

Illinois Environmental Protection Agency  
Bureau Of Air - Permit Section  
May 2003

Responsiveness Summary for Public Comments  
on the Construction Permit Application for  
LincolnLand Agri-Energy, LLC, Robinson

Note: The only public comments received on the application and draft construction permit were prepared by Alexander J. Sagady, Environmental Consultant, on behalf of the Plumbers and Steamfitters Local Union 157.

Public Comments and Responses by the Illinois EPA

1. We are concerned that the proposed plant be properly regulated to minimize its emissions and its impacts on public health and the environment.

Response: The Illinois EPA appreciates these concerns. The applicable rules and requirements for the proposed plant, as addressed in and established by the issued permit, require effective control of the plant to minimize its emissions.

2. The nitrogen oxide (NOx) emissions of the proposed plant are improperly estimated based on only the firing rate of natural gas in the feed dryers and boiler/thermal oxidizer, i.e., maximum 220 million Btu/hour, without consideration of the NOx emissions attributable to combustion of volatile organic material (VOM) and carbon monoxide (CO), which we estimate to be equivalent to about 10 million Btu/hour.

Response: The NOx emissions of the proposed plant have been properly addressed. The estimate of additional heat input attributable to combustion of process emissions streams made in this comment overstates the additional heat input and NOx emissions from these streams. In particular, the stream from the methanator is a fuel quality stream that displaces use of pipeline natural gas in the feed dryers. Thus it does not add to the heat input to the feed dryers. For other process streams, which have a very low heat content, the comment improperly applies the NOx emissions factor for natural gas combustion in a boiler. A more appropriate factor would be one for flaring of emissions, i.e., 0.07 lb/million Btu.

Moreover, in its application LincolnLand Agri-Energy (LincolnLand) assumes that all combustion units operate continuously at their maximum operating rates. It also conservatively uses the boiler NOx factor for estimating the NOx emissions from the natural gas burners in the feed dryers. This significantly overstates NOx emissions of these units as dryer burners are typically designed for large amounts of excess air to

facilitate the drying process. This also acts to reduce NOx emissions associated with fuel combustion in feed dryers. Given these various conservative assumptions that have been made in estimating NOx emissions, the Illinois EPA considers that the potential NOx emissions from the proposed plant have been reasonably determined.

In addition, the permit adequately addresses NOx emissions from the proposed plant as it contains limits on hourly NOx emissions from the boiler/thermal oxidizer, the central point at which NOx emissions are vented, irrespective of the source or the origin of those emissions. The permit also requires that LincolnLand conduct NOx continuous emissions monitoring for the boiler to provide real-time data on actual NOx emissions.

3. The permit does not contain adequate operating limitations on the plant to constrain the NOx emissions in a manner that is federally enforceable because the permit does not limit the amount of natural gas that can be fired.

Response: Conditions have been included in the issued permit to limit the amount of fuel (both natural gas and bio-gas) that can be burned in combustion units.

4. The application fails to address carryover of combustion gases from the feed dryers, which contain NOx and CO, with the dried feed so that some of these emissions occur through the exhaust from the feed cooler.

Response: Carryover of combustion gases to the feed cooler, as suggested by this comment, has not been identified as a concern for feed dryers at ethanol plants. This is likely due to the physical design of the transfer mechanism connecting these units, as carryover of hot gases from a feed dryer to the cooler would be counterproductive as the purpose of the cooler to cool the feed.

However, provisions have been included in the issued permit to address the potential carryover of combustion gases to the cooler. The issued permit provides that the NOx and CO emissions limitations for the boiler, which address the emissions from the feed dryers, also address any NOx and CO emissions that occur from the cooler (Condition 13(b)(i)). The permit also includes provisions for inspection and operational testing of the cooler to determine whether such carryover may be or is occurring, in which case emission testing for the cooler can also include NOx and CO measurements. [Conditions 13(b)(ii) and 17(a)(ii)]

5. Additional VOM emission units need to be addressed so that the potential VOM emissions of the proposed plant are fully accounted for. These additional emission units include:

- The cook water recycle tank, which receives materials carried over from the fermentation scrubber, distillation bottoms and methanators, as VOM emission may occur through the milling baghouse bottom bin rotary corn feeder, including feeder exhaust and seal leakage.
- The dry mills, which may release VOM emission due to corn oil products, spontaneous fermentation occurring within the delivered corn.

- Ventilation of grain storage silos, especially for high-moisture grain.
- Liquefaction tanks and the flash receiving tanks.
- The vacuum system for the distillation process, which may have direct emissions from the noncondensable gas flow and indirect emissions from the collection and treatment of the condensate water.
- The molecular sieve system, which may have emissions from collection and treatment of the associated wastewater stream.
- Stillage centrifuging operations, centrifuge cake/syrup mixing operation and the transfer of material between the centrifuge, mixing operation and feed dryer.
- Tank vents and potential displacement losses from surge storage capacity in the evaporator system, including surge tanks for liquid output of the centrifuge, syrup and post evaporator wastewater output.
- The biomethanator flare (while CO was addressed, VOM emissions were assumed to be negligible).
- Wet cake operations, including surge storage, routine storage and loadout.
- Fermentation upsets, including stalled fermentation or other upset conditions.
- Non-process blowdown of process tanks.
- Bypass vents for control equipment.
- Spill containment facilities and wastewater sewers.

Response: LincolnLand has provided additional information to clarify the VOM emissions potential of the "miscellaneous" emission units identified in this comment. Various provisions have also been included in the issued permit as needed to better address these units. Indeed, at least one of these units is now being vented to a VOM control. However, at a fundamental level, it is generally beyond the scope of the Illinois EPA in permitting to specifically address individual emission units of this type. Rather, these types of units are indirectly addressed by setting limitations for a plant or project that include a "buffer" to indirectly provide for emissions from units that are not being individually addressed. For this proposed plant, the buffer for VOM emissions is set at 5 percent as specific operations at the plant are limited to annual VOM emissions of no more than 95 tons, whereas VOM emissions of the plant would have to be 100 tons or more for the plant to be considered a major source for VOM. At the same time, a source is responsible for its emissions. If at some future time it is determined that a source is actually a major source, as a consequence of better quantification of the VOM emissions of its miscellaneous units, the source must undertake appropriate corrective action.

In particular, LincolnLand has stated that a number of the units identified in this comment will be enclosed or will not otherwise vent VOM emissions to the atmosphere. These

non-emitting units include the liquefaction tanks, molecular sieve, and the mixing/transfer system carrying wet feed to the dryer. In addition, the distillation operations do not include steam eductors, as could be present if certain distillation operations were being performed under a vacuum. In addition, the enclosed biomethanator effectively functions as a first stage of wastewater treatment, and along with the modern design of the plant with respect to management of water, minimizes the amount of wastewater generated by the plant, significantly reducing the potential for VOM emissions associated with wastewater treatment.

For process emission units that would be vented, LincolnLand provided the results of a survey conducted by ICM, the engineering company designing the proposed plant. The survey was conducted using a portable sampler for VOM losses at an existing ethanol plant that ICM developed. This survey identified one process unit with more than minimal VOM emissions, the centrate tank, which will now be ducted to the boiler/thermal oxidizer. This survey shows that other vented miscellaneous process emission units have minimal losses of VOM. The miscellaneous emission units with minimal emissions include: storage piles for wet and dry feed, the mash screen, the boiler feedwater tank, process building ventilation, centrifuges, the syrup tank, the thin stillage tank and the cookwater tank. The total annual VOM emissions of these miscellaneous units are limited to no more than 1.0 ton by the issued permit [Condition 12(g)].

To address process upsets, spills, emergency releases, and other atypical events at the proposed plant that could be accompanied by additional VOM emissions and that would not otherwise be accounted for, the issued permit requires that the plant keep specific records for such events. These records must include an estimate of the VOM emissions associated with the event, accompanied by supporting information and background information [Condition 21(b)]. These records are intended to allow these events to be considered when determining compliance with applicable emission limits, in the event that an event was not accompanied by a compensating reduction in VOM emission as emissions did not occur elsewhere or operation of the plant was interrupted for a period of time.

Additional provisions were not included in the permit to address VOM emissions from the routine handling of grain and so called "natural fermentation." While VOM emissions may occur during these operations, these emissions are not quantified at existing grain processing plants nor is the Illinois EPA aware of standardized methodology to estimate these emissions. In such circumstances, it is not appropriate to single out LincolnLand to develop a method to quantify the VOM emissions from its grain handling operations. At the same time, if such a method were developed in the future, it would be appropriately addressed during the processing of operating permits for the proposed plant.

6. The application uses poorly documented information to support the projections of VOM emissions. For certain emissions units, LincolnLand indicates only that estimates of VOM emissions were based on test data, engineering estimates, and unit throughput, without providing supporting calculations or documentation, or with minimal supporting explanation. Of particular concern are the estimates for VOM emissions from the feed dryers and the feed cooling cyclone. For the feed dryers, LincolnLand has relied upon a VOM emission rate prior to control that is twice the measured value at another ethanol plant. That plant also uses milo and wheatstarch as a feedstock, not corn. For

the cooler cyclone, LincolnLand merely provides its engineering estimate of VOM emissions, without any further basis. LincolnLand must submit calculations and other basis or support for its projections of VOM emissions, so that the supporting material is complete and verifiable.

Response: LincolnLand has generally supported its estimates of uncontrolled VOM emissions with test data from existing ethanol plants. In addition, LincolnLand's estimates of uncontrolled VOM emissions data are consistent with the VOM data that the Illinois EPA possesses from other plants.

Of particular importance in this regard are the estimates of VOM emissions from the feed dryers, which would generate most of the VOM emissions at the proposed plant. With regard to the first ethanol plant used by LincolnLand as a source of information, US Energy Partners in Russell, Kansas, processing of milo and wheat starch should not significantly affect the quality of the emission data from this plant. The starch/non-starch breakdown of corn and milo are similar and LincolnLand multiplied the measured data from that plant by two because its proposed plant will produce twice as much dry feed as that plant. The tested VOM emission rate for this plant is believed to be on the order of 14 lb/ton of dry feed, uncontrolled, equivalent to 0.28 lb/ton controlled, assuming 98 percent control efficiency.

LincolnLand supplemented the application with information from a second new ethanol plant, the Glacial Lakes Energy corn-to-ethanol plant in Watertown, South Dakota. The measured VOM emission rate from this second plant is lower than that for the first plant, i.e., less than 0.2 lb VOM/ton feed, controlled. LincolnLand also provided additional test data for US Energy Partners, which showed emissions on the order of 24 lb VOM/ton feed, uncontrolled. If this is the uncontrolled emission rate of the feed dryers at the proposed plant, the boiler/thermal oxidizer would have to be operated at an efficiency of 98.9 % to meet a controlled emission rate of 0.28 lb/ton feed. Accordingly, LincolnLand has provided information that shows that its estimates for dryer VOM emissions are reasonable.

This information also shows that the commitments that LincolnLand has made in the application with respect to VOM emissions associated with the feed dryers, which have been made enforceable by the permit, are achievable. Indeed, if the uncontrolled VOM emissions of the feed dryers are lower than LincolnLand has predicted, LincolnLand is subject to a requirement for VOM control efficiency that is more stringent than necessary to simply meet the hourly emission limit. On the other hand, if the uncontrolled emissions are actually higher than predicted, LincolnLand will have to compensate by operating with a higher VOM control efficiency than specifically required so as to comply with the hourly emission limit. The capability for adjustment of control efficiency is present with a thermal oxidizer control system, by proper selection and management of the temperature in the combustion chamber of the thermal oxidizer.

With respect to the feed cooler, LincolnLand used a VOM emission factor of 0.2 lbs/ton feed. This is over twice the VOM emission rate measured at the Glacial Lakes plant.

7. When preparing its projection of the VOM emissions from the proposed feed dryers, LincolnLand did not correct for probable understatements in the historical VOM test data for feed dryers. It only made such corrections for deficiencies in the historical test data for the fermentation and distillation process, where it multiplied the historic test

results by a factor of 2.0 and 1.9, respectively.

USEPA policy clearly states that VOM emission characterizations for PSD applicability determinations must reflect calculations and analysis that takes into account the full mass of oxygenated VOM compounds. "As carbon" measurements are not acceptable for estimating emissions of VOM when oxygenated compounds are present, as is the case with VOM emissions from ethanol plants.

Response: LincolnLand indicates that it did not make the correction to historical VOM test data for feed dryers suggested by this comment because the particular tests had been conducted with "current test methods." Accordingly, no such correction was required.

8. LincolnLand's projection of VOM emissions fails to account for emissions from combustion of natural gas in the burner of the boiler/thermal oxidizer. By our calculations, this would contribute 3.28 tons of VOM per year. This is particularly troubling because its application states that the "Contribution from fuel combustion included within the emission factor. Emissions from fuel combustion included in totals listed below." (Emphasis by Commenter)

Response: While it was not necessarily required, as indicated in the response to other comments, LincolnLand did account for VOM emissions from combustion of fuel when estimating VOM emissions of the boiler/thermal oxidizer, conservatively estimating VOM emissions of 0.03 pound/million Btu of fuel. By way of comparison, the standard USEPA VOM emission factor for combustion of natural gas is 0.0054 pound/million Btu.

9. Corrections to the VOM emission projections for the plant, as made in our comments, result in the plant being a major source of VOM emissions, with maximum annual emissions of 116.8 tons (greater than 100 tons) so that the plant should be considered a major source subject to permitting under the federal rules for Prevention of Significant Deterioration (PSD), 40 CFR 52.21.

Response: As previously explained, LincolnLand has reasonably estimated VOM emissions from the proposed plant. While minor additions have been made to the accounting of VOM emissions from the plant to better account for secondary emission units, this does not result in the plant becoming a major source. The plant would only become a major source if the historical VOM emission data for feed dryers were "incorrectly" adjusted to account for understatements that are not present with the test methods used to collect the background test data used by LincolnLand.

10. In its presentation of total annual emissions from the plant, LincolnLand shows that the CO emissions associated with the biomethanator flare (1.04 tons per year) are not additive to the total. If this represents biomethane gas being used for the pilot flame on the flare, then this is an error. Alternatively, if this addresses emissions during those periods when the full output of the methanator is directed to the flare when the dryers are down, then this fails to consider the contribution of the flare pilot flame to the total plant emissions of CO and NOx.

Response: Notwithstanding the approach to emissions of the bio-methanator flare "suggested" by LincolnLand in its application, the Illinois EPA treated these emissions as "additive" with emissions from other units at the proposed plant. In addition, the Illinois EPA includes an allowance for VOM emissions from the operation of the biomethanator flare.

11. In its letter of December 18, 2002, LincolnLand promised to supply emission test data by the end of March 2003 for uncontrolled CO emissions from feed dryers. However, it has failed to provide such information. LincolnLand has thus failed to establish the most reliable estimate of uncontrolled CO emissions from the feed dryers when it previously promised to provide emission test data.

Response: In its letter of December 2002, LincolnLand did not "promise" to provide CO emission data in the manner suggested in this comment. Rather, LincolnLand stated with respect to certain other new ethanol plants that are similar to the proposed plant that began operation last fall, "We estimate official testing results will be obtained by the end of March 2003." In fact, LincolnLand has now supplemented its application with test data, dated April 8, 2003, from the new Glacial Lakes Energy plant.

In the absence of such data, LincolnLand originally used engineering estimates that CO emissions associated the feed dryer would be 13 lb/ton dry feed, uncontrolled, and 1.3 lb/ton feed, following control with the boiler/thermal oxidizer. While these estimates may not be as accurate as actual emission measurements, this does not mean that these estimates are not reliable and cannot be used for purposes of permitting. Indeed, when representative emission test data is not available for a proposed emission unit, permitting must routinely be conducted based upon engineering estimates for the emissions of the unit, subject to confirmation and refinement with actual emission measurements after a unit is constructed.

In this case, the CO emission data that LincolnLand obtained for the new Glacial Lakes plant is consistent its engineering estimate, i.e., measured CO emissions were 1.2 lb/ton of dry feed after control. While this is slightly lower than LincolnLand's estimate for CO emissions, it does not justify any changes from the compliances provisions in the draft permit. Testing for CO emissions is still required at the proposed plant to confirm its performance and CO monitoring will be required unless there are improvements in the design of the plant that significantly reduce its CO emissions from the predicted level.

Incidentally, as already mentioned, the measured emission rates of the feed dryer at Glacial Lakes for VOM and PM are about half those estimated by LincolnLand for the feed dryers at the proposed plant. Thus the emission data from Glacial Lakes also generally confirms other emissions estimates made by LincolnLand in its application.

12. LincolnLand's projection of CO emissions fails to account for CO emissions from combustion of natural gas in the burner of the boiler/thermal oxidizer. When these emissions are included, the annual CO emissions of the plant are more than 100 tons, so that the plant would be a major source for purposes of the PSD rules.

Response: While LincolnLand did not separately address CO emissions from combustion of natural gas in the boiler, this does not mean that it did not adequately

account for these emissions. It also does not mean that additional CO emissions will be present, so that the potential CO emissions of the proposed plant are greater than 100 tons as suggested by this comment. The question that is posed is whether the estimate of CO emissions provided by LincolnLand already accounts for these fuel-related emissions or whether they must be separately addressed as suggested by this comment. LincolnLand has stated that its engineering estimate of CO emissions already accounts for the fuel-related CO emissions. Based on the CO test results from Glacial Lakes, this is indeed the case.

Moreover, the permit adequately addresses CO emissions from the proposed plant as it contains limits on hourly CO emissions from the boiler/thermal oxidizer, irrespective of the source of those emissions. The permit also requires that LincolnLand conduct CO continuous emissions monitoring for the boiler to provide real-time data on actual CO emissions unless CO emissions of the plant as built are substantially lower than the level that has been predicted.

13. The potential to emit of the proposed plant has been improperly calculated for NO<sub>x</sub>, VOM and CO, as is explained in detail in our comments. When properly determined, the emissions from the proposed plant exceed major source thresholds and LincolnLand should be required to apply for and obtain a PSD permit before beginning construction of the plant.

Response: The comments that have been submitted do not demonstrate that the proposed plant is a major source under the PSD rules, as explained in the previous responses. Moreover, because LincolnLand has elected to control emissions from the proposed plant so that it is not a major source, it is probable that the emissions of the plant must be more effectively controlled than if the plant were to undergo PSD permitting. The plant is certainly subject to more stringent requirements with respect to continuous emission monitoring than would be required as a PSD source whose permitted emissions would still be well below 250 tons/year.

14. The proposed plant will emit hazardous air pollutants (HAPs), including methanol, formaldehyde, acetaldehyde, and propionaldehyde, as part of its VOM emissions. LincolnLand has failed to characterize HAP emissions at its proposed plant and failed to provide any HAP emission information in its December 28, 2002 application supplement, although the Illinois EPA requested such information. This information is needed so that the permit can set federally enforceable limitations on HAP emissions from the plant.

Response: The permit adequately addresses HAP emissions. In this regard, the majority of the VOM emissions from the plant are ethanol, acetic acid, lactic acid, and other compounds that are not HAPs. Data supplied by LincolnLand indicates that HAPs would make up no more than 10 percent of the VOM emissions. Thus the provisions of the permit for VOM should assure that the proposed plant also is not a major source of HAP emissions. The permit requires testing of HAP emissions from the plant to confirm that this is the case. As a final matter, as the permit requires stringent control of VOM emissions, stringent control of HAP emissions is also required. Thus the Illinois EPA does not anticipate that significant revisions would be required to the permit if emissions testing shows that the plant would be a major

source of HAP emissions.

15. The requirements for the feed cooling cyclone are not stringent enough. The 30 percent opacity limitation covering this unit is extremely lax and will encourage the source to allow a visual blight in a rural community. Particulate matter (PM) emissions from this unit are predicated on an emission rate of 0.02 grains per standard cubic foot. It is unlikely that the cyclone collector will be able to meet this limit if uncontrolled PM emissions are significant.

Response: The cooling of hot feed occurs in a cyclone. However, the feed cooler is controlled by a baghouse. The baghouse, which must be operated and maintained in accordance with good air pollution control practice, will effectively control particulate matter emissions. The opacity of emissions should be well below 30% opacity, as generally allowed by 35 IAC 212.123, Illinois' generic opacity rule for units for which process-specific standards have not been adopted.

16. Any permit that is issued should contain the following conditions:

- a) For the thermal oxidizer stack and the fermentation scrubber stack, three types of federally enforceable emission limitations, i.e., pound per hour limits, gas concentration limits, and pound of emission per unit of production or raw material input.

Response: The draft permit included limitations on the hourly emission rates from these units. These provisions have been supplemented with control requirements for VOM and CO, as they are the key pollutants that are being controlled by this air pollution control equipment. However, it is not necessary to include limits on emissions per unit of throughput, as emission estimates for the proposed plant are based on continuous operation at the maximum hourly rates. [Conditions 10(b) and 12(a)(i)]

- b) For the fermentation scrubber, a prohibition on scrubber bypass and requirements for minimum pressure drop and a minimum scrubber liquid recirculation rate.

Response: The provisions in the permit for the fermentation scrubber have been supplemented to include additional operational monitoring and recordkeeping and requirements for operation consistent with conditions during emission testing. However, the permit does not include a specific prohibition on scrubber bypass. This is because the scrubber is a "traditional" control device associated with specific process units. As such, the existence of a bypass vent system is not contemplated and continued discharge through such a vent would clearly constitute noncompliant operation. [Conditions 12(a)(i) and 21(a)(i) and (ii)]

- c) For the thermal oxidizer and the feed cooling cyclones, limitations and testing requirements for "total particulate matter", that is the total of both filterable and condensable particulate matter, which is collected in the "back half" of the sampling train.

Response: The issued permit requires testing of the condensable particulate matter emissions of the feed cooler. In conjunction with this enhancement to the permit, the permit also includes an allowance for condensable particulate matter emissions from the feed cooler. [Footnote to Condition 17(a)(i)]

17. Given the large swings in CO emissions expected at the proposed plant, the permit should not allow CO continuous monitoring to be discontinued in the future. [Draft permit, Condition 18(a)(iii)]

Response: The permit states that CO continuous monitoring may be discontinued if the Illinois EPA determines that the data collected with such monitoring shows that the effort for such monitoring is not warranted given the actual CO emission levels that are observed. If there are actually large swings in CO emissions, as suggested by this comment, CO monitoring would not be discontinued. However, if initial monitoring shows that CO emissions are complying with the applicable limits with a consistent and ample margin of safety, it is then certainly appropriate to evaluate the need for continued CO monitoring. In this regard, any change to requirements for CO monitoring would only occur as part of the processing of a revised permit for the plant, with opportunity for public comment before any such action was taken.

18. The application does not include information for stack height and diameter and exhaust conditions for most emission points, including the stack for the boiler/thermal oxidizer. In order to know that the plant will not cause significant deterioration of air quality in the form of excessive consumption of PSD increments, this information must be known. The absence of this information prevents an evaluation of PSD increment consumption.

Response: The proposed plant is not a major source and an analysis of increment consumption was not required to accompany the application. Moreover, such an analysis is not even possible for NO<sub>x</sub> or PM because the PSD baseline for these pollutants has not been set in Crawford County. The emissions of SO<sub>2</sub> from the plant are not significant and do not pose any concern for the PSD increment.

In addition, LincolnLand has supplemented its application with stack data for the principle emission units. LincolnLand will have to provide detailed stack data in its operating permit application.

19. LincolnLand has declared its site plan to be confidential and the Illinois EPA has not disclosed this information. A site plan must always be disclosed since such site plans constitute "emission data", whose disclosure is required under the Clean Air Act [42 U.S.C. §7414(c)]. A site plan constitutes "emissions data" because it contains information that is necessary to determine the ambient impact of emission units by air quality dispersion analysis, which requires consideration of stack location and building downwash. USEPA guidance specifically shows that data elements that would be contained in the site plan are "emission data".

Response: The site plan under discussion includes information that does not constitute emission data, as well as information identifying the location of various emission units and structures. If there is more than an academic interest in the emission data that is on

the site plan and the data on LincolnLand's site plan is specifically requested under the Freedom of Information Act for the purpose of dispersion modeling, the Illinois EPA will require LincolnLand to prepare a new or edited version of the site plan that does not include the information that is entitled to confidentiality.

20. The requested permit should be denied because of the various deficiencies in the application and the draft permit that have been identified in our comments. At a minimum, if a permit is issued, the Illinois EPA should provide for an effective date that is 30 days after the issuance date, to allow for a contested case appeal to be made to the Pollution Control Board.

Response: The comments have not identified fundamental deficiencies in the plans for the proposed plant that necessitate denial of the Construction Permit. In response to those comments that the Illinois EPA found to have merit, LincolnLand has supplemented its application and the Illinois EPA has added additional requirements to the issued permit to address and put to rest the issues posed by the comments. This is an appropriate outcome of comments received during a public comment period. The circumstances do not warrant a delayed effective date for this permit. Indeed, the applicable laws and rules governing the processing of this State permit application do not provide for a third-party appeal to the Pollution Control Board, which has been stated to be the reason why a delayed effective date has been requested.

21. Based on a press release from the Renewable Fuels Association, LincolnLand appears to have already commenced construction of the proposed plant. LincolnLand should cease construction until it obtains the necessary permits.

Response: It is the Illinois EPA's understanding that LincolnLand has only begun site preparations, which is not considered commencement of construction. Any such activity was conducted at LincolnLand's risk and did not guarantee that LincolnLand would be granted a permit to construct an ethanol plant at the site.

In addition, as this comment alleges that construction has been commenced, this comment has been referred to the local field office of the Illinois EPA for investigation and appropriate follow-up.