

Board Proposes Second First Notice Amendments to MPS Rule for Downstate Coal-Fired Power Plant Emissions

On October 4, 2018, the Board proposed amendments to the Multi-Pollutant Standard (MPS), a set of air pollution control rules (35 Ill. Adm. Code 225.233) that apply to eight downstate coal-fired power plants owned by subsidiaries of Vistra Energy Corp. This first notice proposal withdraws and replaces the Board's prior first notice proposal, in which the Board published Illinois Environmental Protection Agency (IEPA) amendments without substantive review. Like IEPA's original proposal, the Board's revised proposal combines the two existing MPS groups into one group; replaces the existing rate-based emission standards for sulfur dioxide (SO₂) and nitrogen oxides (NO_x) with annual mass-based limits; and requires reductions of the mass caps upon transfer of a power plant to a new owner.

The Board's revised proposal departs from IEPA's original one, however, by further reducing the annual mass caps (except for the ozone season NO_x limit, which remains the same). IEPA originally proposed annual mass-based caps for SO₂ at 55,000 tons per year (tpy) (later lowered to 49,000 tpy) and for NO_x at 25,000 tpy. The Board's second first notice rule lowers the proposed annual mass-based caps even further, to 44,920 tpy for SO₂ and 22,469 tpy for NO_x. The Board's proposal also requires reducing SO₂ and NO_x mass caps when units are retired or mothballed for an entire compliance period, not just transferred, as IEPA proposed.

The Board found a second first notice warranted to help ensure that all interested persons have notice of and an opportunity to weigh in on the extensive revisions the Board made to the original IEPA proposal published at first notice in November 2017.

This second first notice publication will be published in the *Illinois Register* and will begin a period of at least 45 days for interested persons to file public comments with the Board. The Board also anticipates holding an additional hearing in this proceeding.

The rulemaking is captioned [Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard \(MPS\)](#), docket R18-20. Here are links to the Board's October 4, 2018 [opinion and order](#) and [rule text](#). For more information, please contact Mark Powell at 312-814-3620 or Mark.Powell@Illinois.Gov.