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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

JAN 05 2001

IN THE MATTER OF:)

STATE OF ILLINOIS
Pollution Control Board

PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE 217,
SUBPART V, ELECTRIC POWER GENERATION)

R 01-16
(Rulemaking Air)

P.C.#2

NOTICE

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

Bobb Beauchamp, Hearing Officer
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, a copy of which is herewith served upon you.

Date: January 4, 2001

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: *Vera Herst*
Vera Herst
Assistant Counsel
Division of Legal Counsel

1021 North Grand Avenue East
P.O. Box 19276
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217/782-5544

THIS FILING IS SUBMITTED ON
RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JAN 05 2001

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:) R01-16
PROPOSED AMENDMENTS TO 35 ILL. ADM. CODE 217,) (Rulemaking - Air)
SUBPART V, ELECTRICAL POWER GENERATION)

COMMENTS OF THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

NOW COMES Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by its attorney, Vera Herst, pursuant to 35 Ill. Adm. Code 102.103, 102.260 and 101.241, and files with the Illinois Pollution Control Board (Board) the following comments concerning the proposed amendments to Subpart V.

Recordkeeping Requirements

At the second hearing on the proposed amendments to Subpart V, which was held on December 19, 2000, the Illinois EPA addressed how records would be kept for facilities that are relying upon averaging. Christopher Romaine explained that although there are significant penalties under the Acid Rain Program for keeping inadequate records, the Illinois EPA believes it is appropriate for Subpart V to state explicitly that owners or operators that engage in averaging to show compliance must keep the appropriate records. Mr. Romaine said that the language under consideration would provide that an owner or operator of any EGU that elects to average with other EGUs to demonstrate compliance cannot average with any other EGU for which the owner or operator of such EGU does not maintain the required records, data, and reports, or submit copies of such records, data, or reports to the Agency upon request.

This type of provision should be sufficient to ensure that records are adequately maintained and available for purposes of averaging under Subpart V. As explained by Mr. Romaine, the Illinois EPA had considered other approaches, such as requiring owners or operators to have detailed records for every other EGU involved in the averaging demonstration, but found that these approaches would generate excessive paperwork.

The Illinois EPA reaffirms that new subsection (g) be added to Section 217.708 as follows, and as indicated in the testimony of Mr. Romaine at the December 19, 2000 hearing:

~~(g) The owner or operator of any EGU that elects to participate in an averaging demonstration to demonstrate compliance with this Subpart cannot average with any other EGU for which the owner or operator of such EGU does not maintain the required records, data, and reports, or does not submit copies of such records, data, or reports to the Agency upon request.~~

Technical Corrections

The Illinois EPA also suggests the following technical corrections to its proposal:

Section 217.708(a) should read:

- a) Notwithstanding Section 217.706(a) of this Subpart, the owners or operators of EGUs listed in Appendix F of this Part and the owner or operator of Soyland Power may elect to demonstrate compliance with this Subpart by averaging for the control period the NOx emission rates of any EGU listed in Appendix F or with any ~~unit~~ EGU at Soyland Power that commenced commercial operation on or before January 1, 2000.

This change is suggested for reasons of consistency within the proposal.

In addition, when new subsection (b) to Section 217.712 was proposed in the Motion to Amend, the existing subsections (b) through (f) in that section were not re-lettered. The Illinois EPA suggests that subsection (b) through (f) be re-lettered as (c) through (g).

Continued Effectiveness of Subpart V

The Illinois EPA reaffirms its position that Subpart V should remain in effect after Subpart W becomes effective. As stated in the Statement of Reasons and at the November 28, 2000 hearing, the Illinois EPA believes that the continued effectiveness of Subpart V will provide a level of certainty with respect to the attainment demonstration for the Metro-East, independent of future developments with regard to USEPA's NOx SIP Call. The Illinois EPA believes that any future action terminating Subpart V should be a deliberate action, pursuant to a further Board rulemaking that can consider the consequences and advisability of such action.

WHEREFORE, the Illinois EPA submits these comments on proposed amendments to Subpart V.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____

Vera Herst

Vera Herst
Assistant Counsel
Bureau of Air

DATED: January 4, 2001

1021 N. Grand Ave., East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached Comments of the Illinois Environmental Protection Agency upon the person to whom it is directed, by placing in an envelope addressed to:

TO: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Bobb Beauchamp, Hearing Officer
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Street 11-500
Chicago, Illinois 60601

SEE ATTACHED SERVICE LIST

and mailing it by overnight Courier from Springfield, Illinois on January 4, 2001, with sufficient postage affixed.

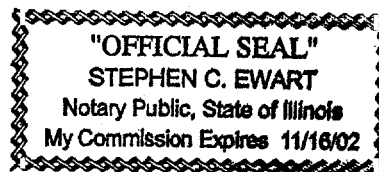
Cynthia Lewis

SUBSCRIBED AND SWORN TO BEFORE ME

this 4th day of January, 2001

S. C. Ewart

Notary Public



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R 01-16

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