



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-5544
866/273-5488 (TTY)

April 4, 2024

Certified Mail # 7022 3330 0000 8734 6619
Return Receipt Requested

Koppers Inc
Fola Fayanjuola, Environmental Engineer
3900 South Laramie Avenue
Cicero, IL 60804

**RE: Notice of Intent to Pursue Legal Action
Violation Notice A-2023-00162
I.D. 031300AAJ**

Dear Fola Fayanjuola:

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(b)(2022).

The Illinois Environmental Protection Agency ("Illinois EPA") is providing this notice to inform Koppers Inc of its intention to pursue legal action for the violations of environmental laws and regulations specified in Attachment A. This Notice of Intent to Pursue Legal Action provides Koppers Inc an opportunity to schedule a meeting with representatives of the Illinois EPA in an effort to resolve the violations prior to the filing of a formal complaint. If a meeting is requested, it must be held within thirty (30) days of receipt of this notice unless an extension of time is agreed to by the Illinois EPA.

If you wish to schedule a meeting with representatives of the Illinois EPA or have any questions, please contact the undersigned, the attorney assigned to this matter at 217/217/524-3157 or Maureen.wozniak@illinois.gov, at the earliest possible convenience.

Sincerely,

Maureen Wozniak
Deputy General Counsel
Division of Legal Counsel

Attachment

ATTACHMENT A

VIOLATIONS:

Based on available information:

1. Sections 9(a) and 9(b) of the Act, 35 Ill. Adm. Code 218.301, and Condition 1.1.3-1(a) of Construction Permit 02020104: Koppers Inc. caused or allowed the discharge of more than 8 lb/hr of organic material into the atmosphere from creosote blending tanks during creosote blending while the associated thermal oxidizer was not operating on July 15 and September 24, 2022, and multiple occasions from January through June 2023.
2. Sections 9(b) and 9.1(d) of the Act, 40 CFR 63.1362(b)(2), and Condition 1.1.3-1(b)(i)(A) of Construction Permit 02020104: Koppers Inc. failed to operate the thermal oxidizer controlling the creosote blending tanks in compliance with the requirements in 40 CFR 63.1362(b)(2)(ii) through (iv) on July 15 and September 24, 2022, and multiple occasions from January through June 2023.
3. Section 9(b) of the Act and Condition 1.1.5(b) of Construction Permit 02020104: Koppers Inc. failed to follow good operating practices for the creosote blending tanks and associated thermal oxidizer, including periodic inspection, routine maintenance, and prompt repair of defects.
4. Sections 9(b) and 9.1(d) of the Act, 40 CFR 63.1366(b)(1)(xiii), and Condition 1.1.8(b) of Construction Permit 02020104: Koppers Inc. may have failed to perform monitoring for the closed vent system in accordance with 40 CFR 63.1366(b)(1)(xiii)(A) or (B) to ensure the vent stream was not diverted through the bypass line.
5. Section 9(b) of the Act and Condition 1.1.10 of Construction Permit 02020104: Koppers Inc. failed to timely notify the Illinois EPA, Bureau of Air, Compliance Section, of deviations from Construction Permit 02020104 associated with events on July 15, September 24, and February 2, 2023.
6. Section 39.5(6)(a) of the Act and Condition 7.7.8(d)(i) of Clean Air Act Permit Program (CAAPP) Permit 96030134: Koppers Inc. failed to operate the continuous emissions monitoring system (CEMS) for the Phthalic Anhydride Reactor Trains A and B to provide permanent records of the hourly average sulfur dioxide (SO₂) emissions based upon three minute samples of air flows and SO₂ concentrations, on multiple occasions from August 2022 through June 2023.
7. Section 39.5(6)(a) of the Act and Condition 7.7.8(d)(ii) of CAAPP Permit 96030134: Koppers Inc. failed to maintain Phthalic Anhydride Reactor Trains A and B feeds at previous feed rates during failure of the CEMS and may have failed to sample and analyze the feed stock to demonstrate compliance with SO₂ emission limitations on multiple occasions from August 2022 through June 2023.
8. Section 39.5(6)(a) of the Act and Condition 7.7.6(a)(i)(A) of CAAPP Permit 96030134: Koppers Inc. may have caused or allowed emissions of SO₂ to exceed 260 lb/hr on multiple occasions from August 2022 through June 2023.

ATTACHMENT A (continued)

VIOLATIONS (continued):

9. Sections 9(b) and 9.1(d) of the Act, 40 CFR 63.2470, and Condition 3 of Construction Permit 08040005: Koppers Inc. failed to meet each emission limit in Table 4 of 40 CFR 63 Subpart FFFF— National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing for its pitch storage tanks on during multiple occasions from July 2022 through August 2023.
10. Section 9(b) of the Act and Condition 4(b) of Construction Permit 08040005: Koppers Inc. failed to operate the thermal oxidizer for the pitch tanks to achieve at least 98% destruction efficiency for volatile organic material (VOM) from July 2022 through August 2023.
11. Sections 9(a) and 39.5(6)(a) of the Act, 35 Ill. Adm. Code 218.301, and Condition 7.2.3(b) of CAAPP Permit 96030134: Koppers Inc. caused or allowed the emission of more than 8 lb/hr of organic material into the atmosphere from its pitch tanks on multiple occasions from July 2022 through August 2023.
12. Section 9.1(d) of the Act and 40 CFR 63.983(a): Koppers Inc. failed to operate and maintain the closed vent systems for carbon pitch and coal tar distillation processes on multiple occasions from July 2022 through June 2023.
13. Sections 9(a) and 39.5(6)(a) of the Act, 35 Ill. Adm. Code 218.301, and Condition 7.4.3(e)(i) of CAAPP Permit 95030134: Koppers Inc. caused or allowed the discharge of more than 3.6 kg/hr (8 lb/hr) of organic material into the atmosphere from the coal tar distillation process on multiple occasions from July 2022 through September 2023.
14. Sections 9(a) and 39.5(6)(a) of the Act, 35 Ill. Adm. Code 218.966(a), and Condition 7.4.3(f)(i) CAAPP Permit 96030134: Koppers Inc. failed to comply with emission capture and control techniques which achieve overall reduction of at least 81 percent of volatile organic material (VOM) emissions from the coal tar distillation process on multiple occasions from July 2022 through September 2023.
15. Sections 9(a) and 39.5(6)(a) of the Act, 35 Ill. Adm. Code 218.991(a)(3)(A), and Condition 7.4.10 of CAAPP 96030134: Koppers Inc. failed to notify the Illinois EPA, Bureau of Air, Compliance Section, of deviations of CAAPP permit 96030134 and 35 Ill. Adm. Code 218, Subpart RR.
16. Sections 9(b) and 9.1(d) of the Act, 40 CFR 63.113(a)(2), and Condition 2.1.2-1(a) of Construction Permit 14100012: Koppers Inc. failed to reduce the total organic hazardous air pollutants (HAPs) by 98 weight-percent or to a concentration of 20 parts per million by volume from process vents at the naphthalene distillation plant on January 3 and March 23, 2023.
17. Sections 9(b) and 9.1(d) of the Act, 40 CFR 60.662(a), and Condition 2.1.2-1(b) of Construction Permit 14100012: Koppers Inc. failed to reduce total organic compounds (less methane and ethane) by 98 weight-percent or a concentration of less than 20 ppmv (less methane and ethane) from the naphthalene distillation operation on January 3 and March 23, 2023.

ATTACHMENT A (continued)

VIOLATIONS (continued):

18. Sections 9(a) and 9(b) of the Act, 35 Ill. Adm. Code 218.301, and Condition 2.1.2-2(a) of Construction Permit 14100012: Koppers Inc. caused or allowed the emission of more than 8 lb/hr of organic material into the atmosphere from the naphthalene distillation plant process vents on January 3 and March 23, 2023.
19. Sections 9(a) and 9(b) of the Act, 35 Ill. Adm. Code 218.986(a), and Condition 2.1.2-2(b) of Construction Permit 14100012: Koppers Inc. failed to control VOM emissions from the naphthalene distillation emission units to achieve an overall reduction in VOM of at least 81 percent on January 3 and March 23, 2023.
20. Section 9(b) of the Act and Condition 2.1.4(a)(ii) of Construction Permit 14100012: Koppers Inc. failed to operate the naphthalene distillation plant oxidizer to achieve a minimum 98 percent destruction efficiency for organic material on January 3 and March 23, 2023.
21. Section 9(b) of the Act and Condition 2.1.4(a)(iii) of Construction Permit 14100012: Koppers Inc. failed to maintain the combustion chamber temperature of the naphthalene distillation plant oxidizer above minimum operating temperature while the affected process vent was in operation January 3 and March 23, 2023.
22. Section 9(b) of the Act and Condition 2.1.5(a) of Construction Permit 14100012: Koppers Inc. may have exceeded emissions limits delineated in Condition 2.1.5(a) of Construction Permit 14100012 on January 3 and March 23, 2023.
23. Section 9(b) of the Act and Condition 2.3.2(a)(i)(C) of Construction Permit 14100012: Koppers Inc. may have failed to operate naphthalene distillation plant oxidizer at all times organic HAPs emissions from the truck transfer rack were venting to it on January 3 and March 23, 2023.
24. Sections 9(b) and 9.1(d) of the Act, 40 CFR 63.126(b)(1), and Condition 2.3.2(a)(ii) of Construction Permit 14100012: Koppers Inc. may have failed to reduce total organic HAPs by 98 weight-percent or to a concentration of 20 ppmv from the transfer rack on January 3 and March 23, 2023.
25. Section 9(b) of the Act and Condition 1.12 of Construction Permit 14100012: Koppers Inc. failed to timely notify the Illinois EPA of deviations of Construction Permit 14100012 from events occurring January 3 and March 23, 2023.

bcc: Maureen Wozniak
VN File
Meredith Kelley (Email)
Ron Robeen (Email)