

BEFORE THE ADMINISTRATOR  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)
ONYX ENVIRONMENTAL SERVICES	)
	) ORDER RESPONDING TO
	) PETITIONERS' REQUEST THAT
Petition number V-2005-1	) THE ADMINISTRATOR OBJECT
CAAPP No. 163121AAP	) TO ISSUANCE OF A STATE
Proposed by the Illinois	) OPERATING PERMIT
Environmental Protection Agency	)

ORDER AMENDING PRIOR ORDER PARTIALLY DENYING AND  
PARTIALLY GRANTING PETITION FOR OBJECTION TO PERMIT

EPA has become aware of a factual error in the February 1, 2006 Order Responding to Petitioners' Request that the Administrator Object to Issuance of a proposed State Operating Permit for Onyx Environmental Services. To correct that error, I am amending the February 1, 2006 Order by striking out the section entitled "VI. Monitoring" and replacing it with the language appearing below. As a result of the correction, I am hereby granting the petition on that issue.

The amended language for section VI is as follows:

**VI. Monitoring**

The Petitioners argue that the Administrator must object to the proposed Onyx permit because it fails to include conditions that meet the legal requirements for monitoring. The Petitioners cite condition 7.1.8.b.ii. on page 56 of the proposed Onyx permit, which provides that Onyx must install, calibrate, maintain, and operate Particulate Matter Continuous Emission Monitors (PM CEMs) to demonstrate compliance. Petitioners note that the next clause provides that the permittee need not comply with the requirement to "install, calibrate, maintain, and operate the PM CEMs until such time that U.S. EPA promulgates all performance specifications and operational requirements for PM CEMs." Petitioners argue that there are no PM monitoring requirements established in the permit without the obligation to install and operate the PM CEMs, which is contingent on future U.S. EPA action. Petition at 18.

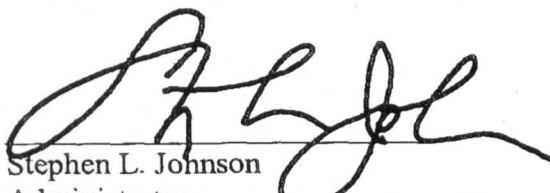
U.S. EPA promulgated the performance specification for PM CEMs (Performance Standard 11) on January 12, 2004. However, U.S. EPA has not yet promulgated the operational requirements for PM CEMs. Accordingly, the requirement to install and operate PM CEMs does not currently apply to Onyx, although the permit properly requires PM CEMs once U.S. EPA promulgates such operational requirements. However, subpart EEE contains other

requirements intended to help assure compliance with the PM limits, including a requirement for bag leak detection monitoring.<sup>6</sup> The Onyx facility is equipped with baghouses, and therefore Onyx is required to operate and maintain a system to detect leaks from the baghouses, but the permit currently lacks provisions requiring a leak detection system. Accordingly, the lack of a currently applicable requirement to operate and maintain PM CEMs does not make the permit deficient under 40 C.F.R. 70.6(a)(3)(i)(B), but Petitioners are correct that the permit lacks monitoring required under other provisions of 40 C.F.R. §70.6, and therefore I am granting the petition on this issue and directing IEPA to revise the permit to incorporate all PM monitoring required for the facility under subpart EEE, including a leak detection system.<sup>7</sup>

I am not revising the Order issued February 1 in any other way and its provisions, other than section VI, remain undisturbed and in effect.

AUG -9 2006

Dated: \_\_\_\_\_

  
Stephen L. Johnson  
Administrator

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<sup>6</sup> See Final Technical Support Document for HWC MACT Standards, Vol. IV: Compliance with the HWC MACT Standards (July 1999).

<sup>7</sup> Subpart EEE has been amended since the permit was proposed by IEPA, although the requirement for bag leak detection applied to the Onyx facility at the time the permit was proposed. In re-proposing the permit, IEPA should ensure that the permit properly reflects all of the current MACT requirements