

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

JAN 09 2001

IN THE MATTER OF:

PROPOSED NEW 35 ILL. ADM. CODE 217,  
SUBPART U NOx CONTROL AND TRADING  
PROGRAM FOR SPECIFIED NOx GENERATING  
UNITS, SUBPART X, VOLUNTARY NOx EMISSIONS  
REDUCTION PROGRAM, AND AMENDMENTS TO  
35 ILL. ADM. CODE 211

) STATE OF ILLINOIS  
) Pollution Control Board  
)  
) R01-17  
) (Rulemaking-Air)  
)  
) *P.C.#2*  
)

**NOTICE OF FILING**

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

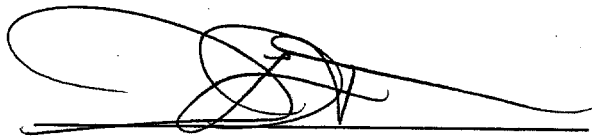
Bobb A. Beauchamp, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, IL 60601

**See Attached Service List**

PLEASE TAKE NOTICE that on behalf of the LTV STEEL COMPANY, I have  
filed with the Clerk of the Illinois Pollution Control Board **POST HEARING COMMENTS** of  
LTV Steel Company, copies of which are hereby served on you.

LTV STEEL COMPANY

By:



One of their Attorneys

Dated: January 9, 2001

ROSS & HARDIES  
David L. Rieser, Esq.  
Brian Marquez, Esq.  
150 North Michigan Ave.  
Chicago, Illinois 60601  
(312) 558-1000

***THIS FILING SUBMITTED ON RECYCLED PAPER***

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD CLERK'S OFFICE

JAN 09 2001

IN THE MATTER OF: )  
 )  
PROPOSED NEW 35 ILL. ADM. CODE 217, )  
SUBPART U NOx CONTROL AND TRADING )  
PROGRAM FOR SPECIFIED NOx GENERATING )  
UNITS, SUBPART X, VOLUNTARY NOx EMISSIONS )  
REDUCTION PROGRAM, AND AMENDMENTS TO )  
35 ILL. ADM. CODE 211 )

STATE OF ILLINOIS  
Pollution Control Board

R01-17  
(Rulemaking -Air)

**POST HEARING COMMENTS OF LTV STEEL COMPANY**

LTV Steel Company ("LTV Steel"), by and through its attorneys Ross & Hardies, files these post-hearing comments in the above rulemaking. LTV Steel appreciates the opportunity to testify in this proceeding and submits these comments to follow up on that testimony.

As Mr. Rich Zavoda testified (Exhibit 6), LTV Steel's Boiler Number 4B at its Chicago Coke Plant was inadvertently not included in the proposed Appendix E attached to Part 217, Subpart U. Boiler 4B has been a permitted source since 1975 and received its Title V permit on June 15, 2000. LTV Steel's air permit contains a New Source Performance Standard NOx emission limit of .20 lbs/mmbtu. It is essential that LTV Steel's Boiler 4B be included because Appendix E identifies the primary sources to which this rulemaking applies and permanently allocates NOx emissions to those sources. Sources not included in Appendix E would have to either opt in or receive allocations from the new source set aside. Boiler 4B plainly should have been included in Appendix E and should be treated similarly to the other sources which are already listed.

The failure to include Boiler 4B could have serious consequences. At worst, LTV Steel would not be able to use its boiler at full capacity which would threaten the operation of its Chicago

Coke Plant. More likely, LTV Steel would have to purchase allocations on the open market (assuming such are available) at an unknown cost. These additional costs would place LTV Steel at a severe economic disadvantage at a time when steel companies are already suffering through a serious economic downturn. It should be noted that LTV filed for Chapter 11 bankruptcy protection on December 29, 2000.

Immediately prior to and during the hearings, LTV Steel initiated discussions with the IEPA regarding this issue. As Ms. Kroak indicated in her testimony, these discussions have been useful. The IEPA agrees that LTV Steel should be included in Appendix E and has initiated discussions with the USEPA that indicates that this mistake can be corrected. Despite the issuance of a Title V permit, which specifically limited the NOX emissions, USEPA's inventory did not accurately reflect the size and capacity of this boiler. At this point, it appears that the IEPA may be able to obtain allocations to allow Boiler 4B to continue operations.

At the hearing, LTV Steel suggested, and the IEPA agreed, that this unit should be added to Appendix E with an appropriate footnote to suggest that the proposed allocations were subject to USEPA approval. Based on that testimony at the hearing, LTV Steel suggests the following be included in Appendix E:

LTV STEEL COMPANY  
031600AMC [UNIT DESIGNATION]      Boiler No 4    135<sup>1</sup>    131<sup>1</sup>

<sup>1</sup> Pursuant to Section 217.660(f), the Budget Allocation for LTV Steel Company is subject to approval and adjustment by the USEPA.


LTV Steel strongly urges the Board to amend Appendix E to add this language. LTV Steel should have been included in Appendix E originally and obtained a Title V permit for its facility, which specifically listed this boiler and limited its NOx emissions. LTV Steel was not included through sheer inadvertence and not from any determination that it should

not but be included in the budget allocations. This unit will be subject to these regulations and should be considered an Appendix E unit similar to those already included in the Appendix. The Agency agrees that this unit should be included. Further, since the allocations will be issued by USEPA and will not be taken from those issued to other units, the inclusion of LTV Steel will not prejudice the interests of any other company already included in Appendix E.

LTV Steel suggests the budget allocation of 135 tons based on its prefiled testimony (Exhibit 6) and its direct testimony at the second hearing (T. 49-54). Since that hearing, LTV Steel and the Agency have continued to discuss the appropriate number that should be included in Appendix E and have not yet arrived at an agreement. LTV Steel strongly suggests that the Board include a number in the table rather than an asterisk as proposed by the Agency, and urges the Board to adopt the number on which there was testimony at the hearing. Even after the record closes, LTV and the IEPA will continue to negotiate the appropriate budget value to be used and will present that agreed number to the USEPA.

For all these reasons, LTV Steel respectfully requests the Board to adopt this proposed language.

**LTV STEEL COMPANY**

By   
One of its Attorneys

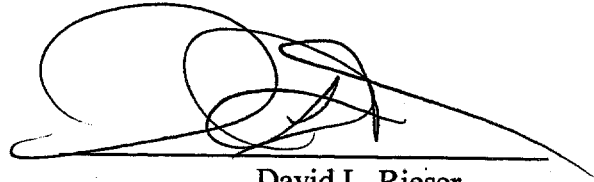
ROSS & HARDIES  
James T. Harrington  
David L. Rieser  
Charles W. Wesselhoft  
150 N. Michigan  
Chicago, IL 60601  
312/558-1000

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that copies of the foregoing **POST HEARING COMMENTS OF LTV STEEL COMPANY** were served on behalf of LTV Steel Company upon:

See: Attached Service List

on or before 5:00 p.m. on this 9<sup>TH</sup> day of January, 2001, by first class U.S. mail, postage prepaid.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

David L. Rieser

## SERVICE LIST

Karen L. Bernoteit  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, IL 62701

Shannon Fulton  
University of Illinois  
101 S. Gregory  
Urbana, IL 61801

Matthew Dunn  
Attorney General's Office.  
James R. Thompson Center  
100 West Randolph, 12<sup>th</sup> Floor  
Chicago, IL 60601

Scott Miller  
Kent Wanninger  
Midwest Generation EME LLC  
One Financial Place  
440 S. LaSalle Street, Suite 3500  
Chicago, IL 60605

Katherine D. Hodge  
Hodge & Dwyer  
3150 Roland Avenue  
P.O. Box 5776  
Springfield, IL 62705-5776

Scott Hanson  
Cinergy  
139 E. Fourth Street  
Room 2603 AT  
Cincinnati, OH 45202

Bryan Keyt  
Bell, Boyd & Lloyd  
70 W. Madison Street  
Suite 3300  
Chicago, IL 60602

Emily Flescher  
Clean Air Act Corporation  
2 Adams Street  
Suite 2  
Charlestown, MA 02129

Robert Lawley  
Chief Legal Counsel  
Illinois Department of Natural Resources  
425 South Second Street  
Springfield, IL 62701-1787

Lee Cunningham  
ADM  
4666 Faires Parkway  
Decatur, IL 62526

Brooke Peterson  
Illinois Environmental Regulatory Group  
215 East Adams Street  
Springfield, IL 62701

Joe Griffiths  
ENSR  
27755 Diehl Road  
Warrenville, IL 60555

Alec Messina  
Assistant Counsel  
Division of Legal Counsel  
Bureau of Air  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 6279409276

William Murray  
Office of Public Utilities  
800 East Monroe  
Springfield, IL 62757

Alan Jirik  
Corn Products  
6500 Archer Road  
Bedford Park, IL 60501

Amy Clyde  
Dynegy Midwest Generation, Inc.  
2828 N. Monore Street  
Decatur, IL 62526

Mary Schoen  
Enron Corp.  
P.O. Box 1188  
Houston, TX 77251

Gabriel M. Rodriguez  
Kevin B. Hynes  
Schiff Hardin & Waite  
6600 Sears Tower  
Chicago, IL 60606

Leonard R. Dupuis  
Dominion Generation  
5000 Dominion Blvd.  
Glen Allen, VA 23060

Steven C. Whitworth  
Ameren Services  
1901 Chouteau Avenue  
P.O. Box 66149 MC602  
St. Louis, MO 63166-6149