

CHICAGO LEGAL CLINIC, INC.

South Chicago • Pilsen • Austin • Downtown

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June 29, 2015

Director of the Office of Civil Rights
United States Environmental Protection Agency
Mail Code 1201A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

By Email – [Title VI Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)

Re: Formal Complaint - Illinois Environmental Protection Agency, A Recipient of EPA Assistance

To The Director:

Please be advised that I represent the Southeast Environmental Task Force (SETF), a not-for-profit organization dedicated to environmental education, open space preservation and pollution prevention on the southeast side of Chicago, Illinois.¹ SETF's members include several individuals who live in neighborhoods immediately adjacent to the Agri-Fine facility, located at 2701 E. 100th Street, Chicago, IL 60617. Consequently, SETF is concerned about the compliance status of this facility, the potential effects of site activities on human health and environmental quality, and government oversight of facility operations.

Please accept this letter and the enclosed material as a formal Complaint that asserts the Illinois Environmental Protection Agency, a recipient of U.S. EPA assistance, engaged in discriminatory activity. This Complaint is being filed based on Illinois EPA's failure to engage in public participation as part of its decision to issue a Lifetime Operating Permit to Agri-Fine on or about January 2, 2015.² Based on IL EPA's failure to incorporate public participation as part of this final agency action, SETF asserts IL EPA acted in violation of Title VI, Section 601 of the 1964 Civil Rights Act, IL EPA's own

¹ See: <http://setaskforce.org/> The Southeast Environmental Task Force is located at 13300 S. Baltimore Avenue, Chicago, IL 60633. SETF's Executive Director is Peggy Salazar. SETF's phone number is 773-646-0436 and its fax number is 773-646-0997

² A true and accurate copy of this permit is attached to this Complaint.

environmental justice policies and IL EPA's commitments pursuant to United States Environmental Protection Agency Administrative Complaint Number 13R-10-R5.

The basis for this Complaint is as follows.

1. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine despite clear evidence that the community in which Agri-Fine operates is an environmental justice community. According to U.S. EPA's ECHO database, the population within a one mile radius of the Agri-Fine is 61.3% African-American and 33.24% Hispanic Origin. Within one mile of the facility, 9,063 people of a total population of 15,949 people live below the poverty level. Similarly, the population within a three mile radius of the Agri-Fine is 68.44% African-American and 25.71% Hispanic Origin. Within three miles of the facility, 60,287 people of a total population of 121,673 people live below the poverty level. According to Illinois EPA's Environmental Justice Public Participation Policy, an environmental justice community is a community with a minority and/or low-income population greater than twice the statewide average, which is clearly the case in this situation. IL EPA's permitting action occurred in an environmental justice community.

2. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine, contrary to IL EPA's own commitments to environmental justice. These commitments are expressed in IL EPA's own guidance, and in IL EPA's obligations as part of resolving United States Environmental Protection Agency Administrative Complaint Number 13R-10-R5.

In the resolution of United States Environmental Protection Agency Administrative Complaint Number 13R-10-R5, IL EPA made a commitment to revise its environmental justice public participation policy "...so that permitting activities in areas identified as potential EJ communities will be given an appropriate level of outreach...". As part of its subsequently revised Environmental Justice Public Participation Policy, IL EPA identified a series of public participation initiatives that apply to "all permitting transactions." None of these public participation initiatives were employed in the context of the Agri-Fine permitting process:

1. There was no early and meaningful public involvement throughout the permitting process.
2. There was no determination of the appropriate outreach based on factors like the type of permit, potential impact of the project, type of source or level of interest.
3. There is no evidence the permit applicant was encouraged to meet with community stakeholders, to provide notice and information about the project or to develop a Community Relations Plan.

4. IL EPA did not provide the community with information via mailed EJ notifications.
5. IL EPA did not make or distribute fact sheets or project summaries.
6. IL EPA did not develop or publish a Public Notice.
7. IL EPA did not conduct an informational meeting or a public hearing.
8. IL EPA did not publish a draft permit for public review.
9. IL EPA did not have a public written comment period on the permit.
10. Prior to issuing the permit, IL EPA did make any effort to make information available to residents in a timely and efficient manner.

3. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine despite a pending enforcement action in the Circuit Court of Cook County, Illinois. The Complaint in this enforcement action alleges, among other violations, that Agri-Fine released significant and harmful contaminants into the air that were documented from January, 2011 to October, 2014. These releases included air pollutants that directly affect the quality of life for residents of nearby neighborhoods.

On November 28, 2014, the Illinois Attorney General initiated a lawsuit against Agri-Fine³ in the Circuit Court of Cook County.⁴ The Plaintiff in this case is The People of the State of Illinois represented by the Illinois Attorney General (“AG”). Upon information and belief, the AG initiated this lawsuit at the request of the Illinois Environmental Protection Agency. The lawsuit alleges Agri-Fine’s does not comply with several requirements that originate in the Clean Air Act, the Illinois Environmental Protection Act and/or the facility’s own air permit.⁵ The specific categories of alleged violations are:

Agri-Fine released significant and harmful contaminants into the air that were documented from January, 2011 to October, 2014. These releases included air

³ Agri-Fine processes corn, soybean, cottonseed and canola soapstock to produce animal feed products. Agri-Fine utilizes an acidification process to release oil from emulsified mixture. It then adds sulfuric acid and heats the mixture to 200 degrees Fahrenheit for approximately two hours. Each batch settles overnight, during which time the oil and another product called interphase separate from the water. The oil and interphase are placed into finished storage tanks. Wastewater is treated to remove fats, oils and grease prior to discharge into the sewer system.

⁴ People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Agri-Fine, Inc., an Illinois Corporation, In The Circuit Court of Cook County, Illinois, County Department, Chancery Division, 2014CH18557.

⁵ Air emission units at the Agri-Fine facility include rail car loading and unloading operations, numerous steam-heated primary and secondary storage tanks, a steam-heated biodiesel feedstock tank, 24 processing vats and two natural gas-fired boilers. There are also potential sources of fugitive particulate emissions including unpaved roads, conveyor systems and storage piles.

pollutants that directly affect the quality of life for residents of nearby neighborhoods.

Agri-Fine added new two industrial boilers, a steam-heated biodiesel feedstock tank and twenty-five storage tanks to its facility without first seeking and obtaining a construction permit from the IL EPA. The purpose of the construction permit is to ensure the new units will control air pollution in a legally adequate manner.

Agri-Fine operated the new boilers, the feedstock tank, loading and unloading equipment, and storage tanks without an adequate operating permit, which would include emission limits, mandate pollution controls and require monitoring, recordkeeping and reporting.

Agri-Fine operated the new boilers without providing notice to the Illinois EPA, a requirement that applies to natural-gas powered electric generating units.

Agri-Fine's emissions of hydrogen sulfide exceeded the limits in its existing operating permit in 2011 and 2012.

Agri-Fine failed to compile up-to-date information about its fugitive particulate matter emissions, and neither maintained this information itself nor reported this information to the IL EPA.

Agri-Fine failed to develop an adequate fugitive particulate matter operating program, designed to minimize releases of particulate matter into the air from sources like unpaved roads, storage piles and material conveyor systems.

The Complaint seeks monetary penalties and injunctive relief.

4. The IL EPA failed to provide an opportunity for public participation as part of issuing the January 2, 2015 lifetime operating permit to Agri-Fine despite clear evidence in IL EPA's own records regarding the potentially significant, adverse and disproportionate impact of facility emissions on the residents of an environmental justice community. In support of this grievance, SETF attaches and incorporates by reference an inventory of information in IL EPA's own records at the time that it issued the permit on January 2, 2015. These records provide compelling evidence of the effects of the permitted facility on the surrounding environmental justice neighborhood, the basis for IL EPA's ongoing concerns about facility compliance and the high level of community interest in this matter.

5. SETF attempted to resolve its Complaint by using the Illinois EPA's Environmental Justice Grievance Procedure. However, as of the date of filing this Complaint with OCR, Illinois EPA has not issued a final decision regarding SETF's grievance. Consequently, SETF is filing this Complaint with OCR to act within OCR's 180-day deadline.

I look forward to receiving OCR's confirmation of receipt of this Complaint, and to providing any additional information OCR requests as it investigates this Complaint.

Sincerely,



Keith Harley
Attorney for the Southeast Environmental Task Force

Enc

cc:

Lisa Bonnett, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Kenneth Page, Environmental Justice Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217)782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/785-1705

LIFETIME OPERATING PERMIT - NSPS Source - REVISED

Agri-Fine Corporation
Attn: Ron Lullo
2701 East 100th Street
Chicago, Illinois 60617

<u>Applicant No.:</u> 86050044	<u>I. D. No.:</u> 031600FDK
<u>Applicant's Designation:</u>	<u>Date Received:</u> September 30, 2014
<u>Subject:</u> Soap acidulation process	
<u>Date Issued:</u> January 2, 2015	<u>Expiration Date:</u> See Condition 1.
<u>Location:</u> 2701 East 100th Street, Chicago, Cook County, 60617	

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of:

Soapstock acidulation process with scrubber includes
Twenty four (24) 15,000 gallon process reactors (R1 - R24)
Two (2) 11.9 mmBtu/hr Natural gas fired steam generators
Two (2) Sulfuric Acid Tanks (T1 (9,300 gallon) and T2 (3,900 gallon))

pursuant to the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

- 1a. This operating permit shall expire 180 days after the Illinois EPA sends a written request for the renewal of this permit.
- b. This permit shall terminate if it is withdrawn or is superseded by a revised permit.
- 2a. The two (2) natural gas-fired steam generators (11.9 mmBtu/hr, each) are subject to a New Source Performance Standard (NSPS) for Small Industrial - Commercial - Institutional Steam Generating Units, 40 CFR Part 60 Subparts A and Dc. The Illinois EPA is administering NSPS in Illinois on behalf of the United States EPA under a delegation agreement.
- b. The Permittee shall comply with the applicable requirements of 40 CFR Part 60 Subparts A and Dc.
- 3. At all times, the Permittee shall, to the extent practicable, maintain and operate the above listed equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions.
- 4a. No person shall cause or allow any visible emissions of fugitive particulate matter from any process, including any material handling or storage activity beyond the property line of the emission source, pursuant to 35 Ill. Adm. Code 212.301.
- b. The Permittee shall operate the source in such a way that the opacity does not exceed the limits specified in 35 Ill. Adm. Code 212.123.

- c. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in 35 Ill. Adm. Code 212.321 (c) (35 Ill. Adm. Code 212.321).
- 5. In the event that the operation of the emission unit(s) results in an odor nuisance, the Permittee shall take appropriate and necessary actions to minimize odors, including but not limited to, changes in material or installation of controls, in order to eliminate the odor nuisance.
- 6a. Operation and emissions from the soapstock acidulation process shall not exceed the following limits:

<u>Pollutant</u>	<u>Emission</u>	<u>Emissions</u>	
	<u>Factor</u>	<u>(Tons/Mo)</u>	<u>(Tons/Yr)</u>
Hydrogen Sulfide (H ₂ S)	0.79	0.70	6.92
Sulfur Dioxide (SO ₂)	0.063	0.06	0.56
Volatile Organic Material (VOM)	1.92	1.69	16.32

These limits are based on emission factors based on testing (applicant requested twice the amount be used to calculate emission limits), maximum throughput of 212,615 tons/yr and the maximum hours of operation (8,760 hr/yr), and the application.

- b. Emissions and operation of two 11.9 mmBtu/hr natural gas-fired steam generators shall not exceed the following limits:
 - i. Natural Gas Usage: 21.0 mmscf/month, 208.5 mmscf/year.
 - ii. Emissions from the combustion of natural gas:

<u>Pollutant</u>	<u>Emission Factor</u>	<u>Emissions</u>	
	<u>(lbs/mmscf)</u>	<u>(Tons/Mo)</u>	<u>(Tons/Yr)</u>
Carbon Monoxide (CO)	84.0	0.88	8.76
Nitrogen Oxides (NO _x)	100.0	1.05	10.42
Particulate Matter (PM)	7.6	0.08	0.79
Sulfur Dioxide (SO ₂)	0.6	0.01	0.06
Volatile Organic Material (VOM)	5.5	0.06	0.57

These limits are based on the maximum fuel usage and standard emission factors (Tables 1.4-1 and 1.4-2, AP-42, Fifth Edition, Volume I, Supplement D, July 1998).

- c. Compliance with the annual limits of this permit shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).

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- 7a. The Permittee shall, in accordance with the manufacturer(s) and/or vendor(s) recommendations, perform periodic inspections and maintenance on the equipment covered under this permit such that the equipment be kept in proper working condition and not cause a violation of the Environmental Protection Act or regulations promulgated therein.
- b. Pollution control devices shall be in operation at all times when the associated emission unit(s) is in operation and emitting air contaminants.
8. Pursuant to 35 Ill. Adm. Code 218.301, no person shall cause or allow the discharge of more than 8 lbs/hour of organic material into the atmosphere from any emission source, except as provided in Sections 218.302, 218.303, 218.304, and the following exception: If no odor nuisance exists this limitation shall apply only to photochemically reactive material.
9. The Permittee shall maintain monthly records of the following items:
 - a. Names and amounts of raw material used (tons/month, tons/year);
 - b. VOM content of raw materials used (weight %); and
 - c. PM and VOM emissions from the source with supporting calculations (tons/month, tons/year).
10. All records and logs required by this permit shall be retained at a readily accessible location at the source for at least three years from the date of entry and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request. Any records retained in an electronic format (e.g., computer) shall be capable of being retrieved and printed on paper during normal source office hours so as to be able to respond to the Illinois EPA request for records during the course of a source inspection.
11. If there is an exceedance of the requirements of this permit as determined by the records required by this permit, the Permittee shall submit a report to the Illinois EPA's Compliance Section in Springfield, Illinois within 30 days after the exceedance. The report shall include the emissions released in accordance with the recordkeeping requirements, a copy of the relevant records, and a description of the exceedance or violation and efforts to reduce emissions and future occurrences.
12. One (1) copy of required reports and notifications shall be sent to:

Illinois Environmental Protection Illinois EPA
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276

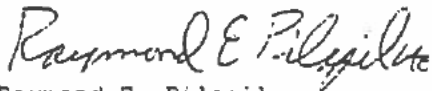
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13. Persons with lifetime operating permit must obtain a revised permit to any of the following changes at the source:
- a. An increase in emissions above the amount the emission unit or the source is permitted to emit;
 - b. A modification;
 - c. A change in operation that will result in the source=s noncompliance with a condition in the existing permit;
 - d. A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

It should be noted that the thirty-four (34) storage tanks are exempt from state permit requirements pursuant to 35 Ill. Adm. Code 201.146(n)(2).

This permit has been revised to include the operation of the twenty four process vessels and two 11.9 mmBtu/hr natural gas fired steam generators.

If you have any questions on this, please call Jocelyn Stakely at 217/785-1705.



Raymond E. Pilapil
Acting Manager of Permit Section
Division of Air Pollution Control

Date Signed: 01-02-2015

REP:JRS:jws

cc: Region 1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SETTLEMENT AGREEMENT FOR
ADMINISTRATIVE COMPLAINT NO.
13R-10-R5

I. PURPOSE

- A. This Agreement is entered into by the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA) Office of Civil Rights (OCR) to resolve administrative complaint number 13R-10-R5, which was filed with USEPA on May 5, 2010, by Keith Harley on behalf of South Suburban Citizens Opposed to Polluting our Environment (SS-COPE) pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.* and USEPA's implementing regulations at 40 C.F.R. Part 7. By letter dated July 23, 2010, OCR accepted the complaint for investigation.
- B. The parties to this Agreement, IEPA and USEPA, are entering into a settlement, to resolve the identified issues and avoid the burdens and expense of further investigation and possible litigation. The parties' signatures on this document are evidence of their agreement to this settlement.
- C. The IEPA is committed to carrying out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI and USEPA regulations at 40 C.F.R. Part 7. The activities detailed in Paragraphs III.A.1.(a)-(i) of this Agreement, which IEPA has voluntarily agreed to undertake and implement, are in furtherance of this commitment. The Director, in her capacity as an official of IEPA, has the authority to enter into this Agreement for purposes of carrying out the activities listed in the following paragraphs.

II. JURISDICTION

- A. Title VI prohibits recipients of Federal financial assistance from conducting their programs or activities in a manner that discriminates on the basis of race, color, or national origin. IEPA is a recipient of financial assistance from USEPA and is subject to the provisions of Title VI and USEPA's implementing regulations.
- B. This Agreement is entered into by USEPA pursuant to the authority granted to it under Title VI and its implementing regulations to investigate administrative complaints alleging discrimination by recipients of USEPA financial assistance and to resolve such complaints using voluntary, non-adversarial means.

III. SPECIFIC COMMITMENTS

- A. IEPA voluntarily agrees to undertake the following specific commitments with respect to permitting, public participation, and environmental justice.**
- 1. IEPA will expand the scope of its Environmental Justice Public Participation Policy (EJ PPP), as well as the activities conducted pursuant to the EJ PPP as follows:**
- a) Within (180) days of the effective date of this settlement, IEPA will revise its EJ PPP so that permitting activities in areas identified as potential EJ communities will be given an appropriate level of outreach as described below. IEPA will identify potential EJ communities using best available screening methods, which includes IEPA demographic criteria prior to any permitting activity as described in paragraph b). The Illinois EPA will implement the revised EJ PPP within (30) days of said revision.**
 - b) The revised EJ PPP shall provide for notice to the public (e.g., posting to the IEPA website, letter to community and EJ leaders, etc.) for proposed construction or operating permits that are non-administrative in nature and where the source has been issued a Violation Notice by the IEPA for any violation classified as a "High Priority Violation" under USEPA's guidance within the two years immediately preceding the proposed permit. If there is specific public interest in response to the aforementioned notice to the public, the IEPA will conduct appropriate public outreach as necessary to assure nondiscriminatory public participation in review and comment on the proposed permit, such as – but not limited to – providing a public hearing, public availability session or public meeting.**
 - c) Within (180) days of the effective date of this agreement, IEPA will post information on its website concerning grievances received pursuant to IEPA's EJ Grievance Procedure and the IEPA's response.**
 - d) Within 1 year of the effective date of this settlement, IEPA will complete the redesign of its online permit tracking system webpage to further facilitate the implementation of the EJ PPP. IEPA shall create a system that will identify all projects in potential EJ communities and notify IEPA's EJ Officer who will determine the appropriate outreach activities.**
 - e) By September 1, 2013, IEPA shall submit to USEPA and USEPA Region 5, an Interim Status Report that includes its progress relative to each term included within this settlement. The Interim Status Report shall state with specificity all actions/steps that IEPA has taken to address section III.A.1. of this agreement, associated dates, and all relevant supplemental materials**

and references indicating the status with this agreement (e.g., examples of public notice and public hearings, revised EJ PPP, etc).

- f) Within (60) days of USEPA's receipt of the Interim Report, the USEPA will review the Interim Report and provide any recommendations to IEPA.
- g) Within (90) days of IEPA's receipt of any USEPA recommendations, IEPA shall implement USEPA recommendations, or present to USEPA IEPA's alternative options for complying with the agreement, or provide a written explanation for why USEPA's recommendations are not necessary for IEPA to comply with the settlement agreement.
- h) On or before the date which is 1 year from the signing of this agreement by both parties, IEPA shall submit to USEPA and USEPA Region 5 its Final Report. The Final Report shall include IEPA's progress in meeting each term set forth in this settlement. The Final Report shall state with specificity all actions/steps that IEPA has taken to address section III.A.1. of this agreement, associated dates, and all relevant supplemental materials and references indicating the status with this agreement. IEPA may have one extension to submit this report if necessary to accomplish the tasks set forth in this settlement agreement, but such extension shall not exceed (60) days from the Final Report deadline.
- i) Once IEPA believes it has satisfied all terms and conditions of this Agreement and has submitted all necessary documentation, it shall submit a letter to the Director of OCR so stating. USEPA shall provide, within (60) days of receipt of IEPA's letter, written notice to IEPA of whether IEPA has or has not satisfied all terms and conditions of this Agreement. This Agreement shall be considered complete upon USEPA's written notice to IEPA that all terms and conditions of this Agreement have been satisfied or, if USEPA fails to respond to the letter, (90) days after USEPA received the letter.

IV. EFFECT OF AGREEMENT

- A. This Agreement does not constitute an admission by IEPA or a finding by USEPA of any violations of 40 C.F.R. Part 7 with regard to the complainants' allegations. The effect of this Agreement is to memorialize IEPA's commitment to resolve the issues raised in administrative complaint number 13R-10-R5.
- B. In consideration of IEPA's implementation of, and adherence to, the provisions of this Agreement, USEPA will close administrative complaint number 13R-10-R5. USEPA retains the right to accept and investigate any future Title VI complaints alleging discriminatory acts not contained in administrative complaint number 13R-10-R5 with respect to IEPA's programs or activities.

- C. If either IEPA or USEPA desires to modify any portion of this Agreement because of changed conditions making performance impractical or impossible, or due to material change to IEPA's or USEPA's program or authorities, or for other good cause, the party seeking a modification shall promptly notify the other in writing, setting forth the facts and circumstance justifying the proposed modification. Any modification(s) to this Agreement shall take effect only upon written agreement by the Director of IEPA and the Director of OCR at USEPA.
- D. This Agreement constitutes the entire Agreement between IEPA and USEPA regarding the matters addressed herein, and no other statement, promise, or Agreement, made by any other person shall be construed to change any commitment or term of this Agreement, except as specifically agreed to by IEPA and the USEPA. Additionally, this Agreement is a public document. A copy of this Agreement and any information contained in it may be made available to any person by IEPA or USEPA on request under the Freedom of Information Act or otherwise.
- E. If USEPA determines that IEPA has not satisfied a term or condition of this Agreement, or if a submission provided by IEPA under this Agreement lacks sufficient detail for USEPA to make the determination, USEPA shall promptly notify IEPA of that determination in writing. If the parties are unable to reach a mutually agreeable resolution regarding USEPA's determination, USEPA may reinstitute its administrative process consistent with 40 C.F.R. Part 7.
- F. This Agreement does not affect IEPA's continuing responsibility to comply with Title VI of the Civil Rights Act of 1964 and USEPA's implementing regulations, nor does it affect USEPA's responsibility to investigate any allegations in Title VI complaints against IEPA other than those addressed herein. Furthermore, this Agreement does not address any matter not specifically covered by the terms of this Agreement, nor does it constitute a finding that the actions to be taken herein by themselves will absolve IEPA from further actions to ensure compliance with Title VI or 40 C.F.R. Part 7.

The effective date of this Agreement is the date on which the parties affix their signatures below. This Agreement may be signed in counterparts. The Director of IEPA and the Director of OCR at USEPA have the authority to enter into this Agreement on behalf of their agencies.

V. CONTACTS

For purposes of this settlement the points of contact for IEPA and USEPA are listed as follows:

IEPA

Chris Pressnall
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544
chris.pressnall@illinois.gov

USEPA

Helena Wooden-Aguilar
Assistant Director
USEPA-OCR (External Civil Rights)
(Mail Code 1201A), 1200 Pennsylvania Avenue N.W.,
Washington D.C. 20460
(202) 564-0792
wooden-aguilar.helena@epa.gov

VI. NOTICE

Where notice is required by this Settlement, by certified mail, each signatory to this settlement should use the following address for:

IEPA

Director Lisa Bonnett
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
(217)782-3397

FOR EPA

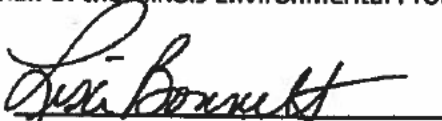
Acting Director, USEPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue N.W., Washington D.C. 20460

And

Director, USEPA Region 5 Office of Enforcement and Compliance Assurance (OECA)(Mail Code E-19J), 77 West Jackson Boulevard, Chicago, Ill. 60604

SIGNATURES

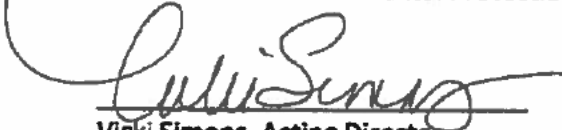
On behalf of the Illinois Environmental Protection Agency,



Lisa Bonnett Date

4/4/13

On behalf of the U.S. Environmental Protection Agency,



Vicki Simons, Acting Director
Office of Civil Rights

4/8/13
Date

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION POLICY

I. TITLE: Environmental Justice Public Participation Policy

II. PURPOSE: The purpose of this policy is to explain the Illinois Environmental Protection Agency's (Illinois EPA or Agency) approach to involving the public in communities located in areas identified as potential Environmental Justice (EJ) areas by the Illinois EPA¹ in accordance with the Agency's EJ policy (www.epa.state.il.us/environmental-justice/policy.html), the Illinois EPA EJ Public Participation Procedure² and the Illinois EPA Environmental Justice Start tool³. The Illinois EPA's EJ public participation policy predominately addresses public outreach in the context of permitting transactions but can be applied likewise to additional Illinois EPA matters, including enforcement actions or remediation projects.

III. RESPONSIBLE PERSON: The Environmental Justice Officer shall have the primary responsibility for coordinating all EJ efforts on behalf of the Illinois EPA and shall act as the spokesperson for the Illinois EPA on EJ. The Office of Community Relations will have a lead role in preparing the EJ public participation plans, establishing local repositories and conducting community meetings. The Bureaus and the Office of Community Relations will coordinate on the preparation and issuance public notices and fact sheets. Projects with significant public interest will require the Office of Community Relations and the bureaus to work together in preparing public hearing notices and fact sheets.

The EJ Officer is the contact person for citizens and communities in potential EJ areas. The EJ Officer will serve as a liaison between the citizen or community and the relevant Illinois EPA personnel to seek resolution of any EJ issues.

IV. COVERED ACTIVITIES

¹ "For the purposes of this document, a "potential" EJ community is a community with a low-income and/or minority population greater than twice the statewide average. In addition, a community may be considered a potential EJ community if the low-income and/or minority population is less than twice the state-wide average but greater than the statewide average and it has identified itself as an EJ community. If the low-income and/or minority population percentage is equal to or less than the statewide average, the community should not be considered a potential EJ community."

² The Illinois EPA EJ Public Participation Procedure is the Agency's internal procedure for conducting outreach activities.

³ The Illinois EPA EJ Start tool is an internal computer based geographic and demographic tool utilized by the Agency to determine whether a given source is in or near a potential EJ area.

A. Permitting transactions.

1. Illinois EPA's EJ public participation policy applies to all permitting transactions.
2. Illinois EPA is committed ensuring appropriate level of outreach as discussed below if the source involved in the permitting transaction is a High Priority Violator per USEPA guidance or is the subject of an enforcement action (i.e., has been referred to a prosecutorial agency such as the Illinois Attorney General's Office).

B. Remediation Projects in the Bureau of Land (except for projects covered by the Superfund Community Involvement Policy).

C. Complaint Investigations

1. Illinois EPA will timely respond to complaints from EJ communities.
2. Illinois EPA will apprise complainants of the results of the investigations including providing copies of inspection reports and any correspondence, such as a Violation Notice, sent to the source of concern .

D. Enforcement

1. Much of the enforcement process consists of confidential communications between the Illinois EPA, the Attorney General's Office, and the alleged violator. However, the Division of Legal Counsel will determine what types of enforcement decisions can be communicated to the public, when and how.
2. Illinois EPA will continue to solicit ideas for the Supplemental Environmental Project Bank for EJ Communities.
3. Databases of ongoing enforcement cases and compliance histories are available on-line at www.epa.state.il.us/enforcement/orders/.

V. COMMUNITY OUTREACH PROCEDURES

- A. An effective public participation strategy emphasizes early and meaningful public involvement throughout the permitting process.
- B. The Illinois EPA will determine the appropriate outreach, if any, based on, among other considerations, the type of permit, potential impact of the project, type of source and level of interest.
- C. Each Bureau will review all permit applications and other actions identified herein to determine whether the action will take place in a defined EJ area as determined by the Illinois EPA EJ Start tool.

D. Public participation options in potential EJ areas

1. Community Outreach

- a. For permitting transactions, Illinois EPA will encourage the permit applicant(s) to meet with community stakeholders to promote open dialogue early in the permitting process for appropriate permitting actions. As discussed below, preferably initial public outreach occurs prior to the submission of a permit application.
 - i. In such cases, the applicant(s) will be encouraged to provide notice to residents located in and around a defined EJ area about the pending permit application and the proposed project, and to provide basic information about the project to interested residents.
 - ii. The applicant(s) are encouraged to develop a Community Relations Plan to structure ongoing dialogue with neighboring communities.
- b. Illinois EPA will provide the community with information regarding proposed projects via EJ notifications, which are mailed to community leaders, public officials, environmental groups, concerned citizens and the affected source.
- c. Illinois EPA will make fact sheets available on the Agency's webpage or via a link from the Agency's webpage when appropriate. Written information will be made available for persons without internet access when requested.
- d. Public Notices will be written in terminology and languages easily understood by the majority of readers, except where specific public notice language is otherwise required. When required, notices will be placed in legal notice sections or other sections of local publications.

2. Public Meetings

- a. Informational meetings – The Illinois EPA and/or the source may hold an informational meeting or availability session.
 - i. For permitting transactions, the purpose of the meeting is to inform the residents in and around a potential EJ Area of the scope and nature of the project in a timely, interactive manner and explain the permitting process. Informational meetings

may be held prior to a public hearing or may be held when a public hearing is not required.

- ii. Informational meetings may also be held to explain enforcement related matters, remediation projects or other Illinois EPA activities that are of concern to the public.

- b. Public hearings – The Illinois EPA will make a good faith effort to provide an interpreter when it is known that residents do not speak English very well or when the Illinois EPA receives a request for an interpreter within two weeks of any public hearing or meeting and when the need for an interpreter is adequately justified.

3. Fact Sheet and Project Summary

- a. Illinois EPA will provide a plain language summary of the major aspects of the proposed project, including the purpose and location of the proposed activity and facility, and any anticipated environmental impacts, and any controls or work practices that will limit those impacts.
- b. As appropriate, the Illinois EPA will translate fact sheets into the predominate language of the community if it is not English.

4. Document Availability

- a. The Illinois EPA will take every effort to make information available to residents in potential EJ Areas in a timely and efficient manner.
- b. The Illinois EPA may create document repositories, place information on the Internet and provide information through the Illinois Freedom of Information Act.

IN THE CIRCUIT COURT FOR COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT; CHANCERY DIVISION

FILED - 1
2014 NOV 18 PM 12:05
COURT CLERK
JULIE M. BROWN

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State of Illinois,)
)
Plaintiff,)
)
v.)
)
AGRI-FINE, INC.,)
an Illinois corporation,)
)
Defendant.)

No. 2014CH18557
CALENDAR/ROOM 06
TIME 00:00
Injunction

COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), complains of the Defendant, AGRI-FINE, INC., an Illinois corporation, as follows:

COUNT I

AIR POLLUTION

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois EPA, against Defendant Agri-Fine, Inc., an Illinois corporation (the "Defendant"), pursuant to the terms and provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2012).

2. The Illinois EPA is an administrative agency of the State of Illinois, created by

Section 4 of the Act, 415 ILCS 5/4 (2012), and charged, inter alia, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, the Defendant has been and is an Illinois corporation, operating at 2701 East 100th Street, Chicago, Cook County, Illinois (the "Site"). Residential neighborhoods are located approximately one block to the west and ½ mile to the east of the Site.

4. At all times relevant to this Complaint, the Defendant has processed corn, soybean, cottonseed and canola soapstock to produce animal feed products. Soapstock consists of approximately 60% water and 40% oil. At all times relevant to this Complaint, the Defendant has utilized an acidulation process to release the oil from emulsified mixture. The Defendant adds sulfuric acid and heats the mixture to 200 degrees Fahrenheit for approximately two hours. The Defendant allows each batch to settle overnight, during which time the oil and an intermediate product, interphase, separates from the water. The Defendant places the oil and interphase into finished product tanks, and further processes any wastewater to remove fats, oils and grease prior to discharge to a sanitary sewer.

5. Emission units at the Site include rail car loading and unloading operations, numerous steam-heated primary and secondary storage tanks, a steam-heated biodiesel feedstock tank, 24 processing vats controlled by a scrubber and two natural gas-fired boilers.

6. Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to

violate regulations or standards adopted by the Board under this Act.

7. Section 201.141 of the Illinois Pollution Control Board's ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

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. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides as follows:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

9. The Defendant is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

10. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), provides as follows:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

11. Section 3.115 of the Act, 415 ILCS 5/3.115 (2012), provides as follows:

"Air pollution" is the presence in the atmosphere of one or more 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. On various dates between January 31, 2011 and October 30, 2014, and such other dates better known to Defendant, odors from the Defendant's operations discharged or emitted

from the Site into the surrounding neighborhood, which caused residents to (a) have difficulty breathing, headaches and nausea and (b) not be able to be outside in their yards or neighborhood.

13. Odors from the Defendant's operations constitute a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

14. The discharge or emission of such odors from the Site that unreasonably interfered with residents enjoyment of life and/or property constitutes "air pollution," as that term is defined in Section 3.115 of the Act, 415 ILCS 5/3.115 (2012).

15. By causing, threatening or allowing the discharge or emission of odors into the environment so as to cause air pollution, the Defendant violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

16. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

2. Enjoining the Defendant from any further violations of Section 9(a) of the Act,

415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT II

FAILURE TO OBTAIN A CONSTRUCTION PERMIT AND PAY APPLICATION FEE

1-10. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I as paragraphs 1 through 10 of this Count II.

11. Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), provides, in pertinent part, as follows:

No person shall:

* * *

b. Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air

pollution or designed to prevent air pollution, of any type designated by Board regulations, (1) without a permit granted by the Agency . . . or (2) in violation of any conditions imposed by such permit.

12. Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code

201.142, provides:

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.

13. Section 9.12 of the Act, 415 ILCS 5/9.12 (2012), provides, in pertinent part, as

follows:

- (a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time that he or she submits the application for a construction permit.

* * *

- (j) If the owner or operator undertakes construction without obtaining an air pollution construction permit, the fee under this Section is still required. Payment of the required fee does not preclude the Agency or the Attorney General or other authorized persons from pursuing enforcement against the applicant for failure to have an air pollution construction permit prior to commencing construction.

14. In 2007, and on such dates better known to the Defendant, the Defendant constructed two natural gas-fired boilers, a steam-heated biodiesel feedstock tank and twenty-four (24) fiberglass storage tanks at the Site, without first obtaining a construction permit from the Illinois EPA, in violation of Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142.

15. In 2007, and on such dates better known to the Defendant, the Defendant constructed two natural gas-fired boilers, a steam-heated biodiesel feedstock tank and twenty-four (24) fiberglass storage tanks at the Site without paying the required construction permit fees, in violation of Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012).

16. By violating Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142, the Defendant also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012).

17. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

2. Enjoining the Defendant from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415

ILCS 5/9(b) (2012), Section 9.12(j) of the Act, 415 ILCS 5/9.12(j) (2012), and Section 201.142 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.142;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT III

FAILURE TO OBTAIN AN OPERATING PERMIT

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I and paragraph 11 of Count II as paragraphs 1 through 11 of this Count III.

12. Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, provides:

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by Section 201.142 without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. . . .

13. In 2007, and on such dates better known to the Defendant, the Defendant operated rail car loading and unloading, numerous primary and secondary storage tanks, twenty four (24) processing vats controlled by a scrubber, a steam-heated biodiesel feedstock tank and two natural

gas-fired boilers without first obtaining an operating permit from the Illinois EPA in violation of Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143.

14. By violating Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143, the Defendant also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012).

15. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

2. Enjoining the Defendant from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Section 201.143 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.143;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT IV

FAILURE TO SUBMIT NOTIFICATION REGARDING NATURAL GAS-FIRED BOILERS

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I and paragraph 14 of Count II as paragraphs 1 through 11 of this Count IV.

12. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2012), provides, in pertinent part:

(d) No person shall:

- (1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto; or
- (2) construct, install, modify or operate any equipment, building, facility, source or installation which is subject to regulation under Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto, and no such action shall be undertaken (A) without a permit granted by the Agency . . . or (B) in violation of any conditions imposed by such permit. Any denial of such a permit or any conditions imposed in such a permit shall be reviewable by the Board in accordance with Section 40 of

this Act.

13. Section 111 of the Clean Air Act establishes the New Source Performance Standards ("NSPS"). The NSPS regulations are codified in Title 40, Part 60 of the Code of Federal Regulations ("NSPS Regulations"). The Illinois EPA administers the NSPS for subject sources in Illinois pursuant to a delegation agreement with the United States Environmental Protection Agency ("USEPA").

14. The NSPS Regulations governing Fossil-Fuel-Fired Steam Generators are found in Subpart D of Title 40, Part 60. Section 60.48c(a) of the Code of Federal Regulations, 40 C.F.R. 60.48c(a), provides, in pertinent part, as follows:

- (a) The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction and actual startup. . . .

15. Section 60.2 of the Code of Federal Regulations, 40 C.F.R. 60.2, provides the following definition:

Affected facility means, with reference to a stationary source, any apparatus to which a standard is applicable.

16. The two natural gas-fired boilers at the Site constitute an "affected facility" as that term is defined in Section 60.2 of the Code of Federal Regulations, 40 C.F.R. 60.2.

17. The Defendant failed to submit notification to the Illinois EPA of the date of construction and actual startup of the two natural gas-fired boilers in violation of Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a), thereby violating Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2012).

18. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably

injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9(d)(1) (2012), and Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a);
2. Enjoining the Defendant from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9(d)(1) (2012), and Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a);
3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9(d)(1) (2012), and Section 60.48c(a) of the NSPS Regulations, 40 C.F.R. 60.48c(a);
4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT V

OPERATING PERMIT VIOLATION

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 5, 8 through 11 and 13 of Count I and paragraph 11 of Count II as paragraphs 1 through 11 of this Count V.

12. On May 10, 1996, the Illinois EPA issued an Operating Permit for Smaller Source to the Defendant for the Site numbered 86050044 ("Operating Permit No. 86050044").

13. Condition 2 of Operating Permit No. 86050044 provides, in pertinent part, as follows:

Emissions of sulfur dioxide and hydrogen sulfide shall not exceed 0.6 and 0.3 tons/year, respectively. These limits are based on the maximum emission rate (0.3 lb/hr sulfur dioxide and 0.16 lb/hr hydrogen sulfide) and the maximum hours of operation (5,824 hr/yr).

14. In 2011 and 2012, and on such dates better known to the Defendant, emissions of hydrogen sulfide at the Site were at or higher than 1.77 tons/year, thereby violating Condition 2 of Operating Permit No. 86050044.

15. By violating Condition 2 of Operating Permit No. 86050044, the Defendant also violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012).

16. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of

Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Condition 2 of Operating Permit No. 86050044;
2. Enjoining the Defendant from any further violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Condition 2 of Operating Permit No. 86050044;
3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(b) of the Act, 415 ILCS 5/9(b) (2012), and Condition 2 of Operating Permit No. 86050044;
4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as this Court deems appropriate and just.

COUNT VI

FAILURE TO KEEP, MAINTAIN AND SUBMIT RECORDS REGARDING FUGITIVE PARTICULATE MATTER EMISSION UNITS

1-11. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 6, 8 through 11 and 13 of Count I as paragraphs 1 through 11 of this Count VI.

12. Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g), provides, in pertinent part, as follows:

g) Recordkeeping and Reporting

- 1) The owner or operator of any fugitive particulate matter emission unit subject to this Section shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of this Section and shall submit to the Agency an annual report containing a summary of such information.
- 2) The records required under this subsection shall include at least the following:
 - A) The name and address of the source;
 - B) The name and address of the owner and/or operator of the source;
 - C) A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of roadways;
 - D) For each application of water or chemical solution to roadways by truck: the name and location of the roadway controlled, application rate of each truck, frequency of each application, width of each application, identification of each truck used, total quantity of water or chemical used for each application and, for each application of chemical solution, the concentration and identity of the chemical;
 - E) For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent and, if diluted, percent of concentration, used each day; and
 - F) A log recording incidents when control measures were not used and a statement of explanation.

* * *

- 4) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.

- 5) A quarterly report shall be submitted to the Agency stating the following: the dates any necessary control measures were not implemented, a listing of those control measures, the reasons that the control measures were not implemented, and any corrective actions taken. This information includes, but is not limited to, those dates when controls were not applied based on a belief that application of such control measures would have been unreasonable given prevailing atmospheric conditions, which shall constitute a defense to the requirements of this Section. This report shall be submitted to the Agency thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

13. Unpaved roads and the parking area at the Site owned by the Defendant constitute fugitive particulate matter emission units.

14. The Defendant has failed to (a) keep and maintain any records of its fugitive particulate matter emission units for at least three years and (b) submit any annual and quarterly reports regarding its fugitive particulate matter emission units, thereby violating Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g).

15. By violating Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g), the Defendant also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

16. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests

that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g);

2. Enjoining the Defendant from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g);

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Section 212.316(g) of the Board's Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.316(g);

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

COUNT VII

FAILURE TO AMEND AND MAINTAIN A CURRENT FUGITIVE PARTICULATE MATTER OPERATING PROGRAM

1. This Count is brought on behalf of the People of the State of Illinois, *ex rel.* Lisa Madigan, Attorney General of the State of Illinois, on her own motion, against the Defendant, pursuant to the terms and provisions of Sections 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2012).

2-7. Plaintiff realleges and incorporates by reference herein paragraphs 3 through 6 and 8 through 9 of Count I as paragraphs 2 through 7 of this Count VII.

8. Section 212.309(a) of the Illinois Pollution Control Board's regulations for fugitive particulate matter (the "Board Fugitive Particulate Matter Regulations"), 35 Ill. Adm. Code 212.309(a), provides as follows:

a) The emission units described in Sections 212.304 through 212.308 and Section 212.316 of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.

9. Sections 212.304(a) entitled "Storage Piles," 212.305 entitled "Conveyor Loading Operations," 212.306 entitled "Traffic Areas," and 212.308 entitled "Spraying or Choke-Feeding Required" of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.304(a), 212.305, 212.306, and 212.308, provide, in pertinent part, as follows:

212.304(a) All storage piles of materials with uncontrolled emissions of fugitive particulate matter in excess of 45.4 Mg per year (50 T/yr) which are located within a source whose potential particulate emissions from all emission units exceed 90.8 Mg/yr (100 T/yr) shall be protected by a cover or sprayed with a surfactant solution or water on a regular basis, as needed, or treated by an equivalent method, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

212.305 All conveyor loading operations to storage piles specified in

Section 212.304 of this Subpart shall utilize spray systems, telescopic chutes, stone ladders or other equivalent methods in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

212.306 All normal traffic pattern access areas surrounding storage piles specified in Section 212.304 of this Subpart and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

212.308 Crushers, grinding mills, screening operations, bucket elevators, conveyor transfer points, conveyors, bagging operations, storage bins and fine product truck and railcar loading operations shall be sprayed with water or a surfactant solution, utilize choke-feeding or be treated by an equivalent method in accordance with an operating program.

10. At all times relevant to this Complaint, the Defendant maintained normal traffic pattern roads (unimproved roads) and parking facilities at the Site as covered by Section 212.306 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.306, thereby requiring the Defendant to operate pursuant to a fugitive particulate matter operating program in accordance with Section 212.309 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.309.

11. Section 212.310 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310, provides as follows:

As a minimum the operating program shall include the following:

- a) The name and address of the source;
- b) The name and address of the owner or operator responsible for execution of the operating program;
- c) A map or diagram of the source showing approximate

- locations of storage piles, conveyor loading operations, normal traffic pattern access areas surrounding storage piles and all normal traffic patterns within the source;
- d) Location of unloading and transporting operations with pollution control equipment;
 - e) A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil chemicals and dust suppressants utilized and equivalent methods utilized;
 - f) Estimated frequency of application of dust suppressants by location of materials; and
 - g) Such other information as may be necessary to facilitate the Agency's review of the operating program.

12. Section 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill.

Adm. Code 212.312, provides as follows:

The operating program shall be amended from time to time by the owner or operator so that the operating program is current. Such amendments shall be consistent with this Subpart and shall be submitted to the Agency for its review.

13. Between November 11, 1985 and September 10, 2014, the fugitive particulate matter operating program for the Site was a three-page Operating Program for Fugitive Particulate Control, a true and correct copy of which is attached hereto as Exhibit 1 (the "Fugitive Dust Plan").

14. The Fugitive Dust Plan did not, among other things, (a) provide a current map or diagram showing approximate locations of storage piles, conveyor loading operations, normal traffic pattern access areas surrounding storage piles and all normal traffic patterns within the Site; (b) provide a detailed description of the Site's best management practices; (c) set forth the estimated frequency of application of dust suppressants by location of materials; (d) indicate the location of unloading and transporting operations with pollution control equipment; (e) indicate a

person or persons in a managerial position that is responsible for ensuring that particulates are adequately controlled; and (f) delineate ways to evaluate control measures.

15. Between November 11, 1985 and September 10, 2014, the Defendant did not amend the Site's fugitive particulate matter operating program and did not submit an amended operating program to the Illinois EPA for review.

16. By failing to maintain a complete fugitive particulate matter operating program, amend the operating program to reflect current operations at the Site and submit an amended operating program to the Illinois EPA for review, the Defendant violated Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012).

17. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of pertinent environmental statutes and regulations will continue unless this Court grants equitable relief in the form of permanent injunctive relief.

WHEREFORE, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that this honorable Court enter a preliminary and, after trial, a permanent injunction in favor of Plaintiff and against the Defendant, AGRI-FINE, INC., as follows:

1. Finding that the Defendant has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312;

2. Enjoining the Defendant from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312;

3. Ordering the Defendant to immediately undertake all necessary corrective action that will result in a final and permanent abatement of violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2012), and Sections 212.310 and 212.312 of the Board Fugitive Particulate Matter Regulations, 35 Ill. Adm. Code 212.310 and 212.312;

4. Assessing against the Defendant a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and an additional penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;

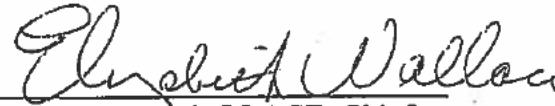
5. Ordering the Defendant to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including any attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as this Court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,

ex rel. LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
Kathryn A. Pamenter
Assistant Attorney General
69 W. Washington Street, 18th Floor
Chicago, IL 60602
(312) 814-0608

EXHIBIT 1

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
2200 CHURCHILL ROAD
SPRINGFIELD, ILLINOIS 62706

COPY

OPERATING PROGRAM FOR FUGITIVE PARTICULATE CONTROL
REQUIRED BY RULE 203(F)(2) through (4).

1. Name of Facility: AGRI-FINE CORP.
Street Address: 2701 E. 100TH ST.
City: CHICAGO
Township: _____ County: COOK Zip Code: 60617

2. Name of Owner or Operator: JAMES D. HOELZEMAN
Address of Owner or Operator: 2701 E. 100TH ST.
CHICAGO, IL. 60617

3. Submit a scale map showing all storage piles, conveyor loading operations, storage pile access roads, normal traffic roads, parking facilities, location of unloading and transporting operations with pollution control equipment.

4. Do storage piles contain a total of more than 260,000 tons of material in any calendar year? Yes No

Normally storage piles of this size or greater are likely to emit 50 tons per year or more particulates.

5. If answer to item #4 is yes, please submit the following information:

a) Total amount of material in storage piles: 0 tons

b) Submit attached sheets describing:

i) Detailed operating procedures and control methods by which fugitive particulates from these storage piles will be minimized during loading, unloading, pile maintenance, and wind erosion. How often will these piles be treated with surfacting agent? Name the type and concentration of surfactant that will be used.

ii) Type of control methods used for fugitive particulate emissions from conveyor loading operations and normal traffic pattern roads serving these storage piles. If surfacting agent is used state type and concentration of surfacting agent and frequency of its use.

iii) Type of control methods used for fugitive particulate emissions from all paved or unpaved parking lots and normal traffic pattern roads at this facility. If roads are paved indicate footage of roads that will be paved and how frequently these roads will be cleaned.

6. Does this facility have any of the following sources?

For each source marked yes, attach additional sheet describing the type of control methods that will be used to control fugitive particulate emissions. If surfactant is used state the type and concentration of surfactant and frequency of its application. If the roads and parking lots are paved, state the frequency of cleaning.

- | | | | | |
|---|----------|-----|-----|----|
| a) Crushers | ___ | Yes | ___ | No |
| b) Grinding Mills | ___ | Yes | ___ | No |
| c) Screening Operations | ___ | Yes | ___ | No |
| d) Bucket Elevators | ___ | Yes | ___ | No |
| e) Conveyors | ___ | Yes | ___ | No |
| f) Conveyor transfer points | ___ | Yes | ___ | No |
| g) Bagging Operations | ___ | Yes | ___ | No |
| h) Storage Bins | ___ | Yes | ___ | No |
| i) Fine Product truck and trailer loading operations | ___ | Yes | ___ | No |
| j) Unloading and transporting operations of materials collected by pollution control equipment. | ___ | Yes | ___ | No |
| k) Unpaved normal traffic roads | <u>X</u> | Yes | ___ | No |
| l) Paved normal traffic roads | ___ | Yes | ___ | No |
| m) Unpaved parking lots | <u>X</u> | Yes | ___ | No |
| n) Paved parking lots | ___ | Yes | ___ | No |

7. Vehicular Miles Travel Information: This information is to be determined by number of cars times distant travel for following roads:

- i) Traffic on unpaved normal traffic roads in 5 miles per year.
- ii) Traffic on paved normal traffic roads in miles per year.
- iii) Traffic on unpaved parking lots 3 miles per year.
- iv) Traffic on paved parking lots miles per year.

8. Is this fugitive particulate control program implemented at present? (Please note that the Rule 203(f) requires that this program should be implemented by 12/31/82). X Yes ___ No

KEEP ONE COPY FOR YOUR FILES AND RETURN TWO COPIES TO: BHARAT MATHUR, MANAGER AIR PERMITS AT ADDRESS GIVEN ON THE FIRST PAGE.

AUTHORIZED SIGNATURE(S)

BY James D. Hoelzeman DATE 11-11-85

JAMES D. HOELZEMAN
TYPED OR PRINTED NAME OF SIGNER

PRESIDENT
TITLE OF SIGNER



AGRI-FINE CORP.

2701 EAST 100th ST. • CHICAGO, IL 60617

(312) 978-5130

Control method used is water, which is applied twice weekly by a fire hose.

IL EPA; FOIA Request Summary**Index of Documents**

1/14/1994	031600FDK-001	Agri-Fine	IEPA Annual Emissions Report – 1993
1/5/1995	031600FDK-002	Agri-Fine	IEPA Annual Emissions Report – 1994
1/3/1996	031600FDK-003	Agri-Fine	IEPA Annual Emissions Report – 1995
1/2/1997	031600FDK-004	Agri-Fine	IEPA Annual Emissions Report – 1996
12/3/2001	031600FDK-005	Agri-Fine	IEPA Annual Emissions Report – 2001
12/10/2002	031600FDK-006	Agri-Fine	IEPA Annual Emissions Report – 2002
12/5/2003	031600FDK-007	Agri-Fine	IEPA Annual Emissions Report – 2003
12/28/2004	031600FDK-008	Agri-Fine	IEPA Annual Emissions Report – 2004
12/13/2005	031600FDK-009	Agri-Fine	IEPA Annual Emissions Report – 2005
11/28/2006	031600FDK-010	Agri-Fine	IEPA Annual Emissions Report – 2006
12/6/2006	031600FDK-011	Agri-Fine	IEPA Annual Emissions Report – 2007
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11/30/2009	031600FDK-013	Agri-Fine	IEPA Annual Emissions Report – 2009
11/16/2010	031600FDK-014	Agri-Fine	IEPA Annual Emissions Report – 2010
11/29/2011	031600FDK-015	Agri-Fine	IEPA Annual Emissions Report – 2011
4/15/2013	031600FDK-016	Agri-Fine	IEPA Annual Emissions Report – 2012
4/17/2014	031600FDK-017	Agri-Fine	IEPA Annual Emissions Report – 2013
1996 - 2013	031600FDK-018	Agri-Fine	Document collection
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8/21/2014	031600FDK-020	Agri-Fine	IEPA Complaint Record
9/4/2014	031600FDK-021	Agri-Fine	IEPA Complaint Record
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1/29/2014	031600FDK-023	Agri-Fine	Correspondence - Permit Denial (Letter)
1/29/2014	031600FDK-024	Agri-Fine	Correspondence - Notice of Incompleteness
12/19/2014	031600FDK-025	Agri-Fine	Correspondence - Permit Denial (Letter)

1/2/2015	031600FDK-026	Agri-Fine	Lifetime Operating Permit
1/29/2014	031600FDK-027	Agri-Fine	Correspondence - Complete Permit Denial
Jan, May 2013	031600FDK-028	Agri-Fine	IEPA violator classification from
10/23/2013	031600FDK-029	Agri-Fine	Correspondence - Violation Notice
April, 2011	031600FDK-030	Agri-Fine	Correspondence - Email for information request
6/15/2012	031600FDK-031	Agri-Fine	Invoice - Annual Site Fee 2012
6/15/2013	031600FDK-032	Agri-Fine	Invoice - Annual Site Fee 2013
6/15/2014	031600FDK-033	Agri-Fine	Invoice - Annual Site Fee 2014
3/4/2015	31600FDK exempt	IEPA	Exempt Document List

IL EPA FOIA Production - March 4, 2015

1/14/1994	031600FDK-001	Agri-Fine	IEPA Annual Emissions Report – 1993
<ul style="list-style-type: none"> • 3 Page Document, Report received April 29, 1994, Documenting Allowable, IEPA Estimate, and Source Emissions from Agri-Fine's facility for 1993 • Emissions reported are CO, NOX, and SO2 • Includes previous year's data; however, zeros are show in all categories – probably unreported • 1993 Source data not filled in – further documents indicate IEPA estimated data was used instead • Page three lists two operating permits. Veg. Oil Acidulation permit marked Denied, Soybean Soapstock acidulation permit expires 6/5/96 			
1/5/1995	031600FDK-002	Agri-Fine	IEPA Annual Emissions Report – 1994
<ul style="list-style-type: none"> • Report received Feb 14, 1995; Documents source emissions for 1994 • Report indicates same pollutants as above, still under the allowable rates • 1994 emissions number exactly the same in tons per year as in 1993 • Same permits listed on third page 			
1/3/1996	031600FDK-003	Agri-Fine	IEPA Annual Emissions Report – 1995
<ul style="list-style-type: none"> • Report received March 5, 1996; Documents source emissions for 1995 • Report indicates same pollutants as above, still under the allowable rates • 1995 emissions number exactly the same in tons per year as previous years • Permit page missing 			

1/2/1997	031600FDK-004	Agri-Fine	IEPA Annual Emissions Report – 1996
<ul style="list-style-type: none"> • Report received April 25, 1997; Documents source emissions for 1996 • 1996 estimates missing, exact same source numbers as previous years • Same permits listed; however, expiration date on granted permit is removed • Fourth page: letter from Agri-Fine in re permit/1986 permit application 			
12/3/2001	031600FDK-005	Agri-Fine	IEPA Annual Emissions Report – 2001
<ul style="list-style-type: none"> • Report received May 1, 2002; Documents source emissions for 2001 • CO, NOX, SO2 emissions for 2001 and 2002 still exactly the same as previous reports • Added reporting for PART, PM10, and VOM; marked n/a for 2002 • Equipment listings added to report • Change in Soybean Soapstock Acidulation permit from 'operating' to 'lifetime' 			
12/10/2002	031600FDK-006	Agri-Fine	IEPA Annual Emissions Report – 2002
<ul style="list-style-type: none"> • Report received May 1, 2003; Documents source emissions for 2002 • All previous emissions still the same • Added reporting for NH3 • Emissions remain under designated limits 			
12/5/2003	031600FDK-007	Agri-Fine	IEPA Annual Emissions Report – 2003
<ul style="list-style-type: none"> • Received April 30, 2004 • All previous emission numbers the same • Emissions remain under designated limits 			
12/28/2004	031600FDK-008	Agri-Fine	IEPA Annual Emissions Report – 2004
<ul style="list-style-type: none"> • Received April 14, 2005 • Added reporting for H2S and PM2.5 • Source report matches IEPA estimates exactly for each pollutant except CO – one decimal place off • CO emission limit increased. • Emissions under designated limits 			
12/13/2005	031600FDK-009	Agri-Fine	IEPA Annual Emissions Report – 2005
<ul style="list-style-type: none"> • Received February 6, 2006 • Report and IEPA estimation again exactly the same (same CO discrepancy as 009) 			

<ul style="list-style-type: none"> Emissions under designated limits 			
11/28/2006	031600FDK-010	Agri-Fine	IEPA Annual Emissions Report – 2006
<ul style="list-style-type: none"> Received April 16, 2007 The source report numbers have changed! Each is under IEPA estimates, but by small increments and close to the old number Emissions remain under designated limits 			
12/6/2006	031600FDK-011	Agri-Fine	IEPA Annual Emissions Report – 2007
<ul style="list-style-type: none"> Received August 4, 2008 Added CO2, Methane, and N2O to report; marked N/A, future report used estimate Again, small shift in source reports; also, the particle emissions entry for 2006 do not match up with the last report Emissions remain under designated limits 			
12/1/2008	031600FDK-012	Agri-Fine	IEPA Annual Emissions Report – 2008
<ul style="list-style-type: none"> Received July 23, 2009 Still marked N/A for CO2, Methane and N2O Emissions remain under designated limits 			
11/30/2009	031600FDK-013	Agri-Fine	IEPA Annual Emissions Report – 2009
<ul style="list-style-type: none"> Received May 3, 2010 Similar to last report Acidulation tanks and steam generators added to equipment list Emissions reported for 2008 remain under designated limits 			
11/16/2010	031600FDK-014	Agri-Fine	IEPA Annual Emissions Report – 2010
<ul style="list-style-type: none"> Received stamp date illegible Similar to last report Emissions reported for 2009 remain under designated limits 			
11/29/2011	031600FDK-015	Agri-Fine	IEPA Annual Emissions Report – 2011
<ul style="list-style-type: none"> Received June 14, 2012 Emissions reported for 2010 remain under designated limits 			
4/15/2013	031600FDK-016	Agri-Fine	IEPA Annual Emissions Report – 2012

<ul style="list-style-type: none"> Received June 11, 2013 Emissions reported for 2011 are in excess of allowable limits for CO (18% over), H2S (280% over), NH3 (1167% over), and VOM (2,445% over) 			
1/15/2013 (?)	031600FDK-017	Agri-Fine	IEPA Annual Emissions Report – 2013
<ul style="list-style-type: none"> Received April 25, 2014 15 pages; documentation includes fuel consumption data, scrubber emissions, monthly emissions breakdown, and quarterly soapstock production Emissions reported for 2012 are in excess of allowable limits for CO (57% over), H2S (288% over) and VOM emissions 			
1996 - 2013	031600FDK-018	Agri-Fine	Document Collection
<ul style="list-style-type: none"> 28 Page document, including: Tier II Inspection and report, Inspected May 24, 2013 <ul style="list-style-type: none"> Description of Soapstock Production states 'City of Chicago took Agri-Fine to court' Open storage system showed evaporation and odor. No permit application in 2007, for new boilers. No permit application for new fiberglass vats. citing recommendation (9(a)) Violated emissions of H2S Investigator's intra-agency recommendation 4 recorded complaints <ul style="list-style-type: none"> Odors (Putrid, foul) E-mail in re: complaints 6 annotated images of facility (From inside facility) EPA region 5 request for information from Agri-Fine (1/27/2011) Department of Health Inspector's Narrative (4/17/2013) <ul style="list-style-type: none"> Foul Odor issued 7/28/080 nuisance and atmospheric pollution (for odor) Permit to operate both boilers dated May 10, 1996 			
2014	031600FDK-019	Agri-Fine	Investigation Reports
<ul style="list-style-type: none"> 23 Page Document including: Tier II inspection, dated June 3, 2014; Includes 'Odor Surveillance' <ul style="list-style-type: none"> pH adjusted before sewer disposal "strong, putrid odor"; "Nasty"; "Bad Odor"; "Pungent" Odor summary table 11 "mister pipes" spraying mist Previous Agri-Fine contact handling odor reduction, no longer is employed 			

<ul style="list-style-type: none"> Investigator's recommendations <ul style="list-style-type: none"> Recommended 9(a) violation IEPA complaint and incident record <ul style="list-style-type: none"> smells like a "slaughterhouse or animal processing" Weather history records for day(s) of investigations Photos from surrounding area 			
8/21/2014	031600FDK-020	Agri-Fine	IEPA Complaint Record
<ul style="list-style-type: none"> One page incident report, in re: odor <ul style="list-style-type: none"> "foul, putrid odor"; "affects our community" Reviewed Nov 17, 2014 			
9/4/2014	031600FDK-021	Agri-Fine	IEPA Complaint Record
<ul style="list-style-type: none"> One page incident report, in re: odor Reviewed Nov 17, 2014 			
11/18/2014	031600FDK-022	Agri-Fine	IEPA Complaint Records and Review
<ul style="list-style-type: none"> 3 detailed incident reports, incidents ranging from August to October of 2014 <ul style="list-style-type: none"> "VOMIT" "smells like FECES"; "I thought my dog pooped in my house!" "Can't go outside because the odor is very bad." Final disposition: referred to AGO 			
1/29/2014	031600FDK-023	Agri-Fine	Correspondence - Permit Denial (Letter)
<ul style="list-style-type: none"> IEPA construction application permit denial <ul style="list-style-type: none"> due to possible 35 Ill. Adm. Code 201.142 violation 			
1/29/2014	031600FDK-024	Agri-Fine	Correspondence - Notice of Incompleteness
<ul style="list-style-type: none"> IEPA letter requesting more information from Agri-Fine in re: operating permit for boilers Incomplete pursuant to 35 Ill. Adm. Code 201.158 <ul style="list-style-type: none"> 201.157 201.160 201.169 			
12/19/2014	031600FDK-025	Agri-Fine	Correspondence - Permit Denial (Letter)

<ul style="list-style-type: none"> • IEPA construction application permit denial <ul style="list-style-type: none"> ◦ possible 35 Ill. Adm. Code 201.142 violation 			
1/2/2015	031600FDK-026	Agri-Fine	Lifetime Operating Permit
<ul style="list-style-type: none"> • Outlines conditions for operation of Scrubber, 24 vats, 2 natural gas boilers, and 2 sulfuric acid tanks in relation to soapstock acidulation • Increases Tons of emission per year rate with regards to H2S, SO2 and VOM • Issued January 2, 2015. I.D. # 031600FDK <ul style="list-style-type: none"> ◦ Small industrial; 40 CFR 60 (A) & (Dc) ◦ Soapstock Limits <ul style="list-style-type: none"> ▪ Hydrogen Sulfide (H2S) = .79 (lbs/hr) or 6.92 (Tons/Yr) ▪ Sulfur Dioxide (SO2) = .063 (lbs/hr) or .56 (Tons/Yr) ▪ Volatile Organic Material (VOM) = 1.92 (lbs/hr) or 16.32 (Tons/Yr) ◦ Natural Gas emission Limits <ul style="list-style-type: none"> ▪ Carbon Monoxide (CO) = 84 (lbs/hr) or 8.76 (Tons/Yr) ▪ Nitrogen Oxides (NOx) = 100 (lbs/hr) or 10.42 (Tons/Yr) ▪ Particulate Matter (PM) = 7.6 (lbs/hr) or .79 (Tons/Yr) ▪ Sulfur Dioxide (SO2) = .6 (lbs/hr) or .06 (Tons/Yr) ▪ Volatile Organic Material (VOM) = 5.5 (lbs/hr) or .57 (Tons/Yr) ◦ 34 Storage tanks are exempt, pursuant to 35 Ill. Adm. Code 201.146(n)(2) ◦ Includes 24 process vessels & two 11.9 mmBtu/hr natural gas fired steam generators. 			
1/29/2014	031600FDK-027	Agri-Fine	Correspondence - Complete Permit Denial
<ul style="list-style-type: none"> • 13 pages, consisting of: • Permit Denial <ul style="list-style-type: none"> ◦ 35 Ill. Adm. Code 201.142 possible violation • Permit Application review/worksheet • Notice of Violation of Illinois Environmental Protection Act to Agri-fine stamped Oct 23, 2013 <ul style="list-style-type: none"> ◦ 425 ILCS 5/31(a)(1) violation • 9 Violations listed <ul style="list-style-type: none"> ◦ emissions of odor ◦ failed to obtain construction permits for 2 boilers ◦ failed to register for the Smaller Sources program (ROSS) ◦ failed to pay construction permit ◦ failed to obtain operating permit ◦ exceeded emissions of H2S ◦ failed to notify anticipated startup of boilers ◦ failed to submit annual and quarterly reports ◦ failed to document and maintain records 			

Jan, May 2013	031600FDK-028	Agri-Fine	IEPA violator classification from
<ul style="list-style-type: none"> Identifies Agri-Fine as 1b class violator for NSPS boilers and exceeding emissions Notice of violations to Agri-Fine. 			
10/23/2013	031600FDK-029	Agri-Fine	Correspondence - Violation Notice
<ul style="list-style-type: none"> IEPA violation notice to Agri-Fine Violations <ul style="list-style-type: none"> release of odor failure to obtain construction permit failure to register Smaller Sources program (ROSS) failure to pay construction permit failure to obtain an operation permit exceeding emissions limits (H2S) Failure to submit construction/startup notification failure to submit annual/quarterly reports failed to document and maintain required records (35 Ill. Adm. Code 212.31(g)(2)) Recommendations to IEPA 			
april, 2011	031600FDK-030	Agri-Fine	Correspondence - Email for Information request
<ul style="list-style-type: none"> E-mail and letter in re: intent to test Andrew Rubio (Agri-Fine) notifies IEPA of finalizing details of compliance test protocol 			
6/15/2012	031600FDK-031	Agri-Fine	Invoice - Annual Site Fee 2012
<ul style="list-style-type: none"> Letter to Agri-Fine in re: Air Pollution Control fee invoice 			
6/15/2013	031600FDK-032	Agri-Fine	Invoice - Annual Site Fee 2013
<ul style="list-style-type: none"> Letter to Agri-Fine in re: Air Pollution Control fee invoice 			
6/15/2014	031600FDK-033	Agri-Fine	Invoice - Annual Site Fee 2014
<ul style="list-style-type: none"> Letter to Agri-Fine in re: Air Pollution Control fee invoice 			