

ExxonMobil
Refining & Supply Company
Joliet Refinery
P.O. Box 874
Joliet, Illinois 60434-0874



January 20, 2013

Mr. John Therriault
Clerk, Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, Illinois 60601

Re: R2014- 020 Consideration of IEPA Decision to Seek Emergency Rules under Section 27(c) of the Illinois Environmental Protection Act

Dear John:

As Safety, Security, Health & Environmental (SSHE) Manager at the ExxonMobil Oil Corporation – Joliet Refinery (Joliet Refinery), I file the comments below on behalf of the Joliet Refinery. The Joliet Refinery is located in Will County. In response to the IEPA's proposed emergency rules regulating Bulk Storage Terminals for Petroleum Coke (Pet Coke) and Coal, we respectfully urge the Illinois Pollution Control Board (Board) to reject the IEPA's proposed emergency rule immediately as it would enact onerous and unnecessary regulations on bulk storage terminals which handle petroleum coke and coal.

Although the IEPA's proposed emergency rule does not apply directly to the ExxonMobil Joliet Refinery, we oppose the use of "emergency rules" when the criteria for issuance of an emergency rule under the Section 27 (c) of the Illinois Environmental Protection Act (Act) does not exist.

Joliet Refinery's comments focus on refuting IEPA's claim that an emergency rulemaking is required, and that additional stringent operating requirements are needed in place of an already effective federally approved (as part of the State Implementation Plan) Fugitive Particulate Matter regulation [35 Ill. Admin. Code § 212, Subpart K].

NO JUSTIFICATION FOR "EMERGENCY" RULEMAKING

Section 27 (c) of the Act clearly states that the IPCB may only permit administrative emergency rulemaking when one or more of the following conditions exist:

1. a disaster emergency exists, or
2. when the Board finds that a severe public health emergency exists, or

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3. when the Board finds that a situation exists which reasonably constitutes a threat to the public interest, safety, or welfare.

While the IEPA states that the operations of several bulk storage terminals located in Cook County have resulted in complaints of fugitive emissions from those facilities, the situation cited by the IEPA has been addressed since those complaints were filed. Both identified locations have positively reacted, one by removing all pet coke from its property and the other has made significant investments toward advanced emission control equipment. In addition, we are not aware of any problems or complaints associated with pet coke or coal bulk storage terminals elsewhere in the State.

As a result of these findings, the Joliet Refinery does not believe that a "severe public health emergency exists", which is required for these rules to be determined as an emergency. However, should the Board determine that a review is necessary; a normal non-emergency rule process and timeline should be followed.

NO JUSTIFICATION FOR ADDITIONAL OPERATING REQUIREMENTS

Current Illinois Fugitive Dust regulations followed by existing sources have sufficiently managed fugitive dust from outdoor storage of petroleum coke. The rules restrict "visible and particulate matter emissions" such as petroleum coke dust (35 Ill. Admin. Code § 212.301 et seq.) With regard to concerns raised by the IEPA, the existing Illinois environmental regulations contain the following requirements:

- Storage piles must be covered or sprayed with water or a surfactant "on a regular basis," unless the particulate matter does not cross property lines. *Id.* at § 212.304.
- Conveyor loading operations must utilize sprays, telescopic chutes, stone ladders, or other methods to control dust. *Id.* at § 212.305.
- Access roads must be paved or treated with water or dust suppressants "on a regular basis." *Id.* at § 212.306.
- Vehicles must be covered to prevent the release of particulate matter into the atmosphere. *Id.* at § 212.315.

Operators of facilities that manage petroleum coke must also comply with an "operating program" to "significantly reduce" their fugitive emissions. *Id.* at § 212.309. Operators must submit their operating programs to the Illinois Environmental Protection Agency for review. The Operating Programs are required to "significantly reduced fugitive particulate matter emissions and are required to include at a minimum details about the site and how fugitive dust is managed, including: contact information of the owner, a map or diagram showing approximate locations of storage piles and traffic patterns, a detailed description of "best management practices" for controlling dust, the frequency of dust suppressant application, and other information. *Id.* at § 212.310. Any amendments to the operating program must also be submitted to the Illinois Environmental Protection Agency for its review.

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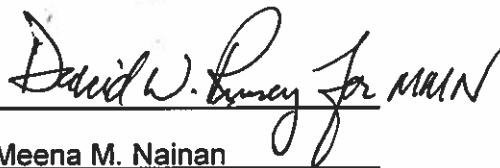
The Joliet Refinery believes that when the current Fugitive Particulate Matter regulations are properly implemented, the existing Illinois regulations are sufficient to prevent petroleum coke and coal from causing a nuisance to nearby properties and people.

We respectfully urge the Board to reject the IEPA's proposed emergency rule immediately and should there be a need for revisions to the existing fugitive particulate matter regulations, the IPCB should use the normal rulemaking process so that the public has a right to comment.

Should you have any questions regarding the content of this comment letter, please contact me via phone at (815) 521-7442 or email at meena.m.nainan@exxonmobil.com.

Very truly yours,

Signature:



Name:

Meena M. Nainan

Official Title:

SSH&E Manager

Telephone No.: (815) 521-7442

Date Signed:

January 21, 2014

CC: IPC Board Members

Ms. Deanna Glosser, Chairperson

Ms. Carrie Zalewski

Ms. Jennifer Burke

Mr. Jerome D. O'Leary