

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
AMENDMENTS TO 35 ILL. ADM. CODE)	R22- 17
PART 203: MAJOR STATIONARY SOURCES)	(Rulemaking – Air)
CONSTRUCTION AND MODIFICATION,)	
35 ILL. ADM. CODE PART 204: PREVENTION)	
OF SIGNIFICANT DETERIORATION, AND)	
PART 232: TOXIC AIR CONTAMINANTS)	

NOTICE OF FILING

TO: Don A. Brown	Mr. Daniel Pauley
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	100 W. Randolph Street
Suite 11-500	Suite 11-500
Chicago, Illinois 60601	Chicago, Illinois 60601
Don.Brown@illinois.gov	Daniel.Pauley@illinois.gov

(See Persons on Attached Service List)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board, **ILLINOIS ENVIRONMENTAL REGULATORY GROUP’S PRE-FILED TESTIMONY OF ALEC DAVIS and PRE-FILED TESTIMONY OF COLIN CAMPBELL**, copies of which are hereby served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: January 6, 2022

By: /s/ Melissa S. Brown
One of Its Attorneys

N. LaDonna Driver
Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
LaDonna.Driver@heplerbroom.com
Melissa.Brown@heplerbroom.com
(217) 528-3674

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R22-17
PART 203: MAJOR STATIONARY SOURCES) (Rulemaking – Air)
CONSTRUCTION AND MODIFICATION,)
35 ILL. ADM. CODE PART 204: PREVENTION)
OF SIGNIFICANT DETERIORATION, AND)
PART 232: TOXIC AIR CONTAMINANTS)

**PRE-FILED TESTIMONY OF ALEC DAVIS
IN SUPPORT OF RULEMAKING PROPOSAL**

NOW COMES the Petitioner, the ILLINOIS ENVIRONMENTAL REGULATORY GROUP, by and through its attorneys, HEPLERBROOM, LLC, and pursuant to 35 Ill. Adm. Code § 102.424 submits the following Pre-Filed Testimony of Alec Davis for presentation at the February 17, 2022 hearing scheduled in the above-referenced matter.

TESTIMONY OF ALEC DAVIS

I. INTRODUCTION

My name is Alec Davis and I am the Executive Director for the Illinois Environmental Regulatory Group (“IERG”). I have been the Executive Director since 2015, and also served as IERG’s General Counsel from 2008 through 2014. As Executive Director, I regularly interact with environmental professionals employed by IERG’s member companies to discuss environmental issues impacting their facilities in Illinois.

I have directly participated in or overseen IERG’s representation in many of the Illinois Pollution Control Board’s (“Board”) rulemakings since 2008, including those dealing with: NO_x trading and RACT requirements, groundwater quality standards, tiered approach to corrective action objectives (“TACO”), procedural rules, water quality standards, volatile organic material emissions, coal combustion residuals, time limited water quality standards, thermal effluent

limitations, Prevention of Significant Deterioration permitting, SO₂ emissions, lead emissions, wastewater permitting, waste manifesting, and others.

I am frequently asked to speak to groups to share the perspective of the regulated business community on various environmental issues, including: the Lake Michigan State Section of the Air & Waste Management Association, Gateway Society of Hazardous Materials Managers, Illinois Association of Aggregate Producers, Illinois Institute for Continuing Legal Education, Illinois Farm Bureau, and others. I oversee the production, organization and moderate IERG's seminars and webinars to educate environmental professionals on regulatory compliance and permitting obligations.

I serve as an appointed representative on State boards and commissions, including the Illinois Small Business Environmental Assistance Program Compliance Advisory Panel and the Illinois Commission on Environmental Justice.

I hold a Juris Doctorate from the University of Illinois in Urbana-Champaign ("UIUC"), and a Bachelor of Science degree in Geology also from UIUC. I am licensed to practice law in the State of Illinois.

IERG is an Illinois non-profit corporation affiliated with the Illinois Chamber of Commerce and is comprised of forty-seven (47) member companies that are regulated by governmental agencies that promulgate, enforce, or administer environmental laws, rules, regulations, or other policies. IERG was founded in 1985 and is a frequent participant in regulatory development and rulemakings that have the potential to impact businesses in Illinois.

I will be providing testimony regarding the purpose and impact of IERG's proposed amendments to Parts 203, 204 and 232 of the Board's regulations.

II. PURPOSE OF PROPOSAL

IERG submits this Proposal to amend the Board's Nonattainment New Source Review ("NA NSR") regulations to be up-to-date and consistent with the Clean Air Act ("CAA") and implementing federal regulations. In 2015, IERG was the lead negotiator for the Illinois business community on Senate Bill 1672, which proposed to amend Section 9.1(c) of the Illinois Environmental Protection Act ("Act"). Senate Bill 1672 was passed with unanimous bipartisan support by both the House and Senate of the 99th Illinois General Assembly. This bill became law as Public Act 99-0463, which took effect on January 1, 2016. Section 9.1(c) of the Act states that the Board shall adopt regulations establishing permit programs for Prevention of Significant Deterioration ("PSD") and NA NSR that meet the respective federal requirements in Sections 165 and 173 of the CAA.

In 2018, the Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") filed a Proposal of Regulations and Statement of Reasons with regard to the PSD permit program. That rulemaking resulted in the PSD regulations at 35 Ill. Adm. Code 204, which became effective on September 4, 2020. IERG's Proposal and Part 204 differ in that Part 204 created a new state PSD program, whereas Illinois already has an established NA NSR program at 35 Ill. Adm. Code Part 203. IERG is proposing amendments to Illinois' NA NSR program to make the program consistent with the CAA and implementing federal regulations. Additionally, the proposed changes will improve consistency between the NA NSR regulations at Part 203 and the PSD regulations at Part 204.

The changes to Section 9.1(c) of the Act per Public Act 99-0463 must be read consistently with the stated purpose and intent of Section 9.1(a) of the Act that the Board avoid the existence of duplicative, overlapping or conflicting State and federal regulatory systems. To assist in meeting this requirement, IERG's Proposal addresses the updates included in

amendments to the federal regulations since the last revision of Illinois' NA NSR program. Part 203 was adopted in 1983, amended several times, with the most recent amendments adopted in 1998. Significant amendments to the federal NA NSR requirements have been made since that time and IERG's Proposal would address these amendments, making the Board's NA NSR rules consistent with the CAA and underlying United States Environmental Protection Agency ("USEPA") regulations.

If IERG's NA NSR Proposal is adopted, Parts 203 and 204 will be up-to-date with the federal regulations and will conform with Section 9.1 of the Act's requirement to adopt regulations that avoid the existence of duplicative, overlapping or conflicting State and federal regulatory systems. Additionally, because Illinois EPA and sources often rely on USEPA guidance when interpreting and implementing federally derived programs, updating the Board's NA NSR regulations will bolster consistency in the application of USEPA's guidance documents to the benefit of Illinois EPA, the regulated community, and interested third parties.

In drafting the proposed amendments, IERG conferred with Illinois EPA and USEPA on numerous occasions. Input from both agencies was incorporated into IERG's proposal.

III. IMPACT OF PROPOSAL

The NA NSR program applies, in general, to major stationary sources which emit or could have the potential to emit an air pollutant for which the area is nonattainment in quantities at or above the applicable threshold. The NA NSR program impacts all areas of the state designated nonattainment for one or more of the air pollutants for which USEPA has established a National Ambient Air Quality Standard ("NAAQS"): ozone, carbon monoxide, sulfur dioxide, particulate matter, lead, and nitrogen dioxide. As of the date of this filing, the following areas are designated nonattainment in Illinois: (1) the greater Chicago area is classified serious nonattainment for the 2008 8-hour ozone standard and marginal nonattainment for the 2015 8-

hour ozone standard; (2) the St. Louis Metro East area is classified marginal nonattainment for the 2015 8-hour ozone standard; and (3) Alton Township is designated nonattainment for SO₂.

The NA NSR program also impacts areas of the State designated attainment or unclassifiable for which a new major stationary source or major modification would cause or contribute to a violation of any NAAQS. A single geographic area may be designated both as nonattainment for a pollutant and as attainment or unclassifiable for other pollutants.

IV. CONCLUSION

IERG is submitting this proposal to amend the Board's NA NSR regulations to be up-to-date and consistent with the CAA and implementing federal regulations. The proposed amendments are a priority for the business community in Illinois. Consistency with the CAA and federal regulations, as well as with the PSD regulations at Part 204, will bolster application of USEPA's guidance documents to the benefit of the Agency, the regulated community, and interested third parties. Additionally, the proposed amendments are consistent with Section 9.1(a) of the Illinois Environmental Protection Act in that they will "insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources" and "insure that economic growth will occur in a manner consistent with the goal of achieving the [NAAQS]." 415 ILCS 5/9.1(a). The information discussed today supports the promulgation of the proposed amendments.

Thank you for the opportunity to testify. I will be happy to answer any questions.

* * *

The ILLINOIS ENVIRONMENTAL REGULATORY GROUP reserves the right to supplement this pre-filed testimony if needed.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL

REGULATORY GROUP

Dated: January 6, 2022

By: /s/ Melissa S. Brown
One of Its Attorneys

N. LaDonna Driver
Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
LaDonna.Driver@heplerbroom.com
Melissa.Brown@heplerbroom.com
(217) 528-3674

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R22-17
PART 203: MAJOR STATIONARY SOURCES) (Rulemaking – Air)
CONSTRUCTION AND MODIFICATION,)
35 ILL. ADM. CODE PART 204: PREVENTION)
OF SIGNIFICANT DETERIORATION, AND)
PART 232: TOXIC AIR CONTAMINANTS)

**PRE-FILED TESTIMONY OF COLIN CAMPBELL
IN SUPPORT OF RULEMAKING PROPOSAL**

NOW COMES the Petitioner, the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”), by and through its attorneys, HEPLERBROOM, LLC, and pursuant to 35 Ill. Adm. Code § 102.424 submits the following Pre-Filed Testimony of Colin Campbell for presentation at the February 17, 2022 hearing scheduled in the above-referenced matter.

TESTIMONY OF COLIN CAMPBELL

I. INTRODUCTION

My name is Colin Campbell. I am a Principal with RTP Environmental Associates, Inc. (“RTP”) and Manager of RTP’s office in Raleigh, North Carolina. I have been employed at RTP for 24 years. I have 30 years of experience in air quality consulting, which has been focused almost entirely on the Prevention of Significant Deterioration (“PSD”) and Nonattainment New Source Review (“NA NSR”) programs under parts C and D of tile I of the federal Clean Air Act (“CAA”).

My practice focuses primarily on preparing air permit applications and providing strategic counseling regarding applicability of federal air statutes and regulations. I have represented several air quality permitting authorities as a third-party expert in New Source Review (“NSR”) rulemaking actions and in defending permit decisions before adjudicative

bodies. I have been recognized as an expert and have provided sworn testimony before numerous federal courts and state administrative bodies in matters relating to NSR permitting.

I frequently provide training regarding the PSD and NA NSR programs for all parties involved in these programs, including:

- Air permitting branches at regional offices of the United States Environmental Protection Agency (“USEPA”);
- NSR group with USEPA’s headquarters Office of Air Quality Planning and Standards;
- Nearly all state and local air quality permitting authorities nationally, including the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) and all other agencies within USEPA Region 5;
- The regulated community, such as plant environmental managers and in-house corporate environmental directors;
- Lawyers in private practice;
- Other consultants; and
- Overall, approximately 3,000 students.

My *curriculum vitae* is attached hereto.

I will be providing testimony regarding IERG’s proposed amendments to Parts 203, 204 and 232 of the Illinois Pollution Control Board’s (“Board”) regulations. The focus of my testimony will be explaining the applicability under the proposed amendments to the NA NSR permit program at 35 Ill. Adm. Code Part 203 and the substantive requirements for projects that trigger the proposed amendments. My testimony will also address the proposed amendments to 35 Ill. Adm. Code Parts 204 and 232, as well as the economic reasonableness and technical feasibility of the proposed amendments.

II. OVERVIEW OF NEW SOURCE REVIEW

The CAA requires USEPA to designate areas, within each state, based on existing air quality on a pollutant-by-pollutant basis as either being in attainment, unclassifiable, or nonattainment with the National Ambient Air Quality Standards (“NAAQS”). The CAA requires USEPA to set NAAQS for certain pollutants at levels necessary to protect the public

health and welfare. USEPA has promulgated NAAQS for six principal pollutants: ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter (PM_{2.5} and PM₁₀), lead, and nitrogen dioxide (NO₂). Additionally, volatile organic material (VOM) and nitrogen oxides (NO_x) are precursors of ozone, and SO₂, NO_x, VOM, and ammonia (NH₃) are precursors of PM_{2.5}. An attainment area is an area where the air quality meets the NAAQS for a specific pollutant, and a nonattainment area is an area where the air quality does not meet the NAAQS for a specific pollutant. An unclassifiable area is an area that cannot be classified as meeting or not meeting the NAAQS for a specific pollutant. Unclassifiable areas are treated in the same manner as attainment areas for purposes of the NSR program.

The NSR provisions of the CAA and USEPA regulations require persons proposing new major stationary sources or major modifications of major stationary sources, among other things, to obtain air pollution control permits before commencement of construction. The NSR program addresses emissions of “regulated NSR pollutants,” which include pollutants for which there are NAAQS as well as other pollutants such as particulate matter, VOM, and hydrogen sulfide. The NSR permitting program is divided into two programs, the PSD permit program and the NA NSR permit program. The PSD permitting program is applicable to proposed projects in attainment areas and unclassifiable areas. The PSD program for Illinois is contained in existing 35 Ill. Adm. Code Part 204 “Prevention of Significant Deterioration.” Proposed projects can be subject to both the PSD program and the NA NSR program depending on the pollutants that would be emitted from the new major stationary sources or major modifications of major stationary sources.

The NA NSR program is a preconstruction permitting program required by the CAA for certain industrial facilities – major stationary sources. The NA NSR program applies primarily in areas that are designated as nonattainment with respect to a particular pollutant, based on

ambient monitoring data or dispersion modeling analyses showing pollutant concentrations in ambient air in excess of a NAAQS. The NA NSR program also applies more narrowly where a major stationary source is located in an area designated as attainment or unclassifiable, where the separate and complementary PSD permitting program applies, but where modeling shows the project would cause or contribute to a NAAQS violation.

The NA NSR program, like the PSD program, requires a high level of air pollution control. In terms of overall effects on air quality, the NA NSR program differs from the PSD program. The PSD program allows new emissions from major stationary sources in an attainment or unclassifiable area and simply manages the amount of deterioration of air quality to ensure that deterioration is not significant. The NA NSR program is much more protective — it requires offsetting emission reductions such that the construction of the source or project in compliance with the permit would result in a net air quality benefit in the area.

III. ILLINOIS NA NSR PROGRAM

The Chicago and St. Louis (Metro-East) areas for ozone and Alton Township for SO₂ are the only current nonattainment areas in Illinois.¹ There are two approaches or mechanisms that a state can use to implement the NA NSR programs required by the CAA. The first is for the state to implement USEPA's NA NSR rule, codified in 40 CFR Part 51 Appendix S. USEPA intends this approach to be used only temporarily as a transition rule, such as where there is a new nonattainment designation and the state has not adopted an NA NSR program for that pollutant.

Illinois does not currently have, and has never had, its own codified rule for NA NSR in attainment and unclassifiable areas where construction of a major stationary source or a major modification of a major stationary source in an attainment or unclassifiable area would cause or

¹ In recent history, there have been other localized SO₂ nonattainment areas in Lemont and Pekin and a PM_{2.5} nonattainment area in the Metro-East area.

contribute to a NAAQS violation. As a result, Illinois EPA currently implements the federal rule—section III of Appendix S—in these areas.

Illinois also does not have an NA NSR program for particulate matter with mean aerodynamic diameter equal to or less than 2.5 micrometers, also known as PM_{2.5}. Thus, when Illinois previously had a PM_{2.5} nonattainment area in the Metro-East, and if there were any PM_{2.5} nonattainment areas in the future prior to adoption of the proposed rule revisions, Illinois EPA implemented or would implement section IV of Appendix S for PM_{2.5}.

The other approach, which is preferred, is to implement a state rule that has been approved by USEPA as a revision to the State Implementation Plan (“SIP”). This is generally the approach currently used in Illinois in the ozone nonattainment areas. However, the NA NSR rule administered by Illinois EPA, which is in 35 Ill. Adm. Code Part 203 as currently codified, is not up-to-date and does not satisfy all federal NA NSR program requirements as set forth in the federal blueprint rule at 40 CFR § 51.165. IERG’s proposed rule revisions would close these gaps.

IV. KEY COMPONENTS TO NA NSR AND PROPOSED REVISIONS TO PART 203

IERG is proposing to amend existing 35 Ill. Adm. Code Part 203 to update the rules to make them consistent and current with the CAA and federal NA NSR program. The Board’s NA NSR rules have not been updated since 1998. Therefore, the NA NSR rules do not include significant amendments to the federal NSR regulations.

IERG’s proposed amendments to Part 203 include substantive revisions, deletion of obsolete provisions, and revisions to the structure and organization of the NA NSR requirements. Because the proposed revisions are numerous and ultimately reflect a comprehensive update to Part 203, IERG opted to propose its amendments as new subparts to Part 203, instead of amending the current provisions of Part 203. More specifically, IERG proposes that the Board

adopt new Subparts I through R and sunset the old subparts (Subparts A through H) of Part 203 upon USEPA approval of the new subparts as a revision to the Illinois SIP, with one exception.²

Most of the same concepts in existing Part 203 remain in IERG's proposed new subparts, but are updated to be consistent with the federal NA NSR rules. In drafting the proposed new subparts, IERG started with the language of the federal blueprint rule at 40 CFR § 51.165. IERG then added provisions or language from Appendix S (40 CFR Part 51, Appendix S), where such concepts were not sufficiently addressed in the blueprint rule. IERG retained certain concepts and wording from existing Part 203 for consistency with the current NSR program, where doing so does not conflict with federal requirements. In certain instances, IERG modified language to mirror corresponding provisions in the PSD program at Part 204, where there were insignificant wording differences between the two programs. Where possible, IERG then organized the provisions consistent with the PSD program at Part 204. IERG believes that it will be beneficial to the Agency, the regulated community, and the public to have consistent wording and organizational structures for similar provisions in the PSD and NA NSR regulations. This is especially so since a source or project can be subject to both the PSD program in Part 204 and the NA NSR program in Part 203.

A. NA NSR Applicability in Nonattainment Areas

1. New Major Stationary Sources

NA NSR applies to construction of a facility—a stationary source—that is located in a nonattainment area for a particular pollutant and that would have the potential to emit that pollutant or a precursor in an amount equaling or exceeding a threshold specified in the rule.

² The exception to this transition provision is that IERG proposes that the effective date of proposed Subpart I is not dependent on approval of proposed Section 203.1340(c)(3) by USEPA as a revision to the Illinois SIP. Proposed Section 203.1340 is the definition of “regulated NSR pollutant” and subparagraph (c)(3) concerns VOM and ammonia as precursors to PM_{2.5} in a PM_{2.5} nonattainment area.

The specified threshold for classification as a major stationary source is generally 100 tons per year (“tpy”), but is a lower threshold in some areas, such as areas classified as serious or severe or extreme ozone nonattainment.

IERG’s proposed rule revisions include restructuring applicability provisions and related definitions pertaining to new major stationary sources to match the structure of Part 204 and to align better with federal blueprint rules. The proposed applicability provisions and related definitions are not substantively changed except to add provisions relating to PM_{2.5} and its precursors (discussed more below).

2. Major Modifications in Nonattainment Areas Other than Serious or Severe Ozone Nonattainment Areas

NA NSR applies to a project at an existing major stationary source that is located in a nonattainment area for a particular pollutant and where the project would result in two types of emissions increases of that pollutant or a precursor—both the increase resulting from the project and the net emissions increase over a contemporaneous period—each in an amount equaling or exceeding a threshold specified in the rule. Such a project is a major modification. The specified thresholds for classification as a major modification are referred to as the significant levels and they range from 0.6 tpy for lead to 100 tpy for CO. Projects that cause increases less than these thresholds are not subject to NA NSR.

The primary substantive changes included in IERG’s proposed rule revisions are the new provisions relating to PM_{2.5} and its precursors (discussed more below). The applicability provisions for projects at existing major stationary sources have been restructured and related definitions have been revised to match the structure of Part 204 and to align better with the federal blueprint rules. In addition, new provisions are added to improve enforceability of the major modification applicability determination process.

3. Major Modifications in Serious or Severe Ozone Nonattainment Areas

For major stationary sources that are located in ozone nonattainment areas classified as serious or severe for ozone and are major for one or both of these ozone precursors, the CAA establishes different applicability criteria than for other nonattainment areas. Specifically, the CAA prescribes the significant level for ozone precursors, VOM and NO_x, equal to 25 tpy. Calculation of the contemporaneous net emissions increase and comparison to this significant level is required for any project that causes a greater-than-zero emissions increase. In addition, the prescribed contemporaneous period is a period of five calendar years, which is shorter than the period used for other netting analyses.

The proposed rule revisions include restructuring applicability provisions and related definitions pertaining to projects at existing major stationary sources to match the structure of Part 204 and to align better with federal blueprint rules. In addition, new provisions are added to improve enforceability of the major modification applicability determination process.

4. Plantwide Applicability Limitations

IERG's proposed rule revisions include provisions for establishing Plantwide Applicability Limitations ("PALs") for existing major stationary sources. A PAL restricts all emissions of a particular regulated NA NSR pollutant from the subject source. For a source with a PAL for a pollutant, NA NSR applicability for that pollutant would not be determined by its emissions increases due to a proposed project as explained previously. Instead, if the source's actual emissions of the pollutant would remain below the applicable PAL following a project, the project would not be a major modification for that pollutant.

A PAL for a particular pollutant would be established by the Illinois EPA as the sum of three values: (i) the baseline actual emissions of all existing emissions units at the source other

than newly constructed units, (ii) the potential to emit of all new emissions units and newly constructed emissions units at the source, and (iii) the significant emissions rate of the particular pollutant. PALs are not permissible in ozone nonattainment areas classified as extreme nonattainment. There are and have been no such areas in Illinois.

B. PM_{2.5} and its Precursors

Because Part 203 as currently codified does not address PM_{2.5} as a regulated NSR pollutant, Illinois EPA has implemented Appendix S with respect to direct PM_{2.5} emissions and PM_{2.5} precursors. Under the CAA and pertinent case law, as many as four pollutants may be regulated as precursors to PM_{2.5} in a particular area depending on timing considerations, attainment status, and atmospheric chemistry: SO₂, NO_x, VOM, and ammonia.

SO₂ and NO_x emissions are always regulated as PM_{2.5} precursors, both in PM_{2.5} nonattainment areas and where construction of a major stationary source or a major modification of a major stationary source in an attainment or unclassifiable area would cause or contribute to a NAAQS violation. Emissions of VOM and ammonia are regulated as PM_{2.5} precursors only in certain PM_{2.5} nonattainment areas and only following a two-year transition period. The proposed rule provisions relating to the transition period for VOM and ammonia are not intended to be submitted to USEPA for approval as part of the generally applicable SIP at this time for the reasons explained below.

There are currently no PM_{2.5} nonattainment areas in Illinois. Under the proposed rule revisions, consistent with the currently applicable federal NA NSR rules in Appendix S, if an area in Illinois is designated by USEPA as nonattainment with respect to the PM_{2.5} NAAQS, VOM and ammonia would not be regulated as PM_{2.5} precursors during the first 24 months following that designation.

If, during this 24-month transition period, Illinois EPA submits to USEPA a complete demonstration of insignificant contribution for a particular precursor, as well as the Part 203 rule provisions governing the precursor transition period, the precursor or precursors (i.e., VOM and/or ammonia) will continue not to be regulated as PM_{2.5} precursors until and unless USEPA disapproves this submittal.

Demonstrations of insignificant contribution for a PM_{2.5} precursor must conform to federal regulations regarding such demonstrations. These regulations are separate from the NA NSR program; they apply only in existing PM_{2.5} nonattainment areas and govern applicability of all types of control measures in such areas as reasonably available control measures. If Illinois EPA does not timely submit these materials then the affected precursor or precursors will be regulated as a PM_{2.5} precursor beginning 24 months after the date of the initial designation. If the Agency timely submits both a complete precursor demonstration and the regulatory transition provisions and they are subsequently disapproved by USEPA, then the affected precursor or precursors are regulated as PM_{2.5} precursors on the effective date of such disapproval.

These transition provisions are currently federally enforceable in Illinois. They will remain in effect at least from today through the date 24 months following initial designation of a PM_{2.5} nonattainment area in Illinois. Revisions to Part 203 are immaterial in this regard, as the federal NA NSR rules do not provide for regulation of VOM or ammonia as PM_{2.5} precursors except in a PM_{2.5} nonattainment area beginning 24 months after its initial designation and the federal rules governing PM_{2.5} precursor demonstrations are not applicable except in existing PM_{2.5} nonattainment areas.

The transition provisions are included in the proposed revisions to Part 203 only for transparency and clarity. Submittal of these provisions of Part 203 at this time would serve no

purpose – the federal NA NSR blueprint rule at 40 CFR § 51.165 does not provide for review and approval of transition provisions, and provides for regulation of VOM and ammonia as PM_{2.5} precursors only in PM_{2.5} nonattainment areas. IERG is including the transition provision and addressing PM_{2.5} nonattainment areas in its proposal in order to avoid having to revise the rules in the future when an area or areas are designated as nonattainment for PM_{2.5}.

Additionally, including these provisions now will provide stakeholders with an understanding of the applicable process for when an area or areas are designated as nonattainment for PM_{2.5} in the future.

C. NA NSR Requirements Applicable in Nonattainment Areas

1. Lowest Achievable Emission Rate

Under the CAA, an emission limitation representing the lowest achievable emission rate (“LAER”) is required for any new major stationary source or major modification subject to NA NSR permitting requirements. This requirement is based on the most stringent limit applicable to a similar source as established in any State’s SIP or achieved in practice by any similar source. The LAER requirement parallels, and is generally more stringent than, the Best Available Control Technology (“BACT”) requirement under the PSD permitting program.

The proposed rule revisions as they pertain to LAER include only clarifying changes to part 203. No substantive changes are proposed; aspects of the current Illinois rule that are more stringent than the federal NA NSR blueprint rule, such as the requirement that the owner or operator of a new major stationary source or major modification continue to operate in compliance with the applicable LAER requirements, are proposed to be carried forward in the revised rule.

2. Emissions Offsets

The core requirement of the NA NSR program under the federal CAA is the requirement that an applicant proposing to construct a new major stationary source or a major modification provide emissions reductions to offset the allowable emissions from the proposed project. This requirement applies to each regulated NSR pollutant for which the area is designated nonattainment and for which the stationary source or modification is major.

The quantity of emissions offsets required must be sufficient to allow the Agency to determine that the source or modification will not interfere with reasonable further progress, as set forth in Section 173 of the federal CAA, and in all cases must be at least as great as the allowable emissions increase to be authorized. Greater emissions offset ratios are specified for certain ozone nonattainment areas; for example, in an ozone nonattainment area classified as serious, the emissions offsets must be at least 120 percent of the allowable emissions increase.

The emissions reductions to be used as offsets generally must be achieved in the same nonattainment area as the allowable emissions increase and be enforceable by the Agency and by USEPA. In the case of a multi-state nonattainment area, if emissions reductions are to be obtained in a neighboring State, the emissions reductions must be enforceable by the permitting authority in the neighboring State and by USEPA. These location-related provisions of the proposed rule revisions represent changes from Part 203 as currently codified and are consistent with the federal blueprint rule.

The emissions reductions to be used as offsets generally must be for the same regulated NSR pollutant for which emission offsets are required. However, in the case of a PM_{2.5} nonattainment area, consistent with the federal blueprint rule, the proposed rule revisions provide for trading among emissions increases and decreases of direct PM_{2.5} and regulated PM_{2.5} precursors. The owner or operator proposing to use such interprecursor trading must provide a

demonstration that the offset transaction will provide an equivalent or greater air quality benefit with respect to ambient concentrations of PM_{2.5} in the PM_{2.5} nonattainment area. These proposed provisions represent additions to the rule, as Part 203 as currently codified does not include any provisions specific to PM_{2.5} or its precursors.

An emissions reduction is not creditable as an offset if it has been previously relied on by the Agency as an emissions offset, or it has been used by the Agency in demonstrating attainment or reasonable further progress in a SIP revision, or it is otherwise required under the federal CAA. The baseline for calculating the creditable amount of an emissions offset is generally the emissions limit under the applicable SIP. There are three exceptions to this. First, the actual emissions of the source from which offset credit is obtained is used as the baseline where the applicable SIP does not contain an emissions limitation for that source or source category. Second, the actual emissions of the source from which offset credit is obtained is also used as the baseline where the reasonable further progress and attainment demonstrations are based upon the actual emissions of sources located within the designated nonattainment area. Third, the potential to emit of the source from which offset credit is obtained is used as the baseline where the emissions limit under the applicable SIP allows greater emissions than the source's potential to emit.

Other than the new provisions specific to PM_{2.5} nonattainment areas, the proposed rule revisions pertaining to emissions offsets are minor. One such change relates to the offset baseline where the emissions reductions to be used as offsets are achieved by shutting down an existing emissions unit or curtailing production or operating hours of a stationary source. Consistent with changes made to the federal CAA in the 1990 amendments and adopted by USEPA in the federal blueprint rule in 2005, if the shutdown or curtailment occurred before the date of USEPA approval of the attainment demonstration for the particular nonattainment area,

the resulting emissions reductions may be used as emissions offsets in only two circumstances. First, the reductions are creditable if the shutdown or curtailment occurred after the last day of the base year for the SIP planning process. Second, if the shutdown or curtailment occurred before the base year for the SIP planning process, it is creditable if the Agency maintained those emissions in the projected emissions inventory used to develop the attainment demonstration for the particular nonattainment area.

As required by the federal blueprint rule, the proposed rule revisions include a provision clarifying that the amount of the emissions increase from a major modification that must be offset is calculated as the difference between the allowable emissions after the modification and the actual emissions before the modification. Finally, the proposed rule revisions include a provision clarifying that emissions reductions used as emissions offsets generally must occur prior to initial start-up of the new major stationary source or major modification and that, where the major stationary source or major modification is a replacement for the stationary source at which a shutdown is occurring in order to provide the necessary emissions offsets, a reasonable shakedown period of up to 180 days is allowed.

3. Other Requirements in Nonattainment Areas

Four distinct provisions of the currently codified Part 203 are proposed to be retained without substantive revision despite such provisions not being required by the federal blueprint rule. First is a requirement for the owner or operator of a proposed major stationary source or major modification in a nonattainment area to demonstrate that all major stationary sources in Illinois and under common control with the proposed source or modification are in compliance, or on a schedule for compliance, with all applicable state and federal air pollution control requirements. This is a requirement of the federal CAA.

Second is a requirement for the owner or operator to provide an analysis of alternatives to the siting of the proposed major stationary source or major modification in the nonattainment area. The analysis must demonstrate that benefits of the new major source or major modification significantly outweigh its environmental and social costs. This is a requirement of the federal CAA.

Third is a provision allowing for alternative or innovative means of offsetting proposed emission increases from rocket engines and motors at existing major stationary sources. This, too, is a requirement of the federal CAA.

Fourth is a provision applicable not necessarily to the owner or operator of the stationary source subject to NA NSR permitting requirements, but rather to the owner or operator of a source at which emissions reductions were generated and used as offsets under Part 203. Specifically, this provision requires such owner or operator to maintain such emissions reductions. This provision is not expressly required either by the federal CAA or by the federal blueprint rule.

D. NA NSR Requirements Applicable in Attainment and Unclassifiable Areas

The proposed rule revisions include adding entirely new provisions relating to NA NSR in attainment or unclassifiable areas. These provisions are substantially similar to those currently in effect in these areas in Illinois—the federal NA NSR rule provisions in section III of Appendix S.

1. Applicability

The NA NSR program applies to a proposed new stationary source in these areas only if it would have the potential to emit a particular pollutant or precursor in an amount equaling or exceeding 100 tpy and it would cause or contribute to a NAAQS violation for that pollutant. Similarly, NA NSR applies to a project at an existing major stationary source in these areas if the

stationary source has the potential to emit at least 100 tpy of a particular pollutant or precursor and the project would cause or contribute to a NAAQS violation for that pollutant. The determination of whether the source would cause or contribute to a NAAQS violation is generally determined through a computer dispersion modeling analysis. The proposed rule revisions include several added definitions relating to these analyses.

2. Requirements in Attainment and Unclassifiable Areas

For construction of a new major stationary source or a major modification that triggers applicability of NA NSR permitting requirements for a particular pollutant in an area that is designated as attainment or unclassifiable for that pollutant, the source owner is required to obtain emissions reductions to compensate for the adverse ambient impact of its emissions on air quality.

IV. OTHER PROPOSED REVISIONS TO PART 203

IERG's proposal includes a new subpart (proposed Subpart L) that addresses the general obligations of the Illinois EPA under the NA NSR rules. These provisions are not from the blueprint rule, but are partly based on existing Part 203 provisions. The provisions include requirements concerning issuance of NA NSR construction permits and addresses public participation requirements.

IERG's proposal also includes a subpart concerning non-applicability recordkeeping and reporting (proposed Subpart M). This subpart applies if a reasonable possibility exists that a project, that is not projected to be a major modification, may, nevertheless in practice, result in a significant emissions increase. The requirements in proposed Subpart M only apply to projects that are located in nonattainment areas and only if projected actual emissions are used.

V. PROPOSED REVISIONS TO PART 204

In order to improve the clarity and transparency of the Illinois major NSR rules, in conjunction with the proposed revisions to Part 203 to codify the NA NSR program requirements applicable in attainment and unclassifiable areas, IERG's proposal includes several amendments to the PSD rules at 35 Ill. Adm. Code Part 204. Most of IERG's proposed revisions to Part 204 are non-substantive, clean-up or clarifying revisions. *See* proposed 35 Ill. Adm. Code 204.490 (correcting error in a reference to the CAA); 204.930(c) (correcting an error that references "this Section" instead of "this Part"); and 204.1670 (updating a cross-reference to Part 203). Additionally, IERG proposes to add a new subsection to Section 204.800 to address the interaction between the PSD rules at Part 204 and Subpart R of Part 203 of IERG's proposal, which contains the provisions applicable to new major stationary sources or major modifications located in attainment and unclassifiable areas. The proposed amendment to Section 204.800 would add a paragraph that serves as a pointer to Part 203, Subpart R, for facilities potentially subject to Part 204.

The one substantive proposed amendment to Part 204 concerns the concept of Project Emissions Accounting. IERG proposes to amend Section 204.800 to clarify that both increases and decreases in emissions resulting from a proposed project are considered in determining whether the proposed project would result in a significant emissions increase. The proposed revision is consistent with the federal blueprint rule. *See* 40 CFR 51.165(a)(2)(ii)(G).

VI. Proposed Revision to Part 232

IERG is proposing to amend one section in Part 232, which governs toxic air contaminants, in order to update a cross-reference to Part 203. Section 232.120 provides the definition for "fugitive emissions," which references the definition of "fugitive emissions" in existing 35 Ill. Adm. Code 203.124. IERG proposes to amend Section 232.120 to reference Part

203 generally, instead of a specific section of Part 203, in order to avoid having to later amend Part 232 to update the cross-reference.

VII. Economic Reasonableness and Technical Feasibility of Proposal

The technical feasibility and the costs of compliance with the NA NSR program are generally source-specific since NA NSR reviews are completed by Illinois EPA on a case-by-case basis. The purpose of IERG's proposal is to bring Part 203 up-to-date with the CAA and underlying federal regulations. Because IERG's proposal seeks to update Illinois' NA NSR rules to be consistent with the federal requirements, and because the federal requirements were promulgated under USEPA's assessment that the rules were economically justified, the Board may similarly find these proposed rules to be economically justified under the same rationale employed by USEPA. Additionally, the economic impact of the proposed amendments would not differ from the economic impact from the imposition of the federal NA NSR program.

The nonattainment control requirement of Part 203 for new major stationary sources or major modifications located in in a nonattainment area is LAER as discussed above. The LAER requirement expressly provides that Illinois EPA impose only emission limits that are "achievable" (i.e., technically feasible) for the types of emissions units and stationary sources to which those limits will apply. Because the fundamental nature of LAER is not changing in IERG's proposal, the costs for LAER similarly should not change.

As to new major stationary sources or major modifications located in attainment or unclassifiable areas which would cause or contribute to a violation of any NAAQS, new major stationary sources or major modifications must reduce the impact of the proposed emissions increase on air quality by obtaining sufficient emissions reductions to compensate for its adverse ambient impact where it would otherwise cause or contribute to a violation of a NAAQS.

Further, because the proposed amendments to Part 203 are, in most part, identical to the currently

applicable federal NA NSR program, the proposed amendments are technically feasible and the environmental impact would not differ from the imposition of the federal NA NSR program.

Lastly, IERG's proposed amendments to 35 Ill. Adm. Code Parts 204 and 232 are technically feasible and economically reasonable. The proposed amendments to Parts 204 and 232 would impose no additional requirements upon the sources subject to Part 203.

VIII. Conclusion

IERG is submitting this proposal to amend the Board's NA NSR regulations to be up-to-date and consistent with the CAA and implementing federal regulations. The information discussed today supports the promulgation of the proposed amendments.

Thank you for the opportunity to testify. I will be happy to answer any questions.

* * *

The ILLINOIS ENVIRONMENTAL REGULATORY GROUP reserves the right to supplement this pre-filed testimony if needed.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

Dated: January 6, 2022

By: /s/ Melissa S. Brown
One of Its Attorneys

N. LaDonna Driver
Melissa S. Brown
HEPLERBROOM, LLC
4340 Acer Grove Drive
Springfield, Illinois 62711
LaDonna.Driver@heplerbroom.com
Melissa.Brown@heplerbroom.com
(217) 528-3674

CURRICULUM VITAE – COLIN M. CAMPBELL

SUMMARY

As a Principal with RTP Environmental Associates, Inc., Colin Campbell provides expert training and consulting to regulatory agencies, private industry, and trade organizations in the field of stationary source air pollution control, permitting, and compliance. Representative engagements during his 30 years in this field include:

- Obtaining New Source Review (NSR) construction permits and title V operating permits for industrial facilities;
- Providing training to:
 - Local, State, and Federal air agency personnel on permitting requirements under the New Source Review (NSR) programs;
 - Attendees at RTP's Advanced NSR Workshops (held 2-3 times per year);
 - Private companies regarding NSR permitting;
- Managing RTP's efforts under the Arizona DEQ's Accelerated Permits Processing Program, wherein RTP provides technical support to the state agency in processing NSR permit applications; and
- Serving as an expert witness in NSR-related litigation, such as enforcement actions, and in quasi-judicial proceedings such as administrative appeals of NSR permits.

Prior to joining RTP Environmental, Mr. Campbell held positions with Woodward-Clyde Consultants, providing air quality consulting services to private industry, and at Pacific Environmental Services, providing technical support to U.S. EPA in matters relating to Clean Air Act permitting program implementation.

POSITIONS HELD

1) Principal

October 1997 to Present
RTP Environmental Associates Inc.
304-A West Millbrook Road
Raleigh, NC 27609

As Principal with RTP Environmental Associates and manager of the firm's North Carolina office, Colin Campbell provides expert training and consulting to private industry and to regulatory agencies in the field of air pollution control, permitting, and compliance.

Air Quality Permitting and Compliance

- Serving as Project Manager and Lead Contractor for the Arizona Department of Environmental Quality's Accelerated Permits Processing Program, which allows applicants to reimburse the State for the cost of having an approved contractor review permit applications and draft and process permits. Project elements typically include critical review of the emission inventory; regulatory applicability analyses, including complex net emissions increase determinations under the NSR and Prevention of Significant Deterioration (PSD) programs; air pollution control technology reviews including Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER), and case-by-case Maximum Achievable Control Technology (MACT); critical review of air quality impacts analyses, including National Ambient Air Quality Standards (NAAQS) and PSD increment conformance demonstrations; evaluation of visibility impacts in the Grand Canyon National Park and other mandatory federal Class I areas; analyses of impacts on soils and vegetation under the PSD program; critical review of Compliance Assurance Monitoring (CAM) plans; drafting the proposed permit and the accompanying engineering reviews and technical support documents; and reviewing and preparing responses to comments received from U.S. Environmental Protection Agency (EPA), Federal Land Managers, and the general public. Permits recently issued or currently being processed under this program include:
 - PSD and title V permits for a new, 150,000 barrel-per-day grassroots petroleum refinery. This was the first such facility ever permitted under a PSD program approved by EPA as part of a State Implementation Plan (SIP);
 - Retroactive PSD and title V permits for an existing steel mini-mill that had not been able to demonstrate compliance with its synthetic minor emission limits;
 - PSD and title V permits for two new, 400-megawatt coal-fired electric utility steam generating units that "netted out" of PSD review for NO_x and SO₂ by overcontrolling two existing coal-fired steam generating units. This was the first of several similar projects nationwide to use the netting approach to avoid PSD review for new coal-fired electric generating capacity and Mr. Campbell's role was crucial in successful implementation of this approach;
 - PSD and title V permits for a proposed, greenfield Portland cement plant locating within a National Forest;
 - PSD, nonattainment NSR, and title V permits for a new cement kiln replacing three existing kilns; and
 - PSD and title V permits for several natural gas-fired, combined-cycle power plants.
- Provided technical support and expert testimony in support of PSD permits issued by the Utah Department of Environmental Quality for a proposed, 270-megawatt, coal-fired power plant using circulating fluidized bed technology and a proposed,

950-megawatt pulverized coal-fired power plant. Responsibilities prior to permit issuance included reviewing and assisting with development of proposed Approval Order (i.e., permit) conditions and technical support documents, particularly with regard to proposed BACT determinations. Represented the Executive Director of Utah DEQ as an outside expert during the administrative appeals process, in adjudicatory hearings before the Utah Air Quality Board, providing testimony on all aspects of BACT applicability and BACT determinations, including the appropriateness of considering alternative electricity generating technologies as a control option.

- Managed RTP's efforts in providing expert support to the Arizona DEQ and the Clark County (NV) Department of Air Quality and Environmental Management in rulemaking efforts involving wholesale revisions of NSR permitting rules. Scope included reviewing current air permitting rules for possible improvements, making recommendations to agency management regarding NSR reform implementation and other improvements, leading stakeholder interaction, drafting rule revisions and stakeholder responses, and assisting the agencies in obtaining SIP approval from EPA Region 9.
- Led PSD permitting efforts for a grassroots, world-scale, Midwestern U.S. petroleum refinery with hydrogen-producing, carbon-capture-ready IGCC power plant. Responsibilities include all PSD technical analyses and regulatory applicability analyses.
- Led PSD permitting efforts for a grassroots, natural gas-based nitrogenous fertilizer manufacturing complex in Idaho. Responsibilities included all PSD technical analyses and regulatory applicability analyses, negotiation of permit terms, and testimony in defense against administrative appeal of permit.
- Provided non-testifying, consulting expert services for a Midwestern petroleum refinery in litigation with the United States regarding alleged PSD and NSPS violations. The alleged modifications were believed by the refinery and were treated by the state permitting authority as pollution control projects.
- Managed permitting efforts for a PAL permit, including Plantwide Applicability Limits for all regulated NSR pollutants, for a large automobile assembly plant in South Carolina. Subsequently managed permitting efforts for a PAL major modification, including a PSD permit, for the same facility. Responsibilities included all regulatory applicability analyses, development of required PAL compliance demonstration mechanisms, BACT analyses, and negotiation of permit terms.
- Provided expert testimony in support of a PSD permit issued by the Kentucky Division for Air Quality for a proposed, 750-megawatt, supercritical pulverized coal-fired power plant. Testimony was presented before the Environmental and Public Protection Cabinet on all aspects of BACT applicability and BACT determinations, including the appropriateness of considering alternative electricity generating technologies or mandated "clean fuels" as BACT control options; on the use of emission reductions for PSD netting, including where those emission

reductions were also used to achieve compliance with emission trading program requirements; enforceability of permit terms; and applicability of the PSD program to hazardous air pollutants.

- Led PSD permitting of a large municipal sewage sludge-fired, electric-generating, glass aggregate production facility in Detroit. Project included emission inventory preparation, regulatory applicability analyses, BACT analyses for multiple pollutants, multi-source air quality impacts analyses, development of compliance monitoring procedures, and extensive interaction with active environmental and citizens' groups.
- Prepared minor NSR construction permit applications for complex modernization and clean fuels projects at several domestic petroleum refineries. Project elements included preparing emission estimates and complex netting analyses, identifying economical opportunities for creditable and contemporaneous emissions decreases, performing regulatory applicability analyses, negotiating permit terms, and coordinating permitting activities with Consent Decree compliance initiative.
- Conceived and successfully implemented a novel approach for revising the air permits for expansion of a petroleum refinery in Utah where the preconstruction NSR permitting process, not involving RTP, had resulted in unachievable emission limits intended to preclude applicability of nonattainment NSR and associated emission offset requirements. The revised approach required a demonstration that the refinery, located in an area designated nonattainment with respect to the NAAQS for PM_{2.5} (fine particulate matter), was a non-major source of PM_{2.5}. This strategy allowed the refinery owner to avoid the requirement for emissions offsets costing in excess of ten million dollars.
- Led PSD and title V permitting projects at chemical and pharmaceutical manufacturing facilities in Eastern and Southeastern U.S. Project elements included emission inventory preparation, regulatory analyses, BACT analyses, air quality impacts analyses, compliance assessment, development of compliance monitoring procedures, preparation of permit applications, and negotiation of permit terms.
- Led successful PSD permitting efforts for significant expansion of a fiber glass insulation manufacturing plant in Kansas. Project elements included emission inventory preparation, regulatory analyses, BACT analyses, air quality impacts analyses, compliance assessment, development of compliance monitoring procedures, preparation of permit application, and negotiation of permit terms.
- Provided technical support to owners and operators of coal- and natural gas-fired electric power plants in Arizona, agribusiness facilities in Idaho, and a sodium carbonate production plant in Wyoming in developing Best Available Retrofit Technology (BART), reasonable progress, and better-than-BART demonstrations under the Clean Air Act's Regional Haze program. Responsibilities included air pollution control technology evaluations, including assessment of technical feasibility and cost effectiveness; developing and commissioning site-specific

photochemical grid modeling analyses to quantify potential reductions in anthropogenically-caused visibility impairment; and negotiating rule requirements under SIPs and a Federal Implementation Plan (FIP).

- Assisted electric utility and petroleum refinery clients in designing and implementing air permitting applicability review procedures for planned capital expenditures. Procedural documents for petroleum refinery clients includes unit-specific listing of upstream and downstream potential impacts; electronic link to production records to ensure continual updating of actual emissions baseline; and templates for documentation of non-applicability determinations. Implementation ensured minimal impact of applicability reviews on the capital approval processes while also minimizing enforcement liability for errant determinations.
- Provided technical support to counsel and led negotiation of air pollution control-related requirements in complex settlement negotiations for clients in the electric utility, glass container manufacturing, natural gas transmission, and petroleum refining industries alleged by the United States to have violated the requirement to obtain PSD or nonattainment NSR permits under the Clean Air Act for construction or modification of a major stationary source. Efforts led to favorable settlement terms embodied in judicially enforceable consent decrees and releases from civil liability for historical NSR violations.
- Provided both testifying and non-testifying (consulting) expert support for two publicly held utilities in defense of enforcement actions brought by EPA for alleged modifications at coal-fired power plants. Scope of expert testimony included the proper interpretation of NSR and NSPS applicability exclusions, particularly the exclusions for routine maintenance, repair, and replacement activities; project emissions increase and net emissions increase calculations; BACT applicability and timing; and both current and historical BACT determinations.
- Performed historical PSD/NSR applicability studies and NSR-avoidance permitting, including retroactive netting, for facilities in forest products and surface coating industries.

Air Quality Training

- Mr. Campbell has presented more than 400 days of in-depth training on NSR-related topics, to a cumulative total of more than 3,000 students, including personnel from all State air pollution control agencies in the U.S. Training course development and presentation activities include:
 - Assisted in initial preparation of, and continuing to provide support in periodic updating of, *Advanced New Source Review* training course offered by RTP Environmental. This training course provides a comprehensive review of federal PSD and nonattainment NSR regulatory provisions, interpretive guidance, and pertinent case law.
 - Co-presenter, approximately 2-3 times annually, of 4-day commercial version of

the *Advanced New Source Review* training course offered by RTP Environmental. Attendees at these workshops typically include regulated industry representatives, attorneys in private practice, other air quality consultants, and representatives of Federal, State, and local agencies.

- Co-presenter of 4-day version of the *Advanced New Source Review* training course specifically tailored for and presented to permitting agency personnel. Clients include Central States Air Resource Agencies (CENSARA), a group of nine state air pollution control agencies in the Midwest and the Plains; Lake Michigan Air Directors Consortium (LADCO), a group of six state air pollution control agencies in the Great Lakes region; Southeastern States Air Resource Managers (SESARM), a group of eight southeastern state air pollution control agencies; and individual state agencies; Western States Air Resources Council (WESTAR), a group of fifteen western state air pollution control agencies; and EPA.
- Developed, on behalf of WESTAR and CENSARA, a comprehensive training course on BACT issues for state and local air pollution control agency personnel. This training course provides a thorough review of legislative history, statutory and regulatory provisions, interpretive guidance, and pertinent case law. The workshop also includes exercises to facilitate learning of complex BACT topics such as evaluating technical feasibility; identifying and evaluating environmental impacts; determining, weighing, and applying cost effectiveness and other measures of economic impacts for alternative air pollution control techniques; and establishing clear and enforceable emission limitations representing BACT.
- Co-presenter of 3-day BACT training course for state and local permitting agency personnel. Clients include CENSARA; LADCO; WESTAR; Mid-Atlantic Regional Air Management Association (MARAMA), an association of ten state and local air pollution control agencies; and Northeast States for Coordinated Air Use Management (NESCAUM), an association of eight state and local air pollution control agencies; and individual state agencies.
- Periodically prepare and present custom-designed air pollution control training courses, pertaining primarily to PSD and nonattainment NSR applicability issues, for private sector clients. Clients include regulated entities and trade associations in the petroleum refining, transportation, and marketing; oil and gas; electric generation; chemical manufacturing; portland cement; glass production; and wood products industries.

2) Assistant Project Engineer

October 1994 to October 1997

AECOM Technology Corp. (formerly Woodward-Clyde Consultants, Inc.)

Raleigh, NC 27604

As Assistant Project Engineer with Woodward-Clyde, Mr. Campbell was responsible for performing and managing air permitting and compliance projects including:

- Major nonattainment NSR permitting and PSD-avoidance permitting of a new non-recovery coke-making facility for an integrated Midwestern U.S. steel mill;
- Preparing Title V permit applications for an integrated chemical manufacturing facility in West Virginia and for synthetic fibers manufacturing plants in South Carolina;
- Coordinating air quality compliance activities for all southeastern and midwestern U.S. facilities for a large, multinational chemical manufacturer;
- Preparing retrospective NSR applicability analyses, including evaluation of claimed applicability exclusions and determination of net emissions increases, for several facilities acquired by a large wood products company.

3) Environmental Engineer

December 1991 to October 1994

John Wood Group plc (formerly Pacific Environmental Services, Inc.)

Research Triangle Park, NC 27709

As an Environmental Engineer with Pacific Environmental Services, Mr. Campbell provided technical support on various air quality programs implemented by EPA including:

- Planning and implementing a nationwide data gathering and compilation effort for emission test results in support of emission factor development;
- Reviewing and grading emission test results for categories of sources in the chemical, metallurgical, and mineral production industries;
- Developing emission factors and preparing updates to EPA's emission factor compilation ("AP-42") for categories of sources in the chemical, metallurgical, and mineral production industries;
- Performing air compliance inspections for stationary sources throughout the southeastern U.S., including such diverse facilities as coal-fired power plants, an integrated chemical and pharmaceutical manufacturing plant, kraft pulp mills, a plywood manufacturing plant, and a magnetic tape manufacturing plant; and
- Developing the Enhanced Monitoring rule, issued by EPA as a proposed rulemaking in 1993 and later codified as the Compliance Assurance Monitoring (CAM) rule.

EXPERT TESTIMONY

- Deposition and trial testimony on behalf of defendants in *United States v. Illinois Power Co.*, S.D. Ill., No. 99-833-MJR.
- Deposition testimony on behalf of defendant in *U.S. v Questar Gas Management Company*, D. Utah, No. 2:08-cv-00167-DAK.

- Deposition testimony and testimony at contested case hearing on behalf of Permittee *In the matter of the Prevention of Significant Deterioration (PSD) Air Quality Permit Application of Hyperion Energy Center – Hyperion Refining LLC. Permit # 28.0701-PSD.* Before the Board of Minerals and Environment, Department of Environment and Natural Resources.
- Deposition testimony on behalf of Permittee in File No. DAQ-27602-042, Commonwealth of Kentucky Environmental and Public Protection Cabinet, *Sierra Club, Valley Watch, Inc. and Save the Valley, Inc., Petitioners, v. Environmental and Public Protection Cabinet and Louisville Gas and Electric Company, Respondents.*
- Pre-filed testimony, deposition testimony, and testimony at contested case hearing on behalf of Permittee in File No. DAQ-41001-046, Commonwealth of Kentucky Energy and Environment Cabinet, *Sierra Club, Ursuline Sisters of Mount Saint Joseph, and Valley Watch, Inc., Petitioners, v. Energy and Environment Cabinet and Cash Creek Generating, LLC, Respondents.*
- Deposition testimony on behalf of defendant in *AGC Flat Glass North America, Inc. v. Pilkington Group Limited, et al.* Commonwealth of Kentucky, Madison Circuit Court, Division 1. Civil Action No. 05-CI-656.
- Deposition and hearing testimony on behalf of the Executive Secretary of the Utah Air Quality Board in Project Code: N2529-001, Before the Utah Air Quality Board, *In Re: Approval Order – the Sevier Power Company 270 MW Coal-Fired Power Plant, Sevier County.*
- Pre-filed testimony and deposition testimony on behalf of Permittee in Case No. BER 2007-07-AQ, Before the Board of Environmental Review of the State of Montana, *In the Matter of: Southern Montana Electric Generation and Transmission Cooperative – Highwood Generating Station.*
- Deposition testimony on behalf of defendants in *Sierra Club v. City of Holland, Michigan and Holland Board of Public Works*, W.D. Michigan, No. 1:08-cv-1183.
- Pre-filed testimony on behalf of Permittee in Consolidated SOAH Docket No. 582-08-0861, Before the Texas State Office of Administrative Hearings, *Application of NRG Texas Power LLC for State Air Quality Permit 79188 and Prevention of Significant Deterioration Air Quality Permit PSD-TX-1072 and Hazardous Air Pollutant Major Source [FCAA § 112(g)] Permit HAP-14.*
- Deposition testimony in *Louisiana Generating LLC and NRG Energy, Inc., v. Illinois Union Insurance Company*, No. 3:10-cv-00516, M.D. La.
- Affidavit in *United States et al. v. DTE Energy Co. et al.*, No. 2:10-cv-13101-BAF, E.D. Mi.
- Deposition testimony on behalf of defendants in *Invista B.V. et al. v. E.I. duPont de Nemours & Co., Inc.*, S.D. N.Y., No. 08-cv-3063 (SHS).
- Testimony at contested case hearing on behalf of Permittee in SOAH Docket No. 582-13-5205; TCEQ Docket No. 2013-1191-AIR, *Application of Corpus Christi Liquefaction, LLC for Air Quality Permit Nos. 105710 and PSDTX1306, for the*

Construction of a Natural Gas Liquefaction and Export Terminal with Regasification Capabilities, in San Patricio County, Texas.

- Deposition testimony in *In the Matter of Air Quality Permit to Construct No. P-2013.0030 Issued to Magnolia Nitrogen Idaho LLC: Conagra Foods Lamb Weston, Inc. v. Idaho Dept. of Environmental Quality and Magnolia Nitrogen Idaho LLC*, Docket No. 0101-14-01, Before the Idaho Board of Environmental Quality.
- Deposition and trial testimony on behalf of defendants in *United States v. Westvaco Corporation*, D. Md., No. MJG-00-2602.
- Trial testimony on behalf of defendant in *Unitek Solvent Services, Inc., v. Chrysler Group LLC*, D. Hawaii, Civil No. 12-00704.
- Hearing testimony in *In the Matter of: El Dorado Chemical Company*, Docket No. 13-008-P, before the Arkansas Pollution Control & Ecology Commission.
- Deposition and trial testimony on behalf of defendants in *United States et al. v. Ameren Missouri*, E.D. Mo., No. 4:11-cv-00077-RWS.
- Testimony at technical hearing on behalf of Applicant in Docket No. 6630-CE-305, Before the Public Service Commission of Wisconsin, *Application of Wisconsin Electric Power Company for a Certificate of Authority to Construct and Place in Operation a 50 MW Biomass-Fueled Co-generation Facility to be Located in the Village of Rothschild in Marathon County.*

ACADEMIC TRAINING AND EDUCATION

Degree: Bachelor of Science in Mechanical Engineering
Institution: North Carolina State University
Date: May 1991

Degree: Bachelor of Science in Economics
Institution: North Carolina State University
Date: December 1991

PROFESSIONAL ACTIVITIES

- Member, Air and Waste Management Association, since 1997.

CERTIFICATE OF SERVICE

I, Melissa S. Brown, the undersigned, hereby certify that I have served the attached **ILLINOIS ENVIRONMENTAL REGULATORY GROUP'S PRE-FILED TESTIMONY OF ALEC DAVIS and PRE-FILED TESTIMONY OF COLIN CAMPBELL** on January 6, 2022, to the following:

Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
Don.Brown@illinois.gov

Mr. Daniel Pauley
Hearing Officer
Illinois Pollution Control Board
100 W. Randolph Street
Suite 11-500
Chicago, Illinois 60601
Daniel.Pauley@illinois.gov

Sally Carter
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794
Sally.Carter@illinois.gov

Renee Snow
General Counsel
Illinois Department of Natural Resources
One Natural Resource Way
Springfield, Illinois 62702-1271
renee.snow@illinois.gov

Kathryn A. Parmenter
Assistant Attorney General
Jason James
Assistant Attorney General
69 West Washington Street
Suite 1800
Chicago, Illinois 60602
Kathryn.Pamenter@ilag.gov
Jason.James@ilag.gov

That my email address is: Melissa.Brown@heplerbroom.com.

That the number of pages in the email transmission is 36 total pages.

That the email transmissions, depositing said documents in the United States Mail, and depositing said documents in a UPS drop box, as noted above, took place before 5:00 p.m. on the date of January 6, 2022.

/s/ Melissa S. Brown

Date: January 6, 2022