

ILLINOIS POLLUTION CONTROL BOARD  
June 5, 2003

IN THE MATTER OF: )  
)  
PETITION OF CENTRAL ILLINOIS LIGHT ) R02-21  
COMPANY (E.D. EDWARDS ) (Site-Specific  
GENERATING STATION) FOR A ) Rulemaking – Air  
SITE-SPECIFIC AIR REGULATION: )  
35 ILL. ADM. CODE 214.561 )

Adopted Rule. Final Notice.

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

This matter comes before the Board upon a proposal for site-specific rulemaking filed by Central Illinois Light Company (E.D. Edwards Generating Station) (CILCO) pursuant to Section 27 of the Illinois Environmental Protection Act (Act). 415 ILCS 5/27 (2000). CILCO operates the E.D. Edwards Generating Station (facility) located near Peoria in Peoria County. Specifically, CILCO requests a site-specific sulfur dioxide emissions limit for Boiler #2 at its facility. A hearing in this matter was held on October 11, 2002.

By today's action the Board adopts the proposed amendments. The rules adopted here are substantively unchanged from those adopted in the Board's first-notice and second-notice opinion and order. On April 17, 2003, the Board proposed the rulemaking for second notice. The Board directed that the rule be submitted to the Joint Committee on Administrative Rules (JCAR) for second-notice review. On May 13, 2003, JCAR issued a certification of no objection to the rule. The following opinion will explain the proposal background, summarize the procedural history, and discuss the economic reasonableness and technical feasibility of the rule.

**BACKGROUND**

CILCO's facility consists of three coal-fired boilers. CILCO received a variance from 35 Ill. Adm. Code 214.141 in a Board order issued on April 15, 1999. *See Central Illinois Light Company v. IEPA*, PCB 99-80 (Apr. 15, 1999). The variance is effective through July 31, 2003. Boilers 1 and 3 are subject to a sulfur dioxide emission limit under a site-specific rule at 35 Ill. Adm. Code 214.561. Boiler 2 is subject to sulfur dioxide (SO<sub>2</sub>) emissions limit under 35 Ill. Adm. Code 214.141.

CILCO seeks to make permanent the relief it was granted in PCB 99-80 by amending 35 Ill. Adm. Code 214.561 with respect to the requirements for the operation of Boiler 2. CILCO requests that the Board repeal the text of 35 Ill. Adm. Code 214.561 and replace it verbatim with text from the variance order of April 15, 1999. *See CILCO*, PCB 99-80 slip op. at 8-9. The Board has previously incorporated by reference the record of PCB 99-80.

Specifically, CILCO requests that Section 214.561 read as follows:

Sulfur dioxide emissions from Boiler Nos. 1, 2, and 3 at the Edwards Station may not exceed the limits listed below. CILCO must determine compliance with these limits on a daily basis using the sulfur dioxide methodology of the Phase II Acid Rain Program set forth in 40 C.F.R. Part 75.

- a. The average sulfur dioxide emissions from Boiler Nos. 1, 2, and 3, as a group may not exceed 4.71 pounds per million British thermal units (lb/mmBtu) of actual heat input;
- b. The average sulfur dioxide emissions from any one boiler may not exceed 6.6 lb/mmBtu of actual heat input; and
- c. Sulfur dioxide emissions for all three boilers, as a group, may not exceed 34,613 pounds per hour, on a 24-hour average basis.

### **PROCEDURAL HISTORY**

On February 28, 2002, CILCO filed a petition for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) 415 ILCS 5/28.1 (2000). On March 21, 2002, the Board issued an order reserving judgment on the acceptance of this case until CILCO addressed whether or not the relief requested by CILCO is contrary to the Act and the Administrative Procedures Act, (5 ILCS 100/1-1 *et seq.* (2002)) in that CILCO is requesting the amendment of a rule in an adjusted standard proceeding.

On April 26, 2002, CILCO filed a motion to file an amended pleading and a proposal for site-specific rulemaking. In the motion, CILCO requests that the Board accept the proposal for site-specific rulemaking as an amendment to the February 28, 2002 filing. CILCO represents that the Illinois Environmental Protection Agency (Agency) was apprised of the motion and had no objection.

On May 2, 2002, the Board closed the docket in AS 02-4 and opened regulatory docket R02-21. The Board found that the proposal for rulemaking met the requirements of 35 Ill. Adm. Code 102.210 and accepted it for hearing.

A hearing in this matter was held on October 11, 2002, at 202 N.E. Madison in Peoria. Both CILCO and the Agency appeared and presented testimony at the hearing. The testimony offered by the parties was summarized in the Board's January 23, 2003 first-notice opinion and order. No members of the public attended the hearing. The only public comment after the hearing was filed by CILCO.

In its first-notice opinion and order, the Board found that adoption of CILCO's proposed site-specific rule for the purposes of first notice was warranted. The Board found that CILCO presented information indicating that compliance with 35 Ill. Adm. Code 214.141 is not economically reasonable or technically feasible. The Board further found that CILCO presented evidence regarding the nature of existing air quality and consistency with federal regulations.

The first-notice publication of the rules appeared in *27 Illinois Register 2578* (February 14, 2003). No public comments were received during the 45-day first notice period. The Joint Committee on Administrative Review (JCAR) filed non-substantive comments addressing grammar and format changes.

In its second-notice opinion and order issued on April 17, 2003, the Board found that adoption of CILCO's proposed site-specific rule was warranted, and proposed the rulemaking for second-notice review by the JCAR. The Board incorporated the non-substantive first-notice changes suggested by JCAR into the proposal.

JCAR considered the second-notice proposal at its May 13, 2003 meeting and determined that no objection would be made. JCAR suggested two non-substantive changes, and issued a formal certification of no objection to the proposed rulemaking on May 13, 2003.

The second-notice period commenced on April 21, 2003, and ended on June 4, 2003. Other than the non-substantive comments suggested by JCAR, the Board received no comments during the second-notice period.

### **DISCUSSION**

At first notice, the Board found that compliance with 35 Ill. Adm. Code 214.141 was not economically reasonable or technically feasible. To date, the Board has received no additional comments discussing economic reasonableness and technical feasibility of the proposed rule. As discussed in the second-notice order, the Board requested that the Department of Commerce and Community Affairs (DCCA) conduct an economic impact study on the proposed rule. The request letter referenced a letter, dated March 10, 2000, from DCCA. The March 10, 2000 letter informed the Board that DCCA would not be doing economic impact studies. At the October 11, 2002 hearing the Board made available copies of the DCCA letter and the Board's March 12, 2002 letter. The Board received no comments on the letter.

As noted, the Board did receive two non-substantive comments from JCAR. The Board has incorporated the suggested changes into the adopted proposal.

### **CONCLUSION**

Based on the record before it, the Board finds that adoption of CILCO's proposed site-specific rule is warranted.

### **ORDER**

The Board directs the Clerk to file the following adopted rule with the Secretary of State for publication in the *Illinois Register* for final notice and adoption in the *Illinois Administrative Code*.

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

PART 214  
SULFUR LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section	
214.100	Scope and Organization
214.101	Measurement Methods
214.102	Abbreviations and Units
214.103	Definitions
214.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
214.120	Scope
214.121	Large Sources
214.122	Small Sources

SUBPART C: EXISTING SOLID FUEL COMBUSTION EMISSION SOURCES

Section	
214.140	Scope
214.141	Sources Located in Metropolitan Areas
214.142	Small Sources Located Outside Metropolitan Areas
214.143	Large Sources Located Outside Metropolitan Areas

SUBPART D: EXISTING LIQUID OR MIXED FUEL COMBUSTION EMISSION SOURCES

Section	
214.161	Liquid Fuel Burned Exclusively
214.162	Combination of Fuels

SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN AREAS

Section	
214.181	Dispersion Enhancement Techniques
214.182	Prohibition
214.183	General Formula
214.184	Special Formula

- 214.185 Alternative Emission Rate
- 214.186 New Operating Permits

#### SUBPART F: ALTERNATIVE STANDARDS FOR SOURCES INSIDE METROPOLITAN AREAS

- Section
- 214.201 Alternative Standards for Sources in Metropolitan Areas
- 214.202 Dispersion Enhancement Techniques

#### SUBPART K: PROCESS EMISSION SOURCES

- Section
- 214.300 Scope
- 214.301 General Limitation
- 214.302 Exception for Air Pollution Control Equipment
- 214.303 Use of Sulfuric Acid
- 214.304 Fuel Burning Process Emission Source

#### SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

- Section
- 214.380 Scope
- 214.381 Sulfuric Acid Manufacturing
- 214.382 Petroleum and Petrochemical Processes
- 214.383 Chemical Manufacturing
- 214.384 Sulfate and Sulfite Manufacturing

#### SUBPART P: STONE, CLAY, GLASS AND CONCRETE PRODUCTS

- Section
- 214.400 Scope
- 214.401 Glass Melting and Heat Treating
- 214.402 Lime Kilns

#### SUBPART Q: PRIMARY AND SECONDARY METAL MANUFACTURING

- Section
- 214.420 Scope
- 214.421 Combination of Fuels at Steel Mills in Metropolitan Areas
- 214.422 Secondary Lead Smelting in Metropolitan Areas
- 214.423 Slab Reheat Furnaces in St. Louis Area

## SUBPART V: ELECTRIC POWER PLANTS

Section  
214.521 Winnetka Power Plant

## SUBPART X: UTILITIES

Section  
214.560 Scope  
214.561 E. D. Edwards Electric Generating Station  
214.562 Coffeen Generating Station

Appendix A Rule into Section Table  
Appendix B Section into Rule Table  
Appendix C Method used to Determine Average Actual Stack Height and Effective Height of Effluent Release  
Appendix D Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (~~Ill. Rev. Stat. 1989, ch. 111-1/2, pars. 1010 and 1027~~)-[415 ILCS 5/10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg. 1892, effective February 17, 1981; amended in R77-15, 44 PCB 267, at 6 Ill. Reg. 2146, effective January 28, 1982; amended and renumbered in R80-22(A), at 7 Ill. Reg. 4219, effective March 28, 1983; codified 7 Ill. Reg. 13597; amended in R80-22(B), at 8 Ill. Reg. 6172, effective April 24, 1984; amended in R84-28, at 10 Ill. Reg. 9806, effective May 20, 1986; amended in R86-31, at 12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-30, at 12 Ill. Reg. 20778, effective December 5, 1988; amended in R87-31 at 15 Ill. Reg. 1017, effective January 15, 1991; amended in R02-21 at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART X: UTILITIES

Section 214.561 E. D. Edwards Electric Generating Station

Sulfur dioxide emissions from Boiler Nos. 1, 2, and 3 at the Edwards Station may not exceed the limits listed below in this Section. CILCO must determine compliance with these limits on a daily basis using the sulfur dioxide methodology of the Phase II Acid Rain Program set forth in 40 C.F.R. Part 75.

- a) The average sulfur dioxide emissions from Boiler Nos. 1, 2, and 3, as a group may not exceed 4.71 pounds per million British thermal units (lb/mmBtu) of actual heat input;

- b) The average sulfur dioxide emissions from any one boiler may not exceed 6.6 lb/mmBtu of actual heat input; and
- c) Sulfur dioxide emissions for all three boilers, as a group, may not exceed 34,613 pounds per hour, on a 24-hour average basis.

~~Units 1 and 3 at the E. D. Edwards Electric Generating Station shall not exceed 6.6 pounds of sulfur dioxide per mmBtu of actual heat input (2,838 nanograms per joule). Aggregate emissions from the E. D. Edwards Electric Generating Station on a 24-hour average basis shall not exceed 34,613 pounds of sulfur dioxide per hour.~~

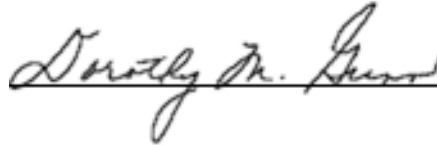
~~(Source: Added at 10 Ill. Reg. 9806, effective May 20, 1986)~~

(Source: Amended at \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

Board Member M.E. Tristano abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 5, 2003, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board