

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Proceeding Under Section 114(a)(1) of the
)	Clean Air Act, 42 U.S.C. § 7414(a)(1)
Prince Minerals LLC (formerly known)	
as Prince Minerals, Inc.))	
)	
Quincy, Illinois)	

Agreed Administrative Consent Order and Information Request

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Agreed Administrative Consent Order (Order) and Information Request to Prince Manufacturing Company, Prince Minerals, Inc. and Prince Minerals LLC (Prince) under Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1).

Statutory and Regulatory Background

2. The CAA is designed to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. *See* Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

3. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards (NAAQS) requisite to protect the public health and welfare.

4. Section 110(a)(1) of the CAA, 42 U.S.C. § 7410(a)(1), requires each state to adopt and submit to EPA for approval a State Implementation Plan (SIP) that provides for the

implementation, maintenance, and enforcement of the NAAQS. Section 110(a)(2) of the CAA, 42 U.S.C. § 7410(a)(2), requires that each SIP contain adequate provisions prohibiting any source within the state from emitting any air pollutants in amounts which will interfere with attainment or maintenance of the NAAQS or cause significant deterioration of air quality in any other state. *See* 40 C.F.R. Part 52.

5. Upon EPA approval, SIP requirements are federally enforceable under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1).

6. On May 31, 1972, EPA approved 35 Illinois Administrative Code (Ill. Admin. Code) § 201.141 as part of the federally-enforceable Illinois SIP. *37 Fed. Reg.* 10862 (May 31, 1972).

7. The rule at 35 Ill. Admin. Code § 201.141 of the federally-enforceable Illinois SIP states that no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

8. On May 31, 1972, EPA approved definitions in 35 Ill. Admin. Code § 201.102 as part of the federally-enforceable Illinois SIP. *37 Fed. Reg.* 10862 (May 31, 1972).

9. The rule at 35 Ill. Admin. Code § 201.102 of the federally-enforceable Illinois SIP defines "person," as, any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

10. The rule at 35 Ill. Admin. Code § 201.102 of the federally-enforceable Illinois SIP defines "Ambient Air Quality Standard" as those standards promulgated from time to time by the Illinois Pollution Control Board ("IPCB") or by the EPA.

11. The Illinois SIP at 35 Ill. Admin. Code § 201.102 defines "Air Pollution" as the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

12. Section 114(a)(1) of the Clean Air Act, 2 U.S.C. § 7414(a)(1) gives the Administrator of EPA certain authority to require any person who owns or operates an emission source to, among other things, establish and maintain records; make reports; install, use, and maintain monitoring equipment; and submit compliance certifications (1). The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Findings

13. Prince owns and operates a mineral products processing facility at 401 North Prince Plaza, Quincy, Illinois (the facility).

14. Prince is a "person," as that term is defined at 35 Ill. Admin. Code § 201.102 of the federally-enforceable Illinois SIP.

15. On May 16, 2006, the Illinois Environmental Protection Agency (Illinois EPA) issued a "Revised" Clean Air Act Permit Program Permit to Prince (2006 Title V Permit). On December 18, 2006, Prince filed a Clean Air Act Permit Program ("CAAPP") Renewal Application.

16. The facility currently stores or may store petroleum coke (petcoke), which EPA alleges has the potential to emit “air contaminants,” as that term is defined at 35 Ill. Admin. Code § 201.102 of the federally-enforceable Illinois SIP.

17. On March 23, 2015, EPA sent a Section 114(a) Information Request to the facility which contains two sections: a document request section, a section relating to ambient air monitoring requirements. The information request was received by Prince on April 20, 2015. Prince initially responded in writing to the ambient air monitoring section on May 22, 2015 and provided documents responsive to the document request section on June 19, 2015. This Order supersedes the ambient air monitoring requirements contained in the March 23, 2015, Information Request, Appendix B, paragraphs 20-39. Prince has complied with the document request section of the March 23, 2015, Information Request.

18. On April 30, 2015, and on several occasions thereafter, EPA and Prince discussed the March 23, 2015, Information Request.

Petroleum Coke Receipt and Storage Procedure

19. By the effective date of this order, Prince shall institute the Petroleum Coke Receipt and Storage Procedure (Attachment A) at the facility.

20. No more than 60 days after the effective date of this Order, Prince shall submit an addendum to its CAAPP Renewal Application.

21. This addendum shall request that the Petroleum Coke Receipt and Storage Procedure be incorporated into the facility’s Title V Permit as a unit specific condition for petcoke storage.

22. For each month following the effective date of this order until termination, Prince shall submit a copy of the Petroleum Coke Outside Storage Inspection log included in Attachment A to EPA within 15 business days of the end of the month.

23. Prince must send all reports and correspondence required by this Order to prentice.dakota@epa.gov, cantello.nicole@epa.gov, R5airenforcement@epa.gov, and:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

24. Pursuant to paragraph 22, Prince shall submit to EPA all correspondence with Illinois EPA with regard to the addendum required by paragraph 20, above, within ten business days of submission or receipt.

25. Any notices to Prince regarding this Order shall be sent to

Craig Stewart,
Director, Safety, Health and Environment
301 Pidgeon Point Road
New Castle, DE 19720
Cstewart@princecorp.com

Mark Whitney
Vice President, General Counsel
15311 Vantage Pkwy W
Suite 350
Houston, TX 77032
mwhitney@princecorp.com

General Provisions

26. Prince agrees to the terms of this Order and further agrees that it will not contest the basis or validity of this Order. Prince waives any and all remedies, claims for relief and

otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review of this Order under 42 U.S.C. § 7607(b)(1) or 5 U.S.C. §§ 701-706.

27. This Order does not affect Prince's responsibility to comply with other federal, state, and local laws.

28. This Order does not restrict EPA's authority to enforce Section 110 of the CAA, 42 U.S.C. § 7410, or any other section of the CAA.

29. Failure to comply with this Order may subject Prince to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

30. The terms of this Order are binding on Prince, its assignees, and successors. Prince must give notice of this Order to any successors in interest prior to transferring ownership of the facility and must simultaneously verify to EPA, at the above address, that it has given the notice, provided, however, that nothing in this Order gives EPA any authority to approve or disapprove such transfer.

31. Prince may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Prince fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

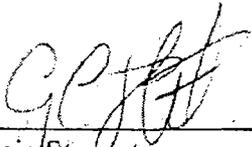
32. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities

as part of an administrative action or investigation. Please submit the reports required by this Order without staples; paper clips and binder clips, however, are acceptable.

33. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action, provided, however, that this Order itself is not admissible in any proceeding as evidence that Prince violated any otherwise applicable federal, state or local law. This Order is not based on any finding or allegation of a violation of any applicable requirement of its 2006 Permit, the Illinois federally enforceable SIP, or any other requirement of the Clean Air Act. Nothing in this Order constitutes an admission by Prince that it violated any such requirement.

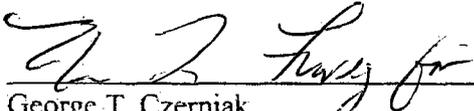
34. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate 1 year from the effective date, provided that Prince has complied with all terms of the Order throughout its duration.

10/28/2015
Date



Craig Stewart,
Director, Safety, Health and Environment
Prince Minerals, LLC

11/11/15
Date



George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Appendix A

Petroleum Coke Receipt and Storage Procedure

1. Purpose

The purpose of this Procedure is to assure the safe receipt and storage of petroleum coke at the Prince facility located at 401 North Prince Plaza, Quincy, Illinois. Prince is committed to conducting operations in a responsible manner to protect the safety and health of our employees, customers, the public, and the environment. This Procedure will ensure the receipt and storage of petroleum coke does not negatively impact the environment, the public, our customers, or employees. This Procedure will also be incorporated in the Title V permit and will be a legally enforceable obligation.

2. Scope

This Procedure applies to the Prince operations in Quincy, IL.

3. Responsibility

The SH&E Department is responsible for reviewing and updating this Procedure as appropriate, limited to changes that do not require amendment to the Title V air permit. The Site Manager, Supervisors, and other personnel as appropriate, are responsible for following this Procedure. The Site Manager is responsible for enforcement of this Procedure.

4. Associated Documents

4.1. Receipt and Storage Log

5. Procedures

5.1 The amount of time petroleum coke is stored outside at the Quincy facility shall be reduced to an amount minimally necessary to ensure continuous supply of petroleum coke for the calcining operations.

5.1.1 The amount of petroleum coke stored outside shall not exceed two truckloads (i.e., approximately 50 tons).

5.1.2 All petroleum coke temporarily stored outside (the "Stockpile") shall be held on a concrete storage pad, surrounded by approximately 6-foot high berms on three sides to ensure the material is contained. The berms shall not be increased in height or the area otherwise enlarged to allow for storage of additional petroleum coke.

5.1.3 At all times, the volume of petroleum coke in the Stockpile shall not exceed the height of the existing surrounding berms.

5.1.4 The petroleum coke shall not be stored outside in any other area.

5.2 After delivery of petroleum coke to the Stockpile, as much as is reasonably possible shall be moved into the inside storage building as soon as reasonably possible, but no later than the close of business on the day after delivery, except as explained in 5.3 below. It is expected that the vast majority of the material will be moved inside so that residual remnants do not create a potential for becoming airborne.

5.3 It is permissible to delay moving the petroleum coke to the inside storage area (i.e., beyond the day after delivery to the extent there is:

5.3.1 A significant storm event, security event, or act of God that would cause this task to be unsafe to complete. The petroleum coke shall be moved to the inside storage area by the close of business on the next day after the end of such event.

5.3.2 A precipitation event that increases the moisture content of the petroleum coke to a level that cannot be reduced by storage or drying inside the building but rather requires that the moisture be allowed to evaporate outside. The petroleum coke shall be moved to the inside storage area as soon as reasonably possible after the excessive moisture drains from the material, but no later than the close of the next business day after the excessive moisture has drained from the material.

- 5.4 In the event fugitive dust is observed coming from the Stockpile, per section 5.6.1.3, the petroleum coke will promptly be moved into the building or the Stockpile will be sprayed with water (e.g., from a portable, truck-mounted tote maintained at the Quincy facility).
- 5.5 All movement of petroleum coke shall be performed in a manner to minimize the potential for dust from the pile to become blown around and potentially carried offsite.
- 5.6 Recordkeeping of the receipt and storage of petroleum coke shall consist of the following:
- 5.6.1 A designated employee shall record, once each day, using the form Petroleum Coke Outside Storage Inspection Log For the Month of _____, 20____, the following:
 - 5.6.1.1 The approximate amount of petroleum coke present in the Stockpile, estimated to the nearest one-half truckload;
 - 5.6.1.2 Confirmation that any petroleum coke stored in the Stockpile is below the height of the berms; and
 - 5.6.1.3 The presence of visible fugitive dust from the Stockpile, by conducting observations for six consecutive minutes, observed from a distance of less than thirty feet. Whenever possible, the observations shall be undertaken during high wind conditions, if any, which are defined as wind conditions 15 mph or above.
 - 5.1.1 Receiving shall record delivery times, dates and amounts of petroleum coke delivered.
 - 5.1.2 The records described in 5.6.1 and 5.6.2. shall be maintained on-site for five years.

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent the Agreed Administrative Consent Order and Information Request, by certified mail, return receipt requested, to:

Craig Stewart,
Director, Safety, Health and Environment
301 Pidgeon Point Road
New Castle, DE 19720

I also certify that I sent a copy of the Agreed Request, by first-class mail to:

Eric Jones, Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

on the 13th day of November, 2015.

Kathy Jones
Kathy Jones
Program Technician
AECAB/PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9581 4588