

Environmental Justice/Title VI Review
Road Production Materials, LLC

I.D. No.: 161025AFK

Application No. 25100013

1. Introduction

This document describes the various Environmental Justice (EJ) and Title VI¹-related considerations undertaken by the Illinois EPA's Bureau of Air in evaluating the above-referenced construction permit application. Because the proposed project will be located in an EJ area of concern, the Illinois EPA's policies for enhanced public outreach and evaluating potential impacts to overburdened communities were addressed in the permit review process. In addition, a Title VI-related settlement agreement (i.e., Informal Resolution Agreement or IRA) entered between the Illinois EPA and the United States Environmental Protection Agency (USEPA) in February 2024² was applied to the review process.

2. Permitting Project:

Road Production Materials, LLC, (RPM) proposes to construct and operate a drum-mix asphalt manufacturing plant, including a natural gas-fired counterflow drum-mixer and dryer controlled by a baghouse with cyclone, natural gas-fired asphalt tank heater, and various storage tanks, silos, screens and conveyors. The address of the new manufacturing facility is 16700 20th Avenue North, which is located on the eastern outskirts of East Moline in Rock Island County. East Moline is a city located in the northwestern part of Illinois and its population is approximately 21,000 people. The RPM facility will be built in a mostly rural setting immediately next to the Rock Island Landfill and in the nearby vicinity of several other businesses located near the Route 5 and 92 four-way highway, including an industrial equipment facility, a FedEx courier and drop-box facility, and a masonry contractor. A local forest preserve is located roughly one mile to the east of the site. A junior high school is located southwest of the site by roughly one-half mile, which lies adjacent to a subdivision of homes immediately to the west and south of the school.

The issued construction permit will reflect increases in the permitted annual emissions of several pollutants from the facility. However, the facility will operate at less than major source thresholds

¹ Title VI refers generally to the requirements of Title VI of the federal Civil Rights Act of 1964, which is one of eleven titles to the law and is entitled "Nondiscrimination in Federally Funded Programs." See, 42 U.S.C. §§2000d to §§2000d-7.

² The negotiated terms of this IRA involved a Title VI disparate impacts complaint filed with USEPA in 2020 stemming from the issuance of a construction permit to General III for the relocation of a scrap metal recycling facility to Chicago's Southeast Side. The *General III* IRA memorializes the Illinois EPA's commitment to consider additional factors in its review of certain construction permit applications, as well as to enhance its public participation policies, for the purpose of improving transparency and assuring meaningful public access to its programs and activities. Additional information concerning the settlement agreement can be found on the Illinois EPA's webpage (i.e., use the Environmental Justice tab from the General Information drop-down menu).

for criteria pollutants and Hazardous Air Pollutants (HAPs). The emission increases associated with this project consist of the following:

Pollutants	Proposed Emissions Increase in Annual Permitted Emissions
	(Tons per Year)
Volatile organic material (VOM)	4.98 tpy
Sulfur dioxide (SO ₂)	0.26 tpy
Particulate matter (PM)	7.86 tpy
PM emissions of 10 microns or less (PM ₁₀) and PM of 2.5 microns or less (PM _{2.5})	3.31 tpy
Carbon monoxide (CO)	10.46 tpy
Nitrogen Oxides (NO _x)	2.52 tpy

The proposed construction of the asphalt plant with permitted emissions increases shown above, together with its anticipated status as a Federally Enforceable State Operating Permit (FESOP), is subject to the *General Iron* IRA referenced in the Introduction. As such, the commitments agreed to by the Illinois EPA in the IRA are applicable to the review of this permit application.

Actual emissions from the facility can be expected to be less than the permitted thresholds. The lion's share of the facility's emissions will stem from the drum mixer/dryer, including the permitted emissions of 9.75 tpy from CO, 2.48 tpy from PM, and 2.40 tpy from VOM. See, Special Condition 15a(ii). The largest source of PM emissions will originate from fugitive sources, namely, the 4.70 tpy of emissions from unpaved roads. See, Special Condition 15(f). PM₁₀ and PM_{2.5} emissions (combined) are mostly originating from the drum mixer/dryer, which is limited by the permit to 1.73 tpy from the process and 3.31 tpy from the combined facility limits. See, Special Condition 15(a)(ii); Special Condition 15 generally.

3. Mapping Tool Results:

The Illinois EPA continues to implement its EJ Policy through the use of EJ Start, which relies on census data for identifying potential areas of EJ concern based on low income and minority populations. In this case, the Illinois EPA conducted enhanced public outreach because the mapping tool identified the proposed site and an area predominantly west of the site as a potential area of EJ concern due to low income. See, EJ Outreach below.

Demographical information relating to the affected community can be found on Wikipedia: The Free Encyclopedia at [East Moline, Illinois - Wikipedia](#), well as from the American Community Survey database maintained on the U.S. Census Bureau's website.

4. EJ Outreach:

The Illinois EPA conducted enhanced outreach through the EJ notification process. The EJ notification letter was sent to 40 separate groups, individuals, and elected officials on December 11, 2025. No inquiries were received in response to the EJ notification letter.

5. Air Quality Modeling Analysis:

At the Illinois EPA's request, the project underwent a comprehensive air quality modeling analysis to predict the air quality impacts from the project with the National Ambient Air Quality Standards (NAAQS). An initial modeling report and electronic modeling files were submitted by RMP's consultant, GZA GeoEnvironmental, Inc., (GZA) to the Illinois EPA on February 20, 2026, as part of the permit application.

An initial source impact (or significant impact) analysis of the project's maximum modeled impacts from a list of six pollutants revealed modeled impacts from PM_{2.5} (annual and daily averaging periods), PM₁₀ (annual and daily averaging periods), and nitrogen dioxide (NO₂) emissions (1-hourly averaging period) that would be above the significant impact levels (SILs) for those pollutants and averaging periods. Modeled concentrations from secondary PM_{2.5} that were added to the project's primary impacts also showed combined results greater than the PM_{2.5} SIL for both averaging periods.

A NAAQS analysis evaluating the project's impact for PM_{2.5}, PM₁₀ and NO₂ (1-hour averaging period only) was conducted using emissions data from two nearby monitoring stations. The Modeling Unit audited GZA's findings in a separate analysis. Both sets of analyses revealed that predicted impacts from the project, when combined with background concentrations for the relevant averaging periods, would be below the NAAQS standards for PM_{2.5} and PM₁₀. However, the modeled 1-hour NO₂ concentrations were shown to exceed the NO₂ NAAQS for the same averaging period.

GZA conducted an additional analysis, consistent with USEPA guidance, to assess whether RPM's project would cause or contribute to any model-predicted exceedances of the NO₂ NAAQS. The follow up modeling results produced by GZA and audited independently by the Modeling Unit showed that RPM's maximum project contribution (estimated 1.67 micrograms per cubic meter (µg/m³)), as compared to the measured airshed's total concentration (estimated 197.12 µg/m³ (GZA) and 197.13 µg/m³ (Modeling Unit)), would not cause or contribute to a modeled exceedance of the 1-hour NO₂ NAAQS.

An air toxics analysis was also requested by the Illinois EPA. Potential HAP emissions were estimated by GZA, which enabled the Modeling Unit to perform an initial screening analysis using the Risk Assessment Screening Spreadsheet (RASS) program developed by Minnesota. The

screening analysis determined that arsenic and ethylbenzene warranted additional evaluation. Impacts of those pollutants were subsequently measured by dispersion modeling, which showed modeled concentrations from the proposed project being significantly below selected reference concentrations levels for all averaging periods.

For additional details concerning the modeling analysis, see the Memorandum from the Modeling Unit to the FESOP/State Permits Section/BOA, dated April 17, 2026.

6. *Permit Enhancements:*

Permit enhancements consist of permit conditions that are incorporated into construction permits by the Illinois EPA to assure that a source can achieve compliance with applicable requirements, or that are necessary to accomplish the purposes of the Illinois Environmental Protection Act (Act) and are not inconsistent with Illinois Pollution Control Board (PCB) regulations. The Illinois EPA frequently considers permit enhancements when authorized by existing law.

As previously noted, the issued construction permit is for a minor source of emissions. The permit contains a non-applicability statement for the major source rules governing new construction or modification in both attainment and non-attainment areas. See, Condition 1(a) and 1(b). In addition, the permit contains a non-applicability statement for purposes of Section 112 of the Clean Air Act, thus binding the facility to HAP emissions of less than 10 tpy of any single HAP and 25 tpy for all combined HAPs emitted by the source.

Asphalt plants may occasionally become the subject of odor complaints due to the naturally occurring presence of VOMs and sulfur compounds in the materials, especially when those compounds are heated in the manufacturing process. The issued construction permit provides that if manufacturing activities from the source result in an odor nuisance, such as causing or allowing an unreasonable interference with the enjoyment of life or property by nearby residents, the Permittee must take appropriate actions to “minimize odors.” See, Special Condition 14(a).

7. *Past Adjudications and/or Past Compliance History of Applicant:*

Because the construction project implicated the requirements of the *General III* IRA, the EJ/Title VI review document for this permitting action affirmatively considered the prior adjudications and past compliance history of the permit applicant, consistent with existing permit authorities found in the Act.

In this instance, RPM does not have a history of noncompliance for the proposed site, as it is a new facility. A search of the Pollution Control Board and USEPA’s Enforcement and Compliance History On-line (ECHO) does not reveal noncompliance by the applicant at other locations in Illinois.

A search of the applicant’s name does appear on a prior consent decree entered into with the State of Illinois that was filed in the Circuit Court of Rock Island County, Illinois in 2018 (Cause No. 2017 –

CH – 209). The Illinois EPA brought an enforcement case against the applicant at that time for activities at a nearby asphalt plant located in nearby Hillside, Illinois, which is approximately 15 miles from the proposed site. The allegations against the facility included operating without the appropriate operating permit, failure to provide notice of construction and startup, failure to conduct emissions testing under USEPA's New Source Performance Standards (NSPS), and the failure to submit deviation reports in accordance with the construction permit. RPM obtained the necessary FESOP, performed emissions testing, and submitted deviation reports for past incidents prior to the order's approval by the circuit court. The company also paid a \$15,000 civil penalty.

The applicant's entry of the earlier consent order constitutes proof of a formal "adjudication" that can be considered by the Illinois EPA in future permit proceedings. In this proceeding, no additional permit terms are needed in order to prevent similar violations from occurring at the new facility. This is because the issued construction permit requires the source to perform emissions testing in accordance with the requirements of the NSPS regulations and to submit deviation reports. See, Special Conditions 17 and 35(a) respectively. Under applicable law, the facility must timely submit its FESOP application on CAAPP forms within 12 months of initial startup. See, 415 ILCS 5/39.5(5)(x). Under the issued construction permit, the failure of the source to timely submit the FESOP application, as well as to conduct successful emissions testing, would deny the applicant the ability to continue to operate the facility pending agency issuance of an operating permit. See, Special Condition 1(d) and (e).

8. Additional Considerations:

Increased emissions of PM (especially PM_{2.5}) and HAP-related emissions from a permitting project may present concerns to people residing in the vicinity of a project's planned location, particularly where there are other industrial sources located nearby. PM_{2.5} is often a pollutant of concern in communities that border areas of industrial or manufacturing activity because of the adverse effects that smaller-sized particles of PM may pose to the environment or to human health.

For this project, there are increases in permitted annual emissions of PM emissions with the project of 7.86 tpy and 3.31 tpy for PM₁₀/PM_{2.5}. The air quality modeling analysis confirmed that maximum modeled concentrations of PM_{2.5}/PM₁₀ attributable to the facility, together with background concentrations from monitoring stations and nearby emission sources, would not exceed the NAAQS for PM's components at their respective averaging periods.

HAP-related emissions from a construction project may also pose public concerns due to their individual or collective impacts. The Air Toxics Analysis performed by the Modeling Unit does not reveal concerns regarding HAPs that would be attributable to the proposed project. Two potential pollutants of concern, Arsenic and Ethylbenzene, were modeled by RPM's consultant and audited by the Modeling Unit. Modeled concentrations of both pollutants were found to be significantly below their respective reference concentrations. The issued permit contains a permit restriction common to minor source permits, as shown in Special Condition 16, limiting the project's potential to emit to less than 10 tpy for any single HAP and 25 tpy for any combination of total HAPs, assuring

that the source avoids major source status under the requirements of Section 112(g) of the Clean Air Act.

9. *Evaluation of Title VI Criteria for Disparate Impact Discrimination:*

As described by the Overview and Implementation webpage for the *General III* IRA, the criteria for evaluating whether agency action is responsible for disparate impact discrimination is 1) identifying the policy or practice at issue, 2) a showing of adversity/harm, 3) a showing of disparity and 4) a showing of causation. Although this examination can be complicated, the operative criterion in most cases involving the permitting of air pollution sources is adversity/harm. The Illinois EPA's analysis in this review document examines the issue of alleged adversity/harm by assessing whether circumstances would support an enforcement action brought under existing environmental laws and regulations.

a. Substantive Standards

The issued construction permit will increase annual permitted emissions of several pollutants. Based on the air quality modeling analysis, the increased emissions for the pollutants of concern associated with the project (NO₂, PM_{2.5}/PM₁₀), will not violate the NAAQS. The air toxics analysis demonstrated that two potential pollutants of concern would not exceed their respective reference benchmarks. As noted above, the construction permit will limit emissions from relevant emission units and processes to ensure that the source remains a minor source (nonmajor for purposes of air permitting programs). Nothing presented in the permit review indicates that the proposed project would cause a violation of air emission standards addressed by the Act, the PCB's Subtitle C (Air Pollution) regulations, or applicable federal regulations adopted by USEPA and enforceable by the Illinois EPA under state law.

b. Narrative Standards

The Illinois EPA has no information that demonstrates a violation of a narrative standard of air pollution based on possible health impacts.

c. Nuisance-Based Standards

There is no history of odor complaints or nuisance believed to be associated with the proposed facility, such that a claim of statutory or common law nuisance could be demonstrated.