

# TITLE V/Clean Air Act: U.S. Environmental Protection Agency Addresses Petition Objecting to McClean County, Illinois Soybean Processing Plant Permit



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The Administrator of the United States Environmental Protection Agency (“EPA”) issued an March 20th Order responding to a Petition Requesting Objection to the Issuance of a Title V Operating Permit (“Petition”) for the Cargill, Inc., Bloomington Soybean Processing plant in McClean County, Illinois.

The Petition had been submitted by an individual (Michelle Ford) (“Petitioner”).

The Petition requested that the the EPA Administrator object to the proposed Permit issued by the Illinois Environmental Protection Agency (“IEPA”).

The Federal Clean Air Act Title V program includes a provision that allows the EPA Administrator to object to a Title V Permit issued by a delegated state. In other words, Congress provided EPA a Clean Air Act oversight role by mandating that every Title V Permit be subject to a 45-day EPA review period before the Title V Permit is finalized.

The EPA Administrator can object to a Title V Permit at two points.

An objection may be made during the 45-day review period and in response to a public petition within 60 days after the end of the 45-day review period. Further, even if the EPA fails to object to a proposed Title V Permit, a right to petition the agency to reconsider its failure to object to the Permit is potentially available. However, only those persons who have submitted comments to the draft Permit during the applicable public comment period have a right to petition.

The right to petition EPA arises at the close of the agency’s 45-day review period.

The Order denying the Petition for Objection to Permit (“Order”) states that the Cargill, Inc., soybean processing plant produces several products and includes various processes with emission units. It is a major source under Title V of the Clean Air Act due to its emissions of particle matter, volatile organic compounds, and hazardous air pollutants.

IEPA is stated to have issued a final Permit on April 21, 2014. The Petitioner filed an objection within 60 days of the expiration of the 45-day review period.

The Petitioner alleges deficiencies to the Cargill Permit which include:

- Various Permit terms which are alleged to be too vague to be enforceable and need further clarification
- Referencing a Compliance Monitoring Report which forewarns of inspections, may delay inspections, and provides the facility an opportunity to correct any issues that would be found during an inspection
- If a daily limit is set based on an average calendar month, the amount of grain processed should be recorded
- Area residents have reported health symptoms and property damage allegedly related to the plant's emissions

EPA denies the Petitioner's request for an objection.

EPA's reasons for denying the objection include a failure by the Petitioner to raise certain issues during the public comment period (with reasonable specificity). Further, the agency determined that even if the issues could be raised they do not indicate noncompliance with the Clean Air Act.

A copy of the Order can be found [here](#).