

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS)
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COUNTY OF SANGAMON) SS
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)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached COMMENTS of the Illinois Environmental Protection Agency upon the following persons:

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ILLINOIS ENVIRONMENTAL
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Dated: June 9, 2008

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
SECTION 27 PROPOSED RULES FOR)
NITROGEN OXIDE (NO_x) EMISSIONS) R07-19
FROM STATIONARY RECIPROCATING) (Rulemaking – Air)
INTERNAL COMBUSTION ENGINES AND)
TURBINES: AMENDMENTS TO 35 ILL.)
ADM. CODE PARTS 211 AND 217)

**POST HEARING COMMENTS OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY**

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by its attorneys, and hereby submits its post hearing comments in the above rulemaking proceeding. The purpose of proposed amendments to 35 Ill. Adm. Code 217.Subpart Q: “Stationary Reciprocating Internal Engines and Turbines” is to reduce intra- and interstate transport of nitrogen oxides (“NO_x”) emissions on an annual basis (January 1 through December 31) and on an ozone season basis (May 1 through September 30) of each year, through the adoption of the rules reducing NO_x emissions from stationary reciprocating internal combustion engines and turbines located in nonattainment areas.

On March 24, 2008, the United States Environmental Protection Agency (“USEPA”) issued: “Findings of Failure to Submit State Implementation Plans (“SIP”) Required for the 1997 8-Hour Ozone National Ambient Air Quality Standards (“NAAQS”),” a State Implementation Plan (“SIP”) Call for 8-hour ozone nonattainment areas that had failed to meet Reasonably Available Control Technology (“RACT”) requirements, among other requirements. *73 Fed. Reg.* 15416 (March 24, 2008). The Greater Chicago and Metro-East/St. Louis areas were included in this SIP Call. The requirements for RACT require states to control emissions from sources located in nonattainment areas that have the potential to emit (“PTE”) 100 tons per year (“TPY”) or more of NO_x. Stationary engines and turbines are one source category that the

Illinois EPA determined to have the potential to emit 100 TPY or more of NO_x. This proposal is intended to satisfy, in part, Illinois' obligations under the USEPA's SIP Call. The proposed amendments will also help Illinois make progress toward achieving the new PM_{2.5} NAAQS in these two nonattainment areas.

The Illinois EPA filed its initial proposal with the Illinois Pollution Control Board ("Board") on April 6, 2007. On May 17, 2007, the Board issued an order splitting the Illinois EPA's proposal into two dockets, R07-18 and R07-19. R07-18 was adopted on September 20, 2007, and applied to NO_x SIP Call units, otherwise known as large engines. As a result of the Board's action and the conclusion of R07-18, R07-19 applies to engines and turbines determined to be at sources that have a PTE of 100 TPY or more of NO_x located in nonattainment areas.

The Illinois EPA engaged in extensive outreach on this proposal and held regular meetings with representatives of the affected sources in the previous years. The Illinois EPA, Illinois Municipal Electric Agency, and Illinois Environmental Regulatory Group witnesses testified and provided evidence at the first hearing that was held in Edwardsville on April 9, 2008. At the second hearing that was held in Chicago on May 7, 2008, the Pipeline Consortium provided testimony.

These comments address three areas: 1) the Applicability Thresholds for engines and turbines; 2) the 1,500 bhp Cut-Off for the Portable Unit Exemption; and 3) Portability of Engines.

I. Applicability Levels of 500 bhp and Greater for Engines and 3.5 MW and Greater for Turbines

The Board asked how the Illinois EPA determined the applicability thresholds. The thresholds as proposed, the 500 bhp and greater for engines and the 3.5 MW and greater for turbines, were developed by the Illinois EPA based on the unit's PTE for NO_x. Engines and turbines of these sizes and greater do have the potential to have significant emissions; hence,

these thresholds for regulatory control are appropriate and consistent with Illinois's obligation to meet the Section 182(b) of the Clean Air Act requirements for RACT. Engines and turbines of these sizes have a potential to emit approximately 100 TPY of NO_x. As not all engines and turbines of this size will emit 100 TPY, there is relief for units that do not operate continuously. The rule provides several mechanisms for units that emit less. Sources can opt for a federally enforceable emissions limit or a low usage limit in terms of the number of hours the unit will be operated.

II. 1,500 bhp Cap

The Illinois EPA was asked why its proposal capped the exemption for portable units at 1,500 bhp. See Section 217.386(b) of the proposal. The Illinois EPA recognizes that certain units that could potentially be affected by this proposal are used less frequently and are expected to have lower emissions. The level of the exemption was based in part on the insignificance levels used under the Board's regulation for permitting. Section 201.146(g) exempts engines rated at 1,500bhp or less from permitting. While the Illinois EPA in this proposal is recommending that the level be lowered to include engines rated at 500 bhp and below, it believes that many units rated between 500 bhp and 1500 bhp will have low emissions, especially those engines that are mounted on skids and moved around a particular source. Discussions with affected sources supported this conclusion. There are small units that are used minimally as backup generation that do not fall into the category of emergency/standby units but are also expected to have low emissions; hence, the exemption for portable units rated at 1,500 bhp or less. A 1,500 hp engine has the potential to emit 243 tons of NO_x/yr when it operates year around and 121 ton/yr if it operates six month in a year. As discussed above, for engines rated higher than 1,500 bhp that have low emissions, an owner or operator may opt for a federally enforceable emission limit or a limit on the hours of operation.

III. Portable Engine Exemption is Limited to Units that Move from One Source

to Another

The exemption is limited to excluding units that are moved from one source to another, such as units used for construction or asphalt plants that are moveable. These units are not going to be in the same general location for any significant length of time. It is difficult to regulate such units because it is difficult to track them and to inspect them on a regular basis. Engines that are used for spot power above 1,500 bhp that do not meet the definition for Emergency/Standby units or qualify as low usage units have the potential to have significant emissions.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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DATED: June 9, 2008

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