



MEMORANDUM

TO: Sustainability Advisory Commission
FROM: Scott R. Tess, Sustainability & Resilience Officer
DATE: March 29, 2021
RE: Emulsicoat

Background and Facts

Emulsicoat is an asphalt manufacturer with a decades old location at 705 E. University Avenue zoned IN-2 Heavy Industrial District. They also have a newer facility at 1001 Saline Court zoned IN-2 Heavy Industrial District. Emulsicoat was granted a Special Use Permit for the facility at 1001 Saline Court on January 22, 2019 through Ordinance No. 2019-01-010. That Special Use Permit granted permission to further expand the Saline Court site and some work has been completed in support of that expansion. At the time of that Special Use Permit approval, Mr. Rick Beyers stated that the Saline Court expansion is part of Emulsicoat's long-term plan to relocate there from the East University Avenue location. Furthermore, Mr. Beyers noted that the initial opening of the Saline Court facility moved over 33% of their operations away from the East University Avenue facility. The current expansion will move another 25-30% of the business to the Saline Court location. We have been told that they plan to move the remainder of the operation within the next 5 to 10 years.

Every few years the City receives odor complaints regarding the Emulsicoat facility on East University Ave. Odor complaints received by the city have historically been referred to the Illinois Environmental Protection Agency (IEPA) as they are the relevant regulatory agency.

Illinois EPA Permitting

The Illinois Environmental Protection Act (the Act) and the Federal Clean Air Act require stationary sources of air emissions to obtain permits from the Illinois EPA detailing the laws and regulations that a source is subject to and spelling out applicable monitoring, recordkeeping and reporting requirements. The potential amount of emissions from a source determines the type of permit for which a source may apply. The largest emitters must obtain a Clean Air Act Permit Program permit; small sources obtain a Lifetime Operating Permit. In 2011, an amendment was added to the Act requiring the smallest air emission sources to register under the Registration of Smaller Sources (ROSS) program rather than obtain a permit. The ROSS program applies to those facilities that have less than 5 tons per year of combined criteria air pollutants.

Prior to 2012, Emulsicoat had a Lifetime Operating Permit from the Illinois EPA for the East University Avenue facility. In 2012, after the ROSS program became effective, the facility

entered the ROSS program as its actual emissions were below the ROSS threshold. Earlier this year, the company determined the facility's emissions exceeded the ROSS threshold. Emulsicoat incorrectly applied for a Lifetime Operating Permit instead of notifying the Agency of a change in status from a ROSS eligible source to a permitted source. Emulsicoat could have operated under their earlier Lifetime Operating Permit. Nonetheless, on review of Emulsicoat's calculation methods by IEPA staff and the company's consultant, it was determined that the calculation was in error. Subsequently, the Lifetime operating permit application has been withdrawn. Emulsicoat retains its ROSS eligibility and remains within the ROSS program.

Illinois EPA Actions

- 09/01/2017 IEPA inspector detected odor, found plant operating at seasonal high output.
- 11/12/2020 IEPA inspector found emissions exceeded ROSS rules and required LOP. This was later determined to be inaccurate.
- 12/23/2020 Violation Notice issued for emissions above ROSS and failure to upgrade to LOP. This was later determined to be inaccurate.

Illinois EPA Environmental Justice

Sources that apply for a permit to the Illinois EPA are screened for the demographics of the area in which they are located. If the income or racial demographics of the area meet the Illinois EPA definition of an Environmental Justice area, the Illinois EPA sends letters to local elected officials and other potentially interested parties notifying them of receipt of the application and a solicitation of interest. That process was followed for the Lifetime operating permit application received for the East University Avenue facility. While the application has been withdrawn, the Agency uses these opportunities to better inform the public about its programs and answer questions.

Illinois EPA Public Resources

Public Notices: Notices soliciting public comment on draft permits for air emission sources may be found at <https://www2.illinois.gov/epa/public-notices/boa-notices/Pages/default.aspx>

Document Explorer: Issued Illinois EPA permits may be found at <https://external.epa.illinois.gov/DocumentExplorer/>

Freedom of Information Act requests: Other Illinois EPA documents, including Annual Emission Reports and Inspections may be obtained through a Freedom of Information Act (FOIA) request. FOIA has timelines associated with the filling of document requests to provide information to the public in a timely manner. <https://external.epa.illinois.gov/FOIA>

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