

**Fox, Tim**

PC#2

**From:** Betty Niemann <paint007@hotmail.com>  
**Sent:** Wednesday, September 17, 2014 4:01 PM  
**To:** Tipsord, Marie; Robertson, Daniel; Kruse, Chad; Fox, Tim  
**Subject:** More Public Comment on 14-134 Letter to Illinois Pollution Control Board

RE: Stay and Summary Judgment

Open Letter to the Illinois Pollution Control Board on 14-134

My previous Public Comments are posted on 5 September 2014 under docket 14-134.

I am writing at this time as a very concerned citizen about the Stay on FutureGen's Request for Summary Judgment.

As a concerned citizen whose family is impacted directly by the FutureGen project without the family's input and opinion in the decision making, I would like to see the IPCB:

1. Not grant FutureGen expedition on the decision about the Prevention of Significant Deterioration (PSD) Permit.
2. Not grant a summary judgment to FutureGen on the PSD decision thereby allowing Board to take a normal course of action. Poor planning on FutureGen's part does not constitute an emergency on the IPCB's part no matter what excuse FutureGen gives.
3. FutureGen be mandated to obtain a PSD permit for its project.

My reasons for my position are many.

1. This EPA fact sheet (<http://www.epa.gov/nsr/ghgdocs/Step3FactSheet.pdf>) written in 2009 states "Currently, new facilities with GHG emissions of at least 100,000 tons per year (tpy) carbon

dioxide equivalent (CO<sub>2</sub>e) and existing facilities with at least 100,000 tpy CO<sub>2</sub>e making changes

that would increase GHG emissions by at least 75,000 tpy CO<sub>2</sub>e are required to obtain PSD

permits. Facilities that must obtain a PSD permit anyway, to cover other regulated pollutants,

must also address GHG emissions increases of 75,000 tpy CO<sub>2</sub>e or more. **New and existing sources with GHG emissions above 100,000 tpy CO<sub>2</sub>e must also obtain operating permits**

**Note: 1.1 million metric tons of CO2 emitted by the oxy-combustion method to be stored underground (sequestered) still counts as an emission that has to be dealt with and it still exceeds the 100,000 tons per year which mandates a PSD permit.**

This means to me that FutureGen must obtain a PSD operating permit and this article does not allow for any waivers of the permit as requested by FutureGen. The current regulation is still under review with a public comment period now extended until 1 December 2014 so for FutureGen, in my opinion, is requesting a waiver under a regulation that still not official law and as such, the entire FutureGen request should be tabled until the law is in effect or the 2009 law is invoked by the IPCB which mandates a PSD permit.

2. FutureGen has spent considerable time and taxpayer money (under ARRA) to fight the PSD permit requirement even as early as FutureGen's incorporation in the Illinois Power Agency's Power Purchase Agreement under the Illinois Commerce Commission citing that "by definition of clean coal" FutureGen should not have to obtain a PSD permit.

a. My question is WHY is FutureGen afraid of the PSD permitting process? Is FutureGen hiding something in its oxy-combustion process or in its sequestration or storage of the CO2?

b. If FutureGen was made to obtain a PSD permit, would it be able to meet all the requirements of the PSD permit? FutureGen should be asked if they can meet all the requirements of the PSD permit and if they can't, then they should be denied their request to waive (or not have to obtain) a PSD permit and that they, I feel, should be required to have a PSD permit prior to any construction and if construction has already started, an injunction be served to FutureGen until such time the PSD permit has been applied for and granted.

c. Even with the oxy-combustion technology, on start up/shut downs/major maintenance, the unit may not be operating a full operational capacity. In my opinion, just for this reason alone, the FutureGen should be required to obtain a PSD permit. What happens if the oxy-combustion unit does not run at 100 percent capacity and pollutants regulated by the PSD permit are emitted and the PSD is waived? What regulatory control will be in place to curb/check/diminish these pollutant emissions?

d. What kind of trust can the State of Illinois, Illinois taxpayers and rate payers have in an entity that feels it does not have to follow rules "by definition" for a new untried technology.

3. Is the Illinois Pollution Control Board aware of the fact that the initial commitment in Morgan County to the FutureGen project was made by a trustee(bank) who committed by signature 980 plus acres the trustee held in trust and beneficiaries first read about it in the local newspapers before even being contacted by the trustee. These newspapers articles indicated that trustees were "for" the project and would sign even before the beneficiaries were notified of such.

At that time, the beneficiaries went to speak to Terry Dennison of the Jacksonville Regional Developmental and Economic Corporation who spearheaded the project for Morgan County who briefly described the project to them. He said that this project would, since it is a first of its kind, would be closely watched and scrutinized. My question is this: **"How can a project be closely scrutinized or monitored IF it is not required to meet all permitting requirements?"**. FutureGen's request to waive the PSD requirement means to me that the general public is deprived of this avenue of scrutiny and any sort of continuous evaluation and monitoring and protections provided under the PSD permitting program.

In my opinion, Does FutureGen understand that the PSD permitting process provides protection to the general public? AND by FutureGen's request for waiving the PSD permitting process implies that 1.they do not have to follow rules, and 2. there is no third party means to evaluate the success or failure of their demonstration project.

Given my concerns, I do not feel all the facts concerning FutureGen have been presented to the Illinois Pollution Control Board and that with the absence said facts, the summary judgment should NOT be granted to FutureGen.

In addition:

4. I do not believe that CO2 is the cause of global warming.

5. I do not believe that the FutureGen project designed to mitigate global warming by its oxy-combustion carbon capture and sequestration (storage) to remove CO2 from the atmosphere will remove enough atmospheric CO2 to make a difference in global warming. Gina McCarty, head of the EPA, has said that the new EPA regulations on coal will not make any appreciable differences in CO2 mitigation but the EPA would still mandate the regulations.

The amount of CO2 removed during the oxy-combustion capture for the FutureGen project is only 0.00047 parts per million per year. This is hardly a drop in the bucket for climate change mitigation or for a demonstration project to prove that enough CO2 can be stored to make a difference in atmospheric CO2.

FutureGen touts that the project will store 1.1 million metric tons per year. In other words, The project will emit 1.1 million metric tons of CO2 per year. Does this exceed the GHG limits for CO2?

In addition, that very same 1.1 million metric tons of CO2 per year translates to 385 million gallons (1 metric ton of CO2 is approximately 350 gallons of supercritical CO2 for injection) to be stored under Illinois farmland per year and under the PSD permit, FutureGen must evaluate what these 385 million gallons or 7.7 billion gallons of CO2 over 20 years will do to Illinois LAND.

6. Under the PSD permit requirements, the emissions NET increase or decrease are to be calculated from previous emissions compared to the those post retrofit of the oxy-combustion process. Since the existing mothballed Ameren generation unit has been off line for more than a year, I believe the baseline for comparison is ZERO for all emissions and the FutureGen's oxy-combustion emissions are all above zero so the net is anything above zero and thus the PSD permitting process should take place.

7. Under the provisions of Innovative Control Technology The PSD permit provides for new and innovative control technology under which the oxy-combustion technology may fall. (from this website <http://www.law.cornell.edu/cfr/text/40/52.21>)

(v) **Innovative control technology.**

(1) An owner or operator of a proposed major stationary source or major modification may request the Administrator in writing no later than the close of the comment period under 40 CFR 124.10 to approve a system of innovative control technology.

(2) The Administrator shall, with the consent of the governor(s) of the affected state(s), determine that the source or modification may employ a system of innovative control technology, if:

(i) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;

(ii) The owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under paragraph (j)(2) of this section, by a date specified by the Administrator. Such date shall not be later than 4 years from the time of startup or 7 years from permit issuance;

iii) The source or modification would meet the requirements of paragraphs (j) and (k) of this section, based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Administrator;

(iv) The source or modification would not before the date specified by the Administrator:

(a) Cause or contribute to a violation of an applicable national ambient air quality standard; or

(b) Impact any area where an applicable increment is known to be violated; and

(v) All other applicable requirements including those for public participation have been met.

(vi) The provisions of paragraph (p) of this section (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.

(3) The Administrator shall withdraw any approval to employ a system of innovative control technology made under this section, if:

(i) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or

(ii) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or

(iii) The Administrator decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

(4) If a source or modification fails to meet the required level of continuous emission reduction within the specified time period or the approval is withdrawn in accordance with paragraph (v)(3) of this section, the Administrator may allow the source or modification up to an additional 3 years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

To me, this is the clause of the PSD permitting that:

- a. FutureGen should be mandated to adhere to by the Illinois Pollution Control Board,
- b.. This clause, I believe, provides protection and oversight to the general public in the permit process,
- c. Gives parameters under which FutureGen must operate:
  - 1.) Offers a 4 to 7 year window to prove or disprove success.
  - 2.) Sets dates under which FutureGen must operate.

Please do not grant a waiver of the PSD permit to FutureGen, expedite FutureGen's request, and provide a summary judgment in favor of FutureGen.

Thanks for listening.

Betty Niemann