Statement of Basis

for the DRAFT CAAPP Permit for:

Source Name:

Cargill, Inc.

Statement of Basis No.:	96030019-2013/08
I.D. No.:	113804AAR
Permit No.:	96030019
Date Prepared:	August 26, 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.

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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 significant modification for CAAPP Permit issued on August 14, 2006, the source has not been issued any modifications or amendments.

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:
  - HAP/VOM
  - PM
- Emission units:
  - Grain Handling Operations
  - Material Handling and Process Emission Units
  - Oil Extraction and Desolventizing
  - Boilers

- Emission units of historical importance:
  - Oil Extraction and Desolventizing

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 December 24, 2007. The source is currently operating under an application shield resultant from a timely and complete renewal application submittal. This Draft CAAPP Permit addresses application content and necessary revisions to meet the requirements for issuance of the permit.

b. Present Compliance Status

At the time of this Draft CAAPP Permit, there were no pending State or Federal enforcement actions against the source; therefore, a Compliance Schedule is not required for this source. The source submitted an approvable Compliance Plan as part of its Certified Permit Application. The source has certified compliance with all applicable rules and regulations. In addition, the draft permit requires the source to certify its compliance status on an annual basis.

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 Federal and SIP regulations, which are the legal basis for the conditions in this permit (see Sections a., b., and c. 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 provided in the permit itself as the origin and authority.

a. Applicable Federal Regulations

This source operates the emission units that are subject to the following Federal regulations:

40 CFR Part 60 – Subpart A, NSPS General Provisions
40 CFR Part 60 – Subpart DD, NSPS for Grain Elevators
40 CFR Part 61 – Subpart M, Standard of Asbestos
40 CFR Part 63 – Subpart A, NESHAP General Provisions
40 CFR Part 63 – Subpart DDDDD, Industrial, Commercial, and Institutional Boilers and Process Heaters
40 CFR Part 63 – Subpart GGGG, Solvent Extraction for Vegetable Oil Production
40 CFR Part 64 – Compliance Assurance Monitoring
40 CFR Part 82 - Subpart F, Ozone Depleting Substances

b. Applicable SIP Regulations

This source operates the emission units that are 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 215 - Organic Material Emission Standards And Limitations
35 IAC Part 216 – Carbon Monoxide Emissions
35 IAC Part 244 – Episodes
35 IAC Part 254 – Annual Emissions Report

c. Other Applicable Requirements

In addition to these SIP permit terms, there are also applicable requirements derived from a Consent Decree issued to the source (see Chapter III Section 3.6).

CHAPTER II – FACTUAL BASIS FOR THE PERMIT AND PERMIT CONDITIONS

2.1 Source History

There is no significant source history warranting discussion for this source.

2.2 Description of Source

SIC Code: 2075
County: McLean

The source is a soybean processing facility, which includes preparation for extraction, soybean oil extraction with hexane, white flake production, grit production, meal production, and ground hull production.

The source contains the following processes:

Emission Units	*Description*
Grain Handling Operations	Transporting, handling, storage and drying of the wet soybeans.
Material Handling and Process Emission Units	Transfer, store, and process commodities used in the extraction process.
Oil Extraction and Desolventizing	Removal of oil from the soybean flakes in an extractor with a mixture of solvent and solvent oil.
Boilers	Used for producing process steam.

2.3 Single Source Status

A single source review was performed pertaining to the following collocated sources: a)McLean County Landfill #1 (w/out I.D. number); b) McLean County Landfill #2, I.D. No.113020AFU; and c) Bloomington-Normal Water Reclamation Plant (w/out I.D. number). All these sources are collocated ones and very sporadically supply landfill gas or digester gas to the needs of Boiler #1 owned/operated by Cargill. Although these collocated sources are considered as support facilities to Cargill, the cumulative gas supply to Boiler #1 is a fraction (much less than 50% of total fuel usage) of the conventional natural gas used by boiler. Therefore, Cargill is not relying on the operations of these collocated sources and these sources are not in the primary business of supporting Cargill’s operations. Determination made that the collocated sources are not the single source with Cargill.

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, $PM_{2.5}$, PM_{10}, 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: PM_{10}, volatile organic material (VOM), and hazardous air pollutant (HAP)

This source is considered a natural minor for the following regulated pollutants: $PM_{2.5}$, nitrogen oxides (NO_x), carbon monoxide (CO) and sulfur

dioxide (SO_2).

Based on available data, this source is not a major source of emissions for GHG. Cargill voluntarily submitted data on its emissions of GHG in its 2008-2012 AER, reporting actual annual emissions of GHG of less than 30,0000 tons per 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:

Pollutant	2012	2011	2010	2009	2008
CO	18.35	19.35	12.3	19.16	19.99
NOx	21.85	23.04	14.65	22.81	23.80
PM	137.51	138.86	128.60	140.13	151.93
SO_2	0.67	0.87	0.48	0.57	0.65
VOM	368.16	265.20	264.40	293.18	268.00
CO_{2E}	28,359.200	30,393.800	12,636.970	17,850.240	19,604.880
HAP (hexane)	174.61	123.03	70.07	69.06	265.95

2.7 Fee Schedule

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

Pollutant		*Tons/Year*
Volatile Organic Material	(VOM)	859.06
Sulfur Dioxide	(SO_2)	26.99
Particulate Matter	(PM)	90.73
Nitrogen Oxides	(NO_x)	44.08
HAP, not included in VOM or PM	(HAP)	----
Total		1,020.86

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") program[1] 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.

- Previously Incorporated Construction Permits:

Permit No.	*Date Issued*	*Subject*
91110062	1993	Elevator, Grain Handling and Processing Source
02110009	April 8, 2003	White Flake Process Modifications
98060058	July 22, 1998	Boiler

- Newly Issued Construction Permits:

Permit No.	*Date Issued*	*Subject*
04050053	August 16, 2004	New Ground Hull Dust Collector
04110059	May 24, 2005	Modification of Boiler 1
05050061	July 8, 2005	603 Dehulling Dust Collector
06100079	December 18, 2006	Additional fuel flexibility for Boiler 1
13040028	July 25, 2013	Replacement of Flaking Mills (no new emission limits have been established)

- The Illinois EPA has not established any T1R or T1N Limits in this Draft CAAPP permit.

- There are no extraneous or obsolete T1 conditions for the source.

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

This location has not been identified as a potential concern for Environmental Justice consideration.

3.2 Emission Testing Results

The source has performed the following emission testing after issuance of the initial CAAPP permit as required by construction permit 02110009 for white flake process baghouse:

Emission Unit	*Date*	*Pollutant*	*Results of Run #1*	*Results of Run #2*	*Results of Run #3*	*3-Run Average*	*Over-compliance Margin %*
Flake Cooler (Method 5)	March 30, 2004	PM (total)	0.003 (gr/scf)	0.0029 (gr/scf)	0.0026 (gr/scf)	0.0028 (gr/scf)	N/A
			0.629 lb/hr	0.621 lb/hr	0.552 lb/hr	0.601 lb/hr	76
Flake Cooler (Method 202)	March 30, 2004	PM (condensible)	0.001 (gr/scf)	0.0009 (gr/scf)	0.0012 (gr/scf)	0.001 (gr/scf)	N/A
			0.212 lb/hr	0.183 lb/hr	0.247 lb/hr	0.214 lb/hr	84
Flake Cooler (Method 18)	March 30, 2004	VOM	0.7 ppmv	0.3 ppmv	0.2 ppmv	0.4 ppmv	N/A
			0.23 lb/hr	0.10 lb/hr	0.07 lb/hr	0.13 lb/hr	N/A
Flake Cooler (Method 25A)	March 30, 2004	VOM	2.4 ppmv	1.8 ppmv	2.0 ppmv	2.1 ppmv	N/A
			0.81 lb/hr	0.61 lb/hr	0.66 lb/hr	0.69 lb/hr	N/A

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

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

3.4 Field Inspection Results

A review of the source’s latest field inspection report dated June 12, 2012, demonstrates the source’s ability to comply with all applicable requirements. No non-compliance issues had been discovered or established during this inspection.

3.5 Historical Non-Compliance

As a result of the Notice of Violations issued by USEPA in 2002/2003 to numerous facilities owned by Cargill, Inc. across several states, the global settlement had been reached through the Consent Decree 05-2037-JMR-FLN which established certain individual limits for each individual source and/or within

the certain categories of operations performed by Cargill. Specifically for this source, the following VOM solvent loss limits for solvent extraction operations have been established: a) 0.9 gal/ton (specialty solvent loss); and b) 0.175 gal/ton (conventional solvent loss).

3.6 Source Wide Justifications and Rationale

Applicable Requirements Summary		
Applicable Requirement	Type	Location
Fugitive Particulate Matter (35 IAC 212.301 and 35 IAC 212.314)	Applicable Standard	See the Permit, Condition 3.1(a)(i)
Energy assessment requirement (40 CFR Part 63, Subpart DDDDD, Table 3)	Applicable Work Practice Requirements	See the Permit, Condition 3.1(d)
Compliance Demonstration Plan Requirement (40 CFR Part 63, Subpart GGGG)	Applicable Work Practice Requirements	See the Permit, Condition 3.2(a)
Grain throughput (CP ##75100047 and 02110009)[T1]	Applicable Limits	See the Permit, Condition 3.3

Visible Emissions (i.e., Opacity)

✓ Monitoring as follows (Condition 3.1(a)(ii))
- o Visible emission observations beyond the property line will be conducted upon the IEPA request

✓ Recordkeeping as follows (Condition 3.1(a)(ii)):
- o Records of such observations

✓ Reporting as follows (Condition 3.5(a)(i)):
- o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for source-wide requirement because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Individual emission units/operations (which may contribute to fugitive emissions) do have very strict opacity standards and regular opacity observations (See Section 4 of the CAAPP).

Title I Requirements (Production Limits)

✓ Monitoring as follows (Condition 3.3)
- o Compliance w/daily limits is based as an average per month
- o Compliance w/annual limits is based on a running 12 months of data

✓ Recordkeeping as follows (Condition 3.3):
- o Records of grain throughput

✓ Reporting as follows (Condition 3.5(a)(i)):
- o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient because:

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Non-Applicability Discussion

Complex source-wide non-applicability determinations were not made for this source.

Prompt Reporting Discussion

Prompt reporting of deviations for source wide emission units established as 30 days. See rationale in Chapter III Section 3.9.

3.7 Emission Unit Justifications and Rationale

a. Grain Handling Operations		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123(a))	Applicable Standard	See the Permit, Condition 4.1(2)(a)(i)(A)
Opacity Requirement (40 CFR 60.302(a)(1))	Applicable Standard	See the Permit, Condition 4.1(2)(a)(i)(B)
Opacity Requirement (40 CFR 60.302(b)(2))	Applicable Standard	See the Permit, Condition 4.1(2)(a)(i)(C)
Opacity Requirement (40 CFR 60.302(c))	Applicable Standard	See the Permit, Condition 4.1(2)(a)(i)(D)
PM Requirement (40 CFR 60.302(b)(1))	Applicable Standard	See the Permit, Condition 4.1(2)(b)(i)(A)
PM Requirement (CP #91110062)	Applicable Limit	See the Permit, Condition 4.1(2)(b)(i)(B)
SO_2 Requirement (35 IAC 214.301)	Applicable Standard	See the Permit, Condition 4.1(2)(c)(i)(A)
NO_x Requirement (CP #91110062)	Applicable Limit	See the Permit, Condition 4.1(2)(d)(i)(A)
Production Requirement (CP #91110062)	Applicable Limit	See the Permit, Condition 4.1(2)(e)(i))
Work Practice Requirement (35 IAC 212.461(b))	Applicable Standard	See the Permit, Condition 4.1(2)(f)(i)(A))
Work Practice Requirement (35 IAC 212.462)	Applicable Standard	See the Permit, Condition 4.1(2)(f)(i)(B))
Work Practice Requirement (35 IAC 212.463(a))	Applicable Standard	See the Permit, Condition 4.1(2)(f)(i)(C))

Visible Emissions (i.e., Opacity)

✓ Monitoring as follows (Condition 4.1(2)(a)(ii)):
- o Quarterly visible emission observations by using Method 22.
- o If visible emissions are observed, then opacity reading shall be performed by using Method 9.

✓ Recordkeeping as follows (Condition 4.1(2)(a)(ii)):
- o Records of visible emissions observations and opacity reading.

✓ Reporting as follows (Condition 4.1(5)(a)(i)):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for these emission units/operations because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- The source implements all required housekeeping practices established in the SIP for grain handling operations.

Particulate Matter Emission

✓ Monitoring as follows (Condition 4.1(2)(b)(ii))
- o Utilized air pollution control equipment is subject to CAM requirements established in Section 7.4 of the CAAPP.
- o PM/PM_{10} testing is required if the opacity reading indicates opacity from a stack(s) exceeds "0" percent.

✓ Recordkeeping as follows (Condition 4.1(2)(b)(ii)):
- o Records of PM emissions
- o Records of monitoring data related to CAM
- o Records of stack test results

✓ Reporting as follows (Condition 4.1(5)(a)(i))):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- Most of the emission units are subject to CAM.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- "0" opacity reading demonstrates compliance with PM concentration standard; compliance PM test(s) is required when opacity reading exceeds "0" only.

Sulfur Emissions

✓ Monitoring as follows (Condition 4.1(2)(c)(ii)):
- o Pipeline quality natural gas shall be used.

✓ Recordkeeping as follows (Condition 4.1(2)(c)(ii)):
- o Certification from natural gas supplier

✓ Reporting as follows (Condition 4.1(5)(a)(i)):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for this emission unit (Berico Grain Dryer) because:

- Monitoring is consistent with other sources in this source category.
- 40 CFR 72.2 establishes sulfur concentration in the pipeline natural gas equal to 0.5 grain/100 cf which is equal to 8.0 ppm – fraction of 2,000 ppm standard for SO_2.

Nitrogen Oxides Emissions

✓ Monitoring as follows (Condition 4.1(2)(d)(ii)):
- o Compliance with annual limit running total 12 months of data

✓ Recordkeeping as follows (Condition 4.1(2)(c)(ii)):
- o Records of NO_x emissions

✓ Reporting as follows (Condition 4.1(5)(a)(i)):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for this emission unit (Berico Grain Dryer) because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Operational and Production Requirements

✓ Monitoring as follows (Condition 4.1(2)(e)(ii)):
  - o Compliance with annual limit running total 12 months of data

✓ Recordkeeping as follows (Condition 4.1(2)(d)(ii)):
  - o Records of amounts of natural gas used

✓ Reporting as follows (Condition 4.1(5)(a)(i)):
  - o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for this emission unit (Berico Grain Dryer) because:

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Work Practice Requirements

✓ Monitoring as follows (Condition 4.1(2)(f)(ii)):
  - o Annual inspections

✓ Recordkeeping as follows (Condition 4.1(2)(f)(ii)):
  - o Household check lists
  - o Drawings of grain handling/grain drying equipment
  - o Manufacturer’s specifications on the air pollution controls

✓ Reporting as follows (Condition 4.1(5)(a)(i)):
  - o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Non-Applicability Discussion

Complex non-applicability determinations were not made for these emission units. All non-applicability discussion was established in the proposed CAAPP Permit.

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

3.7 Emission Unit Justifications and Rationale

b. Material Handling and Process Emission Units		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123(a))	Applicable Standard	See the Permit, Condition 4.2(2)(a)(i)(A)
PM Requirements (35 IAC 212.321 and 212.322)	Applicable Standard	See the Permit, Condition 4.2(2)(b)(i)(A) and (B)
PM Requirements (CP #91110062, 75100047)	Applicable Limits	See the Permit, Condition 4.2(2)(b)(i)(C), (D), and (E)

Visible Emissions (i.e., Opacity)

✓ Monitoring as follows (Condition 4.2(2)(a)(ii))
- o Semi-annual visible emission observations by using Method 22.
- o If visible emissions observed, then opacity reading shall be performed by using Method 9.

✓ Recordkeeping as follows (Condition 4.2(2)(a)(ii)):
- o Records of visible emissions observations and opacity reading.

✓ Reporting as follows (Condition 4.2(5)(a)(i)):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units/operations because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Particulate Matter Emission

✓ Monitoring as follows (Condition 4.2(2)(b)(ii)):
- o Annual inspections of air pollution control equipment with the maintenance/repairs performed based on the results of inspection.
- o Utilized air pollution control equipment is subject to CAM requirements established in Section 7.4 of the CAAPP

✓ Recordkeeping as follows (Condition 4.2(2)(b)(ii)):
- o Records of scheduled/unscheduled inspections and logs of maintenance/repair performed
- o Records of monitoring data related to CAM

✓ Reporting as follows (Condition 4.2(5)(a)(i))):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- Certain emission units are subject to CAM.
- The emission units had not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Non-Applicability Discussion
Complex non-applicability determinations not being established for these emission units. All non-applicability discussions addressed in the proposed CAAPP Permit.

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

3.7 Emission Unit Justifications and Rationale

c. Oil Extraction and Desolventizing		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123(a))	Applicable Standard	See the Permit, Condition 4.3(2)(a)(i)(A)
PM Requirements (35 IAC 212.321)	Applicable Standard	See the Permit, Condition 4.3(2)(b)(i)(A)
PM_{10} Requirements (CP #02110009)	Applicable Limit	See the Permit, Condition 4.3(2)(b)(i)(B)
VOM Requirements (35 IAC 215.340)	Applicable Standard	See the Permit, Condition 4.3(2)(c)(i)(A)
VOM Requirements (Consent Decree 05-CV-02037-JMR-FLN)	Applicable Standard	See the Permit, Condition 4.3(2)(c)(i)(B)
VOM Requirements (CP #02110009)	Applicable Limit	See the Permit, Condition 4.3(2)(c)(i)(C)
HAP Requirements (40 CFR Part 63, Subpart GGGG)	Applicable Standard	See the Permit, Condition 4.3(2)(d)(i)
Production Requirement (CP #02110009)	Applicable Limit	See the Permit, Condition 4.3(2)(e)(i)
Work Practice Requirement (40 CFR Part 63, Subpart GGGG)	Applicable Standard	See the Permit, Condition 4.3(2)(f)(i)

Visible Emissions (i.e., Opacity)

✓ Monitoring as follows (Condition 4.3(2)(a)(ii))
- o Annual visible emission observations by using Method 22.
- o If visible emissions observed, then opacity reading shall be performed by using Method 9.

✓ Recordkeeping as follows (Condition 4.3(2)(a)(ii)):
- o Records of visible emissions observations and opacity reading.

✓ Reporting as follows (Condition 4.3(5)(a)(i)):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for these emission units because:

- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.
- Opacity standard (30%) is pretty relaxed to violate for this type of operation.

Particulate Matter Emission

✓ Monitoring as follows (Condition 4.3(2)(b)(ii))
- o Annual inspections of air pollution control equipment
- o Utilized air pollution control equipment is subject to CAM requirements established in Section 7.4 of the CAAPP

- ✓ Recordkeeping as follows (Condition 4.3(2)(b)(ii)):
  - o Records of scheduled/unscheduled inspections and logs of maintenance/repair performed
  - o Records of monitoring data related to CAM
  - o Records of PM/PM_{10} emissions

- ✓ Reporting as follows (Condition 4.3(5)(a)(i)):
  - o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- The emission units are subject to CAM.
- The emission units have not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Organic Material Emission

- ✓ Monitoring as follows (Condition 4.3(2)(c)(ii)):
  - o Twelve month rolling average for solvent loss calculation and based on requirements of 40 CFR Part 63, Subpart GGGG
  - o Utilized air pollution control equipment is subject to CAM requirements established in Section 7.4 of the CAAPP

- ✓ Recordkeeping as follows (Condition 4.3(2)(c)(ii)):
  - o Records of solvent losses in the format prescribed by Consent Decree
  - o Records of VOM emissions
  - o Records of monitoring data related to CAM

- ✓ Reporting as follows (Condition 4.3(5)(a)(i)):
  - o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- Presumed as the source is subject to CAM.
- Emissions do not vary significantly under normal operation for the same type of processed soybeans and/or vary slowly with time.
- Monitoring is consistent with other sources in this source category.
- Monitoring is implemented in accordance with a global Consent Decree issued for Cargill's operation in numerous states.

HAP Emissions

- ✓ Monitoring as follows (Condition 4.3(2)(d)(ii)):
  - o Solvent loss calculation is based on requirements of 40 CFR Part 63, Subpart GGGG
  - o Oilseed processed calculation is based on requirements of 40 CFR 63.2855

- ✓ Recordkeeping as follows (Condition 4.3(2)(d)(ii)):
  - o Records of solvent losses (40 CFR 63 Subpart GGGG)
  - o Records related to the weighted average volume fraction of HAP in solvent (40 CFR 63 Subpart GGGG)

- ✓ Reporting as follows (Condition 4.3(5)(a)(i)):
  - o 30-day deviation reports
- ✓ Federal Reporting as follows (Condition 4.3(5)(b)):

- o Semi-annual reports
- o Annual Compliance Certification
- o Deviation Notification Report
- o SSM Reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- Emissions do not vary significantly under normal operation for the same type of processed soybeans and/or vary slowly with time.
- Monitoring is consistent with other sources in this source category.
- Monitoring is implemented in accordance with the MACT standard .

Operational and Production

✓ Recordkeeping as follows (Condition 4.3(2)(e)(ii)):
- o Records of solvents used

✓ Reporting as follows (Condition 4.3(5)(a)(i)):
- o 30-day deviation reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

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

Work Practice

✓ Recordkeeping as follows (Condition 4.3(2)(f)(ii)):
- o SSM Plan on-site
- o Recording SSM events

✓ Reporting as follows (Condition 4.3(5)(a)(i)):
- o 30-day deviation reports

✓ Federal Reporting as follows (Condition 4.3(5)(b)):
- o Semi-annual reports
- o Annual Compliance Certification
- o Deviation Notification Report
- o SSM Reports

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

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

Non-Applicability Discussion

Complex non-applicability determinations had not been made for these emission units. All non-applicability discussions was established in the Proposed CAAPP Permit.

Prompt Reporting Discussion

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

3.7 Emission Unit Justifications and Rationale

d. Boilers		
Applicable Requirements Summary		
Applicable Requirement	Type	Location
Opacity Requirement (35 IAC 212.123(a))	Applicable Standard	See the Permit, Condition 4.4(2)(a)(i)
CO Requirement (35 IAC 216.121)	Applicable Standard	See the Permit, Condition 4.4(2)(b)(i)(A)
CO Requirement (CP #06100079)	Applicable Limit	See the Permit, Condition 4.4(2)(b)(i)(B)
PM Requirement (35 IAC 212.206)	Applicable Standard	See the Permit, Condition 4.4(2)(c)(i)(A)
PM Requirement (CP #06100079)	Applicable Limit	See the Permit, Condition 4.4(2)(c)(i)(B)
SO_2 Requirement (35 IAC 214.122(b)(2))	Applicable Standard	See the Permit, Condition 4.4(2)(d)(i)(A)
SO_2 Requirement (CP #06100079)	Applicable Limit	See the Permit, Condition 4.4(2)(d)(i)(B), (C)
NO_x Requirement (CP #06100079)	Applicable Limit	See the Permit, Condition 4.4(2)(e)(i)(A)
NO_x Requirement (CP #98060058)	Applicable Limit	See the Permit, Condition 4.4(2)(e)(i)(B)
VOM Requirement (CP #06100079)	Applicable Limit	See the Permit, Condition 4.4(2)(f)(i)(A)
Production Requirement (CP #06100079)	Applicable Limit	See the Permit, Condition 4.4(2)(g)(i)
Work Practice Requirement (40 CFR 63.7540(a)(10))	Applicable Standard	See the Permit, Condition 4.4(2)(h)(i)

Visible Emissions (i.e., Opacity)

✓ Monitoring as follows (Condition 4.4(2)(a)(ii))
  o Annual visible emissions observations

✓ Recordkeeping as follows (Condition 4.4(2)(a)(ii)):
  o Visible emissions observations

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
  o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Carbon Monoxide Emission

✓ Monitoring as follows (Condition 4.4(2)(b)(ii)):
  o Annual tune-up and inspection

✓ Recordkeeping as follows (Condition 4.4(2)(b)(ii))):

- o CO emissions w/supporting calculations

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
- o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Particulate Matter Emission

✓ Monitoring as follows (Condition 4.4(2)(c)(ii)(B)):
- o Testing if boiler's operation w/fuel oil exceeds 48 hours/yr.

✓ Recordkeeping as follows (Condition 4.4(2)(c)(ii)):
- o PM emissions
- o Testing data
- o Records of time when diesel fuel is in use

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
- o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Sulfur Emissions

✓ Monitoring as follows (Condition 4.4(2)(d)(ii)):
- o Sampling of digester and landfill gases
- o Sampling of fuel oil

✓ Recordkeeping as follows (Condition 4.4(2)(d)(ii)):
- o Records of fuel samples
- o SO_2 emissions

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
- o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for this emission unit because:

- There is a small likelihood of an exceedance.
- Landfill and digester gases are used extremely rare.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.

- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Nitrogen Oxides Emissions

✓ Monitoring as follows (Condition 4.4(2)(e)(ii)):
  o Annual limits are based on 12 month running total

✓ Recordkeeping as follows (Condition 4.4(2)(e)(ii)):
  o NO_x emissions

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
  o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for these emission units because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Organic Material Emission

✓ Monitoring as follows (Condition 4.4(2)(f)(ii)):
  o Annual limits are based on 12 month running total

✓ Recordkeeping as follows (Condition 4.4(2)(f)(ii)):
  o VOM emissions

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
  o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for this emission unit because:

- There is a small likelihood of an exceedance.
- Emissions do not vary significantly under normal operation and/or vary slowly with time.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Operational and Production

✓ Monitoring as follows (Condition 4.4(2)(g)(ii)):
  o Annual limits are based on 12 month running total

✓ Recordkeeping as follows (Condition 4.4(2)(g)(ii)):
  o Amount of each fuel consumed

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
  o 30-day deviation report

Rationale and Justification for Periodic Monitoring
Periodic Monitoring is sufficient for this emission unit because:

- There is a small likelihood of an exceedance.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Work Practice

✓ Recordkeeping as follows (Condition 4.4(2)(h)(ii)):
  - o Results of tune-up
  - o Concentration of CO

✓ Reporting as follows (Condition 4.4(5)(a)(i)):
  - o 30-day deviation report

Rationale and Justification for Periodic Monitoring

Periodic Monitoring is sufficient for this emission units because:

- There is a small likelihood of an exceedance.
- Source has not exhibited a history of non-compliance.
- Monitoring is consistent with other sources in this source category.

Non-Applicability Discussion

Complex non-applicability determinations are not discussed for these emission units. All non-applicability discussions discussed in the Proposed CAAPP 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

There are no insignificant activities for the source subject to specific regulations which are obligated to comply with Sections 9.1(d) and Section 39.5 of the Act; Sections 165, 173, and 502 of the Clean Air Act; or any other applicable permit or registration requirements and therefore there are no periodic monitoring requirements that need to be separately addressed.

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 Daft 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 Incorporation by Reference Discussion

Based on guidance found in White Paper 2 and past petition responses by the Administrator, it is recognized that Title V permit authorities may, within their discretion, incorporate plans by reference. As recognized in the *White Paper 2,* permit authorities can effectively streamline the contents of a Title V permit, avoiding the inevitable clutter of restated text and preventing unnecessary delays where, as here, permit issuance is subject to a decision deadline.[3] However, it is also recognized that the benefits of incorporation of plans must be carefully balanced by a permit authority with its duty to issue permits in a way that is "clear and meaningful" to the Permittee and the public.[4]

The criteria that are mentioned in USEPA Administrator Petition Responses stress the importance of identifying, *with specificity*, the object of the incorporation.[5] The Illinois EPA agrees that such emphasis is generally consistent with USEPA's pronouncements in previous guidance.

For each condition incorporating a plan, the Illinois EPA is also briefly describing the general manner in which the plan applies to the source. Identifying the nature of the source activity, the regulatory requirements or the nature of the equipment associated with the plan is a recommendation of the *White Paper 2*[6]. The Illinois EPA has stopped short of enumerating the actual contents of a plan, as restating them in the permit would plainly defeat the purpose of incorporating the document by reference and be contrary to USEPA guidance on the subject.[7]

Plans may need to be revised from time to time, as occasionally required by circumstance or by underlying rule or permit requirement. Except where expressly precluded by the relevant rules, this Draft CAAPP Permit allows the Permittee to make future changes to a plan without undergoing formal permit revision procedures. This approach will allow flexibility to make required changes to a plan without separately applying for a revised permit and, similarly, will lessen the impacts that could result for the Illinois EPA if every change to a plan's contents required a permitting transaction.[8] Changes to the incorporated plans during the permit term are automatically incorporated into the Draft CAAPP Permit unless the Illinois EPA expresses a written objection.

The Draft CAAPP Permit incorporates by reference the following plans: Compliance Demonstration Plan (40 CFR Part 63, Subpart GGGG).[9]

3.11 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.[10] Section 39.5(7)(b) of the Illinois Environmental Protection Act[11] 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.[12, 13] 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.[14, 15] 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.[16] 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.[17]

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.

	Previous CAAPP Permit Layout	*New CAAPP Permit Layout*
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

a. Sub-section which addressed fugitive emissions as a separate group of emission units/operations has been removed. The reason for removal: no applicable limits or specific standards exist for fugitive emissions generated at the source.
b. CAM requirements addressed first time in the proposed CAAPP (Section 7.4).
c. General provisions of 40 CFR 63 Subpart A addressed first time in the proposed CAAPP (Section 7.3).
d. Newly applicable MACT standards for vegetable oil solvent extraction (40 CFR 63 Subpart GGGG) and requirements of the federal Consent Decree have been addressed (Section 4.3).
e. The plan for compliance demonstration prepared by the source in conjunction with requirements of 40 CFR 63 Subpart GGGG was incorporated by reference (Section 3).
f. Newly applicable MACT standards for boilers (40 CFR 63 Subpart DDDDD) have been addressed in Sections 3 and 4.4.
g. Individual emission limits from the state construction/operating permits previously addressed in attachment to the CAAPP have been moved to appropriate sub-sections of Section 4.

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] Among other things, USEPA observed that the stream-lining benefits can consist of "reduced cost and administrative complexity, and continued compliance flexibility…". *White Paper 2,* page 41.

[4] See, In the Matter of Tesoro Refining and Marketing, Petition No. IX-2004-6, Order Denying in Part and Granting in Part Petition for Objection to Permit, at page 8 (March 15, 2005); see also, White Paper 2 at page 39 ("reference must be detailed enough that the manner in which any referenced materials applies to a facility is clear and is not reasonably subject to misinterpretation").

[5] The Order provides that permit authorities must ensure the following: "(1) referenced documents be specifically identified; (2) descriptive information such as the title or number of the document and the date of the document be included so that there is no ambiguity as to which version of the document is being referenced; and (3) citations, cross references, and incorporations by reference are detailed enough that the manner in which any referenced material applies to a facility is clear and is not reasonably subject to misinterpretation." See, Petition Response at page 43, citing White Paper 2 at page 37.

[6] See, White Paper 2 at page 39.

[7] Nothing in USEPA guidance, including the White Paper 2 or previous orders responding to public petitions, supports the notion that permit authorities incorporating a document by reference must also restate contents of a given plan in the body of the Title V permit. Such an interpretation contradicts USEPA recognition that permit authorities need not restate or recite an incorporated document so long as the document is sufficiently described. White Paper 2 at page 39; see also, In the matter of Consolidated Edison Co. of New York, Inc., 74th St. Station, Petition No. II-2001-02, Order Granting in Part and Denying in Part Petition for Objection to Permit at page 16 (February 19, 2003).

[8] This approach is consistent with USEPA guidance, which has previously embraced a similar approach to certain SSM plans. *See,* Letter and Enclosures, dated May 20, 1999, from John Seitz, Director of Office of Air Quality Planning and Standards, to Robert Hodanbosi and Charles Lagges, STAPPA/ALAPCO, pages 9-10 of Enclosure B.

[9] Each incorporated plan addressed by this Section of the Statement of Basis is part of the source's permit file. As such, these plans are available to any person interested in viewing the contents of a given plan may do so at the public repository during the comment period or, alternatively, may request a

copy of the same from the Illinois EPA under the Freedom of Information Act. See also 71 FR 20447.

[10] 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).

[11] 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."

[12] 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.

[13] 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.

[14] 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.

[15] 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.

[16] 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).

[17] 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.