



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF SANGAMON )  
 )

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have served by electronically mailing the attached MOTION TO FILE INSTANTER AND RESPONSE TO POST-HEARING COMMENT of the Illinois Environmental Protection Agency upon the following persons:

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Timothy Fox, Hearing Officer  
Illinois Pollution Control Board  
State of Illinois Center  
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ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

/s/ \_\_\_\_\_  
Rachel L. Doctors  
Assistant Counsel  
Air Regulatory Unit  
Division of Legal Counsel

Dated: July 16, 2008

1021 North Grand Avenue East  
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(217) 782-5544

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
)  
SECTION 27 PROPOSED RULES FOR )  
NITROGEN OXIDE (NO<sub>x</sub>) EMISSIONS ) **R07-19**  
FROM STATIONARY RECIPROCATING ) **(Rulemaking – Air)**  
INTERNAL COMBUSTION ENGINES AND )  
TURBINES: AMENDMENTS TO 35 ILL. )  
ADM. CODE PARTS 211 AND 217 )

**MOTION TO FILE INSTANTER AND  
RESPONSE TO POST-HEARING COMMENT**

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by its attorneys, and hereby submits its response to a comment submitted by Blue Sky Environmental on July 1, 2008, a week after the post-hearing deadline of June 23, 2008, and a Motion to File Instanter in the above rulemaking proceeding. As the comment was not submitted to the Illinois Pollution Control Board (“Board”) or served upon the Illinois EPA until after the comment deadline, and the Illinois EPA did not become aware of the comment until the following week, the Illinois EPA could not submit a response by the June 23, 2008, deadline. The Illinois EPA moves the Board to grant its request for leave to file a response to the comment instanter.

Blue Sky Environmental is requesting that the definition for emergency standby engine at 35 Ill. Adm. Code 211.1920 be amended to allow for the operation of units under PJM’s Emergency Load Response Program (“ELRP”). Klein Tool enrolled in ELRP to provide emergency electrical service for short periods of time to prevent black outs. The Illinois EPA had discussions this Spring with Blue Sky representing Klein Tool (hereinafter “the Company”) because the Company was concerned that its units when operated pursuant to a PJM request were not within the Board’s definition for emergency standby units or the Company’s existing permit. The Illinois EPA has indicated to the Company that under the circumstances described

in a May 1, 2008, letter sent by Blue Sky to the Ray Pilapil at the Illinois EPA and again in Blue Sky's July 1, 2008, comment that the engines in this case do fall within the definition and there is no need to change the Company's existing permit.

Hence, the Illinois EPA believes that no amendments to the current or proposed definition of emergency/standby engine are necessary at this time. The Illinois EPA also believes that the amendment as proposed by Blue Sky falls beyond the scope of the current rulemaking which was proposed to address NO<sub>x</sub> RACT. In the future, if different circumstances arise concerning the operation of a PJM unit that the Illinois EPA believes warrant further investigation and possible amendment to the definition, the Illinois EPA would pursue the matter.

Further, Blue Sky had multiple opportunities to present this information to both the Illinois EPA and the Board in a timely manner and did not do so. The Illinois EPA would note that it engaged in extensive outreach during the development of the rule and provided information on its website during the previous years. Blue Sky also had an opportunity to present this information at either the first Board hearing held in Edwardsville on April 9, 2008, or second hearing in Chicago on May 7, 2008.

Blue Sky never appeared before the Board or contacted the Illinois EPA prior to the Spring of 2008. As these units under the described circumstances fall under the current definition, the Illinois EPA does not believe that any additional amendments or additional hearings are necessary before the Board can proceed to First Notice.

The Illinois EPA respectfully submits this Motion For Leave to File Instanter and Response to Comment.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Rachel L. Doctors  
Rachel L. Doctors  
Assistant Counsel  
Air Regulatory Unit  
Division of Legal Counsel

DATED: July 16, 2008

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