

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
AMENDMENTS TO 35 ILL. ADM. CODE)	R 23-18(A)
PARTS 201, 202, AND 212)	(Rulemaking – Air)

NOTICE OF FILING

TO: Mr. Don A. Brown,	Timothy Fox
Clerk of the Board	Chloe Salk
Illinois Pollution Control Board	Hearing Officers
60 East Van Buren Street, Ste 630	Illinois Pollution Control Board
Chicago, Illinois 60605	60 East Van Buren Street, Suite 630
	Chicago, Illinois 60605

(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, **AMERICAN PETROLEUM INSTITUTE'S AND CITGO PETROLEUM CORPORATION'S POST-HEARING COMMENT**, copies of which, are hereby served upon you.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE,
CITGO PETROLEUM CORPORATION,

By: /s/ Alec Messina
One of their Attorneys

Dated: May 13, 2024

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**AMERICAN PETROLEUM INSTITUTE’S AND CITGO PETROLEUM
CORPORATION’S POST-HEARING COMMENT**

The AMERICAN PETROLEUM INSTITUTE (“API”) and CITGO PETROLEUM CORPORATION (“CITGO”), by and through their undersigned attorney, hereby submit to the Illinois Pollution Control Board (“Board”) their Post-Hearing Comment.

On October 23, 2023, the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) filed a comment in this sub-docket rulemaking requesting that the Board solicit additional information from the rulemaking proponents. Illinois EPA’s Comments, P.C. #5, PCB R 23-18(A), at 27 (Oct. 23, 2023) (hereinafter “Illinois EPA’s Comment”). A Motion for Additional Hearing was filed by the Attorney General’s Office, requesting that a third hearing be scheduled in this matter to address any additional information that the rulemaking proponents may submit in response to Illinois EPA’s Comment. Motion for Additional Hearing, PCB R 23-18(A) (Oct. 26, 2023). The Board granted the motion on November 16, 2023. API filed its Initial Response to Illinois EPA’s Comment on December 1, 2023. API’s Initial Response to Illinois EPA’s Comment, P.C. #9 (Dec. 1, 2023). API submitted its Supplemental Response to the Illinois EPA’s Comment on March 15, 2024, which was submitted pursuant to the March 6, 2024 Notice of Hearing. API’s and CITGO’s Supplemental Response to Illinois EPA’s Comment, PCB R 23-18(A) (March 15, 2024).

On April 2, 2024, Illinois EPA filed its pre-filed testimony for the third hearing. Illinois EPA’s Testimony of Rory Davis, PCB R 23-18 (Apr. 2, 2024). In its pre-filed testimony, Illinois

EPA's witness, Rory Davis, explained that ExxonMobil Oil Corporation, Marathon Petroleum Company LP, and CITGO submitted additional information and data in response to Illinois EPA's Comment. *Id.* at 15-18. Mr. Davis also summarized the additional information and data that was submitted by the refineries. *Id.* Mr. Davis then stated, "[b]ased on the additional technical support and justification for the amendments that API has provided, the Agency does not object to adoption of the rule proposal as set forth in API's March 15, 2024, filing with the Board." *Id.* at 15.

On April 15, 2024, the Board held its Third Hearing in PCB R 23-18(A), which was requested by the Attorney General's office, for the purpose of allowing the participants to ask questions of any of the parties requesting relief as well as of the Illinois EPA. There were no questions filed or asked by the Board, the Attorney General's Office, or other participants directed to API or CITGO regarding API's Proposal. The only question directed to API and CITGO, which was directed to all participants, was the Board's pre-filed question concerning the recent D.C. Circuit Court of Appeals decision concerning the startup, shutdown, and malfunction ("SSM") State Implementation Plan ("SIP") Call.

At the third hearing, the witness for the Illinois EPA, Rory Davis, provided the Agency's responses to each of the questions pre-filed by the various participants. Testimony of Rory Davis, Third Hearing Transcript, PCB R 23-18(A) (April 15, 2024). With regard to questions pre-filed by API and CITGO directed to Illinois EPA, the Agency testified that it believes that API's Proposal meets the requirements for Alternative Emission Limitations ("AELs") to be approved by the United States Environmental Protection Agency ("USEPA"), and that while they have only had preliminary discussions with the USEPA, the Agency believes that the language will be approved by USEPA if it is adopted by the Board. Testimony of Rory Davis, Third Hearing Transcript, PCB R 23-18(A) at 21:14, 21:24, and 22:1-6 (April 15, 2024). As noted above, the Agency also iterated

this point in its Pre-Filed Testimony, stating that “the Agency does not object to the adoption of the rule proposal. . . .” Illinois EPA’s Testimony of Rory Davis, PCB R 23-18(A), at 15.

Thus, API and CITGO request that the Board move forward expeditiously with adopting API’s Proposal, as amended by the Board in its September 20, 2023 pre-filed questions and in API and CITGO’s Supplemental Response to Illinois EPA Comments. Hearing Officer Order, PCB R 23-18(A) (Sept. 20, 2023); API’s and CITGO’s Supplemental Response to Illinois EPA Comments, PCB R 23-18(A) (March 15, 2024). API proposes to revise 35 Ill. Admin. Code 216.361 by adding a new subsection (d), as follows:

- d) For the petroleum refinery facilities located in Channahon, Lemont, and Robinson, Illinois, despite subsections (a) through (c), during periods of startup and hot standby, petroleum catalytic cracking units must comply either with subsections (a) through (c) or the alternate non-numerical limitation for these operating modes in 40 CFR 63 Subpart UUU Tables 9, 10, 14, and 41 and 40 CFR 63.1565(a)(5), 40 CFR 63.1570(c) and (f), 40 CFR 63.1572(c) and 40 CFR 63.1576(a)(2) and (d), incorporated by reference in Section 216.104.

Additionally, API proposes to revise 35 Ill. Admin. Code 216.103 and 216.104 as follows:

Section 216.103 Definitions

The definitions contained in 35 Ill. Adm. Code 201 and 211 apply to this Part. The definitions for “catalytic cracking unit” and “hot standby” in 40 CFR 63.1579, incorporated by reference in Section 216.104, apply to Section 216.361(d). The definition of “startup” in 40 CFR 63.2, incorporated by reference in Section 216.104, applies to Section 216.361(d).

Section 216.104 Incorporations by Reference

The following materials are incorporated by reference: non-dispersive infrared method, 40 CFR 60, Appendix A, Method 10 (1982); 40 CFR Part 63, Subpart A (2022); 40 CFR Part 63, Subpart UUU (2022). This Section incorporates no later editions or amendments.

API and CITGO request that the Board adopt API’s Proposal as set forth above.

Furthermore, in response to the Board's pre-filed question, the D.C. Circuit Court's March 1, 2024 decision in *Environmental Committee of the Florida Electric Power Coordinating Group, Inc. v. EPA, et al.*, No. 15-1239, does not impact this sub-docket rulemaking. The Board already has finalized the amendments to Illinois' rules for startup, malfunction, and breakdown ("SMB") in PCB R 23-18. The D.C. Circuit Court's decision does not repeal the rule change that the Board adopted in PCB R 23-18. Regardless, in this separate subdocket rulemaking, petitioners are proposing AELs that are separate and distinct from the SMB language removed in PCB R 23-18. API's Proposal, to which the Agency has no objections, is necessary as it will allow the fluid catalytic cracking units to startup and go into hot standby in compliance with the Board's regulations. API and CITGO urge the Board to move forward with adopting API's Proposal.

WHEREFORE, for the above and foregoing reasons, the AMERICAN PETROLEUM INSTITUTE and CITGO PETROLEUM CORPORATION hereby respectfully submit their Post-Hearing Comment.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE
and CITGO PETROLEUM CORP.,

Dated: May 13, 2025

By: /s/ Alec Messina
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: That I have served the attached **AMERICAN PETROLEUM INSTITUTE'S AND CITGO PETROLEUM CORPORATION'S POST-HEARING COMMENT**, via electronic mail upon:

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That the number of pages in the email transmission is 7.

That the email transmission took place before 5:00 p.m. on May 13, 2024.

Date: May 13, 2024

/s/ Alec Messina
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