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Cc: [Pressnall, Chris](#); Dorka.Lilian@epa.gov
Subject: [External] R2023-018 - RULEMAKING PROPOSAL entitled "AMENDMENTS TO 35 ILL. ADM. CODE PARTS 201, 202, AND 212"
Date: Monday, March 6, 2023 1:10:10 PM

ENVIRONMENTAL PERMIT INJUSTICES

COMMENTS and OBJECTION to R2023-018 - RULEMAKING PROPOSAL entitled "AMENDMENTS TO 35 ILL. ADM. CODE PARTS 201, 202, AND 212"

C23D32 is a private and anonymous investigative watchdog group that monitors IEPA leadership behaviors and actions for abuse and corruption of authority.

1. Current emission limits are now wrong because, as the Board stated in 1971, the limits were developed using data when emission units were operating under normal conditions and USEPA did not identify startup, shutdown or malfunction/breakdown to be normal operation.

Alternative limits must be established now or before SMB is removed entirely as this IEPA would do. USEPA did not take this approach to their settlement of SSM.

2. Allowing a rule to be enforced solely on this IEPA enforcement discretion is unacceptable.
 1. Citizens will never know if this IEPA is using that discretion appropriately because information would never be available.
 1. Deviation reports are not available online,
 2. Enforcement information is not available (especially when enforcement should have been taken but wasn't)
 2. This will be detrimental to EJ areas because this IEPA cannot be trusted to decide whether to take enforcement to protect citizens from harm.
 3. This IEPA has gone on record stating that it will not use this discretion as it is currently not enforcing SMB rules now. Nothing will change.

If this IEPA were to respond to this comment, they would say that no information is available and tailor what they want to share and not share by not sharing anything under the guise of exemptions. This IEPA has demonstrated that it cannot be trusted with this important level of discretion and will abuse such authority. Alternative limits must be established now.

3. For those that believe this rulemaking will change industry behavior or reduce emissions are very wrong. You cannot change behavior that cannot be changed. This rule is cutting off the nose despite the face. The API told you the rule will jeopardize safety, the CICI has told you that emissions will increase under this rule and the utilities have told you the rule is not practical.

1. There are other exemptions that this rule would not remove such as requirements

that allow a demonstration of compliance to remove the data during SSMB events (consistent with the limits currently promulgated).

2. SSMB being prohibited for short term limits, but not for annual limits.
3. No requirements to continue monitoring during SSMB events.
 1. Rely on a one-time stack test and good operation and maintenance
 2. Minimize emissions during abnormal operation

Alternative limits must be established now that are consistent with USEPA NESHAPs. If the USEPA is writing rules that allow SSMB events in their own rules, then a SIP rule must be approvable by the USEPA that mimics their action.

4. It is appalling that the DCEO would not be responsive to the Boards request for an economic impact analysis. The Board should make a second attempt before making any assumptions about the DCEO's silence. Without an economic impact analysis submitted there is nothing to support this rulemaking will not impact the cost to the public. Most notably, numerous statements suggest that all a source needs to do is construct a new control device to comply. However, this cost to the source will be passed on to the public, including those of us with low income and already strapped heavily by the inflation caused by this Pritzker Administration during the pandemic with its draconian approach.

This DCEO unresponsiveness must halt this rulemaking until one is submitted or treat the silence as a finding that the rule would adversely impact the economy of Illinois and the rule rewritten to avoid the impact.

5. The IERG has requested the addition of shutdown authority for CO consistent with federal NESHAP. However, Illinois has never had shutdown exemption.

This IERG request must be denied.

The bottom line is that this IEPA has proposed a rule that has not been well thought out and is based solely on the reasoning that the USEPA told them to do it. They have not given thought to alternatives and impacts to the State of Illinois. This IEPA withholds information critical to the Boards ruling simply because this IEPA can't do a search? This IEPA avoided critical questions in their responses to others necessary for a proper Board ruling. This proposed rule is irresponsible and reckless to the public. This IEPA failed to do an EJ analysis specific to Illinois and rather again simply relied on a National EJ analysis by the USEPA to make its Illinois specific conclusions. Numerous authorities not being removed from sources provide for excess emissions, so this rulemaking is nothing more than a red-herring that will do nothing to reduce emissions at all and quite possibly increase emissions.

C23D32 strenuously objects to this proposed rule and urges the Board to deny the proposal and return it back to this IEPA to do its job correctly and rewrite to include alternative emissions limits.