

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR) R17-009
BOILERS:) (Rulemaking - Air)
AMENDMENTS TO: 35 ILL. ADM.)
CODE PARTS 201 and 211)

NOTICE

TO:

John Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Pollution Control Board the Testimony of Rory Davis of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rachel L. Doctors
Assistant Counsel

DATED: October 12, 2016
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR) **R17-009**
BOILERS:) **(Rulemaking - Air)**
AMENDMENTS TO: 35 ILL. ADM.)
CODE PARTS 201 and 211)

TESTIMONY OF RORY DAVIS

My name is Rory Davis. I am an Environmental Protection Engineer in the Air Quality Planning Section, Air Pollution Control Division of the Illinois Environmental Protection Agency's ("Illinois EPA" or "Agency") Bureau of Air. I have been employed by the Agency in the Air Quality Planning Section for eleven years. I have a Bachelor of Science degree in Computational Physics as well as a Bachelor of Science degree in Mathematics from Illinois State University. I also have a Masters degree in Engineering from the University of Illinois at Chicago. My graduate studies consisted of an interdisciplinary program involving coursework from the Chemical Engineering and Mechanical Engineering fields with a concentration on Environmental Engineering. I am also a licensed Professional Engineer in Illinois. In my current position, my duties include providing technical support for regulatory proposals. I will be providing testimony regarding the proposed regulation to allow owners or operators to construct certain categories of emission units pursuant to permit by rule ("PBR").

Proposed Regulation for Permit by Rule for Natural Gas Boilers

Illinois EPA is proposing amendments to 35 Ill. Adm. Code Part 201 and 211, and two new subparts, M and N, to Part 201. These amendments taken together will allow large Illinois sources to construct boilers with a heat input capacity of 100 million British

thermal units per hour (“mmBtu/hr”) or less that primarily burn pipeline natural gas, butane, propane, or refinery fuel gas (“gas-fired boiler”). The new Part 201 Subpart M provides general provisions for PBR for unit types that may be eligible. The new Part 201 Subpart N contains PBR requirements for gas-fired boilers that are similar to what would be found in a construction permit for the unit type. Amendments to Part 211 consist of adding a single definition for “Pipeline Natural Gas.”

The proposed PBR regulations will streamline the permitting process for eligible units and would benefit the regulated sources and the Agency. Regulated sources will be able to construct gas-fired boilers with less delay, and administrative burden may be reduced for sources and the Agency.

The proposed rulemaking has been composed in a way that eliminates the potential for any environmental impact beyond what would be expected if a source applied for a construction permit under the current permit regulations. Only sources operating under a Clean Air Act Permit Program (“CAAPP”) permit will be eligible to construct an eligible unit under PBR. The owner or operator of the source will then be required to submit a complete application for a minor modification to their CAAPP operating permit before being authorized to operate the unit. The gas-fired boilers that will be eligible for a PBR in the proposed amendments are quite common and have relatively consistent emission characteristics. Additionally, the proposed regulations limit the heat input capacity of the gas-fired boilers and their emission rate of nitrogen oxides (“NOx”) to ensure that emissions from the subject unit will not exceed the significant emissions threshold for New Source Review for any criteria pollutant. The limitations for NOx emissions require a PBR boiler to be equipped with low-NOx

burners that meet a NO_x emission rate of no greater than 0.05 lb/mmBtu. A detailed discussion of the maximum potential emissions of each pollutant from eligible boilers is included in Section 4 of the Technical Support Document that was filed in support of the rulemaking.

Nothing in the proposed amendments will prevent a source from using the current conventional permitting processes to construct or operate a unit of the type that is eligible for PBR, if the source so chooses.

Because the proposed amendments will need to be submitted to the United States Environmental Protection Agency (“USEPA”) as a revision to Illinois’ State Implementation Plan (“SIP”), Illinois EPA has been in communication with USEPA throughout the process of drafting the proposed amendments. As a result of this consultation with USEPA, and the fact that similar regulations are currently in use other states, Illinois EPA expects the proposed amendments to be approved as a SIP revision.

Conclusion

The Agency’s regulatory proposal is technically feasible and economically beneficial to regulated sources and the Agency, and the proposal will result in negligible environmental impact. The technical feasibility of the proposed amendments is not an issue in this rulemaking because the current conventional permitting processes remain available to the sources. The proposed amendments may be economically beneficial to regulated sources and the Agency by reducing delays prior to commencing construction of subject units and by reducing administrative burden.

I have been involved with the drafting of the proposed amendments as well as the Technical Support Document for the rulemaking. I would be happy to answer any additional questions the Board or other interested parties may have, either at the public hearings for this rulemaking, or in written responses subsequent to the hearings.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR) R17-009
BOILERS:) (Rulemaking - Air)
AMENDMENTS TO: 35 ILL. ADM.)
CODE PARTS 201 and 211)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attach Testimony of Rory Davis upon the following person(s) by emailing it to the email address(es) indicated below:

Jason James
Illinois Pollution Control Board
Jason.James@illinois.gov

I affirm that my e-mail address is rachel.doctors@illinois.gov; the number of pages in the e-mail transmission is 7; and the e-mail transmission took place today before 5:00 p.m.

I also affirm that I am mailing the attached Testimony of Rory Davis by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Rachel L. Doctors
Assistant Counsel

DATED: October 12, 2016

1021 North Grand Avenue East
Springfield, Illinois 62794-9276
(217) 782-5544
217.782.9143 (TDD)

Service List R17-009

Matthew Dunn, Chief
Environmental Enforcement/Asbestos
Litigation Division
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

Office of Legal Services
Illinois Dept. of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

Antonette R. Palumbo
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, IL 62701

Electronic Filing - Received, Clerk's Office : 10/12/2016