

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
 ) R2023-018(A)  
AMENDMENTS TO 35 ILL. ADM. CODE ) (Rulemaking – Air)  
PARTS 201, 202, AND 212 )

**NOTICE OF FILING**

TO: Mr. Don A. Brown,	Timothy Fox
Clerk of the Board	Chloe Salk
Illinois Pollution Control Board	Hearing Officers
100 West Randolph Street,	Illinois Pollution Control Board
Suite 11-500	60 East Van Buren Street, Suite 630
Chicago, Illinois 60601	Chicago, Illinois 60605

**(VIA ELECTRONIC MAIL)**

**(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, **ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S INITIAL RESPONSE TO ILLINOIS EPA'S COMMENT**, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP,

By: /s/ Melissa S. Brown

Dated: December 1, 2023

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R2023-018(A)

**CERTIFICATE OF SERVICE**

I, the undersigned, on oath state the following: That I have served the attached **INITIAL RESPONSE TO ILLINOIS EPA'S COMMENT**, via electronic mail upon:

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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.

That the email transmission took place before 5:00 p.m. on December 1, 2023.

Date: December 1, 2023

/s/ Melissa S. Brown  
Melissa S. Brown

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD****IN THE MATTER OF:****AMENDMENTS TO 35 ILL. ADM. CODE  
PARTS 201, 202, AND 212**)  
)  
)  
)  
)**R 23-18(A)  
(Rulemaking – Air)****IERG’S INITIAL RESPONSE TO ILLINOIS EPA’S COMMENT**

The ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, hereby submits to the Illinois Pollution Control Board (“Board”) its Initial Response to the Illinois Environmental Protection Agency’s (“Illinois EPA” or “Agency”) Comment in this sub-docket rulemaking.

On December 7, 2022, Illinois EPA proposed amendments to the startup, malfunction, and breakdown (“SMB”) regulations in PCB R 23-18, including removing SMB provisions in 35 Ill. Adm. Code Parts 201, 202, and 212. Illinois EPA Proposal, PCB R 23-18 (Dec. 7, 2022). On July 20, 2023, the Board adopted Illinois EPA’s proposal. Opinion and Order, PCB R 23-18 (July 20, 2023). IERG participated in PCB R 23-18, including opposing Illinois EPA’s proposal and proposing IERG’s own alternative emission limitation (“AEL”) proposals.

In this sub-docket rulemaking, on August 7, 2023, IERG submitted its Proposal for Regulations of General Applicability (“Proposal”), in support of amending 35 Ill. Adm. Code Part 216, Carbon Monoxide Emissions, specifically amending Section 216.103 (Definitions), Section 216.104 (Incorporations by Reference), and Section 216.121 (Fuel Combustion Emission Sources). IERG submitted its Proposal to amend the Board’s carbon monoxide (“CO”) standard applicable to fuel combustion emission sources in Part 216 as a result of the Board’s removal of the SMB provisions in Part 201 in PCB R 23-18. IERG proposes to amend Section 216.121 by incorporating by reference select provisions of the National Emission Standards for Hazardous Air

Pollutants (“NESHAP”) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters at 40 CFR Part 63, Subpart DDDDD. In promulgating NESHAP Subpart DDDDD, the United States Environmental Protection Agency (“USEPA”) recognized the unique and important operating conditions that fuel combustion emission sources must follow during startup and shutdown to ensure operations and minimize emissions.

IERG pre-filed testimony ahead of the First Hearing in this sub-docket, which was held on September 27, 2023. On October 23, 2023, Illinois EPA filed a comment. In the comment, Illinois EPA requested significant additional information from IERG. A Second Hearing was held on November 1, 2023. During the Second Hearing, the Hearing Officer set a deadline of December 1, 2023 for initial responses to Illinois EPA’s Comment. At the Second Hearing, IERG stated that it was unsure whether IERG would be submitting additional information in response to Illinois EPA’s Comment. Second Hearing Transcript, PCB R 23-18(A), 13:6-9 (Nov. 1, 2023).

IERG is an association comprised of 53 member companies. Since the Second Hearing, IERG has communicated with, and continues to communicate with, its various members impacted by its Proposal. IERG continues to discuss with its members what information is available, and what information Members may provide, in response to Illinois EPA’s Comment, including the potential to perform a modeling exercise(s). These discussions are ongoing. Based on initial discussions, IERG anticipates submitting any such information along with a comprehensive response to Illinois EPA’s Comment by January 31, 2024. IERG reserves the right to supplement its Response to Illinois EPA’s Comment.

WHEREFORE, for the above and foregoing reasons, the Illinois Environmental Regulatory Group hereby respectfully submits its Initial Response to the Illinois Environmental Protection Agency’s Comment.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

Dated: December 1, 2023

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

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