

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)	

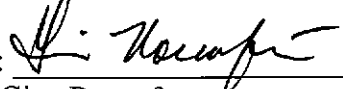
NOTICE

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 the MOTION FOR LEAVE TO FILE INSTANTER RESPONSE TO FIRST NOTICE COMMENTS OF UNITED STATES STEEL CORPORATION AND ARCELORMITTAL USA, INC., and RESPONSE TO FIRST NOTICE COMMENTS OF UNITED STATES STEEL CORPORATION AND ARCELORMITTAL USA, INC., a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: July 15, 2009

1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

**THIS FILING IS SUBMITTED
ON RECYCLED PAPER**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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**MOTION FOR LEAVE TO FILE INSTANTER RESPONSE TO FIRST NOTICE
COMMENTS OF UNITED STATES STEEL CORPORATION AND
ARCELORMITAL USA, INC.**

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, hereby requests that the Illinois Pollution Control Board (“Board”) grant the Illinois EPA leave to file instanter the Response to First Notice Comments of United States Steel Corporation (“US Steel”) and ArcelorMittal USA, Inc. (“ArcelorMittal”) In support of this motion, the Illinois EPA states as follows:

1. On May 22, 2009, the above rulemaking proposal was published in the *Illinois Register*, beginning the 45-day first notice comment period. *See*, 33 Ill. Reg. 6896 and 6921.

2. On July 6, 2009, the Illinois EPA filed its First-Notice Comments with the Board. *See, First-Notice Comments of the Illinois Environmental Protection Agency, Filed July 6, 2009.* Also, on July 6, 2009, US Steel filed its First Notice Comments with the Board; however, the Illinois EPA was not served with these comments until after the close of business on that day. *See, First Notice Comments of United States Steel Corporation, Filed July 6, 2009.* Counsel for the Illinois EPA has discussed US Steel’s comments with counsel for US Steel, and there is no objection to the filing of this motion.

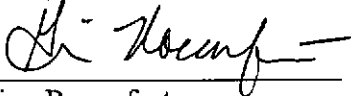
3. On July 7, 2009, ArcelorMittal filed a Motion for Leave to File a Response to the First Notice Public Comment by the Illinois EPA and Response to the First Notice Comment by the Illinois EPA. *See, Motion for Leave to File a Response to the First Notice Public Comment by the Illinois EPA Submitted by ArcelorMittal USA, Inc., and Response to the First Notice Public Comment by the Illinois EPA Submitted by ArcelorMittal USA, Inc., Filed July 7, 2009.*

4. Although the Illinois EPA regrets the timing of this latest request and recognizes the fact that the Board is proceeding expeditiously as requested by the Illinois EPA, the Illinois EPA deems it necessary to respond to US Steel's First Notice Comments and ArcelorMittal's Response to the Illinois EPA's First-Notice Comments.

WHEREFORE, for the reasons stated above, the Illinois EPA hereby respectfully requests that the Board grant the Illinois EPA leave to file instanter the Response to First Notice Comments of US Steel and ArcelorMittal.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: July 15, 2009

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RESPONSE TO FIRST NOTICE COMMENTS OF UNITED STATES STEEL CORPORATION AND ARCELORMITAL USA, INC.

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by its attorneys, and respectfully submits its response to the first-notice comments of United States Steel Corporation (“US Steel”), filed on July 6, 2009, and the response of ArcelorMittal USA, Inc. (“ArcelorMittal”), filed on July 7, 2009, related to the amendatory provisions published on May 22, 2009, in the above rulemaking proceeding. *See*, 33 Ill. Reg. 6896 and 6921.

US Steel

In its first-notice comments, US Steel reiterates the issue of the need for revision to the proposed emissions averaging provisions to cover time periods when the coke oven gas desulfurization unit is shutdown due to unplanned outages or upsets, as well as startups and shutdowns. *See, First Notice Comments of United States Steel Corporation, filed July 6, 2009, at 3-4.* As US Steel indicates, it raised this issue in its Post-Hearing Comments previously filed with the Illinois Pollution Control Board (“Board”). *See Post-Hearing Comments of United States Steel Corporation, filed March 23, 2009.*

The Illinois EPA supports proposed Section 217.158(i), as it is written, which addresses planned maintenance cycles. These provisions were drafted as a result of discussions with US Steel to address maintenance shut downs. Operation during periods of malfunction, breakdown, and startup are addressed under current Board regulations set forth under 35 Ill. Adm. Code Part 201, Subpart I. *See*, 35 Ill. Adm. Code 201.261--201.265. Operation during such periods is

routinely handled through the permitting process via these regulatory provisions. Accordingly, the Illinois EPA does not support amending the proposal to address unplanned outages or upsets, as well as startups and shutdowns, because operation during such periods is already provided for under current Board regulations.

As to US Steel's comment regarding the emissions limitation for a recuperative reheat furnace combusting a combination of natural gas and coke oven gas that is based upon desulfurized coke oven gas having an estimated concentration of hydrogen cyanide of 130 parts per million or less and the potential need to amend it once construction of the coke oven gas desulfurization unit is complete, the Illinois EPA agrees with US Steel and acknowledges, as it did in its Post-Hearing Comments, that once the coke oven gas desulfurization unit is in operation, there is a possibility that the emissions limitation may require adjustment, which would be the subject of a future rulemaking.

Furthermore, US Steel requests revisions to the proposed testing and monitoring provisions under Section 217.157 in order to be consistent with its construction permit for its cogeneration boiler with a heat input capacity of 505 million British thermal units per hour ("mmBtu/hr"). The construction permit requires US Steel to install and operate a nitrogen oxides ("NO_x") and carbon monoxide ("CO") continuous emissions monitoring system ("CEMS") on the affected unit within one year after the initial emission testing required by the permit unless this testing or further testing demonstrates that the unit normally complies by a margin of at least 5 percent with the NO_x and CO emission limit in the permit or the Illinois EPA approves further time for US Steel to achieve this level of performance. However, Section 217.157(a)(1) requires the installation and operation of a CEMS on industrial boilers with a rated heat input capacity greater than 250 mmBtu/hr.

The Illinois EPA has engaged in further discussions with US Steel on this issue, and as a result, recommends amending Section 217.157(a)(1) to read as follows:

- 1) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR Part 75, as incorporated by reference in Section 217.104. However, the owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr that combusts blast furnace gas with up to 10% natural gas on an annual basis and located at a source that manufactures iron and steel is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on such industrial boiler, provided the heat input from natural gas does not exceed 10% on an annual basis and the owner or operator complies with the performance test requirements under this Section and demonstrates, during each performance test, that NO_x emissions from such industrial boiler are less than 70% of the applicable emissions limitation under Section 217.164. In the event such owner or operator is unable to meet the requirements of this paragraph, a continuous emissions monitoring system is required within 12 months of such event, or by December 31, 2012, whichever is later.

Finally, the Illinois EPA is in agreement with US Steel as to the need for correcting the denominator in the formula under proposed Section 217.164(e). The Illinois EPA similarly commented as such in its First-Notice Comments.

ArcelorMittal

In its first-notice comments, ArcelorMittal restates its position that the proposed NO_x emissions limitation for reheat furnaces is economically unreasonable. The Illinois EPA supports the emissions limitations for reheat furnaces as written and is opposed to revising the limitations at this time. The Illinois EPA believes the proposed limitation for reheat furnaces (recuperative, combusting natural gas) is technically feasible and economically reasonable, and

that the information contained in the docket for this rulemaking adequately supports the proposed limitation.

In addition, ArcelorMittal has again requested that the final rule provide an option for a case-by-case exemption of the NO_x emissions limitation upon a demonstration that such controls would be economically unreasonable. As stated in the First-Notice Comments of the Illinois EPA to the Board filed on July 6, 2009, the Illinois EPA opposes the inclusion of such an option in this rulemaking. The Board's regulations already include regulatory relief mechanisms from environmental regulations under such circumstances, and the Illinois EPA acknowledges that sources may initiate proceedings for such relief. The Illinois EPA is willing to work with affected sources, including ArcelorMittal, that may seek such relief from unreasonable impacts due to unique or source-specific circumstances.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 

Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: July 15, 2009

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