

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:** )  
 )  
**NO<sub>x</sub> EMISSIONS FROM STATIONARY** ) **R07-18**  
**RECIPROCATING INTERNAL COMBUSTION** ) **(Rulemaking – Air)**  
**ENGINES AND TURBINES:** )  
**AMENDMENTS TO 35 ILL.ADM.CODE** )  
**SECTION 201.146 AND PARTS 211 AND 217.** )

**NOTICE OF FILING**

To:

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

Persons included on the  
**ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board **THE PIPELINE CONSORTIUM'S COMMENTS.**



\_\_\_\_\_  
Kathleen C. Bassi

Dated: July 5, 2007

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<b>SECTION 201.146 AND PARTS 211 AND 217.</b>	)	

**THE PIPELINE CONSORTIUM’S COMMENTS**

NOW COME ANR PIPELINE COMPANY, NATURAL GAS PIPELINE COMPANY, TRUNKLINE GAS COMPANY, LLC and PANHANDLE EASTERN PIPE LINE COMPANY LP (collectively “the Pipeline Consortium”), by and through their attorneys, SCHIFF HARDIN LLP, and, pursuant to 35 Ill.Adm.Code § 102.108 and Section 28.5(l) of the Environmental Protection Act, 415 ILCS 5/28.5(l), offer these comments for the Board’s consideration with respect to the above-captioned rulemaking.

As clarified at the June 19, 2007, hearing in this matter (*See* Transcript, p. 41 (June 19, 2007)), the Pipeline Consortium does not object to the proposal under consideration by the Board in this rulemaking. The Pipeline Consortium set aside its objection to the proposal proceeding under 415 ILCS 5/28.5 because the Board bifurcated the rule. The Pipeline Consortium’s objection was based on the fact that the Phase II NO<sub>x</sub> SIP Call, 69 Fed. Reg. 21604 (April 21, 2004), does not require the State of Illinois to promulgate rules to regulate emissions of nitrogen oxides (“NO<sub>x</sub>”) from the units subject to the proposal. Rather, the Phase II NO<sub>x</sub> SIP Call mandates reduction of emissions by identifying a NO<sub>x</sub> reduction obligation for Illinois. 69 Fed. Reg. 21604, 21605 (April 21, 2004); 63 Fed. Reg. 57356, 57405 (October 27, 1998); Transcript, p. 15 (May 21, 2007). Although the Agency chose to achieve the required reductions through

the control of the units subject to this proposal, the regulation of these units is not required to comply with the Phase II NO<sub>x</sub> SIP Call (Transcript, p. 15 (May 21, 2007)), and not properly subject to fast track rulemaking.

Nevertheless, representatives of the Pipeline Consortium worked with the Illinois Environmental Protection Agency (“Agency”) in the development of the rule, and it is consistent with the principles included in the U.S. Environmental Protection Agency’s (“USEPA”) Phase II NO<sub>x</sub> SIP Call (69 Fed. Reg. 21604 (April 21, 2004)). Moreover, the Pipeline Consortium has been proactive in complying with the rule even prior to its adoption by the Board. Written Testimony of James McCarthy, p. 6.

In his written testimony, James McCarthy, on behalf of the Pipeline Consortium, noted several issues with the Agency’s proposal, including information included in the Technical Support Document submitted to the Board with the Agency’s initial filing in this matter. Principle among these issues was that the proposal before the Board requires annual compliance with the rule. Annual compliance is outside the scope of the Phase II NO<sub>x</sub> SIP Call and does impose an additional burden upon the regulated companies in terms both of additional recordkeeping and reporting and of exposure to enforcement. Written Testimony of James McCarthy, p. 7; Transcript, p. 17 (June 19, 2007). As Mr. McCarthy noted in response to Mr. Melas’ questions, the period of heaviest work for the Pipeline Consortium’s engines is typically during the winter months. Transcript, p. 41 (June 19, 2007). Though none of the companies comprising the Pipeline Consortium anticipate compliance difficulties, it is, nevertheless, the obvious case that heavier usage of the engines presents a higher possibility for noncompliance – during a time period outside of the timeframe of the ozone season, the ostensible reason for the rulemaking in the first place.

To reiterate, the Pipeline Consortium does not object to the adoption of this rule in the form presently under consideration by the Board and will continue to proactively comply with the rule despite the current status of the rule and the delayed compliance date.

Furthermore, the Pipeline Consortium has reviewed the Agency's comments to the proposed rule relative to typographical errors that require correction. With the additional correction of the following in Section 217.394(a)(2) (*i.e.*, deletion of the first comma and the phrase "whichever is later" since multiple dates do not apply in this rulemaking), the Pipeline Consortium agrees with the proposed corrections: "Within the first 876 hours of operation per calendar year, ~~whichever is later,~~".

Respectfully submitted,

ANR PIPELINE COMPANY, NATURAL GAS  
PIPELINE COMPANY, TRUNKLINE GAS  
COMPANY, LLC and PANHANDLE EASTERN PIPE  
LINE COMPANY, LP

by:

  
\_\_\_\_\_  
One of Their Attorneys

Dated: July 5, 2007

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## CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 5<sup>th</sup> day of July, 2007, I have served electronically the attached **PIPELINE CONSORTIUM'S COMMENTS** upon the following persons:

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

and by first class mail, postage affixed upon persons included on the **ATTACHED SERVICE LIST**.

A handwritten signature in black ink, appearing to read "Kathleen C. Bassi", is written over a horizontal line.

Kathleen C. Bassi

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**(R07-18)**

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