

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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


NOTICE

TO: John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board MOTION TO AMEND RULEMAKING PROPOSAL, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: January 30, 2009

1021 North Grand Avenue East
P. O. Box 19276
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**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MOTION TO AMEND RULEMAKING PROPOSAL

NOW COMES the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.500 and 102.402, moves that the Illinois Pollution Control Board (“Board”) amend this rulemaking proposal that includes amendments to 35 Ill. Adm. Code Parts 211 and 217. In support of its Motion, the Illinois EPA states as follows:

On May 9, 2008, the Illinois EPA filed a proposal with the Board to amend 35 Ill. Adm. Code Parts 211 and 217 to control the emissions of nitrogen oxides (“NO_x”) from various source categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting, and fossil fuel-fired stationary boilers. This proposed rulemaking is intended to meet certain obligations of the State of Illinois under the federal Clean Air Act (“CAA”), 42 U.S.C. § 7401 *et seq.*; specifically, to satisfy Illinois’ obligation to submit a State Implementation Plan to address the requirements under Sections 172 and 182 of the CAA for major stationary sources of NO_x in areas designated as nonattainment with respect to National Ambient Air Quality Standards. *See*, 42 U.S.C. §§ 7502 and 7511a. The Board held hearings on this proposal on October 14, 2008, in Springfield, and on December 9 and 10, 2008, in Chicago. Another hearing is scheduled for February 3, 2009, in Edwardsville.

A number of issues have arisen in the context of this rulemaking proposal, including the dates for compliance with emissions limitations and continuous emissions monitoring systems

("CEMS") requirements, and emissions limitations for certain source categories. As a result, the Illinois EPA has engaged in negotiations with interested parties on these issues. Such negotiations have led to the revision of certain provisions. Specifically, the compliance date has been generally extended until January 1, 2012, in applicable sections, with a further extension until December 31, 2014, for owners and operators of glass melting furnaces, provided such owners and operators are required to meet a more stringent emissions limitation, as measured using a CEMS, and included within a legally enforceable order. Provisions have also been added to allow for the nonapplicability of emissions limitations during glass melting furnace startup and idling; for purposes of demonstrating seasonal and annual compliance, the emissions limitation during such periods shall be calculated according to an applicable formula. The compliance date for the installation and operation of CEMS has also been extended, as reflected in the testing and monitoring section. Furthermore, the emissions limitation for electrical generating units firing solid fuel has been amended from 0.09 lb/mmBtu to 0.12 lb/mmBtu under Subpart M.

Therefore, the Illinois EPA is now proposing to amend the rulemaking proposal as set forth in this Motion. Accordingly, the Illinois EPA recommends the acceptance by the Board of the following amendments to the rulemaking proposal:

1. *Amend Section 211.2625 to read as follows:*

Section 211.2625 Glass Melting Furnace

"Glass melting furnace" means, for purposes of Part 217, a unit comprising a refractory vessel in which raw materials are charged and melted at high temperature to produce molten glass.

2. *Amend Section 211.3100 to reflect the provisions as previously agreed to between the Illinois EPA and Midwest Generation as reflected in the Illinois EPA's Answers to Midwest Generation's Questions for Agency Witnesses, filed September 30, 2008, and the October 14, 2008, hearing.*

3. *Amend Section 217.150 by adding subsection (e) to read as follows:*

e) The owner or operator of an emission unit that is subject to this Subpart and Subpart D, E, F, G, H, or M of this Part must operate such unit in a manner consistent with good air pollution control practice to minimize NO_x emissions.

4. *Amend Section 217.152 to read as follows:*

Section 217.152 Compliance Date

a) Compliance with the requirements of Subparts D, E, F, G, H, and M by an owner or operator of an emission unit that is subject to Subpart D, E, F, G, H, or M is required beginning January 1, 2012.

b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart F of this Part by an owner or operator of an emission unit subject to Subpart F of this Part shall be extended until December 31, 2014, if such units are required to meet emissions limitations for NO_x, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before December 31, 2009, whereby such emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204 of Subpart F of this Part.

5. *Amend Section 217.154 by amending subsections (a) and (b) to read as follows:*

Section 217.154 Performance Testing

a) Performance testing of NO_x emissions for emission units constructed on or before July 1, 2011, and subject to Subpart D, E, F, G, or H of this Part must be conducted in accordance with Section 217.157 of this Subpart. This subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system.

b) Performance testing of NO_x emissions for emission units for which construction or modification occurs after July 1, 2011, and that are subject to Subpart D, E, F, G, or H of this Part must be conducted within 60 days of achieving maximum operating rate but no later than 180 days after initial startup of the new or modified emission unit, in accordance with Section 217.157 of this Subpart. This subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system.

6. *Amend Section 217.155 to read as follows:*

Section 217.155 Initial Compliance Certification

- a) By the applicable compliance date set forth under Section 217.152 of this Subpart, an owner or operator of an emission unit subject to Subpart D, E, F, G, or H of this Part who is not demonstrating compliance through the use of a continuous emissions monitoring system must certify to the Agency that the emission unit will be in compliance with the applicable emissions limitation of Subpart D, E, F, G, or H of this Part beginning on such applicable compliance date. The performance testing certification must include the results of the performance testing performed in accordance with Sections 217.154(a) and (b) of this Subpart and the calculations necessary to demonstrate that the subject emission unit will be in initial compliance.
- b) By the applicable compliance date set forth under Section 217.152 of this Subpart, an owner or operator of an emission unit subject to Subpart D, E, F, G, H, or M of this Part who is demonstrating compliance through the use of a continuous emissions monitoring system must certify to the Agency that the affected emission units will be in compliance with the applicable emissions limitation of Subpart D, E, F, G, H, or M of this Part beginning on such applicable compliance date. The compliance certification must include a certification of the installation and operation of a continuous emissions monitoring system required under Section 217.157 of this Subpart and the monitoring data necessary to demonstrate that the subject emission unit will be in initial compliance.

7. *Amend Section 217.157 by amending subsection (a)(4)(B) to read as follows:*

- B) The owner or operator of an industrial boiler or process heater must have a performance test conducted using 40 CFR Part 60, Subpart A, and Appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the industrial boiler is operating at maximum operating capacity or while the process heater is operating at normal maximum load. If the industrial boiler or process heater has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. If a combination of fuels is typically used, a performance test may be conducted with Agency approval on such combination of fuels typically used. Except as provided under subsection (e) of this Section, this subsection (a)(4)(B) of this Section does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous

emissions monitoring system under subsection (a)(1), (a)(2), (a)(3), or (a)(5) of this Section.

8. *Amend Section 217.157 by amending subsection (b)(4) to read as follows:*

4) The owner or operator of a glass melting furnace, cement kiln, or lime kiln must have a performance test conducted using 40 CFR Part 60, Subpart A, and Appendix A, Methods 1, 2, 3, 4, and 7E, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. The owner or operator of an iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must have a performance test conducted using 40 CFR Part 60, Subpart A, and Appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace is operating at maximum operating capacity. If the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. Except as provided under subsection (e) of this Section, this subsection (b)(4) of this Section does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (b)(1) or (b)(5) of this Section.

9. *Amend Section 217.157 by adding subsection (e) to read as follows:*

e) Compliance with the continuous emissions monitoring system requirements under this Section by an owner or operator of an emission unit who is required to install, calibrate, maintain, and operate a continuous emissions monitoring system (CEMS) shall be extended until December 31, 2012, or the applicable compliance date set forth under Section 217.152 of this Subpart, whichever is later, provided that if such CEMS extension date under this subsection is later than the applicable compliance date, the owner or operator must comply with the applicable performance test requirements under this Section and the applicable recordkeeping and reporting requirements under this Subpart.

10. *Amend Section 217.158 by amending subsections (b) and (c) to read as follows:*

b) An owner or operator must submit an emissions averaging plan to the Agency by January 1, 2012. The plan must include, but is not limited to, the following:

1) The list of affected units included in the plan by unit identification number; and

2) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for the ozone season (May 1 through September 30) and calendar year (January 1 through December 31).

c) An owner or operator may amend an emissions averaging plan only once per calendar year. Such an amended plan must be submitted to the Agency by January 1 of the applicable calendar year. If an amended plan is not received by the Agency by January 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.

11. *Amend Section 217.160 by amending subsection (b) to reflect the provisions as previously agreed to between the Illinois EPA and Midwest Generation as reflected in the Illinois EPA's Answers to Midwest Generation's Questions for Agency Witnesses, filed September 30, 2008, and the October 14, 2008, hearing.*

12. *Amend Section 217.160 by changing subsection (c) to read as follows:*

c) The provisions of this Subpart do not apply to fluidized catalytic cracking units, their regenerator and associated CO boiler or boilers and CO furnace or furnaces where present, that commenced operation prior to January 1, 2008, if such units are located at a petroleum refinery and such units are required to meet emission limits or control requirements for NO_x as provided for in an enforceable order.

13. *Amend the first paragraph of Section 217.164 to read as follows:*

On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any industrial boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

14. *Amend the first paragraph of Section 217.184 to read as follows:*

On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any process heater to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

15. *Amend Section 217.204 to read as follows:*

Section 217.204 Emissions Limitations

- a) On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any glass melting furnace to exceed the following limitations. Compliance must be demonstrated with the emissions limitation on an ozone season and annual basis.

	<u>Product</u>	<u>Emission Unit Type</u>	<u>NO_x Emissions Limitation (lb/ton glass produced)</u>
1)	<u>Container Glass</u>	<u>Glass melting furnace</u>	<u>5.0</u>
2)	<u>Flat Glass</u>	<u>Glass melting furnace</u>	<u>7.9</u>
3)	<u>Other Glass</u>	<u>Glass melting furnace</u>	<u>11.0</u>

- b) The emissions limitations under this Section do not apply during glass melting furnace startup (not to exceed 70 days) or idling (operation at less than 35% of furnace capacity). For the purposes of demonstrating seasonal and annual compliance, the emissions limitation during such periods shall be calculated as follows:

$$\text{NO}_x \text{ emissions limitation (lb/day)} = (\text{ANL}) / (\text{PPC})$$

Where: ANL = The applicable NO_x emissions limitation under this Section in pounds per ton of glass produced

PPC = Permitted production capacity in tons of glass produced per day

16. *Amend Section 217.224 to read as follows:*

Section 217.224 Emissions Limitations

a) On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any cement kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

	<u>Emission Unit Type</u>	<u>NO_x Emissions Limitation (lb/ton clinker produced)</u>
1)	<u>Long dry kiln</u>	<u>5.1</u>
2)	<u>Short dry kiln</u>	<u>5.1</u>
3)	<u>Preheater kiln</u>	<u>3.8</u>
4)	<u>Preheater/precalciner kiln</u>	<u>2.8</u>

b) On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any lime kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

	<u>Fuel</u>	<u>Emission Unit Type</u>	<u>NO_x Emissions Limitation (lb/ton lime produced)</u>
1)	<u>Gas</u>	<u>Rotary kiln</u>	<u>2.2</u>
2)	<u>Coal</u>	<u>Rotary kiln</u>	<u>2.5</u>

17. *Amend Section 217.244 to read as follows:*

Section 217.244 Emissions Limitations

a) On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any reheat furnace, annealing furnace, or galvanizing furnace used in iron and steel making to exceed the following

limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

	<u>Emission Unit Type</u>	<u>NO_x Emissions Limitation (lb/mmBtu)</u>
1)	<u>Reheat furnace, regenerative</u>	<u>0.18</u>
2)	<u>Reheat furnace, recuperative</u>	<u>0.05</u>
3)	<u>Reheat furnace, cold-air</u>	<u>0.03</u>
4)	<u>Annealing furnace, regenerative</u>	<u>0.38</u>
5)	<u>Annealing furnace, recuperative</u>	<u>0.16</u>
6)	<u>Annealing furnace, cold-air</u>	<u>0.07</u>
7)	<u>Galvanizing furnace, regenerative</u>	<u>0.46</u>
8)	<u>Galvanizing furnace, recuperative</u>	<u>0.16</u>
9)	<u>Galvanizing furnace, cold-air</u>	<u>0.06</u>

b) On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any reverberatory furnace or crucible furnace used in aluminum melting to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

	<u>Emission Unit Type</u>	<u>NO_x Emissions Limitation (lb/mmBtu)</u>
1)	<u>Reverberatory furnace</u>	<u>0.08</u>
2)	<u>Crucible furnace</u>	<u>0.16</u>

18. *Amend Section 217.340 to reflect the provisions as previously agreed to between the Illinois EPA and Midwest Generation as reflected in the Illinois EPA's Answers to Midwest Generation's Questions for Agency Witnesses, filed September 30, 2008, and the October 14, 2008, hearing.*

19. *Amend Section 217.342 to reflect the provisions as previously agreed to between the Illinois EPA and Midwest Generation as reflected in the Illinois EPA's Answers to Midwest Generation's Questions for Agency Witnesses, filed September 30, 2008, and the October 14, 2008, hearing.*
20. *Amend Section 217.344 to read as follows:*

Section 217.344

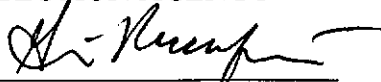
Emissions Limitations

On and after January 1, 2012, no person shall cause or allow emissions of NO_x into the atmosphere from any fossil fuel-fired stationary boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

	<u>Fuel</u>	<u>Emission Unit Type</u>	<u>NO_x Emissions Limitation (lb/mmBtu)</u>
a)	<u>Solid</u>	<u>Boiler</u>	<u>0.12</u>
b)	<u>Natural gas</u>	<u>Boiler</u>	<u>0.06</u>
c)	<u>Liquid</u>	1) <u>Boiler that commenced operation before January 1, 2008</u>	<u>0.10</u>
		2) <u>Boiler that commenced operation on or after January 1, 2008</u>	<u>0.08</u>

WHEREFORE, for the reasons set forth above, the Illinois EPA moves that the Board amend Parts 211 and 217 as set forth herein.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Gina Roccaforte
Assistant Counsel
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DATED: January 30, 2009

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**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)
)

SS

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached MOTION TO AMEND RULEMAKING PROPOSAL, upon the following person:

John Therriault
Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,



Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

Dated: January 30, 2009

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