

Chicago Dept. of Aviation  
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95110002

Minor Modification – Issued Not issued yet.  
USEPA Review ended – 10/6/2022 to 11/20/2022  
Date this Petition submitted –

C23D32 is a private and anonymous investigative watchdog group that monitors IEPA leadership behaviors and actions for abuse and corruption of authority.

The USEPA states on their webpage explaining the Title V petition process that anyone can petition the USEPA to object to any permitting authority action (initial, modification, renewals and reopenings). They go on to state that this includes minor modifications. The only criteria is that the petition be timely (within 60 days after the end of USEPA objection period on a proposed permit) and based on comments submitted to the permitting authority.

Pursuant to the Clean Air Act, C23D32 is petitioning the Administrator of the USEPA to object to the Title V minor modification proposed for issuance by IEPA for the Chicago Dept. of Aviation on October 6, 2022 and has not issued to date. C23D32 has been checking the IEPA website everyday since 11/20/2022 to see if changes were made that would not warrant a petition to object. However, until 2 days ago when a response to a FOIA request came in, did we find out that this permit was not only issued, but there were changes made to the permit as dictated by USEPA. C23D32 explained these deficiencies in the proposed Permit in comments to USEPA on, October 8, 2022 (shown at bottom of this email).

Rather than object to this permit, the USEPA thought it best to simply require changes to the permit and on top of that, direct this IEPA to not respond to the comments or explain the changes made. Comments were submitted to the USEPA on this minor modification regarding the testing requirements that were not carried over. This is problematic because the IEPA intentionally squeezes changes to periodic monitoring into the minor modification bucket to avoid public notice and comment so that the public has no ability to even know what this nefarious and deceptive Agency is doing. Pandering to industry rather than protecting its citizens. Not only that, but these changes are significant changes to remove Title I conditions which USEPA found must be in this permit.

Illinois makes it almost impossible to participate in minor modifications because it is not transparent with the public in its permitting actions or its materials used to justify its permitting actions. This petition is legitimate because C23D32 submitted comments to USEPA to object to this minor modification and have IEPA resubmit as a significant modification so that the public could properly comment and a proper response justifying the change. As has been indicated in C23D32 comments on several permitting actions by the IEPA, apparently some opinionated bureaucrats believe they are above the law and can simply do what they please given the silence on this permitting action.

In this instance of Chicago Dept. of Aviation, the USEPA has colluded with this corrupt IEPA and participated as an accessory by circumventing the Title V CAA requirements to rather than object to a deficient permit, took it upon themselves to just correct the error and rather than tell this IEPA to resubmit as a significant modification, just said no need to respond and can issue with change, remaining silent to the comments and providing no response whatsoever forcing C23D32 to submit a FOIA to find out what is going on with the permit and this petition to object in order to be given a proper response before deciding whether a petition to object is warranted. This is abusive and wasteful government resources.

Not only this, but there was apparently several discussions between this IEPA and USEPA to answer questions about what was done during this action. This is a complaint and claim that C23D32 has brought up in two other petitions to object. The permit record is not available, not accessible or cannot be obtained easily. This is demonstrated by the insurmountable number of redactions in emails in the FOIA that are claimed to be pre-decisional or deliberative, yet the USEPA needed all this information to make sense of the permitting action. If this is true, then C23D32 should also be privileged to this same information. But, this IEPA refuses to share information and be transparent.

The following are all reasons why the permitting action must be objected to by the USEPA because it did not meet the criteria for a minor modification.

Petition Claim #1 – This action added an entirely new Section 4.5 for six new engines that never existed before. No fee changes? Here are just some of these new additions to the brand new Section 4.5 from construction permit (and some not) 15080028.

1. Adding opacity monitoring every year when the construction permit had only upon request.
2. Added aggregate records for CO and NOx that is not in the construction permit.
3. An entire NSPS has been added that is not in the construction permit.
4. An entirely new inspection of the engines has been added that was not in the construction permit.
5. Tons of non-applicability statements added that were not in construction permit.
6. The construction permit allowed for increasing hours of operation beyond 500 hours which makes no sense, yet this condition was removed from the CAAPP permit. A T1R? A significant modification? We think so.

Petition Claim #2 – The summary of changes says that all this modification has done is incorporate a couple construction permits. This is a bold face lie. This IEPA keeps lying and lying to the public. NO. This action added an entirely new Section 4.2 for eight new engines. No fee changes? Here are just some of these new additions to Section 4.2 from construction permit (and some not) 16090010.

1. Adding opacity monitoring every year when the construction permit had only upon request.
2. Tons of non-applicability statements added that were not in construction permit.
3. There is this some weird EU-14 unit that has come into existence that is not in this construction permit under brand new section 2a. (very odd and difficult to follow). Not referenced to anywhere in section 2. Horrendous drafting technique.

Petition Claim #3 - This IEPA deems the upon request to test is obsolete? How? They say it is because 2.4 already requires it. Yet, 2.4 simply requires within a reasonable time from request the construction permit requires within 90 days of request. Not the same. Not the same. This is another lie to remove testing stringency like this IEPA loves to do in minor modifications because they are in love with and in the pockets of industry.

This is why adding new stuff to a permit is not a minor modification because the public should be allowed to comment on the new monitoring requirements and if sufficient. And, relaxing the testing requirements in a CAAPP permit is not a minor modification. This is a relaxation because it allows the

source to avoid testing within a specified period time. This is not say that C23D32 agrees with upon request testing anyway because it is not periodic and it is not monitoring for ongoing basis.

Petition Claim #4 – The summary of changes has no mention that this area is an environmental justice community that presents with a pollution over-burden. The failure to even acknowledge Chicago as an environmental justice community is an injustice and dishonesty. The summary of changes for this minor modification does not provide any rationale for this change or explain why it meets the criteria for a minor modification. This is a gross prejudice against the environmental justice community of Chicago. There is no basis in the permit record to support these changes as a minor modification. There is no basis in the non-response by USEPA Region V to support no objection. For the reasons stated C23D32 requests for that USEPA object to the Premcor Alsip minor modification.

USEPA has stated “the unavailability during the public comment period of information needed to determine applicability of or to impose an applicable requirement may also result in a deficiency in the permit’s content.” (Cash Creek Generation, LLC, Louisiana Pacific Corporation, WE Energies Oak Creek Power Plant, Alliant Energy-WPL Edgewater Generating Station). C23D32 was denied opportunity to comment on the changes asked for by Exxon Mobil and could not have submitted meaningful comments during the public comment period because the IEPA never afforded a public comment period on these significant changes to the permit. Because changes were never disclosed or discussed in a statement of basis and because the permit record provides no support the changes cannot have a basis in application documents or in response to comments. USEPA must object to the Exxon Mobil minor modification for IEPA’s failure to provide proper public notice and opportunity to comment on the relaxation of testing requirements intended to demonstrate compliance with numerous VOM limits. The complete lack of transparency with permit materials that the modification is supposedly based on is yet another failure. The complete disregard for opportunity to comment is even another fault that IEPA continues to commit to the destruction of overburden and underserved communities.

Petition Claim #5 – There does not appear to have been any outreach initiated regarding this permit modification by the IEPA. This is a flagrant violation of their EJ Policy. One that should be corrected immediately before further injustices are committed. This is now the 3 permit for minor modification this IEPA has decided to issue to bypass the public input and avoid EJ. As can be seen from an email sent in the FOIA, there was only one individual notified. This is not representative of an EJ community nor sufficient to determine the needs of this EJ community.

Petition Claim #6 – As well, these government entities must be responding to comments as part of the final agency action. USEPA Region V has failed to be responsive to comments submitted to them and went ahead and allowed for issuance of permit to Exxon Mobil without objection and without reason for not objection. This is clear violation of procedure that mandates automatic objection and return to this IEPA for redo. USEPA tells the IEPA they don’t have to respond at all.

Petition Claim #7 – There was no compliance schedule which would require a significant modification. Potentially this source has a violation also because the construction permit said they had to have completed initial testing on first affected engine to continue being allowed to operate these new boilers under construction permit. Also, why does this operating permit grant authorization to operate engines that are not even constructed yet? What if those engines are not in compliance? Need a compliance schedule maybe? We say YES.

This was not just moving conditions from a construction permit or two (that neither received no public notice or EJ by the way). This was complete overhaul and new requirements added beyond the construction permit. Way beyond construction permit incorporation.

This petition to object has been submitted to the following by email.

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