

ILLINOIS POLLUTION CONTROL BOARD
October 4, 2018

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

NOTICE OF PREHEARING VIDEO AND TELECONFERENCE

October 22, 2018
2:00 p.m.
Videoconference
100 W. Randolph
Room 11-512
Chicago, Illinois

AND

1021 N. Grand Avenue East
Pollution Control Board Hearing Room
Springfield, Illinois

HEARING OFFICER ORDER

On October 4, 2018, the Board proposed its own revised amendments to the Multi-Pollutant Standard (MPS) based on the testimony and comments the Board received since first-notice publication. The Board found that a second first notice will maximize the opportunity for public comment. The Board anticipates holding one additional hearing in this proceeding. Therefore, in order to establish hearing locations and dates, potential deadlines for pre-filing of testimony and questions, all participants interested may attend a prehearing conference on October 22, 2018, at 2 p.m. The prehearing conference will also be used to address any procedural issues the participants raise. Participants may attend by going in person to the Board's Chicago or Springfield office or by calling 1-888-494-4032 and entering the pass code 7139237824#.

Additionally, the Board and staff have developed a series of questions for participants to direct their attention to when filing pre-filing testimony. The Board may have additional questions after pre-filed testimony is filed, which the Board will file consistent with hearing officer deadlines established for participants. Those questions are included as Attachment A to this order.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Marie E. Tipsord". The signature is written in a cursive style with a large, sweeping initial "M".

Marie E. Tipsord
Hearing Officer
Illinois Pollution Control Board
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-4925
Marie.Tipsord@illinois.gov

ATTACHMENT A
R18-20
AMENDMENTS TO 35 ILL. ADM. CODE 225.233, MULTI-POLLUTANT STANDARDS
(MPS)

A. Compliance Date for the Proposed Mass Limits.

1. A rule adopted by the Board is effective upon filing with the Secretary of State unless a later date is required by statute or specified by the Board. 5 ILCS 100/5-40(d). At second first notice, the Board has proposed the compliance date for the proposed mass-based limits and for combining MPS Groups as the beginning of calendar year 2019. *See* proposed revised MPS rule provisions at Sections 225.233 (e)(1)(C), (D) and (E). Please comment on whether the proposed date is acceptable, or should the Board adopt a delayed effective date of January 1 of the year following the year of the rule adoption for the proposed mass-based limits and for combining MPS Groups? If so, please propose and support a specific delayed effective date.

B. Adjustment of Proposed Mass-Based Caps.

2. Please comment on how IEPA would enforce the proposed revised MPS rule provisions at Sections 225.233(f), (g) and (h) that require adjustment of mass-based cap in case of:
 - a. Transfer of the MPS EGUs?
 - b. Permanent shutdown (retirement) of the MPS EGUs?
 - c. Temporary shutdown (mothballing) of the MPS EGUs?
3. Please comment on whether the adjustment of the mass-based MPS caps should take effect in a manner other than proposed in Sections 225.233(f), (g) and (h) in case of:
 - a. Transfer of the MPS EGUs?
 - b. Permanent shutdown (retirement) of the MPS EGUs?
 - c. Temporary shutdown (mothballing) of the MPS EGUs?
 - d. Please also comment on whether NO_x ozone season mass caps should be adjusted in the year in which an EGU is mothballed if it is mothballed for the entire NO_x ozone season as required in Sections 225.233(e)(1)(d) and (h)(1)?
4. Please comment on whether mass-based MPS caps adjustments should be pro-rated in a calendar year in which the EGU unit stops operating within the same MPS Group in case of:
 - a. Permanent shutdown (retirement) of the MPS EGUs to comply with Section 225.233(g)(1)?
 - b. Temporary shutdown (mothballing) of the MPS EGUs to comply with Section 225.233(h)(1)?
5. Please comment on which date the IEPA should consider a date of transfer and a date of permanent and temporary shutdown of an MPS EGU? Would the dates the owner/operator indicate in their written notifications required under Section 225.233(f)(3), (g)(3) and (h)(3) be proper dates? Please also comment on the following:
 - a. In case of discrepancy between the notification provided under Section 225.233(f)(3)(A) and (B), which date should control?

- b. Is there a conflict between Section 225.233(g)(1)(B) and (3)(D)? In case of discrepancy between dates provided under Section 225.233(g)(1)(B) and (3)(D), which date will control?
- 6. Please comment if there are limitations on how often and for how long an MPS EGU may be mothballed for.
- 7. Please comment on whether and how a mass caps should be adjusted for units retired and mothballed before the effective date of MPS revisions adopted in this rulemaking.