

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
STANDARDS AND LIMITATIONS FOR) R14-19
CERTAIN SOURCES OF LEAD:) (Rulemaking-Air)
PROPOSED 35 ILL. ADM. CODE 226)

NOTICE

To: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY of the Illinois Environmental Protection Agency, copies of which are herewith served upon you.

Respectfully submitted

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: *Sally Carter*
Sally Carter
Assistant Counsel
Division of Legal Counsel

DATED: January 13, 2014

1021 N. Grand Ave. East
P.O. Box 19276
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POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA” or “Agency”), by its attorney, hereby submits its post-hearing comments in the above rulemaking proceeding. Though the Illinois EPA responded to most every issue raised at the first hearing in this matter on the record during that proceeding, some outstanding issues remain to be addressed in these post-hearing comments.

Responses to Questions Raised During the First Hearing

Question: The Agency was asked to provide a more detailed accounting of fugitive emission reductions from the proposed rule.

Answer: As noted at the hearing, fugitive emissions are often difficult to precisely quantify. It would be difficult to provide a good estimate of the specific numerical reduction in lead fugitive emissions as a result of this rulemaking. The Agency does not have reported values for fugitive emissions or good estimates of fugitive emissions at the sources prior to the rulemaking.

Consistent with the goal of this rulemaking, future fugitive emissions in the event of the adoption of the proposed rule were estimated in order to perform the modeling necessary to demonstrate that the enactment of the proposed rule would bring the area into attainment with the National Ambient Air Quality Standard (NAAQS) for lead. Conservative estimates for future fugitive emissions under the proposed rule were used in modeling, providing higher emissions than the Agency expects, in order to ensure attainment is reached.

The Agency did not attempt to quantify fugitive lead emissions at either of the affected sources prior to changes that will be necessary at each source in order to comply with the proposed rule. Attempts to quantify those previous fugitive emissions would not have been useful as they would have been estimates based upon emission factors applied to configurations of the sources that were not representative of operations at the time research for the rule was being conducted. An additional difficulty in estimating fugitive emission reductions, as stated by the Agency during the first hearing, is that processes that were the most significant sources of fugitive emissions will essentially now be point sources, because the emissions will take place within a permanent total enclosure and any lead particulate matter will either be captured by the control device or will be caught by the proposed regulation’s new cleaning mandate after settling out on the floor or other surfaces within the enclosure.

A detailed quantification of fugitive emission reductions was not performed, as it was not germane to the Agency's goal to propose a rule that would attain the NAAQS for lead in each nonattainment area. In its efforts to achieve that goal, the Agency relied upon the air quality modeling to propose a rule requiring emission limits appropriate to demonstrate anticipated attainment of the NAAQS that includes control equipment and control measures to limit fugitive emissions to the greatest extent practicable. While the Agency is unable to provide detailed reduction values at the time of this response, the Agency is confident that fugitive emissions are appropriately limited and will be significantly reduced by the measures in the proposed rule.

Question: The Agency was asked the following with regard to Kramer: whether the new pollution control equipment was in operation; if emissions testing (stack tests) had been performed on the new control equipment; if the emissions testing could demonstrate compliance with the standards in the proposed rule; if this testing had been performed while Kramer was operating at full capacity; and if this information could be correlated to lead monitor data from the Perez monitor.

Answer: Emissions testing at H. Kramer was performed between September 17th and 20th, 2013 pursuant to the construction permit issued by the Illinois EPA and the consent decree entered in *United States of America et al. v. H. Kramer & Co*, U.S. District Court, Northern District of Illinois. Accompanying this response, the Agency is transmitting copies of these stack test results. This emissions testing confirms that the new pollution control equipment at Kramer is currently installed and operational. This new pollution control equipment includes new baghouses with secondary HEPA filtration. Agency analysis also confirms that the pollution control equipment at Kramer is capable of meeting the standards for lead emissions in the proposed rule. Recent emissions testing confirmed that lead emissions from the two new baghouses were 0.0000033 gr/dscf and 0.0000009 gr/dscf. Accordingly, the test results were two orders of magnitude below the limit of 0.00010 gr/dscf in the proposed rule.

Pursuant to the consent decree and the construction permit issued by the Illinois EPA, the emission testing at Kramer was also performed under maximum emission operating conditions. In addition to making its highest lead content product, the testing was done with only one of the two compartments in each baghouse running in order to demonstrate that Kramer's emissions would meet required limits even during an emergency shutdown with only one compartment in each baghouse operational. Given that the processes controlled by the new equipment at Kramer are batch operations, by their very nature, these operations are necessarily conducted at full capacity. In addition, the proposed rule will require that future emissions testing be conducted during conditions that represent maximum emissions.

Due to a time lag in obtaining data from this type of monitor (Perez monitor), the most recent quality-assured lead monitoring data that the Agency has is from September 2013. This makes any correlation between monitoring data and new pollution control equipment practically impossible as there is not a full month of emissions at newly controlled rates, using the emission testing dates as a basis, to correlate with a month of monitoring data. Instead, the Agency can confirm that there have been no exceedances of the NAAQS for lead at the Perez monitor since February of 2011.

As noted by the Agency at the first hearing, the proposed rulemaking has an effective date of January 1, 2015. Pursuant to the terms of the consent decree, Kramer will be

operating its new pollution control equipment at the source until this effective date, which is expected to provide a level of lead emission control adequate to prevent further violations of the NAAQS for lead in the area. As of the proposed effective date for this rule, air quality modeling shows the proposed rule will ensure continued attainment of the NAAQS for lead.

Question: The Agency was asked to provide clearer images of the maps included in the technical support document detailing the boundaries of the two lead non-attainment areas in Chicago and Granite City.

Answer: Accompanying this response, the Agency is transmitting clearer copies of these maps.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

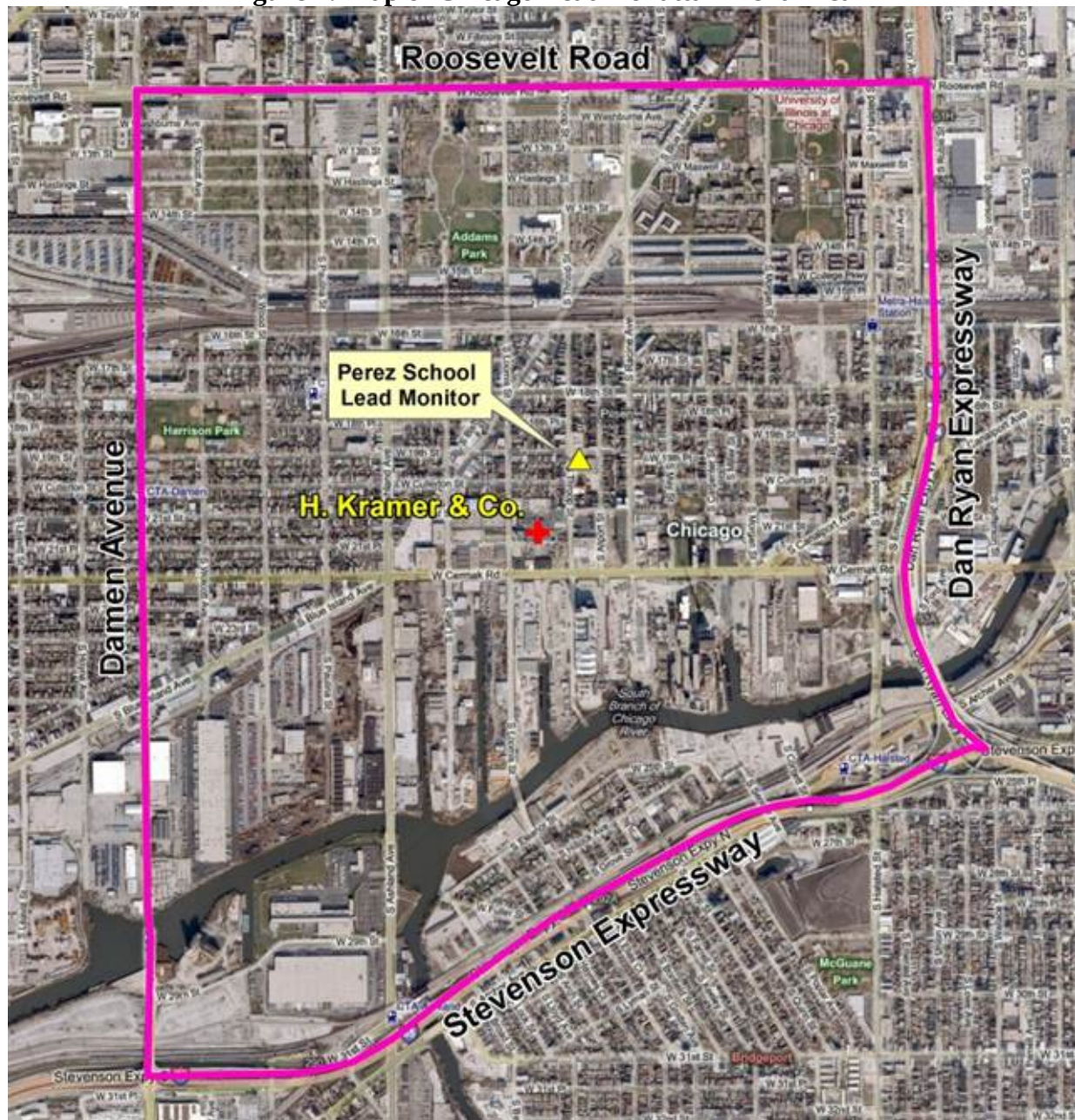
By: *Sally Carter*
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DATED: January 13, 2014
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Figure 1: Map of Granite City Lead Nonattainment Area



Figure 2: Map of Chicago Lead Nonattainment Area



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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the following person on January 13, 2014:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

and further state that I have served a copy of the foregoing POST-HEARING COMMENTS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY upon the attached service list by depositing said documents in the United States mail, postage prepaid, in Springfield, Illinois on January 13, 2014.

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Sally Carter
Assistant Counsel
Division of Legal Counsel

DATED: January 13, 2014

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