

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR BOILERS:) R17-9
AMENDMENTS TO: 35 ILL. ADM. CODE) (Rulemaking – Air)
PARTS 201 AND 211)

NOTICE OF FILING

TO: Mr. John T. Therriault Mr. Jason James
Assistant Clerk of the Board Hearing Officer
Illinois Pollution Control Board Illinois Pollution Control Board
100 West Randolph Street 100 West Randolph Street
Suite 11-500 Suite 11-500
Chicago, Illinois 60601 Chicago, Illinois 60601
(VIA ELECTRONIC MAIL) (VIA ELECTRONIC MAIL)

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Board THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S POST-HEARING COMMENT, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

Dated: December 16, 2016

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Antonette R. Palumbo
Legal Counsel
Illinois Environmental Regulatory Group
215 East Adams Street
Springfield, Illinois 62701
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**THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP’S POST-HEARING
COMMENTS**

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”),
by and through its attorney, Antonette R. Palumbo, and submits the following Post-Hearing
Comments in the above-referenced matter:

IERG is an Illinois not-for-profit affiliated with the Illinois Chamber of Commerce.
IERG consists of 50 member companies in a variety of major industries throughout the State of
Illinois, several of which could take advantage of the proposed permit by rule (“PBR”) regulations
before the Illinois Pollution Control Board (“Board”) in this matter. IERG represents
the interests of its members in environmental regulatory development in the State of Illinois,
such as this rulemaking. On behalf of its members, IERG offers the following for your
consideration.

IERG strongly supports promulgation of the Illinois Environmental Protection Agency’s
 (“Illinois EPA”) proposed rulemaking regarding general PBR provisions and the specific
 requirements for PBR for small boilers. This rulemaking provides qualified sources with the
 ability to construct small boilers ensuring environmental protections are in place without great
 administrative burden. A reduced administrative burden is beneficial to both the regulated
 community and Agency resources. IERG believes that streamlining the permitting process
 through PBRs is an efficient way to conduct business for stationary sources, while ensuring that

the resources of the Illinois EPA are utilized for major permitting decisions. Given the State's current fiscal climate, permit streamlining efforts like PBRs are more important than ever.

IERG understands that this reduced administrative burden means that the Illinois EPA will inform applicants that the Notification to be covered by a PBR has been received, though the Agency may not be able to inform applicants that the Notification is complete. *See* Transcript of October 26, 2016 Hearing ("Transcript") at 11-13. IERG appreciates that the Illinois EPA is endeavoring to develop internal procedures that would allow for Agency personnel to review a Notification for completeness and notify the applicant if the Notification is not complete. *Id.* at 11-13. IERG's questions at the hearing regarding this process were posed to further the regulated community's understanding of the Agency's intent. IERG recognizes that the reduced administrative burden of the PBR comes with an increased responsibility on the part of the applicant to ensure the PBR requirements are met. IERG is comfortable that the Agency's proposed mechanism for responding to Notifications strikes the appropriate balance between applicant responsibility and Agency oversight.

IERG also supports the Illinois EPA's revision to Section 201.630. IERG believes this change is necessary in order to harmonize the boiler tuning requirements in the regulation with federal tuning requirements. Under the current language proposed by the Board for First Notice, all sources would have to comply with the applicable NO_x reasonably available control technology ("RACT") rules at 35 Ill. Adm. Code 217, Subparts D and E and tune their boilers pursuant to a requirement derived from the NO_x RACT rules. Transcript at 37-38. The NO_x RACT rules are applicable to boilers in the Metro-East or Chicago areas that emit five tons of NO_x during ozone season or 15 tons of NO_x annually, which may not apply to all facilities wishing to utilize a PBR. Additionally, some units permitted by the PBR might also have to

comply with the federal tuning requirements. *Id.* at 37; 40; 40 CFR 63 DDDDD. IERG believes the language put forth by the Agency clarifies the requirements that are applicable to the various sources that may be subject to a PBR by only requiring PBR boiler owner or operators to comply with the tuning requirements they are already otherwise subject to, and specify a requirement for those not subject to the NO_x RACT or NESHAP rule.

IERG appreciates that the Board extended the comment period in order to allow the Agency and IERG time to develop language to improve the combustion tuning requirements.

Thank you for your consideration of IERG's comments.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Dated: December 16, 2016
Antonette R. Palumbo
Legal Counsel
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CERTIFICATE OF SERVICE

I, Antonette R. Palumbo, the undersigned, hereby certify that I have served THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S POST-HEARING COMMENT upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
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Chicago, Illinois 60601

Rachel L. Doctors
Assistant Counsel
Illinois Environmental Protection Agency
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Jason James
Hearing Officer
Illinois Pollution Control Board
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Matt Dunn
Office of the Attorney General
500 South Second Street
Springfield, IL 62706

Illinois Department of Natural Resources
Gabe Grosboll
Office of General Counsel
One Natural Resources Way
Springfield, IL 62702

via electronic mail on December 16, 2016.

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo