

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:	)	
	)	
AMENDMENTS TO 35 ILL. ADM. CODE	)	R22- 17
PART 203: MAJOR STATIONARY SOURCES	)	(Rulemaking – Air)
CONSTRUCTION AND MODIFICATION,	)	
35 ILL. ADM. CODE PART 204: PREVENTION	)	
OF SIGNIFICANT DETERIORATION, AND	)	
PART 232: TOXIC AIR CONTAMINANTS	)	

**NOTICE OF FILING**

TO: Don A. Brown	Mr. Daniel Pauley
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
<a href="mailto:Don.Brown@illinois.gov">Don.Brown@illinois.gov</a>	<a href="mailto:Daniel.Pauley@illinois.gov">Daniel.Pauley@illinois.gov</a>

**(See Persons on Attached Service List)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board, **POST-HEARING COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

Dated: February 24, 2022

By:           /s/ Melissa S. Brown            
One of Its Attorneys

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PART 232: TOXIC AIR CONTAMINANTS )

**POST-HEARING COMMENT OF THE  
ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

The ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, hereby submits its Post-Hearing Comment.

**Emissions Inventory**

At the hearing held on February 17, 2022, the Illinois Pollution Control Board (“Board”) asked IERG’s witness regarding the emissions inventory referenced in IERG’s Pre-filed Answer to Questions 14(a) and (b) of the Board’s Pre-Filed Questions. Specifically, the Board asked whether the referenced emissions inventory was in the record in this proceeding and, if not, if IERG could place the inventory in the record. IERG responded that the inventory was not in the record and that IERG would follow-up in post-hearing comments.

The emissions inventory referenced in IERG’s Pre-filed Answer is the United States Environmental Protection Agency’s (“USEPA”) 2017 National Emissions Inventory (“NEI”) Database. The NEI Database contains air emissions information for criteria pollutants, criteria precursors, and hazardous air pollutants that is released every three years. According to USEPA, the NEI is based primarily upon data provided by State, Local and Tribal air agencies for sources in their jurisdictions and is then supplemented by data developed by USEPA. The NEI Database

is available on USEPA's website at <https://www.epa.gov/air-emissions-inventories/2017-national-emissions-inventory-nei-data>.

To clarify IERG's response at the hearing, the NEI Database website is referenced in the record in this proceeding. *See* Technical Support Document, Footnote 26. However, the inventory itself is not in the record. This is because the inventory database contains a very large amount of emissions data that could not easily be put into the record. Additionally, the inventory database contains interactive functions that could not be captured if printed and placed in the record. While it is not feasible to place the NEI Database into the record, the inventory is publicly available on USEPA's website as referenced above.

### **Incorporations By Reference**

Proposed Section 203.1000 concerns Incorporations by Reference and lists materials that are incorporated by reference in proposed Subparts I – R of Part 203. As stated in Section 203.1000, the listed materials incorporated by reference do not include any later amendments or editions. Most of the materials referenced in in Section 203.10000 are parts, sections, or appendices of the Code of Federal Regulations (“CFR”).

As of the date of filing IERG's proposal, the most recent editions of the CFR for the referenced parts, sections, and appendices were either 2019 or 2020. However, recently the 2021 editions were made available on the Government Publishing Office (“GPO”) website for most of the materials referenced. Therefore, IERG proposes to revise Section 203.1000 as follows:

#### **Section 203.1000      Incorporations by Reference**

The following materials are incorporated by reference. These incorporations by reference do not include any later amendments or editions.

- a)      40 CFR Part 51, Subpart I (~~2019~~2021)
- b)      40 CFR 51.1006(a)(3) (~~2019~~2021)

- c) 40 CFR 52.21 (~~2020~~2021)
- d) 40 CFR Part 51, Appendix S (~~2019~~2021)
- e) 40 CFR Part 51, Appendix W (~~2019~~2021)
- f) 40 CFR Part 60 (~~2020~~2021)
- g) 40 CFR Part 61 (~~2020~~2021)
- h) 40 CFR Part 62 (~~2020~~2021)
- i) 40 CFR Part 63 (~~2020~~2021)
- j) 40 CFR Part 81 (2020)
- k) *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

IERG reserves the right to supplement this post-hearing comment prior to the second hearing in this proceeding.

WHEREFORE, for the above and foregoing reasons, the Illinois Environmental Regulatory Group hereby respectfully submits its Post-Hearing Comment for the Illinois Pollution Control Board's consideration.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

Dated: February 24, 2022

By:           /s/ Melissa S. Brown            
          One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Melissa S. Brown, the undersigned, hereby certify that I have served the attached **POST-HEARING COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP** on February 24, 2022, to the following:

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Illinois Pollution Control Board  
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That my email address is: [Melissa.Brown@heplerbroom.com](mailto:Melissa.Brown@heplerbroom.com).

That the number of pages in the email transmission is 6 total pages.

That the email transmissions, depositing said documents in the United States Mail, and depositing said documents in a UPS drop box, as noted above, took place before 5:00 p.m. on the date of February 24, 2022.

/s/ Melissa S. Brown

Date: February 24, 2022