

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 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 ELECTRONIC 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 the **FIRST NOTICE COMMENTS OF CONOCOPHILLIPS COMPANY**, a copy of which is herewith served upon you.

Respectfully submitted,

CONOCOPHILLIPS COMPANY,

Dated: July 6, 2009

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

Katherine D. Hodge
 Monica T. Rios
 HODGE DWYER & DRIVER
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**FIRST NOTICE COMMENTS
OF CONOCOPHILLIPS COMPANY**

NOW COMES CONOCOPHILLIPS COMPANY (“ConocoPhillips”), by and through its attorneys, HODGE DWYER & DRIVER, and submits the following FIRST NOTICE COMMENTS OF CONOCOPHILLIPS COMPANY for consideration in the above-referenced matter:

In the past months, ConocoPhillips has actively participated in the above-referenced rulemaking, which seeks to establish NOx RACT limits for several different types of sources, including many of the boilers and process heaters at the Wood River Refinery (“Refinery”) located in Wood River, Illinois. On November 25, 2008, ConocoPhillips submitted the pre-filed testimony of Mr. David Dunn, Environmental Director of the Refinery. Mr. Dunn’s testimony explained that four boilers and seventeen process heaters located at the Refinery would require either emission controls or inclusion in an averaging strategy in order to meet the NOx RACT emission limits proposed by the Illinois Environmental Protection Agency (“Agency”) in its proposed rule. Prefiled Testimony of David W. Dunn, *In the Matter of: Nitrogen Oxides Emissions From Various Categories: Amendments to 35 Ill. Adm. Code Parts 211 and 217*, R08-19 at 2 (Ill.Pol.Control.Bd. Nov. 25, 2008). Mr. Dunn’s testimony focused on the substantial costs that would be incurred by ConocoPhillips to install certain controls on

the affected boilers and process heaters and concluded that the cost per ton of NO_x controlled is well beyond the cost per ton that the Agency used to determine NO_x RACT. *Id.* at 6 – 12. In addition, Mr. Dunn’s testimony commented on the proposed averaging provision, as well as the Agency’s requirement that all boilers and process heaters over 100 MMBtu/hr install CEMs. *Id.* at 12-15.

On December 9, 2008, Mr. Dunn presented his testimony to the Illinois Pollution Control Board (“Board”) during the second hearing in this matter. At that time, Mr. Dunn testified regarding the impact of the proposed rule on the Refinery and answered questions regarding his testimony. Subsequently, on January 20, 2009, ConocoPhillips submitted additional materials to the Board in response to request at hearing for additional cost data and maintenance schedules. On February 3, 2009, ConocoPhillips participated in the third hearing in this matter by asking several questions of Agency witnesses. On March 23, 2009, ConocoPhillips filed Post-Hearing Comments describing two remaining concerns with the Agency’s proposed rule. Post-Hearing Comments of ConocoPhillips Company, *In the Matter of: Nitrogen Oxides Emissions From Various Categories: Amendments to 35 Ill. Adm. Code Parts 211 and 217*, R08-19 at 2-3 (Ill.Pol.Control.Bd. Mar. 23, 2009).

Over the last few weeks, ConocoPhillips has been working with the Agency to resolve several issues related to maintenance turnarounds for NO_x pollution control equipment and the inclusion of boilers and process heaters in emission averaging plans. ConocoPhillips appreciates the Agency’s cooperation and willingness to discuss the issues raised for the Refinery by the proposed rulemaking, and as a result of such discussions, ConocoPhillips and the Agency have reached agreement with the Agency on

these issues. Therefore, ConocoPhillips supports the Agency's proposed amendments to the rule as described in the Agency's First Notice Comments.

Finally, neither the Appendix H table in the Board's First Notice Order nor the table published in the Illinois Register accurately reflects the list of emission units at the Refinery that will be subject to the proposed rule. *See Board Order, In the Matter of: Nitrogen Oxides Emissions From Various Categories: Amendments to 35 Ill. Adm. Code Parts 211 and 217, R08-19 (Ill.Pol.Control.Bd. May 7, 2009); 33 Ill. Reg. 6896 and 6921 (May 22, 2009).* Accordingly, ConocoPhillips requests that the Board use the Appendix H table that the Agency provided in its Second Motion to Amend Rulemaking Proposal filed with the Board on March 23, 2009. *Second Motion to Amend Rulemaking Proposal, In the Matter of: Nitrogen Oxides Emissions From Various Categories: Amendments to 35 Ill. Adm. Code Parts 211 and 217, R08-19 (Ill.Pol.Control.Bd. Mar. 23, 2009).*

ConocoPhillips reserves the right to supplement these First Notice Comments.

Respectfully submitted,

CONOCOPHILLIPS COMPANY,

Dated: July 6, 2009

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

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CNPH:011/Fil/CNPH First Notice Comments

CERTIFICATE OF SERVICE

I, Katherine D. Hodge, the undersigned, hereby certify that I have served the attached FIRST NOTICE COMMENTS OF CONOCOPHILLIPS COMPANY, upon:

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via electronic mail on July 6, 2009.

/s/Katherine D. Hodge

Katherine D. Hodge