

ILLINOIS POLLUTION CONTROL BOARD
February 14, 2023

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R23-18
201, 202, AND 212) (Rulemaking - Air)
)

HEARING OFFICER ORDER

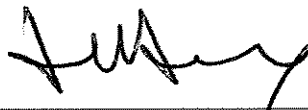
On December 7, 2022, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal to amend 35 Ill. Adm. Code 201, 202, and 212 as a fast-track proposal under Section 28.5 of the Environmental Protection Act (Act). The Board accepted IEPA's proposal and directed the hearing officer to schedule and proceed to hearings. The hearing officers scheduled the second hearing on February 16, 2023, with the deadline to pre-file testimony by February 6, 2023.

The Board and its staff have reviewed the testimony pre-filed for the second hearing and submit their questions with this order in Attachment A. Any of the witnesses may respond to the attached questions and other pre-filed questions in the record.

The Board's hearings under Section 28.5(f) of the Act continue from day to day, except for weekends and holidays, until completed. Room N 502 of the Bilandic Building is available Friday, February 17, 2023, to continue the second hearing if necessary.

All filings in this proceeding will be available on the Board's website at <https://pcb.illinois.gov/> in the rulemaking docket R23-18. Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line. 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.



Timothy Fox, Hearing Officer
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R23-18: Questions for Participants Testifying at Second Hearing**Questions for IERG****Ms. Kelly Thompson**

On page 2 of your pre-filed testimony, you state that, “because IERG’s members include facilities that have startup, shutdown, and malfunction (“SMB”) provisions in their permits, Illinois EPA’s proposal will directly impact IERG members.”

1. Please provide a list of affected permitted sources and their locations other than the four petroleum refineries identified in Mr. Reese’s testimony on behalf of the American Petroleum Institute.

At the first hearing, IEPA’s Mr. Davis testified that USEPA is now requiring SIP submittals to include impacts on Environmental Justice (EJ) areas and EJ communities. *See* 1/19/23 transcript at 175-176.

2. Please comment on whether the sources covered under IERG’s alternate proposal are in or near EJ areas or EJ communities.
3. If so, please comment on any potential impacts of IERG’s alternate proposal on EJ areas or EJ communities.

Mr. David Wall

On page 30 of your pre-filed testimony, you note that USEPA recognizes “that it may be appropriate to establish alternative emission limitations for modes of source operation other than startup and shutdown, but the same seven criteria should be utilized.

4. Please explain whether “malfunction” and “breakdown” could be considered as “other modes of source operation” for which alternative emission limitations may be established. Please clarify whether IERG’s alternate standard under Section 216.121(a) applies to “malfunction” or “breakdown”. If so, should the proposed alternate standard be revised to include “malfunction” and “breakdown.”

On page 32 of your pre-filed testimony, you state that various startup activities “can result in startup durations varying between several minutes to more than a day.”

5. Please clarify whether typical startup duration for boilers covered under the proposal lasts more than a day. If so, does “more than a day” mean 2 days or 3 days or a week or some other duration?

6. Please explain why IERG is focusing only on CO emissions when it comes to SMB. Please comment on whether there would higher emissions of other regulated air pollutants such as NO_x and PM from IERG members' sources during SMB.

Questions for MWG

Ms. Sharene Shealey

On page 1 of your pre-filed testimony, you state that MWG's proposal provides an alternative averaging period for demonstrating compliance during times of startup, malfunction, and breakdown (SMB) of the coal-fired boilers at Midwest Generation's Powerton Generating Station.

7. Please comment on whether MWG has opacity monitoring data from Powerton station that illustrate the difference in opacity levels during normal operation and during SMB.
8. If so, please submit this illustrative opacity monitoring data for the affected boilers.

On page 2 of your pre-filed testimony, you state that the affected boilers have the capability to fire natural gas as an auxiliary fuel during startup and shutdown, and for flame stabilization.

9. Please clarify whether using natural gas during startup and shutdown reduces opacity levels.
10. If so, please comment on whether MWG uses natural gas during SMB at the Powerton boilers.
11. Please comment on whether Powerton's current CAAPP permit requires the use of natural gas during SMB?

On page 6 of your pre-filed testimony, you state that MWG seeks "to codify a narrower version of the current SMB authorization for the Affected Boilers because it is infeasible for the company to comply with the opacity standards 100% of the time during periods of SMB".

12. Please clarify whether shutdown of boilers is covered by MWG's proposal.

On page 7 of your pre-filed testimony, you note that under MWG's proposal, demonstrating compliance "would be accomplished for a given six-minute block period when the Alternative Averaging Period is needed by taking the average opacity measurements from the COMS for those six minutes and the preceding 174 minutes of data."

13. Please explain the rationale for proposing 3-hour averaging instead of a shorter averaging time to demonstrate compliance with the opacity limitation.

14. Please provide examples using actual opacity monitoring data prior to startup, malfunction, or breakdown that support MWG's contention that the proposed 3-hour averaging time would be necessary to meet the 30 percent opacity limitation during SMB.

On page 1 of your pre-filed testimony, you state that MWG's proposal provides "an alternative averaging period for demonstrating compliance during times of startup, malfunction and breakdown of the coal-fired boilers at Midwest Generation's Powerton Generating Station."

15. Please clarify whether the Powerton Station is in or near an EJ area or EJ community.
16. If so, please comment on any potential impacts of MWG's proposal on an EJ area or EJ community.
17. Please comment on whether MWG is concerned about compliance with emissions limitations for other air pollutants including CO or NO_x at the Powerton station.

Question for CICI

Ms. Lisa Frede

18. On page 2 of your pre-filed testimony regarding CICI Member Company A, you note that the control of NO_x emissions by selective catalytic reduction (SCR) systems are affected during startup and shutdown because the temperatures will be lower than the minimum operating temperature. Please clarify whether IERG's alternate proposal that provides exceptions for only carbon monoxide (CO) emissions adequately addresses compliance concerns of CICI member companies during startup and shutdown.

Questions for Dynegy

Ms. Cynthia Vodopivec

On pages 4 and 6 of your pre-filed testimony, you state that the Baldwin and Newton affected units fire fuel oil during startup and for flame stabilization.

19. Please clarify whether using fuel oil during startup reduces opacity levels.
20. If so, comment on whether Dynegy uses fuel oil during startup in the affected units.
21. Is Dynegy required by its permits to use fuel oil during startup at the affected units?

On page 5 of your pre-filed testimony, you state that the Kincaid affected units fire natural gas during startup and for flame stabilization.

22. Please clarify whether using natural gas during startup reduces opacity levels.

23. If so, comment on whether Dynegy uses natural gas during startup in the affected units.
24. Is Dynegy required by its permits to use natural gas during startup at the affected units?

On page 13, you state that Dynegy's proposal provides an alternative averaging period for demonstrating compliance during SMB of the specific coal-fired boilers at Newton, Baldwin, and Kincaid generating stations.

25. Please comment on whether Dynegy has opacity monitoring data from the affected units that illustrate the difference in opacity levels during normal operation and during SMB.
26. If so, please submit such illustrative opacity monitoring data for the affected boilers.
27. Also, please clarify whether shutdown of the affected units is covered by Dynegy's proposal.

On page 14 of your pre-filed testimony, you note that under Dynegy's proposal compliance "would be accomplished for a given six-minute block period when the Alternative Averaging Period is needed by taking the average opacity measurements from the COMS for those six minutes and the preceding 174 minutes of data."

28. Please explain the rationale for proposing the 3-hour averaging period instead of a shorter period to demonstrate compliance with the opacity limitation.
29. Please provide examples using actual opacity monitoring data prior to startup, malfunction, or breakdown that supports MWG's contention that the proposed 3-hour averaging time would be necessary to meet the 30 percent opacity limitation during SMB.

On page 3 of your pre-filed testimony, you state that Dynegy proposes "an alternative averaging period to demonstrate compliance with applicable opacity standards for the coal-fired boilers at Baldwin, Newton, and Kincaid."

30. Please clarify whether the affected units are in or near EJ areas or EJ communities.
31. If so, comment on any potential impacts of Dynegy's proposal on EJ areas or EJ communities.
32. Please comment on whether Dynegy is concerned about compliance with other air pollutants emissions limitations at the affected power stations such as CO or NO_x.