# *Environmental, Health, & Safety Committee Meeting Agenda*

June 2, 2022, 10:00 AM
Saputo's Restaurant, Springfield, IL

Proposed Mission Statement: The IAPA EH&S Committee's mission is to collect and provide hot mix asphalt environmental, health, and safety information to IAPA members to continuously improve the health, safety and environmental stewardship of the industry's workplaces, employees, and communities.

Meeting Facilitators: EHS Leadership Team

Chair: Ed Muncie  Vice-Chair: Bill Cahill

Leadership Member(s): Dave Schaefers

Board Liaisons: Mike Leopardo

Invitees: All IAPA Members

I. Antitrust Statement [1], Opening Remarks & Introductions (Ed Muncie/Bill Cahill)

II. OSHA (Brian Bothast, USDOL)

a) Heat Related Hazards [2]
b) Silica [3]
c) Other Emphasis Areas

III. NPDES Permit Renewal (Mark Liska, IEPA) [4]

IV. Environmental Justice

a) HB4093 - https://www.ilga.gov/legislation/102/HB/PDF/10200HB4093ham001.pdf [5]
b) National Perspective (Howard Marks)

V. Air Permits/Clean Air Act Permit Program

a) IEPA Stack Testing (Kevin Burke) [6]
b) FESOP/MI EPA (Howard Marks) [7]
c) Annual Emission Reports (Bill Cahill) [8]

VI. Environmental Product Declarations (EPDs)

a) Webinar - https://attendee.gotowebinar.com/recording/3678196665831329287
b) GSA Requirements (Joseph Shacat) [9]
c) IAPA Discussion (Mike Leopardo) [10]

VII. Promoting Positive Message for HMA Plants

a) www.ilsafeasphalt.org
b) Compliance Calendar (Ed Muncie) [11]
c) Other Ideas from Group

VIII. Open Discussion (Group)

a) EPCRA Tier II - https://il-asphalt.org/members-only/environmental-health-safety/epcra/
b) Bag House Fines [12]
c) Work Zone Safety
d) Non-Nuclear Density Gauge

IX. Next Meeting

X. Adjourn

## ATTACHMENT #1

**ILLINOIS ASPHALT PAVEMENT ASSOCIATION ANTITRUST POLICY**

The Illinois Asphalt Pavement Association ("IAPA") is committed to full compliance with the letter and spirit of federal and state antitrust and trade regulation laws. The IAPA, its Officers, Directors, Staff and Members shall, at all times, avoid discussions and actions which may be construed in any way to restrict competition, fix prices, divide markets or otherwise be in violation of the applicable laws regulating anticompetitive conduct.

Through its seminars, education courses, publications, committee meetings and other activities, IAPA brings together representatives of competitors throughout the Industry. The subject matters of IAPA activities are normally technical or educational in nature. The Board of Directors nevertheless recognizes the possibility that the IAPA and its activities can be abused and be seen by those ignorant of or determined to violate the law as providing an opportunity for anticompetitive conduct. No efforts of intent to restrain competition or violate our laws can be or will be tolerated. For this reason, the Board through this statement of policy, wishes to make clear its unequivocal support for the policy of competition served by the antitrust laws and our uncompromising intent as individual companies and as IAPA to comply strictly in all respects with those laws governing competitive activities.

Adopted November 4, 2009

# PUBLICATIONS

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# Heat Illness Prevention

**Heat Hazards: Working Outdoors in Warm Climates Fact Sheet**
(2005) (**English:** PDF)

**Heat Illness: Prevent Heat Illness at Work Pamphlet**
(OSHA 4135 - 2021) (**English:** PDF Add to cart)
(OSHA 4135 - 2021) (**Spanish:** PDF Add to cart)

**Heat Illness: Prevent Heat Illness at Work Poster**
(OSHA 3431 - 2021) (**English:** PDF Add to cart)
(OSHA 3432 - 2021) (**Spanish:** PDF Add to cart)

**Heat Illness: Protecting Workers from the Effects of Heat Fact Sheet**
This fact sheet provides information to employers on measures they should take to prevent worker illnesses and death caused by heat stress. 3 pages
(OSHA FS 3743 - 2014) (**English:** PDF)

**Heat Illness: Protecting Yourself in the Sun**
(OSHA 3166 - 2003) (**English:** PDF)
(OSHA 3168 - 2000) (**Spanish:** PDF)

**Heat Illness: Stopping for Water Keeps You Going, Community Poster**
Created for workers exposed to high temperatures during the summer, this poster communicates a very simple message--water, rest and shade. Post in grocery stores, libraries, and on community bulletin boards. 1 page

(OSHA 3435 - 2011) (**English:** PDF Add to cart)
(OSHA 3436 - 2011) (**Spanish:** PDF Add to cart)

**Heat Outreach Wallet Card**
(OSHA 3556 - 2012) (**English:** PDF Add to cart )
(OSHA 3565 - 2012) (**Spanish:** PDF Add to cart )
(OSHA 3663 - 2013) (**Portuguese:** PDF)

**Heat Safety Fact Sheet (Oil & Gas/Construction)**
(OSHA 3656 - 2011) (**English:** PDF Add to cart )
(OSHA 3657 - 2011) (**Spanish:** PDF)

**Heat Safety Illustrated, Low-Literacy Fact Sheet (Construction/Agriculture)**
Every year, thousands of workers become sick from heat exposure on the job. Illustrated for low-literacy workers, this fact sheet communicates how heat illness can be prevented with three simple words--water, rest and shade. 2 pages

(OSHA 3422 - 2011) (**English:** PDF Add to cart )

**Heat Stress QuickCard™**
Exposure to heat can cause illness and death. Learn of precautions your employer should take any time temperatures are high and the job involves physical work. 2 pages

(OSHA 3154 - 2017) (**English:** PDF)
(OSHA 3417 - 2017) (**Spanish:** PDF Add to cart )
(OSHA 3389 - 2011) (**Vietnamese:** PDF Add to cart )

**Prevent Heat Illness at Work: OSHA Alert**
(OSHA 3975 - 2021) (**English:** PDF)
(OSHA 4067 - 2021) (**Spanish:** PDF)

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# DEPARTMENT OF LABOR

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# Silica, Crystalline

**Silica, Crystalline Menu**

**Workers' Rights**


## General Industry and Maritime

Complying with the General Industry and Maritime Standard

General Industry and Maritime Resources

### General Industry and Maritime Resources

- Silica. National Institute for Occupational Safety and Health (NIOSH) Safety and Health Topic. Provides information about silica as well as links to related publications and references.

    - Controlling Silica Dust from Foundry Casting-Cleaning Operations. U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 98-106 (Hazard Controls 23), (1997, December). The local exhaust ventilation system described in this document may keep worker exposures to respirable silica below permissible limits and eliminate the need for workers to wear respirators.
    - Dust Monitoring and Control Downloadable Mining Publications. National Institute for Occupational Safety and Health (NIOSH) Mining Safety and Health Research.
    - Dust Control Handbook for Industrial Minerals Mining and Processing. U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 2012-112, (January 2012). Handbook covering engineering controls in mining operations for reducing dust generation and limiting worker exposure.
    - Silicosis Prevention Furthered by NIOSH Pilot Program Aiding Identification of Cases in Seven Participating States. National Institute for Occupational Safety and Health (NIOSH) Update, (1997, March 25). Describes a program used to gather occupational information on silicosis disease and silica exposures.
- Natural and Engineered Stone Countertop Manufacturing, Finishing, and Installation.
    - OSHA NIOSH Hazard Alert: Worker Exposure to Silica during Countertop Manufacturing, Finishing and Installation. (2013). This Hazard Alert discusses ways to protect workers from significant crystalline silica exposure during manufacturing, finishing, and installing natural and manufactured stone countertops. The Hazard Alert follows reports of 46 workers in Spain and 25 workers in Israel who developed silicosis as a result of exposure to crystalline silica in their work manufacturing stone countertops.
    - Severe Silicosis in Engineered Stone Fabrication Workers – California, Colorado, Texas, and Washington, 2017-2019. (2019). U.S. Department of Health and Human Services. Morbidity and Mortality Weekly Report (MMWR). This MMWR describes silicosis, autoimmune disease, and latent tuberculosis infection in stone fabrication workers.
    - Working Safely with Natural and Engineered Stone Products. National Occupational Research Agenda. (2019). This webinar describes the dangers of silica exposure, employer requirements to comply with OSHA's Respirable Crystalline Silica Rule, and methods employers can use to protect workers. It was hosted by the NORA Respiratory Health Cross-Sector Council, OSHA, the California Department of Public Health's Occupational Health Branch, CPWR – The Center for Construction Research and Training, and the Natural Stone Institute.
    - Silicosis Risk for Workers. Washington State Department of Labor and Industries. (2019). This Hazard Alert discusses ways to protect workers who saw, grind, sand, finish, or install natural or engineered stone countertops. The Hazard Alert notes stone countertop workers in Washington and California developing silicosis from silica exposures.
    - Silica Exposures Frequently Exceed the Legal Limit in Stone Fabricators. Washington State Department of Labor and Industries. (2019). This report illustrates the findings of silica samples taken during Washington state inspections from 2007-2018, finding many instances of overexposures..
- OSHA NIOSH Hazard Alert: Worker Exposure to Silica During Hydraulic Fracturing. U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 2012-166, (2012). This Hazard Alert discusses the health hazards associated with hydraulic fracturing and focuses on worker exposures to silica in the air. It covers the health effects of breathing silica, recommends ways to protect workers, and describes how OSHA and NIOSH can help.
- OSHA Fact Sheet: Protecting Workers from the Hazards of Abrasive Blasting Materials. OSHA Publication 3697, (2013).
- "Control of Silica Exposures in Foundries." American Foundry Society (AFS; 2007). Developed by the AFS Safety and Health Committee as a product of an AFS/OSHA Alliance, this manual provides useful technical information for foundries to use in controlling worker exposures to respirable crystalline silica.

(Note: The document does not fully reflect the new permissible exposure limit and other requirements established by the OSHA's Respirable Crystalline Silica Standard.)
- Video: "Don't Let Silica Dust You!" Produced by the Association of Occupational and Environmental Clinics with support from NIOSH, the California Department of Public Health, San Francisco Bay area bricklayers and roofers unions, and other partners, the video describes the use of controls and identifies enablers and barriers for reducing workplace exposure to crystalline silica.
- OSHA Clinicians page. The page provides information for clinicians to understand important ethical, regulatory, and clinical issues.

### Related Safety and Health Topics Pages

- Medical Screening and Surveillance
- Personal Protective Equipment (PPE)
- Respiratory Protection
- Sampling and Analysis
- Carcinogens
- Construction Industry
- Chemical Hazards and Toxic Substances

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# Silica, Crystalline

**Silica, Crystalline Menu**

**Workers' Rights**

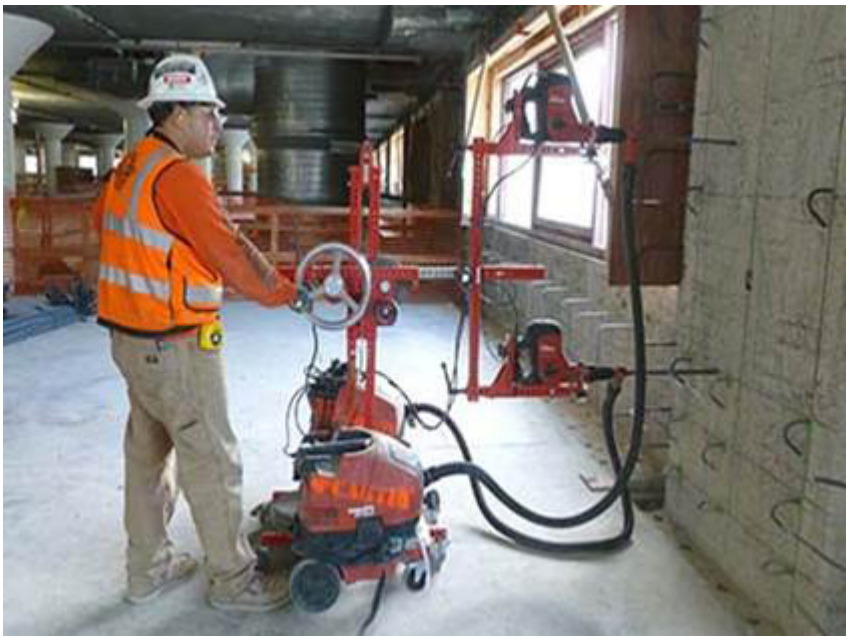

## Construction

Complying with the Construction Standard | Construction Resources

### Resources for the Construction Industry

- Silica. National Institute for Occupational Safety and Health (NIOSH) Safety and Health Topic. Provides information about silica as well as links to related publications and references.
  - NIOSH Silica Controls for Construction Page

    - Control of Hazardous Dust during Tuckpointing. U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 2008-126, (2008, September).
    - Silicosis in Sandblasters: A Case Study Adapted for Use in U.S. High Schools. U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 2002-105, (2002, June). Provides a case study developed for use in teaching epidemiology to high school students. Includes basic information about the disease silicosis, potential routes of exposure to silica, and controls.
- Working Safely with Silica. The Center for Construction Research and Training (also known as CPWR) has a website with resources to help contractors and workers understand the health risk involved and implement measures to control dust.
    - CPWR's Sample Written Exposure Control Plans
- Silica and Road Construction: Silicosis. New York Department of Health document addressing silica dangers in road construction.
- OSHA Clinicians page. The page provides information for clinicians to understand important ethical, regulatory, and clinical issues.



Contractors adopt innovative concrete drill jig to reduce silica exposures during concrete drilling operations. Read more.

## Related Safety and Health Topics Pages

- Medical Screening and Surveillance
- Respiratory Protection
- Sampling and Analysis
- Carcinogens
- Construction Industry
- Chemical Hazards and Toxic Substances

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# General Storm Water NPDES Permit for Industrial Activity

> **Permit Expiration Notice:** The General NPDES Permit for Industrial Activity expires on March 31, 2022. Part D. Paragraph 7.b. of the permit (Duty to Reapply) **requires** permittees to submit an NOI for renewal no later than 150 days after the new General Permit is issued. Permit Renewal does **not** require a fee. The General Permit is in the process of being renewed, however the permit renewal process will not be completed by 4/1/2022. The timeframe for the renewal will most likely occur mid to late summer of 2022. You may submit your NOI for renewal anytime between now and 150 days after the permit is renewed.

Eleven Categories of Storm Water Discharges Associated with Industrial Activity were regulated under Phase I of the NPDES Storm Water Program in 1990.

## No Exposure Exclusion for regulated categories of Industrial Activities

Under the Phase II Rule, no new categories of industrial activity are designated into the storm water program. The Rule does, however, include a revised "No Exposure Exclusion" that is available to all regulated categories of industrial activity (except category (x) - large construction activity) if the facility operator can certify that industrial activities are not exposed to storm water runoff.

- No Exposure Guidance Manual
- No Exposure Form

Please send form to Illinois EPA:

**Division of Water Pollution Control**
Attn: Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276

## General Storm Water NPDES Permit for Industrial Activities

> **Having Trouble Opening These Forms?:** These forms must be displayed using Acrobat Reader. If you click on a link and get a message that starts with "*Please wait...*", then your computer is trying to use the web browser rather than Acrobat Reader to display the file. In that case, do this:
>
> 1. Right-click on the link and select "*Save link as...*" or "*Save target as...*" to save the file.
> 2. Start Acrobat Reader.
> 3. In Acrobat Reader's menu, select "File", then "Open" to open the saved file.

A revised Storm Water Industrial Activity Permit (ILR00) has been developed by the Agency. Previous changes to the expired permit include:

1. Existing facilities covered by the general permit must submit an electronic copy of their Storm Water Pollution Prevention Plan (SWPPP) along with the next annual report that is submitted to the Agency. Submit the SWPPP to epa.indilr00swppp@illinois.gov
    - Developing Pollution Prevention Plans and Best Management Practices - Summary Guidance
    - EPA Industrial SWPPP Template
    - General Storm Water Permit for Industrial Activity
        - Final Attachment 1
        - Final Attachment 2
        - Final Attachment 3
        - Responses to ILR00
2. New applicants must submit an electronic copy of their SWPPP with a Notice of Intent b to the above address before coverage will be granted. A $500 application fee must also accompany the NOI before coverage under the permit is granted.

    Unless notified by the Agency with a Notice of Incompleteness letter, coverage under the Storm Water General NPDES for Industrial Activities permit is automatic under the terms and conditions of the permit 30 days after the date the NOI is received by the Agency, provided the industrial site has received sign-off from IDNR and IHPA that the industrial site complies with endangered species and historic preservation laws.

    - Mail Submission of NOI for Industrial Activity

3. Submit an annual inspection report to Illinois EPA. The Annual Facility Inspection Report should be submitted electronically to: epa.indannualinsp@illinois.gov
    - Annual Facility Inspection for Industrial
    - Quarterly Visual Assessment Form
    a. The first report shall contain information gathered during the one year time period beginning with the date of coverage under the NPDES permit and shall be submitted no later than 60 days after this one year period has expired.
    b. Each subsequent report shall contain the previous year's information and shall be submitted no later than one year after the previous year's report was due.

NO. 45

STATE OF ILLINOIS
ONE HUNDRED SECOND
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4093
EPA-ENVIRONMENTAL JUSTICE
HOUSE BILLS
THIRD READING
PASSED

Mar 03, 2022

64 YEAS | 38 NAYS | 0 PRESENT

| | | | | | |
|---|---|---|---|---|---|
| Y | Ammons | Y | Guzzardi | Y | Nichols |
| Y | Andrade | N | Haas | N | Niemerg |
| Y | Avelar | E | Halbrook | Y | Ortiz |
| N | Batinick | Y | Halpin | E | Ozinga |
| N | Bennett | E | Hamilton | Y | Ramirez |
| N | Bos | N | Hammond | N | Reick |
| N | Bourne | Y | Harper | Y | Rita |
| E | Brady | Y | Harris | A | Robinson |
| A | Buckner | E | Hernandez,Barbara | Y | Scherer |
| Y | Burke | Y | Hernandez,Elizabeth | N | Severin |
| N | Butler | Y | Hirschauer | Y | Slaughter |
| Y | Carroll | Y | Hoffman | Y | Smith |
| Y | Cassidy | NV | Hurley | E | Sommer |
| N | Caulkins | N | Jacobs | N | Sosnowski |
| N | Chesney | Y | Jones | E | Spain |
| Y | Collins | N | Keicher | Y | Stava-Murray |
| Y | Conroy | NV | Kelly | N | Stephens |
| Y | Costa Howard | Y | Kifowit | Y | Stoneback |
| NV | Crespo | Y | LaPointe | Y | Stuart |
| Y | Croke | N | Lewis | N | Swanson |
| N | Davidsmeyer | Y | Lilly | Y | Tarver |
| Y | Davis | N | Luft | N | Ugaste |
| Y | Delgado | Y | Mah | Y | Vella |
| N | DeLuca | N | Manley | Y | Walker |
| N | Demmer | N | Marron | Y | Walsh |
| Y | Didech | Y | Mason | N | Weber |
| N | Durkin | Y | Mayfield | E | Welter |
| N | Elik | N | Mazzochi | Y | West |
| Y | Evans | N | McCombie | N | Wheeler |
| Y | Flowers | E | McLaughlin | N | Wilhour |
| Y | Ford | E | Meier | Y | Williams,Ann |
| N | Frese | NV | Meyers-Martin | Y | Williams,Jawaharial |
| N | Friess | N | Miller | Y | Willis |
| Y | Gabel | Y | Moeller | N | Windhorst |
| Y | Gong-Gershowitz | Y | Morgan | Y | Yang Rohr |
| Y | Gonzalez | N | Morrison | Y | Yednock |
| Y | Gordon-Booth | Y | Moylan | Y | Yingling |
| N | Grant | Y | Mussman | Y | Zalewski |
| Y | Greenwood | Y | Ness | Y | Mr. Speaker |
| Y | Guerrero-Cuellar | | | | |

E - Denotes Excused Absence

# *FINAL*

**COMMENTS TO 102nd ILGA HB 4093**
**ENVIRONMENTAL JUSTICE**

**Application**

- This legislation should not be applied to federally enforceable standard operating permits (FESOPs). (415 ILCS 5/39 (z) page 39 lines 6 – 9)

  FESOPs are a type of synthetic minor operating permit that has undergone public notice and contains conditions enforced by United States Environmental Protection Agency (USEPA). Generally, a FESOP is only available for a source that can voluntarily limit its emissions by accepting limits on its production rates, material usage, or fuel usage so as to keep their emissions below the Potential to Emit (PTE) provisions. PTE is defined in Section 39.5 of the Illinois Environmental Protection Act and is used to predict the release of air contaminants from an emission source operating at its maximum rate capacity, 24 hours per day, 365 days a year (8760 operating hours per year). A source may apply for a FESOP if the PTE from the source triggers Clean Air Act Permit Program (CAAPP) requirements, but maximum actual emissions are consistently below the levels, and can be restricted to remain below major source thresholds.

  There are numerous small facilities that require FESOPs including schools, universities, hospitals, cultural centers, bakeries, public agencies, dry cleaners, light manufacturing, etc. It is unrealistic to require FESOP facilities to be reviewed under an environmental justice rubric because these facilities are already recognized, by both state and federal environmental agencies, as having very low emissions which do not exacerbate existing air quality and emissions. Here are some recent examples from FESOP applications in Illinois:

  - Ardex Americas - Develop, manufacture and distribute high-performance specialty building products for all aspects of substrate preparation, floor covering, tile and stone installation systems and architectural concrete systems for commercial and residential applications. (Bourbonnais, IL)
  - Art Institute of Chicago – The Art Institute of Chicago was founded as both a museum and school for the fine arts in 1879, a critical era in the history of Chicago as civic energies were devoted to rebuilding the metropolis that had been destroyed by the Great Fire of 1871 (Chicago, IL)
  - Bag Makers, Inc – Bag Makers is a printed bag supplier, specializing in non-woven, PET non-woven, paper, plastic, polyester, laminated, cotton/jute, and mesh bags, as well as ribbon, bows and tissue (Union, IL)
  - Belleville Shoe Manufacturing Company - At 108 years old and over 1 million pairs of military boots sold annually, Belleville is still the oldest and largest US military boot provider. (Belleville, IL)
  - Cintas Corp - Offers rental apparel programs that include professional laundering, inspection and delivery. (Maywood, IL)
  - Chicago Department of Water - delivers nearly 1 billion gallons of drinking water to residents of Chicago and 125 suburbs daily. (Chicago, IL)

- Christ Hospital and Medical Center - A not-for-profit, 788-bed, premier teaching institution with more than 1,500 affiliated physicians, Christ Medical Center is one of the major referral hospitals in the Midwest for a number of specialties, including cancer care; cardiovascular services; heart and kidney transplantation; neurosciences; orthopedics; and women's health. (Oak Lawn, IL)
- Eastern Illinois University - Consistently ranked in the top third of Midwest universities in its class by U.S. News and World Report. (Charleston, IL)
- Edward Hines VA Hospital – The largest VA in the state of Illinois, where more than a million Veterans reside. (Hines, IL)
- Evanston Hospital – Evanston Hospital, opened in 1891, is a comprehensive acute-care facility and the nucleus of NorthShore University HealthSystem. (Evanston, IL)
- Grand Victoria Casino - Casino with over 1,100 slots, a countless variety of Vegas-style table games, and three restaurants. (Elgin, IL)
- McLaughlin Body Co. – McLaughlin Body Company provides North America with engineering and fabrication of operator protection systems - cabs, ROPS/OPS, enclosures and metal components – for construction, military, agriculture and other heavy-duty vehicles. (Moline, IL)
- Metropolitan Pier & Exposition Authority – The Metropolitan Pier and Exposition Authority (MPEA) is a municipal corporation created by the Illinois General Assembly. Our mission is to attract trade shows, conventions, meetings, expositions and public events to strengthen the economy of Illinois and the region at large. (Chicago, IL)
- Rock River Reclamation District – Collects waste water to remove all liquid and solid contaminants, and return fresh water (high in dissolved oxygen) to the Rock River. (Rock Ford, IL)
- Simply Amish – Furniture manufacturer. (Arcola, IL)
- Sponge Cushion, Inc – Carpet cushion manufacturer. (Morris, IL)
- World's Finest Chocolate – Since 1939, World's Finest Chocolate has crafted premium chocolate directly from the cocoa bean. (Chicago, IL)

- Any EJ requirements should not apply to renewals and a de minimus threshold will need to be allowed for modifications. Permittees should be incentivized to make modifications/upgrades that improve emissions rather than penalized with additional fees and requirements. (415 ILCS 5/39.15 (a)(1) page 57 lines 6 – 12)

**Defining Environmental Justice Community**

- The definition of environmental justice community needs to be clearly defined. Granting authority to a non-regulatory agency and allowing the definition to be changed without legislative process is problematic. ((415 ILCS 5/3.187 page 1 lines 9 – 13)
- Communities should not be allowed to self-declare. (415 ILCS 5/22.62 (b) page 10 lines 23 – 25)
- The data used by the IEPA to determine EJ communities should be tied to official census or another reputable data source. Changing indicators based on yearly data is too frequent and makes planning for future projects or investments impossible to navigate. (415 ILCS 5/22.62 (a) page 10 lines 10 – 22)

# *FINAL*

**Impact on Business Development**

- Increases permitting fee to $200,000.00 is excessive and will disincentivize economic development in EJ areas. (415 ILCS 5/9.12 (K) page 5 line 1)
- Local siting approval subjects all new facilities to potential political corruption and pay to play. (415 ILCS 5/39 (c) page 21 lines 9 – 26 and page 22 lines 1 - 4)
- Requiring air dispersion modeling will inherently place a ban on small businesses locating within a designated EJ community due to the cost. (415 ILCS 5/39 (aa) page 42 - 45)
- The adoption of rules regarding implementation should be mandated and no requirements should apply until the rules are finalized. (415 ILCS 5/39 (aa)(3) page 44 lines 3 - 6)

**Other issues**

- There is not currently a method for an environmental impact review to evaluate direct, indirect, and cumulative environmental impacts. (415 ILCS 5/39 (z) page 42 lines 9 -10)
- A third party should not be allowed to petition the Pollution Control Board once a construction permit is granted. This will cause needless delays and all parties will have already had a chance to provide input through the public process. (415 ILCS 5/40 (h) page 63 lines 18 -26 and page 64 lines 1 – 6)

# Guiding Principles of Environmental Justice

## SPRING 2021

The foundational principle of "environmental justice" is that no group of people should bear a disproportionate environmental burden. This is a key environmental issue and a critical economic issue for EJ communities.

An environmental justice program **SHOULD**:

1. Clearly define environmental justice areas.
2. Clearly define what permits and other activities are subject to the program.
3. Provide outreach and education to potentially impacted communities.
4. Provide opportunity for meaningful participation.
5. Utilize well defined objective criteria to reach predictable outcomes.
6. Be developed with input from the regulated community.

An environmental justice program **SHOULD NOT**:

1. Provide additional cause for permit appeals.
2. Supersede local governments' zoning decisions.
3. Hinder economic growth and/or opportunities.
4. Significantly alter existing permitting timeframes.
5. Impact existing permit protections.
6. Conflict with existing federal requirements.

The undersigned are committed that any environmental justice program adopted in the State of Illinois conform to the above-stated principles.

IL Environmental Regulatory Group (IERG)
Illinois Coal Association
Chemical Industry Council of Illinois (CICI)
Illinois Manufacturers' Association (IMA)
Illinois Farm Bureau
Chicagoland Chamber of Commerce
National Federation of Independent Business
Illinois Chamber of Commerce
IL Association of Aggregate Producers
API - Illinois
American Waterways Operators
Home Builders Association of Illinois
Illinois Asphalt Pavement Association
National Waste and Recycling Association
- Illinois Chapter

file

**MEMORANDUM OF UNDERSTANDING BETWEEN THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND THE THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS ON BEHALF OF THE UNIVERSITY OF ILLINOIS AT CHICAGO SCHOOL OF PUBLIC HEALTH**

Initials

This Memorandum of Understanding ("MOU" or "Agreement") is entered into by and between the Illinois Environmental Protection Agency, an administrative agency of the State of Illinois ("Illinois EPA" or "Agency"), and the Board of Trustees of the University of Illinois on behalf of the University of Illinois at Chicago School of Public Health ("UIC"), a public research university (hereinafter collectively referred to as the "Parties").

Initials

**WHEREAS,** there are several asphalt manufacturing and processing plants ("asphalt plants") located in southwest Chicago;

**WHEREAS,** the Parties have a shared interest in determining the emissions impacts of certain Hazardous Air Pollutants ("HAPs") and sulfur dioxide from these asphalt plants, and have authorities, resources, and abilities which can be combined and utilized to do so; and

**WHEREAS,** the Parties wish to jointly exercise and combine their respective authorities and functions, and pursuant thereto the Parties wish to work cooperatively to fulfill the terms of this Agreement;

**NOW, THEREFORE,** in consideration of the foregoing recitals and the mutual covenants and promises contained herein, the sufficiency of which is acknowledged, the Parties do hereby agree as follows:

**1. Purpose of Agreement.** This Agreement is entered into for the purpose of assessing the emissions impacts of certain HAPs and sulfur dioxide from the asphalt plants located within the following geographical boundaries in Chicago, Illinois.

I-290 as the northern boundary
West 67th Street as the southern boundary
Dan Ryan Expressway as the eastern boundary
South Cicero Avenue as the western boundary

**2. Term of the Agreement.** The term of this Agreement shall commence upon the date the last signature is affixed hereto, and extend until the responsibilities of all Parties as described herein are completed.

**3. Illinois EPA's Duties.** The Illinois EPA will collect and review HAPs and sulfur dioxide emissions data from emissions tests conducted at and by the asphalt plants located within the geographical boundaries set forth in Section 1 of this Agreement. If the Illinois EPA determines that additional information is needed for one or more plants, it will require additional emissions testing at each such plant to be conducted at the plant's expense, speciated for HAPs and sulfur dioxide. The Illinois EPA will evaluate sulfur dioxide and the HAPs that are emitted in the greatest quantity and that can be sampled and analyzed. In furtherance of the above, within thirty (30) days of the execution of this Agreement, the Illinois EPA will contact each asphalt plant regarding available data and the potential need for additional emissions testing.

The Illinois EPA will conduct dispersion modeling utilizing existing and additional emissions testing data related to the asphalt plants. The Illinois EPA will consult with UIC regarding the emissions testing and modeling plan of action and receive and consider from UIC any suggested alterations to their plan of action. It will provide UIC the emissions testing and modeling results within fourteen (14) days of completion of the modeling. The Illinois EPA will consult with UIC regarding the results and coordinate with UIC regarding communicating the information to the public. Upon the conclusion of this project, the Illinois EPA will post testing and modeling results on its website.

**4. UIC's Duties.** UIC will assign Professor Michael D. Cailas, PhD, of its Environmental and Occupational Health Sciences Division of the School of Public Health, to this project, acting as UIC's representative under this Agreement (Professor Cailas hereinafter is also included with UIC as "UIC"). If there is a need, he will be responsible for recruiting additional faculty and experts to assist him with some of the tasks of this project. All the additional UIC recruits must comply with all the terms and conditions of this agreement and Illinois EPA will be notified. UIC shall review all emissions testing and modeling data provided by the Illinois EPA under this Agreement, and shall consult with the Illinois EPA regarding the same. UIC shall coordinate with the Illinois EPA regarding communicating such information to the public. Except as provided in Section 5, UIC shall not share or release the information, or any communications between the Illinois EPA and UIC that take place pursuant to this Agreement, to persons or entities outside of UIC except upon the Illinois EPA's approval, unless required to do so by applicable law.

UIC will report the progress of this project on a monthly basis to representatives of the Southwest Environmental Alliance (SEA) in the form of a report or by use of other methods of communication based upon the results of Illinois EPA emissions testing and modeling efforts. In advance of each such update, UIC will notify the Illinois EPA of the contents of the update, and the Illinois EPA may from time to time participate in the update.

**5. Mutual Duties.** The Parties will coordinate and cooperatively work together to meet the purposes of this Agreement. Upon conclusion of duties by both Parties, the emissions testing and modeling results may be presented to the public by each Party. Each Party may also share with the public its opinions, conclusions, or analyses regarding the results, but will notify the other Party in advance of the opinions, conclusions, or analyses that will be shared, and shall not attribute those opinions, conclusions, or analyses to the other Party unless expressly authorized by the other Party.

**6. Amendments and Modifications.** This Agreement may not be modified, changed, or cancelled unless there is a written document executed by the Illinois EPA and UIC.

**7. No Assignment.** This Agreement may not be assigned, transferred, contracted, or subcontracted in whole or in part by either Party without the prior express written consent of the other Party.

**8. No Third-Party Beneficiary.** This Agreement is entered into solely for the benefit of the Parties, and nothing in this Agreement is intended, either expressly or impliedly, to provide any right or benefit of any kind whatsoever to any person or entity that is not a Party or to acknowledge, establish, or impose any legal duty to the third party. Nothing herein shall be construed as an express or implied wavier of any common law or statutory immunities or privileges of the Illinois EPA and UIC, or any of their respective officials, officers, or employees.

**9. Entire Agreement.** This Agreement and any exhibits represent the entire agreement among the Parties regarding the subject matter hereof. All negotiations between the Parties are merged in this Agreement, and there are no understandings or agreements, verbal or written, other than those incorporated in this Agreement.

**10. Contacts.** Any documentation required by this Agreement shall be communicated to the persons and at the addresses provided below:

Illinois Environmental Protection Agency
Julie Armitage
Bureau Chief
Bureau of Air
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794

Michael D. Cailas, Ph.D., P.E. (Greece)
Associate Professor UIC-SPH-EOHS and
Director PHGIS and EMCP Programs
1603 W. Taylor St.
Chicago, IL 60612-7260

Copy to: Peggy Diskin, Director
Office of Sponsored Programs
1737 W. Polk Street, 304 AOB, M/C 672
Chicago, IL 60612-7227
awards@uic.edu

IN WITNESS THEREOF, the PARTIES have executed this AGREEMENT on the dates indicated.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: _____
John J. Kim

Title: Director

Date: 10/5/2020

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS ON BEHALF OF THE UNIVERSITY OF ILLINOIS AT CHICAGO SCHOOL OF PUBLIC HEALTH

Initials _____

By: _____
Avijit Ghosh

Title: Comptroller

Date: 10/2/2020

By: _____
Peggy Diskin

Title: Director, OSP, Comptroller signature delegate

Date: 10/2/2020

By: _____

Title: _____

Date: _____

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

Mary Ann Dolehanty
Air Quality Division
Michigan Department of
Environment, Great Lakes and Energy
535 West Allegan Street
P.O. Box 30473
Lansing, Michigan 48909-7973

Dear Ms. Dolehanty:

This letter is in regard to Michigan Department of Environment, Great Lakes and Energy's (EGLE's) draft Permit to Install (PTI) for Ajax Materials Corporation (Ajax) – PTI Application No. 2021-0019. The PTI would allow Ajax to install and operate a new hot mix asphalt plant at 5088 Energy Drive in Genesee Township, near the Flint border. Ajax intends to accept permit limits to ensure that emissions from the proposed facility would not exceed the major source threshold. The U.S. Environmental Protection Agency (EPA) has reviewed the draft PTI and associated permit files.

EPA is committed to advancing environmental justice and incorporating equity considerations into all aspects of our work. This commitment includes improving our assessment and consideration of the impacts of permits on communities already overburdened by pollution. As described below in more detail, we appreciate that EGLE shares this commitment and has taken steps to mitigate potential impacts from the proposed facility.

The neighborhood around the proposed asphalt plant has some of the highest levels in the State of Michigan for many pollution indicators used by EPA's environmental justice screening tool, EJSCREEN. EJSCREEN is a mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. It is a useful first step in understanding or highlighting locations that may have environmental justice concerns.

Like EPA, EGLE recognizes the challenges faced by this community. The Environmental Justice Index for eight of the eleven EJSCREEN indicators in the one-mile area around the proposed Ajax site exceeds the 90$^{th}$ percentile in the State of Michigan, including indices for

particulate matter of less than 2.5 microns in diameter, ozone, air toxics cancer risk, respiratory hazard, lead paint, Superfund proximity, hazardous waste, and wastewater discharge. The population of the people who live in the area around the proposed asphalt plant is disproportionately low income, people of color, and includes persons with limited English proficiency. The proposed Ajax site is in an area that is already heavily populated by industrial facilities along Dort highway and is in close proximity to residential housing and community centers.

EPA acknowledges the work EGLE has already undertaken on this permitting action, work that may go beyond what is usually required in Michigan for issuing a minor source air pollution control construction permit. EGLE required the applicant to conduct dispersion modeling for multiple air pollutants, including toxic cancer-causing compounds, to assess the potential impacts of this air pollution permit. EGLE has provided an extended opportunity for public comment, held both a virtual information session and hearings, and an in-person comment session, as part of its enhanced public outreach efforts to the community. EGLE also accepted comments via regular mail, voicemail, email, and in-person.

Our concerns, comments, and recommendations are included in the attachment to this letter. We highlight a few key comments here. First, because the proposed site for the Ajax facility is in an area with identified air quality concerns in EJSCREEN, EPA recommends a cumulative analysis of the projected emissions from all emission units at the proposed facility, fugitive emissions from the proposed facility, and emissions from nearby industrial facilities, to provide a more complete assessment of the ambient air impacts of the proposed facility on this community. Next we strongly encourage EGLE to assess the use of opacity cameras and other practically enforceable continuous compliance measures to assure that Ajax is meeting its permitted limits and following industry best practices. We also recommend that if the proposed asphalt plant is permitted, data regularly generated by Ajax to comply with the permit be made publicly available on an easily accessible website. The transparency of such data will promote public engagement and help build trust among all stakeholders.

Finally, because of the environmental conditions already facing this community, and the potential for disproportionate impacts, the siting of this facility may raise civil rights concerns, so it is important that EGLE assess its obligations under civil rights laws and policies. We understand that EGLE requested Ajax to consider alternative sites for this asphalt plant, but that the company declined to do so. Any of the additional analyses EPA is recommending may provide additional information in support of EGLE's evaluation of whether the proposed construction will cause adverse and disproportionate impacts for nearby residents. If so, we encourage the company, EGLE, and local authorities to consider again whether construction at an alternative site would avoid the potential for such impacts. We further encourage Ajax and EGLE to engage with the local community to address community concerns that may not be within the scope of the air permit.

Thank you again for the opportunity to work with you on this draft permit. EPA remains committed to working together with EGLE to address our shared environmental priorities,

advance equity, and reduce potential environmental and health impacts on communities such as this one.

Sincerely,

Cheryl L. Newton
Acting Regional Administrator

Enclosures

**Detailed Permit Comments**
**Ajax Materials Corporation**
**PTI APP-2021-0019**

EPA has reviewed the draft PTI and associated permit files, including the technical fact sheet and permit application materials made available by EGLE during the public comment period, and has the following comments and recommendations:

1. We recommend that you evaluate whether additional nearby stationary sources and fugitive sources from the proposed facility should be included as part of the air quality modeling EGLE has required for this permit. The cumulative impacts analysis only considered the impacts associated with the proposed project. Neither nearby sources nor fugitives from the proposed facility were included in the modeling. We observe that Ajax is proposing to construct in an area where other stationary sources are already located and may be impacting the local community. Additionally, the toxic air contaminant (TAC) modeling does not consider all sources of stack and fugitive emissions. We recommend this analysis include an assessment of whether the source-wide TAC emissions from both fugitive and non-fugitive sources exceed EGLE's initial threshold screening level (ITSL) or initial risk screening level (IRSL).

2. 40 CFR 60.92(a)(2) establishes an opacity requirement applicable to each hot mix asphalt facility. This opacity requirement does not appear within the draft permit. EGLE should include the necessary opacity limit in the permit and incorporate opacity testing requirements consistent with 40 CFR 60.93. To ensure ongoing compliance and practical enforceability of this limit, EGLE should also establish a periodic (at least quarterly) opacity testing requirement applicable to the affected facility.

3. EUHMAPLANT Special Condition (SC) V.2 – V.4 lists the general test methods Ajax is to use to ensure compliance with the applicable permit conditions. The current draft permit only contains general citations to the appendices containing relevant test methods for Parts 60, 61, and 63. We recommend that EGLE specify in the permit the particular test method protocols for each pollutant that Ajax will be using to ensure compliance once the facility is constructed and operating. The permit can include a provision that requires EGLE approval of the test plan submitted by the permittee prior to testing, but approval of modifications to EPA test methods, as found in the appendices to Parts 60, 61, and 63, can only be done by EPA. EPA is available to assist EGLE in determining the appropriate test methods for each pollutant in order for Ajax to ensure compliance with the permit limit conditions.

4. EUHMAPLANT SC V.5 requires particulate matter testing pursuant to 40 CFR Part 60 Subparts A and I. Although this condition incorporates the testing required by the federal requirement, permit condition SC V.5 does not require periodic testing to determine compliance with the particulate matter emission limit in 40 CFR 60.92. To ensure ongoing compliance with the emission limit and improve enforceability of the NSPS Subpart I PM limit, we request that the permit include periodic PM testing performed according to the procedures included within 40 CFR 60.93.

5. FGFACILITY SC I.3 and I.4 contains facility-wide general limits on hazardous air pollutants (HAPs) for individual and aggregate HAPs of less than 8.9 and 22.5 tons per year, respectively, on a 12-month rolling average. The monitoring and recordkeeping requirements for these conditions (FGFACILITY SC VI.2) only state that the permittee is required to use emission calculation records to ensure compliance with the limits. We request the permit specify the methodology Ajax will use to demonstrate compliance with the HAP limits, and that the permit record include an explanation of how this methodology will ensure that HAP emissions remain below the major source threshold.

6. EUHMAPLANT SC V.1 and V.2 requires the permittee to verify via stack testing carbon monoxide (CO) and toxic air pollutant emissions upon EGLE's request. This condition does not require periodic testing to determine compliance with the hourly CO emission limit established in SC I.8, nor does it require periodic testing to determine compliance with the air toxics emission limits established in SCs I.14 through I.25. We request that you require periodic testing to determine compliance with the emission limits in SCs I.8 and I.15 through I.25. Periodic testing would help ensure that the source is complying with its CO and air toxics emission limits, which improves the practical enforceability of each limit and further ensures that the local community is not subjected to emissions exceeding the corresponding limit.

7. EUHMAPLANT SC V.3 requires a one-time test to verify $PM_{10}$, $PM_{2.5}$, NOx, and lead emissions from the plant. EUHMAPLANT SC V.4 is a similar requirement that applies when the source combusts recycled used oil (RUO) and includes testing for $SO_2$ emissions. It is not clear whether a one-time test ensures that each emission limit is enforceable as a practical matter, however, as it is unclear whether emissions vary over time or with the type of asphalt being produced or fuel being combusted, suggesting that periodic testing may be appropriate to ensure ongoing compliance with each limit. We request that you revise SC V.3 and V.4 to require periodic testing to better ensure that the $PM_{10}$, $PM_{2.5}$, NOx, lead, and $SO_2$ emission limits are enforceable as a practical matter. For any pollutant where EGLE determines one-time testing is sufficient, we request that EGLE provide justification as part of the permit record.

8. EUYARD SC I.2 restricts all visible emissions from the pile when winds are below 12 miles per hour (mph) and limits opacity to 20% when winds exceed 12 mph. Since the modeling analysis relies on a windspeed threshold that exceeds approximately 11.50 mph,[1] we recommend that you revise this condition to apply to winds that are below 11.50 mph. Also, the draft permit does not require the permittee to perform periodic visible emissions monitoring when winds are below 12 mph nor to quantify opacity when winds are at least 12 mph. To ensure ongoing compliance with the visible emissions requirements and to ensure practical enforceability of the opacity limit, we request that you incorporate periodic visible emissions monitoring and periodic opacity monitoring to evaluate and quantify fugitive dust emissions.

9. The fugitive dust control plan in Appendix A requires the permittee to maintain piles to prevent fugitive dust consistent with EUYARD SC I.1 (see Appendix A, condition 7.b). As

[1] 5.14 m/s ≈ 11.50 mph.

written, it is unclear what fugitive dust control measures will be implemented to prevent fugitive dust emissions from the pile. EUYARD SC I.1 appears to apply to all roads and unpaved travel surfaces, not the piles. To ensure the enforceability of the fugitive dust control plan and SC III.1, we request that you specify the measures that will be employed to control fugitive dust from the mineral aggregate piles. We request that you require each material storage pile to be covered or enclosed to mitigate potential fugitive dust emissions. In addition to reducing fugitive particulate emissions, covered piles may also require less water to control fugitives, potentially reducing the amount of fuel required to dry aggregate and other materials to specification. For any uncovered piles, we request that you specify the conditions which require the application of water or other chemical wetting agents or other methods that may be required to control fugitive emissions. For active piles, we request that the fugitive dust control plan specify the measures the permittee will employ to minimize fugitive dust emissions. Once these control measures have been identified, the fugitive dust control plan should be updated to require recordkeeping to ensure any fugitive dust control measures have been implemented.

10. EUYARD SC IV.1 requires the applicant to monitor wind speeds to determine compliance with the applicable visible emissions requirement in SC I.2. However, neither the fugitive dust control plan in Appendix A nor the draft permit section EUYARD require the permittee to implement fugitive dust control measures when winds are measured at or above 12 mph. To ensure fugitive dust is minimized when winds are above 12 mph and to better ensure compliance with the opacity limit in SC I.2, we request that you require the implementation of fugitive dust control measures when measured winds exceed 12 mph. We further recommend implementing fugitive dust control measures when measured winds are near, but do not exceed, 12 mph to mitigate potential fugitive dust emissions and further ensure compliance with the opacity limit.

11. The $PM_{10}$ and $PM_{2.5}$ modeling analyses consider one year of meteorological data instead of five years and considers emissions from the larger pile when winds for a particular hour exceed 5.14 m/s (approximately 11.50 mph). We are concerned that the applicant's modeling analysis may underestimate ambient particulate impacts associated with this project. We recommend reevaluating the modeling analysis to ensure that the project's ambient $PM_{10}$ and $PM_{2.5}$ impacts are not underestimated.

12. EUHMAPLANT SC V.1 requires the permittee to verify and quantify odor emissions upon EGLE's request. We recommend that EGLE evaluate whether recurring odor emission testing is appropriate pursuant to R 336.2001(1)(c). Recurring odor emission testing would allow EGLE to better determine compliance with R 336.1901 and more readily address the local community's potential odor concerns.

13. We recommend that EGLE consider whether it has the authority or discretion to include in the permit a requirement that the results of recurring compliance testing be made available to the public on an easily accessible website. The public posting of, e.g., the results of odor and opacity testing, virgin aggregate/RAP continuous monitoring (required by EU HMAPLANT SC VI.2), particulate and HAP emission testing, and wind speed measurements (required by EU HMAPLANT SC VI.1), would ensure transparency for the affected community.

14. Additional justification should be provided in the permit record to support the air quality analysis and the applicant's use of wind speed thresholds as it applies to the storage pile. Although the applicant cites Wisconsin's Air Dispersion Modeling Guideline as support, we note that Wisconsin's guideline does not provide justification for the approach and is nonbinding on other air permitting authorities. EGLE, as the air permitting authority for this action, has the discretion and authority to request certain air quality analyses for minor NSR permit applications. Michigan's R 336.1241, a requirement approved into Michigan's state implementation plan, requires EGLE to follow procedures and measures listed in the *Guideline on Air Quality Models* at 40 CFR Part 51 Appendix W (Appendix W). In addition to establishing certain requirements and recommendations applicable to NAAQS compliance demonstrations, Appendix W Section 1.0 encourages the use of sound scientific judgment in an air quality analysis and considers the judgment of meteorologists, scientists, and analysts essential. For this permit action, the analysis EGLE conducted and the judgment it exercised as part of the decision-making process should be fully documented within the permit record. Should EGLE choose to allow this approach for any proposed pile, the approach should be evaluated on a case-specific basis that is well documented within the permit record.

15. For all pollutants, the dispersion modeling conducted for this permit relies on one year of National Weather Service (NWS) meteorology collected from Bishop International Airport. Appendix W Section 8.4.2(e) recommends acquiring enough meteorological data to ensure that worst case meteorological conditions are adequately represented in the model results and requires the use of 5 years of representative NWS data. We request that you conduct the criteria pollutant and TAC analysis using 5 years of meteorological data. We recognize that R 336.1241 provides EGLE discretion to allow the use of only 1 year of NWS data for nonmajor PTIs.[2] The $PM_{10}$ and $PM_{2.5}$ analyses restrict the hours that the pile may emit fugitives based on hourly wind speeds, suggesting that a larger meteorological database may be necessary to capture worst case meteorological conditions. The TAC analysis may also be improved to capture worst case meteorological conditions that may not be present in one year of NWS data. Modeling based on 5 years of meteorological data increases the likelihood that the worst-case meteorological conditions are considered as part of this analysis and would be consistent with NAAQS analyses conducted for other regulatory purposes.

16. Dispersion modeling for particulate emissions relies on a critical wind speed threshold of approximately 11.50 mph for the purpose of considering fugitive emissions from the pile. From information included in the permit record, it appears that the applicant analyzed the daily fastest mile and daily surface friction velocity. However, it is unclear whether the analysis considers hourly wind speeds and sub-hourly gusts. It is not clear whether the modeling excludes emissions from the pile during hours where gusts exceed the critical wind speed threshold. AP-42 Section 13.2.5.2, a document cited by the applicant, suggests that "estimated emissions should be related to the gusts of the highest magnitude" and that "peak

[2] R 336.1241 states in relevant part that "[…] the demonstration may be based on the maximum ambient predicted concentration using the most recent calendar year of meteorological data from a representative national weather service […] station."

winds can significantly exceed the daily fastest mile."[3] This suggests that gusts play a large role in fugitive dust emissions and should be evaluated as part of this analysis. The meteorology used in the modeling analysis is based on 1-minute National Weather Service (NWS) data, enabling an analysis of sub-hourly winds. We recommend that the applicant analyze the 1-minute data to determine whether certain hours contain sub-hourly gusts exceeding the critical wind threshold to further ensure that the analysis does not underestimate ambient $PM_{10}$ and $PM_{2.5}$ impacts.

17. The applicant cites several documents suggesting that the critical wind speed threshold for the pile is 12 mph. However, it is unclear whether and to what extent the stockpiles analyzed in each document are representative of the applicant's proposed pile. Although the information provided in each document may be helpful to estimate emissions for applicability purposes, it is less clear whether this information is sufficient to determine the critical wind threshold for the proposed stockpile. None of the documents appear to analyze asphalt plants in particular. Would the applicant's proposed pile contain material with the same particle size distribution as that analyzed within each cited document? Are there other asphalt plant pile parameters that may affect the critical wind speed threshold that are not reflected in the cited documents, such as moisture content or how well each pile is mixed? We recommend that the applicant evaluate the composition of the proposed pile to further justify whether the comparison is adequate. Lack of a case-specific analysis of the composition of the proposed pile at the source may understate fugitive particulate emissions from the pile, potentially underestimating the modeled impacts attributed to the pile.

18. It is not clear whether the modeling considered other activities that may generate fugitive emissions from the pile. The analysis offered by the applicant appears to focus solely on wind-blown emissions without considering how working the pile may affect the generation of fugitive particulate emissions. We recommend that the applicant address potential fugitive emissions that may be generated while the source works the pile and evaluate whether the current analysis adequately evaluates emissions generated at these times. The permit does not otherwise restrict the applicant from working the pile, suggesting that fugitive emissions associated with working the pile should be included as part of the analysis.

19. The modeling analysis excludes receptors within the proposed property line. Section 6.1.3.1 of the December 21, 2020 application states that the applicant will "prevent access to the property by the general public through a combination of fencing, berms, trees, and shrubs" around the property line. Given the lack of further detail in the application, it is unclear whether this combination of measures as stated within the application would be effective in precluding access to the land by the general public. Appendix W section 9.2.2 recommends the placement of receptors throughout the modeling domain. The December 2, 2019 Revised Policy on Exclusions from Ambient Air[4] states that receptors may be excluded over land owned or controlled by the stationary source "where the source employs measures, which may include physical barriers, that are effective in precluding access to the land by the

[3] AP-42 Chapter 13.2.5 – Industrial Wind Erosion is available online at https://www.epa.gov/sites/default/files/2020-10/documents/13.2.5_industrial_wind_erosion.pdf.
[4] The Revised Policy on Ambient Air is available online at https://www.epa.gov/sites/default/files/2019-12/documents/revised_policy_on_exclusions_from_ambient_air.pdf.

general public." We recommend that the applicant identify where each proposed measure will be employed so that EGLE can evaluate whether the proposed measures effectively preclude the general public's access to land owned or controlled by the proposed source.

20. The proposed fugitive dust controls described by the applicant include "the presence of berms (approximately 7 feet tall), trees on top of those berms (approximately an additional 7 feet tall when planted), and the fence next to the berm." We support the implementation of berms and windbreaks to mitigate fugitive dust emissions from the source. However, neither the draft permit nor fugitive dust control plan requires the applicant to install and maintain berms, windbreaks, and covered piles to control fugitive dust emissions. We recommend that EGLE include enforceable permit conditions requiring the source to implement and maintain the selected fugitive dust control measures such as berms, windbreaks, and covered piles.

21. The TAC analysis uses the results of generic TAC modeling to estimate the TAC impacts in relation to the appropriate ITSL or IRSL. The generic TAC modeling result is based on modeled impacts from the drum dryer stack. Although most TAC emissions are emitted from the drum dryer stack, TACs are also emitted from the silo heater, silo filling and loadout processes, and the asphalt cement storage tank. We recommend that you consider modeling each process or emission unit that does not exhaust to the drum dryer stack to avoid underestimating TAC impacts. Dispersion characteristics may differ depending upon the process, potentially resulting in underestimated TAC impacts where a given process has worse dispersion characteristics than the drum dryer stack.

22. Although the NAAQS and PSD increment analysis considers the impact of fugitive emissions from several sources, it is unclear whether the TAC analysis considers fugitive emissions from similar sources. Are there any fugitive TAC emissions that should be considered as part of the TAC analysis? We suggest that you either revise the TAC analysis to include fugitive TACs not already considered or provide justification explaining why fugitive emissions do not need to be included in the analysis.

23. EUHMAPLANT SC II.4 limits recycled asphalt pavement (RAP) to a maximum of 50 percent on a monthly average. We recommend EGLE require compliance with this limit on a shorter-term basis than monthly (such as daily). We note that the draft permit requires the source to continuously monitor the RAP feed rate (see EUHMAPLANT SC VI.2), suggesting that the permittee would already collect data that can be used to determine compliance with the limit on a shorter-term basis. AP-42 section 11.1.1.3 suggests that RAP can be processed at ratios up to 50 percent with little or no observed effect upon emissions. AP-42 is silent with respect to emissions above the 50 percent ratio and does not differentiate between averaging times.

24. EUHMAPLANT SC I.4 through I.7 include a reference to footnote c. However, footnote c does not appear to be included within the emission limit table. We request that you specify footnote c or revise each special condition to remove the reference to this footnote.

25. EUHMAPLANT SC I.4 and I.6 each cite 40 CFR 52.21 (c) and (d) as an underlying applicable requirement. We recommend that you verify whether each special condition cites

the appropriate underlying authority. We note that Michigan has a SIP-approved version of each requirement at R 336.2803 and R 336.2804, respectively.

26. EUHMAPLANT SC II.1 allows the permittee to burn recycled used oil (RUO). We recommend that the permittee consider not using RUO as a fuel for the proposed source. Although EGLE has established requirements that apply when combusting RUO,[5] eliminating the use of RUO as a fuel could reduce air toxics and sulfur impacts on the local community. Should the permittee choose to combust RUO as part of this process, we recommend that the permittee or EGLE analyze the additional impact combusting RUO could have on the local community over the impact of using other fuels such as natural gas.

27. EUHMAPLANT SC IV.1 requires continuous pressure drop monitoring for the proposed baghouse. We request that EGLE consider the use of a bag leak detection system (BLDS). BLDS would help verify that the fabric filters are not leaking or developing a leak. A BLDS, combined with the requirement to operate the baghouse in a satisfactory manner, would help ensure that the baghouse is operating properly, enable the permittee to react promptly to leaking bags, and further ensure compliance with the particulate matter special conditions.

[5] See EUHMAPLANT SC II.2, SC III.4, SC V.4, and the RUO compliance monitoring plan in Appendix D.

ATTACHMENT #8

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According to 35 IL Administrative Code Part 254, IAPA members that are required to have a State of Illinois air pollution operating permit must file an Annual Emission Report (AER) **by May 1 of each year**. All asphalt plants should have an air permit and will need to comply with this requirement.

The Illinois Environmental Protection Agency (IEPA) will send the necessary forms directly to permittees around February 1 of each year. If you do not receive the forms, this does not relieve you of the obligation to file. Data on the Annual Emissions Report comes from IEPA Bureau of Air's emission inventory database (ICEMAN). ICEMAN is the Bureau's enterprise data system which in addition to emission inventory data, also includes data on fee payments, permit tracking and inspections. Data specific to annual emission reporting comes from permit applications, previous annual emission reports, and source inspections. Therefore, each permit receives a unique AER form. Therefore, if you have not already received the AER from IEPA, please contact IEPA Bureau of Air immediately to request the appropriate form.

Once completed and signed AERs should be mailed to the Annual Emissions Report Mailing Address:

Illinois EPA
Bureau of Air
Air Quality Planning Section (#39)
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
ATTN: Annual Emission Report

Complete instructions for completing the AER may be viewed on IEPA's website.

**Annual Emissions Report Questions or Problems**

Any questions about AER should be directed to EPA.AERQuestions@illinois.gov. When sending an e-mail, please make sure to include your name, phone number, e-mail address, the ID number of the source in question, and a detailed description of your problem or question.

Please let me know if you have any questions. Thank you.

Kevin Burke III, P.E.
Executive Vice-President
Illinois Asphalt Pavement Association

# Environmentally Preferable Asphalt Standards for all GSA Projects

Revised March 29, 2022

1. The [prime contractor] shall provide a product-specific cradle-to-gate Type III environmental product declaration (EPD) for each asphalt mix specified in the design and used at the project, using version 2 of the National Asphalt Paving Association's product category rule for asphalt mixtures. Please send EPD(s) to embodiedcarbon@gsa.gov, and upload EPD(s) into GSA's project management information system.

2. The [prime contractor] shall provide **environmentally preferable asphalt**, which is defined in this context as material manufactured or installed using at least two (2) of the following techniques. Please send each asphalt mix batch design (including type, volume, and a description of the proposed techniques) to embodiedcarbon@gsa.gov, and upload the submittals into GSA's project management information system.

    a. Greater than 20% recycled asphalt pavement (RAP) content (specify percentage, and whether in-place or central plant recycling is used);
    b. Warm mix technology (reduced onsite mix temperature);
    c. Non-pavement recycled content (e.g. roof shingles, rubber, or plastic);
    d. Bio-based or other alternative binders;
    e. Improved energy/ carbon efficiency of manufacturing plants or equipment (e.g. using natural gas or electric for heating materials); or
    f. Other environmentally preferable features or techniques (please specify).

3. These requirements apply to all GSA projects that use at least ten (10) cubic yards of asphalt.

4. If it is not feasible to meet GSA's EPD requirement or to implement at least two of the listed environmentally preferable features or techniques, the [prime contractor] shall ask the GSA project manager to request a **P100 waiver**.
    a. The [prime contractor] shall outline and provide evidence of the specific circumstances that make compliance infeasible. For example, the only asphalt suppliers within the maximum transport range for the mix design:
        i. are small businesses that have not yet invested in EPDs; or
        ii. do not yet offer mixes that use at least two environmentally preferable features or techniques while meeting specific client-driven performance requirements.
    b. For each asphalt mix for which GSA has granted a waiver from the EPD requirement, the [prime contractor] shall send a GWP estimate generated with a tool such as Athena Pavement LCA or the Federal Highway Administration's LCA Pave Tool to embodiedcarbon@gsa.gov.
    c. GSA will respond to each complete P100 waiver request with a decision or a request for more detail within ten (10) business days. A complete waiver request is deemed granted if no response is provided within that time.

# DRAFT

Type III Environmental Product Declarations – Highway Infrastructure

Definition: An Environmental Product Declaration (EPD) is a product-specific label developed in accordance with ISO Standard 14025 that presents quantified environmental information on ***independently verified life cycle assessment data, life cycle inventory and analysis data or information modules*** in accordance with the ISO 14040 series of standards.

Application: The Illinois Department of Transportation may collect EPDs for transportation infrastructure construction materials (e.g., aggregate, asphalt, concrete, and steel), and reasonably assess the greenhouse gas emissions attributable to such materials by identifying a select number of projects and conduct project-level life cycle assessments to reasonably assess how the materials contribute to greenhouse gas emissions within specific projects.

The Department shall develop a technical advisory committee to assist and guide the agency on application of EPDs based on size, scope, and type of material, and geography. The technical advisory committee will recommend procedures to properly analyze the information and develop strategies for EPD implementation. At a minimum, the technical advisory committee must include representatives from the agency, construction companies, and material suppliers.

Based on EPDs collected, the Department shall develop strategies to reduce greenhouse gas emissions associated with the materials including but not be limited to:

- Improving pavement and bridge conditions through smoothness, performance testing, and asset management;
- Providing incentives for implementation of documented and quantifiable greenhouse gas emissions reductions; or
- Increasing sustainability of the materials used to construct highway infrastructure.

The Department shall estimate the time required to implement the greenhouse gas emission reduction strategies, any associated monetary costs or savings, uncertainties in the data and analyses on which the strategies are based.

The Department shall not use EPDs to compare materials across different product category rules nor to determine lowest responsible bidder.

# SUPPORT -2 AMENDMENT TO HB 4139

HB 4139 -2 is a negotiated amendment between Labor Interests, Environmental Organizations, and the Construction Industry.

HB 4139 establishes the Environmental Product Declaration (EPD) program at ODOT designed to help reduce greenhouse gas emissions (GHGs) within the materials used to build and maintain Oregon's highways, bridges and roads. The bill will do four important things to accomplish the greenhouse gas reduction goals:

1. The bill requires Environmental Product Declarations (EPDs) for the concrete, steel and asphalt ODOT procures to construct and maintain the state highway system. An EPD is a product label that provides a transparent and verified measure of a product's environmental impacts. EPDs are produced through Life Cycle Assessments that quantify emissions and other factors from a product's ingredients as well as its production processes.
2. The bill gives ODOT the information needed to devise strategies to reduce greenhouse gas emissions through the materials it uses to construct ODOT's infrastructure while maintaining necessary performance levels. The information will help ODOT and industry build a more resilient state highway system.
3. The bill also ensures that ODOT will consider important regional differences across the state and includes a program to help small and rural contractors implement the requirements.
4. Finally, the bill requires ODOT to analyze the greenhouse gas emissions attributable to the condition of highway and bridge materials.

To help shape the EPD program, ODOT will convene a technical advisory committee made up of members of the materials production industry, environmental advocates, and agency representatives from both DEQ and ODOT. The technical advisory committee will provide support for the program, help select projects during the first years of the program, and devise strategies to improve the program and reduce greenhouse gas emissions.

HB 4139 with the -2 amendment has been developed over several years, with work first starting on the concept in 2018. Among other stakeholders, the BlueGreen Alliance, Oregon Concrete and Aggregate Producers Association, the Asphalt Producers Association of Oregon, and Associated General Contractors have been instrumental in providing technical insight to get HB 4139 to where it is today.

HB 4139 will have a fiscal. To ensure an EPD requirement is not a barrier to entry for small and rural materials producers, ODOT will be given authority to establish a grant program designed to assist these companies in the development of their own EPDs.

# Enrolled
# House Bill 4139

Sponsored by Representative RAYFIELD; Representatives DEXTER, EVANS, FAHEY, GRAYBER, HELM, HOLVEY, HOY, KROPF, MOORE-GREEN, NELSON, NOBLE, NOSSE, OWENS, PHAM, POWER, REARDON, REYNOLDS, SALINAS, SANCHEZ, WILLIAMS (Presession filed.)

CHAPTER .....

AN ACT

Relating to reductions of greenhouse gas emissions in the state's transportation system; and prescribing an effective date.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section and sections 2 and 3 of this 2022 Act:**

**(a) "Bidder" has the meaning given that term in ORS 279A.010.**

**(b) "Covered materials" means:**

**(A) Concrete, including ready mix concrete, shotcrete, precast concrete and concrete masonry units;**

**(B) Asphalt paving mixtures;**

**(C) Steel, including rebar, reinforcing steel and structural steel, hot-rolled sections, hollow sections, plate steel and cold-formed steel; and**

**(D) Other materials the Department of Transportation designates by rule after consultation with the technical advisory committee.**

**(c) "Emergency" has the meaning given that term in ORS 279A.010.**

**(d) "Environmental product declaration" means a product-specific label developed in accordance with rules the department adopts that are based on ISO Standard 14025 and on independently verified life cycle assessment data, life cycle inventory and analysis data or information modules in accordance with the ISO 14040 series of standards.**

**(e) "Procurement" has the meaning given that term in ORS 279A.010.**

**(f) "Proposer" has the meaning given that term in ORS 279A.010.**

**(g) "Public contract" has the meaning given that term in ORS 279A.010.**

**(h) "Public Contracting Code" has the meaning given that term in ORS 279A.010.**

**(i) "Technical advisory committee" means the committee described in section 2 of this 2022 Act.**

**(2)(a) The department, not later than December 31, 2025, shall establish a program for greenhouse gas reduction that:**

**(A) Assesses the greenhouse gas emissions attributable to covered materials the department uses in the department's construction and maintenance activities for the state's transportation system;**

**(B) Conducts life cycle assessments of a selected set of the department's construction and maintenance activities; and**

**(C) Devises strategies for reducing greenhouse gas emissions that include, but are not limited to, improving pavement and bridge conditions.**

**(b) In establishing the program described in paragraph (a) of this subsection, the department shall identify and disclose in any reports the department produces all relevant measurement difficulties, deficiencies in needed data, assumptions, uncertainties, technological limitations, costs associated with assessment and implementation and any other relevant limitations of methodology, practice or implementation.**

**(c) In devising the strategies described in paragraph (a)(C) of this subsection, the department, at a minimum, shall consider and evaluate:**

**(A) Advancements in materials and engineering as applied to greenhouse gas emission reduction;**

**(B) Regional variability in the quality and durability of aggregates and other components of covered materials;**

**(C) The types and effects of fuels available for use in manufacturing, transporting and using covered materials;**

**(D) The quality and performance of the covered materials; and**

**(E) Any other factors that the department, in consultation with the technical advisory committee, deems relevant and useful.**

**(d) The department shall conduct the assessments and devise the strategies described in paragraph (a) of this subsection separately for each of the state's five transportation regions, accounting for differences among the regions with respect to the availability of covered materials, fuel and other necessary resources and the quantity of covered materials the department uses or plans to use.**

**(3)(a) In procuring covered materials for the program described in subsection (2)(a) of this section, the department shall require contractors to submit environmental product declarations before the contractor installs the covered materials, unless the department:**

**(A) Procures the covered materials on an emergency basis;**

**(B) Determines that a relevant product category rule does not exist;**

**(C) Determines that requiring an environmental product declaration will reduce competition for public contracts or otherwise contravene the requirements of the Public Contracting Code;**

**(D) Determines that requiring an environmental product declaration would unreasonably affect the department's specifications or requirements for covered materials or impair the department's construction or maintenance activities;**

**(E) Determines that an environmental product declaration is not necessary to measure or quantify greenhouse gas emissions; or**

**(F) Determines after consultation with the technical advisory committee that other considerations outweigh the need for requiring environmental product declarations or that a construction or maintenance activity would use less than a threshold amount of covered materials. The department, in consultation with the technical advisory committee, shall specify the threshold amount by rule.**

**(b) Notwithstanding paragraph (a) of this subsection, in procuring asphalt paving mixtures, the department may allow contractors to submit environmental product declarations within a reasonable time after executing a public contract for constructing roads or acquiring materials or within the time required for an environmental product declaration provider to prepare the environmental product declaration, but not later than the date on which the contractor completes performance of the public contract.**

**(c) The department may not use an environmental product declaration as a consideration in ranking or scoring a bid or proposal before January 1, 2027, but thereafter may consider environmental product declarations if the department determines that doing so is beneficial and if, after consulting with the technical advisory committee, construction contractors,**

**material suppliers and other stakeholders, the department devises a scoring methodology that ensures fairness among bidders and proposers.**

**(4)(a) In order to assist bidders or proposers to prepare or submit environmental product declarations required under this section, the department by rule shall establish a program to extend grants to bidders or proposers that require financial assistance to prepare environmental product declarations.**

**(b) Before establishing a program under this subsection, the department shall submit a request for funding to the Legislative Assembly in an amount that the department estimates would be necessary to provide the grants described in this subsection. The department shall deposit any funding the department receives into a designated account within the department's operating account and shall keep records of disbursements from the account. Any moneys the department does not award as grants must revert to the General Fund upon the termination of the program.**

**(c) The department by rule shall establish criteria for eligibility for grants under this subsection and shall specify the maximum amount of each grant on the basis of available funding.**

**SECTION 2. (1) The Department of Transportation shall establish a technical advisory committee to assist the department with issues related to implementing the program described in section 1 of this 2022 Act.**

**(2) Members of the technical advisory committee must include, but need not be limited to, representatives from the Department of Transportation and the Department of Environmental Quality, from construction firms engaged in transportation construction and maintenance, from suppliers of covered materials, from construction and material supplier industry associations, from workers in construction or manufacturing industries, from environmental organizations and from institutions of higher education.**

**(3) The technical advisory committee shall:**

**(a) Recommend quantities of covered materials below which the Department of Transportation need not require an environmental product declaration.**

**(b) Advise the department as needed to prepare the reports required under section 3 of this 2022 Act.**

**(c) Advise and guide the department concerning:**

**(A) The extent to which environmental product declarations are available or are in development;**

**(B) Which of the department's construction and maintenance activities are appropriate for inclusion in the program described in section 1 (2) of this 2022 Act;**

**(C) The time within which a bidder or proposer must submit an environmental product declaration and any related information;**

**(D) How to properly analyze or interpret an environmental product declaration;**

**(E) The content of and criteria for devising, adopting and implementing the strategies described in section 1 (2)(a)(C) of this 2022 Act;**

**(F) Potential changes to the design or implementation of the program described in section 1 of this 2022 Act in light of technological advances and the need to maintain reasonable competition for public contracts; and**

**(G) Other matters the technical advisory committee deems necessary to achieve the goals of the program.**

**(4) The technical advisory committee may recommend to the department additional materials for designation as covered materials.**

**(5) A majority of the members of the technical advisory committee constitutes a quorum for the transaction of business.**

**(6) The technical advisory committee shall elect two of the members of the technical advisory committee to serve as cochairpersons.**

**(7) The department shall appoint a replacement for any vacancy on the technical advisory committee. The replacement must become immediately effective upon appointment.**

**(8) The technical advisory committee must meet at least four times within each calendar year at times and places specified by the call of the chairperson, of a majority of the members of the technical advisory committee or of the Director of Transportation.**

**(9) The department shall provide staff support to the technical advisory committee.**

**(10) Members of the technical advisory committee are not entitled to compensation or reimbursement for expenses and serve as volunteers on the technical advisory committee.**

**SECTION 3. The Department of Transportation, after establishing the program described in section 1 of this 2022 Act, shall report annually not later than December 31 of each calendar year to the Oregon Transportation Commission and an interim committee of the Legislative Assembly related to transportation concerning the progress of the program and related matters. The department shall prepare the reports in consultation with the technical advisory committee and the reports, at a minimum, must include:**

**(1) A description of the department's efforts to design and implement the program, an evaluation of the department's success in reducing greenhouse gas emissions by means of environmental product declarations and recommendations as to whether to continue or expand the program; and**

**(2) Any other matters the department, in consultation with the technical advisory committee, deems relevant, material or important to highlight or recommend to the commission or the Legislative Assembly.**

**SECTION 4. (1) The Medium and Heavy-Duty Electrification Charging Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Medium and Heavy-Duty Electrification Charging Fund must be credited to the Medium and Heavy-Duty Electrification Charging Fund.**

**(2) Moneys in the Medium and Heavy-Duty Electrification Charging Fund consist of amounts donated to the fund, amounts appropriated or otherwise transferred to the fund by the Legislative Assembly, other amounts deposited to the fund from any public or private source and interest earned by the fund.**

**(3) Moneys in the Medium and Heavy-Duty Electrification Charging Fund are continuously appropriated to the Department of Environmental Quality for a grant program to support medium and heavy-duty zero emission vehicle charging and fueling infrastructure projects authorized under ORS 468.035.**

**(4) Not more than 10 percent of the moneys in the Medium and Heavy-Duty Electrification Charging Fund in each biennium may be expended to pay the department's expenses, or the expenses of any other person the department hires or with which the department contracts, to administer the grant program.**

**SECTION 5. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (7), chapter 442, Oregon Laws 2021, for the biennium ending June 30, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursements from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2, chapter 442, Oregon Laws 2021, for special programs is increased by $236,219 for greenhouse gas emissions analysis and reduction.**

**SECTION 6. This 2022 Act takes effect on the 91st day after the date on which the 2022 regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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**Passed by House March 2, 2022**

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

**Passed by Senate March 3, 2022**

.....
Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2022

**Approved:**

.....M.,....., 2022

.....
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2022

.....
Shemia Fagan, Secretary of State

# DRAFT

**IAPA EH&S Committee Compliance Date Reminders**

| | |
|---|---|
| January 1st | MSHA Quarterly Report |
| | |
| March 2nd | OSHA Form 300a Electronic Reporting |
| | |
| March 30th | IEMA Tier II Annual Report |
| | |
| April 1st | MSHA Quarterly Report |
| | |
| May 1st | Annual Emission Report |
| | |
| June 30th | PHMSA Haz-Mat Transportation Registration |
| | |
| July 1st | MSHA Quarterly Report |
| | |
| October 1st | MSHA Quarterly Report |
| | |
| December 31st | Unified Carrier Registration |
| | |
| Annual OSHA Training | Lockout/Tagout (Procedure Review), Confined Space (Permit Review), Fire Extinguishers, Bloodborne Pathogens, Respiratory Protection |
| | |
| Annual - IEPA | SWPPP Inspection and Training |
| | |
| Annual | Leak Test and Nuclear Gauge Calibrations |
| | |
| Annual - IEMA | Radiation Safety Officer Audit |
| | |
| Annual? | Manlift Certification |
| | |
| Every 24 Mo. | US DOT Registration Biennial Update |
| | |
| Expires March 31, 2022 | NPDES<br>Quarterly Testing |
| | |
| Expires 2024? | FESOP |
| | |
| | |

**MATERIAL MANAGEMENT PLAN**
**Mineral Filler Fines**

I. BACKGROUND

A. This Material Management Plan is designed to provide standard operating procedures for the handling and uses of mineral fines after capture in the baghouse at the [INSERT NAME OF THE SOURCE ASPHALT PLANT, AND INCLUDE ANY SUBSIDIARY NAMES, ETC.].

B. [INSERT NAME OF ASPHALT PLANT] produces asphalt in a drum mix asphalt plant that has a baghouse for control of particulate emissions. The baghouse captures dust from the aggregate that is used in the production process.

C. The mineral fines are primarily used by reintroduction into mixtures being produced at the asphalt plant. The amount of the dust/fines needed in the asphalt production is dependent upon Illinois Department of Transportation (IDOT), Illinois Tollway, other public agencies, or private specifications for the applicable project and may vary. During calendar year XXXX, approximately XX% of this mineral dust/fines was reintroduced for asphalt production, leaving approximately XX% (XXXX tons) for other uses. A SENTENCE LIKE THIS EXAMPLE IS RECOMMENDED.

D. [INSERT COMPANY NAME OF ASPHALT PLANT AND/OR QUARRY COMPANY] has determined that the excess mineral fines would provide valuable soil stabilization for certain interior roadways, driving areas and fill areas. The purpose of soil stabilization in these areas is to improve soil shear strength, drainage, and resistance to disturbance due to weather and traffic. Mineral fines may also be used to stabilize muddy areas to allow or improve truck access to soil fill locations.

The excess baghouse fines from the hot mix asphalt facilities contain significant percentages of carbonate aggregates (aggregates produced at carbonate rock quarries or at gravel pits rich in carbonate gravel). Carbonate rocks generally are limestone, dolomitic limestone, and/or dolomite. Limestone is predominately calcium carbonate. Dolomite consists of significant proportions of both calcium carbonate and magnesium carbonate, and is predominantly magnesium carbonate. Commercially produced lime or quicklime is commonly used on construction sites to dry up mud and stabilize the soil. Such stabilization improves unstable soil by drying, altering (lowering) plasticity index, and strengthening the soil.

While baghouse fines produced at hot mix asphalt plants are not classified as lime or quicklime, these fines appear to behave in a similar manner as lime when mixed into unstable areas that are wet and contain significant amounts of fine grained soils (*e.g.* clay and/or silt).

[COMPANY NAME] has not performed controlled studies to determine specific percentages of baghouse fines to add based on soil types present in areas to be stabilized. [COMPANY NAME]'s knowledge of the usefulness of the fines for this purpose is based on its considerable experience in the construction industry and its observations of its real-world use of the fines for this purpose. [COMPANY NAME]'s experience is that areas stabilized with baghouse fines appear drier, less moisture sensitive, and stronger.

***NOTE: PARAGRAPHS IN THIS SECTION SHOULD BE TAILORED TO ANY SPECIFIC CIRCUMSTANCES AT THE FACILITY THAT ARE SOMEWHAT DISTINCT FROM ABOVE OR IN ADDITION TO ABOVE – BUT WE RECOMMEND THAT THE SUBSTANTATIVE PORTIONS OF THE ABOVE BE INCLUDED.***

II. MANAGEMENT OF FINES AT THE ASPHALT PLANT

A. Mineral fines from the baghouse are metered out through a weigh auger to the enclosed [XX-ton] mineral silo, then the amounts needed in asphalt production are metered into the mix-drum through a weigh pod and auger.

B. Mineral fines captured in the baghouse in excess of the amounts needed to meet specifications for the finished asphalt products remain stored in the mineral silo. The excess mineral fines are occasionally loaded into covered semi-trailers for delivery as soil stabilization material. Each load contains about [10 cubic yards] of mineral fines. During the production season, approximately [one load per day is generated].

C. Loadout to the dump truck is to be overseen by an asphalt plant employee who will then complete a load ticket in triplicate. The load ticket form includes: the date and time; weight of mineral fines loaded; confirmation that the load contains only mineral fines; location of the delivery; confirmation that the truck was properly covered before departure; some identification of the truck; and, the signature of the employee overseeing the loadout. One copy is retained at the asphalt plant and two copies provided to the driver.

III. MANAGEMENT OF FINES AT QUARRY

A. Trucks delivering mineral fines from offsite will be examined by an employee of the quarry to confirm it matches the load ticket. At this point the load ticket must have the driver's signature and the signature of the quarry employee inspecting the load prior to being directed to the dump area. The quarry employee is to direct the truck driver to the location for the load to be placed and verify that it is actually placed where directed. Prior to the truck departure, the quarry employee is to again sign both copies of the load ticket from the driver, return one copy to the driver and retain one copy at the quarry.

B. Unloading of the mineral fines from the trucks will be conducted so that the height the material it is dropped from does not cause dust to become airborne. This will be achieved by dumping the material into existing piles of soil or fines versus onto the adjacent ground. [OPTIONAL: The attached Figure 1 provides a visual example of this practice.] If reducing the drop height while unloading is not possible or does not sufficiently reduce fugitive emissions, the material will be wetted.

C. The incoming mineral fines may be immediately mixed into existing unstable areas and/or incorporated into other fill soil being placed in these unstable areas to help provide a road or driving base.

D. Should the mineral fines not be mixed into unstable areas upon arrival, the material will be temporarily stockpiled. These temporary stockpiles will be covered or watered to limit becoming airborne. If piles of uncontaminated soil are present, any stockpile of mineral fines will be placed such that the soil piles will provide some shielding of the fines from any wind. [OPTIONAL: The attached Figure 2 provides a visual example of this practice.]

Mineral fine stockpiles will be inspected weekly to determine if further watering or covering is necessary. Records of the weekly inspections will be kept at the quarry. The amount of mineral fines needed to stabilize areas will be assessed prior to delivery in order to limit the mineral fines stockpiled at the site to an amount that can be covered with a tarp, other appropriate covering, or can be maintained through operational controls (e.g. watering).

Stockpiled material must be incorporated into interior roadways or driving areas within 90 days of being stockpiled at the quarry. If it is determined that the amount of mineral fines stockpiled at the facility is greater than the amount that can be used within 90 days, the material will be directed offsite to a facility that is allowed to accept the material.

The mineral fines stockpiled at any time will not exceed a volume of 1,000 cubic yards nor cover an area greater than 0.5 acre. All stockpiling of the material will be done at elevations below the grade of the surrounding properties.

If other [QUARRY COMPANY NAME] quarry sites need similar soil stabilization, those fines may be sent to such other quarries that produce the same virgin materials for use as a soil stabilization agent. If at any time the need for soil stabilization material exceeds the amount of these fines available, other materials available at the quarry (*e.g.,* overburden or non-specification aggregates) will be used.

***NOTE: YOUR SITE-SPECIFIC FACTS MAY WARRANT CHANGES, BUT BE CAUTIONED THAT THE IEPA DESIRES RESTRICTIONS SIMILAR TO THESE SO THAT THE MATERIAL IS NOT CONSIDERED WASTE OR CCDD.]***

E. All handling, use and stockpiling of mineral fines will be conducted in a manner to assure compliance with the facility air permit ([I.D. No. XXXXXXXX, Application No. XXXXXXXXX]), especially as relates to fugitive particulate matter emissions. [HERE INSERT THE QUARRY'S IEPA AIR PERMIT NUMBER AND IDENTIFIER.]

## IV. OTHER RECORDKEEPING PRACTICES

A. The copies of the load tickets retained at both the asphalt plant and the quarry locations are to be maintained in files on a month-by-month basis.

B. Employees at each location are to compare load tickets at a minimum on a monthly basis for accuracy and that all loads are accounted for. Any discrepancies must be investigated and resolved, with a record of such actions retained at each location.

C. The following records will be maintained on-site and available upon request:

1. **OPTIONAL:** Depiction of unloading procedure, as described in Section III.B. See Figure 1.
2. **OPTIONAL:** Depiction of Typical Material Fines Stockpile Area, as described in Section III.D. See Figure 2.
3. Site map that shows locations utilized for the management or use of mineral fines, See Figure 3 (or Figure 1, if above described depictions are not included) ***SUGGESTION: USE PRINTOUT FROM GOOGLE EARTH AND MARK ACCORDINGLY.***
4. Laboratory analytical report for the mineral fines. A copy of the report for the asphalt plant is attached as Table 1. ***NOTE: ANALYSIS SHOULD INCLUDE METHODOLOGY OF LAB TESTING. AN ANALYTICAL SAMPLE THAT WAS APPROVED BY IEPA IN THE CONTEXT OF A COMPLIANCE COMMITMENT AGREEMENT IS ATTACHED.***