

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R15-21
PART 214, SULFUR LIMITATIONS, PART) (Rulemaking-Air)
217, NITROGEN OXIDES EMISSIONS,)
AND PART 225, CONTROL OF EMISSIONS)
FROM LARGE COMBUSTION SOURCES)

NOTICE

To: John Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601-3218

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the Illinois Environmental Protection Agency's Second Motion to Amend Rulemaking Proposal, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Dana Vetterhoffer
Assistant Counsel

DATED: July 7, 2015
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R15-21
PART 214, SULFUR LIMITATIONS, PART) (Rulemaking-Air)
217, NITROGEN OXIDES EMISSIONS,)
AND PART 225, CONTROL OF EMISSIONS)
FROM LARGE COMBUSTION SOURCES)

SECOND MOTION TO AMEND RULEMAKING PROPOSAL

The Proponent, the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500 and 102.402, moves that the Illinois Pollution Control Board (“Board”) amend portions of the Agency’s rulemaking proposal. The Agency’s proposed changes are based on the language set forth in its original proposal to the Board and the changes proposed in the Agency’s first Motion to Amend Rulemaking Proposal, filed with the Board on April 30, 2015. In support of this Motion, the Illinois EPA states as follows.

1. In response to the Board’s pre-filed questions, dated June 25, 2015, the Agency proposes amending Section 214.102 by deleting the reference to “60 F,” as it is unnecessary. The definition of “btu” in 35 Ill. Adm. Code 211 is adequate to define this term:

Section 214.102 Abbreviations and Units

a) The following abbreviations are used in this Part:

Btu or btu British thermal units ~~(60 F)~~

2. In response to stakeholder comments, the Agency proposes amending Sections 214.121(b)(2)(C)(i), 214.122(b)(2)(C)(i), 214.161(b)(3)(A), 214.161(c)(4)(A), 214.161(c)(4)(B), 214.161(c)(4)(C), 214.161(d)(2)(A), 214.161(d)(2)(B), 214.305(a)(3)(A), 214.305(b)(1), 214.305(c)(2)(A), 214.305(c)(2)(B), 214.305(d)(4)(A), 214.305(d)(4)(B), and 214.305(d)(4)(C),

to clarify that sources have some flexibility regarding the types of records they must maintain to demonstrate compliance with the fuel sulfur content limitations set forth in the Agency's proposal, as follows:

Section 214.121 Large Sources

This section applies to new fuel combustion emission sources with actual heat input greater than 73.2 MW (250 mmBtu/hr).

.....

b) Liquid Fuel Burned Exclusively.

.....

2) On and after January 1, 2017, the owner or operator of a new fuel combustion emission source with actual heat input greater than 73.2 MW (250 mmBtu/hr), burning liquid fuel exclusively, must comply with the following:

- A) The sulfur content of all residual fuel oil used by the fuel combustion emission source must not exceed 1000 ppm;
- B) The sulfur content of all distillate fuel oil used by the fuel combustion emission source must not exceed 15 ppm; and
- C) The owner or operator must:
 - i) Maintain records demonstrating that the fuel oil used by the fuel combustion emission source complies with the requirements in subsections (b)(2)(A) and (b)(2)(B) of this Section, ~~such as including~~ records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;
 - ii) Retain the records for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
 - iii) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (b)(2). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the

deviations, any corrective actions taken, and any preventative measures taken.

Section 214.122 Small Sources

This section applies to new fuel combustion emission sources with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hr).

.....
b) Liquid Fuel Burned Exclusively.
.....

2) On and after January 1, 2017, the owner or operator of a new fuel combustion emission source with actual heat input smaller than, or equal to, 73.2 MW (250 mmBtu/hr), burning liquid fuel exclusively, must comply with the following:

A) The sulfur content of all residual fuel oil used by the fuel combustion emission source must not exceed 1000 ppm;

B) The sulfur content of all distillate fuel oil used by the fuel combustion emission source must not exceed 15 ppm; and

C) The owner or operator must:

i) Maintain records demonstrating that the fuel oil used by the fuel combustion emission source complies with the requirements in subsections (b)(2)(A) and (b)(2)(B) of this Section, such as including records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;

ii) Retain the records for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and

iii) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (b)(2). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.

Section 214.161 Liquid Fuel Burned Exclusively

-
- b) Except as provided in subsections (c) and (d) of this Section, on and after January 1, 2017, the owner or operator of an existing fuel combustion emission source, burning liquid fuel exclusively, must comply with the following:
 - 1) The sulfur content of all residual fuel oil used by the fuel combustion emission source must not exceed 1000 ppm;
 - 2) The sulfur content of all distillate fuel oil used by the fuel combustion emission source must not exceed 15 ppm; and
 - 3) The owner or operator must:
 - A) Maintain records demonstrating that the fuel oil used by the fuel combustion emission source complies with the requirements in subsections (b)(1) and (b)(2) of this Section, such as including records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;
 - B) Retain the records for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
 - C) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (b). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.

 - c) The sulfur content limitation for distillate fuel oil in subsection (b)(2) of this Section does not apply to existing electric generating units at Midwest Generation's Joliet station (located at or near 1800 Channahon Road, Joliet, IL), Powerton station (located at or near 13082 E. Manito Road, Pekin, IL), Waukegan station (located at or near 401 East Greenwood Avenue, Waukegan, IL), and Will County station (located at or near 529 East 135th, Romeoville, IL). The owner or operator of such electric generating units must instead comply with the following:
 - 1) From January 1, 2016, through December 31, 2018, the sulfur content of all distillate fuel oil purchased for use by such electric generating units must not exceed 15 ppm;

- 2) From January 1, 2017, through December 31, 2018, the sulfur content of all distillate fuel oil used by such electric generating units must not exceed 500 ppm;
- 3) On and after January 1, 2019, the sulfur content of all distillate fuel oil used by such electric generating units must not exceed 15 ppm;
- 4) The owner or operator must:
 - A) Maintain records demonstrating that the distillate fuel oil purchased from January 1, 2016, through December 31, 2018, for use by the electric generating units complies with the requirements in subsection (c)(1) of this Section, such as including the date of purchase and records from the fuel supplier indicating the sulfur content of the fuel oil, and maintain records indicating the date of purchase of the fuel oil and the method used to determine sulfur content;
 - B) Maintain records demonstrating that the distillate fuel oil used from January 1, 2017, through December 31, 2018, by the electric generating units complies with the requirements in subsection (c)(2) of this Section, such as including records from the fuel supplier indicating the sulfur content of the fuel oil and the method used to determine sulfur content;
 - C) On and after January 1, 2019, maintain records demonstrating that the distillate fuel oil used by the electric generating units complies with the requirements in subsection (c)(3) of this Section, such as including records from the fuel supplier indicating the sulfur content of the fuel oil and the method used to determine sulfur content;
 - D) Retain all records required by this subsection (c) for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
 - E) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (c). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.
- d) The sulfur content limitation for distillate fuel oil in subsection (b)(2) of this Section does not apply to existing fuel combustion emission sources at Caterpillar's Montgomery facility (located at or near 325 South Route 31,

Montgomery, IL). The owner or operator of such fuel combustion emission sources must instead comply with the following:

- 1) On and after January 1, 2016:
 - A) The sulfur content of all distillate fuel oil purchased for use by the fuel combustion emission sources must not exceed 15 ppm; and
 - B) The sulfur content of all distillate fuel oil used by the fuel combustion emission sources must not exceed 500 ppm;
- 2) The owner or operator must:
 - A) Maintain records demonstrating that the distillate fuel oil purchased on and after January 1, 2016, for use by the fuel combustion emission sources complies with the requirements in subsection (d)(1)(A) of this Section, ~~such as including the date of purchase and~~ records from the fuel supplier indicating the sulfur content of the fuel oil, and maintain records indicating the date of purchase of the fuel oil ~~and the method used to determine sulfur content~~;
 - B) Maintain records demonstrating that the distillate fuel oil used on and after January 1, 2016, by the fuel combustion emission sources complies with the requirements in subsection (d)(1)(B) of this Section, ~~such as including~~ records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;
 - C) Retain all records required by this subsection (d) for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
 - D) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (d). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.

Section 214.305 Fuel Sulfur Content Limitations

- a) Except as provided in subsections (b), (c), and (d) of this Section, on and after January 1, 2017, the owner or operator of a process emission source must comply with the following:

- 1) The sulfur content of all residual fuel oil used by the process emission source must not exceed 1000 ppm;
 - 2) The sulfur content of all distillate fuel oil used by the process emission source must not exceed 15 ppm; and
 - 3) The owner or operator must:
 - A) Maintain records demonstrating that the fuel oil used by the process emission source complies with the requirements in subsections (a)(1) and (a)(2) of this Section, such as including records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;
 - B) Retain the records for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
 - C) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (a). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.
- b) The sulfur content limitation for distillate fuel oil in subsection (a)(2) of this Section does not apply to distillate fuel oil used by “TC-F/TC-L/TCL Wing 5” and “TC-F/TC-L Alternative” at Caterpillar Inc. Technical Center (located at or near 1311 East Cedar Hills Dr., Mossville, IL) for purposes of research and development or testing of equipment intended for sale outside of Illinois. This exemption is limited to a combined total of 150,000 gallons of distillate fuel oil per calendar year. The sulfur content of such fuel oil must not exceed 500 ppm. The owner or operator of the process emission sources described above must also comply with the following:
- 1) Maintain records indicating the amount of distillate fuel oil used by the process emission sources each calendar year for purposes of research and development or testing of equipment for sale outside of Illinois, as well as records demonstrating that such fuel oil complies with the requirements in this subsection, such as including records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;
 - 2) Retain the records for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and

- 3) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (b). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.
- c) The sulfur content limitation for distillate fuel oil in subsection (a)(2) of this Section does not apply to existing process emission sources at Caterpillar's Montgomery facility (located at or near 325 South Route 31, Montgomery, IL). The owner or operator of such process emission sources must instead comply with the following:
- 1) On and after January 1, 2016:
 - A) The sulfur content of all distillate fuel oil purchased for use by the process emission sources must not exceed 15 ppm; and
 - B) The sulfur content of all distillate fuel oil used by the process emission sources must not exceed 500 ppm;
 - 2) The owner or operator must:
 - A) Maintain records demonstrating that the distillate fuel oil purchased on and after January 1, 2016, for use by the process emission sources complies with the requirements in subsection (c)(1)(A) of this Section, such as including the date of purchase and records from the fuel supplier indicating the sulfur content of the fuel oil, and maintain records indicating the date of purchase of the fuel oil and the method used to determine sulfur content;
 - B) Maintain records demonstrating that the distillate fuel oil used on and after January 1, 2016, by the process emission sources complies with the requirements in subsection (c)(1)(B) of this Section, such as including records from the fuel supplier indicating the sulfur content of the fuel oil and the method used to determine sulfur content;
 - C) Retain all records required by this subsection (c) for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
 - D) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (c). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the

possible cause of the deviations, any corrective actions taken, and any preventative measures taken.

- d) The sulfur content limitation for distillate fuel oil in subsection (a)(2) of this Section does not apply to existing electric generating units at Midwest Generation's Fisk station (located at or near 1111 W. Cermak Road, Chicago, IL) or Waukegan station (located at or near 401 East Greenwood Avenue, Waukegan, IL). The owner or operator of such electric generating units must instead comply with the following:
- 1) From January 1, 2016, through December 31, 2018, the sulfur content of all distillate fuel oil purchased for use by such electric generating units must not exceed 15 ppm;
 - 2) From January 1, 2017, through December 31, 2018, the sulfur content of all distillate fuel oil used by such electric generating units must not exceed 500 ppm;
 - 3) On and after January 1, 2019, the sulfur content of all distillate fuel oil used by such electric generating units must not exceed 15 ppm;
 - 4) The owner or operator must:
 - A) Maintain records demonstrating that the distillate fuel oil purchased from January 1, 2016, through December 31, 2018, for use by the electric generating units complies with the requirements in subsection (d)(1) of this Section, ~~such as including the date of purchase and~~ records from the fuel supplier indicating the sulfur content of the fuel oil, and maintain records indicating the date of purchase of the fuel oil ~~and the method used to determine sulfur content~~;
 - B) Maintain records demonstrating that the distillate fuel oil used from January 1, 2017, through December 31, 2018, by the electric generating units complies with the requirements in subsection (d)(2) of this Section, ~~such as including~~ records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;
 - C) On and after January 1, 2019, maintain records demonstrating that the distillate fuel oil used by the electric generating units complies with the requirements in subsection (d)(3) of this Section, ~~such as including~~ records from the fuel supplier indicating the sulfur content of the fuel oil ~~and the method used to determine sulfur content~~;

- D) Retain all records required by this subsection (d) for at least 5 years, and provide copies of the records to the Agency within 30 days of receipt of a request by the Agency; and
- E) Notify the Agency within 30 days after discovery of deviations from any of the requirements in this subsection (d). At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations, a discussion of the possible cause of the deviations, any corrective actions taken, and any preventative measures taken.

3. In response to the Board's pre-filed questions, the Agency proposes amending Sections 214.162 and 214.421 to correct an error in the metric version of the proposed limit, as follows:

Section 214.162 Combination of Fuels

.....

d) Metric or English units may be used in the equation of subsection (a) as follows:

Parameter	Metric	English
E	kg/hr	lbs/hr
S _S , S _R	kg/MW-hr	lbs/mmBtu
S _d prior to January 1, 2017	0.46 kg/MW-hr	0.3 lbs/mmBtu
S _d on and after January 1, 2017	0.0023 kg/MW-hr	0.0015 lb/mmBtu
H _S , H _d , H _R	MW	mmBtu/hr

Section 214.421 Combination of Fuels at Steel Mills in Metropolitan Areas

.....

d) Metric or English units may be used in the equation of subsection (a) as follows:

Parameter	Metric	English
E	kg/hr	lbs/hr
S _S , S _R , S _G	kg/MW-hr	lbs/mmBtu
S _d prior to January 1, 2017	0.46 kg/MW-hr	0.3 lbs/mmBtu
S _d on and after	0.0023 kg/MW-hr	0.0015 lb/mmBtu

January 1, 2017
H_S, H_d, H_R, H_G

MW

mmBtu/hr

4. In response to stakeholder comments, the Agency proposes amending Section 214.301 to clarify that sources must comply with the emission limitation on a dry basis, that sources without a sulfur dioxide (“SO₂”) continuous emissions monitoring system (“CEMS”) must demonstrate compliance using performance testing in compliance with 35 Ill. Adm. Code 283, and that sources with an SO₂ CEMS must comply with the limitation when averaged over a one-hour period. CEMS measure sources’ emissions continuously and thus provide a more accurate and timely view of the compliance status of sources that are typically of greater concern.

The Agency does not intend the stack testing language proposed below to require that sources conduct performance tests in addition to those already required by other applicable provisions:

Section 214.301 General Limitation

Except as further provided by this Part, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to exceed 2000 ppm on a dry basis. Sources without a sulfur dioxide continuous emissions monitoring system must demonstrate compliance, as required, using performance testing in compliance with the requirements set forth in 35 Ill. Adm. Code 283. Sources with a sulfur dioxide continuous emissions monitoring system must demonstrate compliance with the emission limitation above, when averaged over a one-hour period.

5. In response to the Board’s pre-filed questions, the Agency proposes amending Section 214.605 to specify that the notification required in subsection (e) must include a description of any exceedances of the applicable emission limitations in Section 214.603, and a discussion of the possible cause of any exceedances:

Section 214.605 Recordkeeping and Reporting

-
- e) The owner or operator of a source must notify the Agency within 30 days after discovery of deviations from any of the requirements in this Subpart or any exceedance of an applicable emission limitation in Section 214.603 of this Subpart. At minimum, and in addition to any permitting obligations, such notification must include a description of the deviations or exceedances, a discussion of the possible cause of the deviations or exceedances, any corrective actions taken, and any preventative measures taken.

6. In response to the Board's pre-filed questions, the Agency proposes amending Section 225.292 to change "including" to "such as" for purposes of consistency with Section 225.291:

Section 225.292 Applicability of the Combined Pollutant Standard

.....

- b) A specified EGU is an EGU listed in Appendix A, irrespective of any subsequent changes in ownership of the EGU or power plant, the operator, unit designation, or name of unit, or the type of fuel combusted (such as including natural gas or distillate fuel oil with sulfur content no greater than 15 ppm).

WHEREFORE, the Illinois EPA moves that the Board amend the rulemaking proposal as set forth above.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Dana Vetterhoffer
Assistant Counsel

DATED: July 7, 2015

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R15-21
PART 214, SULFUR LIMITATIONS, PART) (Rulemaking-Air)
217, NITROGEN OXIDES EMISSIONS,)
AND PART 225, CONTROL OF EMISSIONS)
FROM LARGE COMBUSTION SOURCES)

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attached Second Motion to Amend Rulemaking Proposal upon the following person(s) by e-mailing it to the e-mail address(es) indicated below:

Daniel Robertson, Hearing Officer
Illinois Pollution Control Board
daniel.robertson@illinois.gov

I affirm that my e-mail address is dana.vetterhoffer@illinois.gov; the number of pages in the e-mail transmission is 15; and the e-mail transmission took place today before 5:00 p.m.

I also affirm that I am mailing the attached by first-class mail from Springfield, Illinois, with sufficient postage affixed, to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Dana Vetterhoffer
Assistant Counsel

DATED: July 7, 2015

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

Service List R15-21

Office of Legal Services
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702

Matthew Dunn, Chief
Environmental Enforcement/Asbestos
Litigation Division
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

Angad Nagra
Assistant Attorney General
Environmental Bureau
Office of the Illinois Attorney General
69 West Washington Street, Suite 1800
Chicago, IL 60602

Stephen J. Bonebrake
Schiff Hardin, LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606-6473

Andrew N. Sawula
Schiff Hardin, LLP
One Westminster Place
Lake Forest, IL 60045

Abby L. Allgire
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, IL 62701

Keith I. Harley
Chicago Legal Clinic, Inc.
211 West Wacker Drive, Suite 750
Chicago, IL 60606