

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

AMEREN ENERGY )  
GENERATING COMPANY, )  
NEWTON POWER STATION, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

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NOV 03 2005

STATE OF ILLINOIS  
Pollution Control Board

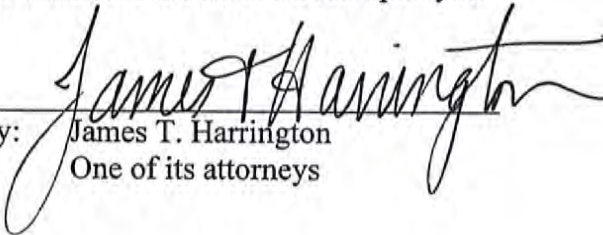
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PCB 05-68  
CAAPP Appeal

NOTICE OF FILING

To: Division of Legal Counsel  
1021 North Grand Avenue  
Post Office Box 19276  
Springfield, IL 62794-9276

Ms. Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
1000 West Randolph Street, Suite 11-500  
Chicago, IL 60601

Please take notice that on 11/3, 2005, the undersigned caused to be filed with the Clerk of the Illinois Pollution Control Board, Petitioner's Petition for Review and Motion for Stay, and Appearance, copies of which are herewith served upon you.

By:   
James T. Harrington  
One of its attorneys

James T. Harrington  
David L. Rieser  
McGuireWoods LLP  
77 West Wacker, Suite 4100  
Chicago, IL 60601  
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CERTIFICATE OF SERVICE

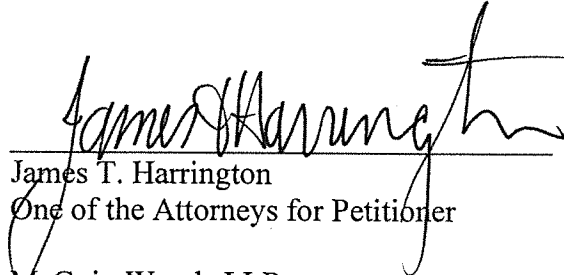
I, James T. Harrington, one of the attorneys for Petitioner, hereby certify that I served copies of:

1. Motion to Allow Filing of Less Than Nine Copies;
2. Notice of Filing;
3. Petition for Review and Motion to Stay; and
4. Appearance;

upon the

Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, IL 62794-9276

on November 3, 2005 via Federal Express.

  
\_\_\_\_\_  
James T. Harrington  
One of the Attorneys for Petitioner  
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77 West Wacker, Suite 4100  
Chicago, Illinois 60601  
Telephone: 312/849-8100

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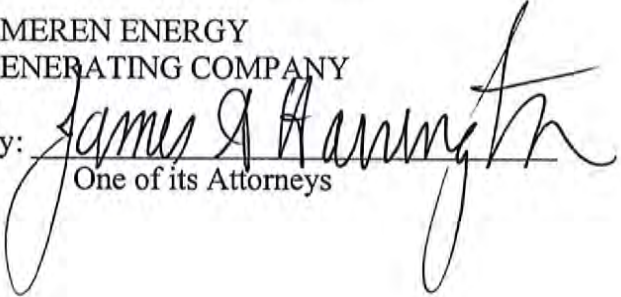
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MOTION TO ALLOW FILING OF LESS THAN NINE COPIES

Ameren Energy Generating Company ("Ameren"), by and through its attorneys, McGuireWoods LLP, respectfully requests that the Board allow it to file less than nine copies of its Petition for Review of a CAAP Permit. The Petition includes lengthy exhibits, including the Permit. Ameren has attached the original and four copies and submits that submitting five additional copies would be an unnecessary expense and a burden to both Petitioner and the Board.

WHEREFORE, for the reasons stated in this Motion, Ameren respectfully requests that it be allowed to submit an original and four copies of its Petition for Review and Exhibits instead of nine copies otherwise required by Board rules.

AMEREN ENERGY  
GENERATING COMPANY

By:   
One of its Attorneys

James T. Harrington  
David L. Rieser  
McGuireWoods LLP  
77 West Wacker, Suite 4100  
Chicago, IL 60601  
Telephone: 312/849-8100

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PCB <sup>05</sup> 68  
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NOV 03 2005

STATE OF ILLINOIS  
Pollution Control Board

APPEARANCE

We hereby file our appearances in this proceeding, on behalf of Petitioner,  
Newton Power Station.

Dated: November 3, 2005

  
James T. Harrington  
Attorney ARDC No. 1132806

  
David L. Rieser  
Attorney ARDC No.: 3128590

McGuireWoods LLP  
77 West Wacker Drive, Suite 4100  
Chicago, IL 60601

Telephone: 312/849-8100

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PETITION FOR REVIEW  
AND  
MOTION FOR STAY

NOW COMES Petitioner, Ameren Energy Generating Company (“Petitioner” or “Ameren”) pursuant to Section 40.2 of Illinois Environmental Protection Act (“Act” or “15 ILCS 5/40.2” and “35 Ill.Adm.Code § 105.300 *et seq.*”). Petitioner petitions for hearing before the Board to contest the decisions of the Illinois Environmental Protection Agency (“Agency”) to include certain conditions and make other decisions in the issuance of the permit dated September 29, 2005 (“Permit”) and issued under the Clean Air Act Permit Program (“CAAPP”) or (“Title V”) set forth at Section 39.5 of the Act (415 ILC 5/39.5) for the Newton Power Station (“Newton”). Petitioner requests that the Board recognize that the Permit is not final and effective as a matter of law or, in the alternative, stay this Permit pursuant to 35 Ill.Adm.Code § 105.304(b) during the pendency of this Petition for Review. In support of this Petition, Petitioner states as follows.

## **I. BACKGROUND**

1. Petitioner owns and operates a coal-fired power plant for the generation of electricity known as the Newton Power Station located at 6725 North 500th Street, Newton, Jasper County, Illinois.

2. This Plant consists of two boilers, Boiler NB-1 (a Combustion Engineering Boiler with nominal capacity of 5,500 mmBTU/hr) and Boiler NB-2 (a Combustion Engineering Boiler with nominal capacity of 5,500 mmBTU/hr), along with ancillary equipment, including coal handling and fly ash equipment.

3. The Newton Plant has a nominal capacity of about 1230 megawatts of electricity. It employs approximately 171 people.

4. Newton is a major source subject to the Clean Air Act Title V Permit Program. On September 07, 1995, Ameren filed an application for a CAAPP Permit with the Agency. The Agency issued a draft/proposed Permit for the public and USEPA's review on June 26, 2003. That review ended on September 28, 2003. The Agency issued a draft Permit and draft responsiveness summary on July 19, 2005. It provided for a 10 day comment period ending August 1, 2005. The Agency issued a draft Permit for USEPA review on August 15, 2005.

5. Ameren filed comments on various proposed permits on January, 2005 (Exhibit A), and August 1, 2005 (Exhibit B), as well as participating in joint comments filed by the Air Utility Group of Illinois ("AUGI") on September 23, 2003 (Exhibit C).

6. On September 29, 2005, the USEPA Region V posted a document entitled "Clean Air Act Permit Program (CAAPP) Permit" for the Newton Power Station dated September 29, 2005 with an expiration date of September 29, 2010, Application No.

95090066; I.D. No. 079808AAA on its website, a copy of which is attached hereto and made a part hereof as Exhibit D.

7. Ameren received the Permit in the mail on October 4, 2005.

8. Ameren hereby petitions for review of the issuance of the Permit and particularly the inclusion of the following identified terms and conditions thereof and asks the Board to reverse and remand the Permit to the Agency specifically for the purpose of removing said conditions or revising the Permit as requested herein.

9. Ameren further requests that the Board enter its order recognizing that the Permit is not final and effective pending a final decision of the Board and the action by the Agency implementing that decision or, in the alternative, issue its Order staying the Permit.

10. Ameren specifically petitions for review of the Permit as a whole and the conditions set forth below for the reasons stated.

## **II. STAY**

11. The Permit is a license within the meaning of the Administrative Procedure Act 5 ILCS 100/10-65.

12. As a license, it is subject to 5 ILCS 100/10-65(b) which provides:

When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.

13. No “final agency decision on the application” on the Permit occurs until the Pollution Control Board rules on this Petition for Review. See *Borg-Warner v. Mauzy*, 100 Ill. App. 3d 862 (1981), 427 N.E.2d 415 (Ill.App.Ct. 1981).

14. Therefore, pending a decision by this Board, the Permit is not in effect or, at a minimum, the contested terms are not in effect.

15. The Board should issue its order finding that the terms of the Permit are not in effect pending its final decision and any final action of the Agency implementing the Board’s decision.

16. If the Board does not enter an order as requested, it should enter its own order staying the Permit or, in the alternative, staying the contested terms pending its final decision.

17. As set forth herein, the Permit contains numerous Conditions which are illegal, unsupported in law or fact or otherwise unreasonable. Many of these Conditions are impossible with which to comply or impose an unreasonable burden upon Petitioner. Moreover, a stay would not impose a severe burden on the Agency or the public since this Permit Application has been pending since 1995 and a further delay in imposing these Conditions, to the extent they are valid, will prejudice neither the Agency nor the public. Moreover, Petitioner will remain subject to all requirements of the law and regulations and prior Permits during the pendency of this Petition. Furthermore, as documented below, Petitioner has a substantial likelihood of success on the merits. Various critical Conditions were imposed in violation of the law, without proper notice and an opportunity to comment, and without basis in law or fact or are otherwise unreasonable.



### **III. EFFECTIVE DATE**

18. a. The Permit states that it was issued September 29, 2005. An e-mail dated September 29, 2005, 7:18 PM, stating the Permit was posted on the USEPA website was effectively received by Ameren the next business day.

b. The Permit is apparently intended to be effective September 29, 2005, the date it was purportedly issued. The Permit itself does not contain any effective date. The USEPA Region V website where it was originally posted states that it was effective September 29, 2005. It contains numerous terms and conditions which are apparently intended to be immediately effective or which require immediate action by Petitioner to come into compliance with very short deadlines. Most of these conditions, whether otherwise contested or not, are not contained in any prior applicable law, regulation or permit and significant conditions were not contained in any prior draft permit issued for public comment. This purportedly immediately effective permit fails to give Petitioner adequate notice of what is required or adequate time to take action to comply. As such, it is unreasonable and contrary to law and a violation of due process. The Permit should be remanded to the Agency in order to provide adequate time to comply with those terms of the Permit that are otherwise found to be valid.

Ameren did not receive the signed Permit until October 4, 2005. Posting on the federal website and e-mail notice of such posting does not constitute delivery to Ameren. The Permit should not be deemed effective prior to its delivery to the Permittee in final form by the Agency. In particular, if the Permit is deemed effective on September 29, 2005, the two days remaining in the third quarter would require

Ameren to have taken action on these days and to file reports for the two days of the third quarter when the Permit would be deemed effective. Ameren had no official notice of the Permit, no opportunity to comply with the terms and conditions thereof, and no reason to have created or maintained the records required to file such quarterly report. Furthermore, filing such a quarterly report or other documents for a two-day period would be a useless gesture and impose an unreasonable burden upon Ameren.

#### **IV. GENERAL REPORTING REQUIREMENTS**

19. (a) Conditions 5.6.1(a) and (b) require record keeping of emissions of mercury, hydrogen chloride, and hydrogen fluoride.

(b) There is no basis in state or federal law or regulations for requiring reporting of mercury, hydrogen chloride or hydrogen fluoride. These facilities are not subject to federal regulations as Hazardous Air Pollutants and there is therefore no basis for requiring sampling, record keeping or reporting for these substances.

20. (a) Conditions 5.6.2(b) and (c) require Permittee to retain and print, on paper, records retained in an electronic format and further require Permittee, upon request, to submit copies of any electronic records required to be kept under the permit but not otherwise submitted to the Agency.

(b) These conditions impose an unreasonable burden upon Permittee. Paper copies of records retained in electronic format are generally neither useful nor required.

21. (a) Condition 5.6.2(d) provides:

For certain records required to be kept by this permit as specifically identified in the recordkeeping provisions in Section 7 of this permit, which records are a basis for control practices or other recordkeeping required by this

permit, the Permittee shall promptly submit a copy of the record to the Illinois EPA when the record is created or revised. For this purpose, the initial record shall be submitted within 30 days of the effectiveness of this permit. Subsequent revisions shall be submitted within 10 days of the date the Permittee begins to rely upon the revised record.

(b) The requirement to submit all records, apparently including forms of records, within 30 days or when created or revised, is overly vague and burdensome, serves no useful purpose and is otherwise unreasonable and unsupported in law.

22. (a) Condition 5.7.1 specifies General Source-Wide Reporting Requirements. It requires that, “[t]he Permittee shall promptly notify the Illinois EPA of deviations of the source with the permit requirements.”

(b) The condition does not define either “promptly” or “deviation” and is therefore overly vague and does not give the Permittee fair warning of what is required. Permittee suggested alternatives during the comment period but none have been adopted. Specific reporting requirements for the specific terms of the permit have been provided and should be sufficient for any reasonable purpose.

## **V. COAL FIRED BOILER**

Calculated 95% Upper Tolerance Bound for Opacity

23. (a) Condition 7.1.9(c)(ii) provides the following records are required:

Records for each affected boiler that identify the upper bound of the 95% confidence interval (using a normal distribution and 1 minute averages) for opacity measurements from the boiler, considering an hour of operation, within which compliance with the applicable limit in Conditions 7.1.4(a)(ii) and 7.1.4(b) is assured, with supporting explanation and documentation, including results of historic emission tests. At a minimum, these records shall be reviewed and revised as necessary following performance of each subsequent PM emission tests on the affected boiler. Copies of these records shall be submitted to the Illinois EPA in accordance with Condition 5.6.2(d).

(b) Standing on its own, this provision requires calculation of a statistical limit based on the incorrect assumption that the opacity readings and the particulate emission rate bear a consistent mathematical relationship to each other across a range of operating conditions. The relationship between opacity and particulate mass emissions varies with changes in fuel supply (different coals), the performance of the particulate control equipment (electrostatic precipitator), the fly ash particle size distribution and the refractive index of the fly ash particles. Thus, no direct correlation exists between stack opacity and particulate mass emissions. It also assumes that the data will fit a normal distribution which may not be the case. This requirement is not based on sound science or statistical methods, even if the relationship was established.

In addition, particulate emission testing pursuant to USEPA Method 5 is done under very controlled conditions not necessarily representative of a normal range of operating conditions. Such testing has generally been performed under normal operating conditions rather than at maximum allowable particulate emission rates typically resulting in emission rates which are a fraction of the allowable emissions. Opacity data representing opacity readings taken when the particulate emissions are at or near compliance limits are not available. Therefore, even assuming that there was a realistic mathematical relationship between opacity and particulate mass emissions and that this relationship is properly characterized, the confidence limit that would be calculated for opacity would represent a mass emission rate that is a fraction of the emission limit and not in any meaningful correlation to the allowable particulate emissions under the permit.

24. (a) Condition 7.1.9(c)(ii) further provides that the records required by that section “shall be submitted to the Illinois EPA in accordance with Condition 5.6.2(d).” Section 5.6.2(d) provides, *inter alia*, “[f]or this purpose, the initial record shall be submitted within 30 days of the effectiveness of this permit.”

(b) In essence the two sections together require the Permittee to calculate the upper bound of the 95% confidence interval for opacity for each boiler under the Permit, maintain the records, and submit them to the Agency within 30 days of the effective date. This is not possible. In order to attempt the mandated calculation and develop the records, there would need to be a current valid particulate emission test, including correlated opacity data, reflecting current operating conditions. Such tests are not presently available for all facilities subject to this requirement and could not be done within the 30 day period. To obtain such data for all the facilities subject to the identical requirements could require several years depending upon availability of the generating units, the availability of qualified stack testing teams and the Agency personnel to observe the tests. If the requirements of Condition 7.1.9(c)(ii) are to be retained in some form, it or Condition 5.6.2(d) must be modified to provide that what ever calculations must be done, will be done 180 days following the report of the next stack test for particulate matter required under the permit.

25. (a) Condition 7.1.9(c)(iii)(B) provides that for each hour when the upper bound specified in Condition 7.1.9(c)(ii) is exceeded a record must be made indicating the date, time, operating condition occurring at that time and “whether particulate matter emissions may have exceeded [the applicable limit.]” Moreover

Condition 7.1.10-2(a)(i)(E) requires that all records pursuant to Condition 7.1.9(c)(iii)(B) be submitted with the quarterly report.

(b) As set forth above, exceeding the upper bound specified in Condition 7.1.9(c)(ii) cannot reasonably be correlated to consistent particulate emission rates and therefore maintaining these records will not provide any useful information and merely impose an unreasonably burden upon the Permittee. Moreover, there is no basis on which Permittee can estimate whether the particulate emission limits may have been exceeded other than by looking at operating records and determining whether equipment is significantly malfunctioning. Condition 7.1.9(c)(iii)(B) is therefore unreasonable and contrary to law.

26. (a) Conditions 7.1.10-1(a)(ii) and 7.1.10-3(a)(i) require immediate notification by telephone “for each incident in which ... the opacity from an affected boiler exceeds 30 percent for five or more 6-minute averaging periods unless the Permittee has begun the shutdown... .”

(b) As originally proposed, this condition applied to five or more consecutive readings in excess of 30 percent. As written it is overly vague and burdensome. It would appear to apply to five or more such readings over any period of time including days, weeks or months.

Additionally, the use of the term “immediately” is inappropriate and vague. Without the benefit of a more thorough definition, it could be claimed that the notification must take place the exact moment after the event occurs. This would compromise resources that should, at that critical moment, be performing a number of other tasks to remedy the situation. Further, the review necessary to determine

whether or not the reporting is necessary must be performed by those who may not always be on the premises. This standard of “immediate” notice also fails to recognize that the Agency is not always available for notification.

27. (a) In addition to the foregoing condition-by-condition objections, there are numerous conditions in the permit that are overly vague and do not provide fair notice of what is required or even a method by which Permittee could provide the requested information.

i. Condition 7.1.10-2(a)(i)(E) requires Permittee to report instances when a condition “may have exceeded the PM limit....” Similar conditions appear elsewhere.

ii. Condition 7.1.10-2(d)(v) requires information “for each type of recurring opacity exceedance” including elaborate analysis of the possible causes and also requires information of “any new type(s) of opacity exceedances....”

(b) Each of these conditions is overly vague and burdensome. They do not provide fair notice of what is required; they use terms which are not defined in the permit or in practice; and provide no guidance as to how they are to be met. As such they violate Due Process.

28. (a) Condition 7.1.9(g)(ii)(C)(V) requires records of estimates of the magnitude of emissions of PM and CO during startups in exceedance of certain time limits and whether these emissions may have exceeded applicable limits. Condition 7.1.9(h)(ii)(D)(III) requires that the same records and estimates be made during malfunctions and breakdowns.

(b) There is no reasonable basis in law or fact for making these determinations, either in the amount of emissions or whether they violated any applicable conditions. There may be some basis of making general estimates of CO under some circumstances, but there is no way to make accurate, reliable measurements that could be the basis of determinations of exceedences. There is no accurate method for making realistic estimates of PM and CO emissions during startups or during malfunctions and breakdowns, including no test data or emission factors.

29. (a) Condition 7.1.12(b) provides: "Compliance with PM emission limitation of Conditions 7.1.4(a)(ii) and 7.1.4(b) is addressed by continuous opacity monitoring in accordance with Condition 7.1.8(a), PM testing in accordance with Condition 7.1.7, and the recordkeeping required by Condition 7.1.9."

(b) Condition 7.1.10-2(d)(iv) under the general caption "Reporting of Opacity and PM Emissions" requires quarterly reports "for periods when PM emissions were in excess of the limitation in Conditions 7.1.4(a)(ii) and 7.1.4(b)," including a detailed reporting of opacity measurements for each six minute period during the exceedances, "[t]he means by which the exceedance was indicated or identified, in addition to the level of opacity," "a detailed explanation of the cause," and a detailed explanation of the corrective measures taken. When read together with the other conditions in the permit set forth above, these sections clearly indicate that there is at least a presumption that the PM limit was violated when the opacity readings exceed the 95% upper tolerance bound calculated pursuant to the permit and that the Agency will expect the opacity reading to be reported as such. In essence, it appears that the 95% upper tolerance bound becomes a surrogate for a new PM limit if not the enforceable



limit itself. Moreover, as discussed above, this new limit will not bear any necessary relationship to the limit established in Illinois regulations for PM emissions from the boilers. This is in fact contrary to the statements made in the September 29 Agency Responsiveness Summary (found in Record) which stated that such limits could not be established. This new limit is not based on any legally applicable requirements and is therefore not a legally defensible requirement.

Furthermore, this new limit will be established without any consideration of its reasonableness or achievability under the normal range of operating conditions for the boilers, normal fuel supply variability and the normal range of control equipment performance and fly ash characteristics designed to achieve consistent compliance with the State's duly established emission limits.

30. (a) Condition 7.1.10-2(a)(iii) requires quarterly reports to be submitted within 30 days of the end of the quarter.

(b) 40 C.F.R. 60.45(g) requires quarterly reports of certain information as set forth in Condition 7.1.10-2(b), (c), (d), and (e) within thirty days of the end of the quarter. Petitioner has no objection to submitting such information within thirty days as required by federal regulations. However, the quarterly reports required under Condition 7.1.10-2(a)(iii) require substantially more information than 40 C.F.R. 60.45(g) which will require substantial additional time and effort to compile. Other CAAPP Permits for this industry allow sixty days to submit such reports for the first four quarters and allow forty-five days thereafter. It is unreasonable to allow less time in permits which also must file reports pursuant to 40 C.F.R. 60.45(g).

## **VI. CARBON MONOXIDE**

30. (a) Condition 7.1.6(a)(ii) provides:

As part of its operation and maintenance of the affected boilers, the Permittee shall perform formal "combustion evaluation" [sic] on each boiler on at least a quarterly basis, pursuant to Section 39.5(7)(d) of the Act. These evaluation [sic] shall consist of diagnostic measurements of the concentration of CO in the flue gas of the affected boiler, with adjustments and preventative and corrective measures for the boiler's combustion systems to maintain efficient combustion.

(b) This condition purportedly requires a quarterly formal "Combustion Evaluation" tied to CO measurements in the flue gas to maintain efficient combustion. "Combustion Evaluation" is not a term of art or science in the coal fired boiler industry and is not defined in the permit and is therefore overly vague. It is well known that CO levels in a boiler vary continuously over the normal range of operating conditions. It is not feasible to make boiler adjustments for CO at a single load point that will thereafter be maintained throughout the entire range of boiler operation. Moreover, tuning a boiler to minimize CO may have the effect of increasing NO<sub>x</sub> emissions which are more tightly regulated and of greater environmental concern. There is no evidence that the CO emissions exceed or even approach their allowable limits. Furthermore, there is no regulatory requirement or basis for inclusion of this requirement in the permit. As set forth in this Condition, these evaluations require periodic testing of CO in the exhaust. Such tests are not necessary or useful for compliance or operation. CO concentrations in the exhaust during stack tests are a small fraction of ambient limits. This requirement would require installation and operation of unspecified monitoring equipment at considerable cost. It is unreasonable and not supported by law or fact.

## **VII. START UP**

31. (a) Condition 7.1.9(g)(ii)(C) states:

If this elapsed time is more than 8 hours for Boiler NB-1 or NB-2 or if the Permittee's startup procedures are not followed:

- I. A detailed explanation why startup of the boiler was not completed sooner or startup procedures were not followed.
- II. Documentation for the startup procedures that were followed.
- III. The elapsed time from initial firing of auxiliary fuel until firing of the principal fuel was begun.
- IV. The flue gas temperature at which the ESP was energized, if coal was fired before the ESP was energized.
- V. Estimates of the magnitude of emissions of PM and CO during the startup, including whether emissions may have exceeded any applicable hourly standard, as listed in Condition 7.1.4.

(b) In essence, this requirement treats any startup exceeding 8 hours at this facility as being out of the ordinary and requiring extensive explanation. On the contrary, as repeatedly pointed out to the Agency on the record, in excess of 16 hours is far more typical of startups as both the boiler and turbine generator are brought to appropriate temperatures and coal is gradually added to the fuel mix. There is no basis for requiring the substantially greater records required by this condition or creating an impression that startups over 8 hours are out of the ordinary.

## VIII. TESTING

32. (a) Condition 7.1.7(a)(ii) provides as follows:

"PM emission measurements shall be made within 90 days of operating an affected boiler for more than 30 hours total in a calendar quarter at a load\* that is more than 2 percent higher than the greatest load on the boiler, during the most recent set of PM tests on the affected boiler in which compliance is shown (refer to Condition 7.1.7(e)(iii)(D)), provided, however, that the Illinois EPA may upon request of the Permittee provide

more time for testing (if such time is reasonably needed to schedule and perform testing or coordinate testing with seasonal conditions).

- \* For this purpose, load shall be expressed in terms of either gross megawatt output or steam flow, consistent with the form of the records kept by the Permittee pursuant to Condition 7.1.9(a).”

(b) This condition requires retesting the boiler if it operates for 30 hours in a calendar quarter at a load that is more than 2% greater than that during its most recent PM test. As the Agency is well aware and as has been pointed out in comments, there are periods of peak demand on the electric grid including periods when the grid may be in danger of collapse because of loading or loss of other generating capacity that it may be necessary to operate boilers over their rated capacity to protect the integrity of the electric grid. Furthermore, a 90 day window for conducting stack tests is not reasonable because arranging for tests, scheduling with the Agency and conducting such tests cannot generally be accomplished in that time frame. This condition penalizes the owner/operator for responding to potential emergency situations and otherwise fulfilling its legal obligations.

33. (a) Condition 7.1.7(b)(iii) provides that USEPA Methods 5 and 202 from 40 CFR 60 Appendix A must be used for sampling Particulate Matter. In the note it provides:

“Measurements of condensable PM are also required by USEPA Method 202 (40 CFR Part 51, Appendix M) or other established test method approved by the Illinois EPA, except for a test conducted prior to issuance of this permit.”

(b) Method 202 and similar methods are designed to test for “condensable particulates,” i.e., materials that are not particulates as emitted from the stack but which may later condense to form particulates. These “condensable

particulates” are not governed by any applicable emission limitation in law, regulation or permit. The test is expensive and complicated. It is also not reliable. Alternative methods are being developed. There is no basis in law for requiring Method 202 testing and it is not necessary or useful in demonstrating compliance with applicable regulations or the permit itself.

**IX. COAL HANDLING EQUIPMENT – coal receiving, coal transfer, coal storage operations**

Opacity

34. (a) Condition 7.2.4(b) provides that coal handling operations including coal receiving, coal transfer and coal storage are subject to the 30 percent opacity limitations recited in Condition 5.2.2(b) pursuant to 35 IAC 212.123.

Condition 7.2.7(a)(i) provides that the same operations shall be subject to USEPA Method 9 for opacity on the schedule and methodology set forth in this condition.

Condition 7.2.9(g) requires records of the opacity measurements to be kept.

Condition 7.2.12(a) provides that compliance with 7.2.4 is addressed by *inter alia* 7.2.6(a), 7.2.7 and 7.2.9.

(b) These conditions are improper. Emissions from coal handling equipment not exhausted through a stack or control device are strictly fugitive in nature in that they are not emitted from stacks or other similar confined openings suitable for controls. As such these emissions are subject to the fugitive emission standard in 35 IAC 212.301. There is no basis in the law or regulations to subject these emissions to opacity limitations, testing or monitoring.

## Inspection Requirements

35. (a) Condition 7.2.8(a) provides that monthly inspections of the operations including control measures must be monitored by “personnel not directly involved in the day-to day [sic] operations of the affected operations.”

Condition 7.2.12(a) provides that compliance with 7.2.4 is addressed by 7.2.8.

(b) There is no reasonable basis for requiring inspection by persons not involved in the operation. Only those people involved in the operations have the detailed knowledge of the equipment and processes to adequately carry out such an inspection safely. To require third parties lacking such familiarity with the process would defeat the purpose of the inspection.

36. (a) Condition 7.2.8(b) requires detailed inspection of the dust collection equipment at least every 15 months while the operation is out of service and further requires an inspection before and after any maintenance and repair.

Condition 7.2.12(b) provides that compliance with 7.2.6(a) is addressed by 7.2.8.

(b) Requiring the equipment to be out of service imposes a severe burden on operations and requiring an inspection before and after each repair is unnecessary and wasteful. Inspections and maintenance should be carried out in accordance with the manufacturer’s recommendations or industry experience. Moreover, requiring the facility to be taken out of service for such inspections and to require an inspection before and after any repair or maintenance is unnecessary, unreasonable and it

does not bear a reasonable relationship to environmental compliance. These requirements are overly burdensome and serve no valid purpose.

37. (a) Condition 7.2.9(e)(ii) provides that the Permittee must maintain records of estimates of the magnitude of PM emissions “for each incident when any affected operation operated without the established control measures.”

(b) The determination of the magnitude of PM emissions as attempted to be enforced here does not correlate with other relevant conditions or common industry practices. PM emissions from this operation are generally fugitive. There is no reasonable basis for making estimates of emissions during malfunctions or breakdowns. They cannot be measured and there are no applicable emission factors on which to base such estimates.

38. (a) Condition 7.2.10(b)(i)(A) provides that during continued operation of an affected process during malfunction or breakdown the Permittee must “immediately notify” the Agency “for each incident in which the opacity from an affected operation exceeds or may have exceeded the applicable opacity standard for five or more 6-minute averaging periods.”

(b) Emissions from coal handling are typically fugitive. As set forth herein opacity limitations do not apply to fugitive emissions and there is no reasonable basis for measuring opacity under these circumstances. Moreover, there is no basis for counting the “five or more” exceedences, if they could be measured, unless they are continuous or within a certain period of time.

Additionally, the use of the term “immediately” is inappropriate and vague. Without the benefit of a more thorough definition, it could be claimed that

the notification must take place the exact moment after the event occurs. This would compromise resources that should, at that critical moment, be performing a number of other tasks to remedy the situation. Further, the review necessary to determine whether or not the reporting is necessary must be performed by those who may not always be on the premises. This standard of "immediate" notice also fails to recognize that the Agency is not always available for notification.

39. (a) Condition 7.2.10(a)(ii) states that "[n]otification within 30 days for operation of an affected operation that was not in compliance with applicable requirements in Condition 7.2.6(a) that continued for more than 12 operating hours from the time that it was identified."

Condition 7.2.6(a) deals with the implementation of emission control measures and the accompanying work practices and operational limits.

(b) The nature of fugitive emissions compliance measures required by Condition 7.2.6(a) makes such reporting meaningless. For example, many such measures are periodic, i.e., every so many days or as needed, (e.g., one need not spray water on coal handling when it is raining). Certain such measures may not be needed for compliance with applicable requirements.

40. (a) Condition 7.2.10(b)(ii)(C) requires the Permittee to submit with the quarterly reports the aggregate duration of all incidents during the quarter in which affected operations continued to operate with excess emissions during malfunction or breakdown.

(b) The determination of the magnitude of PM emissions, as attempted to be enforced here, does not correlate with other relevant conditions or common industry



practices. PM emissions are generally fugitive. Under Condition 7.2.8(a), the Permittee is only required to make monthly inspections of affected operations and associated control measures. There are a number of reasons why monthly inspections, rather than continuous inspections, are enforced, and it is well-established that this monthly standard is reasonable, sufficient, effective, and fair. Therefore, it does not correlate that the Permittee should be asked to make estimates of emissions during each instance when operations continue without control measures.

## **X. FLY ASH HANDLING**

41. (a) Condition 7.3.4(b) imposes the opacity standards in Condition 5.2.2(b) based on 35 IAC 212.123 on affected sources at the fly ash handling operations.

(b) To the extent that these standards are being applied to fugitive emission sources as opposed to sources such as stacks, this condition is improper. Fugitive sources are subject to 35 IAC 212.301 and not 35 IAC 212.123 opacity standards.

42. (a) Condition 7.3.4(c) imposes particulate emission limitations based on process weight from 35 IAC 212.321(a).

(b) Fly ash handling equipment is a materials handling operation and not a process within the meaning of the regulations. Therefore 35 IAC 212.321 does not apply.

43. (a) Condition 7.3.8(a) requires weekly inspections of the fly ash handling equipment by “personnel who are not directly involved in the day-to day [sic] operation of the affected processes.”

(b) The requirement that the inspections be conducted by personnel not directly involved with the equipment in question is unreasonable and contrary to good practice. Only persons familiar with the equipment are in a position to carry out a reasonable inspection safely and recognize both areas requiring attention and the corrective actions that should be undertaken. There is no objection to carrying out the inspections and taking corrective action but that inspection should be done by the personnel most likely to correct any problems.

44. (a) Condition 7.3.8(b) requires detailed inspection of the dust collection equipment for the affected processes “while the processes are out of service.”

(b) This condition is unreasonable because the equipment may not be out of service within the 15 months allowed and because inspections with the equipment out of service are not the best method of determining its proper functioning. Moreover, requiring the facility to be taken out of service for such inspections and to require an inspection before and after any repair or maintenance is unnecessary and it does not bear a reasonable relationship to environmental compliance. Moreover, requiring an inspection before and after any repair or maintenance is unnecessary, unreasonable and it does not bear a reasonable relationship to environmental compliance.

45. (a) Condition 7.3.9(d) requires records related to inspection pursuant to Condition 7.3.8.

(b) It should be modified in accordance with changes to Condition 7.3.8.

46. (a) Condition 7.3.9(e)(ii) provides that the Permittee must maintain records of estimates of the magnitude of PM emissions “for each incident when any affected operation operated without the established control measures.”

(b) The determination of the magnitude of PM emissions as attempted to be enforced here does not correlate with other relevant conditions or common industry practices. PM emissions from this operation are generally fugitive. There is no reasonable basis for making estimates of emissions during malfunctions. They cannot be measured and there are no applicable emission factors on which to base such estimates.

47. (a) Condition 7.3.10(b)(i)(A) provides that during continued operation of an affected process during malfunction or breakdown the Permittee must “immediately notify” the Agency “for each incident in which the opacity from an affected operation exceeds or may have exceeded the applicable opacity standard for four or more 6-minute averaging periods.”

(b) Emissions from ash handling equipment are typically fugitive. As set forth herein, opacity limitations do not apply to fugitive emissions and there is no reasonable basis for measuring opacity under these circumstances. Moreover, there is no basis for counting the “four or more” exceedences, if they could be measured, unless they are continuous or within a certain period of time.

Additionally, the use of the term “immediately” is inappropriate and vague. Without the benefit of a more thorough definition, it can only be assumed that the notification must take place at the exact moment the event occurs. This would compromise resources that should, at that critical moment, be performing a number of other tasks to remedy the situation. Further, the review necessary to determine whether

or not the reporting is necessary must be performed by those who may not always be on the premises. This standard of “immediate” notice also fails to recognize that the Agency is not always available for notification.

48. (a) Condition 7.3.10(a)(ii) states that “[n]otification within 30 days for operation of an affected process that was not in compliance with applicable requirements in Condition 7.3.6(a) that continued for more than four operating hours from the time that it was identified.”

Condition 7.3.6(a) deals with the implementation of emission control measures and the accompanying work practices and operational limits.

(b) The nature of fugitive compliance measures required by Condition 7.3.6(a) makes such reporting meaningless. For example, many such measures are periodic, i.e., every so many days or as needed. Certain such measures may not be needed for compliance with applicable requirements.

49. (a) Condition 7.3.10(b)(ii)(C) requires the Permittee to submit with the quarterly reports the aggregate duration of all incidents during the quarter in which affected operations continued to operate with excess emissions during malfunction or breakdown.

(b) The determination of the magnitude of PM emissions, as attempted to be enforced here, does not correlate with other relevant conditions or common industry practices. PM emissions are generally fugitive. Under Condition 7.3.8(a) the Permittee is only required to make monthly inspections of PM emissions. There are a number of reasons why monthly inspections, rather than continuous inspections, are enforced, and it is well-established that this monthly standard is reasonable, sufficient, effective, and fair.

Therefore, it does not correlate that the Permittee should be asked to make estimates of emissions during each instance when operations continue without control measures.

50. Petitioner also objects to any other Condition of the Permit related to or incorporating the Conditions objected to herein.

51. Furthermore, many of the Conditions were included in the Permit in violation of Section 39.5(q) of the Act 415 ILCS 5/39.5(q), as well as 40 C.F.R. § 70.7(a)(5) in that the Agency failed to provide notice to the public, including an opportunity for public comments and a hearing on these conditions of the Permit; failed to “prepare a draft permit and a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions, including references to the statutory or regulator provisions...” and also failed to give notice of a draft CAAPP permit including these conditions to the applicant. Inclusion of these conditions without the notice and opportunity to comment provided by law deprives the Permittee of Due Process of Law in violation of the Illinois and United States Constitutions. This failure is so pervasive that the entire Permit should be remanded for proper notice and comment in accordance with the Board’s findings.

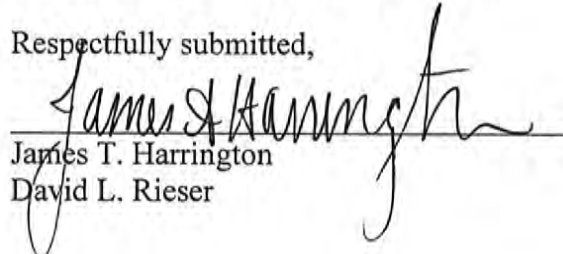
This Petition for Review is timely filed within thirty-five (35) days of final permit action on the CAAPP permit pursuant to 415 ILCS 5/40.40.2.

WHEREFORE, Ameren requests that that Board:

1. Enter an Order that the Permit is not final and effective pending the final decision of the Board and the actions of the Agency implementing it or, in the alternative, an Order staying the effectiveness of the Permit or, at a minimum, staying the contested terms of the CAAPP Permit as set forth above;
2. Conduct a hearing on the contested terms of the CAAPP Permit; and
3. Reverse and remand the Permit and the contested terms to the Agency to delete or modify in accordance with Petitioner's objections and the Board's Order.

Dated: 11/3/05

Respectfully submitted,

  
James T. Harrington  
David L. Rieser

McGuireWoods LLP  
77 West Wacker, Suite 4100  
Chicago, IL 60601  
Telephone: 312/849-8100

**EXHIBIT A**

January 12, 2005

Mr. Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62704

Re: Comments on revised proposed CAAPP Permits

Dear Mr. Frost:

Ameren Services as affiliated agent for Ameren Energy Generating Company and AmerenEnergy Resources Generating Company submits the attached comments regarding the revised proposed Clean Air Act Permit Program (CAAPP) operating permits for the following facilities:

Facility	Facility ID Number	Application Number
Coffeen	135803AAA	95090009
Duck Creek	057801AAA	95070025
E. D. Edwards	143805AAG	95070026
Hutsonville	033801AAA	95080105
Meredosia	137805AAA	95090010
Newton	079808AAA	95090066

Ameren appreciates the opportunity to comment on the revised proposed permits and the IEPA's consideration of the issues discussed in the comments.

Please contact Steve Whitworth at your convenience at (314) 554-4908 if you have any questions regarding the comments.

Sincerely,

Michael L. Menne  
Vice President  
Environmental, Safety and Health  
Ameren Services

Attachments

Cc: Christopher Romaine - IEPA  
Brad Frost - IEPA



**Ameren Comments on Illinois EPA's Revised Proposed CAAPP Permits – December 2004**

**Ameren Energy Generating Company**

Coffeen Power Plant – Facility ID No. 135803AAA; Application No. 95090009  
Newton Power Plant – Facility ID No. 079808AAA; Application No. 95090066  
Hutsonville Power Plant – Facility ID No. 033801AAA; Application No. 95090105  
Meredosia Power Plant – Facility ID No. 137805AAA; Application No. 95090010

**AmerenEnergy Resources Generating Company**

Duck Creek – Facility ID No. 057801AAA; Application No. 95070025  
E.D. Edwards Power Station – Facility ID No. 143805AAG; Application No. 95070026

Ameren Services, as authorized agent for Ameren Energy Generating Company (AEGC) and AmerenEnergy Resources Generating Company (AERGC), hereby provides the following comments on the above referenced revised proposed CAAPP permits.

First, we thank the Illinois Environmental Protection Agency for the opportunity to review and comment on this set of revised proposed CAAPP permits for the AEGC and AERGC facilities. Having reviewed them at length, we are disappointed that IEPA has chosen to propose substantial increases in the stringency and breadth of the monitoring, recordkeeping, reporting, and testing requirements for our facilities.

Moreover, the IEPA specifically states in its notice for "a period of review" for revised proposed CAAPP permits for coal-fired power plants that "*Based on further consideration and consultations with USEPA/Region V, as well as the applicants and interested parties, the Illinois EPA has prepared revised versions of the proposed permits. The revisions clarify and enhance the monitoring, record keeping, reporting and testing requirements of the permits. Additionally, the revisions to the proposed permits correct typographical errors and inadvertent mistakes, generally clarifying the terms and conditions of the permits.*" With the exception of one conference call in February 2004 between the IEPA and other utilities regarding the status of the CAAPP permits, Ameren has not been afforded an opportunity by the IEPA to review and comment on any revisions to the proposed permits since comments were provided in response to the formal public notice and comment period that started June 26 and ended September 28, 2003. The recent revisions to the permits do not serve the Agency's stated purpose to clarify the terms and conditions of the permits. In fact, the currently issued revised proposed draft permits have only further confused many requirements. Revisions to the permits have added even more monitoring, recordkeeping, reporting and testing requirements for the impacted facilities without providing reasoning for any of these revisions.

We believe that there will be few, if any, benefits to air quality for as a result of these changes. We also believe that in most cases, the 2003 draft permits provided acceptable permit conditions. We urge IEPA to reconsider the changes that have been made to the June 2003 proposed permits.

Ameren presents its comments in two sections: 1) general comments applicable to each of the revised proposed permits and 2) comments specific to each revised proposed CAAPP permit.

## I. General Comments

- **Add New Condition 1.5 “Permit Applicability Provisions”:** Include the language in Footnote 1 from page 1 of the proposed CAAPP permits in a new Section 1.5. This language should read:

This permit contains terms and conditions that address the applicability, and, if determined applicable, substantive requirements of Title I of the Clean Air Act (CAA) and regulations promulgated there under, including 40 CFR 52.21, Prevention of Significant Deterioration (PSD) and 35 IAC Part 203, Major Stationary Sources Construction and Modification. The authority for these provisions is found in these regulations and in the general authority provided to the Illinois EPA by Section 9.1 of the Environmental Protection Act (Act) and Sections 39(a) and 39.5(7)(a) of the Act, which authorize the Illinois EPA to include conditions in permits that are required to accomplish the purposes of the Act. Any such terms and conditions are specifically identified within this permit as T1 conditions. These terms and conditions continue in effect as provided by Condition 8.7 of this permit, notwithstanding the expiration date specified above, as their authority derives from Title I, as well as from Title V of the CAA.

- **Condition 3.1.4:** The permit language in lines 6 through 11, starting with “Notwithstanding such status as an insignificant activity, ...” significantly dilutes the force of the insignificant activities status granted to firing of the boiler with auxiliary fuel during maintenance and repair. We request that the permit language in Condition 3.1.4 be restated as follows:

3.1.4 Activities that are considered insignificant activities pursuant to 35 IAC 201.210(b).

Note: The heating of the coal-fired boiler with auxiliary fuel during maintenance and repair of the boiler is considered to be an insignificant activity under 35 IAC 201.210(b)(29) and is not addressed in the unit-specific conditions of this permit for boilers.

- **Conditions 5.6.1 and 5.7.2:** 35 IAC Part 254 specifically requires that Annual Emission Reports shall include applicable information for all regulated air pollutants, and that hazardous air pollutants emitted by the unit are not required to be submitted if the emission unit is not subject to a NESHAP or MACT. Utility NESHAPs or MACT for hydrogen chloride, hydrogen fluoride, and mercury have not yet been promulgated. Furthermore, if a permittee has more representative data than that collected for the ICR, then that data should be allowed for mercury reporting purposes
- **Condition 5.6.2 d.:** We believe that this condition is inappropriate and overly burdensome for the following reasons. 1) Some of the information requested in the recordkeeping provisions of Section 7 is not yet developed and may rely on empirical information which is not available and thus could not be submitted to the Agency within 30 days of the effectiveness of the permit. 2) There are not any Illinois regulatory requirements which link the development and adequacy of permit records to a submittal or reporting requirement to the Agency.

Given these reasons, we request that this permit condition be deleted

- **Condition 7.1.7 a. i.:** The requirement to perform PM emission measurements prior to December 31, 2005 for the large number of generating units in both the Ameren Energy Generating Company and the AmerenEnergy Resources Generating Company would be an overly burdensome undertaking considering the limited resources of available stack

testing firms and the availability of Ameren support personnel. This would be in addition to the large number of utility generating units in Illinois subject to the same testing schedule under the force of their CAAPP permits and competing for the same limited stack testing resources.

It has been suggested that PM emission testing could be performed concurrently with RATA testing which is conducted periodically on the stack CEM systems. This is generally infeasible for the following reasons. First, RATA testing requires specialized testing equipment and personnel. These equipment and personnel are not the same as are used to conduct PM emissions testing. Secondly, RATA's are conducted according to a protocol which usually doesn't include maximum load operating conditions. Such maximum load operating conditions are typically required for PM emissions testing. Ameren has voluntarily conducted emission tests in accordance with the conditions of the June and October 2003 draft permits and specifically requested permission to use the test results as a demonstration of compliance for the CAAPP permit.

We therefore request that this condition be revised as follows:

#### 7.1.7 Testing Requirements

a. i. PM emission measurements shall be made by no later than 30 months from the date of final effectiveness of this permit. Measurements made since June 30, 2003 will satisfy this requirement.

- **Condition 7.1.7 a. iii.** As we have stated previously, most other states require a once-per-permit-term test of PM emissions for combustion sources, unless the underlying regulations provide otherwise. We believe that a once-per-permit-term test frequency is adequate and appropriate. The new proposed Condition 7.1.7.a.iii contains new requirements that could result in much more frequent testing based on the test results and the margin of compliance. This adjustment of the frequency of testing is not supported by Illinois regulations. Condition 7.1.7.a.iii should be deleted in its entirety and the once-per-permit-term test requirement of the 2003 draft permit should be restored.
- **Condition 7.1.7 b. iii.:** This testing requirement states that particulate matter measurements shall be made in accordance with USEPA Method 5/202. In 35 IAC 212.110, "Measurement Methods for Particulate Matter", it is stated in paragraph a) that measurement of particulate matter from stationary sources shall be conducted in accordance with 40 CFR 60, Appendix A, Methods 5, 5A, 5D or 5E. There is no statement of a requirement to use Method 202. Moreover, in 35 IAC 212.108, Method 202 is specified for measurement of condensable emissions, but only for PM-10 emissions. AEGC and AERGC units do not have PM-10 emission limitations.

We therefore request that Method 202 be deleted from Condition 7.1.7 b. iii for the measurement of particulate matter emissions.

- **Condition 7.1.9 c. ii. (Records for Continuous Opacity Monitoring Systems)**

This condition appears to directly link the upper bound of a "normal" range of boiler stack opacity with particulate matter emissions compliance. Ameren's position, as well as that of many other electric utility companies, is that stack opacity can be used at any point in time to indicate if particulate emissions are going up or down. If the opacity is increasing it can be reasonably assumed that particulate emissions are increasing. What is not known, on a quantitative basis, is what the particulate mass emissions are or how much the mass is increasing. In addition, and perhaps most importantly, the relationship of opacity to mass emissions can vary significantly with the particle size distribution and refractive index of the ash particles. Fuel changes and the performance of the

electrostatic precipitator (ESP) can influence the emitted ash properties. For any given ESP and unit, opacity can, however, serve as a very useful indicator to initiate corrective action on the part of the ESP operator. Furthermore, compliance with the particulate emission limitation is determined by emission tests using a USEPA approved reference method (Reference method 5). The reference method requires specific procedures and equipment for sample acquisition, the material of the filter used to capture the particulate matter and the temperature at which the sample is collected.

Given the above, we believe that there is no direct correlation between stack opacity and particulate emissions compliance and that no reference as such should be inferred in the enforceable conditions of a CAAPP permit. We therefore request that Conditions 7.1.9 c. ii. and 7.1.9 c. iii. B. be deleted from the above referenced permits.

- **Condition 7.1.9 g. ii. C. (Records for Startups) (Newton is Condition 7.1.9 h. ii. C.)**

This condition states that if normal operation is not achieved within 12 hours of the commencement of startup, additional documentation and records are required to detail why startup could not be completed sooner. The threshold for completion of a startup was reduced in every Ameren draft CAAPP permit from 16 hours to 12 hours. This is contrary to the maximum startup times listed in Form 203-CAAPP of the permit applications submitted to the IEPA in September 1995 for what are now Ameren owned and operated facilities.

For larger coal fired units, or those with multiple boilers, cold startup times can often approach 20 hours and even extend beyond that, especially in cold weather. In addition, discussions with other Illinois utilities indicate that there has been no reduction in the startup times under Condition 7.1.9 h.i.ii.C. for other draft utility CAAPP permits. For these reasons, we request that Condition 7.1.9 h.i.ii.C be revised as follows:

C. If normal operation is not achieved within 16 hours, or if established startup procedures are not followed:

- **Condition 7.1.10-2 d. vi. (Reporting Requirements - Periodic Reporting)**

The condition requires that "a glossary of common technical terms used by the Permittee in its reports pursuant to this Condition 7.1.10-2(d), including the definitions or the categories used by the Permittee to classify exceedance events" be reported in the quarterly report. This requirement is unnecessary and excessive and should be deleted from the permits. The Agency could request an explanation if a report included a definition or category that was not understood.

- **Condition 7.1.12 b. (Compliance Procedures)**

As stated in comments regarding condition 7.1.9 c. ii., compliance with the particulate matter emission limitation should be determined only by the approved emission test method, i.e. by stack testing. The use of continuous opacity monitoring as a compliance determination method for the particulate matter standard is not appropriate and should be deleted from the permit condition.

- **Conditions 7.2.7, 7.3.7 and 7.4.7 (Testing Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

Coal handling equipment, coal processing equipment and fly ash handling equipment are generally considered to be fugitive emission sources. Visible emissions from such fugitive

emission sources are addressed in 35 IAC 212.301. With the exception of defined stack/vent exhaust points from associated control equipment, there are no well defined points from which to conduct visible emissions observations on coal handling equipment, coal processing equipment and fly ash equipment. Moreover, many components of coal handling, coal processing and fly ash equipment are either covered, e.g., conveyors, or enclosed in a building, e.g., coal crushers, such that emissions do not exit the building or enclosure and observations of opacity are thus not relevant.

We believe that Method 9 observations are appropriate only for point emission sources and not for fugitive emission sources. The certification of personnel according to Method 9 requires the reading of a stack on a smoke generator, itself a point source of emissions. Further, there is no guidance for conducting Method 9 readings from fugitive emission sources at utility plants, other than for roadways and parking areas which is contained in 35 IAC 212.109.

We therefore request that the testing requirements for coal handling equipment, coal processing equipment and fly ash equipment contained in Conditions 7.2.7, 7.3.7 and 7.3.8 be deleted from the draft CAAPP permits.

- **Conditions 7.2.8, 7.3.8 and 7.4.8 (Inspection Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

In the current utility plant operating environment, operating personnel are burdened with many daily duties and tasks. It would be especially burdensome to require weekly compliance inspections of all the equipment affected by the conditions listed. The weekly inspection requirement for the coal processing and fly ash handling equipment is inconsistent with the monthly inspection requirement for coal handling equipment. In addition, the requirement to have inspections performed with personnel not directly involved in the day-to-day operation of the affected processes is not practical. Personnel that conduct the inspections to determine proper operation of the equipment and control measures need to have the training and expertise to determine if a problem exists. It does not make sense to have a person who is not familiar with the operation to conduct the inspection. Such a person would not have expertise to make a correct judgment and determine the proper corrective action. For these reasons, we request that paragraph a. of each condition be revised as follows:

7.2.8, 7.3.8, 7.4.8 Inspection Requirements

- a. The Permittee shall perform inspections of the affected processes on at least a monthly basis, including associated control measures, while the affected processes are in use, to confirm compliance with the requirements of Condition 7.(2,3,4).6(a). [Section 39.5(7)(a) of the Act].

- **Conditions 7.2.8 b., 7.3.8 b. and 7.4.8 b. (Inspection Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

Conditions 7.2.8 b, 7.3.8 b and 7.4.8 b require a detailed inspection of dust collection equipment to be conducted at 15 month and 9 month intervals. The inspection interval of the dust collection equipment should be determined by manufacturer's recommendations and operating performance of the equipment. The permit conditions also require inspection of dust collection equipment with the equipment out-of-service. This requirement is burdensome and provides no more assurance of compliance than monthly routine inspections. In addition, it may not be possible to take the dust collection equipment out of service at the stated interval. The condition should be deleted from the permits.

- **Conditions 7.2.9, 7.3.9, 7.4.9 (Recordkeeping Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

We request that the wording "or visible accumulations of coal fines" be deleted from Conditions 7.2.9 d.i.B., 7.3.9 d.i.B. and 7.3.9 c.i.B. The requirement to include a determination of whether visible accumulations of coal fines can be found in an area where coal handling operations are in service is unnecessary and of little value.

- **Conditions 7.2.9, 7.3.9, 7.4.9 (Recordkeeping Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

The conditions require the determination of the magnitude of particulate matter emissions from sources that are generally fugitive in nature. The PM emissions limits are based on material throughput and AP-42 emission factors, which suggest that PM emissions are occurring at all times. Thus, if visible emissions are seen, it does not mean the limits have been exceeded. Visible emissions are allowed unless they are visible crossing the property line (35 IAC 212.301). A method to measure PM emissions from these types of operating systems does not exist; therefore estimating the emissions is not possible. The requirements should be deleted from the permit.

- **Conditions 7.3.3 b. iii. or 7.4.3 b. iii. (Applicable Emission Standards for Fly Ash Equipment)**

The permit condition requires that the Permittee maintain a contingency plan for handling of fly ash that includes temporary stockpiling. The permit condition should be deleted because it is unnecessary. There is no air quality regulation that requires material to be stockpiled. If material were to be stockpiled, it would already be subject to the standard in permit conditions 5.2.2 (a) and 7.3.4a or 7.4.4 a. which address visible emissions of fugitive particulate matter.

- **Conditions 7.3.4 or 7.4.4 (Applicable Emission Standards for Fly Ash Equipment)**

The Applicable Emission Standards section states that fly ash equipment is subject to the process weight rule (35 IAC 212.322) when in fact this is simply a material handling operation which does not change the physical characteristics of the fly ash handled. Please remove this standard from the applicability section.

## II. Permit Specific Comments

### A. Coffeen Power Plant (ID No. 135803AAA)

Sec. 4.0, P. 10, "Significant Emission Units at This Source": The last row should read Fuel Storage Tanks CGT-1, CTG-2; one 1000 gallon Gasoline Storage Tank and one 1000 gallon Diesel Oil Storage Tank.

Condition 7.1.3 b. ii. E.: Please delete this section as it is not appropriate for startup conditions on Coffeen Units 1 and 2. SCR reagent injection will not typically occur until flue gas temperatures reach 600 – 800 degrees F which may not occur until a minimum load of 260 MW is reached, well after startup. We also requested deletion of this section in our comments on the 2003 draft permits.

Condition 7.1.10-3 a. i.: Please correct the stated 20% opacity limit to 30%.

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9 (c)(ii) and (c)(iii)(B)."

Condition 7.2.1 and 7.2.2: Please add truck unloading to the description and to the list of coal receiving operations.

Condition 7.2.2: Please delete the term "crushers" from the list under Coal Transfer Operations. The crushers are included in Section 7.3 "Coal Processing Equipment". We have made this same comment previously.

Condition 7.2.4 c.: Please delete this section in its entirety. It is not appropriate for Section 7.2 since the crushers do not belong in this section (See Section 7.3).

Condition 7.2.9 b.: Please correct the reference to Condition 7.2.6 (b) in line 4 to 7.2.6 (a).

Condition 7.4.4 c.: Please delete this section in its entirety as fly ash equipment is simply a material handling operation which does not change the physical characteristics of the material handled. Thus the fly ash equipment is not subject to the process weight rule.

Condition 7.4.7 b.: Please delete this section in its entirety as there is not a standard for particulate matter for the fly ash equipment. There is not an underlying regulation to require PM emission testing.

Condition 7.4.10 b. i.: Please revise this section to state five (5) consecutive 6-minute averaging periods to be consistent with similar reporting requirements in Sec 7.2 and 7.3.

Condition 7.5.7 a. i. A.: Please delete the requirement to conduct emission tests within two years of operation of the boiler because it is impossible to meet this requirement. The boiler began operation in 1992 and testing would have to have been conducted before the CAAPP permit application was required to be submitted.

Condition 7.5.9 c. ii.: In line 3, please change 0.15 lb/mmBtu to 0.30 lb/mmBtu to reflect the appropriate SO<sub>2</sub> emission limitation for the auxiliary boiler. Same comment for 7.5.9 c. iii. A. line 4.

Condition 7.5.10-1 b. ii.: Please clarify what 7.5.10 (d)(iii) and (iv) refer to as these conditions do not exist in the permit.

Condition 7.6.2: Please delete "CGT-2" as there is only one 1000 gallon gasoline storage tank at Coffeen.

#### **B. Newton Power Plant (ID No. 079808AAA)**

Condition 7.1.10-3 a. i.: Please correct the stated 30% opacity limit to 20% in line 12.

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9 (c)(ii) and (c)(iii)(B)."

Condition 7.2.1 and 7.2.2: Please add truck unloading to the description and to the list of coal receiving operations.

Condition 7.2.2: Under Coal Storage Operations please add "Bucket Wheel Stacker/Reclaimer".

**C. Meredosia Power Plant (ID No. 137805AAA)**

Condition 1.1: Please change the street address to: 800 South Washington Street.

Condition 4.0: For Boiler MB5, the nominal heat input should be changed from 505 mmBtu/hr to 2784 mmBtu/hr.

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9 (c)(ii) and (c)(iii)(B)."

Condition 7.2.1: Please delete the reference to stackers and feeders in lines 4 and 5 of the description because this equipment is not associated with the storage pile.

Condition 7.4.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.4.4 (a)(ii) and (b) is addressed by PM testing in accordance with Condition 7.4.7-1, monitoring in accordance with Condition 7.4.8 (a), and the recordkeeping required by Conditions 7.4.9 (c)(ii) and (c)(iii)(B)."

**D. Hutsonville Power Plant (ID No. 033801AAA)**

Condition 3.1.2: Please delete the reference to the 300 gallon gasoline storage tank as it has been removed from plant property.

Condition 6.2.2: The NO<sub>x</sub> limit for Boilers 5 and 6, per 40 CFR 76, is 0.45 lbs/mmBtu. Please correct the 0.60 lbs/mmBtu limit in line 4 to 0.45 lbs/mmBtu.

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9 (c)(ii) and (c)(iii)(B)."

Condition 7.2.4 c. ii.: In line 6, please change the reference from Condition 5.2.3 to 5.2.2.

**E. E.D. Edwards Power Plant (ID No. 143805AAG)**

Condition 1.1: Please revise the source phone number to: (309) 633-2478

Condition 4.0: Please add "LNB" to the emission control equipment for Boiler BLR1

Condition 7.1.2: Please add "LNB" to the emission control equipment for Boiler BLR1

Condition 7.1.4 b.ii.: Please change to correct boiler number: The emissions of PM from the affected boiler 2 1....



Condition 7.1.4 b.iii.: Please change to correct boiler number: The emissions of PM from the affected boiler 4 2....

Condition 7.1.8 a.: Edwards' units do not fall under NSPS requirements since construction was prior to the date of publication of the NSPS rule (60.1); therefore, change the sentence to: .....must conduct Opacity monitoring for the affected boiler in accordance with the NSPS federal Acid Rain program.

Condition 7.1.8 b.: The SO<sub>2</sub> limits are daily block averages and not 3 hr block averages. Please therefore, change lines 7 and 8 to: .....SO<sub>2</sub> emission rate determined from monitoring data from three 24-hour block averaging periods.

Condition 7.1.10-2 d.iii.: Please delete "Note".....subject to reporting requirement of NSPS. Edwards' units do not fall under NSPS requirements since construction was prior to the date of publication of the NSPS rule.

Condition 7.1.10-3 a.i.: The opacity limit in line 7 is incorrect. It should be changed from 20% to 30%.

Condition 7.1.10-3 a.i.: The last line references Condition 7.1.10-1 (a) and (d), but there is no section (d)...this should be (b).

Condition 7.2.2: All the listed coal receiving and transfer operations state that dust collection devices are the emission control systems at the source. The coal receiving and transfer operations utilize only dust suppression systems. Please change all emission control systems from dust collection devices to dust suppression devices.

Conditions 7.2.8 b. and 7.2.9 a.i. & d.ii.: Dust collection devices are not installed at Edwards' station for the coal receiving and transfer operations. Please remove the inspection and recordkeeping requirements contained in these conditions.

Condition 7.2.9 e.vii.: The PM emission limit units in 7.2.6(b) are tons/year not lb/hr, so change the lb/hr requirement to ton/year: ....PM emissions limits (lb/ton or lb/hr ton/year)...

Condition 7.2.9 e.vii. and g.ii.E.III.: The PM emissions limits are based on throughput and AP-42 emission factors, which suggest that PM emissions are occurring at all times. Thus, if visible emissions are seen, it does not mean the limits have been exceeded. Visible emissions are allowed unless they are visible crossing the property line (35 IAC 212.301). A method to measure PM emissions from these types of operating systems does not exist, so estimating the emissions is not possible. Please remove these requirements.

#### Condition 7.3.2 (List of Emission Units and Air Pollution Control Equipment)

The Fly Ash Conveying System does not have dust collection devices. Please remove them from the table.

#### Condition 7.3.4 d. (Applicable Emission Standards)

Please delete this section in its entirety as fly ash equipment is simply a material handling operation which does not change the physical characteristics of the material handled. Thus the fly ash equipment is not subject to the process weight rule.

#### Condition 7.3.7 a. (Testing Requirements)

Affected processes are the individual process emission units listed in 7.3.2. No method exists for reading the opacity from conveying systems that do not have exhaust points, therefore, the requirements to test the ash handling conveying process is not possible. Please remove this requirement or list the single exhaust points where the opacity measurements should be taken.

Condition 7.3.7 b. (Testing Requirements)

The requirement to measure the PM from the dust collection device should be deleted as there is not a standard for particulate matter for the fly ash equipment. There is not an underlying regulation to require PM emission testing.

Condition 7.3.9 e.vii. and h.ii.E.III ( Recordkeeping Requirements)

The PM emissions limits are based on throughput and AP-42 factors, which suggest that PM emissions are occurring at all times, thus, if visible emissions are seen, it does not mean the limits have been exceeded. Visible emissions are allowed unless they travel off site, (prohibition from crossing the property boundary per 35 IAC 212.301). A method to measure PM emissions from these types of operating systems does not exist, so estimating the emissions is not possible. Please remove this requirement.

**F. Duck Creek (ID No. 057801AAA)**

Condition 7.1.4 a.ii. (Applicable Emission Standards)

The SO<sub>2</sub> limit is listed as 1.20 #/mmBtu when it should be 1.2 #/mmBtu in accordance with 40CFR 60.43(a)(2).

Condition 7.1.9 b.iii.C. is mislabeled A.

Condition 7.1.10-2 b.iii. (Sections D & E) (Reporting of SO<sub>2</sub> Emissions) & Condition 7.1.10-2 d.iii. (Reporting of Opacity and PM Emissions) (Sections D & E)

In the quarterly reports for excess emissions, the *detailed explanation* phrase is new. The software of the CEMS DAS is set up to use 40 CFR 60.7 cause codes from individual incident reports to create the summary reports requested in 7.1.10-2b.i.; therefore, new and separate incident reports would have to be programmed to create a report with detailed explanations. The software programs were set up based on the requirements of 40 CFR 60.7 & 201.405 which do not require detailed explanations.

Condition 7.1.10-2 d.iii. F. & d.iv.B. (Reporting Opacity and PM Emissions)

Contradictory Sentences: The first sentence says to identify the previous submitted report, and the second sentence suggests a supplement of the material should be included. Resubmitting reports is redundant and, therefore, burdensome plus writing a supplement of a previous submitted report is even more time consuming. As a result, the previous submitted report would most likely be re-mailed. It makes more sense to just identify the previous report.

Condition 7.1.10-3 a.i. (Reporting Requirements -- Notifications)

The phrase "could be exceeded" found in the first sentence...."applicable PM emissions standard could be exceeded"....., would require hourly calls since at all times the possibility exists for a malfunction or breakdown to occur resulting in the PM standard being exceeded. Suggest changing the wording to: .....*applicable PM emissions standard could be exceeded is exceeded*.....

Condition 7.1.10-3 a.i. (Reporting Requirements -- Notifications)

The opacity limit is incorrect in line 8 and line 13. It should be changed from 30% to 20%: *...in which the opacity from an affected boiler exceeds 30 20 percent.....*

Condition 7.2.2 (List of Emission Units and Air Pollution Control Equipment) & 7.2.1

All the listed operations state that dust collection devices are the emission control systems at the source. Duck Creek's coal handling processes only utilize dust suppression emission control systems. Please change all emission control systems from Dust Collection Devices to Dust Suppression Devices.

Condition 7.2.7 & 7.4.7(Testing Requirements)

Affected operations are emissions units used for transferring and storage of coal as seen listed in 7.2.2 "Coal Transfer Operations" and "Coal Storage Operations" (coal storage piles are listed) or unloading and conveying of Limestone based on the description in the draft permit. No method exists for reading the opacity from the "exhaust" of a coal pile, limestone unloading or any transfer system that does not have a single exhaust point. Therefore, the requirement to test the affected operations within the coal handling operations is not possible. Either remove the requirement or list the single exhaust points where the opacity measurements should be taken.

Condition 7.2.8 b. (Inspection Requirements) and 7.2.9 a.i. & d.ii. (Recordkeeping Requirements)

Dust Collection Devices are not installed at the Duck Creek station in the coal handling process; please remove the requirements of the above listed paragraphs.

Condition 7.2.9 e.vii. and g.ii.E.III. (Recordkeeping Requirements)

The PM emissions limits are based on throughput and AP-42 factors, which suggest that PM emissions are occurring at all times, thus, if visible emissions are seen, it does not mean the limits have been exceeded. Visible emissions are allowed unless they travel off site, (prohibition from crossing the property boundary per 35 IAC 212.301). A method to measure PM emissions from these types of operating systems does not exist, so estimating the emissions is not possible. Please remove this requirement.

**EXHIBIT B**

August 1, 2005

Mr. Charles Matoesian  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62704

Re: Comments on revised proposed CAAPP Permits

Dear Mr. Matoesian:

Ameren Services, as affiliated agent for Ameren Energy Generating Company and AmerenEnergy Resources Generating Company, submits the attached comments regarding the revised proposed Clean Air Act Permit Program (CAAPP) operating permits for the following facilities:

Facility	Facility ID Number	Application Number
Coffeen	135803AAA	95090009
Duck Creek	057801AAA	95070025
E. D. Edwards	143805AAG	95070026
Hutsonville	033801AAA	95080105
Meredosia	137805AAA	95090010
Newton	079808AAA	95090066

Ameren appreciates the opportunity to comment on the revised proposed permits and the IEPA's consideration of the issues discussed in the comments.

Please contact me at your convenience at (314) 554-4908 if you have any questions regarding these comments.

Sincerely,

Steven C. Whitworth  
Supervising Environmental Scientist  
Environmental, Safety and Health  
Ameren Services

Attachments

Cc: Christopher Romaine - IEPA  
Brad Frost - IEPA

## Ameren Comments on Illinois EPA's Revised Proposed CAAPP Permits – July 2005

### Ameren Energy Generating Company

Coffeen Power Plant – Facility ID No. 135803AAA; Application No. 95090009  
Newton Power Plant – Facility ID No. 079808AAA; Application No. 95090066  
Hutsonville Power Plant – Facility ID No. 033801AAA; Application No. 95090105  
Meredosia Power Plant – Facility ID No. 137805AAA; Application No. 95090010

### AmerenEnergy Resources Generating Company

Duck Creek – Facility ID No. 057801AAA; Application No. 95070025  
E.D. Edwards Power Station – Facility ID No. 143805AAG; Application No. 95070026

Ameren Services, as authorized agent for Ameren Energy Generating Company (AEGC) and AmerenEnergy Resources Generating Company (AERGC), hereby provides the following comments on the above referenced revised proposed CAAPP permits.

We appreciate the opportunity the Illinois Environmental Protection Agency has provided to review and comment on this set of revised proposed CAAPP permits for the AEGC and AERGC facilities. Having reviewed them at length, we are disappointed that IEPA has chosen to again propose increases in the stringency and breadth of the monitoring, recordkeeping, reporting, and testing requirements for our facilities. We are also increasingly frustrated that the Agency has chosen to not incorporate the majority of the comments we have previously submitted on the draft CAAPP permits. Our comments are based on sound principles from operational experience and regulatory interpretation and we feel that previous comments have been dismissed with little regard to their validity.

In its notice dated July 19, 2005, the IEPA states that *"The further revisions clarify and enhance the operational monitoring, testing, recordkeeping and reporting requirements of the permits."* The recent revisions to the permits do not serve the Agency's stated purpose to clarify the terms and conditions of the permits. In fact, the July 2005 revised proposed draft permits have only further confused many requirements. The latest revisions to the permits have added even more monitoring, recordkeeping, reporting and testing requirements for the impacted facilities with seemingly little, if any, benefits to air quality as a result of these changes. We strongly feel – and this is echoed by plant operating personnel who have reviewed these draft permits – that the terms and conditions of these permits have become excessively burdensome and oppressive by any standard of reason.

One example of the expansion of permit conditions is in the area of the compliance determination for CO emissions (Condition 7.1.12 d.). The June 2003 draft CAAPP permits contained a requirement for an initial CO emission test and that *"further compliance procedures are not set by this permit as compliance is assumed to be inherent in operation of an affected boiler under operating conditions other than startup or shutdown"*. The July 2005 revised draft CAAPP permits expanded this compliance determination condition to require CO emission testing at subsequent intervals based on the particulate matter compliance margin demonstrated in previous PM tests (Condition 7.1.7). Moreover, there is the new, additional requirement to perform "combustion tune-ups" on each boiler on a quarterly basis using the concentration of CO in the boiler flue gas as a diagnostic indicator. The Agency, in its July 19, 2005 "Responsiveness Summary", states that such tune-ups *"... address the CO emission standard for boilers..."*. This statement is at odds with the position taken by the Agency in the June 2003 draft permits, i.e., *"further compliance procedures are not set by this permit as compliance is assumed to be inherent in operation of an affected boiler under operating conditions other than startup or shutdown"*. Thus, it is plain to see that there is a considerable additional testing and recordkeeping burden as a result of these additional requirements. There are many other examples of substantial additional monitoring, recordkeeping, reporting and testing requirements in the July 2005 revised draft CAAPP permits.

We believe that in most cases, the 2003 draft CAAPP permits provided acceptable permit conditions. We urge IEPA to reconsider the changes that have been made to the June 2003 proposed permits.

Ameren presents its comments in two sections: 1) general comments applicable to each of the revised proposed permits and 2) comments specific to each revised proposed CAAPP permit.

## I. General Comments

- **Condition 3.1.4:** The permit language in lines 8 through 13, starting with "Notwithstanding such status as an insignificant activity, ..." significantly dilutes the force of the insignificant activities status granted to firing of the boiler with auxiliary fuel during maintenance and repair. We request that the permit language in Condition 3.1.4 be restated as follows:

3.1.4 Activities that are considered insignificant activities pursuant to 35 IAC 201.210(b).

Note: The heating of the coal-fired boiler with auxiliary fuel during maintenance and repair of the boiler is considered to be an insignificant activity under 35 IAC 201.210(b)(29) and is not addressed in the unit-specific conditions of this permit for boilers.

- **Conditions 5.6.1 and 5.7.2:** 35 IAC Part 254 specifically requires that Annual Emission Reports shall include applicable information for all regulated air pollutants, and that hazardous air pollutants emitted by the unit are not required to be submitted if the emission unit is not subject to a NESHAP or MACT. Utility NESHAPs or MACT for hydrogen chloride, hydrogen fluoride, and mercury have not yet been promulgated. In fact, on March 15, 2005, EPA concluded that regulation of mercury emissions for electric utility steam generating units is neither "appropriate nor necessary" under Section 112(n)(1)(A) of the Clean Air Act. We therefore request that any reference to recording and reporting mercury, hydrogen chloride and hydrogen fluoride emissions from our facility permits be deleted until regulatory limits for these pollutants are promulgated.
- **Condition 5.6.2 d.:** We believe that this condition is inappropriate and overly burdensome for the following reasons. 1) Some of the information requested in the recordkeeping provisions of Section 7 is not yet developed and may rely on empirical information which is not available and thus could not be submitted to the Agency within 30 days of the effectiveness of the permit. 2) There are not any Illinois regulatory requirements which link the development and adequacy of permit records to a submittal or reporting requirement to the Agency.

Given these reasons, we request that this permit condition be deleted.

- **Condition 7.1.3 b. ii. E.:** This condition would require that startups be conducted such that SCR reagent injection is initiated when flue gas temperatures reach a level which is effective for control of NOx emissions. The operation of an SCR is necessitated by the need to minimize consumption of NOx allowances during the ozone season and thus is market-driven by nature. The operation of an SCR is not linked to the startup of a unit in any operational way and thus should not be contained in a startup procedure. We therefore request that this condition be deleted from the permits for units with SCRs (Coffeen 1 and 2, Duck Creek Unit 1 and Edwards Unit 3).
- **Condition 7.1.6 a. (Condition 7.4.6 a. for Meredosia Boiler MB-6):** The requirement to perform formal "combustion tune-ups" on each boiler on a quarterly basis is intrusive, burdensome, potentially very costly and without a defined basis for the activity. The definition of a "combustion tune-up" is not contained anywhere in the permit. The purpose of such tune-ups is also not defined. It is in Ameren's best interest to operate each of its boilers as efficiently as possible from both an economic and environmental standpoint without having a formal permit requirement to do so. Another consideration is that some boilers/units are currently not equipped with CO monitors or other CO measurement devices. The additional requirement to conduct boiler tune-ups on a quarterly basis will



require additional manpower and testing equipment to complete. Since Ameren is required by FERC to be of the Midwest ISO (an Independent Transmission System Operator that serves the electrical transmission needs of much of the Midwest), boiler tune-ups may be very difficult to schedule, may be very expensive due to high fuel costs on some units, and may have to be scheduled at times that result in significant cost to the company. We therefore request that this section be deleted from the proposed permits as well as the recordkeeping requirements associated with such tune-ups in Section 7.1.9 a.vi.

- **Condition 7.1.7 a. i.:** The requirement to perform PM emission measurements within one year of the effective date of the permits for the large number of generating units in both the Ameren Energy Generating Company and the AmerenEnergy Resources Generating Company would be an overly burdensome undertaking considering the limited resources of available stack testing firms and the availability of Ameren support personnel. This would be in addition to the large number of utility generating units in Illinois subject to the same testing schedule under the force of their CAAPP permits and competing for the same limited stack testing resources.

It has been suggested that PM emission testing could be performed concurrently with RATA testing which is conducted periodically on the stack CEM systems. This is generally infeasible for the following reasons. First, RATA testing requires specialized testing equipment and personnel. These equipment and personnel are not the same as are used to conduct PM emissions testing. Secondly, RATA's are conducted according to a protocol which usually doesn't include maximum load operating conditions. Such maximum load operating conditions are typically required for PM emissions testing. Ameren has voluntarily conducted emission tests in accordance with the conditions of the June and October 2003 draft permits and specifically requested permission to use the test results as a demonstration of compliance for the CAAPP permit.

We therefore request that this condition be revised as follows:

#### 7.1.7 Testing Requirements

a. i. PM emission measurements shall be made by no later than 30 months from the date of final effectiveness of this permit. Measurements made since December 31, 2003 will satisfy this requirement.

- **Condition 7.1.7 a. iii.** As we have stated previously, most other states require a once-per-permit-term test of PM emissions for combustion sources, unless the underlying regulations provide otherwise. We believe that a once-per-permit-term test frequency is adequate and appropriate. The proposed Condition 7.1.7.a.iii contains new requirements that could result in much more frequent testing based on the test results and the margin of compliance. This adjustment of the frequency of testing is not supported by Illinois regulations. Condition 7.1.7.a.iii should be deleted in its entirety and the once-per-permit-term test requirement of the 2003 draft permit should be restored.
- **Condition 7.1.7 b. iii.:** This testing requirement states that particulate matter measurements shall be made in accordance with USEPA Methods 5 and 202. In 35 IAC 212.110, "Measurement Methods for Particulate Matter", it is stated in paragraph a) that measurement of particulate matter from stationary sources shall be conducted in accordance with 40 CFR 60, Appendix A, Methods 5, 5A, 5D or 5E. There is no statement of a requirement to use Method 202. Moreover, in 35 IAC 212.108, Method 202 is specified for measurement of condensable emissions, but only for PM-10 emissions. AEGC and AERGC units do not have PM-10 emission limitations.

We therefore request that Method 202 be deleted from Condition 7.1.7 b. iii for the measurement of particulate matter emissions.

- **Condition 7.1.7 e. iii. C.:** This new condition will require station personnel to provide in the stack test report an extremely large volume of data that is of limited value. In many cases the information requested is available only on a one-minute basis from control system historical data. For other units, information such as primary and secondary combustion air settings will have to be recorded manually. This will be very burdensome to plant personnel. The IEPA has not stated why this information is necessary in documenting the results of stack testing and thus we request that this permit condition be deleted.
- **Condition 7.1.9 c. ii. (Records for Continuous Opacity Monitoring Systems)**

This condition appears to directly link the upper bound of a "normal" range of boiler stack opacity with particulate matter emissions compliance. Ameren's position, as well as that of many other electric utility companies, is that stack opacity can be used at any point in time to indicate if particulate emissions are going up or down. If the opacity is increasing it can be reasonably assumed that particulate emissions are increasing. What is not known, on a quantitative basis, is what the particulate mass emissions are or how much the mass is increasing. In addition, and perhaps most importantly, the relationship of opacity to mass emissions can vary significantly with the particle size distribution and refractive index of the ash particles. Fuel changes and the performance of the electrostatic precipitator (ESP) can influence the emitted ash properties. For any given ESP and unit, opacity can, however, serve as a very useful indicator to initiate corrective action on the part of the ESP operator. Furthermore, compliance with the particulate emission limitation is determined by emission tests using a USEPA approved reference method (Reference Method 5). The reference method requires specific procedures and equipment for sample acquisition, the material of the filter used to capture the particulate matter and the temperature at which the sample is collected.

Given the above, we believe that there is no direct correlation between stack opacity and particulate emissions compliance and that no reference as such should be inferred in the enforceable conditions of a CAAPP permit. We therefore request that Conditions 7.1.9 c. ii. and 7.1.9 c. iii. B. be deleted from the above referenced permits.

- **Condition 7.1.9 g. ii. C. (Records for Startups) (Newton is Condition 7.1.9 h. ii. C.)**

This condition states that if normal operation is not achieved within 6 hours of the commencement of startup (4 hours for boilers less than 200 MW and 8 hours for boilers 400 MW or greater), additional documentation and records are required to detail why startup could not be completed sooner. The threshold for completion of a startup was reduced in every Ameren draft CAAPP permit from 16 hours in the June 2003 draft permits to 12 hours in the December 2004 draft permits and now to lesser durations in the July 2005 draft permits. This is contrary to the maximum startup times listed in Form 203-CAAPP of the permit applications submitted to the IEPA in September 1995 for what are now Ameren owned and operated facilities. Moreover, the IEPA has not provided any basis for what appears to be an arbitrary reduction in the threshold startup time for providing this additional information.

For larger coal fired units, or those with multiple boilers, cold startup times can often approach 20 hours and even extend beyond that, especially in cold weather. For the reasons stated above, we request that Condition 7.1.9 g. ii. C. and 7.1.9 h. ii. C. (Newton) be revised as follows:

C. If normal operation is not achieved within 16 hours, or if established startup procedures are not followed:

- **Condition 7.1.9 g. i. C. (Records for Startups) (Newton is Condition 7.1.9 h. i. C.)**

This condition requires estimates of total and excess opacity and emissions of PM and CO during typical startups, with supporting information and calculations. There are no emission factors available to estimate CO and PM emissions during startups. We therefore request that this permit condition be deleted.

- **Condition 7.1.10-2 a. D.: (Quarterly Reports)**

This condition was revised from a requirement solely to provide the number of startups each quarter to a new requirement to report detailed information for each startup including a list of the startups of each affected boiler, the date, duration and description of each startup, accompanied by a copy of the records pursuant to Condition 7.1.9(g)(ii)(C) for each startup. This condition only adds to the reporting burden imposed upon station personnel each quarter. It should be sufficient that such information is being recorded and maintained at the stations and is available upon request. We request that this condition be deleted.

- **Condition 7.1.10-2 d. v. (Reporting of Opacity and PM Emissions)**

This condition is extremely burdensome as it would require a large amount of additional information to be identified and reported for recurring opacity exceedances, in addition to similar information required to be reported for new opacity exceedances. It should be sufficient to provide only that information for opacity exceedances as has been historically required, i.e., start date, duration, magnitude, causes and corrective actions.

- **Condition 7.1.10-2 d. vi. (Reporting Requirements - Periodic Reporting)**

The condition requires that "a glossary of common technical terms used by the Permittee in its reports pursuant to this Condition 7.1.10-2(d), including the definitions or the categories used by the Permittee to classify exceedance events" be reported in the quarterly report. This requirement is unnecessary and excessive and should be deleted from the permits. The Agency could request an explanation if a report included a definition or category that was not understood.

- **Condition 7.1.10-3 a. i. (Reporting Requirements – Notifications)**

We disagree with the use of the phrase "immediately notify" because of the following reasons: 1) it will be impossible to comply with the timeframe. The term "immediately" does not allow any time lag between the event and the notification; 2) it could divert resources which would otherwise be used to troubleshoot a malfunction condition to instead providing notice to the Agency and 3) Ameren needs time to review each malfunction or breakdown event to determine if reporting is required. Management personnel with the ability to review the data and the authority to report it are not on site 24 hours a day. Also, there will be no one at IEPA regional office to receive the notification at night or on weekends. We understand the Agency's reluctance to rely upon the phrase "as soon as possible" however, we disagree with the decision to delete the phrase during normal working hours. For these reasons, we request that this condition be reworded to read:

"The Permittee shall promptly notify the Illinois EPA's Regional Office, by telephone (voice, facsimile or electronic), by no later than the end of the next business day, for each incident..."

- **Condition 7.1.12 b. (Compliance Procedures)**

As stated in comments regarding condition 7.1.9 c. ii., compliance with the particulate matter emission limitation should be determined only by the approved emission test method, i.e. by stack testing. The use of continuous opacity monitoring as a compliance determination method for the particulate matter standard is not appropriate and should be deleted from the permit condition.

- **Condition 7.1.12 d. (Compliance Procedures)**

To be consistent with our comment requesting that combustion tune-ups should be deleted from Condition 7.1.6 (a) of the permit, we request that references to Conditions 7.1.6 (a) and 7.1.9 be deleted from this permit condition.

- **Conditions 7.2.7, 7.3.7 and 7.4.7 (Testing Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

Coal handling equipment, coal processing equipment and fly ash handling equipment are generally considered to be fugitive emission sources. Visible emissions from such fugitive emission sources are addressed in 35 IAC 212.301. With the exception of defined stack/vent exhaust points from associated control equipment, there are no well defined points from which to conduct visible emissions observations on coal handling equipment, coal processing equipment and fly ash equipment. Moreover, many components of coal handling, coal processing and fly ash equipment are either covered, e.g., conveyors, or enclosed in a building, e.g., coal crushers, such that emissions do not exit the building or enclosure and observations of opacity are thus not relevant.

We believe that Method 9 observations are appropriate only for point emission sources and not for fugitive emission sources. The certification of personnel according to Method 9 requires the reading of a stack on a smoke generator, itself a point source of emissions. Further, there is no guidance for conducting Method 9 readings from fugitive emission sources at utility plants, other than for roadways and parking areas which is contained in 35 IAC 212.109.

We therefore request that the testing requirements for coal handling equipment, coal processing equipment and fly ash equipment contained in Conditions 7.2.7, 7.3.7 and 7.3.8 be deleted from the draft CAAPP permits.

- **Conditions 7.2.8 a., 7.3.8 a. and 7.4.8 a. (Inspection Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

In the current utility plant operating environment, operating personnel are burdened with many daily duties and tasks. It would be especially burdensome to require weekly compliance inspections of coal processing equipment affected by the conditions listed. In addition, the weekly inspection requirement for the coal processing equipment and bi-weekly for the fly ash handling equipment is inconsistent with the monthly inspection requirement for coal handling equipment.

The requirement to have inspections performed with personnel not directly involved in the day-to-day operation of the affected processes is not practical. Personnel that conduct the inspections to determine proper operation of the equipment and control measures need to have the training and expertise to determine if a problem exists. It does not make sense to have a person who is not familiar with the operation to conduct the inspection. Such a person would not have expertise to make a correct judgment and determine the

proper corrective action. For these reasons, we request that paragraph a. of each condition be revised as follows:

**7.2.8, 7.3.8, 7.4.8 Inspection Requirements**

a. The Permittee shall perform inspections of the affected processes on at least a monthly basis, including associated control measures, while the affected operations are in use, to confirm compliance with the requirements of Condition 7.(2,3,4).6(a).

- **Conditions 7.2.8 b., 7.3.8 b. and 7.4.8 b. (Inspection Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

Conditions 7.2.8 b, 7.3.8 b and 7.4.8 b require a detailed inspection of dust collection equipment to be conducted at 15 month and 9 month intervals. The inspection interval of the dust collection equipment should be determined by manufacturer's recommendations and operating performance of the equipment. The permit conditions also require inspection of dust collection equipment with the equipment out-of-service. This requirement is burdensome and provides no more assurance of compliance than monthly routine inspections. In addition, it may not be possible to take the dust collection equipment out of service at the stated interval. These conditions should be deleted from the permits.

- **Conditions 7.2.9, 7.3.9, 7.4.9 (Recordkeeping Requirements for coal handling equipment, coal processing equipment, fly ash equipment)**

The conditions require the determination of the magnitude of particulate matter emissions from sources that are generally fugitive in nature. The PM emissions limits are based on material throughput and AP-42 emission factors, which suggest that PM emissions are occurring at all times. Thus, if visible emissions are seen, it does not mean the limits have been exceeded. Visible emissions are allowed unless they are visible crossing the property line (35 IAC 212.301). A method to measure PM emissions from these types of operating systems does not exist; therefore estimating the emissions is not possible. The requirements should be deleted from the permit.

- **Conditions 7.2.10 b. i. A.; 7.3.10 b. i. A.; 7.4.10 b. i. A. (Reporting of Continued Operation During Malfunctions and Breakdowns)**

We disagree with the use of the phrase "~~immediately notify~~" because of the following reasons: 1) it will be impossible to comply with the timeframe. The term "immediately" does not allow any time lag between the event and the notification; 2) it could divert resources which would otherwise be used to troubleshoot a malfunction condition to instead providing notice to the Agency and 3) Ameren needs time to review each malfunction or breakdown event to determine if reporting is required. Management personnel with the ability to review the data and the authority to report it are not on site 24 hours a day. Also, there will be no one at IEPA regional office to receive the notification at night or on weekends. We understand the Agency's reluctance to rely upon the phrase "as soon as possible", however, we disagree with the decision to delete the phrase "during normal working hours". For these reasons, we request that this condition be reworded to read:

"The Permittee shall promptly notify the Illinois EPA's Regional Office, by telephone (voice, facsimile or electronic), by no later than the end of the next business day, for each incident..."

- **Conditions 7.3.4 or 7.4.4 (Applicable Emission Standards for Fly Ash Equipment)**

The Applicable Emission Standards section states that fly ash equipment is subject to the process weight rule (35 IAC 212.322) when in fact this is simply a material handling operation which does not change the physical characteristics of the fly ash handled. Please remove this standard from the applicability section.

## II. Permit Specific Comments

### A. Coffeen Power Plant (ID No. 135803AAA)

Permit cover page: Please delete "P.O. Box 306" in the Source Location section. Coffeen no longer has a P.O. Box.

Condition 7.1.3 b. ii. E.: This condition would require that startups be conducted such that SCR reagent injection is initiated when flue gas temperatures reach a level which is effective for control of NOx emissions. The operation of an SCR is necessitated by the need to minimize consumption of NOx allowances during the ozone season and thus is market-driven by nature. The operation of an SCR is not linked to the startup of a unit in any operational way and thus should not be contained in a startup procedure. We therefore request that this condition be deleted from the permit.

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9 (c)(ii) and (c)(iii)(B)."

Condition 7.4.4 c.: Please delete this section in its entirety as fly ash equipment is simply a material handling operation which does not change the physical characteristics of the material handled. Thus the fly ash equipment is not subject to the process weight rule.

Condition 7.4.7 b.: Please delete this section in its entirety as there is not a standard for particulate matter for the fly ash equipment. There is not an underlying regulation to require PM emission testing.

Condition 7.4.10 b. i.: Please revise this section to state six (6) or more consecutive 6-minute averaging periods to be consistent with similar reporting requirements in Sec 7.2 and 7.3.

Condition 7.5.6 a. ii.: The requirement to perform formal "combustion tune-ups" on the auxiliary boiler on a quarterly basis is intrusive and without a defined basis. The definition of a "combustion tune-up" is not contained anywhere in the permit. The purpose of such tune-ups is not defined as well. It is in Ameren's best interest to operate each of its boilers as efficiently as possible from both an economic and environmental standpoint without having a formal permit requirement to do so. This boiler is not equipped with a CO monitor and the requirement to perform formal tune-ups would impose another monitoring and recordkeeping burden on station personnel. We therefore request that this section be deleted from the permit as well as the recordkeeping requirements associated with such tune-ups in Section 7.1.9 a. iii.

**B. Newton Power Plant (ID No. 079808AAA)**

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Conditions 7.1.4 a. ii. and 7.1.4 b. is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Condition 7.1.9"

**C. Meredosia Power Plant (ID No. 137805AAA)**

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9 (c)(ii) and (c)(iii)(B)."

~~Condition 7.4.2: Please remove low NOx burners from the control equipment list for boiler MB-6. The NOx control equipment for this boiler is overfire air and flue gas recirculation.~~

Condition 7.4.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.4.4 (a)(i) and (b) is addressed by PM testing in accordance with Condition 7.4.7-1, monitoring in accordance with Condition 7.4.8 (a), and the recordkeeping required by Conditions 7.4.9 (c)(ii) and (c)(iii)(B)."

**D. Hutsonville Power Plant (ID No. 033801AAA)**

Condition 1.1: Please revise the source phone number to: 618/563-1300

Condition 7.1.12 b.: Please replace this condition with the following:

"Compliance with PM emission limits of Condition 7.1.4 (b) is addressed by PM testing in accordance with Condition 7.1.7, monitoring in accordance with Condition 7.1.8 (a), and the recordkeeping required by Conditions 7.1.9

**E. E.D. Edwards Power Plant (ID No. 143805AAG)**

~~Condition 7.1.10-2 d. iii.: Please delete "Note"....subject to reporting requirement of NSPS. Edwards' units do not fall under NSPS requirements since construction was prior to the date of publication of the NSPS rule.~~

Condition 7.1.10-3 a. i.: The last line references Condition 7.1.10-1 (a) and (d), but there is no section (d)...this should be (b).

Conditions 7.2.8 b. and 7.2.9 a. i. & d. ii.: Dust collection devices are not installed at Edwards' station for the coal receiving and transfer operations. Please remove the inspection and recordkeeping requirements contained in these conditions.

Condition 7.3.4 c. (Applicable Emission Standards)

Please delete this section in its entirety as fly ash equipment is simply a material handling operation which does not change the physical characteristics of the material handled. Thus the fly ash equipment is not subject to the process weight rule.

Condition 7.3.7 a. (Testing Requirements)

Affected processes are the individual process emission units listed in 7.3.2. No method exists for reading the opacity from conveying systems that do not have exhaust points, therefore, the requirements to test the ash handling conveying process is not possible. Please remove this requirement or list the single exhaust points where the opacity measurements should be taken.

Condition 7.3.7 b. (Testing Requirements)

The requirement to measure the PM from the dust collection device should be deleted as there is not a standard for particulate matter for the fly ash equipment. There is not an underlying regulation to require PM emission testing.

**F. Duck Creek (ID No. 057801AAA)**

Condition 7.1.10-3 a.i. (Reporting Requirements -- Notifications)

The phrase "could be exceeded" found in the first sentence...."applicable PM emissions standard could be exceeded"...., would require hourly calls since at all times the possibility exists for a malfunction or breakdown to occur resulting in the PM standard being exceeded. Suggest changing the wording to: .....*applicable PM emissions standard could be exceeded is exceeded*.....

Condition 7.2.7 & 7.4.7(Testing Requirements)

Affected operations are emissions units used for transferring and storage of coal as seen listed in 7.2.2 "Coal Transfer Operations" and "Coal Storage Operations" (coal storage piles are listed) or unloading and conveying of Limestone based on the description in the draft permit. No method exists for reading the opacity from the "exhaust" of a coal pile, limestone unloading or any transfer system that does not have a single exhaust point. Therefore, the requirement to test the affected operations within the coal handling operations is not possible. We request that this requirement be removed or list the single exhaust points where the opacity measurements should be taken.

Condition 7.2.9 e.vii. and g.ii.E.III. (Recordkeeping Requirements)

The PM emissions limits are based on throughput and AP-42 factors, which suggest that PM emissions are occurring at all times, thus, if visible emissions are seen, it does not mean the limits have been exceeded. Visible emissions are allowed unless they travel off site, (prohibition from crossing the property boundary per 35 IAC 212.301). A method to measure PM emissions from these types of operating systems does not exist, so estimating the emissions is not possible. Please remove this requirement.



# EXHIBIT C

September 22, 2003

Mr. Brad Frost  
Community Relations Coordinator  
Division of Air Pollution Control  
Permit Section  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, IL 62794-9506

Re: Draft Public Notice CAAPP Permits for Coal Fired EGUs

Dear Mr. Frost:

Enclosed are the comments submitted in the above referenced matter on behalf of the Air Utility Group of Illinois (AUGI) and its members listed below:

Ameren Energy Generating Company  
AmerenUE  
AmerenCILOC  
City Water, Light, and Power  
Midwest Generation EME  
Dominion Kincaid Generation, L.L.C.  
Electric Energy, Inc.  
Soyland Power Cooperative  
Southern Illinois Power Cooperative  
Dynergy Midwest Generation

We urge the Illinois Environmental Protection Agency to consider our points in issuing the CAAPP permit for Illinois coal fired EGUs. Please contact me at 217/872-2354 if you have any questions.

Sincerely,

Aric D. Diericx  
Chairperson, AUGI

Enclosure

cc: AUGI Delegates  
Illinois Environmental Regulatory Group

**AUGI Comments on Illinois EPA's Draft CAAPP Permit for coal-fired EGUs  
September 23, 2003**

On July IEPA provided for public notice the proposed issuance of a Clean Air Act Permit Program (CAAPP) permit for the coal-fired EGUs in Illinois. The Air Utility Group of Illinois (AUGI) hereby submit the following comments on IEPA's proposed permits. Individual companies may be submitting additional comments to the Agency on issues of particular interest to them.

AUGI is submitting these comments on behalf of:

- Ameren Energy Generating Company
- AmerenUE
- City, Water, Light and Power
- Dynegy Midwest Generation
- Soyland Power Cooperative
- Midwest Generation
- Ameren - CILCO
- Dominion Kincaid Generation, L.L.C.
- Southern Illinois Power Cooperative
- Electric Energy, Inc.

AUGI major concerns with the State of Illinois coal-fired EGU draft Title V permits include the following issues:

1. Use of opacity data and electrostatic precipitator power readings for particulate matter compliance
2. Measuring particulate emissions from boiler, coal handling and ash handling point and fugitive emission units
3. Opacity observation coal and ash handling fugitive sources

Discussion:

**1. Use of opacity data and electrostatic precipitator power readings for particulate matter compliance**

Related special conditions:

7.1.9(c)(ii)

Records for each affected boiler that identify the upper bound of the normal range of opacity measurements from the boilers, considering an hour of operation, within which compliance with Condition 7.1.4(b) is assured, with supporting explanation and documentation. At a minimum, these records shall be reviewed and revised as necessary following performance of additional PM emission tests on an affected boiler.

7.1.9(c)(iii)(B)

Each hour when the measured opacity of an affected boiler was above the normal range, as specified above in Condition 7.1.9(c)(ii), with date, time, operating condition if startup, malfunction/breakdown, or shutdown, further explanation of the incident, and whether particulate matter emissions may have exceeded the limit of Condition 7.1.4(b), with explanation.

7.1.10(e)(iv)

The following information for each period when particulate matter emissions were in excess of the limitation in Condition 7.1.4(b). If there were no such exceedances during the reporting period, the quarterly report shall so state.

- A. The starting dates and time of the excess emissions.
- B. The duration of the excess emissions.
- C. The magnitude of excess emissions.

- D. The information or means by which excess emissions were indicated or identified.
- E. The cause of the excess emissions, if known, including which affected boiler(s) were contributing to excess emissions and whether such excess emissions occurred during startup or malfunction/breakdown of the affected boiler(s).
- F. Corrective actions and actions taken to lessen the emissions.

7.1.12(b)

Compliance with PM emission limitation of Condition 7.1.4(b) is addressed by continuous opacity monitoring in accordance with Condition 7.1.8(a), PM testing in accordance with Condition 7.1.7, and the recordkeeping required by Conditions 7.1.9(c).

Comment:

Neither current Illinois opacity regulations nor the NSPS require a determination of normal opacity range. The conditions included here essentially creates a new opacity threshold for reporting purposes. Condition 7.1.9(c)(iii)(B) then jumps from an identification of normal opacity ranges to an assumption of particulate excursion. Since there is no general correlation of opacity to particulate emissions, parametric opacity/particulate testing would be required at each affected unit. This condition essentially results in the implementation of CAM before CAM is required by regulation. As there is currently no regulatory basis for the condition, it should not be included in the permit.

It is well-known that there is not a direct correlation between opacity and particulate levels or between electrostatic power readings and particulate levels. There are several ESP parameters that can be used as **indicators** of ESP performance however, the relationship between these parameters and actual PM emissions is subject to considerable variability. For example, opacity, a commonly used parameter, can indicate ESP performance. If the opacity is increasing, you can reasonably assume that PM emissions are increasing. What generally is not known on a quantitative basis is the magnitude of the mass emissions relative to any one opacity value or the increase in mass emissions relative to the increase in opacity. In addition, and perhaps most importantly, the relationship between opacity and mass emissions can vary significantly with the particle size distribution and refractive index of the ash particles. The properties of the particulate matter can be influenced by fuel changes and the number and location of ESP electrical sections in service. However, for any given ESP and boiler, opacity can serve as a very useful indicator to initiate additional action. The ESP power is another indicator of ESP performance. Lower power generally indicates poorer performance; however, total ESP power is not necessarily a reliable indicator because most ESPs are segmented into many electrical sections. The overall ESP performance depends on which electrical sections are in service and the power consumption of each section relative to its physical position in the ESP.

Currently, the power generation industry and USEPA are working together to develop a protocol under CAM that will best address demonstrating continuous compliance with particulate emissions. At the time that that protocol is finalized, AUGI will evaluate it to determine its appropriateness for applicability to PM compliance during CAM implementation. Meanwhile, AUGI is willing to perform stack tests on a more frequent basis, possibly every two or three years rather than every five years, to help to assure compliance with particulate limitations.

**2. Measuring particulate emissions and carbon monoxide emissions from boiler, coal handling and ash handling point and fugitive emission units during startup, malfunction or breakdown**

Related Special Conditions:

7.1.9(g)(ii)(C)(V)

Estimates of magnitude of PM emitted in excess of the applicable PM standard during startup.

7.1.9(h)(ii)(E)(II)

An estimate of the magnitude of excess emissions occurring during the incident.

7.2.9(g)(ii)(E)(III)

An estimate of the magnitude of excess emissions occurring during the incident.

Comment:

This is an excessively burdensome recordkeeping requirement which was never previously required for these units. There is not an accurate or reliable method for determining PM or CO emissions for this period.

**3. Opacity observation coal and ash handling fugitive sources**

Related Special Conditions:

7.2.6

Work Practices, Operational and Production Limits, and Emission Limitations.

At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate any affected operation in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Illinois EPA or the USEPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source [40 CFR 60.11(d)].

Comment:

The opacity limitations should apply only to point source emissions of the affected operations, as Condition 7.2.4(a) encompasses opacity for the fugitive sources. To leave the Condition as drafted by the Agency would require Midwest Generation to "read" opacity from individual pieces of equipment when there is no likelihood that the emissions will reach the property line.

# EXHIBIT D

217/782-2113

CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT

PERMITTEE

Ameren Energy Generating Company  
Attn: Michael L. Menne  
1901 Chouteau Avenue  
St. Louis, Missouri 63103

<u>Application No.:</u> 95090066	<u>I.D. No.:</u> 079808AAA
<u>Applicant's Designation:</u>	<u>Date Received:</u> September 07, 1995
<u>Operation of:</u> Electrical Power Generation at Newton Plant	
<u>Date Issued:</u> September 29, 2005	<u>Expiration Date<sup>1</sup>:</u> September 29, 2010
<u>Source Location:</u> 6725 North 500th Street, Newton, Jasper County	
<u>Responsible Official:</u> Kenneth D. Schoof, Manager, Newton Power Station	

This permit is hereby granted to the above-designated Permittee to OPERATE an electrical power generation station, pursuant to the above referenced permit application. This permit is subject to the conditions contained herein.

The current federal Acid Rain Permit issued to Ameren Energy Generating Company by the Illinois EPA for this source is incorporated into this CAAPP permit (See Attachment 5).

If you have any questions concerning this permit, please contact the Utility Unit at 217/782-2113 (217/782-9143 TDD).

Donald E. Sutton, P.E.  
Manager, Permit Section  
Division of Air Pollution Control

DES:MNP:jar

cc: Illinois EPA, FOS, Region 3  
USEPA

<sup>1</sup> Except as addressed in Condition 8.7 of this permit.

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1.0 INTRODUCTION

1.1 Source Identification

Ameren Energy Generating Company - Newton Power Station  
6725 North 500th Street  
Newton, Illinois 62448  
618/783-8402

I.D. No.: 079808AAA  
Acid Rain Permit ORIS Code No.: 6017

Standard Industrial Classification: 4911, Electrical Services

1.2 Owner/Parent Company

Ameren Energy Generating Company  
1901 Chouteau Avenue  
St. Louis, Missouri 63103

1.3 Operator

Ameren Energy Generating Company  
1901 Chouteau Avenue  
St. Louis, Missouri 63103

Steven C. Whitworth  
314/554-4908

1.4 General Source Description

Ameren Energy Generating Company operates two coal-fired boilers at the Newton Power Station to produce electricity.

1.5 Title I Conditions

This CAAPP permit contains certain conditions for units at this source that address the applicability of permitting programs for the construction and modification of sources, which programs were established pursuant to Title I of the Clean Air Act (CAA) and regulations thereunder. These programs include 40 CFR 52.21, Prevention of Significant Deterioration (PSD) and 35 IAC Part 203, Major Stationary Sources Construction and Modification (MSSCAM), and are implemented by the Illinois EPA pursuant to Sections 9, 9.1, 39(a) and 39.5(7)(a) of Illinois' Environmental Protection Act (Act). These "Title I conditions" within this permit are specifically designated as "T1," if they reflect requirements established in construction permits issued for this source, "T1R" if they revise requirements established in such construction permits, or "T1N" if they are newly established in this CAAPP permit. These conditions continue in effect, notwithstanding the expiration date specified on the first page of this permit, as their authority derives from Titles I and V of the CAA, as well as Titles II and X of the Act. (See also Condition 8.7.)

2.0 LIST OF ABBREVIATIONS/ACRONYMS USED IN THIS PERMIT

acfm	Actual Cubic Feet Per Minute
Act	Illinois Environmental Protection Act [415 ILCS 5/1 et seq.]
AP-42	Compilation of Air Pollutant Emission Factors, Volume 1, Stationary Point and Other Sources (and Supplements A through F), USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711
Btu	British thermal unit
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAAPP	Clean Air Act Permit Program
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CO	Carbon Monoxide
dcfm	dry cubic feet per minute
EGU	Electrical Generating Unit(s)
Gal	Gallon
ESP	Electrostatic Precipitator
°F	degrees Fahrenheit
FGC	Flue Gas Conditioning
ft	foot
ft <sup>3</sup>	cubic foot
HAP	Hazardous Air Pollutant
HP	horsepower
hr	Hour
IAC	Illinois Administrative Code
I.D. No.	Identification Number of Source, assigned by Illinois EPA
ILCS	Illinois Compiled Statutes
Illinois EPA	Illinois Environmental Protection Agency
°K	degrees Kelvin
Kg	kilogram
kW	Kilowatts
Lb or lb	Pound
LNB	Low NOx Burners
m	meter
MACT	Maximum Achievable Control Technology
mmBtu	million British thermal units
MW	Megawatts
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Nitrogen Oxides
NSPS	New Source Performance Standards (40 CFR Part 60)
NSSA	New Source Set-Aside
ORIS	Office of Regulatory Information System
OFA	Over-Fire Air
OM	organic material
PM	Particulate Matter
PM <sub>10</sub>	Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by applicable test or monitoring methods
ppm	parts per million
PSD	Prevention of Significant Deterioration (40 CFR 52.21)
psia	pounds per square inch absolute
RMP	Risk Management Plan

SO <sub>2</sub>	Sulfur Dioxide
T	ton (2000 pounds)
T1	Title I - identifies Title I conditions that have been carried over from an existing permit
T1N	Title I New - identifies Title I conditions that are being established in this permit
T1R	Title I Revised - identifies Title I conditions that have been carried over from an existing permit and subsequently revised in this permit
USEPA	United States Environmental Protection Agency
VOC or VOM	volatile organic compounds or volatile organic material
VOL	volatile organic liquid
yr	year

3.0 CONDITIONS FOR INSIGNIFICANT ACTIVITIES

3.1 Identification of Insignificant Activities

The following activities at the source constitute insignificant activities as specified in 35 IAC 201.210:

- 3.1.1 Activities determined by the Illinois EPA to be insignificant activities, pursuant to 35 IAC 201.210(a)(1) and 201.211, as follows:

Glycol Storage Tanks  
Cooling Towers

- 3.1.2 Activities that are insignificant activities based upon maximum emissions, pursuant to 35 IAC 201.210(a)(2) or (a)(3), as follows:

None

- 3.1.3 Activities that are insignificant activities based upon their type or character, pursuant to 35 IAC 201.210(a)(4) through (18), as follows:

Equipment used for filling drums, pails, or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions [35 IAC 201.210(a)(8)].

Storage tanks of organic liquids with a capacity of less than 10,000 gallons and an annual throughput of less than 100,000 gallons per year, provided the storage tank is not used for the storage of gasoline or any material listed as a HAP pursuant to Section 112(b) of the CAA [35 IAC 201.210(a)(10)].

Storage tanks of any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils [35 IAC 201.210(a)(11)].

Gas turbines and stationary reciprocating internal combustion engines of less than 112 kW (150 horsepower) power output [35 IAC 201.210(a)(15)].

Gas turbines and stationary reciprocating internal combustion engines of between 112 kW and 1,118 kW (150 and 1,500 horsepower) power output that are emergency or standby units [35 IAC 201.210(a)(16)].

Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials, provided an organic solvent has not been mixed with such materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions [35 IAC 201.210(a)(18)].

- 3.1.4 Activities that are considered insignificant activities pursuant to 35 IAC 201.210(b).

Note: The heating of a coal-fired boiler with auxiliary fuel during maintenance and repair of the boiler is considered an insignificant activity under 35 IAC 201.210(b)(29) and is generally not addressed by the unit-specific conditions of this permit for the boilers. Notwithstanding such status as an insignificant activity, the opacity of the exhaust from each coal fired boiler is at all times subject to applicable opacity standards and the unit-specific conditions of this permit for boilers that relate to opacity are applicable during maintenance and repair of a boiler.

### 3.2 Compliance with Applicable Requirements

Insignificant activities are subject to applicable requirements notwithstanding status as insignificant activities. In particular, in addition to regulations of general applicability, such as 35 IAC 212.301 and 212.123 (Condition 5.2.2), the Permittee shall comply with the following requirements, as applicable:

- 3.2.1 For each cold cleaning degreaser, the Permittee shall comply with the applicable equipment and operating requirements of 35 IAC 215.182.
- 3.2.2 For each particulate matter process emission unit, other than units excluded by 35 IAC 212.323 and 212.681, the Permittee shall comply with the applicable particulate matter emission limit of 35 IAC 212.321 or 212.322. For example, the particulate matter emissions from a process emission unit shall not exceed 0.55 pounds per hour if the emission unit's process weight rate is 100 pounds per hour or less, pursuant to 35 IAC 266.110.
- 3.2.3 For each organic material emission unit that uses organic material, e.g., a mixer or printing line, the Permittee shall comply with the applicable VOM emission limit of 35 IAC 215.301, which requires that organic material emissions not exceed 8.0 pounds per hour or do not qualify as photochemically reactive material as defined in 35 IAC 211.4690.

### 3.3 Addition of Insignificant Activities

- 3.3.1 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type that is identified in Condition 3.1, until the renewal application for this permit is submitted, pursuant to 35 IAC 201.212(a).
- 3.3.2 The Permittee must notify the Illinois EPA of any proposed addition of a new insignificant activity of a type addressed by 35 IAC 201.210(a) and 201.211 other than those identified in Condition 3.1, pursuant to Section 39.5(12)(b) of the Act.

3.3.3 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type identified in 35 IAC 201.210(b).

4.0 SIGNIFICANT EMISSION UNITS AT THIS SOURCE

Emission Unit	Description	Emission Control Equipment	Ref.*
Boiler NB-1	Combustion Engineering Boiler Nominal 5,500 mmBtu/hr (1972)	Low NOx Burners, Overfire Air and Electrostatic Precipitator (ESP) with Flue Gas Conditioning	7.1
Boiler NB-2	Combustion Engineering Boiler Nominal 5,500 mmBtu/hr (1975)	Primary Air Duct Burners, Low NOx Burners, Overfire Air and Electrostatic Precipitator (ESP) with Flue Gas Conditioning	
Coal Handling Equipment	Coal Receiving, Transfer and Storage Operations	Enclosure, Covers, and Dust Suppressant Application System, Dust Collection Device	7.2
Fly Ash Equipment	Transfer Systems, Hoppers, Silos and Loading Operations	Dust Collection Devices, Enclosures and Covers	7.3
Gasoline Storage NGT-1	Gasoline Storage Tank 1,000 Gallon Capacity	Submerged Loading Pipe	7.4

\* Reference to Unit Specific Conditions in Section 7 of this permit.



5.0 OVERALL SOURCE CONDITIONS

5.1 Applicability of Clean Air Act Permit Program (CAAPP)

- 5.1.1 This permit is issued based on the source requiring a CAAPP permit as a major source of SO<sub>2</sub>, CO, NO<sub>x</sub>, VOM, PM, and HAP emissions.
- 5.1.2 This permit is issued based on the source requiring a CAAPP permit as an "affected source" for the purposes of Acid Deposition Control, Title IV of the Clean Air Act.

5.2 Applicable Regulations

- 5.2.1 Specific emission units at this source are subject to particular regulations as set forth in Section 7 (Unit-Specific Conditions) of this permit.
- 5.2.2 In addition, emission units at this source are subject to the following regulations of general applicability:
  - a. No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally towards the zenith (i.e., overhead) at a point beyond the property line of the source unless the wind speed is greater than 40.2 kilometers per hour (25 miles per hour), pursuant to 35 IAC 212.301 and 212.314.
  - b. No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to the requirements of 35 IAC 212.122, pursuant to 35 IAC 212.123(a), except as allowed by 35 IAC 212.123(b) and 212.124.

Note: As new fuel combustion emission units with heat input capacity greater than 250 mmBtu/hr, the coal-fired boilers at this source are subject to 35 IAC 212.122, which sets a limit on opacity of 20 percent.

5.2.3 Ozone Depleting Substances

The Permittee shall comply with the standards for recycling and emissions reduction of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, including the following:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be appropriately certified by an approved technician certification program pursuant to 40 CFR 82.161.

5.2.4 Risk Management Plan (RMP)

Should this stationary source, as defined in 40 CFR 68.3, become subject to the federal rules for Chemical Accident Prevention in 40 CFR Part 68, then the owner or operator shall submit:

- a. A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR 68.10(a); or
- b. A certification statement that the source is in compliance with all applicable requirements of 40 CFR Part 68, including the registration and submission of the RMP, as part of the annual compliance certification required by Condition 9.8.

Note: This condition is imposed pursuant to 40 CFR 68.215(a).

5.2.5 Future Emission Standards

- a. Should this source become subject to a regulation under 40 CFR Parts 60, 61, or 63, or 35 IAC Subtitle B after the date issued of this permit, the owner or operator shall, in accordance with the applicable regulation(s), comply with the applicable requirements by the date(s) specified and shall certify compliance or otherwise demonstrate initial compliance as provided by such regulation. Following the submittal of such a compliance certification or initial compliance demonstration, the Permittee shall address the applicable requirements of such regulation as part of the annual compliance certification required by Condition 9.8.

Note: This permit may also have to be revised or reopened to address such newly applicable regulations, as provided by Section 39.5(15)(a) of the Act. (See Condition 9.12.2.)

- b. This permit and the terms and conditions herein do not affect the Permittee's past and/or continuing obligation with respect to statutory or regulatory requirements governing major source construction or modification under Title I of the CAA. Further, neither the issuance of this permit nor any of the terms or conditions of the permit shall alter or affect the liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance.

5.2.6 Episode Action Plan

- a. Pursuant to 35 IAC 244.142, the Permittee shall maintain at the source and have on file with the Illinois EPA a written episode action plan (plan) for reducing the levels of emissions during yellow alerts, red alerts, and emergencies, consistent with safe operating procedures. The plan shall contain the information specified in 35 IAC 244.144.
- b. The Permittee shall immediately implement the appropriate steps described in this plan should an air pollution alert or emergency be declared.
- c. If an operational change occurs at the source that invalidates the plan, a revised plan shall be submitted to the Illinois EPA, Air Compliance Section for review within 30 days of the change, pursuant to 35 IAC 244.143(d). Such plans shall be further revised if disapproved by the Illinois EPA.

5.2.7 Compliance Assurance Monitoring (CAM) Plan

Pursuant to 40 CFR 64.5, if the Permittee submits a request for a significant revision of this permit that is applicable to an affected large pollutant-specific emissions unit, as defined by 40 CFR 64.1, 64.2 and 64.5(a), (e.g., a coal-fired boiler as it emits particulate matter), the Permittee shall submit as part of such application the information required under 40 CFR 64.4 for a CAM plan.

Note: As provided by 40 CFR 64.5(a)(1), the Permittee was not required to submit CAM plans for affected large pollutant-specific emissions units with the application for this permit because a complete CAAPP application was submitted before April 20, 1998. For all pollutant-specific emissions units that meet the criteria in 40 CFR 64.42(a), so as to be subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources, the source must submit the information required under 40 CFR 64.4 as part of the application for renewal of this permit.

5.3 General Non-Applicability of Regulations of Concern

None

Note: For individual emissions units and groups of similar emission units, non-applicability of regulations is addressed in Section 7 of this permit.

5.4 Source-Wide Operational and Production Limits and Work Practices

In addition to the source-wide requirements in the Standard Permit Conditions in Section 9, the Permittee shall fulfill the following source-wide operational and production limitations and/or work practice requirements:

None

## 5.5 Source-Wide Emission Limitations

### 5.5.1 Permitted Emissions for Fees

Emission limitations are not set for this source for the purpose of permit fees. Rather, the Permittee shall pay the maximum fee required pursuant to Section 39.5(18)(a)(ii)(A) of the Act, which is currently \$250,000.00 per year. (See also Condition 9.4.)

## 5.6 General Recordkeeping Requirements

### 5.6.1 Records for Emissions

The Permittee shall maintain records for the source to prepare its Annual Emission Report including the following items, pursuant to Sections 4(b) and 39.5(7)(a), (b) and (e) of the Act:

- a. Records of annual emissions from the emission units that are covered by Section 7 (Unit Specific Conditions) of this permit, including emissions of mercury, hydrogen chloride, and hydrogen fluoride.
- b.
  - i. For purposes of estimating mercury emissions from the source, the mercury content of coal burned in boilers may be based on the data collected by USEPA in its Information Collection Request (ICR) pursuant to Section 112 of the Clean Air Act.
  - ii. If ICR data or other reliable data for elemental composition, including mercury content, is not available for coal that is burned in a boiler, the Permittee shall collect representative data on the elemental composition of the coal, similar to the ICR data collected by USEPA.

### 5.6.2 Retention and Availability of Records

The Permittee shall comply with the following requirements with respect to retention and availability of records pursuant to Sections 4(b) and 39.5(7)(a), (b), (e) and (f) of the Act.

- a. All records and logs required by this permit shall be retained for at least five years from the date of entry (unless a longer retention period is specified by the particular recordkeeping provision herein), shall be kept at a location at the source that is readily accessible to the Illinois EPA or USEPA, and shall be made available for inspection and copying by the Illinois EPA or USEPA upon request.

- b. The Permittee shall retrieve and print, on paper during normal source office hours, any records retained in an electronic format (e.g., computer) in response to an Illinois EPA or USEPA request for specific records during the course of a source inspection.
- c. Upon written request by the Illinois EPA for copies of records or reports required to be kept by this permit, the Permittee shall promptly submit a copy of such material to the Illinois EPA. For this purpose, material shall be submitted to the Illinois EPA within 30 days unless additional time is provided by the Illinois EPA or the Permittee believes that the volume and nature of requested material would make this overly burdensome, in which case, the Permittee shall respond within 30 days with the explanation and a schedule for submittal of the requested material. (See also Condition 9.12.4.)
- d. For certain records required to be kept by this permit as specifically identified in the recordkeeping provisions in Section 7 of this permit, which records are a basis for control practices or other recordkeeping required by this permit, the Permittee shall promptly submit a copy of the record to the Illinois EPA when the record is created or revised. For this purpose, the initial record shall be submitted within 30 days of the effectiveness of this permit. Subsequent revisions shall be submitted within 10 days of the date the Permittee begins to rely upon the revised record.

## 5.7 General Reporting Requirements

### 5.7.1 General Source-Wide Reporting Requirements

The Permittee shall promptly notify the Illinois EPA of deviations of the source with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.

- a. For emissions units that are addressed by the unit-specific conditions of this permit, the timing for reporting of deviations shall be in accordance with such conditions.
- b. i. For other emissions units and activities at the source, the timing for reporting of deviations shall be in accordance with the provisions of relevant regulations if such provisions address timing of deviation reports.

- ii. Otherwise, if the relevant regulations do not address timing of deviation reports, deviation reports shall be submitted within 30 days.

5.7.2 Annual Emissions Report

The annual emissions report required pursuant to Condition 9.7 shall contain emissions information for the previous calendar year including information for emissions of hydrogen chloride, hydrogen fluoride, and other hazardous air pollutants, as specified by 35 IAC Part 254. [Sections 4(b) and 39.5(7)(a), (b) and (f) of the Act]

5.8 General Operational Flexibility/Anticipated Operating Scenarios

None

Note: For individual emissions units or groups of similar emission units, operation flexibility and anticipated operating scenarios are addressed in Section 7 of this permit.

## 6.0 CONDITIONS FOR EMISSIONS CONTROL PROGRAMS

### 6.1 NOx Trading Program

#### 6.1.1 Description of NOx Trading Program

The NOx Trading Program is a regional "cap and trade" market system for large sources of NOx emissions in the eastern United States, including Illinois. It is designed to reduce and maintain NOx emissions from the emission units covered by the program within a budget to help contribute to attainment and maintenance of the ozone ambient air quality standard in the multi-state region covered by the program. The NOx Trading Program applies in addition to other applicable requirements for NOx emissions and in no way relaxes these other requirements.

Electrical generating units (EGU) that are subject to the NOx Trading Program are referred to as "budget EGU." Sources that have one or more EGU or other units subject to the NOx Trading Program are referred to as budget sources.

The NOx Trading Program controls NOx emissions from budget EGU and other budget units during a seasonal control period from May 1 through September 30 of each year, when weather conditions are conducive to formation of ozone in the ambient air. By November 30 of each year, the allowance transfer deadline, each budget source must hold "NOx allowances" for the actual NOx emissions of its budget units during the preceding control period. The USEPA will then retire NOx allowances in the source's accounts in amounts equivalent to its seasonal emissions. If a source does not have sufficient allowances in its accounts, USEPA would subtract allowances from the source's future allocation for the next control period and impose other penalties as appropriate. Stringent monitoring procedures developed by USEPA apply to budget units to assure that actual emissions of NOx are accurately determined.

The number of NOx allowances available for budget sources is set by the overall budget for NOx emissions established by USEPA. This budget requires a substantial reduction in NOx emissions from historical levels as necessary to meet air quality goals. In Illinois, existing budget sources initially receive their allocation or share of the NOx allowances budgeted for EGU in an amount determined by rule [35 IAC Part 217, Appendix F]. Between 2007 and 2011, the allocation mechanism for existing EGU gradually shifts to one based on the actual operation of EGU in preceding control periods. New budget EGU, for which limited operating data may be available, may obtain NOx allowances from the new source set-aside (NSSA), a portion of the overall budget reserved for new EGU.

In addition to directly receiving or purchasing NOx allowances as described above, budget sources may transfer NOx allowances from one of their units to another. They may also purchase allowances in the marketplace from other

sources that are willing to sell some of the allowances that they have received. Each budget source must designate an account representative to handle all its allowance transactions. The USEPA, in a central national system, will maintain allowance accounts and record transfer of allowances among accounts.

The ability of sources to transfer allowances will serve to minimize the costs of reducing NOx emissions from budget units to comply with the overall NOx budget. In particular, the NOx emissions of budget units that may be most economically controlled will be targeted by sources for further control of emissions. This will result in a surplus of NOx allowances from those units that can be transferred to other units at which it is more difficult to control NOx emissions. Experience with reduction of sulfur dioxide emissions under the federal Acid Rain program has shown that this type of trading program not only achieves regional emission reductions in a more cost-effective manner but also results in greater overall reductions than application of traditional emission standards to individual emission units.

The USEPA developed the plan for the NOx Trading Program with assistance from affected states. Illinois' rules for the NOx Trading Program for EGU are located at 35 IAC Part 217, Subpart W, and have been approved by the USEPA. These rules provide for interstate trading, as mandated by Section 9.9 of the Act. Accordingly, these rules refer to and rely upon federal rules at 40 CFR Part 96, which have been developed by USEPA for certain aspects of the NOx Trading Program, and which an individual state must follow to allow for interstate trading of allowances.

Note: This narrative description of the NOx Trading Program is for informational purposes only and is not enforceable.

#### 6.1.2 Applicability

- a. The following emission units at this source are budget EGU for purposes of the NOx Trading Program. Accordingly, this source is a budget source and the Permittee is the owner or operator of a budget source and budget EGU. In this section of this permit, these emission units are addressed as budget EGU.

Newton Boilers 1 and 2 (NB-1 and NB-2)

- b. This permit does not provide "low-emitter status" for the above emission units pursuant to 35 IAC 217.754(c).

#### 6.1.3 General Provisions of the NOx Trading Program

- a. This source and the budget EGU at this source shall comply with all applicable requirements of Illinois' NOx Trading Program, i.e., 35 IAC Part 217, Subpart W,



and 40 CFR Part 96 (excluding 40 CFR 96.4(b) and 96.55(c), and excluding 40 CFR 96, Subparts C, E, and I), pursuant to 35 IAC 217.756(a) and 217.756(f)(2).

- b. Any provision of the NOx Trading Program that applies to a budget source (including any provision applicable to the account representative of a budget source) shall also apply to the owner and operator of such budget source and to the owner and operator of each budget EGU at the source, pursuant to 35 IAC 217.756(f)(3).
- c. Any provision of the NOx Trading Program that applies to a budget EGU (including any provision applicable to the account representative of a budget EGU) shall also apply to the owner and operator of such budget EGU. Except with regard to requirements applicable to budget EGUs with a common stack under 40 CFR 96, Subpart H, the owner and operator and the account representative of one budget EGU shall not be liable for any violation by any other budget EGU of which they are not an owner or operator or the account representative, pursuant to 35 IAC 217.756(f)(4).

#### 6.1.4 Requirements for NOx Allowances

- a. Beginning in 2004, by November 30 of each year, the allowance transfer deadline, the account representative of each budget EGU at this source shall hold allowances available for compliance deduction under 40 CFR 96.54 in the budget EGUs compliance account or the source's overdraft account in an amount that shall not be less than the budget EGUs total tons of NOx emissions for the preceding control period, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, Subpart H, plus any number necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for the control period, pursuant to 35 IAC 217.756(d)(1). For purposes of this requirement, an allowance may not be utilized for a control period in a year prior to the year for which the allowance is allocated, pursuant to 35 IAC 217.756(d)(5).
- b. The account representative of a budget EGU that has excess emissions in any control period, i.e., NOx emissions in excess of the number of NOx allowances held as provided above, shall surrender allowances as required for deduction under 40 CFR 96.54(d)(1), pursuant to 35 IAC 201.756(f)(5). In addition, the owner or operator of a budget EGU that has excess emissions shall pay any fine, penalty, or assessment, or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act, pursuant to 35 IAC 217.756(f)(6). Each ton of NOx emitted in excess of the number of NOx allowances held as provided above for each budget EGU for each control period shall constitute a separate violation of 35 IAC Part 217 and the Act, pursuant to 35 IAC 217.756(d)(2).

- c. An allowance allocated by the Illinois EPA or USEPA under the NOx Trading Program is a limited authorization to emit one ton of NOx in accordance with the NOx Trading Program. As explained by 35 IAC 217.756(d)(6), no provisions of the NOx Trading Program, the budget permit application, the budget permit, or a retired unit exemption under 40 CFR 96.5 and no provision of law shall be construed to limit the authority of the United States or the State of Illinois to terminate or limit this authorization. As further explained by 35 IAC 217.756(d)(7), an allowance allocated by the Illinois EPA or USEPA under the NOx Trading Program does not constitute a property right. As provided by 35 IAC 217.756(d)(4), allowances shall be held in, deducted from, or transferred among allowances accounts in accordance with 35 IAC Part 217, Subpart W, and 40 CFR 96, Subparts F and G.

#### 6.1.5 Monitoring Requirements for Budget EGU

- a. The Permittee shall comply with the monitoring requirements of 40 CFR Part 96, Subpart H, for each budget EGU and the compliance of each budget EGU with the emission limitation under Condition 6.1.4(a) shall be determined by the emission measurements recorded and reported in accordance with 40 CFR 96, Subpart H, pursuant to 35 IAC 217.756(c)(1), (c)(2) and (d)(3).
  - i. For Boilers NB-1 and NB-2, the Permittee is conducting continuous emissions monitoring for NOx, as generally provided for by 40 CFR 75.71(a).
- b. The account representative for the source and each budget EGU at the source shall comply with those sections of the monitoring requirements of 40 CFR 96, Subpart H, applicable to an account representative, pursuant to 35 IAC 217.756(c)(1) and (d)(3).

#### 6.1.6 Recordkeeping Requirements for Budget EGU

Unless otherwise provided below, the Permittee shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This 5-year period may be extended for cause at any time prior to the end of the 5 years, in writing by the Illinois EPA or the USEPA.

- a. The account certificate of representation of the account representative for the source and each budget EGU at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, as provided by 35 IAC 217.756(e)(1)(A). These certificates and documents must be retained on site at the source for at least 5-years after they are superseded because of the submission of a new account certificate of representation changing the account representative.

- b. All emissions monitoring information, in accordance with 40 CFR 96, Subpart H, (provided that to the extent that 40 CFR 96, Subpart H, provides for a 3-year period for retaining records, the 3-year period shall apply), pursuant to 35 IAC 217.756(e)(1)(B).
- c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx Trading Program or documents necessary to demonstrate compliance with requirements of the NOx Trading Program, pursuant to 35 IAC 217.756(e)(1)(C).
- d. Copies of all documents used to complete a budget permit application and any other submission under the NOx Trading Program, pursuant to 35 IAC 217.756(e)(1)(D).

6.1.7 Reporting Requirements for Budget EGU

- a. The account representative for this source and each budget EGU at this source shall submit to the Illinois EPA and USEPA the reports and compliance certifications required under the NOx Trading Program, including those under 40 CFR 96, Subparts D and H, and 35 IAC 217.774, pursuant to 35 IAC 217.756(e)(2).
- b. Notwithstanding the provisions in Conditions 9.8 and 9.9 of this CAAPP permit, these submittals need only be signed by the designated representative, who may serve in place of the responsible official for this purpose, as provided by Section 39.5(1) of the Act, and submittals to the Illinois EPA need only be made to the Illinois EPA, Air Compliance Section.

6.1.8 Allocation of NOx Allowances to Budget EGU

- a. As the budget EGU identified in Condition 6.1.2(a) are "existing" EGU listed in 35 IAC Part 217, Appendix F, these EGU are entitled to NOx allowances as follows. (The portion of Appendix F that applies to the Permittee is provided in Condition 6.1.10.) The number of NOx allowances actually allocated for the budget EGU shall be the number of NOx allowances issued by USEPA pursuant to the allocation information reported to it by the Illinois EPA, which information may reflect adjustments to the overall allocations to budget EGU as provided for by 35 IAC 217.760(b) and (c):
  - i. In 2004 through 2006 (the first three years of the NOx Trading Program), an annual allocation of NOx allowances as specified by 35 IAC 217.764(a)(1), i.e., the number of NOx allowances listed in Appendix F, Column 7, and as provided by 35 IAC 217.768(j), a pro-rata share of any NOx allowances remaining in the new source set-aside (NSSA) following the allocation of allowances to new budget EGU.

- ii. In 2007, as provided by 35 IAC 217.764(b), an allocation of NOx allowances as specified by 35 IAC 217.764(b)(1), i.e., the number of NOx allowances listed in Appendix F, Column 8, and as provided by 35 IAC 217.764(b)(4), a pro-rata share of any NOx allowances remaining after the allocation of allowances pursuant to 35 IAC 217.764(b)(2) to budget EGU that commence operation between January 1, 1995 and April 30, 2003.
  - iii. In 2008, as provided by 35 IAC 217.764(c), a specified allocation of NOx allowances, i.e., the number of NOx allowances listed in Appendix F, Column 8, as provided by 35 IAC 217.764(c)(4), and a pro-rata share of any NOx allowances remaining after the allocation of allowances to budget EGU that commence operation between January 1, 1995 and April 30, 2004.
  - iv. In 2009, as provided by 35 IAC 217.764(d), a specified allocation of NOx allowances, i.e., the number of NOx allowances listed in Appendix F, Column 9, as provided by 35 IAC 217.764(d)(4), and a pro-rata share of any NOx allowances remaining after the allocation of NOx allowances to budget EGU that commence operation between January 1, 1995 and April 30, 2005, and as provided by 35 IAC 217.764(d)(6), a pro-rata share of any surplus of NOx allowances in the NSSA after the allocation of NOx allowances to new budget EGU pursuant to 35 IAC 217.764(d)(5).
  - v. In 2010, as provided by 35 IAC 217.764(e), a specified allocation of NOx allowances, i.e., the number of NOx allowances listed in Appendix F, Column 9, and a pro-rata share of any NOx allowances remaining after the allocation of NOx allowances to budget EGU that commence operation between January 1, 1995 and April 30, 2006, and a pro-rata share of any surplus of NOx allowances in the NSSA following the allocation of NOx allowances to new budget EGU.
  - vi. In 2011 and annually thereafter, as provided by 35 IAC 217.764(f), an allocation of NOx allowances based on the prior operation of the EGU during previous control periods, as described in Condition 6.1.8(b), and a pro-rata share of any surplus of NOx allowances in the NSSA following the allocation of NOx allowances to new budget EGU.
- b. In accordance with 35 IAC 217.762, the theoretical number of NOx allowances for the budget EGU listed in Condition 6.1.2(a), calculated as the product of the applicable NOx emissions rate and heat input as

follows, shall be the basis for determining the pro-rata share of NOx allowances for the budget EGU and the allocation of NOx allowances to the budget EGU based on their prior operation:

- i. The applicable NOx emission rate for the budget EGU shall be 0.15 lb/mmBtu, as specified by 35 IAC 217.762(a)(1).
- ii. The applicable heat input (mmBtu/control period) shall be the average of the two highest heat inputs from the control periods four to six years prior to the year for which the allocation is being made, as provided by 35 IAC 217.762(b)(1).

6.1.9 Budget Permit Required by the NOx Trading Program

- a. For this source, this segment of the CAAPP Permit, i.e., Section 6.1, is the Budget Permit required by the NOx Trading Program and is intended to contain federally enforceable conditions addressing all applicable NOx Trading Program requirements. This Budget Permit shall be treated as a complete and segregable portion of the source's entire CAAPP permit, as provided by 35 IAC 217.758(a)(2).
- b. The Permittee and any other owner or operator of this source and each budget EGU at the source shall operate the budget EGU in compliance with this Budget Permit, pursuant to 35 IAC 217.756(b)(2).
- c. No provision of this Budget Permit or the associated application shall be construed as exempting or excluding the Permittee, or other owner or operator and, to the extent applicable, the account representative of a budget source or budget EGU from compliance with any other regulation or requirement promulgated under the CAA, the Act, the approved State Implementation Plan, or other federally enforceable permit, pursuant to 35 IAC 217.756(g).
- d. Upon recordation by USEPA under 40 CFR 96, Subpart F or G, or 35 IAC 217.782, every allocation, transfer, or deduction of an allowance to or from the budget units' compliance accounts or to or from the overdraft account for the budget source is deemed to amend automatically, and become part of, this budget permit, pursuant to 35 IAC 217.756(d)(8). This automatic amendment of this budget permit shall be deemed an operation of law and will not require any further review.
- e. No revision of this Budget Permit shall excuse any violation of the requirements of the NOx Trading Program that occurs prior to the date that the revisions to this permit takes effect, pursuant to 35 IAC 217.756(f)(1).

- f. The Permittee, or other owner or operator of the source, shall reapply for a Budget Permit for the source as required by 35 IAC Part 217, Subpart W and Section 39.5 of the Act. For purposes of the NOx Trading Program, the application shall contain the information specified by 35 IAC 217.758(b)(2).

6.1.10 References

35 IAC Part 217 Appendix F - (provisions applicable to the Permittee)

Company Name/ I.D. No.	Generating Unit	EGU	NOx Budget Allowances	80% of NOx Budget Allowances	50% of NOx Budget Allowances	2004, 2005, 2006 Allowances	2007, 2008 Allowances	2009, 2010 Allowances
1	2	3	4	5	6	7	8	9
079808AAA	Newton 1	Newton 1	1,101	881	551	1,046	863	539
079808AAA	Newton 2	Newton 2	1,074	859	537	1,020	842	526

## 6.2 Acid Rain Program

### 6.2.1 Applicability

Under Title IV of the CAA, Acid Deposition Control, this source is an affected source and the following emission units at the source are affected units for acid deposition:

Newton Boiler 1 (NB-1)  
Newton Boiler 2 (NB-2)

Note: Title IV of the CAA, and other laws and regulations promulgated thereunder, establish requirements for affected sources related to control of emissions of pollutants that contribute to acid rain. For purposes of this permit, these requirements are referred to as Title IV provisions.

### 6.2.2 Applicable Emission Requirements

The owners and operators of the source shall not violate applicable Title IV provisions. In particular, NO<sub>x</sub> emissions of affected units shall not exceed the limit set by 40 CFR Part 76, with the ability for averaging among units as allowed by an Acid Rain Permit. SO<sub>2</sub> emissions of the affected units shall not exceed any allowances that the source lawfully holds under Title IV provisions. [Section 39.5(7)(g) and (17)(1) of the Act]

Note: Affected sources must hold SO<sub>2</sub> allowances to account for the SO<sub>2</sub> emissions from affected units at the source that are subject to Title IV provisions. Each allowance is a limited authorization to emit up to one ton of SO<sub>2</sub> emissions during or after a specified calendar year. The possession of allowances does not authorize exceedances of applicable emission standards or violations of ambient air quality standards.

### 6.2.3 Monitoring, Recordkeeping and Reporting

The owners and operators of the source and, to the extent applicable, their designated representative, shall comply with applicable requirements for monitoring, recordkeeping and reporting specified by Title IV provisions, including 40 CFR Part 75. [Section 39.5(7)(b) and 17(m) of the Act]

Note: As further addressed by Section 7 of this permit, the following emission determination methods are currently being used for the affected units at this source.

NO<sub>x</sub>: Continuous Emissions Monitoring (40 CFR 75.12)  
SO<sub>2</sub>: Continuous Emissions Monitoring (40 CFR 75.11)  
Opacity: Continuous Emission Monitoring (40 CFR 75.14)

#### 6.2.4 Acid Rain Permit

The owners and operators of the source shall comply with the terms and conditions of the source's Acid Rain permit. [Section 39.5(17)(l) of the Act]

Note: The source is subject to an Acid Rain permit, which was issued pursuant to Title IV provisions, including Section 39.5(17) of the Act. Affected sources must be operated in compliance with their Acid Rain permits. This source's Acid Rain permit is incorporated by reference into this permit and a copy of the current Acid Rain permit is included as Attachment 5 of this permit. Revisions and modifications of this Acid Rain permit, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the CAA or regulations thereunder) are governed by Title IV provisions, as provided by Section 39.5(13)(e) of the Act. Accordingly, revision or renewal of the Acid Rain permit may be handled separately from this CAAPP permit and a copy of the new Acid Rain permit may be included in this permit by administrative amendment.

#### 6.2.5 Coordination with Other Requirements

- a. This permit does not contain any conditions that are intended to interfere with or modify the requirements of Title IV provisions. In particular, this permit does not restrict the flexibility under Title IV provisions of the owners and operators of this source to amend their Acid Rain compliance plan. [Section 39.5(17)(h) of the Act]
- b. Where another applicable requirement of the CAA is more stringent than an applicable requirement of Title IV provisions, both requirements are incorporated into this permit and are enforceable and the owners and operators of the source shall comply with both requirements. [Section 39.5(7)(h) of the Act]



7.0 UNIT SPECIFIC CONDITIONS

7.1 Coal Fired Boilers - Subject to NSPS, 40 CFR 60 Subpart D

7.1.1 Description

The Permittee operates two coal-fired boilers for electric generation. The boilers are currently operated for base load generation, normally operating for weeks at a time between startups. The boilers, which were built in 1972 and 1975, have nominal capacities of 5,500 mmBtu/hour each and served by separate stacks. These boilers also have the capability to fire at various modes such as combination of coal and fuel oil as their principal fuel. In addition to coal, these boilers fire fuel oil as auxiliary fuel during startup and for flame stabilization. Periodically small amounts of used oil or boiler cleaning residue are fired with the coal in these boilers.

Nitrogen oxide (NOx) emissions from the boilers are controlled by low-NOx burners and overfire air systems. In addition, boiler 2 is equipped with a duct burner for the primary air supply to facilitate control of NOx. Particulate matter (PM) emissions are controlled by electrostatic precipitators (ESP) equipped with Flue Gas Conditioning (FGC) systems. The FGC systems are operated on an as needed basis.

7.1.2 List of Emission Units and Air Pollution Control Equipment

These unit-specific conditions address the following emission units:

Boiler	Description	Control Equipment
Boiler 1 NB-1	Coal-fired Boiler Nominal 5,500 mmBtu/hr	Low NOx Burners with Overfire Air, and ESP with FGC
Boiler 2 NB-2	Coal-fired Boiler Nominal 5,500 mmBtu/hr	Primary Air Duct Burners, Low NOx Burners with Overfire Air, and ESP with FGC

7.1.3 Applicability Provisions

- a. i. An "affected boiler" for the purpose of these unit-specific conditions is a boiler described in Conditions 7.1.1 and 7.1.2.
- ii. The affected boilers are also "affected facilities" for purposes of the New Source Performance Standards (NSPS) for Fossil-Fuel Fired Steam Generators for Which Construction Is Commenced After August 17, 1971, pursuant to 40 CFR 60.40. As affected facilities, the boilers are also subject to applicable requirements of the NSPS, 40 CFR 60 Subpart D and related requirements in the NSPS, 40 CFR 60 Subpart A, General Provisions.

b. Startup Provisions

Subject to the following terms and conditions, the Permittee is authorized to operate an affected boiler in violation of the applicable standards in Condition 7.1.4(g) (35 IAC 212.122), Condition 7.1.4(b) (35 IAC 212.204), Condition 7.1.4(d) (35 IAC 216.121), and Condition 7.1.4(e) (35 IAC 217.121(d)) during startup. This authorization is provided pursuant to 35 IAC 201.149, 201.161 and 201.262, as the Permittee has applied for such authorization in its application, generally describing the efforts that will be used "...to minimize startup emissions, duration of individual startups and frequency of startups."

- i. This authorization does not relieve the Permittee from the continuing obligation to demonstrate that all reasonable efforts are made to minimize startup emissions, duration of individual startups and frequency of startups.
- ii. The Permittee shall conduct startup of an affected boiler in accordance with written procedures prepared by the Permittee and maintained in the control room for the boiler, that are specifically developed to minimize emissions from startups and that include, at a minimum, the following measures:
  - A. Use of auxiliary fuel burners to heat the boiler prior to initiating burning of coal.
  - B. Timely energization of the electrostatic precipitator as soon as this may be safely accomplished without damage or risk to personnel or equipment.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.1.9(c), (e) and (g) and 7.1.10-2(a).
- iv. As provided by 35 IAC 201.265, an authorization in a permit for excess emissions during startup does not shield a Permittee from enforcement for any violation of applicable emission standard(s) that occurs during startup and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

c. Malfunction and Breakdown Provisions

Subject to the following provisions, the Permittee is authorized to continue operation of an affected boiler in violation of the applicable requirements of Condition 7.1.4(g) (35 IAC 212.122), Condition 7.1.4(b) (35 IAC 212.204), Condition 7.1.4(d) (35 IAC 216.121), and Condition 7.1.4(e) (35 IAC 217.121(d)) in the event of a malfunction or breakdown of an affected boiler, including the coal pulverizer, the ash removal system, or the electrostatic precipitator (including flue gas conditioning). This authorization is provided pursuant to 35 IAC 201.149, 201.161 and 201.262, as the Permittee has applied for such authorization in its application, generally explaining why such continued operation would be required to provide essential service or to prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.

- i. This authorization only allows such continued operation as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.
- ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable reduce boiler load, repair the affected boiler, remove the affected boiler from service or undertake other action so that excess emissions cease.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.1.9(c), (e) and (h), 7.1.10-2(d) and 7.1.10-3(a). For these purposes, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the boiler out of service.
- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.

- v. This authorization does not relieve the Permittee from the continuing obligation to minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

7.1.4 Applicable Emission Standards

a. Federal NSPS standards

- i. The affected boilers are subject to New Source Performance Standards (NSPS) for Fossil Fuel Fired Steam Generators, 40 CFR 60, Subparts A and D.
- ii. Pursuant to the NSPS, emissions from each affected boiler shall not exceed the following emission standards:

Pollutant	<u>(lb/mmBtu)</u>	<u>Standard Rule</u>
PM	0.10	40 CFR 60.42(a)(1)
SO <sub>2</sub>	1.20	40 CFR 60.43(a)(2)
NOx	0.70	40 CFR 60.44(a)(3)

- iii. Opacity from each affected boiler shall not exceed 20 percent, as measured on a six minute average, except for one 6 minute period per hour of not more than 27 percent pursuant to NSPS, 40 CFR 60.42(a)(2).
  - iv. Pursuant to 40 CFR 60.8(c) and 60.11(c), the above emission limitations do not apply during startup, malfunction, and shutdown, as defined by 40 CFR 60.2. Notwithstanding this provision, pursuant to 40 CFR 60.7(b) and (c), exceedances of these limitations during startup, malfunction, and shutdown are still subject to recordkeeping and reporting requirements under the NSPS.
- b. The emissions of PM from each affected boiler shall not exceed 0.10 lb/mmBtu of actual heat input in any one hour period, pursuant to 35 IAC 212.204.
  - c. The emissions of SO<sub>2</sub> from each affected boiler shall not exceed 1.2 lb/mmBtu of actual heat input, pursuant to 35 IAC 214.121(a).

- d. The emissions of CO from each affected boiler shall not exceed 200 ppm, corrected to 50 percent excess air, pursuant to 35 IAC 216.121.
- e. The emissions of NOx from each affected boiler shall not exceed 0.7 lb/mmBtu of actual heat input in any one hour period, pursuant to 35 IAC 217.121(d).
- f. The affected boilers are each subject to the following requirements related to NOx emissions pursuant to 35 IAC Part 217 Subpart V:
  - i. During each ozone control period (May 1 through September 30):
    - A. The emissions of NOx from an affected boiler shall not exceed 0.25 lb/mmBtu of actual heat input based on a ozone control period average for that unit, pursuant to 35 IAC 217.706(a), or
    - B. If the Permittee elects to participate in a NOx averaging plan, the emissions of NOx from the affected boiler and other eligible EGU that are participating in such NOx averaging demonstration shall not exceed 0.25 lbs/mmBtu of actual heat input, as averaged for the ozone control period for the EGU participating in the demonstration, pursuant to 35 IAC 217.708(a) and (b). For this purpose, other eligible EGU include: (1) EGU at this source, which are also authorized by this permit to participate in a NOx averaging demonstration, and (2) other EGU that are authorized to participate in a NOx averaging plan by a CAAPP permit or other federally enforceable permit issued by the Illinois EPA to the owner or operator of those EGU.

Note: Given the emission determination methods specified by 35 IAC 217.710, the emissions of NOx for purposes of these standards are generally calculated in accordance with the federal Acid Rain Program and are different from the emissions determined for purposes of the NOx Trading Program.

- ii. If the Permittee elects to have an affected boiler comply by participation in a NOx averaging demonstration as provided for and authorized above:
  - A. The affected boiler shall be included in only one NOx averaging demonstration during an ozone control period, pursuant to 35 IAC 217.708(d).

- B. The NOx averaging demonstration shall only include other EGU that are authorized through a federally enforceable permit to participate in a NOx averaging demonstration and for which the owner or operator of the EGU maintains the required records, data and reports and submits copies of such records, data, and reports to the Illinois EPA upon request, pursuant to 35 IAC 217.708(c) and (g).
- C. The effect of failure of the NOx averaging demonstration to show compliance shall be that the compliance status of the affected boiler shall be determined pursuant to Condition 7.1.4(f)(i)(A) as if the NOx emission rates of the affected boiler were not averaged with other EGU, pursuant to 35 IAC 217.708(g).

Note: The above requirements also apply as a matter of rule to EGUs other than the affected boiler if the owner or operator of such other EGUs elects to participate in a NOx averaging demonstration.

- g. The affected boiler is subject to 35 IAC 212.122 which provides that no person shall cause or allow the opacity from a new fuel combustion emission unit with a heat input greater than 250 mmBtu/hr to exceed 20 percent, except as provided by 35 IAC 212.122(b).

#### 7.1.5 Non-Applicability of Regulations of Concern

- a. i. This permit is issued based on the affected boilers not being subject to the NSPS standards for firing of oil, i.e., 40 CFR 60.43(a)(1) for SO<sub>2</sub> and 40 CFR 60.44(a)(2) for NO<sub>x</sub>, when they are using solid fuel (coal) as their principal fuel and distillate fuel oil is only used in incidental amounts for specific purposes, such as startup, opacity reduction emission mitigation, flame stabilization, outage of a coal pulverizer, or other temporary interruption in solid fuel supply, as associated with routine firing of solid fuel.
- ii. If an affected boiler is not using solid fuel (coal) as its principal fuel, the boiler shall comply with the requirements of the following NSPS standards that address burning a combination of fuels:
  - A. For SO<sub>2</sub>, 40 CFR 60.43(b). For this purpose, the applicable SO<sub>2</sub> standard for heat input from liquid fuel shall be 0.8 lb/mmBtu, pursuant to 40 CFR 60.43(a)(1) and (b).

- B. For NO<sub>x</sub>, 40 CFR 60.44(b). For this purpose, the applicable NO<sub>x</sub> standards for heat input from natural gas and liquid fuel shall be 0.2 and 0.3 lb/mmBtu, respectively, pursuant to 40 CFR 60.44(a)(1) and (2), respectively.
- b. i. The Permittee is shielded from the following rules for the affected boilers when the boilers are using solid fuel (coal) as their principal fuel. This is because incidental use of other fuels generally serves as a good combustion practice for firing of solid fuel and does not provide a decrease in emissions that can be used to reduce the emission rate that must be achieved for the emissions associated with combustion of solid fuel.
    - A. 35 IAC 212.207
    - B. 35 IAC 214.162
    - C. 35 IAC 217.121(e)
  - ii. If an affected boiler is not using solid fuel (coal) as its principal fuel, the affected boiler shall comply with the requirements of the following conditions. During such periods, for PM emissions, Condition 7.1.5(b)(ii)(A), shall substitute for Condition 7.1.4(b). For SO<sub>2</sub> emissions, Condition 7.1.5(b)(ii)(B), below, shall supplement Condition 7.1.4(c). For NO<sub>x</sub> emissions, Condition 7.1.5(b)(ii)(C) shall substitute for Condition 7.1.4(e).
    - A. The emissions of PM from the affected boiler in any one hour period shall not exceed the amount, in lb/hr, allowed by the formula in 35 IAC 212.207. For this purpose, the applicable PM standard for heat input from liquid fuel shall be 0.1 lb/mmBtu, pursuant to 35 IAC 212.206 and 212.207.
    - B. The emissions of SO<sub>2</sub> from the affected boiler in any one hour period shall not exceed the amount, in lb/hr, allowed by the formula in 35 IAC 214.162. For this purpose, the applicable SO<sub>2</sub> standards for heat input from residual fuel oil and distillate fuel oil shall be 0.8 and 0.3, respectively, pursuant to 35 IAC 214.121(b)(1), 214.121(b)(2), and 214.162.
    - C. The emissions of NO<sub>x</sub> from the affected boiler shall not exceed the amount, in lb/hr, allowed by the formula in 35 IAC 217.121(e).

- iii. For the purpose of the above conditions, an affected boiler shall be considered to be using solid fuel (coal) as its principal fuel if the use of natural gas and/or fuel oil is incidental to the use of coal, occurring for specific purposes associated with routine firing of solid fuel, such as startup, opacity reduction emission mitigation, flame stabilization, outage of a coal pulverizer, or other temporary interruption in solid fuel supply. A boiler shall not be considered to be using solid fuel as its principal fuel if the use of natural gas and/or fuel oil is more than incidental to the firing of coal in the boiler or the use of coal is incidental to the operation of the boiler.
- iv. The Permittee shall notify the Illinois EPA if the status of an affected boiler changes to or from using solid fuel (coal) as its principal fuel. This notification shall be provided at least 7 days in advance of such change in status unless the change results from a sudden event that precludes such advance notification, in which case notification shall be provided as soon as practicable prior to the change.
- c. Pursuant to 35 IAC 201.403(a), the Permittee is not subject to the requirements of 35 IAC Part 201 Subpart L for opacity monitoring because the Permittee must conduct opacity monitoring on the affected boilers in accordance with the NSPS.

7.1.6 Work Practices, Operational and Production Limits, and Emission Limitations

- a. i. At all times, the Permittee shall maintain and operate the affected boilers, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions, as required pursuant to the NSPS, 40 CFR 60.11(d).
- ii. As part of its operation and maintenance of the affected boilers, the Permittee shall perform formal "combustion evaluation" on each boiler on at least a quarterly basis, pursuant to Section 39.5(7)(d) of the Act. These evaluation shall consist of diagnostic measurements of the concentration of CO in the flue gas of the affected boiler, with adjustments and preventative and corrective measures for the boiler's combustion systems to maintain efficient combustion.



- b. i. The only fuels fired in the primary air duct burners of affected boiler 2 shall be natural gas and distillate fuel oil. [T1]
- ii. A. The fuel usage of the primary air duct burners of affected boiler 2 shall not exceed 250 gallons/hour, total. [T1]
- B. The total annual fuel consumption by the primary air duct burners of affected boiler 2 shall not exceed 1,610,000 gallons. [T1]
- C. For this purpose, if natural gas is burned, 1,000 standard cubic feet of gas shall be considered equivalent to 7.45 gallons of oil. [T1]
- iii. The emissions of the primary air duct burners of affected boiler 2 shall not exceed the following limitations. [T1]

<u>Pollutant</u>	<u>Limitation</u>	
	<u>Lb/Hr (Each)</u>	<u>Ton/Year (Total)</u>
NOx	5.0	16.1
CO	1.25	4.0
SO <sub>2</sub>	9.94	32.0
PM	0.5	1.6

- iv. Compliance with annual limitations shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total). [T1]

Note: The above requirements were established in Permit 01030065.

#### 7.1.7 Testing Requirements

Pursuant to Section 39.5(7)(d)(ii) of the Act, the Permittee shall have the PM and CO emissions of each affected boiler measured as specified below:

- a. i. PM emission measurements shall be made no later than one year after the effective date of this condition. (Measurements made after December 31, 2003 may satisfy this requirement.)
- ii. PM emission measurements shall be made within 90 days of operating an affected boiler for more than 30 hours total in a calendar quarter at a load\* that is more than 2 percent higher than the greatest load on the boiler, during the most recent set of PM tests on the affected boiler in which compliance is shown (refer to Condition 7.1.7(e)(iii)(D)), provided, however, that the Illinois EPA may

upon request of the Permittee provide more time for testing (if such time is reasonably needed to schedule and perform testing or coordinate testing with seasonal conditions).

\* For this purpose, load shall be expressed in terms of either gross megawatt output or steam flow, consistent with the form of the records kept by the Permittee pursuant to Condition 7.1.9(a).

iii. Periodic PM emission measurements shall be made for the affected boilers within a time period determined from the compliance margin for the applicable PM emission standard, based on the results of the preceding PM measurement, as follows. For this purpose, the compliance margin is the extent to which the actual PM emissions as measured are lower than the applicable PM limit. For example, if the measured PM emissions of the affected boiler are 0.075 lb/mmBtu, the compliance margin for the applicable PM limit, 0.10 lb/mmBtu, would be 25 percent.  $(0.100 - 0.075) / 0.100 = 0.25$ , or 25 percent)

- A. If the compliance margin is less than 20 percent, within 15 months of the previous measurement.
- B. If the compliance margin is between 20 and 40 percent, within 27 months of the previous measurement.
- C. If the compliance margin is greater than 40 percent, within 39 months of the previous measurement.

iv. Measurements of CO emissions shall be made as follows:

- A. In conjunction with the initial measurements of PM emissions as required above by Condition 7.1.7(a)(i) (unless this PM measurement is conducted prior to the issuance of this permit), if a measurement of CO emissions is not otherwise performed earlier in conjunction with a relative accuracy test audit (RATA) for SO<sub>2</sub> or NO<sub>x</sub> conducted under this permit.
- B. In conjunction with each subsequent measurement of PM emissions made pursuant to Condition 7.1.7(a)(ii) or (iii) (or a RATA for SO<sub>2</sub> or NO<sub>x</sub> preceding such measurement), provided, however, that if measured CO emissions are no more than 100 ppm at 50 percent excess air, CO

measurements need not be performed with the next PM measurement (or preceding RATA) but shall be performed with the second measurement of PM emissions following the measurement in which CO emissions were no more than 100 ppm (or a RATA preceding that PM measurement).

- v.
  - A. If standard fuel (i.e., coal, fuel oil, and gas) is less than 97.0 percent by weight of the fuel supply to a boiler during a quarter, the Permittee shall have measurements of PM and CO emissions from the boiler made during the next quarter while firing alternative fuel or process waste in the boiler.
  - B. The Permittee shall conduct such measurements while firing the boiler with at least 1.25 times the greatest percentage of alternative fuel material or process waste in the calendar quarter that triggered the testing. This percentage at which testing shall be conducted shall not exceed that allowed by the maximum design capacity of the alternative fuel handling system. If the boiler has been firing a mix of alternative fuel materials or process wastes, the mix of fuel during such measurements shall be approved by the Illinois EPA.
  - C. The Permittee shall repeat such measurements if the percentage of alternative fuel materials and process wastes burned in a boiler during a quarter is more than the percentage of such material in the fuel supply to the boiler when previous emission measurements were conducted.
- vi. Measurements of PM and CO emissions shall be made within 90 days (or such later date set by the Illinois EPA) following a request by the Illinois EPA for such measurements.
  - b.
    - i. These measurements shall be performed at the maximum operating loads of the affected boilers and other operating conditions that are representative of normal operation. In addition, the Permittee may perform measurements at other operating conditions to evaluate variation in emissions.
    - ii. Measurements shall be taken at an appropriate location in the ductwork or stack associated with the affected boiler.

- iii. The following test methods and procedures shall be used for these measurements. Refer to 40 CFR 60, Appendix A for USEPA Methods.

Location of Sample Points	USEPA Method 1
Gas Flow and Velocity	USEPA Method 2
Flue Gas Weight	USEPA Method 3
Moisture	USEPA Method 4
Particulate Matter (PM)	USEPA Methods 5 & 202*
Carbon Monoxide (CO)	USEPA Method 10

Other test methods adopted by USEPA may be used in place of the above methods with the approval of the Illinois EPA.

\* Measurements of condensable PM are also required by USEPA Method 202 (40 CFR Part 51, Appendix M) or other established test method approved by the Illinois EPA, except for a test conducted prior to issuance of this permit.

- c. Except for minor deviations in test methods, as defined by 35 IAC 283.130, emission testing shall be conducted in accordance with a test plan prepared by the testing service or the Permittee and submitted to the Illinois EPA for review prior to emission testing, and the conditions, if any, imposed by the Illinois EPA as part of its review and approval of the test plan, pursuant to 35 IAC 283.220 and 283.230.
- i. The Permittee shall submit this test plan at least 60 days prior to the actual date of testing and the test plan shall include the information specified by Condition 8.6.2.
- ii. Notwithstanding the above, as provided by 35 IAC 283.220(d), the Permittee need not submit a test plan for emission testing that will be conducted in accordance with the procedures used for previous tests accepted by the Illinois EPA or the previous test plan submitted to and approved by the Illinois EPA, provided that the Permittee's notification for testing, as required below, contains the information specified by 35 IAC 283.220(d)(1)(A), (B) and (C).
- d. The Permittee shall notify the Illinois EPA prior to conducting emission tests to enable the Illinois EPA to observe testing. Notification for the expected test date shall be submitted a minimum of 30 days prior to the expected date of testing. Notification of the actual date and expected time of testing shall be submitted a minimum of 5 working days prior to the actual test date. The Illinois EPA may on a case-by case basis accept shorter advance notice if it would not interfere with the Illinois EPA's ability to observe testing.

- e. The Permittee shall submit the Final Report(s) for any required emission testing to the Illinois EPA within 45 days after the tests results are compiled and finalized but no later than 120 days after the date of testing. The Final Report shall include the information specified in Condition 8.6.3 and the following information:
  - i. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.
  - ii. A description of any minor deviations from the test plan, as provided by 35 IAC 283.230(a).
  - iii. Detailed description of operating conditions during testing, including:
    - A. Source(s) of fuel and specifications (ash, sulfur and heat content).
    - B. Boiler operating information, i.e., firing rate of the affected boiler(s) (mmBtu/hr), composition of fuel as burned (ash, sulfur and heat content), and fuel blending ratio (%), if a blend of fuels is burned.
    - C. Combustion system information, i.e., settings for distribution of primary and secondary combustion air, target level for O<sub>2</sub> in the flue gas, and levels of CO, CO<sub>2</sub> or O<sub>2</sub> in the flue gas, as determined by any diagnostic measurements.
    - D. Control equipment information, i.e., equipment condition and operating parameters during testing including any use of the flue gas conditioning system.
    - E. Load during testing (gross megawatt output and steam flow).
  - iv. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.
  - v. The SO<sub>2</sub>, NO<sub>x</sub>, O<sub>2</sub> or CO<sub>2</sub>, (hourly averages) and opacity data (6-minute averages) measured during testing.

#### 7.1.8 Monitoring Requirements

- a. Pursuant to NSPS, 40 CFR 60.45, 40 CFR 75.14, and Section 39.5(7)(d)(iii) of the Act, the Permittee shall install, operate, calibrate and maintain continuous monitoring equipment for the measurement of opacity from the affected boilers.

- i. The Permittee shall operate this equipment in accordance with the general provisions for opacity monitoring systems in 40 CFR 75.10.
  - ii. These monitors shall be the primary basis for reporting of exceedances of Conditions 7.1.4(a)(iii), in accordance with 40 CFR 60.7(c) and 60.45(g), and Condition 7.1.4(g). (See Conditions 7.1.10-2(a) and 7.1.10-3(a).)
- b. Pursuant to 40 CFR 60.45, 40 CFR 75.11, and Section 39.5(7)(d)(iii) of the Act, the Permittee shall install, operate, calibrate and maintain a continuous emission monitoring system (CEMS) for the measurement of SO<sub>2</sub> emissions from the affected boilers.
- i. These CEMS shall be used to demonstrate compliance with the limits in Condition 7.1.4(c) based on the average hourly SO<sub>2</sub> emission rate determined from monitored data from three-hour block averaging periods.

Note: This permit is issued based on the Permittee performing continuous emission monitoring for SO<sub>2</sub> rather than fuel sampling and analysis for sulfur content as allowed by 40 CFR 60.45(b)(2). In addition, the permit allows the use of an "Acid Rain Monitoring System", operated to comply with 40 CFR Part 75, in lieu of an "NSPS Monitoring System", as authorized by USEPA guidance from the Stationary Source Compliance Division of the Office of Air Quality Planning and Standards, as such monitoring is equivalent or more stringent.

- c. Pursuant to 40 CFR 60.45, 40 CFR 75.12, 35 IAC 217.710(a), and Section 39.5(7)(d)(iii) of the Act, the Permittee, shall install, calibrate, maintain and operate a CEMS for the measurement of NO<sub>x</sub> emissions from the affected boiler, in accordance with the requirements of 40 CFR 75 Subpart B.
- d. Pursuant to Section 412 of the Clean Air Act and 40 CFR Part 75, the source is required to operate continuous monitors for the affected boilers for various parameters, including SO<sub>2</sub>, NO<sub>x</sub>, volumetric flow and opacity, along with a computerized data acquisition and handling system for collected data. (See also Condition 6.2.3) To the extent that applicable performance specifications and operating requirements for monitoring under 40 CFR Part 75 are inconsistent with the above requirements for monitoring, the procedures of 40 CFR Part 75 shall take precedence. (See also Condition 8.2.)

7.1.9 Recordkeeping Requirements

a. Operational Records for Affected Boilers

Pursuant to Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following operational records for the affected boilers:

- i. An operating log for each affected boiler, which shall include the following information:
  - A. Information for each startup and shutdown of the boiler, including date, time and duration, as required by 40 CFR 60.7(b). (See also Condition 7.1.9(g).)
  - B. Information for any incident in which the operation of the affected boiler continued during malfunction or breakdown, including: date, time, and duration; a description of the incident; whether emissions exceeded or may have exceeded any applicable standard; a description of the corrective actions taken to reduce emissions and the duration of the incident; and a description of the preventative actions taken, as addressed by 40 CFR 60.7(b). (See also Condition 7.1.9(h).)
- ii.
  - A. Load (in terms of either gross megawatts output or steam flow) on an hourly basis for each affected boiler.
  - B. If the Permittee is relying on data for heat input for purposes of compliance with Condition 7.1.4(a)(ii), (b) or (c) that is different from that recorded pursuant to the federal Acid Rain Program, records of heat input (mmBtu, on an hourly basis) or the conversion factors that the Permittee relies upon to convert from boiler load as recorded above to hourly heat input.
- iii. Records for each day when an alternative fuel (i.e., a fuel other than coal, gas or oil) was burned, including the estimated amount of each such material burned and the affected boiler(s) in which it was burned.
- iv. Total operating hours (hours/quarter) for each affected boiler.
- v.
  - A. Amount of coal consumed (tons/quarter).
  - B. Amount of each other fuel material consumed (tons, gallons, cubic feet per quarter, as appropriate).

- vi.
    - A. Records of agreements with suppliers of alternative fuels including origin of material, specifications for heat and ash content, and representative data for elemental composition of such material, including mercury and other heavy metals, chlorine and fluorine.
    - B. Records for each load of such material received at the source, which at a minimum shall include date, supplier name, type of material and amount (tons).
  - vii. An operating log, maintenance and repair log, or other records for each affected boiler documenting the performance of the combustion evaluation required by Condition 7.1.6(a)(ii), including the date of the evaluation, the concentrations of CO measured at the start and conclusion of the evaluation, and a description of adjustments and preventative and corrective measures undertaken for the combustion systems of the boiler.
- b. Records for Control Equipment
- Pursuant to Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following records for the air pollution control equipment on the affected boilers:
- i. Maintenance and Repair Log
 

A maintenance and repair log for each control device, which shall list the activities performed, with date and description. (See also Condition 9.6.1, Control Equipment Maintenance Records.)
  - ii. Electrostatic Precipitators (ESP)
 

When an affected boiler is in operation:

    - A. The status of each ESP field shall be recorded at least once per shift.
    - B. The following numerical data shall be recorded at least once per day: (1) Primary voltages and currents; (2) Secondary voltages and currents; and (3) Sparking rates.
  - iii. Flue Gas Conditioning (FGC) Systems
    - A. Manufacture/vendor or Permittee developed operating and maintenance procedures.



- B. Operating logs, including identification of conditioning agent and system settings.

Note: These logs only need to be maintained during periods when the Permittee operates these systems, which are operated at its discretion as needed to comply with applicable requirements.

- c. Records for Continuous Opacity Monitoring Systems

Pursuant to Section 39.5(7)(e) of the Act, and the NSPS, 40 CFR 60.45, the Permittee shall maintain records for the opacity monitoring system on each affected boiler required by Condition 7.1.8(a) that as a minimum shall include the following:

- i. Operating records for each opacity monitoring system, including:
  - A. Opacity measurements.
  - B. Continuous monitoring system performance testing measurements.
  - C. Performance evaluations and other quality assurance/control activities.
  - D. Calibration checks.
  - E. Maintenance and adjustment performed.
  - F. Periods other than performance of quality assurance, calibration, and maintenance, as addressed above, when the monitor was inoperative, with reason.
  - G. Quarterly reports submitted in accordance with NSPS, 40 CFR 60.7(c) and Condition 7.1.10-2(a) and (d).
- ii. Records for each affected boiler that identify the upper bound of the 95% confidence interval (using a normal distribution and 1 minute averages) for opacity measurements from the boiler, considering an hour of operation, within which compliance with the PM limitations in Conditions 7.1.4(a)(ii) and 7.1.4(b) is assured, with supporting explanation and documentation, including results of historic emission tests. At a minimum, these records shall be reviewed and revised as necessary following performance of each subsequent PM emission test on the affected boiler. Copies of these records shall be submitted to the Illinois EPA in accordance with Condition 5.6.2(d).

- iii. Records to address compliance with Conditions 7.1.4(a)(ii), (iii), (b) and (g) including:
  - A. Each 6-minute period when the opacity was above the limitation of Conditions 7.1.4(a)(iii) and (g) (20 percent opacity) with date, time, whether it occurred during startup, malfunction, breakdown, or shutdown, and further explanation of the incident.
  - B. Each hour when the measured opacity of an affected boiler was above the upper bound, as specified above in Condition 7.1.9(c)(ii), with date, time, operating condition if startup, malfunction, breakdown, or shutdown, further explanation of the incident, and whether particulate matter emissions may have exceeded the limit of Conditions 7.1.4(a)(ii) and 7.1.4(b), with explanation.

d. Records for Continuous SO<sub>2</sub> Monitoring Systems

Pursuant to Section 39.5(7)(e) of the Act and the NSPS, 40 CFR 60.45, the Permittee shall maintain records for the SO<sub>2</sub> CEMS on each affected boiler required by Condition 7.1.8(b) that as a minimum shall include the following:

- i. Operating records for each SO<sub>2</sub> CEMS, including:
  - A. SO<sub>2</sub> emission data into units of the applicable standards (lb/mmBtu) calculated in accordance with NSPS, 40 CFR 60.45(e).
  - B. Continuous monitoring system performance testing measurements.
  - C. Performance evaluations and other quality assurance/control activities.
  - D. Calibration checks.
  - E. Maintenance and adjustments performed.
  - F. Periods when the SO<sub>2</sub> CEMS was inoperative, with date, time and reason.
  - G. Data reduction information.
  - H. Quarterly reports submitted in accordance with NSPS, 40 CFR 60.7(c) and Condition 7.1.10-2(b).
- ii. Records to verify compliance with the limitation of Condition 7.1.4(a)(ii) and 7.1.4(c), including:

- A. SO<sub>2</sub> emissions in the terms of the applicable standard (lb/mmBtu) from the affected boilers on an hourly basis, as derived from the data obtained by the SO<sub>2</sub> CEMS.
- B. The date and time of any three-hour rolling averaging period when the total SO<sub>2</sub> emission rate, as recorded above, exceeded 1.2 lb/mmBtu as allowed by Condition 7.1.4(a)(ii) and 7.1.4(c), with the calculated SO<sub>2</sub> emission rate. These records shall be prepared from the above records at least quarterly as needed to verify compliance with the limitation of Condition 7.1.4(a)(ii) and 7.1.4(c).

e. Records for Continuous NO<sub>x</sub> Monitoring

Pursuant to 35 IAC 217.712(a), Section 39.5(7)(e) of the Act and the NSPS, 40 CFR 60.45, the Permittee shall maintain records for the NO<sub>x</sub> CEMS on each affected boiler required by Condition 7.1.8(c) in accordance with the applicable recordkeeping requirements of 40 CFR 75, that as a minimum shall include the following:

- i. Operating records for each NO<sub>x</sub> CEMS, including:
  - A. NO<sub>x</sub> emission data into units of the applicable standards (lb/mmBtu) calculated in accordance with NSPS, 40 CFR 60.45(e).
  - B. Continuous monitoring system performance testing measurements.
  - C. Performance evaluations and other quality assurance/control activities.
  - D. Calibration checks.
  - E. Maintenance and adjustments performed.
  - F. Periods when a NO<sub>x</sub> CEMS was inoperative, with date, time and reason.
  - G. Data reduction information.
  - H. Quarterly reports submitted in accordance with Condition 7.1.10-2(c).
- ii. Records to verify compliance with the limitation of Conditions 7.1.4(a)(ii) and 7.1.4(e) including:

- A. NOx emissions in the terms of the applicable standard (lb/mmBtu) from the affected boilers on an hourly basis, as derived from the data obtained by the NOx CEMS.
- B. The date and time of any three-hour rolling averaging period when the total NOx emission rate, as recorded above, exceeded 0.7 lb/mmBtu as allowed by Condition 7.1.4(a)(ii) and 7.1.4(e), with the calculated NOx emission rate. These records shall be prepared from the above records at least quarterly as needed to verify compliance with the limitation of Condition 7.1.4(a)(ii) and 7.1.4(e).

f. Acid Rain Program

Records for the continuous emission monitoring required for the affected boilers by the Acid Rain Program should be kept by the Permittee in accordance with 40 CFR Part 75, including the General Recordkeeping Provisions; the General Recordkeeping Provisions for Specific Situations, if applicable; and Certification, Quality Assurance and Quality Control Record Provisions. [See Condition 6.2.3]

g. Records for Startups

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following records related to startup of the affected boilers:

- i. The Permittee's startup procedures for each affected boiler (as required by Condition 7.1.3(b)(ii)), accompanied by the Permittee's estimate of both total and excess opacity and emissions of PM and CO during typical startup(s) of each boiler, with supporting information and calculations.
- ii. Records for each startup of an affected boiler that, at a minimum, include the following information:
  - A. Date, time, duration and description of the startup.
  - B. The elapsed time from initial firing of auxiliary fuel to achievement of stable operation of the boiler with the principal fuel and with boiler systems and control devices operating to enable compliance with applicable standards for opacity and emissions of PM and CO.

- C. If this elapsed time is more than 8 hours for Boiler NB-1 or NB-2 or if the Permittee's startup procedures are not followed:
  - I. A detailed explanation why startup of the boiler was not completed sooner or startup procedures were not followed.
  - II. Documentation for the startup procedures that were followed.
  - III. The elapsed time from initial firing of auxiliary fuel until firing of the principal fuel was begun.
  - IV. The flue gas temperature at which the ESP was energized, if coal was fired before the ESP was energized.
  - V. Estimates of the magnitude of emissions of PM and CO during the startup, including whether emissions may have exceeded any applicable hourly standard, as listed in Condition 7.1.4.

h. Records for Continued Operation During Malfunctions and Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following records related to malfunction and breakdown of the affected boilers:

- i. Maintenance and repair log(s) for the affected boilers that, at a minimum, address aspects or components of the boilers for which malfunction or breakdown has resulted in excess emissions, which shall list the activities performed on such aspects or components, with date, description and reason for the activity. In addition, in the maintenance and repair log(s) for control equipment required by Condition 7.2.9(b)(i), the Permittee shall also list the reason for the activities that are performed.
- ii. Records for each incident when operation of an affected boiler continued with excess emissions, including malfunction or breakdown as addressed by Condition 7.1.3(c), that, at a minimum, include the following information:
  - A. Date, time, duration and description of the incident.

- B. The corrective actions used to reduce the quantity of emissions and the duration of the incident.
- C. Confirmation of fulfillment of the requirements of Condition 7.1.10-3(a), as applicable, including copies of follow-up reports submitted pursuant to Condition 7.1.10-3(a)(ii).
- D. If opacity exceeded the applicable standard for two or more hours or emissions exceeded or may have exceeded an applicable hourly standard, as listed in Condition 7.1.4, during the incident:
  - I. A detailed explanation why continued operation of the affected boiler was necessary.
  - II. The preventative measures that have been or will be taken to prevent similar incidents or reduce their frequency and severity, including any repairs to the affected boilers and associated equipment and any changes to operating and maintenance procedures.
  - III. Estimates of the magnitude of emissions of PM and CO during the incident, as emissions may have exceeded any applicable hourly standard.

i. Records for the Primary Air Duct Burners

The Permittee shall keep the following records for affected boiler 2 as needed to demonstrate compliance with Condition 7.1.6(b):

- i. The maximum fuel firing capacity of each duct burner, gallons/hour, and the associated maximum emission rates, lb/hour, with supporting documentation and calculations.
- ii. Fuel usage by the duct burners, gallons/month and scf/month, either as determined directly from fuel meters or calculated from operating records kept for the duct burners, e.g., the product of the operating hours of the duct burners and their maximum firing rates.
- iii. An inspection and maintenance log for the duct burners.

- iv. Emissions of the duct burners, tons/month and tons/year, calculated with appropriate emission factors from AP-42, based on the above records, with supporting calculations.

#### 7.1.10-1 Reporting Requirements - Reporting of Deviations

##### a. Prompt Reporting of Deviations

For each affected boiler, the Permittee shall promptly notify the Illinois EPA of deviations from permit requirements as follows. At a minimum, these notifications shall include a description of such deviations, including whether they occurred during startup or malfunction/breakdown, and a discussion of the possible cause of such deviations, any corrective actions and any preventative measures taken. [Section 39.5(7)(f)(ii) of the Act]

- i. Notification and reporting as specified in Condition 7.1.10-3(a) for certain deviations from the PM limits in Condition 7.1.4(a)(ii) and (b).
- ii. Notification and reporting as specified in Condition 7.1.10-3(a) for certain deviations from the opacity limits in Condition 7.1.4(a)(iii) and (g).
- iii. Notification with the reports required by Conditions 7.1.10-2(b), (c), (d) and (e) for deviations from Condition 7.1.4(a), (b), (c), (e), (f) and (g) and from the requirements of Condition 7.1.8 for emissions monitoring.
- iv. Notification within 30 days for a deviation from Condition 7.1.6(b), with a copy of applicable records for such incident or description of the incident and a discussion of the probable cause of such deviation, the corrective actions taken, and the preventative measures taken.
- v. Notification with the quarterly reports required by Condition 7.1.10-2(a) for deviations not addressed above by Condition 7.1.10-1(a)(i), (ii), (iii), or (iv), including deviations from other applicable requirements, e.g., the applicable CO emission standard, work practice requirements, and recordkeeping requirements.

##### b. Periodic Reporting of Deviations

The quarterly reports required by Condition 7.1.10-2(a) shall include the following information for the affected boilers related to deviations from permit requirements during the quarter. [Sections 39.5(7)(a) and (f)(i) of the Act]

- i. A listing of all instances of deviations that have been reported in writing to the Illinois EPA as provided by Condition 7.1.10-1(a)(i), (ii) and (iv), including identification of each such written notification or report. For this purpose, the Permittee need not resubmit copies of these previous notifications or reports but may elect to supplement such material.
- ii. Detailed information, as required by Condition 7.1.10-1(a)(iii) or (iv), for all other deviations not addressed in the above listing.

#### 7.1.10-2 Reporting Requirements - Periodic Reports

##### a. Quarterly Reports

In place of the semi-annual monitoring reports otherwise required by Condition 8.6.1, the Permittee shall submit quarterly reports to the Illinois EPA pursuant to Sections 39.5(7)(a) and (f) of the Act.

- i. These reports shall include the following information for operation of each affected boiler during the quarter:
  - A. The total operating hours for each boiler, as also reported in accordance with 40 CFR Part 75.
  - B. The greatest load achieved by each boiler (steam flow or gross megawatts).
  - C. A discussion of significant changes in the fuel supply to the boilers, if any, including changes in the source of coal, the introduction of new fuel materials other than coal, gas and oil, and changes in the source of such other fuel materials or the maximum rate at which they will be fired.
  - D. A list of the startups of each affected boiler, including the date, duration and description of each startup, accompanied by a copy of the records pursuant to Condition 7.1.9(g)(ii)(C) for each startup for which such records were required.
  - E. A copy of the records required by Condition 7.1.9(c)(iii)(B) identifying the date and time that the upper bound, as specified above in Condition 7.1.9(c)(ii), was exceeded, with operating condition if startup, malfunction, breakdown, or shutdown; with further explanation of the incident and whether particulate matter emissions may have exceeded the PM limit.



- ii. These reports shall include the information for SO<sub>2</sub>, NO<sub>x</sub>, and PM emissions and opacity from the affected boilers during the quarter and the operation of required continuous monitoring systems specified by Conditions 7.1.10-2(b), (c) and (d).
- iii. These reports shall be submitted after the end of every calendar quarter as follows:

Monitoring Period	Submittal Deadline
January - March	April 30
April - June	July 30
July - September	October 30
October - December	January 30

b. Reporting of SO<sub>2</sub> Emissions

Pursuant to Section 39.5(7)(e) of the Act and the NSPS 40 CFR 60.45(g), the Permittee shall report the following information to the Illinois EPA in accordance with 40 CFR 60.7(c) for the affected boilers with its quarterly reports pursuant to Condition 7.1.10-2(a):

- i. Summary information on the performance of the SO<sub>2</sub> CEMS, including the information for a "Summary Report" specified by 40 CFR 60.7(d). When the SO<sub>2</sub> CEMS was not inoperative, repaired or adjusted except for zero and span checks, this shall be stated in the report.
- ii. If specifically requested by the Illinois EPA or the CEMS downtime was more than 5 percent of the total operating time for the affected boiler: the date and time identifying each period during which the CEMS was inoperative except for zero and span checks, and the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR Part 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter, a listing of any days when a required daily calibration was not performed, and the date and duration of any periods when the CEMS was out-of-control as addressed by 40 CFR 75.24.
- iii. The following information for each period when SO<sub>2</sub> emissions were in excess of the applicable standards specified in Condition 7.1.4(a)(ii) and 7.1.4(c)\*\*. When there were no such exceedances, this shall be stated in the report.

- A. The starting date and time of the SO<sub>2</sub> excess emissions.
- B. The duration of the excess emissions.
- C. A copy of the records for the excess emissions, as maintained pursuant to Condition 7.1.9(d)(ii), including the measured emission rate.
- D. A detailed explanation of the cause of the excess emissions.
- E. A detailed explanation of corrective actions and actions taken to lessen the emissions.

\*\* For the purpose of reporting excess SO<sub>2</sub> emissions, the averaging period is a three-hour rolling average, as used to determine compliance with the limitations of Condition 7.1.4(a)(ii) and 7.1.4(c). The records for excess emissions shall consist of three-hour rolling emission averages during which the limitation was exceeded.

c. Reporting of NO<sub>x</sub> Emissions

Pursuant to Section 39.5(7)(a) and (f) of the Act and the NSPS 40 CFR 60.45(g), the Permittee shall report the following information for the affected boilers to the Illinois EPA in accordance with 40 CFR 60.7(c) with its quarterly reports pursuant to Condition 7.1.10-2(a):

- i. Summary information on the performance of the NO<sub>x</sub> CEMS, including the information for a "Summary Report" specified by 40 CFR 60.7(d). When the NO<sub>x</sub> CEMS was not inoperative, repaired or adjusted except for zero and span checks, this shall be stated in the report.
- ii. If specifically requested by the Illinois EPA or the CEMS downtime was more than 5 percent of the total operating time for the affected boiler: the date and time identifying each period during which the CEMS was inoperative except for zero and span checks, and the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR Part 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter, a listing of any days when a required daily calibration was not performed, and the date and duration of any periods when the CEMS was out-of-control as addressed by 40 CFR 75.24.

iii. The following information for each period when NOx emissions were in excess of the limitation in Condition 7.1.4(a)(ii) and 7.1.4(e)\*\*. When there were no such exceedances, this shall be stated in the report.

- A. The starting date and time of the NOx excess emissions.
- B. The duration of the excess emissions.
- C. A copy of the records for the excess emissions, as maintained pursuant to Condition 7.1.9(e)(ii), including the measured emission rate.
- D. A detailed explanation of the cause of the excess emissions.
- E. A detailed explanation of corrective actions and actions taken to lessen the emissions.

\*\* For the purpose of reporting excess NOx emissions, the averaging period is a three-hour rolling average, as used to determine compliance with the limitations of Condition 7.1.4(a)(ii) and 7.1.4(e). The records for excess emissions shall consist of three-hour rolling emission averages during which the limitation was exceeded.

d. Reporting of Opacity and PM Emissions

Pursuant to Sections 39.5(7)(b) and (f) of the Act and the NSPS, 40 CFR 60.45(g), the Permittee shall report the following information for each affected boiler to the Illinois EPA with its quarterly reports pursuant to Condition 7.1.10-2(a):

i. Summary information on the performance of the opacity monitoring system and excess emissions, as required for a "Summary Report" in accordance with 40 CFR 60.7(d). When no excess opacity occurred or the continuous opacity monitoring system was not inoperative, repaired or adjusted except for zero and span checks, this shall be stated in the report.

ii. The operating status of the opacity monitoring system, including the dates and times of any periods during which it was inoperative, if requested by the Illinois EPA or the opacity monitoring system downtime was more than 5 percent of the total operating time for an affected boiler during the quarter.

- iii. The following information for each period when opacity was in excess of the applicable standards specified in Conditions 7.1.4(a)(iii) and (g).
- A. The starting dates and time of the exceedance.
  - B. The duration of the excess opacity.
  - C. The magnitude of excess opacity, based on six minute average opacity, including:
    - I. The percent opacity for each six-minute period.
    - II. The start and stop time of each six-minute period in excess of 20 percent.
  - D. A detailed explanation of the cause of excess opacity, if known, including whether such excess opacity occurred during startup, malfunction or breakdown of the boiler.
  - E. A detailed explanation of the corrective actions and actions taken to lessen the opacity.
  - F. Identification of the previous report for the incident submitted to the Illinois EPA pursuant to Condition 7.1.10-3(a)(ii). For this purpose, the Permittee need not resubmit copies of such report but may elect to supplement such material.
  - G. A summary of the records required by Condition 7.1.9(g)(ii) for incidents when operation of an affected boiler continued during malfunction or breakdown with excess emissions that are not addressed by individual reports submitted pursuant to Condition 7.1.10-3(a)(ii).

Note 1: While the NSPS provides that one six-minute period per hour during which the average opacity of emissions exceeds 20 percent opacity, but not more than 27 percent opacity need not be reported (40 CFR 60.45(g)(1)), such a provisions does not accompany 35 IAC 212.122.

Note 2: Because the Permittee is subject to the reporting requirements of the NSPS, 40 CFR 60.7(c) and (d) for an affected boiler for opacity, pursuant to the federal Acid Rain program, as included above, the Permittee is not subject to reporting pursuant to 35 IAC 201.405 (35 IAC 201.403(a)).

- iv. The following information for periods when PM emissions were in excess of the limitation in Conditions 7.1.4(a)(ii) and 7.1.4(b). If there were no such exceedances during the reporting period, the quarterly report shall so state.
  - A. A summary of information for each period of exceedance that includes:
    - I. The starting date and time of the exceedance.
    - II. The duration of the exceedance.
    - III. The magnitude of the exceedance.
    - IV. The percent opacity measured for each six-minute period during the exceedance.
    - V. The means by which the exceedance was indicated or identified, in addition to the level of opacity.
    - VI. A detailed explanation of the cause of the exceedance, including whether the exceedance occurred during startup, malfunction or breakdown.
    - VII. A detailed explanation of corrective actions and actions taken to lessen the emissions.
  - B. Identification of the previous reports for the incidents submitted to the Illinois EPA pursuant to Condition 7.1.10-3(a)(ii). For this purpose, the Permittee need not resubmit copies of such report but may elect to supplement such material.
- v. The following summary information related to opacity and PM exceedances:
  - A. Further information for each type of recurring opacity exceedance that occurred during the quarter, including: a discussion of any circumstances or events during the quarter that generally affected the number or magnitude of such exceedances; a discussion of any additional understanding of the causes for such exceedances gained during the quarter, including the role of component failure or degradation, maintenance practices, and operating procedures; a general discussion of the effectiveness of the corrective actions that were taken in

response to such exceedances; and a general discussion of further actions that are being considered to address such exceedances.

- B. Further information for any new type(s) of opacity exceedances that occurred during the quarter including: a general narrative description for the type(s) of exceedance; a general explanation of the cause(s) for such exceedances, including the role of component failure or degradation, maintenance practices, and operating procedures; a detailed explanation of the corrective actions that have been taken for such exceedances, including the reasons that the selected actions were taken, the effectiveness of those actions, and the likelihood of future occurrence of similar exceedances; and a general discussion of possible further actions that could be taken to address such exceedances. For this purpose, new type(s) of exceedance are ones that have not been addressed in the preceding four quarterly opacity reports.
  - C. Other information relevant to generally explaining the number and magnitude of opacity and PM exceedances during the quarter, e.g., a further discussion of specific events or circumstances that occurred that affected the number of magnitude or exceedances during the quarter.
  - D. Information describing actions taken during the quarter that should generally act to significantly reduce the number or magnitude of future opacity or PM exceedances, e.g., a summary of relevant upgrades or replacements of components that were completed, with a description of such actions, an explanation of their relationship to exceedances, and a discussion of their anticipated effect on future exceedances.
- vi. A glossary of common technical terms used by the Permittee in its reports pursuant to this Condition 7.1.10-2(d), including the definitions for the categories used by the Permittee to classify exceedance events.
- e. Reporting of NOx Emissions for the Ozone Control Period

The Permittee shall submit a report to the Illinois EPA by November 30 of each year that demonstrates whether the affected boiler has complied with Condition 7.1.4(f), pursuant to 35 IAC 217.712(d) and (e).

- i. If the Permittee is demonstrating compliance on a unit-specific basis with Condition 7.1.4(f)(i)(A), this report shall contain the information specified by 35 IAC 217.712(d) including the heat input and NOx emissions of the unit for the ozone control period.
- ii. If the Permittee is demonstrating compliance by means of "NOx averaging" as authorized by Condition 7.1.4(f)(ii)(B), this report shall contain the information specified by 35 IAC 217.712(e) and other related information as follows:
  - A. In all cases, for each affected boiler or unit covered by this permit that is participating in NOx averaging demonstration, the Permittee shall report the following:
    - I. Identification of the other EGU that are participating in the demonstration, including identification of the source that is the lead party for the demonstration and that is also taking responsibility for submitting the information required by Condition 7.1.10-2(e)(ii)(B) below.
    - II. A statement confirming that the unit is eligible to participate in an averaging demonstration, i.e., the unit is included in only one demonstration [35 IAC 217.708(d)] and the Permittee is complying with applicable recordkeeping and reporting requirements for the unit, pursuant to 35 IAC 217.708(c) and (g).
    - III. The average NOx emission rate for the unit, with calculations and supporting information, as required by 35 IAC 217.712(e)(2) and (3), including the heat input and NOx emissions of the unit for the ozone control period.
    - IV. A statement whether the unit would show compliance on its own in the absence of averaging.

B. If the Permittee is the lead party for a NOx averaging demonstration, the Permittee shall report the following:

- I. Copies of the information submitted by other parties for the EGU participating in the demonstration, which include all material required by Condition 7.1.10-2(e)(ii)(A) above (unless or except as this information is provided with the submittal by a person who is a responsible official for the EGU participating in the demonstration).
- II. The averaged NOx emission rate for all EGU participating in the demonstration, with complete supporting calculations, as required by 35 IAC 217.712(e)(1).
- III. A statement whether the demonstration shows compliance.

f. Submittal of Supplemental Information Related to NOx Emissions during the Ozone Control Period

The Permittee shall submit copies of any records and data required by 35 IAC 217.712 to the Illinois EPA within 30 days after receipt of a written request by the Illinois EPA. [35 IAC 217.712(g)]

g. Acid Rain Program Reporting

Pursuant to Section 412 of the Clean Air Act and 40 CFR Parts 72 and 75, the source is subject to the reporting requirements of 40 CFR Part 75, which includes General Provisions; Notifications; Initial Certification or Recertification Application; Quarterly Reports; and Opacity Reports. [See Condition 6.2.3] Pursuant to Section 39.5(17)(m) of the Act, the designated representative of the source must concurrently submit to the Illinois EPA in the same electronic format specified by the USEPA, the data and information submitted to USEPA on a quarterly basis pursuant to 40 CFR 75.64.

#### 7.1.10-3 Reporting Requirements - Notifications

a. Reporting of Continued Operation During Malfunctions and Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA, Compliance Section and Regional Office, concerning incidents when operation of an affected boiler continued with excess emissions, including continued



operation during malfunction or breakdown as addressed by Condition 7.1.3(c). These requirements do not apply to such excess emissions, if any, that occur during startup or shutdown of an affected boiler.

- i. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone (voice, facsimile or electronic) for each incident in which the applicable PM emissions standard (Condition 7.1.4(b)) could be exceeded or in which the opacity from an affected boiler exceeds 20 percent for five or more 6-minute averaging periods unless the Permittee has begun the shutdown of an affected boiler by such time. (Otherwise, as related to opacity, if opacity during an incident only exceeds 20 percent for no more than five 6-minute averaging periods, the Permittee need only report the incident in accordance with Conditions 7.1.10-1(a)(iii) and (d).)
- ii. Upon conclusion of each incident in which the applicable PM emission standard may have been exceeded or in which exceedances of the opacity standard are two hours or more in duration, the Permittee shall submit a follow-up report to the Illinois EPA, Compliance Section and Regional Office, within 15 days that includes: a detailed description of the incident and its cause(s); an explanation why continued operation of an affected boiler was necessary; the length of time during which operation continued under such conditions, until repairs were completed or the boiler was taken out of service; a description of the measures taken to minimize and correct deficiencies with chronology; and a description of the preventative measures that have been and are being taken.

#### 7.1.11 Anticipated Operating Scenarios/Operating Flexibility

The Permittee is authorized to make the following operational changes with respect to each affected boiler without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements; to properly obtain a construction permit in a timely manner for any activity constituting construction or modification as defined in 35 IAC 201.102 or, as applicable, 40 CFR 52.21(a)(2) or 35 IAC 203.207; and to comply with other legal requirements that apply to such a change:

- a. Operation of additional air pollution control equipment, which is addressed by a separate construction permit.

- b. Firing of coal or a mix of coal from different suppliers.
- c. Firing of the following materials in conjunction with firing of standard fuels, provided that such materials can be accommodated with the existing fuel handling system and the burners in the affected boilers, and that such materials do not make up more than 10 percent by weight of the fuel supply to the boiler on a quarterly basis:
  - i. Other process wastes generated at the source in addition to used oil and boiler cleaning residue.
  - ii. Alternative fuels that do not constitute waste and were not generated from municipal waste or hazardous waste, such as petroleum coke, tire derived fuel (as defined at Section 54.10b of the Act), clean lumber and wood waste (as defined at 40 CFR 60.2265), shredded polyethylene agricultural containers, and seed corn, provided that such materials are shipped to the source in homogeneous form prepared for use as fuel (e.g., a shipment of tire derived fuel).

Note: Other requirements unrelated to air pollution control may apply to firing of alternative fuels, such as Standards for Management of Used Oil, 35 IAC Part 739.

#### 7.1.12 Compliance Procedures

- a. Compliance with the opacity limitation of Conditions 7.1.4(a)(iii) and 7.1.4(g) (20 percent opacity) is addressed by the average opacity calculated from six-minute periods of opacity measurements from the continuous opacity monitoring system operated in accordance with the requirements of Condition 7.1.8(a) and the recordkeeping requirements of Condition 7.1.9.
- b. Compliance with PM emission limitation of Conditions 7.1.4(a)(ii) and 7.1.4(b) is addressed by continuous opacity monitoring in accordance with Condition 7.1.8(a), PM testing in accordance with Condition 7.1.7, and the recordkeeping required by Condition 7.1.9.
- c. Compliance with the SO<sub>2</sub> emission limitation of Condition 7.1.4(a)(ii) and 7.1.4(c) is addressed by continuous emission monitoring in accordance with Condition 7.1.8(b) and the recordkeeping required by Condition 7.1.9(d).
- d. Compliance with the CO emission limitation of Condition 7.1.4(d) is addressed by the required work practices in Condition 7.1.6(a), emission testing in accordance with Condition 7.1.7, and the recordkeeping required by Condition 7.1.9.

- e. Compliance with NOx emission limitations of Conditions 7.1.4(a)(ii), 7.1.4(e) and 7.1.4(f) is addressed by the continuous emission monitoring in accordance with Condition 7.1.8(c) and the recordkeeping required by Condition 7.1.9(e).
- f. Compliance with the work practice and operating practice requirements of Condition 7.1.6(a) is addressed by the recordkeeping required by Condition 7.1.9.
- g. Compliance with the requirements of Condition 7.1.6(b) is addressed by the recordkeeping required by Condition 7.1.9(i).

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.

## 7.2 Coal Handling Equipment

### 7.2.1 Description

The Permittee transfers and stores coal in a series of operations, including railcar and truck unloading, various conveyor belts (with associated hoppers, diverters, and transfer points), storage piles (with stackers and feeders), and bunkers. As a part of handling, the coal may be passed through "crackers" designed to break apart frozen coal. Particulate matter (PM) emissions associated with these operations are controlled by various measures including the moisture content of the coal, application of dust suppressant to the coal, enclosures and covers, and dust collection devices.

### 7.2.2 List of Emission Units and Air Pollution Control Equipment

#### Coal Receiving Operations

Railcar Unloading  
Truck Unloading  
Coal Transfer Conveyors  
Dust Suppressant Application System, Dust Collection Devices, Enclosures and Covers

#### Coal Transfer Operations

Coal Transfer Conveyors  
Enclosures and Covers

#### Coal Storage Operations

Outdoor Storage Piles  
Bucket Wheel Stacker/Reclaimer  
Coal Transfer Conveyors  
Coal Storage Bunkers  
Dust Suppressant Application System, Enclosures and Covers

### 7.2.3 Applicability Provisions

- a. The "affected operations" for the purpose of these unit-specific conditions, are the emission units that are used solely for the purpose of transferring coal or other solid fuel from one location to another or for storage of coal or other solid fuel, without changing the size of the fuel, e.g., by crushing or screening, as described in Conditions 7.2.1 and 7.2.2.
- b. Subject to the following provisions, the Permittee is authorized to continue operation of an affected operation in violation of the applicable requirements of Condition 7.2.4(b) (35 IAC 212.123) in the event of a malfunction or breakdown of an affected operation. This authorization is provided pursuant to 35 IAC 201.149, 201.161 and 201.262 as the Permittee has applied for such authorization in its application, generally explaining why such continued operation

would be required to provide essential service or to prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.

- i. This authorization only allows such continued operation as related to the operation of the coal-fired boilers as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.
- ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable repair the affected operation, remove the affected operation from service or undertake other action so that excess emissions cease.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Condition 7.2.9(f) and 7.2.10(b). For these purposes, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the affected operation out of service.
- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.
- v. This authorization does not relieve the Permittee from the continuing obligation to minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

7.2.4 Applicable Emission Standards

- a. The affected operations shall comply with the standard in Condition 5.2.2(a), which addresses visible emissions of fugitive particulate matter, as defined by 35 IAC 211.2490, from the affected operations, pursuant to 35 IAC 212.301.
- b. The affected operations shall comply with the standard, i.e., 30 percent opacity, in Condition 5.2.2(b), which addresses the opacity of the emission of smoke or other particulate matter from the affected operations, pursuant to 35 IAC 212.123.

7.2.5 Non-Applicability of Regulations of Concern

- a. The affected operations are not subject to 35 IAC 212.321 or 212.322 because of the disperse nature of the operations, as generally addressed by 35 IAC 212.323.

7.2.6 Work Practices, Operational and Production Limits, and Emission Limitations

- a.
  - i. The Permittee shall implement and maintain control measures for the affected operations, such as enclosure, natural surface moisture, application of dust suppressant or water spray, and use of dust collection devices, that minimize visible emissions of particulate matter and provide assurance of compliance with the applicable emission control requirements in Conditions 7.2.4 and 7.2.6(b), pursuant to Section 39.5(7)(a) of the Act.
  - ii. The Permittee shall operate and maintain each affected operation with the control measures identified in the records required by Condition 7.2.9(b).
- b.
  - i. The amount of coal received shall not exceed 6.0 million tons per year [T1].
  - ii. The amount of coal placed on the storage piles shall not exceed 2.25 million tons per year [T1].
  - iii. The affected operations shall not exceed the following PM emission limits [T1]:

<u>Operation</u>	<u>PM Emissions (Tons)/(Year)</u>
Railcar Unloading	3.0
Modified Transfer System	37.5
Storage Pile - Stack Out	19.0
Storage Pile - Reclaiming	22.5
Sample House - Conveyor Room	<u>30.0</u>
Total:	102.0

- iv. Compliance with annual limitations shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total) [T1].
- c. The upgraded coal handling system shall be operated in accordance with good operating practices to minimize particulate matter emissions including the following: [T1]
  - i. Enclosures shall be maintained in good condition and dust suppressant shall be applied as needed whenever coal is being moved past a point of application.
  - ii. The preferred method of handling coal shall be immediate storage in the bunkers. Coal shall only be placed in the storage pile as necessary, e.g., lack of bunker space, maintenance of the reserve fuel supply or rotation of this reserve, breakdown of the transfer system to the bunker, etc..
  - iii. The bucket wheel stacker/reclaimer shall be used as the principal means for transfer of coal to and from the storage pile and shall be maintained and operated to minimize dust emission.
  - iv. The telescopic chute stack out system and pit reclaim shall be maintained and operated to minimize dust emissions, including localized application of suppressant to coal being reclaimed as needed to prevent visible emission during reclaiming.
  - v. Remedial actions shall be taken if visible emissions are observed outside of any enclosure or building.

Note: The above limitations were established in Permits 79020027 and 98080051.

#### 7.2.7 Opacity Testing Requirements

- a. i. The Permittee shall have the opacity of the emissions from the affected operations during representative weather and operating conditions determined by a qualified observer in accordance with USEPA Test Method 9, as further specified below, pursuant to Section 39.5(7)(d) of the Act.
  - A. For each affected operation, testing shall be conducted at least annually. For this purpose, testing shall first be conducted within three months of the effective date of this Condition 7.2.7(a).

- B. Upon written request by the Illinois EPA, such testing shall be conducted for specific affected operation(s) within 45 calendar days of the request or on the date agreed upon by the Illinois EPA, whichever is later.
- ii. The duration of opacity observations for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are both less than 10.0 percent.
- iii.
  - A. The Permittee shall notify the Illinois EPA at least 7 days in advance of the date and time of these tests, in order to allow the Illinois EPA to witness testing. This notification shall include the name and employer of the qualified observer(s).
  - B. The Permittee shall promptly notify the Illinois EPA of any changes in the time or date for testing.
- iv. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of testing, if Illinois EPA personnel are present.
- v. The Permittee shall submit a written report for this testing within 15 days of the date of testing. This report shall include:
  - A. Date and time of testing.
  - B. Name and employer of qualified observer.
  - C. Copy of current certification.
  - D. Description of observation condition, including recent weather.
  - E. Description of the operating conditions of the affected operations.
  - F. Raw data.
  - G. Opacity determinations.
  - H. Conclusions.

#### 7.2.8 Inspection Requirements

- a. The Permittee shall perform inspections of the affected operations on at least a monthly basis, including associated control measures, while the



affected operations are in use, to confirm compliance with the requirements of Condition 7.2.6(a). These inspections shall be performed with personnel not directly involved in the day-to day operation of the affected operations and may be scheduled so that only a number of affected operations are reviewed during each inspection, provided however, that all affected operations that are in routine service shall be inspected at least once during each calendar month. [Sections 39.5(7)(a) and (d) of the Act]

- b. The Permittee shall perform detailed inspections of the dust collection equipment for the affected operations at least every 15 months while the processes are out of service, with an initial inspection performed before any maintenance and repair activities are conducted during the period the process is out of service and a follow-up inspection performed after any such activities are completed. [Sections 39.5(7)(a) and (d) of the Act]

#### 7.2.9 Recordkeeping Requirements

The Permittee shall maintain records of the following pursuant to Sections 39.5(7)(a) and (e) of the Act:

- a. The Permittee shall keep the following file(s) and log(s):
  - i. File(s) containing the following information for the affected operations, with supporting information, which information shall be kept up to date:
    - A. Information related to the dust collection equipment associated with the affected operations, including design control efficiency or performance specifications and maximum design particulate matter emissions, gr/dscf.
    - B. The maximum operating capacity of each affected operation, (ton/hr).
  - ii. Maintenance and repair log(s) for the air pollution control equipment associated with the affected operations, including dust suppressant application systems, which log(s) shall list the activities performed on each item of equipment or system, with date and description. (See also Condition 9.6.1, Control Equipment Maintenance Records.)
- b. i. The Permittee shall maintain a record, which shall be kept up to date, of the control measures currently being implemented for the different affected operations pursuant to Condition 7.2.6(a). These control measures,

as defined by the Permittee through these records, are referred to as the "established control measures" in this subsection of this permit. Copies of these records shall be submitted to the Illinois EPA in accordance with Condition 5.6.2(d).

- ii. Accompanying this record, the Permittee shall maintain a demonstration that confirms that the above established control measures are sufficient to assure compliance with the emission limitations in Condition 7.2.6(b) (tons/yr), with supporting emission calculations and documentation for the emission factors and the efficiency of the control measures being relied upon by the Permittee. Except as addressed by Condition 7.2.9(a)(i)(A), this demonstration shall be developed using emission factors for uncontrolled PM emissions, efficiency of control measures, and controlled PM emissions published by USEPA.
  - iii. Copies of these records shall be submitted to the Illinois EPA in accordance with Condition 5.6.2(d).
- c. The Permittee shall maintain the following operating records:
- i. The amount of coal and other solid fuels received at the source, by type of fuel (tons/month and tons/year).
  - ii. The amount of coal and other solid fuels sent to the outdoor storage piles, by type of fuel (tons/month and tons/year).
- d. The Permittee shall maintain records of the following for the inspections required by Condition 7.2.8:
- i. For the inspections required by Condition 7.2.8(a) for each affected operation:
    - A. Date and time the inspection was performed and name(s) of inspection personnel.
    - B. The observed condition of the control measures for each affected operation, including the presence of any visible emissions.
    - C. A description of any maintenance or repair associated with established control measures that is recommended as a result of the inspection and a review of outstanding recommendations for maintenance or repair from previous

inspection(s), i.e., whether recommended action has been taken, is yet to be performed or no longer appears to be required.

- D. A summary of the observed implementation or status of actual control measures, as compared to the established control measures.
- ii. For the inspections required by Condition 7.2.8(b) for the dust collection equipment for affected operations:
- A. Date and time the inspection was performed and name(s) of inspection personnel.
  - B. The observed condition of the equipment.
  - C. A summary of the maintenance and repair that is to be or was conducted on the equipment.
  - D. A description of any maintenance or repair that is recommended as a result of the inspection and a review of outstanding recommendations for maintenance or repair from previous inspection(s), i.e., whether recommended action has been taken, is yet to be performed or no longer appears to be required.
  - E. A summary of the observed condition of the equipment as related to its ability to reliably and effectively control emissions.
- e. The Permittee shall maintain records of the following for each incident when any affected operation operated without the established control measures:
- i. The date of the incident and identification of the affected operations that were involved.
  - ii. A description of the incident, including the established control measures that were not present or implemented; the established control measures that were present, if any; other control measures or mitigation measures that were implemented, if any; and the magnitude of the PM emissions during the incident.
  - iii. The time at and means by which the incident was identified, e.g., scheduled inspection or observation by operating personnel.

- iv. The length of time after the incident was identified that the affected operations continued to operate before established control measures were in place or the operations were shutdown (to resume operation only after established control measures were in place) and, if this time was more than one hour, an explanation why this time was not shorter, including a description of any mitigation measures that were implemented during the incident.
  - v. The estimated total duration of the incident, i.e., the total length of time that the affected operations ran without established control measures and the estimated amount of coal handled during the incident.
  - vi. A discussion of the probable cause of the incident and any preventative measures taken.
  - vii. A discussion whether any applicable emission standards, as listed in Condition 7.2.4, or the PM emission limits in Condition 7.2.6(b) may have been violated during the incident, with an estimate of the amount of any additional or excess PM emissions (lb) from the incident, with supporting explanation as needed.
- f. Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain records, related to malfunction and breakdown for affected operations that as a minimum, shall include:
- i. Maintenance and repair log(s) for the affected operations that, at a minimum, address aspects or components of such operations for which malfunction or breakdown has resulted in excess emissions, which shall list the activities performed on such aspects or components, with date, description and reason for the activity. In addition, in the maintenance and repair log(s) for control equipment required by Condition 7.2.9(a)(ii), the Permittee shall also list the reason for the activities that are performed.
  - ii. Records for each incident when operation of an affected process continued during malfunction or breakdown, including continued operation with excess emissions as addressed by Condition 7.2.3(b) that include the following information:
    - A. Date and duration of malfunction or breakdown.

- B. A description of the malfunction or breakdown.
- C. The corrective actions used to reduce the quantity of emissions and the duration of the incident.
- D. Confirmation of fulfillment of the requirements of Condition 7.2.10(b)(i), as applicable, including copies of follow-up reports submitted pursuant to Condition 7.2.10(b)(i)(B).
- E. If excess emissions occurred for two or more hours:
  - I. A detailed explanation why continued operation of the affected operation was necessary.
  - II. A detailed explanation of the preventative measures planned or taken to prevent similar malfunctions or breakdowns or reduce their frequency and severity.
  - III. An estimate of the magnitude of excess emissions occurring during the incident.
- g. The Permittee shall keep records for all opacity measurements made in accordance with USEPA Method 9 for the affected operations that it conducts or that are conducted on its behalf by individuals who are qualified to make such observations. For each occasion on which such measurements are made, these records shall include the formal report for the measurements if conducted pursuant to Condition 7.2.7(a), or otherwise the identity of the observer, a description of the measurements that were made, the operating condition of the affected operations, the observed opacity, and copies of the raw data sheets for the measurements.
- h. To demonstrate compliance with Condition 7.2.6(b), the Permittee shall keep records of amount of coal received, amount of coal handled, and PM emissions (tons/month and tons/year) for the operations listed in 7.2.6(b)(iii), based on the above records, with supporting calculations.

#### 7.2.10 Reporting Requirements

##### a. Reporting of Deviations

The Permittee shall promptly notify the Illinois EPA of deviations from permit requirements for affected operations, as follows. Such notifications shall

include a description of each incident and a discussion of the probable cause of deviation, any corrective actions taken, and any preventative measures taken, pursuant to Section 39.5(7)(f)(ii) of the Act.

- i. Notification and reporting as specified in Condition 7.2.10(b) for certain deviations from Condition 7.2.4(b).
- ii. Notification within 30 days for operation of an affected operation that was not in compliance with applicable requirements in Conditions 7.2.6(a) that continued for more than 12 operating hours from the time that it was identified. Such notifications shall be accompanied by a copy of the records for the incident required by Condition 7.2.9(e).
- iii.
  - A. Notification with the quarterly reports required by Condition 7.2.10(b)(ii) for other deviations, including deviations from applicable emission standards, inspection requirements and recordkeeping requirements.
  - B. With the quarterly report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported to the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in prior notifications and reports for such deviations.
- b. Reporting of Continued Operation During Malfunctions and Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA, concerning incidents when operation of affected operation(s) continued with excess emissions, including continued operation during malfunction or breakdown as addressed by Condition 7.2.3(b).

- i.
  - A. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone (voice, facsimile or electronic) for each incident in which the opacity from an affected operation exceeds or may have exceeded the applicable opacity standard for five or more 6-minute averaging periods. (Otherwise, if opacity during a malfunction or breakdown incident only exceeds or may have exceeded the applicable standard for no more than five

6-minute averaging periods, the Permittee need only report the incident in accordance with Condition 7.2.10(b) (ii).)

- B. Upon conclusion of each incident that is two hours or more in duration, the Permittee shall submit a written follow-up notice to the Illinois EPA, Compliance Section and Regional Office, within 15 days providing a detailed description of the incident and its cause(s), an explanation why continued operation was necessary, the length of time during which operation continued under such conditions, the measures taken by the Permittee to minimize and correct deficiencies with chronology, and when the repairs were completed or the affected operation was taken out of service.
- ii. The Permittee shall submit quarterly reports to the Illinois EPA that include the following information for incidents during the quarter in which affected operations continued to operate during malfunction or breakdown with excess emissions. These reports shall be submitted with the quarterly reports submitted for the coal-fired boiler pursuant to Condition 7.1.10-2(a).
- A. A listing of such incidents, in chronological order, that includes: (1) the date, time, and duration of each incident, (2) the identity of the affected operation(s) involved in the incident, and (3) whether a follow-up notice was submitted for the incident pursuant to Condition 7.2.10(b) (i) (B), with the date of the notice.
  - B. The detailed information for each such incident required pursuant to Condition 7.2.10(a) (as each incident constitutes a deviation) and Condition 7.2.10(b) (i) (B). For this purpose, the Permittee need not resubmit information provided in a prior report for an incident, as identified above, but may elect to supplement the prior submittal.
  - C. The aggregate duration of all incidents during the quarter.
  - D. If there have been no such incidents during the calendar quarter, this shall be stated in the report.

#### 7.2.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational change with respect to the affected operations without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for an activity for which a permit is required pursuant to 35 IAC 201.142.

- a. Handling of solid fuels other than coal.
- b. Operation of additional dust suppressant systems.
- c. Operation of additional dust collection equipment.
- d. Operation of replacement dust suppression systems or dust collection equipment that is of equal or greater effectiveness in controlling PM emissions than the device(s) being replaced, as recognized in a Construction Permit for such system or equipment.

#### 7.2.12 Compliance Procedures

- a. Compliance with Conditions 7.2.4 is addressed by the control, testing, inspection, and recordkeeping required by Conditions 7.2.6(a), 7.2.7(a), 7.2.8 and 7.2.9, respectively.
- b. Compliance with Condition 7.2.6(a) is addressed by the testing, inspection, and recordkeeping required by Conditions 7.2.7, 7.2.8, and 7.2.9, respectively.
- c. Compliance with Condition 7.2.6(b) is addressed by the control, testing, inspection, and recordkeeping required by Conditions 7.2.6(a), 7.2.7, 7.2.8 and 7.2.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.



7.3 Fly Ash Equipment

7.3.1 Description

The Permittee operates a dry fly ash removal system that handles and stores fly ash collected at the coal-fired boilers. Associated particulate matter (PM) emissions are controlled by various control measures including moisture content of the fly ash, enclosures and covers, and dust collection devices.

7.3.2 List of Emission Units and Air Pollution Control Equipment

The following is a list of the fly ash equipment and associated emission control systems at the source:

Emission Unit Description	Emission Control Equipment
Fly Ash Conveying System	Dust Collection Devices, Enclosures and Covers
Fly Ash Silos and Loadouts (NM-FAS, FAS)	Dust Collection Devices, Enclosures and Covers (SDC1, SDC2)
Fly Ash Batch Mixer and Truck Loadout	Wet Process

7.3.3 Applicability Provisions

- a. An "affected process" for the purpose of these unit-specific conditions, is an individual process emission unit that handles fly ash as described in Conditions 7.3.1 and 7.3.2.
- b. Subject to the following terms and conditions, the Permittee is authorized to continue operation of an affected process in violation of the applicable requirements of Condition 7.3.4(b) (35 IAC 212.123) and Condition 7.3.4(c) (35 IAC 212.321(a)) in the event of a malfunction or breakdown of an affected process. This authorization is provided pursuant to 35 IAC 201.149, 201.161, and 201.262, as the Permittee has applied for such authorization in its application, generally explaining why such operation would be required to provide essential service or to prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.
  - i. This authorization only allows such continued operation as related to the operation of the coal-fired boilers as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.

- ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable repair the affected process, remove the affected process from service, or undertake other action so that excess emissions cease.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Condition 7.3.9(f) and 7.3.10(b). For these purposes, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the affected process out of service.
- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.
- v. This authorization does not relieve the Permittee from the continuing obligation to minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

#### 7.3.4 Applicable Emission Standards

- a. The affected processes shall comply with the standard in Condition 5.2.2(a), which addresses visible emissions of fugitive particulate matter, as defined by 35 IAC 211.2490, from the affected processes, pursuant to 35 IAC 212.301.
- b. The affected processes shall comply with the standard, i.e., 30 percent opacity, in Condition 5.2.2(b), which addresses the opacity of the emission of smoke or other particulate matter from the affected processes, pursuant to 35 IAC 212.123.
- c. The affected processes shall comply with 35 IAC 212.321(a), which provides that no person shall cause

or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in 35 IAC 212.321(c). (See also Attachment 1.) [35 IAC 212.321(a)]

7.3.5 Non-Applicability of Regulations of Concern

None

7.3.6 Work Practices, Operational and Production Limits, and Emission Limitations

- a. i. The Permittee shall implement and maintain control measures for the affected processes, including enclosure and filtration-type dust collection devices, that minimize visible emissions of particulate matter and provide assurance of compliance with the applicable emission standards in Conditions 7.3.4 and 7.3.6(b), pursuant to Section 39.5(7)(a) of the Act.
- ii. The Permittee shall operate and maintain each affected process with the control measures identified in the records required by Condition 7.3.9(b)(i).
- b. PM emissions from the fly ash batch mixer shall not exceed 1.0 pound per hour and 4.4 tons per year. Compliance with this annual limitation shall be determined as a running total of 12 months of data, i.e., from the sum of the data for the current month plus the preceding 11 months. [T1]

Note: The above limitations were established in Permit 02120049.

7.3.7 Opacity and Emission Testing Requirements

- a. i. The Permittee shall have the opacity of the emissions from the affected processes during representative weather and operating conditions determined by a qualified observer in accordance with USEPA Test Method 9, as further specified below, pursuant to Section 39.5(7)(d) of the Act.
  - A. For each affected process, testing shall be conducted at least annually. For this purpose, testing shall first be conducted within three months after the effective date of this Condition 7.3.7(a).

- B. Upon written request by the Illinois EPA, such testing shall be conducted for specific affected process(es) within 45 calendar days of the request or on the date agreed upon by the Illinois EPA, whichever is later.
- ii. The duration of opacity observations for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are both less than 5.0 percent.
- iii.
  - A. The Permittee shall notify the Illinois EPA at least 7 days in advance of the date and time of these tests, in order to allow the Illinois EPA to witness testing. This notification shall include the name and employer of the qualified observer(s).
  - B. The Permittee shall promptly notify the Illinois EPA of any changes in the time or date for testing.
- iv. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of testing, if Illinois EPA personnel are present.
- v. The Permittee shall submit a written report for this testing within 15 days of the date of testing. This report shall include:
  - A. Date and time of testing.
  - B. Name and employer of qualified observer.
  - C. Copy of current certification.
  - D. Description of observation condition, including recent weather.
  - E. Description of the operating conditions of the affected processes.
  - F. Raw data.
  - G. Opacity determinations.
  - H. Conclusions.
- b.
  - i. Within 90 days of a written request from the Illinois EPA, the Permittee shall have the PM emissions at the stacks or vents of the affected processes, as specified in such request, measured during representative operating conditions, as set forth below, pursuant to Section 39.5(7)(d) of the Act.

- ii.
  - A. Testing shall be conducted using appropriate USEPA Reference Test Methods, including Method 5 for PM emissions.
  - B. Compliance may be determined from the average of three valid test runs, subject to the limitations and conditions contained in 35 IAC Part 283.
- iii. The Permittee shall submit a test plan to the Illinois EPA at least 60 days prior to testing, which plan shall include the information specified by Condition 8.6.2.
- iv. The Illinois EPA shall be notified prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of testing shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of testing shall be submitted a minimum of 5 working days prior to the actual date of the test. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notification if it interferes with the Illinois EPA's ability to observe the testing.
- v. The Permittee shall expeditiously submit complete Final Report(s) for required emission testing to the Illinois EPA, no later than 90 days after the date of testing. These reports shall include the information specified in Condition 8.6.3 and the following information:
  - A. A summary of results.
  - B. Detailed description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.
  - C. Detailed description of the operating conditions of the affected process during testing, including operating rate (tons/hr) and the control measures being used.
  - D. Detailed data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.
  - E. Representative opacity data (6-minute average) measured during testing.

### 7.3.8 Inspection Requirements

- a. The Permittee shall perform inspections of the affected processes on at least a weekly basis, including associated control measures, while the affected processes are in use, to confirm compliance with the requirements of Condition 7.3.6(a). These inspections shall be performed by personnel who are not directly involved in the day-to-day operation of the affected processes. [Sections 39.5(7)(a) and (d) of the Act]
- b. The Permittee shall perform detailed inspections of the dust collection equipment for affected processes at least every nine months while the processes are out of service, with an initial inspection performed before any maintenance and repair activities are conducted during the period the process is out of service and a follow-up inspection performed after any such activities are completed. [Sections 39.5(7)(a) and (d) of the Act]

### 7.3.9 Recordkeeping Requirements

The Permittee shall maintain records of the following items, pursuant to Sections 39.5(7)(a) and (e) of the Act:

- a. The Permittee shall keep the following file(s) and log(s):
  - i. File(s) containing the following information for the affected processes, with supporting information, which information shall be kept up to date:
    - A. Information related to the dust collection equipment associated with the affected processes, including the performance specifications for filter material and maximum design particulate matter emissions, gr/dscf.
    - B. The maximum operating capacity of each affected process (ton/hour).
  - ii. Maintenance and repair log(s) for the air pollution control equipment associated with the affected processes, including dust suppressant application systems, which log(s) shall list the activities performed on each item of equipment or system, with date and description. (See also Condition 9.6.1, Control Equipment Maintenance Records.)
- b. i. The Permittee shall maintain a record, which shall be kept up to date, of the control measures currently being implemented for the affected processes pursuant to Condition

7.3.6(a). These control measures, as defined by the Permittee through these records, are referred to as the "established control measures" in this section of this permit.

- ii. Accompanying this record, the Permittee shall maintain a demonstration that confirms that the above established control measures are sufficient to assure compliance with Condition 7.3.4(c) at the maximum process weight rate at which each affected process can be operated (tons material/hour), with supporting emission calculations and documentation for the emission factors and the efficiency of the control measures being relied upon by the Permittee. Except as addressed by Condition 7.3.9(a)(i)(A) or testing of an affected process is conducted in accordance with Condition 7.3.7(b), this demonstration shall be developed using emission factors for uncontrolled PM emissions, efficiency of control measures, and controlled PM emissions published by USEPA.
  - iii. Copies of these records shall be submitted to the Illinois EPA in accordance with Condition 5.6.2(d).
- c. The Permittee shall maintain a record of the amount of fly ash handled by the affected processes (tons/month and tons/year).
- d. The Permittee shall maintain records of the following for the inspections required by Condition 7.3.8:
- i. For the inspections required by Condition 7.3.8(a) for each affected process:
    - A. Date and time the inspection was performed and name(s) of inspection personnel.
    - B. The observed condition of the control measures for each affected process, including the presence of any visible emissions or accumulations of fly ash in the vicinity of the process.
    - C. A description of any maintenance or repair associated with established control measures that is recommended as a result of the inspection and a review of outstanding recommendations for maintenance or repair from previous inspection(s), i.e., whether recommended action has been taken, is yet to be performed or no longer appears to be required.

- D. A summary of the observed implementation or status of actual control measures, as compared to the established control measures.
- ii. For the inspections required by Condition 7.3.8(b) for the dust collection equipment for affected processes:
  - A. Date and time the inspection was performed and name(s) of inspection personnel.
  - B. The observed condition of the equipment.
  - C. A summary of the maintenance and repair that is to be or was conducted on the equipment.
  - D. A description of any maintenance or repair that is recommended as a result of the inspection and a review of outstanding recommendations for maintenance or repair from previous inspection(s), i.e., whether recommended action has been taken, is yet to be performed or no longer appears to be required.
  - E. A summary of the observed condition of the equipment as related to its ability to reliably and effectively control emissions.
- e. The Permittee shall maintain records of the following for each incident when any affected process operated without the established control measures:
  - i. The date of the incident and identification of the affected process(es) that were involved.
  - ii. A description of the incident, including the established control measures that were not present or implemented; the established control measures that were present, if any; other control measures or mitigation measures that were implemented, if any; and the magnitude of the PM emissions during the incident.
  - iii. The time at and means by which the incident was identified, e.g., scheduled inspection or observation by operating personnel.
  - iv. The length of time after the incident was identified that the affected process(es) continued to operate before established control measures were in place or the operations were shutdown (to resume operation only after established control measures were



- in place) and, if this time was more than one hour, an explanation why this time was not shorter, including a description of any mitigation measures that were implemented during the incident.
- v. The estimated total duration of the incident, i.e., the total length of time that the affected process(es) ran without established control measures and the estimated amount of material processed during the incident.
  - vi. A discussion of the probable cause of the incident and any preventative measures taken.
  - vii. A discussion whether any applicable emission standards, as listed in Condition 7.3.4 or the PM emission limit (lb/hr) in Condition 7.3.6(b) may have been violated during the incident, with an estimate of the amount of any additional or excess PM emissions (lb) from the incident, with supporting explanation.
- f. Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain records, related to malfunction and breakdown for an affected process that as a minimum, shall include:
- i. Maintenance and repair log(s) for the affected processes that, at a minimum, address aspects or components of such processes for which malfunction or breakdown has resulted in excess emissions, which shall list the activities performed on such aspects or components, with date, description and reason for the activity. In addition, in the maintenance and repair log(s) for control equipment required by Condition 7.3.9(a)(ii), the Permittee shall also list the reason for the activities that are performed.
  - ii. Records for each incident when operation of an affected process continued during malfunction or breakdown, including continued operation with excess emissions as addressed by Condition 7.3.3(b) that include the following information:
    - A. Date and duration of the incident.
    - B. A description of the incident.
    - C. The corrective actions used to reduce the quantity of emissions and the duration of the incident.

- D. Confirmation of fulfillment of the requirements of Condition 7.3.10(b), as applicable, including copies of follow-up reports submitted pursuant to Condition 7.3.10(b)(ii).
- E. If excess emissions occurred for one hour (60 minutes) or more:
  - I. A detailed explanation why continued operation of the affected process was necessary.
  - II. A detailed explanation of the preventative measures planned or taken to prevent similar malfunctions or breakdowns or reduce their frequency and severity.
  - III. An estimate of the magnitude of excess emissions occurring during the incident.
- g. The Permittee shall keep records for all opacity measurements made in accordance with USEPA Method 9 for the affected processes that it conducts or that are conducted on its behalf by individuals who are qualified to make such observations. For each occasion on which such measurements are made, these records shall include the formal report for the measurements if conducted pursuant to Condition 7.3.7, or otherwise the identity of the observer, a description of the measurements that were made, the operating condition of the affected process, the observed opacity, and copies of the raw data sheets for the measurements.
- h. To demonstrate compliance with Condition 7.3.6(b), the Permittee shall keep records for PM emissions of the fly ash batch mixer (tons/month and tons/year) based on the above records, with supporting calculations.

#### 7.3.10 Reporting Requirements

##### a. Reporting of Deviations

The Permittee shall promptly notify the Illinois EPA of deviations from permit requirements for affected processes, as follows. Such notifications shall include a description of each deviation and a discussion of the probable cause, any corrective actions taken, and any preventative measures taken, pursuant to Section 39.5(7)(f)(ii) of the Act.

- i. Notification and reporting as specified in Condition 7.3.10(b)(i) for certain deviations from Condition 7.3.4(b).

- ii. Notification within 30 days for operation of an affected process that was not in compliance with applicable requirements in Condition 7.3.6(a) that continued for more than four operating hours from the time that it was identified. Such notifications shall be accompanied by a copy of the records for the incident required by Condition 7.3.9(e).
  - iii. A. Notification with the quarterly reports required by Condition 7.3.10(b)(ii) for other deviations, including deviations from applicable emission standards, inspection requirements and recordkeeping requirements.  
B. With these report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported to the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in prior notifications and reports for such deviations.
- b. Reporting of Continued Operation During Malfunctions And Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7) (a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA for incidents when operation of affected process(es) continued with excess emissions, including continued operation during malfunction or breakdown as addressed by Condition 7.3.3(b).

- i. A. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone (voice, facsimile or electronic) for each incident in which the opacity from an affected process exceeds or may have exceeded the applicable opacity standard for four or more 6-minute averaging periods. (Otherwise, if opacity during a malfunction or breakdown incident only exceeds or may have exceeded the applicable standard for no more than three 6-minute averaging periods, the Permittee need only report the incident in accordance with Condition 7.3.10(b)(ii).)
- B. Upon conclusion of each incident that is two hours or more in duration, the Permittee shall submit a written follow-up notice to the Illinois EPA, Compliance Section and Regional Office, within 15 days providing a detailed description of

the incident and its cause(s), an explanation why continued operation was necessary, the length of time during which operation continued under such conditions, the measures taken by the Permittee to minimize and correct deficiencies with chronology, and when the repairs were completed or the affected process was taken out of service.

- ii. The Permittee shall submit quarterly reports to the Illinois EPA that include the following information for incidents during the quarter in which affected processes continued to operate during malfunction or breakdown with excess emissions. These reports shall be submitted with the quarterly reports submitted for the coal-fired boiler pursuant to Condition 7.1.10-2(a).
  - A. A listing of such incidents, in chronological order, that includes: (1) the date, time, and duration of each incident, (2) the identity of the affected process(es) involved in the incident, and (3) whether a follow-up notice was submitted for the incident pursuant to Condition 7.3.10(b)(i)(B), with the date of the notice.
  - B. The detailed information for each such incident required pursuant to Condition 7.3.10(a) (as each incident constitutes a deviation) and Condition 7.3.10(b)(i)(B). For this purpose, the Permittee need not resubmit information provided in a prior report for an incident, as identified above, but may elect to supplement the prior submittal.
  - C. The aggregate duration of all incidents during the quarter.
  - D. If there have been no such incidents during the calendar quarter, this shall be stated in the report.

#### 7.3.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational change with respect to the affected processes without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (1) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for an activity for which a permit is required pursuant to 35 IAC 201.142.

- a. Operation of additional dust suppressant systems.
- b. Operation of additional dust collection equipment.
- c. Operation of replacement dust suppression systems or dust collection equipment that is of equal or greater effectiveness in controlling PM emissions than the device(s) being replaced, as recognized in a Construction Permit for such system or equipment.

7.3.12 Compliance Procedures

- a. Compliance with Conditions 7.3.4 is addressed by the control, testing, inspection, and recordkeeping required by Conditions 7.3.6(a), 7.3.7, 7.3.8, and 7.3.9, respectively.
- b. Compliance with Conditions 7.3.6(b) is addressed by the control, testing, inspection, and recordkeeping required by Conditions 7.3.6(a), 7.3.7, 7.3.8, and 7.3.9, respectively.
- c. Compliance with Condition 7.3.6(a) is addressed by the testing, inspection, and recordkeeping required by Conditions 7.3.7, 7.3.8, and 7.3.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.

#### 7.4 Storage Tank

##### 7.4.1 Description

The storage tank is associated with non-retail dispensing of gasoline for plant vehicles.

##### 7.4.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Description	Emission Control Equipment
Gasoline Storage Tank NGT-1	Gasoline Storage Tank (1,000 Gallon)	Submerged Loading Pipe

##### 7.4.3 Applicability Provisions

An "affected storage tank" for the purpose of these unit-specific conditions, is a storage tank described in Conditions 7.4.1 and 7.4.2.

##### 7.4.4 Applicable Emission Standards

a. The affected storage tanks are subject to 35 IAC 215.122(b) and 215.583(a)(1), which provides that:

- i. No person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 946 l (250 gal), unless such tank is equipped with a permanent submerged loading pipe, submerged fill, or an equivalent device approved by the Illinois EPA according to the provisions of 35 IAC 201 or unless such tank is a pressure tank as described in 35 IAC 215.121(a) or is fitted with a recovery system as described in 35 IAC 215.121(b)(2) [35 IAC 215.122(b)].

Note: The exception to this standard at 35 IAC 215.122(c) is not applicable because the vapor pressure of gasoline is greater than 17.24 kPa (2.5 psia) at 294.3°K (70°F).

- ii. No person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless the tank is equipped with a submerged loading pipe [35 IAC 215.583(a)(1)].

##### 7.4.5 Non-Applicability of Regulations of Concern

a. This permit is issued based on the affected storage tank not being subject to the New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels), 40 CFR Part 60, Subpart Kb, because the capacity of the tank is less than 40 cubic meters (10,566 gallons).

- b. This permit is issued based on each affected storage tank not being subject to 35 IAC 215.121, because each affected storage tank is less than 40,000 gallons.
- c. This permit is issued based on each affected storage tank not being subject to 35 IAC 215.122(a), because each affected storage tank is less than 40,000 gallons.
- d. The requirements of 35 IAC 215.583(a)(2) do not apply to transfers of gasoline to the affected storage tank because the storage tank is not located in any of the following counties: Boone, Peoria, Rock Island, Tazewell, or Winnebago [35 IAC 215.583(b)].

7.4.6 Work Practices, Operational and Production Limits, and Emission Limitations

- a. The affected storage tanks shall be equipped and operated with a submerged loading pipe or an equivalent device approved by the Illinois EPA, pursuant to 35 IAC 215.122(b) and 215.583(a). (The Illinois EPA has not approved use of other equivalent equipment in lieu of a submerged loading pipe.)

7.4.7 Emission Testing Requirements

None

7.4.8 Inspection Requirements

On an annual basis, in the period between March 1 and April 30 of each year, the Permittee shall conduct an inspection of the affected tank and its physical condition and ability to comply with the applicable equipment requirements of Conditions 7.4.6(a), pursuant to Sections 39.5(7)(a) and (d) of the Act.

7.4.9 Recordkeeping Requirements

The Permittee shall maintain records of the following items for the affected storage tanks, pursuant to Section 39.5(7)(a) and (e) of the Act:

- a. Design information for the capacity of the tank and the presence of a permanent submerged loading pipe.
- b. Operating log(s) or other records for the affected tank that at a minimum, shall include the following:
  - i. Information documenting performance of the inspections that are required by Condition 7.4.8, including date and description of the inspection, confirmation of the adequacy of the specific features of the tank required for control of emissions, and identification of any such features that are not in proper working order or otherwise deficient, with recommendations for maintenance, repair or replacement.

- ii. Information identifying deviations from applicable equipment requirements, with a detailed description and explanation.
- c. Maintenance and repair records for the affected storage tanks, as related to the repair or replacement of the loading pipe.
- d. Records for each shipment of material loaded into the affected storage tank, including type of material and amount.
- e. Throughput of material, gal/mo and gal/yr, by type of material.

#### 7.4.10 Reporting Requirements

For the affected storage tank, the Permittee shall promptly notify the Illinois EPA of deviations from permit requirements as follows. Such notifications shall include a description of each incident and a discussion of the probable cause of deviation, any corrective actions taken and any preventative measures taken, pursuant to Section 39.5(7)(f)(ii) of the Act:

- a. Notification within 30 days for any filling of an affected storage tank that was not in compliance with the requirements of Conditions 7.4.4 or 7.4.6, i.e., that was conducted without a submerged loading pipe.
- b. Notification with the quarterly reports required by Condition 7.1.10-2(a) for other deviations, including deviations from applicable recordkeeping requirements.

#### 7.4.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational change with respect to the affected storage tanks without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for any activity constituting construction or modification as defined in 35 IAC 201.102.

- a. Changes to components related to the submerged loading pipe, including addition of new components and repair and replacement of components.
- b. Changes in the material stored in the affected storage tanks.

#### 7.4.12 Compliance Procedures

- a. Compliance with Conditions 7.4.4(a) is addressed by the use of a submerged loading pipe as required in Condition 7.4.6(a) and by the inspections and recordkeeping required



by Conditions 7.4.8 and 7.4.9.

- b. Compliance with Condition 7.4.6 is addressed by the inspections and the recordkeeping required by Conditions 7.4.8 and 7.4.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.

## 8.0 GENERAL PERMIT CONDITIONS

### 8.1 Permit Shield

Pursuant to Section 39.5(7)(j) of the Act, the Permittee has requested and has been granted a permit shield. This permit shield provides that compliance with the conditions of this permit shall be deemed compliance with applicable requirements which were applicable as of the date the proposed permit for this source was issued, provided that either the applicable requirements are specifically identified within this permit, or the Illinois EPA, in acting on this permit application, has determined that other requirements specifically identified are not applicable to this source and this determination (or a concise summary thereof) is included in this permit.

### 8.2 Applicability of Title IV Requirements (Acid Deposition Control)

This source is an affected source under Title IV of the CAA and is subject to requirements pursuant to Title IV of the CAA as specified in Section 6.2. To the extent that the federal regulations promulgated under Title IV of the CAA, are inconsistent with the requirements of this permit, the federal regulations promulgated under Title IV of the CAA shall take precedence pursuant to Section 39.5(17)(j) of the Act.

### 8.3 Emissions Trading Programs

No permit revision shall be required for increases in emissions allowed under any USEPA approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for elsewhere in this permit and that are authorized by the applicable requirement [Section 39.5(7)(o)(vii) of the Act].

### 8.4 Operational Flexibility/Anticipated Operating Scenarios

#### 8.4.1 Changes Specifically Addressed by Permit

Physical or operational changes specifically addressed by the Conditions of this permit that have been identified as not requiring Illinois EPA notification may be implemented without prior notice to the Illinois EPA.

#### 8.4.2 Changes Requiring Prior Notification

The Permittee is authorized to make physical or operational changes that contravene express permit terms without applying for or obtaining an amendment to this permit, provided that [Section 39.5(12)(a)(i) of the Act]:

- a. The changes do not violate applicable requirements;
- b. The changes do not contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;

- c. The changes do not constitute a modification under Title I of the CAA;
- d. Emissions will not exceed the emissions allowed under this permit following implementation of the physical or operational change; and
- e. The Permittee provides written notice to the Illinois EPA, Division of Air Pollution Control, Permit Section, at least 7 days before commencement of the change. This notice shall:
  - i. Describe the physical or operational change;
  - ii. Identify the schedule for implementing the physical or operational change;
  - iii. Provide a statement of whether or not any New Source Performance Standard (NSPS) is applicable to the physical or operational change and the reason why the NSPS does or does not apply;
  - iv. Provide emission calculations which demonstrate that the physical or operational change will not result in a modification; and
  - v. Provide a certification that the physical or operational change will not result in emissions greater than authorized under the Conditions of this permit.

#### 8.5 Testing Procedures

Tests conducted to measure composition of materials, efficiency of pollution control devices, emissions from process or control equipment, or other parameters shall be conducted using standard test methods if applicable test methods are not specified by the applicable regulations or otherwise identified in the condition of this permit. Documentation of the test date, conditions, methodologies, calculations, and test results shall be retained pursuant to the recordkeeping procedures of this permit. Reports of any tests conducted as required by this permit or as the result of a request by the Illinois EPA shall be submitted as specified in Conditions 8.6.3 and 8.6.4.

#### 8.6 Reporting Requirements

##### 8.6.1 Monitoring Reports

Reports summarizing required monitoring as specified in the conditions of this permit shall be submitted to the Illinois EPA every six months as follows, unless more frequent submittal of such reports is required in Section 7 of this permit [Section 39.5(7)(f) of the Act]:

<u>Monitoring Period</u>	<u>Report Due Date</u>
January - June	September 1
July - December	March 1

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with Condition 9.9.

#### 8.6.2 Test Notifications

Unless otherwise specified elsewhere in this permit, a written test plan for any test required by this permit shall be submitted to the Illinois EPA for review at least 60 days prior to the testing pursuant to Section 39.5(7)(a) of the Act. The notification shall include at a minimum:

- a. The name and identification of the affected unit(s);
- b. The person(s) who will be performing sampling and analysis and their experience with similar tests;
- c. The specific conditions under which testing will be performed, including a discussion of why these conditions will be representative of maximum emissions and the means by which the operating parameters for the source and any control equipment will be determined;
- d. The specific determinations of emissions and operation that are intended to be made, including sampling and monitoring locations;
- e. The test method(s) that will be used, with the specific analysis method, if the method can be used with different analysis methods;
- f. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification; and
- g. Any proposed use of an alternative test method, with detailed justification.

#### 8.6.3 Test Reports

Unless otherwise specified elsewhere in this permit, the results of any test required by this permit shall be submitted to the Illinois EPA within 60 days of completion of the testing. The test report shall include at a minimum [Section 39.5(7)(e)(i) of the Act]:

- a. The name and identification of the affected unit(s);
- b. The date and time of the sampling or measurements;

- c. The date any analyses were performed;
- d. The name of the company that performed the tests and/or analyses;
- e. The test and analytical methodologies used;
- f. The results of the tests including raw data, and/or analyses including sample calculations;
- g. The operating conditions at the time of the sampling or measurements; and
- h. The name of any relevant observers present including the testing company's representatives, any Illinois EPA or USEPA representatives, and the representatives of the source.

#### 8.6.4 Reporting Addresses

- a. Unless otherwise specified in the particular provision of this permit or in the written instructions distributed by the Illinois EPA for particular reports, reports and notifications shall be sent to the Illinois EPA - Air Compliance Section with a copy sent to the Illinois EPA - Air Regional Field Office.
- b. As of the date of issuance of this permit, the addresses of the offices that should generally be utilized for the submittal of reports and notifications are as follows:
  - i. Illinois EPA - Air Compliance Section  
 Illinois Environmental Protection Agency  
 Bureau of Air  
 Compliance & Enforcement Section (#40)  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276
  - ii. Illinois EPA - Air Regional Field Office  
 Illinois Environmental Protection Agency  
 Division of Air Pollution Control  
 2009 Mall Street  
 Collinsville, Illinois 62234
  - iii. USEPA Region 5 - Air Branch  
 USEPA (AR - 17J)  
 Air & Radiation Division  
 77 West Jackson Boulevard  
 Chicago, Illinois 60604
- c. Permit applications should be addressed to the Air Permit Section. As of the date of issuance of this permit, the

address of the Air Permit Section is as follows:

Illinois Environmental Protection Agency  
Division of Air Pollution Control  
Permit Section (MC 11)  
P.O. Box 19506  
Springfield, Illinois 62794-9506

8.7 Title I Conditions

Notwithstanding the expiration date on the first page of this CAAPP permit, Title I conditions in this permit, which are identified by a T1, T1N, or T1R designation, remain in effect until such time as the Illinois EPA takes action to revise or terminate them in accordance with applicable procedures for action on Title I conditions. This is because these conditions either: (a) incorporate conditions of earlier permits that were issued by the Illinois EPA pursuant to authority that includes authority found in Title I of the Clean Air Act (T1 conditions), (b) were newly established in this CAAPP permit pursuant to authority that includes such Title I authority (T1N conditions), or (c) reflect a combination of conditions of such previous permits and revisions to those conditions established in this CAAPP permit (T1R conditions). (See also Condition 1.5.)

## 9.0 STANDARD PERMIT CONDITIONS

### 9.1 Effect of Permit

9.1.1 The issuance of this permit does not release the Permittee from compliance with State and Federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or applicable ordinances, except as specifically stated in this permit and as allowed by law and rule. [Section 39.5(7)(j)(iv) of the Act]

9.1.2 In particular, this permit does not alter or affect the following:

- a. The provisions of Section 303 (emergency powers) of the CAA, including USEPA's authority under that Section;
- b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- c. The applicable requirements of the acid rain program consistent with Section 408(a) of the CAA; and
- d. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the CAA.

9.1.3 Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance with, or violation of, any applicable requirement to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the Permittee, including, but not limited to, challenging the use of the USEPA's credible evidence rule in the context of any future proceeding consistent with *Clean Air Implementation Project v. EPA*, 150 F3d 1200 (D.C. Circuit 1998).

### 9.2 General Obligations of Permittee

#### 9.2.1 Duty to Comply

The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the CAA and the Act, and is grounds for any or all of the following: enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application. [Section 39.5(7)(o)(i) of the Act]

The Permittee shall meet applicable requirements that become effective during the permit term in a timely manner unless an alternate schedule for compliance with the applicable requirement is established.

9.2.2 Duty to Maintain Equipment

The Permittee shall maintain all equipment covered under this permit in such a manner that the performance or operation of such equipment shall not cause a violation of applicable requirements.

9.2.3 Duty to Cease Operation

No person shall cause, threaten or allow the continued operation of any emission unit during malfunction or breakdown of the emission unit or related air pollution control equipment if such operation would cause a violation of an applicable emission standard, regulatory requirement, ambient air quality standard or permit limitation unless this permit provides for such continued operation consistent with the Act and applicable Board regulations. [Section 39.5(6)(c) of the Act]

9.2.4 Disposal Operations

The source shall be operated in such a manner that the disposal of air contaminants collected by the equipment operations, or activities shall not cause a violation of the Act or regulations promulgated thereunder.

9.3 Obligation to Allow Illinois EPA Surveillance

Upon presentation of proper credentials and other documents, the Permittee shall allow the Illinois EPA, or an authorized representative to perform the following. [Sections 4 and 39.5(7)(a) and (p)(ii) of the Act]

- a. Enter upon the Permittee's premises where an actual or potential emission unit is located; where any regulated equipment, operation, or activity is located or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect during hours of operation any sources, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- d. Sample or monitor any substances or parameters at any location:
  - i. At reasonable times, for the purposes of assuring permit compliance; or
  - ii. As otherwise authorized by the CAA or the Act;



- e. Obtain and remove samples of any discharge or emission of pollutants authorized by this permit; and
- f. Enter and utilize any photographic, recording, testing, monitoring, or other equipment for the purposes of preserving, testing, monitoring, or recording any activity, discharge or emission at the source authorized by this permit.

#### 9.4 Fees

The Permittee shall pay fees to the Illinois EPA consistent with the fee schedule approved pursuant to Section 39.5(18) of the Act, and submit any information relevant thereto. [Section 39.5(7)(o)(vi) of the Act] Fees shall be paid by check sent to the Fiscal Services Section, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, Illinois, 62794-9276.

#### 9.5 Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege. [Section 39.5(7)(o)(iv) of the Act]

#### 9.6 Recordkeeping

##### 9.6.1 Control Equipment Maintenance Records

A maintenance record shall be kept on the premises for each item of air pollution control equipment. As a minimum, this record shall show the dates of performance and nature of preventative maintenance activities.

##### 9.6.2 Records of Changes in Operation

A record shall be kept describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. [Section 39.5(12)(b)(iv) of the Act]

##### 9.6.3 Retention of Records

- a. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [Section 39.5(7)(e)(ii) of the Act]
- b. Other records required by this permit including any logs, plans, procedures, or instructions required to be kept by this permit shall be retained for a period of at least 5 years from the date of entry unless a longer period is specified by a particular permit provision.

#### 9.7 Annual Emissions Report

The Permittee shall submit an annual emissions report to the Illinois EPA, Compliance Section no later than May 1 of the following year, as required by 35 IAC Part 254 and Section 4(b) of the Act.

#### 9.8 Requirements for Compliance Certification

Pursuant to Section 39.5(7)(p)(v) of the Act, the Permittee shall submit annual compliance certifications. The compliance certifications shall be submitted no later than May 1 or more frequently as specified in the applicable requirements or by permit condition. The compliance certifications shall be submitted to: (1) the Illinois EPA, Air Compliance Section, (2) the Illinois EPA, Air Regional Field Office, and (3) USEPA Region 5 - Air Branch. (The addresses for the submittal of these compliance certifications are provided in Condition 8.6.4.)

- a. The certification shall include the identification of each term or condition of this permit that is the basis of the certification; the compliance status; whether compliance was continuous or intermittent; the method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.
- b. All compliance certifications shall be submitted to USEPA Region 5 in Chicago as well as to the Illinois EPA.
- c. All compliance reports required to be submitted shall include a certification in accordance with Condition 9.9.

#### 9.9 Certification

Any document (including reports) required to be submitted by this permit shall contain a certification by a responsible official of the Permittee that meets the requirements of Section 39.5(5) of the Act. [Section 39.5(7)(p)(i) of the Act] An example Certification by a Responsible Official is included as an attachment to this permit.

#### 9.10 Defense to Enforcement Actions

##### 9.10.1 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Section 39.5(7)(o)(ii) of the Act]

##### 9.10.2 Emergency Provision

- a. An emergency shall be an affirmative defense to an action brought for noncompliance with the technology-based emission limitations under this permit if the

following conditions are met through properly signed, contemporaneous operating logs, or other relevant evidence:

- i. An emergency occurred as provided in Section 39.5(7)(k) of the Act and the Permittee can identify the cause(s) of the emergency;

Note: For this purpose, emergency means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, as further defined by Section 39.5(7)(k)(iv) of the Act.

- ii. The permitted source was at the time being properly operated;
  - iii. The Permittee submitted notice of the emergency to the Illinois EPA within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken; and
  - iv. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or regulations in this permit.
- b. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a Permittee of any reporting obligations under existing federal or state laws or regulations.

#### 9.11 Permanent Shutdown

This permit only covers emission units and control equipment while physically present at the indicated source location(s). Unless this permit specifically provides for equipment relocation, this permit is void for the operation or activity of any item of equipment on the date it is removed from the permitted location(s) or permanently shut down. This permit expires if all equipment is removed from the permitted location(s), notwithstanding the expiration date specified on this permit.

#### 9.12 Reopening and Reissuing Permit for Cause

##### 9.12.1 Permit Actions

This permit may be modified, revoked, reopened and reissued, or terminated for cause in accordance with applicable provisions of Section 39.5 of the Act. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination,

or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [Section 39.5(7)(o)(iii) of the Act]

#### 9.12.2 Reopening and Revision

This permit must be reopened and revised if any of the following occur: [Section 39.5(15)(a) of the Act]

- a. Additional requirements become applicable to the equipment covered by this permit and three or more years remain before expiration of this permit;
- b. Additional requirements become applicable to an affected source for acid deposition under the acid rain program;
- c. The Illinois EPA or USEPA determines that this permit contains a material mistake or that inaccurate statement were made in establishing the emission standards or limitations, or other terms or conditions of this permit; and
- d. The Illinois EPA or USEPA determines that this permit must be revised or revoked to ensure compliance with the applicable requirements.

#### 9.12.3 Inaccurate Application

The Illinois EPA has issued this permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation and reissuance under Section 39.5(15) of the Act, pursuant to Sections 39.5(5)(e) and (i) of the Act.

#### 9.12.4 Duty to Provide Information

The Permittee shall furnish to the Illinois EPA, within a reasonable time specified by the Illinois EPA any information that the Illinois EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to the Illinois EPA copies of records required to be kept by this permit, or for information claimed to be confidential, the Permittee may furnish such records directly to USEPA along with a claim of confidentiality. [Section 39.5(7)(o)(v) of the Act]

#### 9.13 Severability Clause

The provisions of this permit are severable. In the event of a challenge to any portion of this permit, other portions of this permit may continue to be in effect. Should any portion of this permit be determined to be illegal or unenforceable, the validity of the other provisions shall not be affected and the rights and obligations of the Permittee shall be construed and enforced as if

this permit did not contain the particular provisions held to be invalid and the applicable requirements underlying these provisions shall remain in force. [Section 39.5(7)(i) of the Act]

9.14 Permit Expiration and Renewal

Upon the expiration of this permit, if the source is operated, it shall be deemed to be operating without a permit unless a timely and complete CAAPP application has been submitted for renewal of this permit. However, if a timely and complete application to renew this CAAPP permit has been submitted, the terms and all conditions of this CAAPP permit will remain in effect until the issuance of a renewal permit. [Sections 39.5(5)(l) and (o) of the Act]

Note: Pursuant to Sections 39.5(5)(h) and (n) of the Act, upon submittal of a timely and complete renewal application, the permitted source may continue to operate until final action is taken by the Illinois EPA on the renewal application, provided, however, that this protection shall cease if the applicant fails to submit any additional information necessary to evaluate or take final action on the renewal application as requested by the Illinois EPA in writing. For a renewal application to be timely, it must be submitted no later than 9 months prior to the date of permit expiration.

9.15 General Authority for the Terms and Conditions of this Permit

The authority for terms and conditions of this permit that do not include a citation for their authority is Section 39.5(7)(a) of the Act, which provides that the Illinois EPA shall include such provisions in a CAAPP permit as are necessary to accomplish the purposes of the Act and to assure compliance with all applicable requirements. Section 39.5(7)(a) of the Act is also another basis of authority for terms and conditions of this permit that do include a specific citation for their authority.

Note: This condition is included in this permit pursuant to Section 39.5(7)(n) of the Act.

10.0 ATTACHMENTS

10.1 Attachment 1 Emissions of Particulate Matter from New Process Emission Units

35 IAC 212.321 - Process Emission Units for Which Construction or Modification Commenced On or After April 14, 1972

- a. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of 35 IAC 212.321 [35 IAC 212.321(a)].
- b. Interpolated and extrapolated values of the data in subsection (c) of 35 IAC 212.321 shall be determined by using the equation [35 IAC 212.321(b)]:

$$E = A(P)^B$$

Where:

P = Process weight rate; and  
 E = Allowable emission rate; and,

- i. Up to process weight rates of 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	1.214	2.54
B	0.534	0.534

- ii. For process weight rate greater than or equal to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	11.42	24.8
B	0.16	0.16

- c. Limits for Process Emission Units For Which Construction or Modification Commenced On or After April 19, 1972 [35 IAC 212.321(c)]:

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.2	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58

Metric P	E	English P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.0	3.9	10.00	8.70
13.0	4.8	15.00	10.80
18.0	5.7	20.00	12.50
23.0	6.5	25.00	14.00
27.0	7.1	30.00	15.60
32.0	7.7	35.00	17.00
36.0	8.2	40.00	18.20
41.0	8.8	45.00	19.20
45.0	9.3	50.00	20.50
90.0	13.4	100.00	29.50
140.0	17.0	150.00	37.00
180.0	19.4	200.00	43.00
230.0	22.0	250.00	48.50
270.0	24.0	300.00	53.00
320.0	26.0	350.00	58.00
360.0	28.0	400.00	62.00
408.0	30.1	450.00	66.00
454.0	30.4	500.00	67.00

10.2 Attachment 2 Emissions of Particulate Matter from Existing Process Emission Units

35 IAC 212.322 - Process Emission Units for Which Construction or Modification Commenced Prior to April 14, 1972

- a. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any process emission unit for which construction or modification commenced prior to April 14, 1972, which, either alone or in combination with the emission of particulate matter from all other similar process emission units at a source or premises, exceeds the allowable emission rates specified in subsection (c) of 35 IAC 212.322 [35 IAC 212.322(a)].
- b. Interpolated and extrapolated values of the data in subsection (c) of 35 IAC 212.321 shall be determined by using the equation [35 IAC 212.322(b)]:

$$E = C + A(P)^B$$

Where:

P = Process weight rate; and  
 E = Allowable emission rate; and,

- i. Up to process weight rates up to 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	1.985	4.10
B	0.67	0.67
C	0	0

- ii. For process weight rate in excess of 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lb/hr
A	25.21	55.0
B	0.11	0.11
C	-18.4	-40.0

- c. Limits for Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 [35 IAC 212.322(c)]:

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.05	0.27	0.05	0.55
0.1	0.42	0.10	0.87
0.2	0.68	0.2	1.40
0.3	0.89	0.30	1.83
0.4	1.07	0.40	2.22



Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lb/hr
0.5	1.25	0.50	2.58
0.7	1.56	0.75	3.38
0.9	1.85	1.00	4.10
1.8	2.9	2.00	6.52
2.7	3.9	3.00	8.56
3.6	4.7	4.00	10.40
4.5	5.4	5.00	12.00
9.0	8.7	10.00	19.20
13.0	11.1	15.00	25.20
18.0	13.8	20.00	30.50
23.0	16.2	25.00	35.40
27.2	18.15	30.00	40.00
32.0	18.8	35.00	41.30
36.0	19.3	40.00	42.50
41.0	19.8	45.00	43.60
45.0	20.2	50.00	44.60
90.0	23.2	100.00	51.20
140.0	25.3	150.00	55.40
180.0	26.5	200.00	58.60
230.0	27.7	250.00	61.00
270.0	28.5	300.00	63.10
320.0	29.4	350.00	64.90
360.0	30.0	400.00	66.20
400.0	30.6	450.00	67.70
454.0	31.3	500.00	69.00

10.3 Attachment 3 - Example Certification by a Responsible Official

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Official Title: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Date Signed: \_\_\_\_\_

#### 10.4 Attachment 4 - Guidance

The Illinois has prepared guidance for sources on the Clean Air Act Permit Program (CAAPP) that is available on the Internet site maintained by the Illinois EPA, [www.epa.state.il.us](http://www.epa.state.il.us). This guidance includes instructions on applying for a revision or renewal of the CAAPP permit.

Guidance On Revising A CAAPP Permit:

[www.epa.state.il.us/air/caapp/caapp-revising.pdf](http://www.epa.state.il.us/air/caapp/caapp-revising.pdf)

Guidance On Renewing A CAAPP Permit:

[www.epa.state.il.us/air/caapp/caapp-renewing.pdf](http://www.epa.state.il.us/air/caapp/caapp-renewing.pdf)

The application forms prepared by the Illinois EPA for the CAAPP are also available from the Illinois EPA's Internet site:

[www.epa.state.il.us/air/caapp/index.html](http://www.epa.state.il.us/air/caapp/index.html)

These CAAPP application forms should also be used by a CAAPP source when it applies for a construction permit. For this purpose, the appropriate CAAPP application forms and other supporting information, should be accompanied by a completed Application For A Construction Permit Form (CAAPP Form-199).

Application For A Construction Permit Form (CAAPP Form-199):

[www.epa.state.il.us/air/caapp/199-caapp.pdf](http://www.epa.state.il.us/air/caapp/199-caapp.pdf)

10.5 Attachment 5 Acid Rain Program Permit  
217-782-2113

**ACID RAIN PROGRAM  
PERMIT**

Ameren Energy Generating Co./Ameren Services  
Attn: Mr. Daniel F. Cole, Designated Representative  
1901 Chouteau Avenue  
P.O. Box 66149, MC 07  
St. Louis, Missouri 63166-6149

Oris No.: 6017  
IEPA I.D. No.: 079808AAA  
Source/Unit: Newton Power Station/ Units 1 and 2  
Date Received: July 2, 2004  
Date Issued: March 18, 2005  
Effective Date: January 1, 2005  
Expiration Date: December 31, 2009

**STATEMENT OF BASIS:**

In accordance with Titles IV and V of the Clean Air Act, the Illinois Environmental Protection Agency is issuing this Acid Rain Program Permit to Ameren Energy Generating Company for its Newton Power Station.

**SULFUR DIOXIDE (SO<sub>2</sub>) ALLOCATIONS AND NITROGEN OXIDES (NO<sub>x</sub>) LIMITS FOR EACH AFFECTED UNIT:**

UNIT 1	SO <sub>2</sub> Allowances, under Tables 2, 3, or 4 of 40 CFR Part 73*	2005	2006	2007	2008	2009
		15,625	15,625	15,625	15,625	15,625
	NO <sub>x</sub> Limit	See Provisions for NO <sub>x</sub> Averaging Plan, Below				

\* Also includes return of repowering deduction of 5 allowances, which were returned by USEPA on October 30, 2000.

UNIT 2	SO <sub>2</sub> Allowances, under Tables 2, 3, or 4 of 40 CFR Part 73*	2005	2006	2007	2008	2009
		13,932	13,932	13,932	13,932	13,932
	NO <sub>x</sub> Limit	See Provisions for NO <sub>x</sub> Averaging Plan, Below				

\* Also includes return of repowering deduction of 4 allowances, which were returned by USEPA on October 30, 2000.

<b>NO<sub>x</sub> EMISSIONS AVERAGING PLAN</b>
Pursuant to 40 CFR 76.11, the Illinois EPA approves a NO <sub>x</sub> emissions averaging plan that includes the Newton Units 1 and 2, effective for calendar years 2005 through 2009 (attached). Under this plan, except as provided below, the NO <sub>x</sub> emissions of Newton Units 1 and 2 each shall not exceed the annual average alternative contemporaneous emission limitation of 0.45 lb/mmBtu.

Under this plan, the actual Btu-weighted annual average NOx emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NOx emission rate for the same units had they each been operated during that calendar year in compliance with the applicable emission limitation under 40 CFR 76.5, 76.6, or 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A)) is met for a year under the plan, then the units covered by the plan shall be deemed to be in compliance for that year with their alternative contemporaneous annual emission limitations and any annual heat input limits.

**PERMIT APPLICATION:** The permit application, including the NOx Compliance Plan and NOx Averaging Plan, is attached and incorporated as part of this permit. The owners and operators of this source must comply with the standard requirements and special provisions set forth in the application.

**COMMENTS, NOTES, AND JUSTIFICATIONS:** This permit contains provisions related to SO<sub>2</sub> emissions and requires the owners and operators to hold SO<sub>2</sub> allowances under the federal Acid Rain program to account for SO<sub>2</sub> emissions from the affected units. An allowance is a limited authorization to emit up to one ton of SO<sub>2</sub> during or after a specified calendar year. The transfer of allowances to and from a unit account does not necessitate a revision to the unit SO<sub>2</sub> allocations denoted in this permit (See 40 CFR 72.84).

This permit contains provisions related to NOx emissions requiring the affected units to comply with applicable emission limitations for NOx under the Acid Rain program. Pursuant to 40 CFR 76.11, the Illinois EPA is approving a NOx emission averaging plan that includes Newton Units 1 and 2 for calendar years 2005 through 2009. In addition to the described NOx compliance plan, Newton Units 1 and 2 shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NOx compliance plan and requirements covering excess emissions.

This permit does not affect the source's responsibility to meet all other applicable local, state and federal requirements, including state requirements under 35 Ill. Adm. Code Part 217 Subpart W, which addresses NOx emissions from Newton Units 1 and 2.

If you have any questions regarding this permit, please contact Kunj Patel at 217-782-2113.

Donald E. Sutton, P.E.  
Manager, Permits Section  
Division of Air Pollution Control

DES:KMP:jar

cc: Cecilia Mijares, USEPA Region V  
John Justice, IEPA Region 3



United States  
Environmental Protection Agency  
Acid Rain Program

OMB No. 2060-0256

## Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.10 and 72.11

This submission is:  New  Revised

### STEP 1

Identify the source by  
plant name, State, and  
CRIS code.

Plant Name	Newton	State	IL	CRIS Code	0017
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### STEP 2

Enter the unit ID#  
for every affected  
unit at the affected  
source in column "a."  
For new units, enter the  
requested information in  
columns "c" and "d."

a	b	c	d
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
1	Yes		
2	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

Plant Name from Step 1: Newton

**STEP 3**

Read the standard requirements

**Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
- Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
- Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - Have an Acid Rain Permit.

**Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

**Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
- Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
- Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - Starting on the later of January 1, 2000 or the date of the monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

STEP 3,  
Cont'd.

**Nitrogen Oxides Requirements.** The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**Excess Emissions Requirements**

(1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.

(2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:

- (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
- (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**Recordkeeping and Reporting Requirements**

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:

(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;

(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.

(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.

(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.



Plant Name (from Step 1) **NEWTON**

Step 3  
Cont'd

**Liability, Cont'd**

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.  
 (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II recovering extension plans) and 40 CFR 75.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.15, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.  
 (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:  
 (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;  
 (2) Limiting the number of allowances a unit can hold, provided that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;  
 (3) Requiring a change of any kind in any State law regarding electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;  
 (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or  
 (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

**Certification**

Read the certification statement, sign, and date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	Daniel F. Cule	
Signature		1310 W. Lacey



# Phase II NO<sub>x</sub> Compliance Plan

Page 1 of 2

For more information, see instructions and refer to 40 CFR 61.9

This submission is:  New  Revised

**STEP 1**  
Indicate plant name, State, and ORIS code from NADB, if applicable

Plant Name	Newton	IL	6017
State		CRIS CODE	

**STEP 2**

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for call burner, "CY" for cyclone, "DBW" for dry bottom wet-fired, "T" for tangentially fired, "V" for vertically fired, and "W" for wet bottom. Indicate the compliance option selected for each unit.

Group 1 ID#	Group 2 ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type
T	T				

(a) Standard annual average emission limitation of 0.50 lb/mmBtu for Phase I dry bottom wet-fired boilers

(b) Standard annual average emission limitation of 0.45 lb/mmBtu for Phase I tangentially fired boilers

(c) EPA-approved early election (see under 40 CFR 61.9 through 61.12.10) (also include above emission limit specified in plan)

(d) Standard annual average emission limitation of 0.45 lb/mmBtu for Phase II dry bottom wet-fired boilers

(e) Standard annual average emission limitation of 0.40 lb/mmBtu for Phase II tangentially fired boilers

(f) Standard annual average emission limitation of 0.60 lb/mmBtu for call burner boilers

(g) Standard annual average emission limitation of 0.40 lb/mmBtu for cyclone boilers

(h) Standard annual average emission limitation of 0.30 lb/mmBtu for vertically fired boilers

(i) Standard annual average emission limitation of 0.25 lb/mmBtu for wet bottom boilers

(j) NO<sub>x</sub> Averaging Plan (include NO<sub>x</sub> Averaging form)

(k) Common stack program (check the standard emission limitation box above for most stringent limitation and include in dry and wet firing stack)

(l) Common stack program to 40 CFR 61.97(a)(2)(ii)(B) with NO<sub>x</sub> Averaging (check the NO<sub>x</sub> Averaging Form box and include NO<sub>x</sub> Averaging form)

**Newton**  
 (First Name from Step 1)

NO. Corrections - Page 2  
 Page 2 of 2

**STEP 2, cont'd.**

Ed	Ed	Ed	Ed	Ed	Ed
Type	Type	Type	Type	Type	Type

<input type="checkbox"/> All EPA-approved sponsors have approved (written) notification (initials, date, time, or date)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> All EPA-approved Phase II A21 Sewerage Treatment Plant (STP) Permittees or other permittees have approved (written) notification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> All permits for A21 STP (including permit or final A21 STP permit by U.S. EPA or authorized state or local agency)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> All requirements submitted when approved or under review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**STEP 3**  
 Read the attached final permit and certification, enter the name of the designated representative, sign it.

**Standard Requirements**  
**Comply:** This permit is subject to the standard requirements in 40 CFR 12.9 (b) and 40 CFR 12.9(c)(1). These requirements are also in the Newton Acid Rain Permit.

**Special Provisions for Early Election Units**  
**As you Order:** A unit that is permitted to an approved early election plan shall be subject to an emissions limitation A21 as proposed under 40 CFR 12.9(c)(1) except as provided under 40 CFR 12.9(c)(2).  
**Early:** The emissions and operations of a unit governed by an approved early election plan shall be based on the early election of the unit or 40 CFR 12.9 of this part. The emissions and operations shall be subject to the early election of the unit or 40 CFR 12.9 of this part.  
**Termination:** An approved early election plan shall be terminated only with the notice of January 1, 2000 or January 1 of the calendar year for which a termination of the unit takes effect. If the designated representative of the unit notifies the approved early election plan to terminate compliance with the applicable emissions limitation under 40 CFR 12.9 of this part during the period beginning January 1 of the first year the early election is an election and ending December 31, 2000, the permitting authority will terminate the plan. The termination will take effect on January 1 of the year after the year for which the unit is to terminate compliance. Only the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan only under 40 CFR 12.9(c)(2) under a new early election plan. To enter compliance for the unit, the designated representative must submit a notice under 40 CFR 12.9(c)(1) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet beginning January 1, 2000, the applicable emissions limitation for 40 CFR 12.9(c)(1) with Group 1 units under 40 CFR 12.9. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the unit under the applicable emissions limitation for 40 CFR 12.9(c)(1) with Group 1 units under 40 CFR 12.9.

**Certification:**  
 I am authorized to make the statements on behalf of the owner and operators of the affected source or affected unit to which the permittee is made a party, under penalty of law that this permittee, owner, and operators will, for the duration and extension of this permit and all its attachments. Based on my knowledge and information, I certify that the statements and information are true and correct to the best of my knowledge and belief, accurate and complete. I am aware that there are consequences for submitting false statements and information or creating second statements and information, including the possibility of fine or imprisonment.

**NAME:** Daniel F. Cole  
**SIGNATURE:**   
**DATE:** Dec 6/2004



## Phase II NO<sub>x</sub> Averaging Plan

For more information, see instructions and refer to 40 CFR 76.11

This averaging plan is:  New  Revised

Page 1

Page 1 of 3

### STEP 1

Identify the units participating in this averaging plan by plant name, State, and boiler ID# from NADES. In column (a), fill in each unit's applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7. In column (b), assign an alternative contemporaneous annual emissions limitation (ACEL) in mmbtu to each unit. In column (c), assign an annual heat input limitation in mmbtu to each unit. Continue to page 2 if necessary.

Plant Name	State	ID#	Alt. Emission Limitation	Alt. ACEL	Alt. Annual Heat Input Limit
Coffeen	IL	01	0.86	0.86	22,000,000
Coffeen	IL	02	0.86	0.86	38,000,000
Hutsonville	IL	05	0.45	0.45	3,100,000
Hutsonville	IL	06	0.45	0.45	3,200,000
Mercedosa	IL	01	0.45	0.45	1,300,000
Mercedosa	IL	02	0.45	0.45	1,300,000
Mercedosa	IL	03	0.45	0.45	1,300,000
Mercedosa	IL	04	0.45	0.45	1,300,000
Mercedosa	IL	05	0.45	0.45	12,000,000

### STEP 2

Use the formulas to enter the Ebu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan and the Ebu-weighted annual average emission rate for the same units if they are operated in compliance with 40 CFR 76.5, 76.6, or 76.7. The former must be less than or equal to the latter.

Ebu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan

0.607

Ebu-weighted annual average emission rate for units in compliance with 40 CFR 76.5, 76.6 or 76.7

0.607

$$\frac{\sum_{i=1}^n (R_{E_i} \times HI_i)}{\sum_{i=1}^n HI_i}$$

$$\frac{\sum_{i=1}^n [R_{C_i} \times HI_i]}{\sum_{i=1}^n HI_i}$$

Where,

- R<sub>E<sub>i</sub></sub> = Alternative unit's average annual emissions limitation for unit i, in mmbtu, as specified in column (b) of Step 1.
- R<sub>C<sub>i</sub></sub> = Applicable emissions limitation for unit i, in mmbtu, as specified in column (a) of Step 1.
- HI<sub>i</sub> = Annual heat input for unit i, in mmbtu, as specified in column (c) of Step 1.
- n = Number of units in the averaging plan.

Main Name (from Step 1) **Newton**

**STEP 1**  
Continue the identification of units from Step 1, page 1, here

Plant Name	State	CV	Estimated Percentage	Adjusted Percentage	Adjusted Amount, \$/Year
Newton	IL	1	0.45	0.45	36,000,000
Newton	IL	2	0.45	0.45	37,000,000

Plant Name (from Step 1) Newnan

NO<sub>x</sub> Averaging - Page 2

**STEP 3**

Mark one of the two options and enter dates.

This plan is effective for calendar year 2005 through calendar year 2009 unless notification to terminate the plan is given.

Treat this plan as  identical plans, each effective for one calendar year for the following calendar years \_\_\_\_\_ and \_\_\_\_\_ unless notification to terminate one or more of these plans is given.

**STEP 4**

Read the special provisions and certification, enter the name of the designated representative, and sign and date.

**Special Provisions**

**Emission Limitations**

Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for NO<sub>x</sub> under the plan only if the following requirements are met:

- (f) For each unit, the unit's actual annual average emission rate for the calendar year, in form (b)(i), is less than or equal to its alternative contemporaneous annual emission limitation in the averaging plan; and
- (g) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year does not exceed the annual heat input limit in the averaging plan; or
- (h) For each unit with an alternative contemporaneous emission limitation more stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year is not less than the annual heat input limit in the averaging plan; or
- (i) If one or more of the units does not meet the requirements of (f), the designated representative shall demonstrate, in accordance with 40 CFR 76.11(c)(1)(ii)(A) and (B), that the actual (b)(i)-weighted annual average emission rate for the units in the plan is less than or equal to the (b)(i)-weighted annual average rate for the same units had they each been operated during the same period of time, in compliance with the applicable emission limitations in 40 CFR 76.5, 76.6, or 76.7;
- (j) If there is a successful group showing of compliance under 40 CFR 76.11(c)(1)(ii)(A) and (B) for a calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with their alternative contemporaneous emission limitations and annual heat input limits under (f).

**Liability**

The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan as if such unit had been operated as a unit in the plant, including liability for fulfilling the obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

**Termination**

The designated representative may submit a notification to terminate an approved averaging plan, in accordance with 40 CFR 72.40(p), no later than October 1 of the calendar year for which the plan is to be terminated.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Daniel F. Cole  
Signature Daniel F. Cole Date 6/6/04