

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. ) PCB 15-21  
CODE PART 214, SULFUR ) (Rulemaking -Air)  
LIMITATIONS, PART 217, NITROGEN )  
OXIDES EMISSIONS, AND PART 225, )  
CONTROL OF EMISSIONS FROM )  
LARGE COMBUSTION SOURCES )

**NOTICE OF FILING**

TO: Mr. John T. Therriault Mr. Daniel Robertson  
Assistant Clerk of the Board Hearing Officer  
Illinois Pollution Control Board Illinois Pollution Control Board  
100 W. Randolph Street 100 W. Randolph Street  
Suite 11-500 Suite 11-500  
Chicago, Illinois 60601 Chicago, Illinois 60601  
(VIA ELECTRONIC MAIL) (VIA U.S. 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 **PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**, a copy of which is herewith served upon you.

Respectfully submitted,

Dated: June 26, 2015

By: /s/ Abby L. Allgire  
Abby L. Allgire

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO ) R15-21  
SULFUR LIMITATIONS, NITROGEN ) (Rulemaking – Air)  
OXIDES EMISSIONS, AND CONTROL )  
OF EMISSIONS FROM LARGE )  
COMBUSTION SOURCES )  
(35 ILL. ADM CODE PART 214, 217, 225))

**PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorney, Abby L. Allgire, and pursuant to the Hearing Officer Order dated May 7, 2015, submits the following Pre-Filed Questions for the Illinois Environmental Protection Agency (“Agency”) for presentation at the July 8, 2015, hearing scheduled in the above-referenced matter:

1. The Agency states on Page 6 of its Technical Support Document that it “...recommended to the USEPA that five sub-county areas be designated as nonattainment...” for the 2010 sulfur dioxide standard. The USEPA ultimately designated three of the recommended areas as nonattainment by combining two of the areas into the Lemont nonattainment area and adding an additional township to the Agency’s recommendation for what is now the Pekin nonattainment area. (78 Fed Reg 47191 August 5, 2013)
  - a) What were the two areas recommended for nonattainment that the USEPA did not designate?
  - b) Do you know the reason that USEPA did not follow the Agency’s recommendation for these other two areas?

- c) Had the monitoring data for the LaSalle County and Madison County areas been recording violations of the sulfur dioxide standard for periods of time prior to 2008-2010?
  - d) Have these areas violated the sulfur dioxide standard since the 2009-2011 time period?
  - e) Do you know or do you have an opinion as to why these areas no longer violate the standard according to the air monitoring data?
  - f) Do the latest monitored readings in the Lemont and Pekin nonattainment areas continue to show violations of the sulfur dioxide standard?
  - g) When does the Agency expect that it can, or will, request the Lemont area be designated as attaining the standard?
  - h) Have sulfur dioxide emissions been decreasing significantly since 2010, the year the current sulfur dioxide standard was adopted?
2. In Section 3.1 of the Technical Support Document on Page 13, Emission Reductions from Liquid Fuel Standard, Table 1 is characterized as showing the annual allowable emissions for point and area sources in Illinois. However, the heading for the allowable emissions in Table 1 seems to indicate that the listed emissions are for point sources only.
- a) Do the emissions shown in Table 1 include those from area sources as well as point sources or just point sources as indicated in the Table titled Illinois EPA 2011 Fuel Oil SO<sub>2</sub> Emissions?
  - b) Does the Agency have a breakdown similar to Table 1 for actual emissions of sulfur dioxide from liquid fuels?

3. In Section 4.2 of the Technical Support Document on Page 19, Feasibility of Proposed Liquid Fuels Standards, the Agency states that its analysis of its proposed rule shows it to be feasible because the majority of commercial and industrial sources are currently using fuels that are compliant with the proposed amendments. Table 5 in that Section on Page 20 is taken from the Energy Information Administration and indicates that a considerable amount of the fuel oil sales in Illinois in 2013 were for low sulfur diesel (500ppm) and ultra low sulfur diesel (15ppm).
  - a) Does the feasibility determination made by the Agency also suggest that the allowable emissions shown in Table 1 likely greatly exceed the actual emissions that are now being experienced or would be experienced if affected entities were using liquid fuels at sulfur levels allowed by the current emission limits for liquid fuels?
  - b) Do you expect that the actual emission reductions from the proposed liquid fuels rule will be much less than would be the case if affected entities were using liquid fuels at sulfur levels allowed by the current emission limits for liquid fuels?
  - c) Have you identified the specific emission sources that will be subject to the proposed liquid fuels rule to determine how they will be affected by the proposed rule?
4. The proposed liquid fuel rule requires affected entities to be using compliant fuel by January 1, 2017 if they are not covered by an exemption.

- a) Does the Agency expect affected sources to know for certain the sulfur content of existing fuel in all tanks?
  - b) What does the Agency expect affected sources to do in order to ensure all tanks are at the proposed fuel level limit?
5. In its Statement of Reasons on Pages 1 and 2, the Agency acknowledges that it is applying the proposed liquid fuel rule to areas not impacting the nonattainment area to aid in future attainment planning efforts and avoid a piecemeal approach as additional areas are designated nonattainment. A more cost effective and potentially environmentally beneficial approach might be to allow affected entities in those areas to purchase compliant fuel by January 1, 2016 but not require that only compliant fuel be burned after January 1, 2017. Has the Agency considered such an approach, and if so, why did it choose the approach proposed instead?
6. In Section 214.121(b)(2)(C)(i), the proposed rule requires that records be maintained demonstrating that the fuel oil being used complies with the applicable requirements and includes a statement that these records include "...records from the fuel supplier indicating the sulfur content of the fuel oil and the method used to determine the sulfur content." Has the Agency enumerated all of the various methods that would be acceptable for demonstrating that the fuel oil complies with applicable requirements?
7. Regarding the Agency's proposed changes to the 214.301 General Limitation Rule, it is stated in Page 23 of the State of Reasons that "This revision is not

intended to change existing requirements related to this limitation, but rather codify the Agency's longstanding interpretation of such requirements."

- a) How long has this section been a part of the Board rules?
  - b) What has been the method for determining compliance with this rule?
8. The Agency's proposal specifies that the 214.301 emission limit is to be averaged over a one-hour period. Can compliance with the standard be determined by averaging three nominally one-hour tests using the stack test procedure that has been historically used?
9. In its proposal, the Agency is also adding continuous emission monitors ("CEMs") as a sulfur dioxide measurement method.
- a) Does the Agency intend this proposal to require affected units to install CEMs where they are not already required by law, regulation, or permit?
  - b) Will three hour averages be used to maintain consistency with the historical method for determining compliance?
  - c) If not, would this be considered a change in the stringency of the rule since stack tests were the only basis for determining compliance previously?
10. Under the modeling guidance cited in the Agency's Technical Support Document on Page 25 (USEPA, 2014), USEPA discusses methods for adjusting the modeled emission rates for averaging times longer than one hour. Footnote 13 on Page 25 of that document states, "Stack tests generally involve three runs of approximately 1 hour each. Although stack tests therefore implicitly provide approximately 3-

hour average results, the EPA does not expect any adjustments for limits for which compliance is determined by stack tests.”

- a) Are you familiar with this?
  - b) Has the Agency considered specifying that compliance with 214.301 would be by stack test, as is currently the case, and simply use the continuous emission monitor to determine when a stack test should be run?
11. The 214.301 rule was promulgated and the level of 2000ppm standard set for existing Illinois sulfuric acid plants. (See page 4-335 of Board Opinion and Order of April 13, 1972 in 1971-023).
- a) Has the Agency identified the emission sources that are subject to this rule?
  - b) Have you evaluated whether emission units subject to this rule are also subject to more stringent Federal or State rules?
  - c) How has the SIP demonstration/modeling incorporated the fact that some of the units subject to the 2000ppm rule are also subject to the more stringent NSPS for flares?
  - d) If the SIP demonstration/modeling will be based on a more stringent standard, what is the point of the 2000ppm standard?
  - e) Should this rule only apply to process emission units for which no other Federal or State sulfur dioxide emission limit applies?
  - f) Has the Agency considered whether this rule is obsolete?

IERG reserves the right to supplement these questions.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
REGULATORY GROUP

Dated: June 26, 2015

By: /s/ Abby L. Allgire  
Abby L. Allgire

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**CERTIFICATE OF SERVICE**

I, Abby L. Allgire, the undersigned, hereby certify that I have served the **PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP** upon:

Mr. John T. Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
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via electronic mail on June 26, 2015; and upon:

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