

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

NOTICE OF FILING

TO: Mr. Don A. Brown,	Timothy Fox
Clerk of the Board	Chloe Salk
Illinois Pollution Control Board	Hearing Officers
100 West Randolph Street,	Illinois Pollution Control Board
Suite 11-500	60 East Van Buren Street, Suite 630
Chicago, Illinois 60601	Chicago, Illinois 60605

(VIA ELECTRONIC 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, COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

Dated: December 30, 2022

By: /s/ Melissa S. Brown

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
Melissa.Brown@heplerbroom.com
(217) 528-3674

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP

NOW COMES the Illinois Environmental Regulatory Group (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, and submits the following comment for the Illinois Pollution Control Board’s (“Board”) consideration in the above-referenced proceeding.

On December 7, 2022, the Illinois Environmental Protection Agency (“Illinois EPA”) filed with the Board a Proposal for Regulations. Illinois EPA proposes to amend 35 Ill. Adm. Code Parts 201, 202, and 212 to remove provisions relating to startup, malfunction, and breakdown (“SMB”). Particularly, Illinois EPA proposes to remove all provisions “that allow sources to request, and the Illinois EPA to grant, advance permission to continue operating during a malfunction, or to violate emission limitations during startup.” Statement of Reasons at 1. Illinois EPA filed its proposal under the Fast Track rulemaking procedures in Section 28.5 of the Illinois Environmental Protection Act. 415 ILCS 5/28.5.

IERG strongly opposes Illinois EPA’s proposal to remove the startup and malfunction/breakdown (“SMB”) provisions without adding new language to the Board’s air rules that provide for alternative limits and/or work practice standards that apply during periods of SMB. The revised rules should also provide adequate time to take action to allow for ongoing continual compliance. The SMB provisions in Part 201 were first adopted by the Board in 1972. The Board acknowledged the impracticality of complying with generally applicable emission standards during periods of SMB. *See* Opinion and Order of the Board, *In the Matter of Emission Standards*, PCB R 71-23 at 9 (April 13, 1972) (“No machine works perfectly all the

time. Further, startup conditions may result in less than optimum emission control.”). When compliance is either technically infeasible or economically unreasonable, it is fundamentally unfair to hold sources to the same level of responsibility as during normal operating conditions. USEPA acknowledged in the 2015 startup, shutdown, and malfunction State Implementation Plan (“SIP”) Call the need for and guidance for developing alternative standards and suggests that the addition of alternatives should coincide with removal of the startup, shutdown, and malfunction relief provisions.

Although Illinois EPA explains in its Statement of Reasons that “if the proposed amendments are adopted, some sources in Illinois may desire to make changes to source configurations, operations and practices, or pollution control equipment to meet applicable emission limits at all times,” Illinois EPA’s proposal does not provide any time to take such actions. IERG agrees that removing the SMB provisions, without adding any alternative compliance method during periods of SMB, may require sources to take such actions. However, when those actions are technically infeasible or economically unreasonable, the only options left may include ceasing operations indefinitely or operating out of compliance.

IERG is hereby providing its comment submitted to Illinois EPA during the abbreviated pre-proposal stakeholder outreach period. *See Exhibit 1*. The comment provides further detail as to IERG’s concerns with Illinois EPA’s proposed amendments. As background, on November 17, 2022, Illinois EPA circulated the draft proposed amendments to stakeholders for review and comment prior to Illinois EPA filing a proposal with the Board. Illinois EPA set December 6, 2022 as the deadline for submittal of comments, denying IERG’s request to extend the comment period. The next day, on December 7, 2022, Illinois EPA filed its rulemaking proposal, which contained the proposed amendments that were unchanged from the amendments proposed in the stakeholder outreach period.

In addition to Illinois EPA's proposed amendments themselves, there are a number of issues raised in IERG's stakeholder outreach comment that remain unresolved and/or were not addressed in Illinois EPA's proposal filed with the Board. One of these outstanding issues includes IERG's request for Illinois EPA to provide a witness from the Permitting Section to testify and answer questions at the first hearing in this rulemaking. Many, if not all, of the sources affected by this rulemaking have SMB conditions in their air permits. A witness from the Permitting Section should be available at the first hearing to address how Illinois EPA will handle permits that contain SMB provisions if the Board adopts Illinois EPA's proposed amendments. Clarity is needed on the status and fate of permit conditions established under SMB authority after the effective date of the proposed rules, if adopted. In addition, the proposed revisions to Section 201.157 include new requirements for contents in operating permit applications for emission unit startups that the Permit Section will evaluate and address in future permit revisions and renewals. IERG has specific questions regarding the need and purpose of the proposed startup information. IERG renews its request to Illinois EPA to provide a witness from the Permitting Section at the first hearing.

Additionally, as noted in IERG's stakeholder outreach comment, IERG is also strongly opposed to the use of the Fast Track procedures in this rulemaking. Illinois EPA has had several years to correct the SIP deficiencies identified by USEPA in the 2015 SIP Call. Illinois EPA is now using the Fast Track procedure, a fast-moving, abbreviated process, when it has given stakeholders no indication as to Illinois EPA's proposed path forward prior to the stakeholder outreach on November 17. IERG believes that Illinois EPA's proposal will have significant, wide-ranging impacts if adopted and should be the subject of the typical robust Board rulemaking process. Further, Illinois EPA's proposal fails to meet the requirements in Section 28.5 of the Act as to what must be contained in a Fast Track rulemaking proposal. For example,

Illinois EPA's proposal does not summarize the economic and technical data that Illinois EPA relied upon in drafting the proposed amendments and does not describe the processes affected by the proposal, identification by classes of the entities expected to be affected, or a list of sources expected to be affected by the rule. *See* 35 Ill. Adm. Code 102.302(a)(6) and (8). The Fast Track procedures should not be used in this rulemaking.

IERG urges the Board not to move forward with Illinois EPA's proposed amendments. IERG is preparing further information for the Board's consideration on alternative limits and work practice standards that apply during periods of startup, malfunction, and breakdown as well as additional provisions to allow affected sources to maintain ongoing compliance.

IERG appreciates the Board's consideration of this comment. IERG reserves the right to file additional comments in this rulemaking.

Respectfully Submitted,

The Illinois Environmental
Regulatory Group

By: /s/ Melissa S. Brown

DATE: December 30, 2022

Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, IL 62711
Melissa.Brown@heplerbroom.com
(217) 528-3674

EXHIBIT 1



Illinois Environmental Regulatory Group
An Affiliate of the Illinois Chamber of Commerce

215 East Adams Street
Springfield, IL 62701
217-522-5512 (FAX -5518)
Email: iergstaff@ierg.org

December 6, 2022

Rory Davis
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

Re: Illinois EPA's Proposed Revisions to Parts 201, 202, 212, and 270 regarding Startup, Malfunction or Breakdown

Dear Mr. Davis:

On behalf of its members, the Illinois Environmental Regulatory Group ("IERG") thanks the Illinois Environmental Protection Agency ("Illinois EPA") for the opportunity to comment on Illinois EPA's proposed rule revisions to address startup, malfunction, or breakdown ("SMB") circulated to stakeholders on November 17, 2022. IERG is an Illinois non-profit corporation organized to promote and advance the interests of its members in matters involving environmental regulation. As IERG's members include sources that are subject to Illinois' SMB provisions, Illinois EPA's proposal will directly impact IERG members.

Illinois EPA's proposed revisions to 35 Ill. Adm. Code Parts 201, 202, 212, and 270 would seek to remove provisions that allow Illinois EPA to grant advance authorization to sources to continue operating with excess emissions during a malfunction or to violate emissions limitations or standards during startup. The members of IERG are opposed to Illinois EPA's proposed revisions and its approach in addressing SMB by removing such provisions without adding alternative language in its place to address compliance during SMB events.

The members of IERG are opposed to any statutory or regulatory change that would rely on the State's use of enforcement discretion as a replacement for the prima facie defense currently provided during periods of SMB. As described in more detail below, when compliance is either impossible or technically or economically infeasible, it is fundamentally unfair to hold sources to the same level of responsibility as during normal operating conditions. IERG is concerned that Illinois EPA's proposed approach to addressing SMB will leave sources with unavoidable noncompliance during SMB events; sources will then be forced to rely on the potential for Illinois EPA to utilize its "enforcement discretion." As discussed further below, use of enforcement discretion is inconsistent with the approach that the United States Environmental Protection Agency ("U.S. EPA") has elected to take with its own rules when amending them to replace SMB provisions. Further, Illinois EPA's utilization of enforcement discretion does not alleviate the possibility of federal, other state agency, or third-party citizen's litigation. Nor does enforcement discretion satisfy the mandates and high expectations for compliance that many of

Illinois' businesses hold themselves to. IERG encourages Illinois EPA to consider alternative options to satisfy both the concerns of U.S. EPA and IERG.

Background

The startup and malfunction/breakdown provisions in 35 Ill. Admin. Code §§ 201.261, 201.262, and 201.265, were originally promulgated by the Illinois Pollution Control Board ("Board") in April 1972.¹ U.S. EPA approved the startup and malfunction/breakdown provisions for incorporation into Illinois' SIP on May 31, 1972.² At the time of promulgation, these provisions were originally numbered as Rules 105(b), (c), and (f), respectively, and the language of the current provisions mirror that of the original rules. In the Board's Opinion discussing the regulatory intent behind the startup and malfunction/breakdown provisions, the Board stated:

Rule 105: Malfunctions, Breakdowns, and Startups. No machine works perfectly all the time. *Further, startup conditions may result in less than optimum emission control.* The policy of this Rule is that insofar as is practicable, efforts shall be made to reduce the incidence and duration of startups and excessive emissions during startup periods; and that, except in special cases, equipment whose pollution controls are out of order should not be operated, just as an automobile should not be operated when its brakes are out of commission. Clearly the latter principle cannot be absolute, for it may not be worth blacking out the entire Midwest to prevent emissions from a partly malfunctioning boiler precipitator. *We cannot resolve the myriad of individual variations in a single rule.* The Agency's admirable proposal, which we have adopted, places case-by-case discretion in the Agency under its permit powers, providing that if special conditions warrant permission to operate during a malfunction, or *if irreducible startup emissions will somewhat exceed the general standards*, [Illinois] EPA may grant permission for such emissions upon application and proof.³

As the Board's statements clearly indicate, Illinois' SMB provisions were promulgated to provide authority to Illinois EPA to use its discretion, upon a showing of adequate proof, to allow operation during SMB on a case-by-case basis. Illinois' provisions require that an owner/operator submit substantial information to Illinois EPA for review to determine whether the particular facility has met the rule's burden for a specific emission unit to be allowed to operate during startup or during a malfunction/breakdown in accordance with the U.S. EPA approved startup and malfunction/breakdown provisions. As noted in the Board's Order, Illinois EPA makes this determination on a case-by-case basis. Many, if not all, of the permits that include SMB provisions are also subject to U.S. EPA review and oversight. It is our understanding, per a prior conversation with Illinois EPA, that approximately 130 sources have SMB provisions in their operating permits for one or more pollutants concerning one or more emission units.

¹ See Opinion and Order of the Board, *In the Matter of: Emission Standards*, R71-23 (Ill.Pol.Control.Bd. Apr. 13, 1972).

² See 37 Fed. Reg. at 10862 (May 31, 1972).

³ Opinion and Order of the Board, R71-23 at 9 (emphasis added).

As evidenced in the 1972 Board decision quoted above, the SMB relief provisions were a foundational part of the development of the “general standards” (promulgated at the same time, see R71-23). As the name implies, these “general standards” did not attempt to fully address special SMB operating scenarios, i.e., “the myriad of individual variations.” Illinois EPA did not opine to evaluate “less than optimum emission control” (i.e., higher emissions) that can occur during startups. The SMB provisions in Subpart 1 of R71-23 laid the ground rules and basis for the “general standards” to be addressed in Subpart 2 of R71-23, acknowledging the incomplete consideration and evaluation of higher emissions during SMB periods and providing a mechanism to later address them in case-by-case permit review actions.

Compliance Issues During SMB Events

The principle recognized by the Board 50 years ago remains just as applicable today. Despite tremendous advances in pollution control technologies and air quality, there remain periods of time during SMB conditions where compliance with generally applicable regulatory standards is infeasible.

A common situation (one example of many) that illustrates the need for SMB compliance options is starting up a fuel gas combustion device, such as a boiler. When started from a cold condition, there is a period of time before the firebox temperature reaches the minimum level needed for full combustion of carbon monoxide (CO). Because the Office of State Fire Marshal (“OSFM”) requires periodic inspection of boilers this scenario will occur at every boiler with some degree of regularity. As discussed more below, when U.S. EPA adopted its National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters⁴ (“Boiler MACT”), it recognized this very concern by allowing for alternate work practice requirements during defined, non-steady-state operating periods (i.e., startup, shutdown, and hot standby) to be complied with in lieu of the steady-state CO standard.

Concerns with Enforcement Discretion

IERG has partnered with the Illinois EPA for decades to educate the regulated community on compliance obligations, and Illinois EPA has consistently taken the stance that compliance is important to Illinois EPA, and that violations will be vigorously pursued. To take a contrary stance, via reliance on enforcement discretion (whether explicitly stated or implied) sends conflicting messages about the importance of compliance. This is not to say that IERG does not support enforcement discretion in the general sense – Illinois EPA necessarily requires flexibility to oversee compliance as it deems appropriate and to allow sources to correct minor compliance issues; however, where those situations can be reasonably predicted and identified, IERG prefers that the State formally articulate what its expectations are and attempt to identify a path forward to make compliance possible.

U.S. EPA states repeatedly that the Clean Air Act does not allow a state’s decision to exercise discretion with regard to enforcement to tie the hands of itself or preclude third-party citizens’ suits. See, for example, the 2015 SIP Call: “SIPs may contain such provisions concerning the

⁴ 40 CFR 63 Subpart DDDDD.

exercise of discretion by the air agency's own personnel, but such provisions cannot bar enforcement by the EPA or by other parties through a citizen suit."⁵ Given that, an enforcement discretion policy does not provide any real liability relief to those facilities that have previously relied upon SMB permit conditions.

All IERG members take very seriously their environmental regulatory and permit compliance obligations. Many have gone so far as to adopt corporate policies at the executive and board levels to direct staff that oversee their facilities to operate in compliance with laws, regulations, and permits. The employees do not have discretion to knowingly disregard applicable emission standards, and in the case of impossible compliance scenarios as described above, are left with no feasible alternative.

Alternatives

IERG understands that Illinois EPA has discussed with U.S. EPA regarding approvable options to satisfy the SIP Call. IERG remains interested in working with Illinois EPA to address the SIP Call in a fashion that satisfies our mutual needs.

IERG has monitored and continues to monitor developments with other states that are subject to the SIP Call to see what changes they have made to their programs. An alternative option for providing a workable path forward that IERG has contemplated is amending each rule that contains a potentially problematic standard with language identifying the unit and control types and alternative requirements that apply in lieu of that standard during SMB conditions. While IERG understands that drafting this alternative approach would involve significant upfront effort, it would save Illinois EPA effort and time on the back end. Sources would be able to comply with the specific alternative requirements during SMB events. Illinois EPA would not have to put its efforts towards reviewing copious amounts of deviation reports, and then making decisions on, and potentially pursuing, enforcement. This alternative approach would allow sources to continue to operate during SMB events in compliance with their permits and applicable regulations.

IERG believes there is a potential for a workable path forward for SMB that could address both sources' and U.S. EPA's concerns. As mentioned above, when U.S. EPA adopted Boiler MACT (40 CFR 63, Subpart DDDDD), it allowed for alternate work practice requirements during startup, shutdown, and hot standby to be complied with in lieu of the CO standard. See, for example, Table 2 (table of emission limits that apply to existing boilers and heaters except during startup and shutdown) and Table 3 (includes work practice standards that apply during periods of startup and shutdown in lieu of the emission limits in Table 2) of 40 CFR Subpart DDDDD. Additionally, the federal regulations for catalytic cracking units and sulfur recovery units at petroleum refineries (40 CFR 63 UUU) also include alternative work practice requirements during startup, shutdown, and hot standby to be complied with in lieu of the applicable standard (including for example, CO standards). See, for example, 40 CFR 63.1564(a)(1) and (5), 63.1565(a)(1) and (5), and 63.1568(a)(4). The provisions in these federal regulations, which are MACT regulations, make clear that there are alternate work practice requirements for SMB events that U.S. EPA has approved. IERG encourages Illinois EPA to consider the approaches

⁵ 80 Fed. Reg. 33,840 (Jun. 12, 2015) at 33,980.

U.S. EPA took in these regulations and similar federal regulations and, where appropriate, use similar approaches or incorporate by reference these alternate standards in Illinois. Additionally, given that the federal provisions referenced above are in the MACT regulations, it is likely that similar standards could be approvable for same or similar emission units in Illinois' SIP standards.

Timing

U.S. EPA first proposed findings of inadequacy of SSM SIP provisions, and proposed issuing a SIP Call, on February 22, 2013.⁶ IERG submitted comments on the proposal, opposing the finding of inadequacy and SIP Call as to Illinois. In that comment, IERG contended that the SIP Call ignored both the Clean Air Acts' establishment of Illinois' authority to promulgate specific SIP provisions and Illinois' history of implementing its SMB provisions to maintain and enforce the NAAQS and other Clean Air Act requirements. On June 12, 2015, U.S. EPA issued its final findings of inadequacy and SIP Call.⁷ On April 13, 2016, IERG met with Illinois EPA to discuss a variety of pending air-related issues, including the 2015 SIP Call. IERG questioned and discussed with Illinois EPA the possibility for adopting alternative work practice standards as discussed in the 2015 SIP. Illinois EPA conveyed that a dialogue between Illinois EPA and stakeholders was needed in order to find a workable solution. On January 12, 2022, U.S. EPA again issued final findings of inadequacy and required states to submit SIP revisions correcting the deficiencies within 18 months of the February 11, 2022 effective date.⁸ After the January 2022 Finding of Inadequacy, IERG has had numerous discussions with Illinois EPA about SMB. IERG staff and members met with Director Kim on June 7, 2022. At that virtual meeting, IERG conveyed its opposition to removal of the SMB provisions and its support for adopting alternative work practice standards. IERG subsequently contacted Illinois EPA on numerous occasions, inquiring about the status of Illinois EPA's proposed SMB approach. In each instance, IERG has conveyed its opposition to the bare minimum approach now proposed by Illinois EPA and has offered to assist Illinois EPA with drafting language for an alternative approach. During each of those conversations, Illinois EPA indicated that it had not yet settled on what approach it would propose and gave no indication as to which approach Illinois EPA was considering.

Illinois EPA circulated its proposed revisions to stakeholders, for the first time, on November 17, 2022. Illinois EPA gave no indication to stakeholders prior to that date as to which path Illinois EPA was considering taking. Illinois EPA gave stakeholders until December 6, 2022 to submit any comments – a total of 19 days, which included the Thanksgiving holiday. Such a limited timeframe is not adequate time, especially for member organizations like IERG, to analyze, discuss with members, and draft comments on the proposed approach. IERG expressed its concerns with this tight timeframe, as well as its concerns regarding Illinois EPA's proposed revisions, in a virtual meeting with Illinois EPA on November 30, 2022. At that meeting, IERG requested that Illinois EPA extend the stakeholder comment deadline, especially given that Illinois EPA intends to utilize the Fast Track rulemaking process (415 ILCS 5/28.5) to propose its revisions. The request for extension of the comment deadline was denied.

⁶ 78 Fed. Reg. 12,460 (Feb. 22, 2013).

⁷ 80 Fed. Reg. 33,840 (Jun. 12, 2015).

⁸ 87 Fed. Reg. 1,680 (Jan. 12, 2022).

Illinois EPA has indicated that it intends to use the “Fast Track” rulemaking process under Section 28.5 of the Illinois Environmental Protection Act, 415 ILCS 5/28.5, in proposing the suggested revisions to Parts 201, 202, and 212 to the Board. IEREG opposes Illinois EPA’s use of the Fast Track rulemaking process in this instance. Illinois EPA has had more than adequate time to assess and develop its approach and has had the opportunity conduct adequate stakeholder outreach on the proposed approach. However, instead, Illinois EPA circulated its proposed revisions to stakeholders, for the first time, on November 17, 2022. Illinois EPA gave no indication to stakeholders prior to that date as to which path Illinois EPA was considering taking. Illinois EPA should not now be able to utilize the Fast Track rulemaking process, which is a truncated process that inevitably limits the time and opportunity for stakeholder and public participation.

IEREG’s request to receive a copy of Illinois EPA’s draft Statement of Reasons for its proposal was also denied. IEREG has not had adequate time to fully address its concerns as to Illinois EPA’s approach during this timeframe. IEREG also has numerous outstanding questions for Illinois EPA that were unable to be addressed during this timeframe, including Illinois EPA’s position as to the economic impact of the proposed rules and how operating permits with SMB provisions will be dealt with. IEREG strongly encourages Illinois EPA to provide a witness from the Permitting Section at hearing to be available to answer any questions stakeholders may have on how Illinois EPA intends to address the SMB provisions currently in permits. In addition, this witness would be able to address the need for and how the Permitting Section intends to use permit application contents for startups in the proposed revisions to Section 201.157.

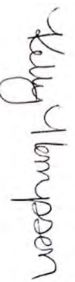
As discussed with Illinois EPA at the November 30, 2022 virtual meeting, IEREG requests that Illinois EPA also consider whether the effective date of the proposed revisions, if adopted, will hinge on the date of U.S. EPA’s approval of the SIP revision. Allowing more time for the proposed revisions to go into effect will aid both regulated sources and Illinois EPA in addressing the practical impacts of the proposed revisions.

Conclusion

The members of IEREG are opposed to Illinois EPA’s proposed revisions to address startup, malfunction, and breakdown. IEREG recognizes that time is short with the SIP Call deadline of August of 2023 for Illinois to submit SIP revisions, however, the lack of time should not preclude consideration of options that can satisfy the concerns of stakeholders. IEREG’s members and staff are prepared to offer whatever assistance would prove useful in furtherance of this effort.

Thank you for consideration of these comments.

Sincerely,



Kelly Thompson
Executive Director

cc: John Kim, Director
Julie Armitage, Bureau of Air Chief
Dana Vetterhoffer, Assistant Counsel

CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: That I have served the attached

COMMENT OF THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP via
electronic mail upon:

Mr. Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
don.brown@illinois.gov

Timothy Fox
Chloe Salk
Hearing Officers
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605
tim.fox@illinois.gov
chloe.salk@illinois.gov

Jason James
Molly Kordas,
Ann Marie A. Hanohano,
Assistant Attorney General
Office of the Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602
Jason.James@ilag.gov
molly.kordas@ilag.gov
annmarie.hanohano@ilag.gov

Charles E. Matoesian
Assistant Counsel
Dana Vetterhoffer
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
charles.matoesian@illinois.gov
dana.vetterhoffer@illinois.gov

Renee Snow
General Counsel
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois 62702
renee.snow@illinois.gov

Kelly Thompson
Executive Director
Illinois Environmental Regulatory Group
215 E. Adams Street
Springfield, Illinois 62701
kthompson@ierg.org

Faith E. Bugel
1004 Mohawl Road
Wilmette, Illinois 60091
fbugel@gmail.com

Cantrell Jones
Environmental Law and Policy Center
35 E. Wacker Drive, Suite 1600
Chicago, Illinois 60606
CJones@elpc.org

Keith I. Harley
Greater Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, Illinois 60606
kharley@kentlaw.edu

Mark A. Bilut
McDermott, Will & Emery
227 West Monroe Street
Chicago, Illinois 60606
mbilut@mwe.com

Joshua R. More
Sarah L. Lode
ArentFox Schiff, LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
Joshua.More@afslaw.com
Sarah.Lode@afslaw.com

That my email address is Melissa.Brown@heplerbroom.com

That the number of pages in the email transmission is 15.

That the email transmission took place before 5:00 p.m. on the December 30, 2022.

Date: December 30, 2022

/s/ Melissa S. Brown
Melissa S. Brown