



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

APR 20 2016

Mr. Ray Pilapil  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276

Dear Mr. Pilapil:

The U.S. Environmental Protection Agency has reviewed the draft construction permit for East Balt Commissary, Inc. (East Balt) located in Chicago, IL (Permit #13110044). The draft permit is for a catalytic oxidizer to control emissions of Volatile Organic Material (VOM) from the ovens for East Balt's two bakery lines, Lines #1 and #2. EPA reviewed this permit because the stationary source is located in an area with significant community concerns, and because it is a major source of VOM emissions in an Ozone nonattainment area. As a result of our review, we have the following comments:

**1. Consent Decree (CD) Provisions.**

Findings 2 and 3 of the draft permit state that East Balt "will be required to install a catalytic oxidizer on [Ovens #1 and #2] by a Consent Decree between the United States of America and the State of Illinois and East Balt Commissary, Inc....to address a past violation of 35 IAC Part 203, Major Stationary Sources Construction and Modification (MSSCAM)."<sup>1</sup> The MSSCAM rules in 35 IAC Part 203 are Illinois' EPA-approved regulations for nonattainment new source review (NANSR). Specifically, the permit addresses Lowest Achievable Emission Rate (LAER) and emission offsets as required by MSSCAM. However, the CD referenced in these permit terms has not been finalized nor proposed for public comment since the associated enforcement settlement discussions are still on-going. Although these settlement discussions are expected to ultimately result in a CD being lodged for approval by the reviewing Court, it is inappropriate to base the construction permit decision on the preliminary CD that may or may not be finalized in its current form. To address this

<sup>1</sup> In 1995, East Balt modified Line #1 by expanding the oven without first obtaining a required construction permit. The project was a major modification because the increase in VOM emissions was significant. This violated MSSCAM because the project was not permitted as a major modification under MSSCAM.

concern, we recommend that the permit be revised to make it a stand-alone document as follows:

- (a) Clarify that the permit is being issued to authorize the construction and operation of the catalytic oxidizer and other control/capture equipment needed to address NANSR requirements, including LAER;
- (b) Address all permitting aspects of NANSR that apply to the source including incorporation of appropriate emission and production limits, and operating and monitoring requirements to address NANSR requirements;
- (c) Acknowledge in the permit record that there are enforcement settlement discussions pending that may result in additional requirements to address past violations of NANSR requirements; and
- (d) Include a permit term that allows for revision of the construction permit, if necessary, to address any additional requirements imposed by the pending enforcement settlement upon finalization.

## **2. Emissions Testing Requirements.**

Condition 7(a) requires initial testing, within 90 days of the initial startup of the catalytic oxidizer, of VOM emissions and the catalytic oxidizer VOM destruction efficiency for Ovens #1 and #2, as well as VOM emissions from the Line 1 Proof Box. However, the draft permit does not require subsequent testing of VOM emissions from Ovens #1 and #2 and the Line 1 Proof Box, or the catalytic oxidizer VOM destruction efficiency. To demonstrate continuous compliance with emission limits, the permit should include both initial and periodic emissions testing requirements for VOM emissions from Ovens #1 and #2 and the Line 1 Proof Box, including periodic measurement of the VOM destruction efficiency of the catalytic oxidizer.

## **3. Continuous Emissions Monitoring of VOM Emissions.**

EPA considers continuous emissions monitoring as the preferred emissions monitoring methodology for pollutants subject to major new source review (NSR). However, the permitting authority may determine that continuous emissions monitoring is infeasible for the specific project for which the NSR permit is being issued. In the present case, the permit record does not show that continuous emissions monitoring of VOM emissions from Ovens #1 and #2 or the Line 1 Proof Box was evaluated.<sup>2</sup> Because compliance with LAER limits is

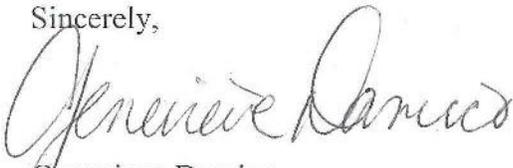
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<sup>2</sup> We note that Condition 8(b) requires the Permittee to "use Illinois EPA approved continuous monitoring equipment ... to monitor the concentration of hydrocarbons in the exhaust of the catalytic oxidizer." However, the permit record does not show how data from the hydrocarbon analyzer would be used to show continuous compliance with the VOM emission limits in the permit.

essential, and since the source is located in an area with significant community concerns, we request that Illinois EPA consider adding requirements for continuous emissions monitoring of VOM emissions from the outlet of the catalytic oxidizer and from the Line 1 Proof Box. If Illinois EPA has determined that it is infeasible to install VOM continuous emissions monitoring systems for any of the emission units affected by the project, please explain in the permit record the basis for that determination.

We provide these comments to help ensure that the NANSR permit meets all federal requirements, and that the record provides adequate support for the permit decision. We look forward to working with you to address our comments. If you have any questions, please feel free to contact me at (312) 353-4761 or David Ogulei, of my staff, at (312) 353-0987.

Sincerely,

A handwritten signature in cursive script that reads "Genevieve Damico".

Genevieve Damico  
Chief  
Air Permits Section