoring is addressed in Section 39.5(7) of the Illinois Environmental Protection Act.⁴ Section 39.5(7)(b) of the Illinois Environmental Protection Act⁵ provides that in a CAAPP Permit:

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

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

Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), require Periodic Monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit

...

Accordingly, the scope of the Periodic Monitoring that must be included in a CAAPP Permit is not restricted to monitoring requirements that were adopted through rulemaking or imposed through permitting. When applicable regulatory emission standards and control requirements or limits and control requirement in relevant Title 1 permits are not accompanied by compliance procedures, it is necessary for Monitoring for these standards, requirements or limits to be established in a CAAPP Permit.^{6, 7} Monitoring requirements must also be established when standards and control requirement are accompanied by compliance procedures but those procedures are not adequate to assure compliance with the applicable standards or requirements.^{8, 9} For this purpose, the requirements for Periodic Monitoring in a CAAPP Permit may include requirements for emission testing, emissions monitoring, operational monitoring, non-instrumental monitoring, and recordkeeping for each emission unit or group of similar units at a facility, as required by rule or permit, as appropriate or as needed to assure compliance with the applicable substantive requirements. Various combinations of monitoring measures will be appropriate for different emission units depending on their circumstances, including the substantive emission standards, limitations and control requirements to which they are subject.

What constitutes sufficient Periodic Monitoring for particular emission units, including the timing or frequency associated with such Monitoring requirements, must be determined by the permitting authority based on its knowledge, experience and judgment.¹⁰ For example, as Periodic Monitoring must collect representative data, the timing of Monitoring requirements need not match the averaging time or compliance period of the associated substantive requirements, as set by the relevant regulations and permit provisions. The timing of the various requirements making up the Periodic Monitoring for an emission unit is something that must be considered when those Monitoring requirements are being established. For this purpose, Periodic Monitoring often consists of requirements that apply on a regular basis, such as routine recordkeeping for the operation of control devices or the implementation of the control practices for an emission unit. For certain units, this regular monitoring may entail "continuous" monitoring of emissions, opacity or key operating parameters of a process or its associated control equipment, with direct measurement and automatic recording of the selected parameter(s). As it is infeasible or

impractical to require emissions monitoring for most emission units, instrumental monitoring is more commonly conducted for the operating parameters of an emission unit or its associated control equipment. Monitoring for operating parameter(s) serves to confirm proper operation of equipment, consistent with operation to comply with applicable emission standards and limits. In certain cases, an applicable rule may directly specify that a particular level of an operating parameter be maintained, consistent with the manner in which a unit was being operated during emission testing. Periodic Monitoring may also consist of requirements that apply on a periodic basis, such as inspections to verify the proper functioning of an emission unit and its associated controls.

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

There are a number of considerations or factors that are or may be relevant when evaluating the need to establish new monitoring requirements as part of the Periodic Monitoring for an emission unit. These factors include: (1) The nature of the emission unit or process and its emissions; (2) The variability in the operation and the emissions of the unit or process over time; (3) The use of add-on air pollution control equipment or other practices to control emissions and comply with the applicable substantive requirement(s); (4) The nature of that control equipment or those control practices and the potential for variability in their effectiveness; (5) The nature of the applicable substantive requirement(s) for which Periodic Monitoring is needed; (6) The nature of the compliance procedures that specifically accompany the applicable requirements; (7) The type of data that would already be available for the unit; (8) The effort needed to comply with the applicable requirements and the expected margin of compliance; (9) The likelihood of a violation of applicable requirements; (10) The nature of the Periodic Monitoring that may be readily implemented for the emission unit; (11) The extent to which such Periodic Monitoring would directly address the applicable requirements; (12) The nature of Periodic Monitoring commonly required for similar emission units at other facilities and in similar circumstances; (13) The interaction or relationship between the different measures in the Periodic Monitoring for an emission unit; and (14) The feasibility and reasonableness of requiring additional measures in the Periodic Monitoring for an emission unit in light of other relevant considerations.¹¹

CHAPTER IV - CHANGES FROM PREVIOUSLY ISSUED CAAPP PERMITS

4.1 Major Changes Summary

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

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

4.2 Specific Permit Condition Changes

Requirement associated with and asbestos demolition and renovation projects were added to the Source Wide Requirements section.

New Source Review (NSR) avoidance emission limitations adjusted slightly due to recently modified control system for the biogas from the anaerobic wastewater treatment lagoon.

Periodic analysis of sulfur content of biogas established to assure compliance with NSR avoidance emission limitations.

Periodic monitoring added to ensure stick flare is operating efficiently and opacity emissions are within regulatory limitations.

Specific notification, reporting and operational requirements added if biogas is ever vented directly to the atmosphere.

Operational requirements for a small emergency diesel generator added under insignificant activities section.

Endnotes

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

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

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

⁴ The provisions of the Act for Periodic Monitoring in CAAPP permits reflect parallel requirements in the federal guidelines for State Operating Permit Programs, 40 CFR 70.6(a)(3)(i)(A), (a)(3)(i)(B), and (c)(1).

⁵ Section 39.5(7)(p)(i) of the Act also provides that a CAAPP permit shall contain "Compliance certification, testing, monitoring, reporting and record keeping requirements sufficient to assure compliance with the terms and conditions of the permit."

⁶ The classic example of regulatory standards for which Periodic Monitoring requirements must be established in a CAAPP permit are state emission standards that pre-date the 1990 Clean Air Act Amendments that were adopted without any associated compliance procedures. Periodic Monitoring must also be established in a CAAPP permit when standards and limits are accompanied by compliance procedures but those procedures are determined to be inadequate to assure compliance with the applicable standards or limits.

⁷ Another example of emission standards for which requirements must be established as part of Periodic Monitoring is certain NSPS standards that require initial performance testing but do not require periodic testing or other measures to address compliance with the applicable limits on a continuing basis.

⁸ The need to establish Monitoring requirements as part of Periodic Monitoring when existing compliance procedures are determined to be inadequate, as well as when they are absent, was confirmed by the federal appeals court in *Sierra Club v. Environmental Protection Agency*, 536 F.3d 673, 383 U.S. App. D.C. 109.

⁹ The need to establish Monitoring requirements as part of Periodic Monitoring is also confirmed in USEPA's Petition Response. USEPA explains that "...if there is periodic monitoring in the applicable requirements, but that monitoring is not sufficient to assure compliance with permit terms and conditions,

permitting authorities must supplement monitoring to assure such compliance." Petition Response, page 6.

¹⁰ The test for the adequacy of "Periodic Monitoring" is a context-specific determination, particularly whether the provisions in a Title V permit reasonably address compliance with relevant substantive permit conditions. 40 CFR 70.6(c)(1); see also 40 CFR 70.6(a)(3)(i)(B); see also, *In the Matter of CITGO Refinery and Chemicals Company L.P.*, Petition VI-2007-01 (May 28, 2009); see also, *In the Matter of Waste Management of LA. L.L.C. Woodside Sanitary Landfill & Recycling Center, Walker, Livingston Parish, Louisiana*, Petition VI-2009-01 (May 27, 2010); see also, *In the Matter of Wisconsin Public Service Corporation's JP Pulliam Power Plant*, Petition V-2009-01 (June 28, 2010).

¹¹ A number of these factors are specifically listed by USEPA in its Petition Response. USEPA also observes that the specific factors that it identifies in its Petition Response with respect to Periodic Monitoring provide "...the permitting authority with a starting point for its analysis of the adequacy of the monitoring; the permitting authority also may consider other site-specific factors." Petition Response, page 7.