

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

IN THE MATTER OF: )  
)  
NATURAL GAS FIRED, PEAK LOAD )  
ELECTRICAL POWER GENERATING )  
FACILITIES (PEAKER PLANTS) )

R01-10

WRITTEN SUBMITTAL

TO: Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Ms. Amy L. Jackson, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, IL 62704

Please find enclosed a submittal from Jim LaBelle, Chairman, and Sandy Cole and Bonnie Thomson Carter, Members, of the County Board, Lake County, Illinois for the above referenced matter.

Respectfully submitted,

Jim LaBelle, Chairman  
Lake County Board  
Lake County, Illinois

November 6, 2000

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Ms. Amy L. Jackson, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, Illinois 62704

Dear Ms. Gunn and Ms. Jackson:

We would first like to thank the Illinois Pollution Control Board for the opportunity to participate in the Public Hearings on Peaker Power Plants, and further to commend the Board and the staff on the professional manner in which the hearings were conducted. A great deal of highly technical information, as well as emotionally charged testimony, was presented to the Board, and through it all, the Board and staff conducted themselves in a fair and impartial manner.

At the conclusion of the Lake County testimony provided at the Public Hearing in Grayslake on September 21, 2000, the IPCB provided the County the opportunity to submit recommendations for siting requirements. Per your request, the following are Lake County's suggestions for further consideration by the Illinois Pollution Control Board (IPCB).

- Lake County continues to request that a moratorium be placed on all pending peaker plant air quality permits until such time as all outstanding peaker (merchant) power plant permitting issues are resolved.
- Lake County requests that as current IEPA permits expire, un-built peaker power plants shall not be grandfathered. We request that a new permitting process be required under the new regulations.
- Lake County requests that the NO<sub>x</sub> waiver be lifted relative to generating facilities from the six-county non-attainment area, which includes the severe non-attainment area of Lake County.

- Lake County supports changing 40CFR52.21 to include peakers and we ask that it be modified to include non-steam electrical (peakers). Modifying 40CFR52.21 will achieve BACT/LAER (Best Available Control Technology/Lowest Achievable Emission Rate), public hearings and comment periods and appeal processes.
- Lake County requests that start-up and shutdown emissions be accounted for in the request for IEPA permitting, as equipment startups and shutdowns will account for a greater proportion of emissions than traditional plants. Although we believe this to be required by the USEPA, there may not be consistency in implementation by the IEPA due to application requirements.
- Lake County requests that emissions generated during equipment startup and shutdown shall be regulated by a separate set of limitations to optimize emission control. Permit conditions should limit the amount of daily startups and shutdowns.
- Lake County requests that the IEPA require an ambient air quality impact analysis of the petitioner as part of the emissions permit.
- This impact analysis should not allow pollution outputs to be considered over a twelve-month period but rather the three-month period peaker plants are likely to operate.
- Further the impact analysis should consider that peaker plants are likely to operate on days when the ozone is high and the air quality is poor.
- Lake County requests that the use of optimum control technology be required even if regulations can be met using lesser technology. As technology advances, permitting regulations should be tightened.
- Lake County sees a need for a regional siting process, governed by the IPCB (or other appropriate agency). We feel this siting process should maintain local control of zoning, but provide for a forum, and the necessary technical expertise to review all air, water supply and quality, stormwater runoff, waste water discharge and noise issues. Following individual air and water (etc) permits and local zoning approvals, this review would result in the issuance of a siting permit.
  - A regional siting process must include enough data on water supply, air quality, etc. are readily available from the State. Currently, local governments do not have the data or resources needed to make informed decisions.
  - Lake County requests that IEPA consider forming regions based on attainment zones. These zones would then be a factor in issuing peaker power plant permits.
  - Provisions should be made to have experts on the issues involved review applications together when applicable. Many of the criteria involved in the review are interrelated.

- The impact of multiple peaker plants must be a crucial consideration of the regional review board. Additionally, the impact of and to neighboring regions must be mitigated.
- Lake County requests that permitting regulations be more stringent if the power generated by peaker plants is to be sold outside of Illinois. Moreover, that the entity seeking the permit must demonstrate to the appropriate agency where the power will be sold. Such demonstration should be through power purchase agreement and/or letters of intent with affidavits confirming that the power purchased and sold will be used to meet end use consumption.
- Lake County would like the IPCB to formally recognize that water supply issues are a major concern and need to be addressed in the permitting process.
- Lake County requests that the IPCB require the approved siting agency to work with the Midwest Independent System Operator ("ISO") on locating generation, taking into account alternatives such as other sites throughout the state and alternatives such as constructing new transmission lines and rate incentives for end users.
- Lake County requests that the IPCB and appropriate state agencies participate in a statewide planning process for electric infrastructure growth, and that such planning is done in concert with the requests above. Such a planning process will allow a statewide agency to have a broader perspective and to fairly evaluate the benefits of such electric infrastructure growth and the intended benefits.

Again, we appreciate the opportunity to offer our input and also appreciate the receptive manner with which our public testimony has thus far been received.

Sincerely,

Jim LaBelle  
Chairman  
Lake County Board

Sandy Cole  
Member  
Lake County Board

Bonnie Thomson Carter  
Member  
Lake County Board