

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R08-19
NITROGEN OXIDES EMISSIONS FROM) (Rulemaking - Air)
VARIOUS SOURCE CATEGORIES:)
AMENDMENTS TO 35 ILL. ADM. CODE)
PARTS 211 and 217)

NOTICE OF FILING

TO: Mr. John T. Therriault	Timothy Fox, Esq.
Assistant Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 W. Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
(VIA ELECTRONIC MAIL)	(VIA U.S. MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board **PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY EXXONMOBIL OIL CORPORATION**, a copy of which is herewith served upon you.

Respectfully submitted,

By: /s/ Katherine D. Hodge
Katherine D. Hodge

Dated: September 16, 2008

Katherine D. Hodge
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CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached PRE-FILED QUESTIONS FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY SUBMITTED BY EXXONMOBIL OIL CORPORATION upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

via electronic mail on September 16, 2008; and upon:

Timothy Fox, Esq.
Hearing Officer
Illinois Pollution Control Board
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Chicago, Illinois 60601

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by depositing said documents in the United States Mail, postage prepaid, in

Springfield, Illinois on September 16, 2008.

/s/ Katherine D. Hodge
Katherine D. Hodge

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**PRE-FILED QUESTIONS FOR THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
SUBMITTED BY
EXXONMOBIL OIL CORPORATION**

NOW COMES EXXONMOBIL OIL CORPORATION and submits the following Pre-Filed Questions for the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") for presentation at the hearings scheduled in the above-referenced matter:

1. On page 4 of its Statement of Reasons, the Agency states that in October 2006, the USEPA completed a review of the NAAQS for particulate matter and, as a result, strengthened the 24-hour standard (for PM_{2.5}). Is it the intent of the Agency that the emission reductions sought under this proposed NO_x RACT rule will result in attainment of the strengthened 24-hour standard for PM_{2.5} in the Chicago area?

2. On pages 7 and 8 of its Statement of Reasons, the Agency states that States, such as Illinois, with non-attainment areas classified as moderate or above for the 8-hour ozone NAAQS were required to submit, by September 15, 2006, a SIP demonstrating that sources specified under the

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CAA were subject to RACT requirements. Was the required SIP submitted by the Agency to the USEPA by September 15, 2006?

3. If the required SIP was not submitted by the Agency to the USEPA by September 15, 2006, when was it submitted?

4. If the required SIP was not submitted by the Agency to the USEPA by September 15, 2006, what are the reasons why it was not submitted?

5. Are there SIP submittal dates for other federal rules that this proposed rule is intended to address for which the Agency has not made the required submittal?

6. If so, what are those other federal rules, and what are the reasons that the required submittals were not made?

7. On page 8 of its Statement of Reasons, the Agency states that its regulatory proposal aims to achieve NO_x reductions in Illinois from a number of source categories, while providing reasonable flexibility for the affected sources. In addition, proposed Section 217.152 requires affected sources to comply with the emission limitations to be established by the proposed rule by May 1, 2010. Please identify and specifically define the "flexibility" in the proposed rule that would enable an affected source to meet the May 1, 2010 compliance date?

8. Again, the Agency's proposal provides, in Subsection 217.152(a), that compliance with the requirements of Subparts D, E, F, G, H, and M is required beginning May 1, 2010. Is it true that, if the required SIP

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had been submitted by the Agency to the USEPA by September 15, 2006, the USEPA would have allowed up to 30 months for compliance to be achieved by the start of the first ozone season after the required SIP submission date?

9. When does the Agency anticipate submitting the rules proposed here as a SIP revision to USEPA?

10. In light of the anticipated date for submittal of this SIP revision, and the proposed compliance date of May 1, 2010, how many months would be allowed for compliance to be achieved by affected sources?

11. How does the Agency expect an affected source to meet this compliance date of May 1, 2010, especially if the affected source must install control equipment to meet the proposed emission limitations?

12. Has the Agency planned for any expedited preconstruction permitting efforts for affected sources that may require construction permits to install control equipment to meet the proposed emission limitations?

13. Has the Agency considered whether the delay in submitting a regulatory proposal to the Board, which also results in delay of submittal of the SIP revision, and still maintaining the May 1, 2010 compliance date, will result in undue hardship for affected sources that must plan, design, purchase, construct, and test the specialized control equipment according to strict OSHA and industry standards?

14. If so, what factors were considered by the Agency and what rationale was used to maintain the May 1, 2010 compliance date?

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15. Did the Agency consider the complexities involved for affected sources in meeting the May 1, 2010 compliance date?

16. Has the Agency considered extending the compliance date beyond May 1, 2010?

17. Did the Agency consider, in proposing a compliance date of May 1, 2010, that certain industrial sectors have planned maintenance cycles of 3 to 5 years (or more)?

18. Has the Agency considered and calculated the economic impact to Illinois and the region of an unplanned shutdown for industrial sectors that have such planned maintenance cycles?

19. If so, what has the Agency determined to be the economic impact of the potential inability of affected sources to attain compliance in the amount of time anticipated to be available under the proposal?

20. Have any affected sources told the Agency that they cannot meet the May 1, 2010 compliance date without an unplanned shutdown?

21. If so, has the Agency considered alternative options for such affected sources that are unable to meet the compliance date?

22. Has the Agency determined, even with unplanned shutdowns, whether it is technically feasible for all affected sources to meet the May 1, 2010 compliance date?

23. In proposed Section 217.158, the Agency has proposed that an owner or operator of certain affected emissions units may demonstrate compliance with an applicable requirement through an emissions averaging

plan. However, Subsection 217.158(a)(1)(A) of the proposal allows the inclusion in the averaging plan of emission units that commenced operation on or before January 1, 2002 (as well as those emission units that commenced operation after January 1, 2002 if they were replacements for emission units that commenced operation on or before January 1, 2002).

How did the Agency set the January 1, 2002 date as a cutoff for new emission units allowed to be covered by an emission averaging plan?

24. What factors did the Agency consider in establishing the January 1, 2002 date?

25. Did the Agency consider allowing emission units that commenced operation after January 1, 2002, to be included in the averaging plan?

26. Is it true that certain NSPS, non-attainment NSR and PSD regulations may require NO_x emission control measures that are equal to or more stringent than the proposed emission limitations here?

27. Is it true that certain affected sources may have installed, pursuant to such NSPS, non-attainment NSR and PSD regulations, NO_x control measures that are equal to or more stringent than the proposed emission limitations here?

28. What factors did the Agency consider in excluding emission units that commenced operation after January 1, 2002, from inclusion in the emissions averaging plan?

Respectfully submitted,

EXXONMOBIL OIL CORPORATION

By: 
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Dated: September 16, 2008

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