



ILLINOIS
MANUFACTURERS'
ASSOCIATION

www.ima-net.org

1301 West 22nd Street • Suite 307 • Oak Brook, Illinois 60523 • (630) 368-5300 • Fax: (630) 218-7467
220 East Adams Street • Springfield, Illinois 62701 • (217) 522-1240 • Fax: (217) 525-0055

January 3, 2023

Email: ima@ima-net.org

Mr. Don Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

Public Comment Regarding: Case # R2023-018 (amendments to 35 IL Adm Code Parts 201, 202, and 212)

Mr. Brown,

On behalf of the Illinois Manufacturers' Association and our nearly 4,000 member companies and facilities across Illinois, I respectfully relay our concerns regarding the Illinois EPA's use of Fast-Track rulemaking pursuant to Section 28.5 of the Illinois Environmental Protection Act for the revisions to the Startup, Shutdown, and Malfunction (SSM) provisions in Illinois' rules. The IMA would also like to express our opposition to the Illinois EPA's proposal to amend 35 Ill. Adm. Code Parts 201, 202, and 212 and remove provisions that are currently in place that allow sources to request, and the Agency to grant, permission to continue operating during instances of SSM.

Despite the Agency having had considerable time to produce the rule and do outreach to the regulated community, very little feedback or outreach has been done and input from the regulated community has been muted by the Agency. While the IMA is aware and is sensitive to the fact that the federal rule includes the threat of imposing sanctions against Illinois for failing to meet the specified deadlines, the Illinois EPA's failure to work with the regulated community since 2015, and more immediately for 10 months between January and November of this year, on discussing approaches to satisfy the federal rule requirements, has had the effect of cutting short the regulated community's ability to meaningfully participate in the development of an acceptable alternative SSM approach, which is unfortunate to all parties.

The decision of the Biden Administration to remove affirmative defense for excess emissions that may occur during SSM is problematic, but the state's response to simply remove provisions to 35 Ill. Adm. Code Parts 201, 202, and 212 that allow operations during an SSM event without further providing operational standards during these special events is shortsighted and puts the ability of Illinois businesses to operate in jeopardy. As the Board has previously recognized, the ability for a source to comply with emissions standards during SSM events is unrealistic and may, in fact, result in "less than optimum emission control." Standards should be put into place, and guidance should be developed, as other states are exploring, that would allow for the continued operation of sources during periods of SSM.

For the reasons listed above, the IMA encourages the Board to not to move forward with Illinois EPA's proposed amendments to 35 Ill. Adm. Code Parts 201, 202, and 212.

Thank you,

A handwritten signature in blue ink, appearing to read 'DK to', is written over a white background.

Donovan Griffith

Senior Director of Government Affairs

BOLDLY MOVING MAKERS FORWARD