

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO) R18-20
35 ILL. ADM. CODE 225.233,) (Rulemaking – Air)
MULTI-POLLUTANT STANDARDS (MPS))

NOTICE

TO: Don Brown
Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph St., Suite 11-500
Chicago, IL 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S RESPONSES AND INFORMATION REQUESTED FROM JANUARY HEARINGS, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Gina Roccaforte
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: February 16, 2018

1021 North Grand Avenue East
P. O. Box 19276
Springfield, IL 62794-9276
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO) R18-20
35 ILL. ADM. CODE 225.233,) (Rulemaking – Air)
MULTI-POLLUTANT STANDARDS (MPS))

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY’S
RESPONSES AND INFORMATION REQUESTED FROM THE JANUARY HEARINGS**

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by one of its attorneys, and submits the following responses to questions from the hearings held January 17-18, 2018, in Peoria, as well as additional information requested at those hearings.

- 1) In this rulemaking, the Agency has proposed a sulfur dioxide (“SO₂”) mass emission limitation of 55,000 tons per year, a limit that reflects a lowering of current allowable emissions from affected sources and locks in reductions on a mass basis that have occurred in previous years due to a number of causes, including economic and market factors, in addition to the current MPS. The Agency explained both in its rulemaking proposal and at the first hearing in this matter that this proposed limit does not interfere with Illinois’ ability to meet the pollution reduction goals set forth in the State’s Regional Haze State Implementation Plan (“SIP”) (the only SIP that relies upon the MPS requirements), and that it is sufficient to protect air quality in Illinois to at least the same extent as the current MPS rules. The Agency has further explained both at the first hearing and in more detail below that, while the MPS was never intended to address federal air quality standards, the Agency assessed localized air quality impacts related to this rulemaking by reviewing modeling performed for the Data Requirements Rule (“DRR”); the Agency determined that federal standards are adequately protected by other applicable regulations, including SO₂ limitations in Part 214 adopted by the Board in 2015.

Based on the above, the proposed SO₂ limit of 55,000 tons is appropriate. However, other participants in this rulemaking proceeding have indicated or implied that the Board should lower such limit. For example, the Illinois Attorney General’s Office indicated, “the total maximum allowable SO₂ emissions under the current MPS should be considered no more than 49,305 tons using the 2016 unit-level emission rates.” *Pre-filed Testimony of the Illinois*

Attorney General's Office on the Pollution Control Board's First Notice Proposal at 18.¹

While the Agency's proposed mass emission limitation of 55,000 tons per year is appropriate, based on the information solicited and presented at the first hearing, including the above-referenced testimony of the Illinois Attorney General's Office, the Agency now supports the Board adopting the following amendment to Section 225.233(e)(2)(C).

- C) Except as otherwise provided in subsection (f) of this Section, beginning in calendar year 2018 and continuing in each calendar year thereafter, the owner and operator of the EGUs in an MPS Group must not cause or allow to be discharged into the atmosphere combined annual SO₂ emissions in excess of 49,000~~55,000~~ tons from all EGUs.

This alternative limit represents an annual reduction of 6,000 tons or 10.9% from the Agency's original proposed limitation, and an annual reduction of 17,354 tons or 26% from the total calculated allowable emissions for the current MPS Groups under the existing MPS.

If the Board chooses to lower the SO₂ limitation to 49,000 tons per year, it must also lower the corresponding transfer unit allocations set forth in Section 225.233(f)(2) of the Agency's proposal. In such a case, the Agency recommends a 10% reduction from the original amounts, as follows:

A)	Baldwin	6,000	2,700	<u>5,400</u> 6,000
B)	Havana	1,800	810	<u>1,350</u> 1,500
C)	Hennepin	1,500	675	<u>5,400</u> 6,000
D)	Coffeen	2,000	900	<u>225</u> 250
E)	Duck Creek	1,400	630	<u>225</u> 250
F)	Edwards	3,000	1,350	<u>9,000</u> 10,000
G)	Joppa	5,200	2,340	<u>16,200</u> 18,000
H)	Newton	2,700	1,215	<u>9,000</u> 10,000

¹ Illinois EPA continues to disagree with the arguments and various calculation methodologies that the Illinois Attorney General's Office presented to the Board. Further, as stated in the Agency's Technical Support Document, in testimony, and responses, the methodology used by the Agency to calculate allowable emissions was chosen because it is the method the State is required to use to demonstrate that this SIP revision is approvable by USEPA.

- 2) The Agency was asked when it would select a rate-based limit as opposed to a mass-based limit for regulations for coal plants. January 17, 2018, Transcript, at 87.

Mass-based limits are those which restrict the amount of emissions in a given timeframe, such as an hour or a year. They are generally used to constrain emissions to a more certain environmental outcome in a given timeframe (such as the overall tons per year that would be allowed under this proposal, or the number of pounds per hour allowed from a given emission point under the SO₂ rule). Rate-based limits in terms of pounds per million British thermal units are those which limit the amount of emissions based on the heat input. Such limits generally do not constrain total emissions or the capacity of a source. The total emissions from a source under such a standard are determined by the manner in which the source runs, and overall emissions are limited only by the maximum operations of the source.

- 3) The Agency was asked if there are any other Dynegy plants located in potential environmental justice communities. January 17, 2018, Transcript, at 119.

After consulting with the Agency's Environmental Justice Officer, and as was stated in the Agency's response to the Environmental Groups' Question IV.2.a., there are no other Dynegy plants located in potential environmental justice communities. The Hennepin Power Station is the only Dynegy plant located in an environmental justice community.

- 4) The Agency was asked if it agrees in all respects with Attachment 9 to the *Illinois EPA's Responses to Prefiled Questions*, filed January 12, 2018, or potentially some of it and not the rest of it. January 17, 2018, Transcript, at 136.

The Agency does not agree with the cited document in all respects. Some main points of disagreement include:

The table at the top of page 2 is incorrect in the Agency's opinion. While this table was provided by USEPA in the SIP approval, Illinois EPA found that there were errors between this table and the information provided by Illinois EPA to USEPA; Illinois EPA stands by the original numbers in its SIP submittal, which is why the Agency did not agree with Dynegy that these were the appropriate numbers to use.

The final dot point on page 3 contains reasoning that the Agency did not find compelling. As such, the Agency did not rely upon such reasoning in this proposal. This is similarly true about #1 on page 4.

The Agency partially disagreed with #2 on page 4. Specifically, the Agency disagreed with some of the numbers used and the idea that "expected" emissions reductions were not federally enforceable. While technically true,

the State of Illinois would have been required to take additional actions to reduce emissions if the goals were not being met.

Item #4 on page 5 states that using the 2002 base year was “only one of many ways to forecast expected actual emissions.” The Agency disagreed because that was the way it was done to meet Illinois’ Regional Haze requirements and the way it was approved by USEPA.

For Items #6A and 6E on page 5, the Agency disagrees, as reflected in this proposed rule.

For Item #IA1 on page 7, the Agency disagreed with the SO₂ emissions cap proposed by Dynegy, as reflected in the Agency’s proposal.

For Section B on page 8, the Agency disagreed with Dynegy’s methodology and instead detailed in the TSD the Agency’s position on such methodology.

There are other individual statements throughout the document that the Agency may disagree with in part or whole, so the fact that something is not specifically listed here does not automatically indicate that the Agency agrees. The items discussed above are the main points with which the Agency disagreed and which drove the manner in which this proposal was written.

- 5) The Agency would like to clarify its response at hearing regarding the timing of the Illinois mercury rule and its status as a federal requirement. January 17, 2018, Transcript, at 153-154.

In May 2005, USEPA promulgated regulations requiring reductions of mercury emissions in the Clean Air Mercury Rule (“CAMR”), 70 *Fed. Reg.* 28606 (May 18, 2005). Following promulgation of the CAMR, the Board adopted the Illinois mercury rule. *See, In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury)*, R06-25 (Dec. 21, 2006). The Illinois mercury rule established limitations on mercury emissions that were more stringent than required by USEPA in the CAMR. As an alternate added within the Illinois mercury rule, certain specified sources could comply with the MPS, which provided additional time to comply with the mercury limitations in exchange for compliance with mercury control technology requirements and emission limits for SO₂ and NO_x.

In February 2008, the United States Court of Appeals for the District of Columbia vacated the CAMR. *See, State of New Jersey v. Environmental Protection Agency*, 517 F.3d 574 (D.C. Cir. 2008). On May 3, 2011, in response to the vacatur of the CAMR, USEPA proposed mercury and air toxics standards (“MATS”) for coal and oil-fired electric generating units

that set emission limits for mercury, PM, hydrogen chloride, and trace metals, in addition to establishing alternative numeric emissions limits. 76 *Fed. Reg.* 24876 (May 3, 2011). USEPA finalized these standards, effective April 16, 2012. 77 *Fed. Reg.* 9304 (February 16, 2012).

6) Response to Public Comments

A number of commenters made claims that the air quality in the Peoria/Pekin area has deteriorated or at least not improved over the course of years, and/or that the Edwards power plant in particular has not reduced emissions. While the Agency appreciates the concerns of citizens in the area, these statements are simply incorrect.

First, one commenter stated that he lived in the area surrounding the E.D. Edwards facility for 34 years. See, January 17, 2018, Transcript, at 216. “Over that time, I have seen no emission improvements made at the Edwards plant to safeguard my health.” *Id.* Another commenter claimed, “there’s nothing being done about cleaning this air.” *Id.* at 319.

Contrary to these comments, SO₂, NO_x, and PM_{2.5} emissions from the Edwards facility have all significantly decreased. SO₂ emissions from the Edwards source were as high as 76,410 tons in 1997, but have since decreased to a low of 5,890 tons in 2016 – a 92% reduction in emissions. NO_x emissions were as high as 13,523 tons in 1997, while they were only 1,763 tons in 2016 – a decrease of 87%. PM_{2.5} emissions have decreased from 79 tons in 2004 (the earliest year for which the Agency has Annual Emissions Report data) to 23 tons in 2017 – a 71% reduction.

Going beyond the emissions from the Edwards plant, the Agency compiled information on SO₂ air concentrations in the Peoria/Pekin area since 1983, and PM_{2.5} concentrations since 1999 (in both cases, the dates at which monitors were first placed in the areas; there are no NO_x monitors in the area). As can be seen in Attachment A, Figures 1 and 2, since 1983, SO₂ concentrations in Pekin have decreased 82% measured as an annual average, and 90% measured as an hourly 99th percentile. (The hourly 99th percentile measurement is the manner in which attainment/nonattainment is determined and represents the value at which 99% of the hourly concentration readings are below that level – in other words, it is almost the highest hourly value for the year, excluding a few outliers.) Indeed, Figure 2 demonstrates how the recent SO₂ regulations helped bring about a dramatic drop in hourly SO₂ concentrations over the past few years.

Figures 3 and 4 show that SO₂ concentrations have decreased 86% since 1983 in Peoria measured as an annual average and 76% measured as an hourly 99th percentile. Additionally, Figure 5 shows that PM_{2.5} concentrations have decreased 53% in Peoria since 1999. These facts directly contradict the

opinions voiced by some commenters that air quality in the area is worsening or that nothing has been done about it.

The Agency further examined information from other SO₂ monitors near Dynegy facilities, all of which showed great decreases in SO₂ concentrations over time. Figures 6 and 7 show a 98% decrease in East St. Louis SO₂ measured both annually and as the hourly 99th percentile. Figures 8 and 9 show a 70% decrease annually and 95% decrease as the hourly 99th percentile for Oglesby. Figures 10 and 11 show a 96% annual decrease and 98% hourly 99th percentile decrease in Wood River.

Additionally, the Agency reviewed data from other PM_{2.5} and NO₂ monitors near Dynegy facilities, all of which also show large decreases in concentrations. Figures 12 through 16 show the PM_{2.5} annual averages from the monitors in Houston, East St. Louis, Wood River, Granite City, and Alton. As noted on these graphs, PM_{2.5} concentrations decreased 34% in Houston from 1999 to 2017; 39% in East St. Louis from 1999 to 2017; 47% in Wood River from 1999 to 2017; 44% in Granite City from 1999 to 2017; and 46% in Alton from 2000 to 2017. Figures 17 and 18 show monitored NO₂ values in East St. Louis (the only applicable area for which there is an NO₂ monitor nearby). As demonstrated, NO₂ concentrations from 1983 to 2017 decreased 55% when measured on a 98th percentile basis, and 65% when measured on an annual basis.

All of the available data demonstrate improving air quality across the areas near Dynegy facilities.

Second, commenters also requested that the Board “please keep Peoria from becoming a pollution hot spot”; stated, “I heard that there was a proposed rule that could...reduce the air quality of our area”; and claimed, “Peoria, once again, is going to be the one that suffers.” *Id.* at 235, 242, and 244. Once again, as demonstrated by the Figures referenced above and as previously discussed by the Agency, this is simply untrue.

The Board recently enacted hourly SO₂ limits for the Edwards plant and other sources in the area to ensure attainment and maintenance of the SO₂ National Ambient Air Quality Standard (“NAAQS”). No change to the MPS rule under discussion in this proposal will allow the Edwards plant to increase its SO₂ emissions beyond the limits provided in Part 214. As such, emissions will continue to be restricted to ensure the NAAQS is not violated. While the commenters were nonspecific in their use of terminology such as claiming the proposed change to the MPS could “reduce the air quality of our area” or cause the area to become “a pollution hot spot,” the Agency has shown clearly that air quality has improved and will continue to meet the NAAQS, meaning such claims have no basis in fact.

Several comments provided to the Board by members of the public at the end of the first day of hearing cited to the *Chicago Tribune* article from September 27, 2017, as support for their opposition to the proposed rule. For example, one commenter noted “as the *Chicago Tribune* reports, Dynegy could emit nearly double the amount of SO₂ being admitted last year.” *Id.* at 246. Brian Urbaszewski stated, “Dynegy wants to pollute more, up to 30,000 tons more. Otherwise, Dynegy wouldn’t have written IEPA’s proposal the way they did.” *Id.* at 237.

The claims in these comments and the *Chicago Tribune* are incorrect and misleading. As the Agency has noted in its *Responses to Prefiled Questions* and at hearing, the proposed rules would not allow near double the air pollution. As the Agency has stated several times, the proposed rules reduce allowable emissions. The claim that Dynegy could emit double the amount of emissions comes from improperly comparing 2016 actual emissions, which were lower than usual, to the allowable emissions under the MPS.

Furthermore, the claim that Dynegy authored the proposed regulations is false. The Agency has noted that Dynegy approached the Agency to request a revision to the MPS. The proposed rule before this Board was authored by the Agency, not Dynegy.

- 7) All participants were asked by Board Member Zalewski to provide the Board with input on layering a rate-based limit with a mass emission limit. January 18, 2018, Transcript, at 30.

The Agency noted at the first hearing that it does not believe it is necessary to employ fleet-wide annual standards in terms of both mass emission limits and emission rates. At Board Member Zalewski’s request, the Agency once again examined the possibility, but arrived at the same conclusion. Adding another layer of regulation on top of the proposed mass emissions cap is not necessary to meet the Regional Haze State Implementation Plan for which the MPS has been used, and is also unnecessary for protection of the NAAQS.

- 8) The Agency was asked to provide the Board with a summary of the modeling information for the various plants covered by the proposal setting forth specifically which years’ actual emissions were used. January 17, 2018, Transcript, at 28-29.

Modeling Summary

As noted during testimony at the first hearing, the Agency conducted modeling for SO₂ on all but one of the Dynegy sources involved in this rulemaking. The modeling exercises were conducted for one of two purposes, both related to the 2010 1-hour SO₂ NAAQS. Some sources were included in

modeling to satisfy the requirements of the DRR, 40 CFR § 51.1200 *et seq.*, and other sources were modeled in response to monitored nonattainment of the NAAQS in the Pekin area. The Newton, Hennepin, Joppa, and Baldwin sources were modeled to satisfy requirements of the DRR, and were modeled using actual emissions. The Edwards, Havana, and Duck Creek sources were modeled for the Attainment Demonstration for the Pekin nonattainment area (“NAA”), and were modeled at their maximum allowable emission rates to ensure the area would attain the NAAQS. This included the rates adopted for the Edwards plant in the 2015 SO₂ rulemaking amending Part 214 (R2015-021). As such, actual emissions data from specific years were not used for that modeling, but they are shown below for completeness’ sake. As stated in the Agency’s *Responses to Prefiled Questions*, Board Question #8, the Coffeen source was not modeled because its emissions were so low that it fell below the threshold for modeling under the DRR.

The tables below provide the annual emissions from the Dynegy sources and the years for which they were modeled.

Baldwin was modeled (2013-2015) for the DRR: Fourth High Concentration Average = 78.21 µg/m³.

Year	SO ₂ Emissions (TPY)			
	Total Facility	Unit #1	Unit #2	Unit #3
2013	4,803	1,513	1,714	1,576
2014	4,409	1,213	1,490	1,706
2015	4,160	1,503	1,062	1,595

Hennepin was modeled (2012-2014) under the “Consent Decree” phase of the DRR: Fourth High Concentration Average = 94.56 µg/m³.

Year	SO ₂ Emissions (TPY)		
	Total Facility	Unit #1	Unit #2
2012	5,911	1,313	4,593
2013	4,274	883	3,396
2014	3,965	1,002	2,959

Newton was modeled (2012-2014) for the DRR: Fourth High Concentration Average = 138.89 µg/m³.

Year	SO ₂ Emissions (TPY)		
	Total Facility	Unit #1	Unit #2
2012	16,534	10,538	5,981
2013	16,145	7,270	8,865
2014	16,372	8,126	8,291

Joppa was modeled (2012-2014) for the DRR: Fourth High Concentration Average = 168.29 µg/m³.

Year	SO ₂ Emissions (TPY)						
	Total Facility	Unit #1	Unit #2	Unit #3	Unit #4	Unit #5	Unit #6
2013	17,007	3,005	2,918	2,727	3,007	2,521	2,812
2014	16,558	2,843	2,741	2,622	2,783	2,802	2,751
2015	18,229	3,080	3,093	2,950	3,137	2,866	3,154

Duck Creek was modeled (2009-2013) for the Pekin Area Attainment Demonstration.

Year	SO ₂ Emissions (TPY)	
	Total Facility	Unit #1
2009	506	506
2010	756	756
2011	167	167
2012	296	296
2013	231	231

Havana was modeled (2009-2013) for the Pekin Area Attainment Demonstration.

Year	SO ₂ Emissions (TPY)	
	Total Facility	Unit #1
2009	5,018	5,018
2010	7,458	7,458
2011	7,784	7,784
2012	5,814	5,814
2013	1,130	1,130

Edwards was modeled (2009-2013) for the Pekin Area Attainment Demonstration.

Year	SO ₂ Emissions (TPY)			
	Total Facility	Unit #1	Unit #2	Unit #3
2009	11,734	2,070	4,360	5,304
2010	12,010	2,115	4,338	5,557
2011	12,596	2,148	4,900	5,548
2012	11,803	1,974	4,871	4,958
2013	9,846	887	4,107	4,852

In cases where modeling was conducted pursuant to the DRR, the Agency compared the modeled concentrations to the NAAQS value to determine whether increases in emissions could reasonably threaten the NAAQS. The standard is 75 parts per billion, which is equivalent to 196.32 $\mu\text{g}/\text{m}^3$.

- Modeled concentrations at the Baldwin source were 78.21 $\mu\text{g}/\text{m}^3$ or 39.8% of the standard. Because the Baldwin units were operating at a capacity factor of approximately 72%, even if the source were able to increase to 100% capacity factor in a year, the linear increase in concentration at similar emission rates would correspond only to concentrations around 108 $\mu\text{g}/\text{m}^3$, still only 55% of the standard. Thus, the NAAQS in the Baldwin area is not at risk.
- Modeled concentrations at the Hennepin source were 94.56 $\mu\text{g}/\text{m}^3$ or 48.2% of the standard. Because the Hennepin units were operated at a capacity factor of approximately 69%, even if the source were able to increase to 100% capacity factor in a year, the linear increase in concentration at similar emission rates would correspond only to concentrations around 137 $\mu\text{g}/\text{m}^3$, still only 70% of the standard. Thus, the NAAQS in the Hennepin area is not at risk.
- Modeled concentrations at the Newton source were 138.89 $\mu\text{g}/\text{m}^3$ or 70.7% of the standard. These concentrations were modeled for years in which both Units 1 and 2 were operating. The Newton 2 unit has since been shut down (permits withdrawn), which accounted for approximately 47% of the emissions from the source during the years modeled. Due to the shutdown of Unit 2, even if the remaining unit were operated at a 100% capacity factor, the linear increase in concentration at similar emission rates would correspond only to concentrations around 144 $\mu\text{g}/\text{m}^3$, still only 73% of the standard. Thus, the NAAQS in the Hennepin area is not at risk.
- Modeled concentrations from the Joppa source were 168.29 $\mu\text{g}/\text{m}^3$ or 85.7% of the standard. The relatively higher percentage of the standard

was the reason the Agency proposed a separate and additional limit for the Joppa source of 19,800 tons per year. This limit ensures that emissions from the Joppa source will never increase more than 15% from the modeled years and therefore that the area will not need to be remodeled in the future due to increases at the Joppa plant pursuant to DRR guidance from USEPA. It should be noted that three other significant sources contributed to concentrations in the study area as well. Lafarge Midwest Inc. nearby in Joppa, Honeywell International Inc. in nearby Metropolis, and the Tennessee Valley Authority Shawnee Power Plant across the Ohio River in Kentucky contributed over 60% of the SO₂ emissions in the study area in the modeled years. These other sources in the study area will also be evaluated for emissions increases in subsequent years.

- For the sources that were modeled in the Attainment Demonstration for the Pekin NAA, 196.24 µg/m³ was the design value of the model, which is very close to the standard. This is because, for the purpose of demonstrating attainment, all sources in the study area must be modeled at their maximum allowable emissions for every hour, using five years of meteorological data, and modeled concentrations in the study area must still fall below the standard. This is a very conservative approach because it is nearly impossible for that scenario to occur, and many sources have much greater allowable emissions than actual emissions. For instance, the Duck Creek source was modeled using an emission rate of 4,455 lbs/hr, but typically only emits in a range around 60 lbs/hr. Likewise, the Havana source was modeled at an emission rate of 1,830 lbs/hr, but typically emits in a range around 300 lbs/hr. Finally, 375 emission units in the study area were also all modeled at maximum allowable emission rates for each hour for the Attainment Demonstration. This makes it unlikely that the Duck Creek, Havana, or Edwards sources could cause local nonattainment in the future. Indeed, the Attainment Demonstration has been recently approved by the USEPA and such approval has been published in the Federal Register.

To provide some context regarding how total statewide emissions from Dynegy's sources may relate to the SO₂ NAAQS, it should be noted that the total emissions modeled for these sources throughout all of these exercises are much higher than the fleet-wide mass emission limit that the Agency has proposed in the current rulemaking. For the sources where the modeling was done for the DRR (Baldwin, Joppa, Hennepin, and Newton), the average combined annual emissions for just those sources in the years that were studied were approximately 42,787 tons per year. For sources modeled as part of the Attainment Demonstration, using maximum allowable emissions (Edwards, Havana, and Duck Creek), the combined allowable emissions from those sources in the study area were 48,800 tons per year. The NAAQS were maintained in all of these areas even though modeled emissions from

the affected sources totaled over 91,000 tons per year, far higher than the proposed emissions cap for all of the Dynegy facilities. This helps to demonstrate how annual standards that cover the entire fleet, whether the rate-based limits found in the current MPS or the annual mass-based limits in the proposed amendments, are not appropriate means to ensure maintenance of a NAAQS that is an hourly standard, such as SO₂ NAAQS. This is why the Agency took additional steps through the modeling reviews discussed above and the additional limit at Joppa.

- 9) The Agency was also asked to provide the Board with information about how it assessed annual emissions in the context of the DRR. January 17, 2018, Transcript, at 32-33.

Data Requirements Rule Annual Emissions Assessments

A question was raised regarding the DRR and ongoing requirements by Illinois EPA. The DRR states, “For any area where modeling of actual SO₂ emissions serve as the basis for designating such area as attainment for the 2010 SO₂ NAAQS, the air agency shall submit an annual report...” 40 CFR § 51.1205(b). This report must document annual SO₂ emissions from the sources and provide an assessment of the cause of any emissions increases. *Id.* The report must also include a recommendation whether additional modeling is needed. *Id.* The recommended guideline for states indicates, “...the air agency should conduct additional modeling (using the most recent actual emissions as inputs) for an area if (1) the original modeling level was equal to or greater than 90 percent of the standard, and there is any increase in emissions in the area; or (2) if the original modeling level was between 50 percent and 90 percent of the standard, and emissions in the area increased by 15 percent or more.” *Id.* at (b)(2).

- 10) Questions were presented at the first hearing regarding the continued operation of scrubbers at Dynegy’s Coffeen and Duck Creek plants.

The Agency reviewed the permits for these facilities. Those permits require that Coffeen and Duck Creek operate their wet flue gas desulfurization control devices at all times in accordance with good engineering practices.²

² Permit condition (3)(b)(ii) in both permits state: “At all times, the Permittee shall, to the extent practicable, maintain and operate Units CB-1 and CB-2 with the FGD systems and associated equipment operations in a manner consistent with good air pollution control practice for minimizing emissions.” Coffeen construction permit 06090019, issued June 26, 2012; and Duck Creek construction permit 06070049, issued November 22, 2006.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

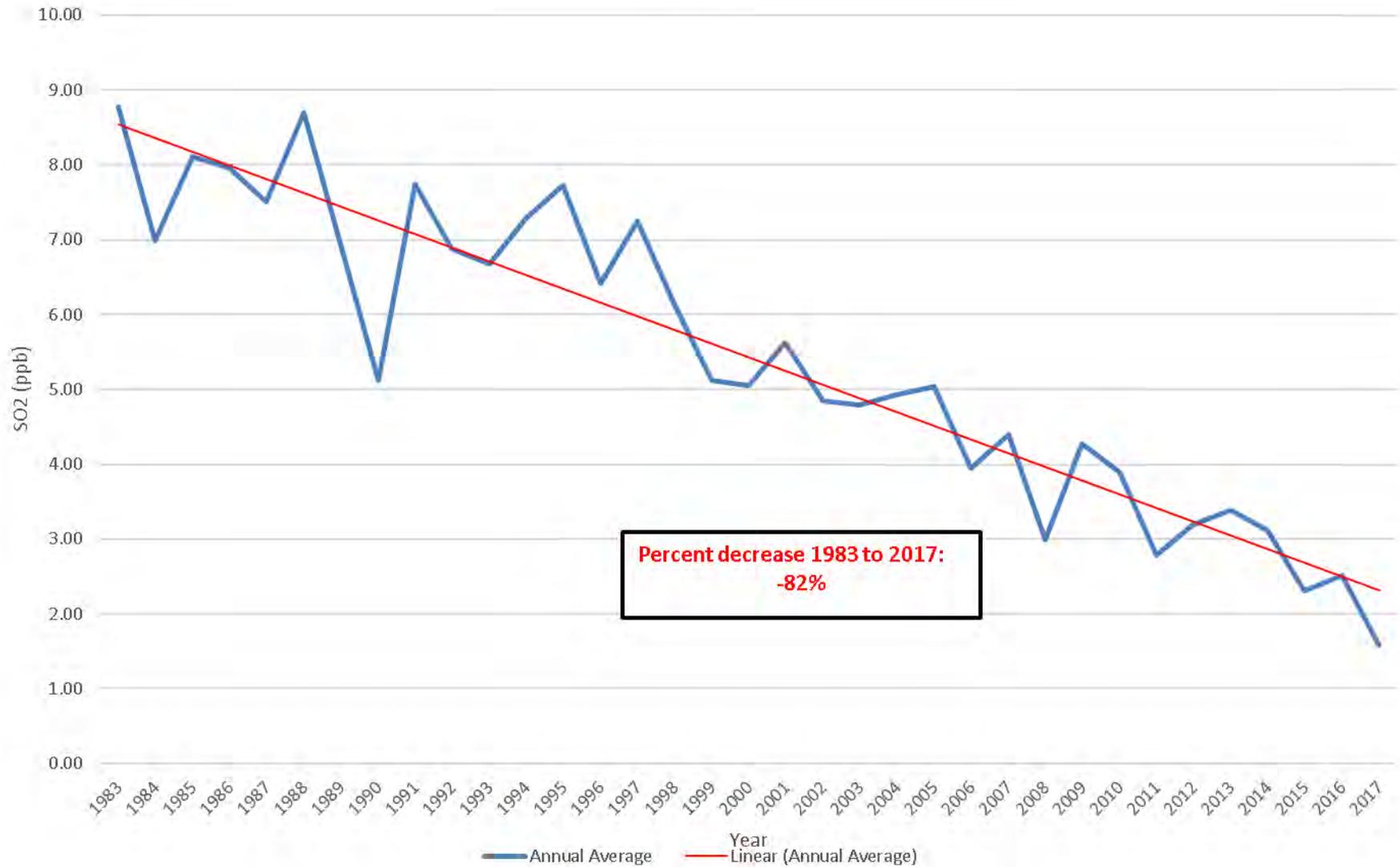
By: /s/ Gina Roccaforte
Gina Roccaforte
Assistant Counsel
Division of Legal Counsel

DATED: February 16, 2018

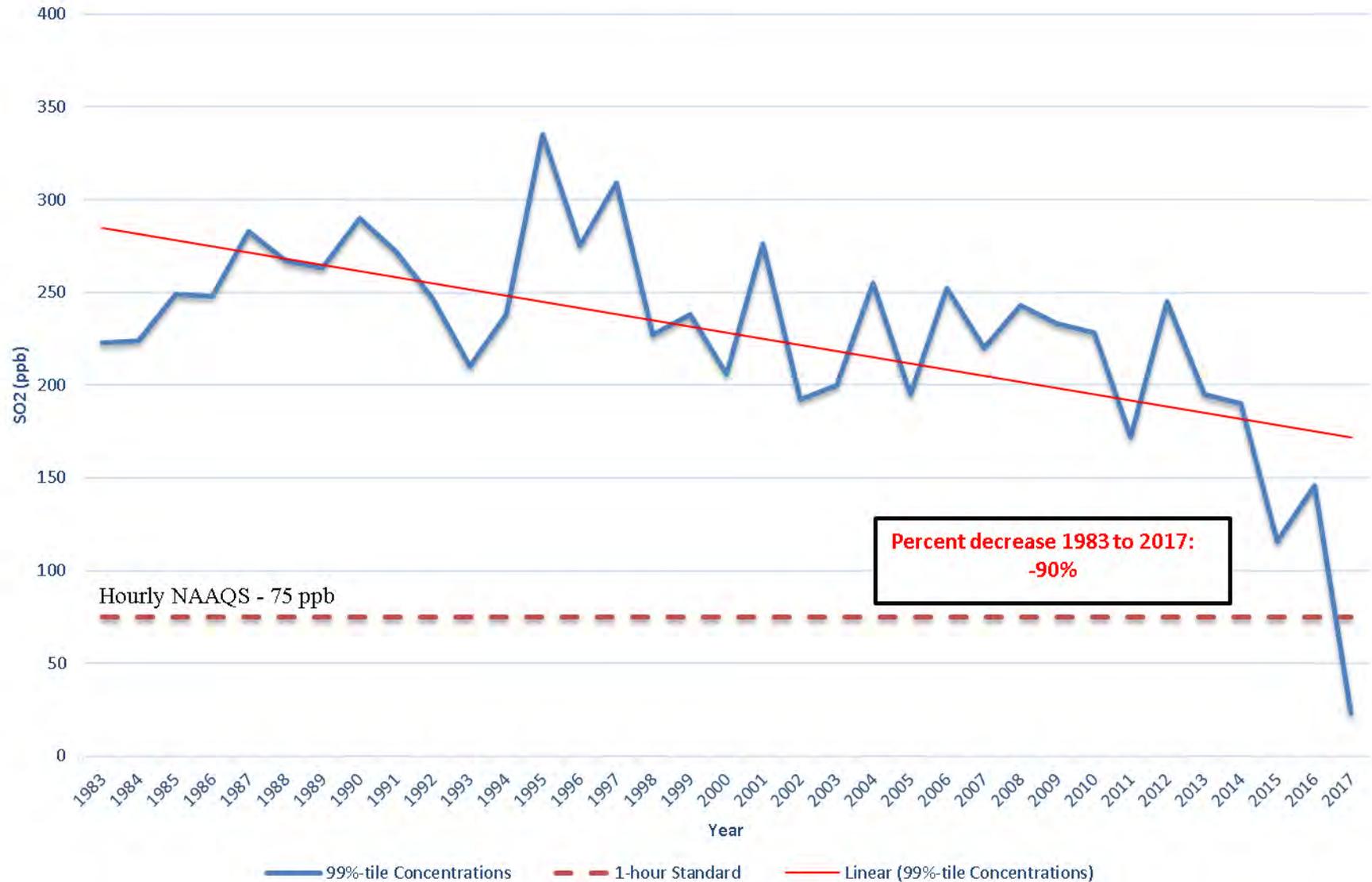
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

ATTACHMENT A
AIR QUALITY FIGURES

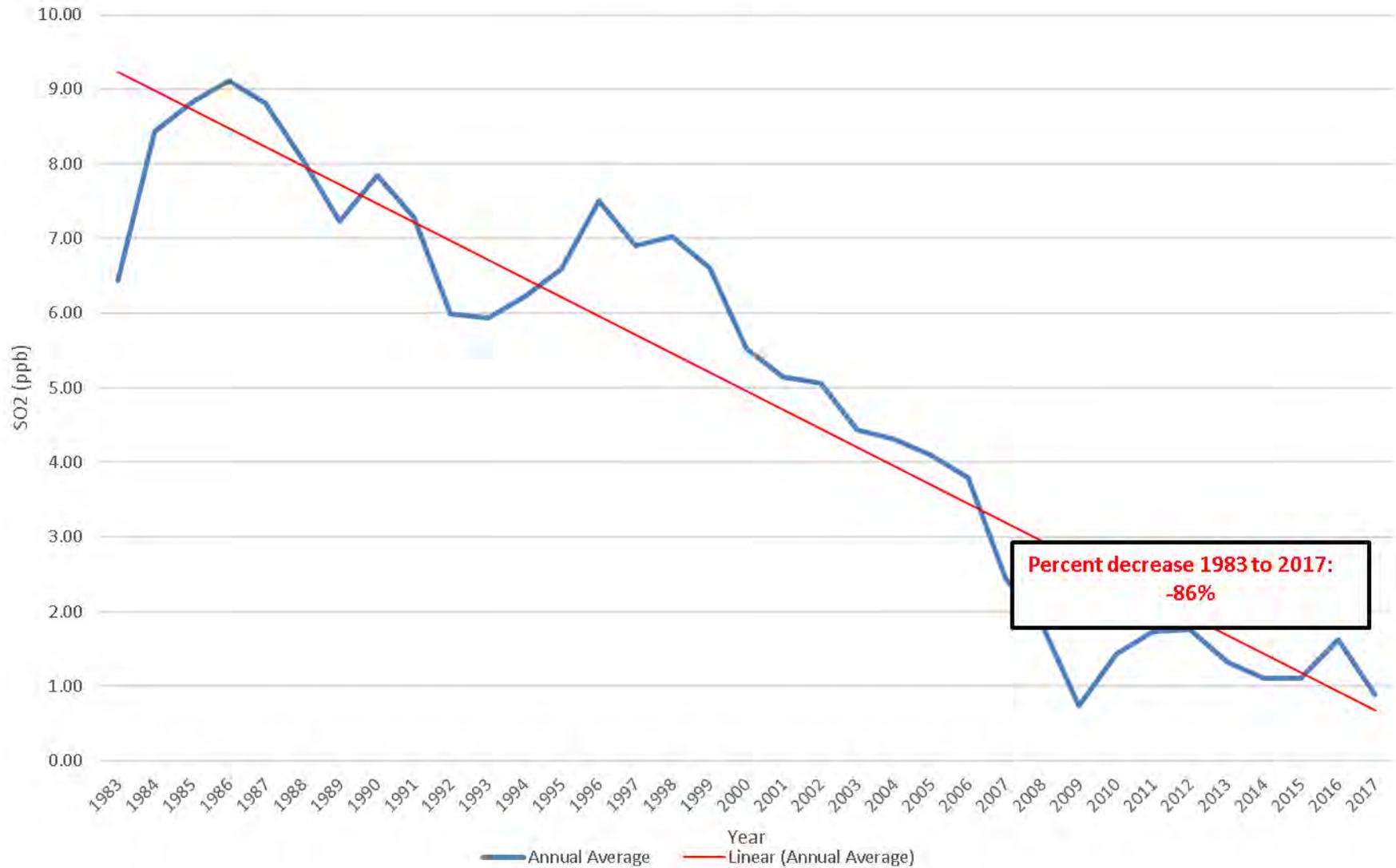
**Figure 1. Pekin SO2
Annual Averages
1983-2017**



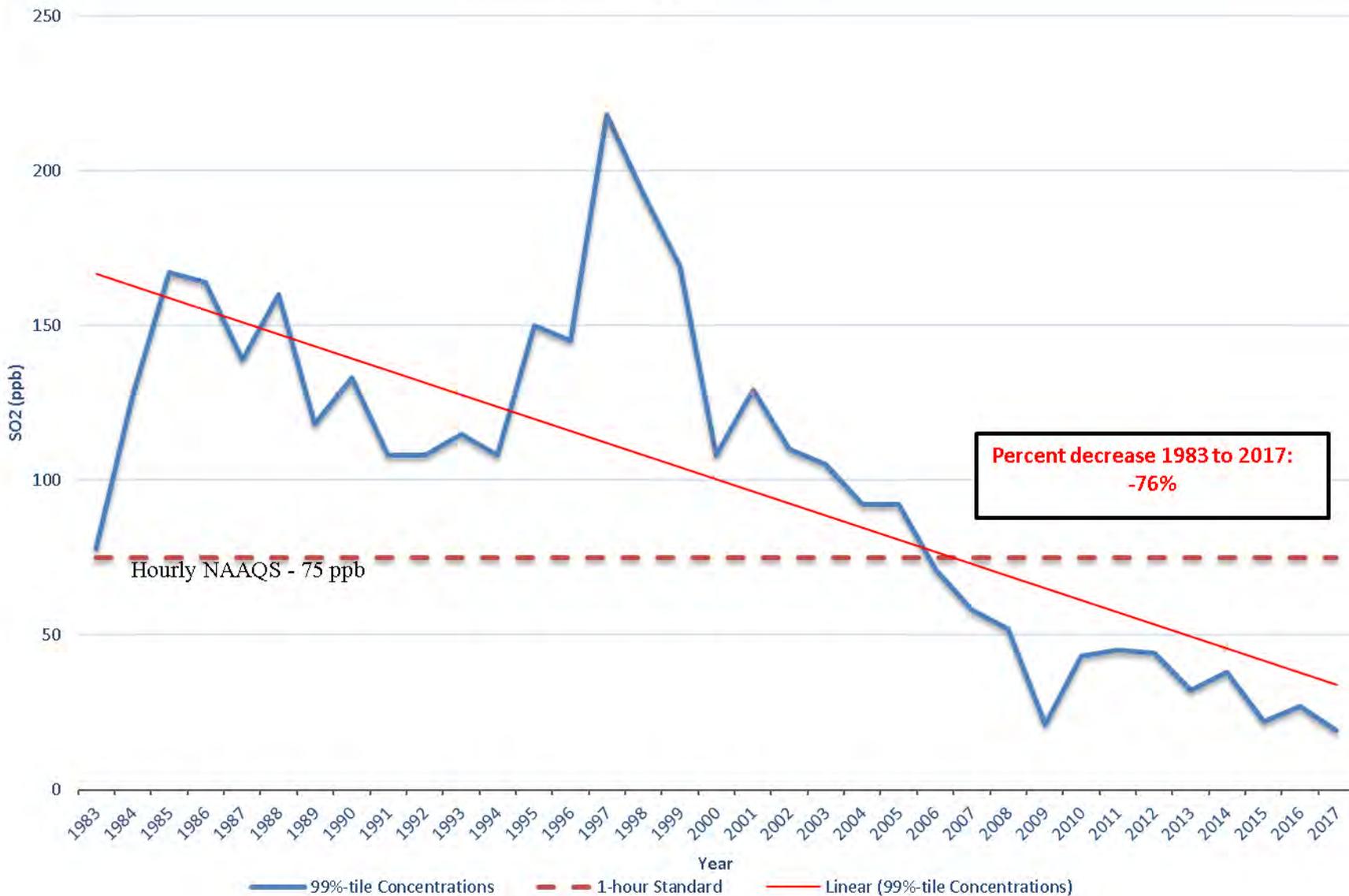
**Figure 2. Pekin SO2
99th-percentile Concentrations
1983-2017**



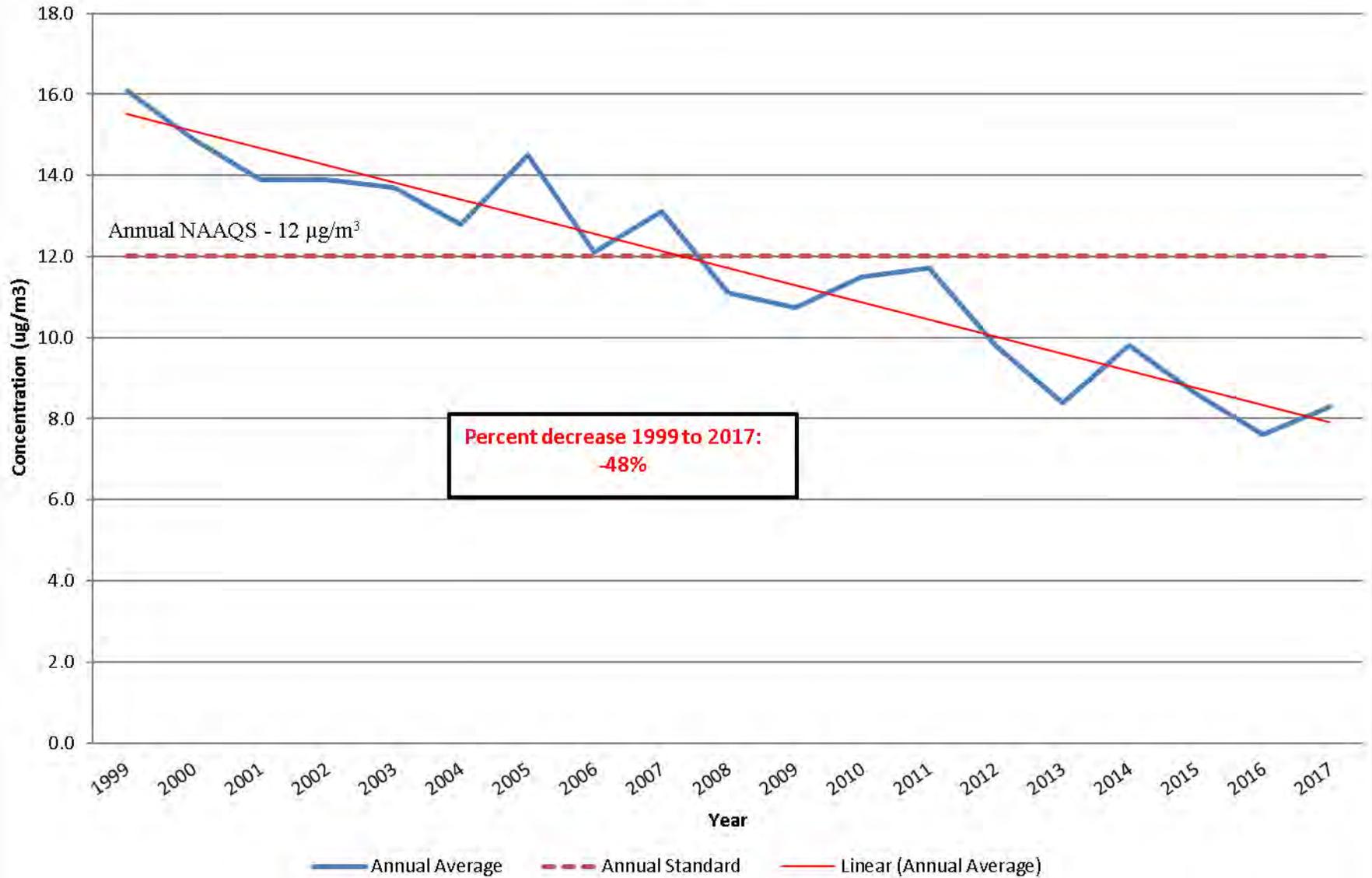
**Figure 3. Peoria SO2
Annual Averages
1983-2017**



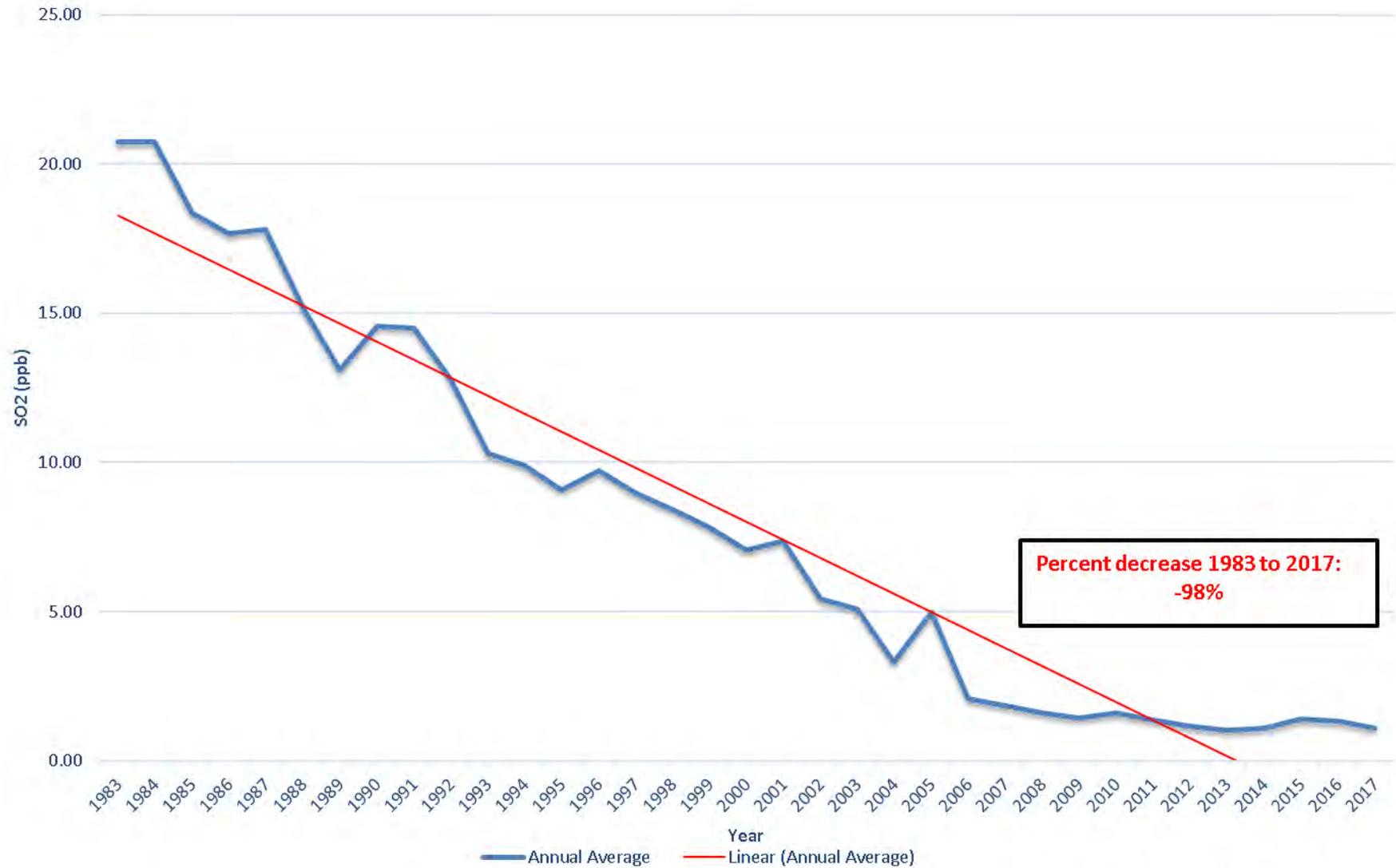
**Figure 4. Peoria SO2
99th-percentile Concentrations
1983-2017**



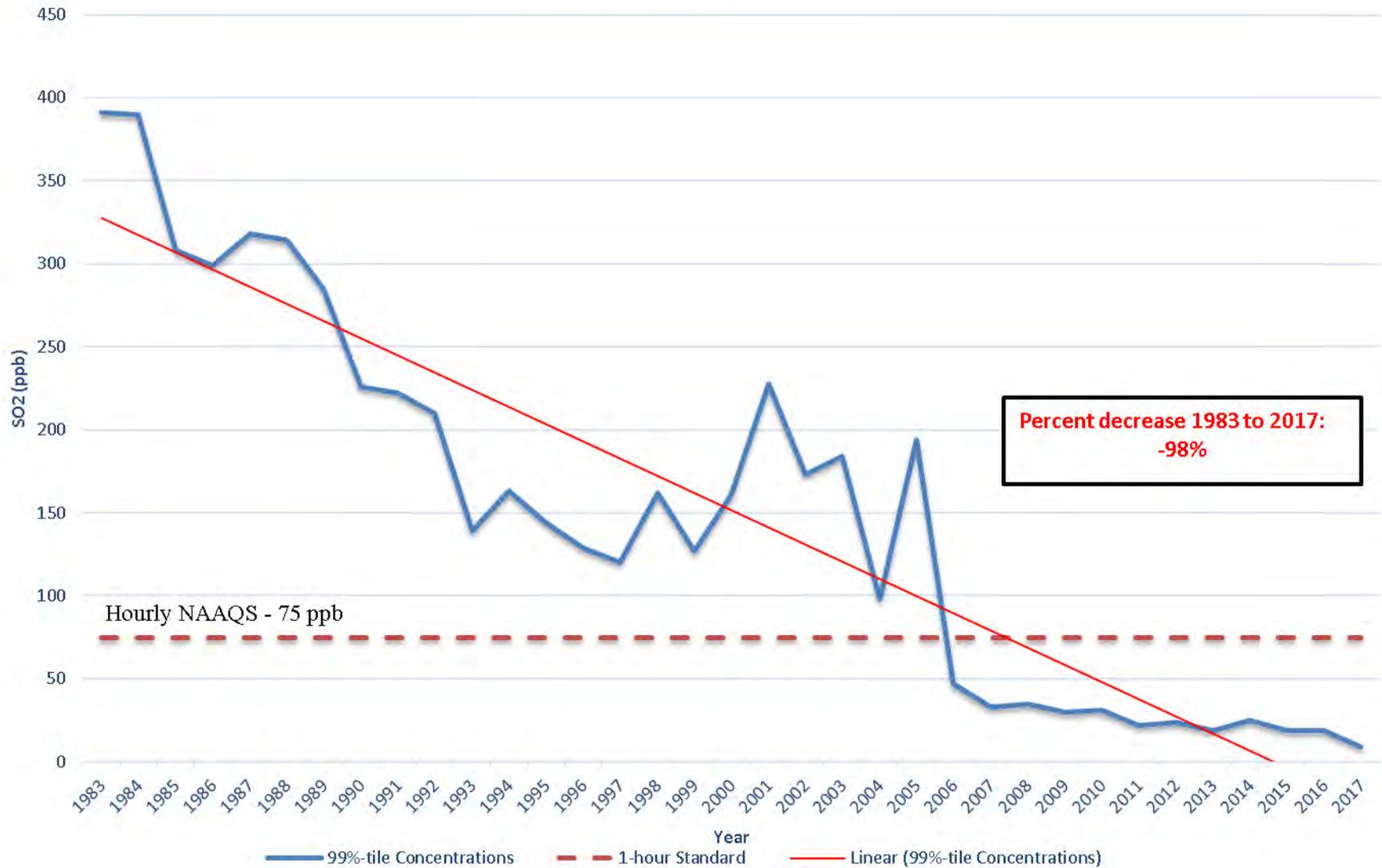
**Figure 5. Annual PM2.5 Averages
Peoria
1999-2017**



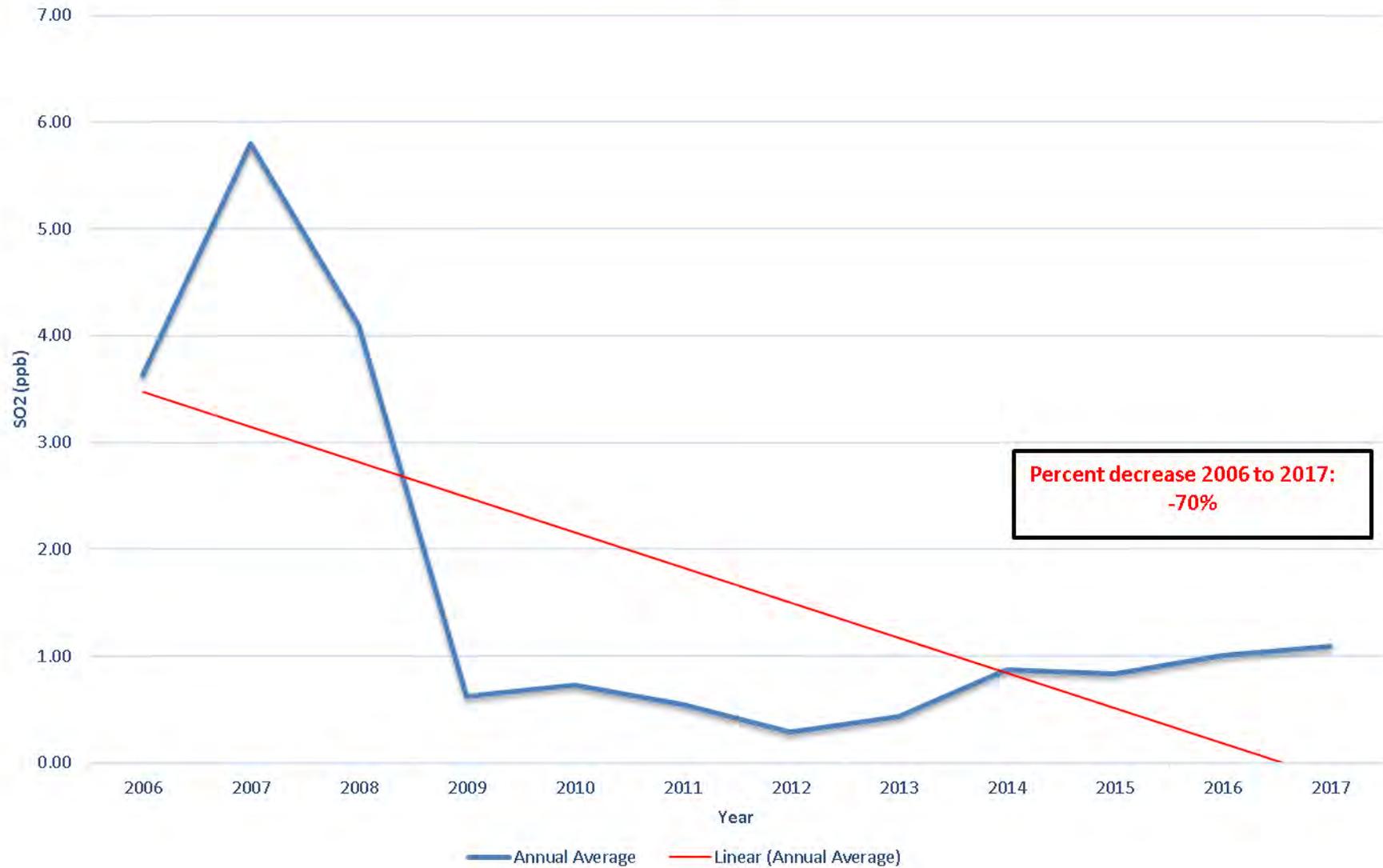
**Figure 6. East St. Louis SO2
Annual Averages
1983-2017**



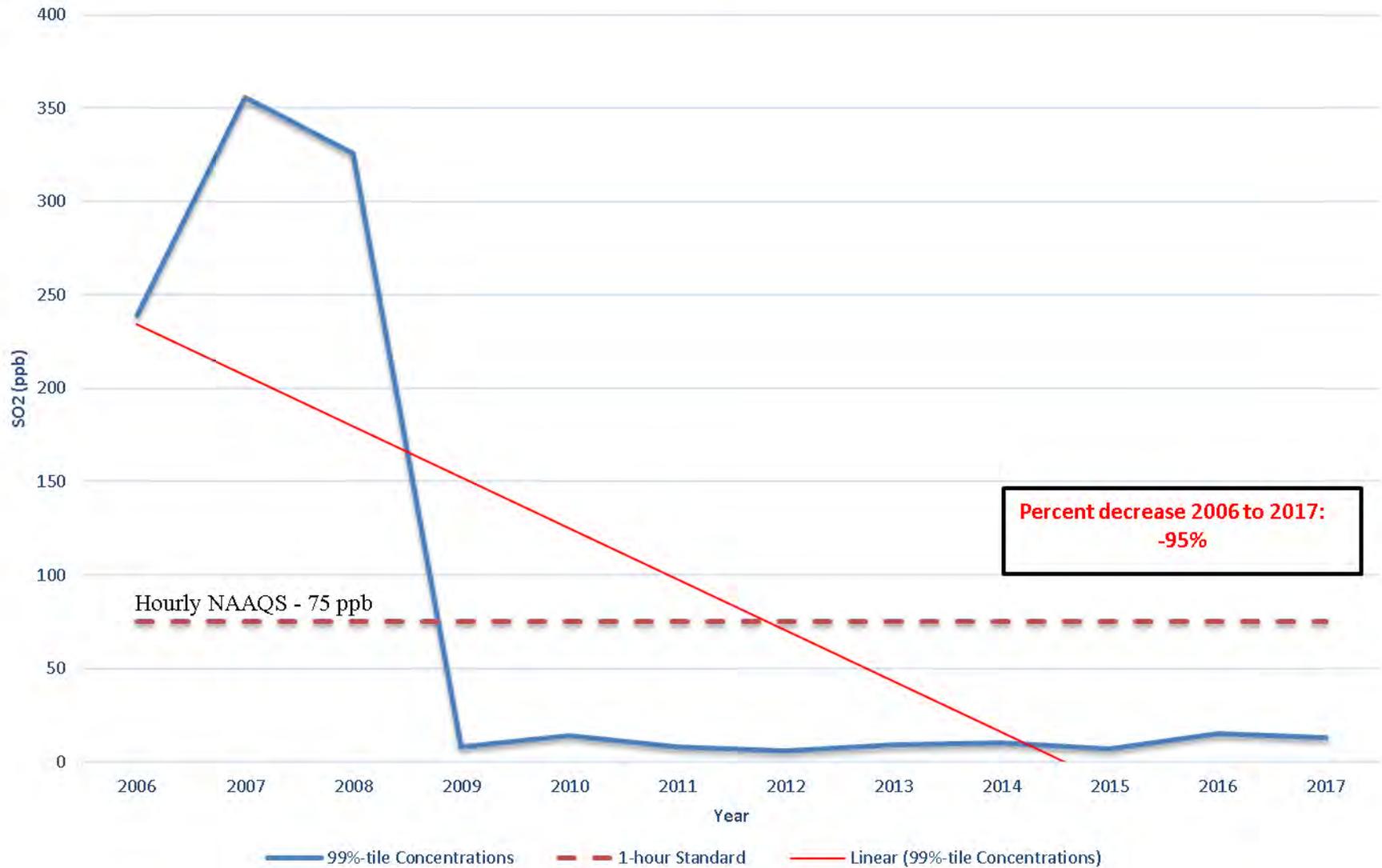
**Figure 7. East St. Louis SO2
99th-percentile Concentrations
1983-2017**



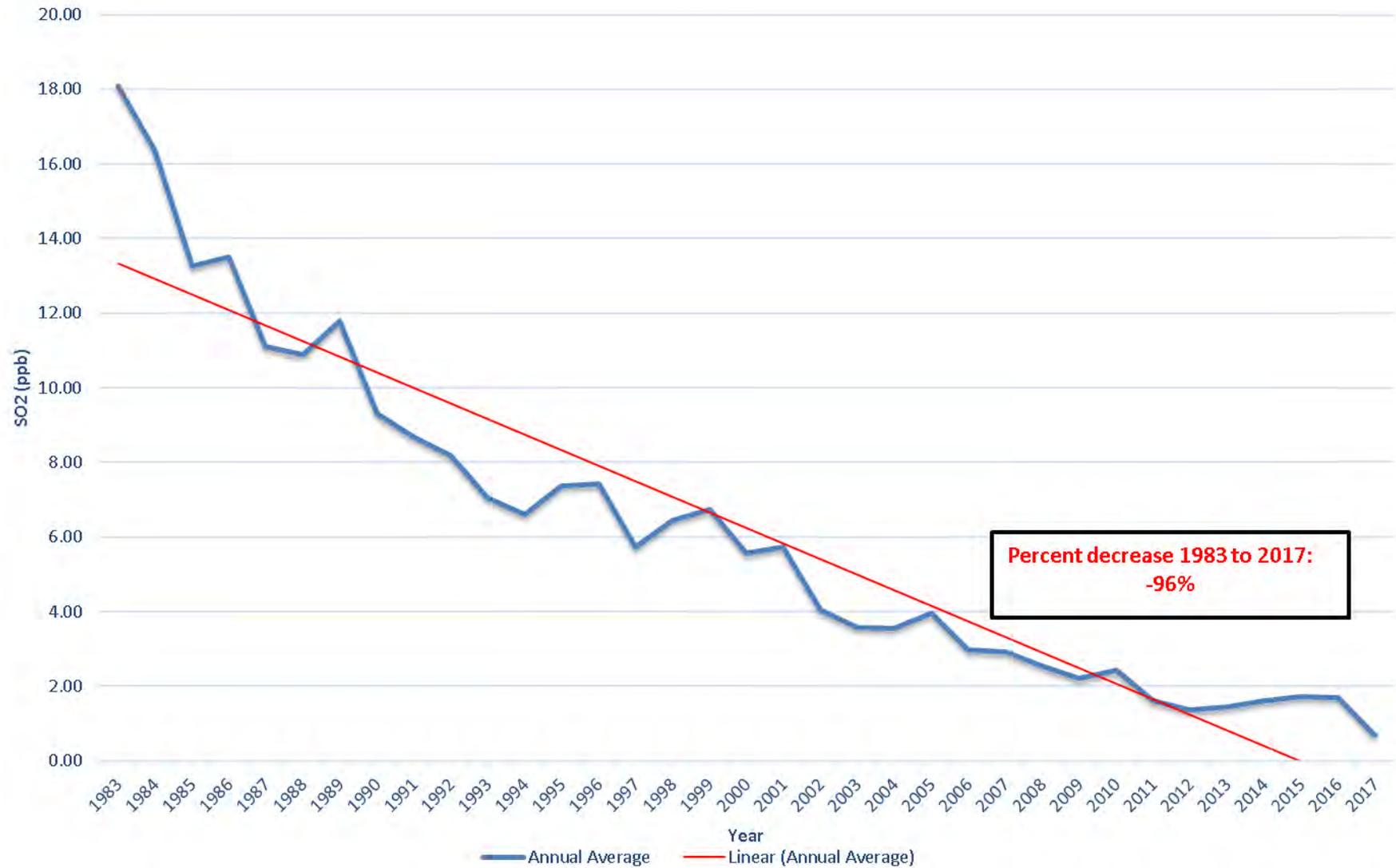
**Figure 8. Oglesby SO2
Annual Averages
2006-2017**



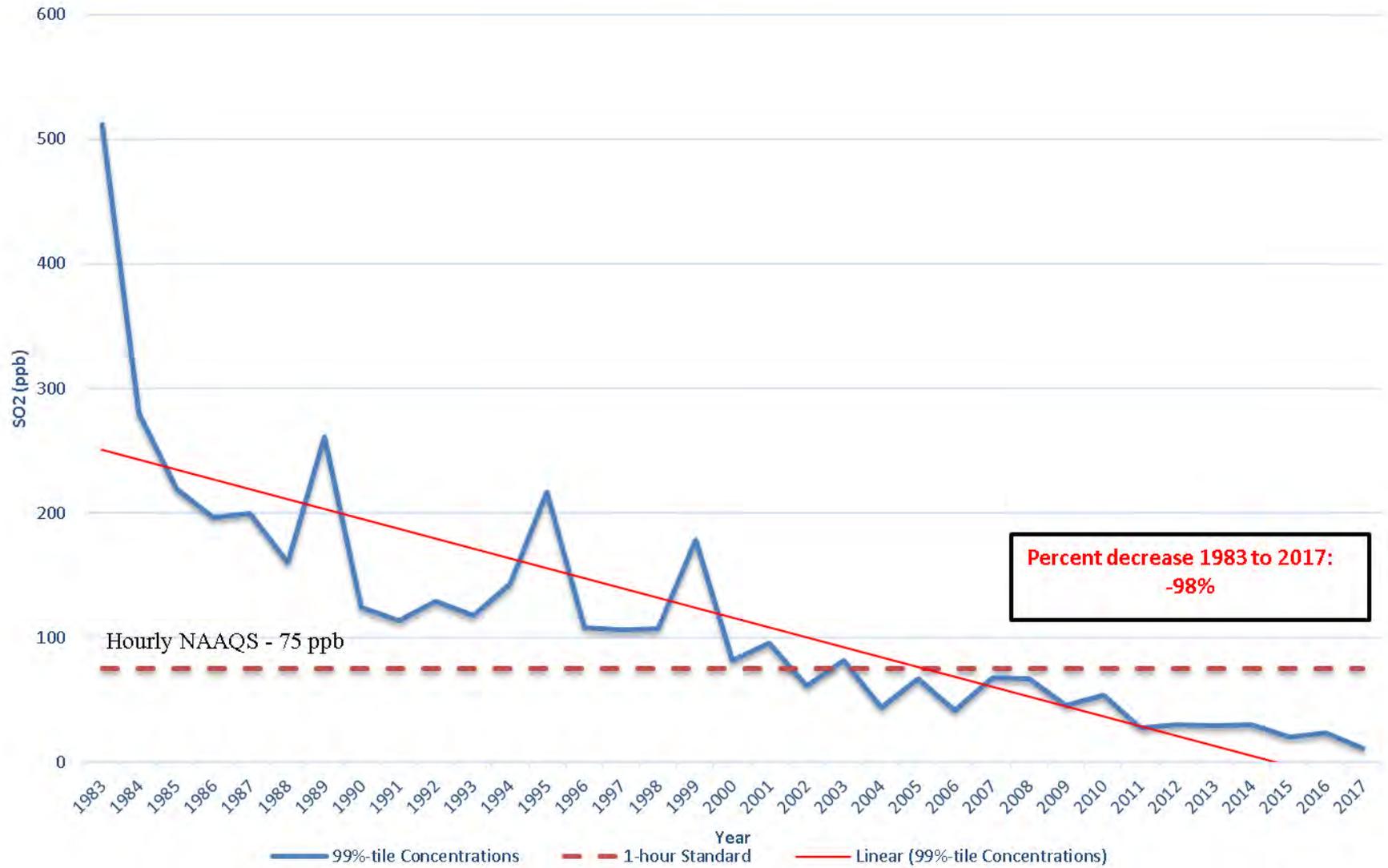
**Figure 9. Oglesby SO2
99-percentile Concentrations
2006-2017**



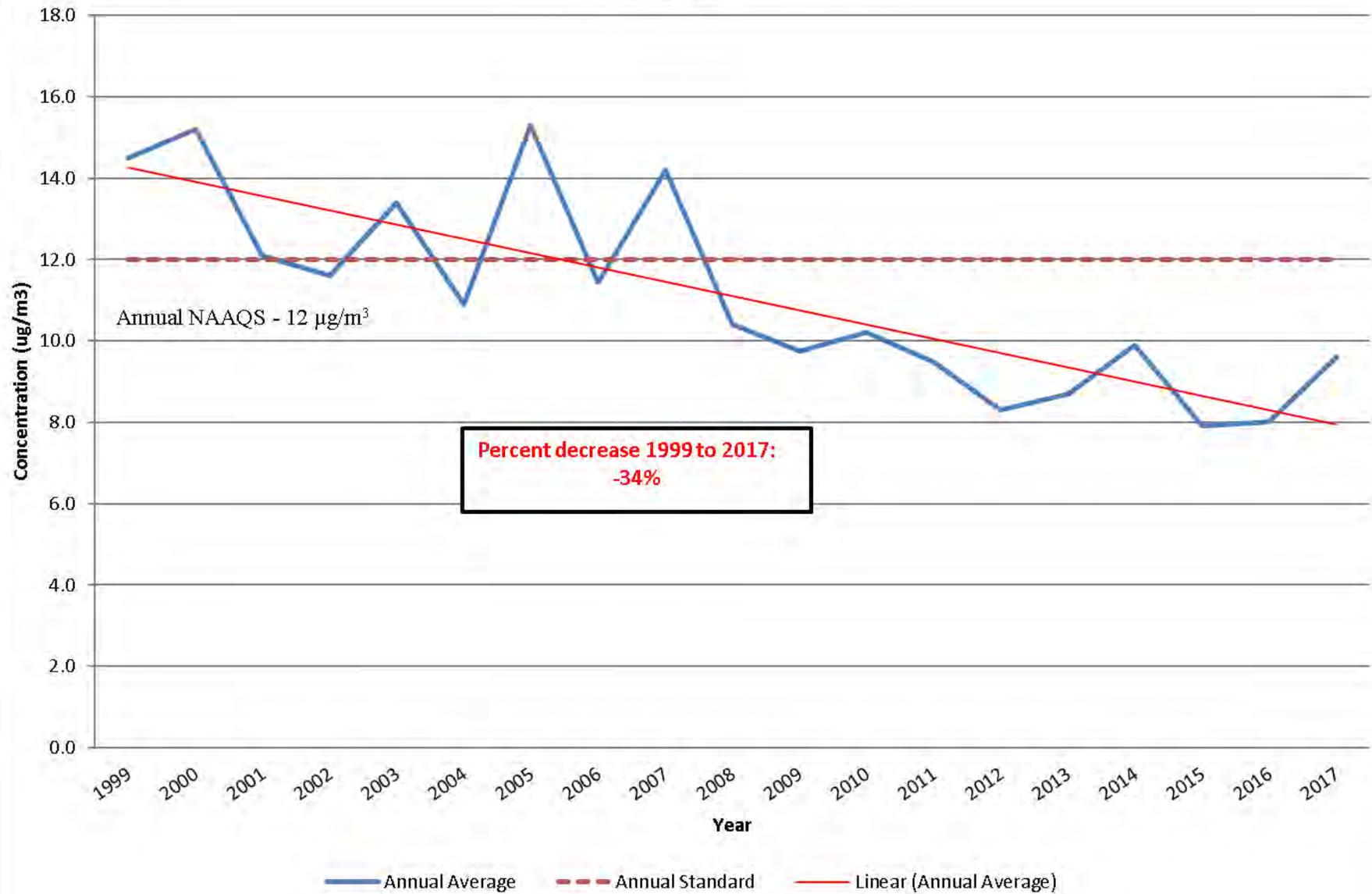
**Figure 10. Wood River SO2
Annual Averages
1983-2017**



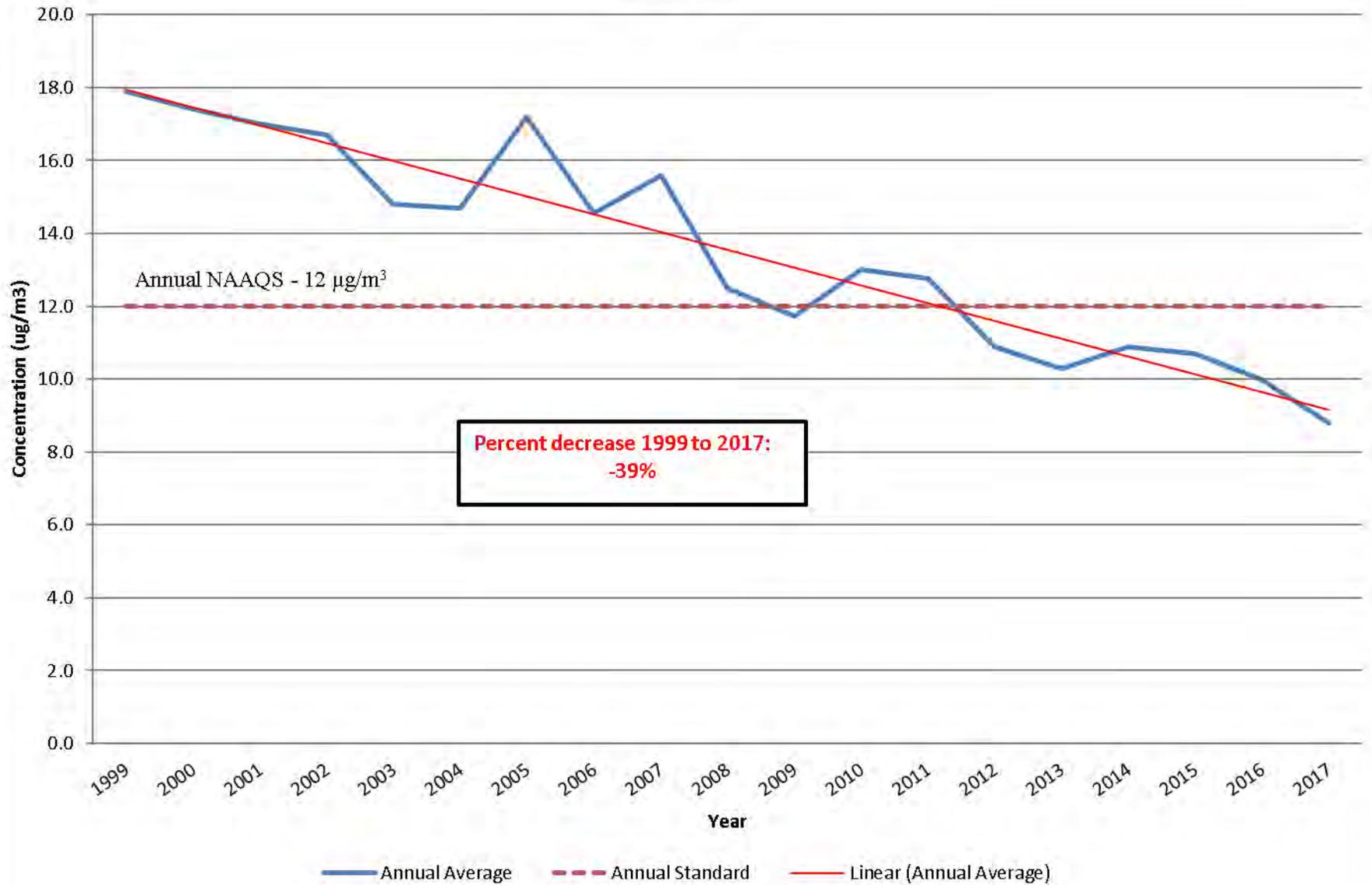
**Figure 11. Wood River SO2
99-percentile Concentrations
1983-2017**



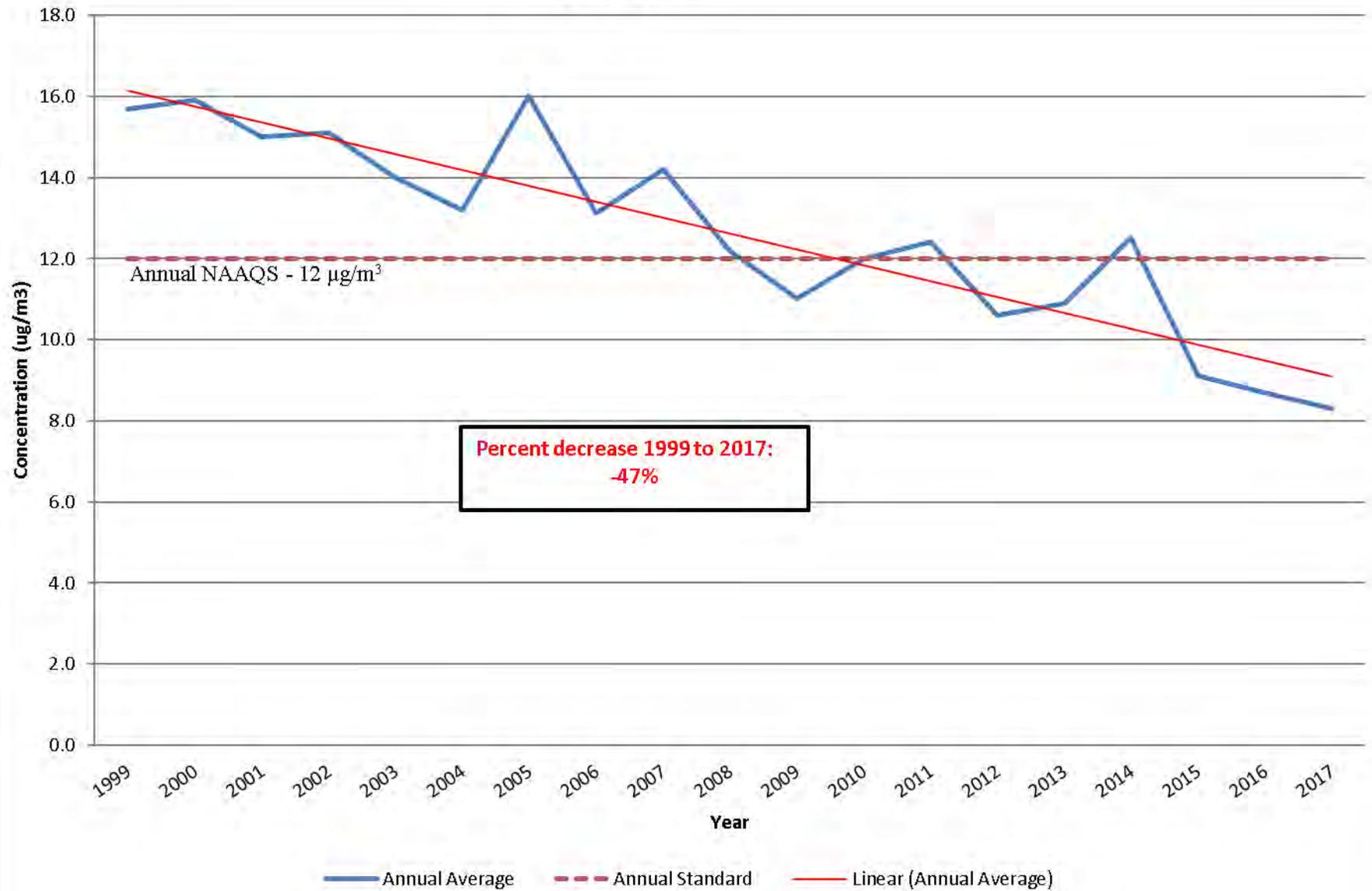
**Figure 12. Annual PM2.5 Averages
Houston
1999-2017**



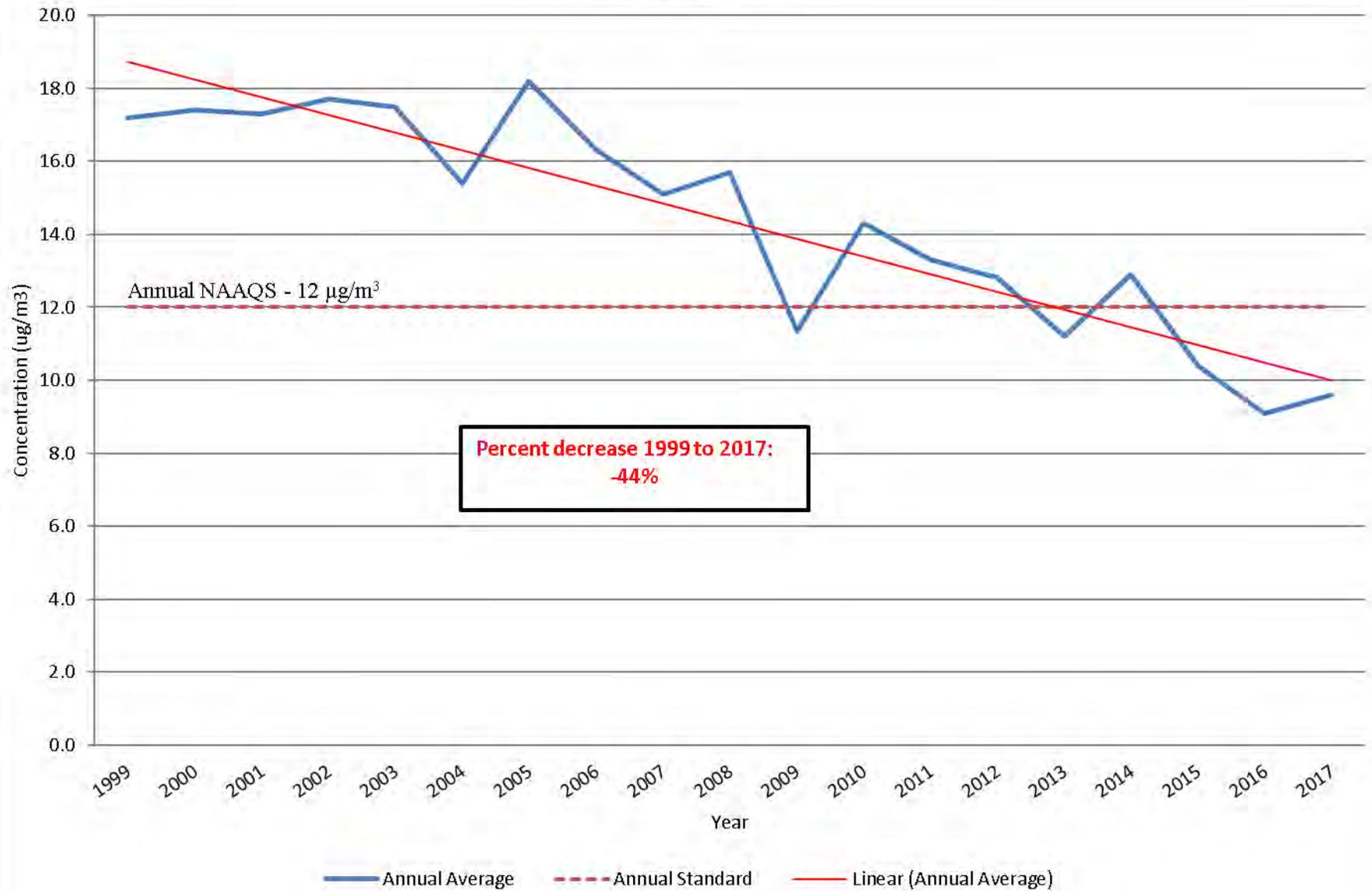
**Figure 13. Annual PM_{2.5} Averages
East St. Louis
1999-2017**



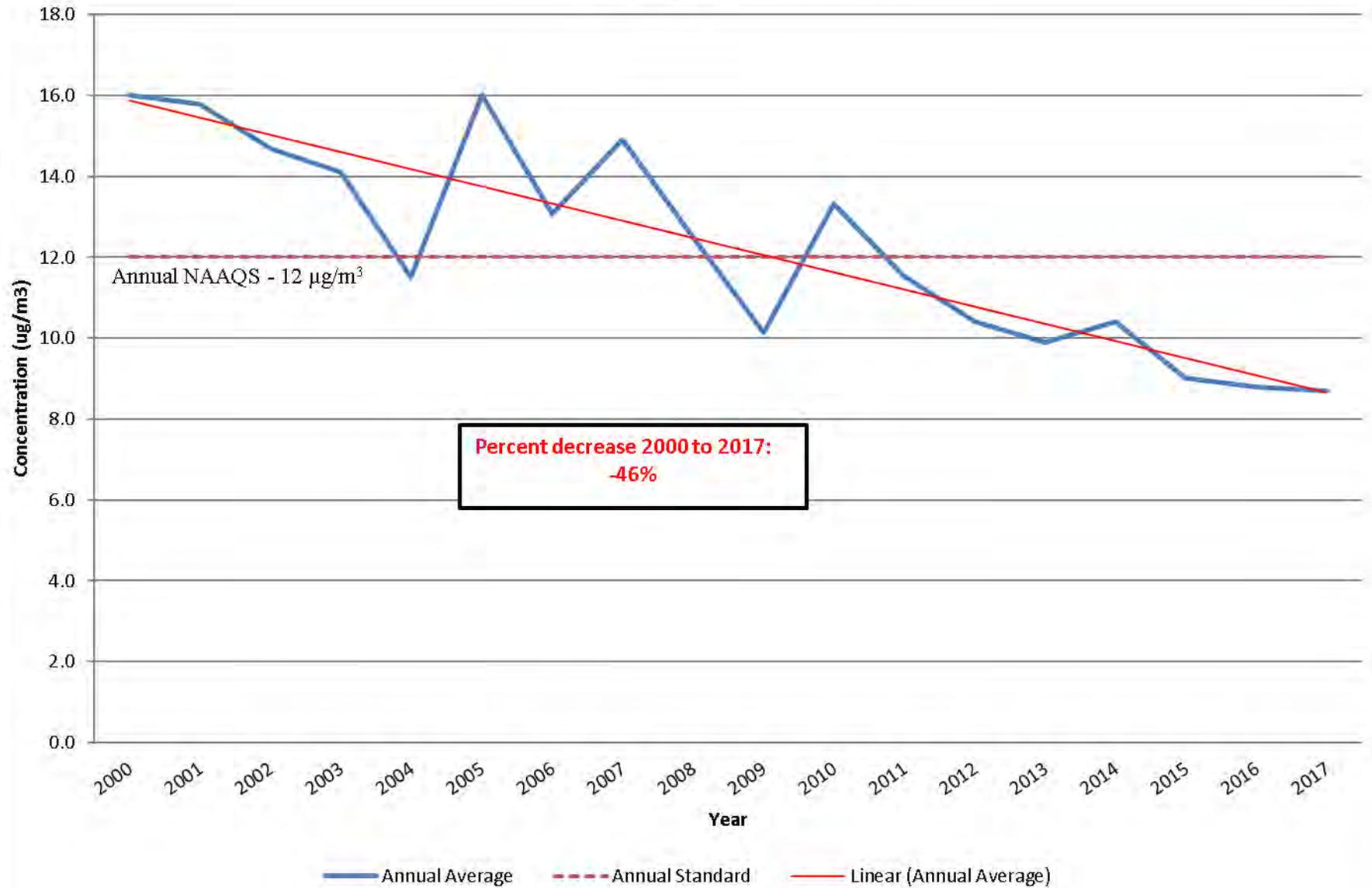
**Figure 14. Annual PM_{2.5} Averages
Wood River
1999-2017**



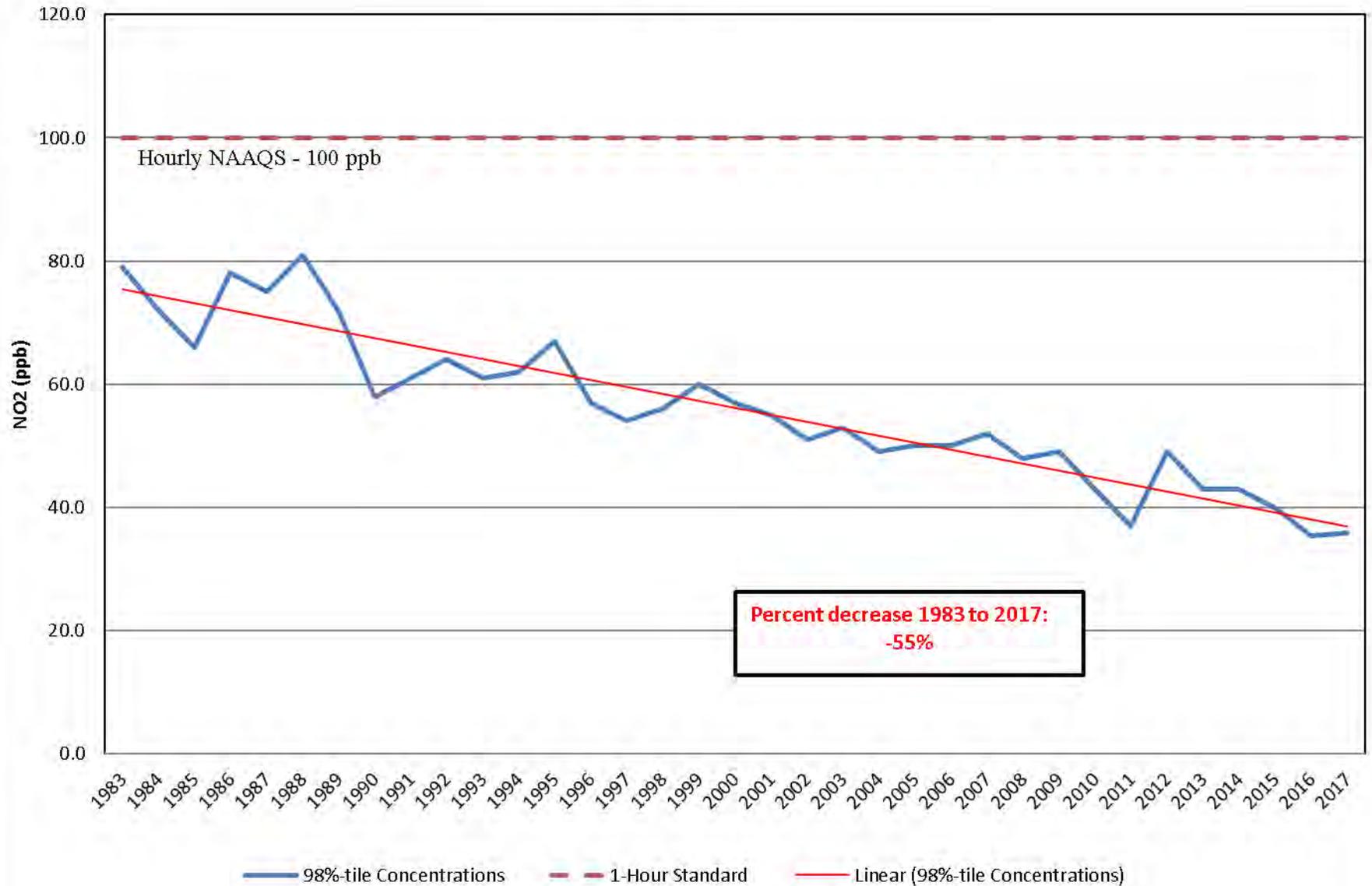
**Figure 15. Annual PM2.5 Averages
Granite City
1999-2017**



**Figure 16. Annual PM2.5 Averages
Alton
2000-2017**



**Figure 17. Nitrogen Dioxide 98 Percentile Trend
East St. Louis
1983-2017**



SERVICE LIST

Marie Tipsord
Mark Powell
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Suite 11-500
Chicago, IL 60601-3218
marie.tipsord@illinois.gov
mark.powell@illinois.gov

Eric Lohrenz
Office of General Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
eric.lohrenz@illinois.gov

Faith Bugel
Attorney at Law
1004 Mohawk
Wilmette, IL 60091
fbugel@gmail.com

James Gignac
Stephen Sylvester
Illinois Attorney General's Office
69 West Washington Street, 18th Floor
Chicago, IL 60602
jgignac@atg.state.il.us
ssylvester@atg.state.il.us

Matthew J. Dunn, Chief
Environmental Enforcement/Asbestos
Litigation Division
Illinois Attorney General's Office
500 S. Second St.
Springfield, IL 62706
mdunn@atg.state.il.us

Katherine D. Hodge
HeplerBroom LLC
4340 Acer Grove Drive
Springfield, IL 62711
katherine.hodge@heplerbroom.com

Andrew Armstrong
Illinois Attorney General's Office
500 S. Second St.
Springfield, IL 62706
aarmstrong@atg.state.il.us

Amy C. Antonioli
Joshua R. More
Ryan Granholm
Schiff Hardin LLP
233 S. Wacker Drive, Suite 7100
Chicago, IL 60606
aantonioli@schiffhardin.com
jmore@schiffhardin.com
rgranholm@schiffhardin.com

Greg Wannier
Staff Attorney, Sierra Club
2101 Webster St., Suite 1300
Oakland, CA 94612
greg.wannier@sierraclub.org

Katy Khayyat
Department of Commerce and
Economic Opportunity
Small Business Office
500 E. Monroe St.
Springfield, IL 62701
katy.khayyat@illinois.gov

Jean-Luc Kreitner
Environmental Law & Policy Center
35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
jkreitner@elpc.org