

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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In the Matter of:		)	
		)	
		)	
PETITION OF EAST DUBUQUE NITROGEN		)	AS 2024-002
FERTILIZERS, LLC FOR ADJUSTED		)	(Adjusted Standard – Air)
STANDARD		)	
		)	
		)	
		)	

**NOTICE OF FILING**

To: Don A. Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren St., Ste 630  
Chicago, Illinois 60605

Gina Roccaforte  
Dana Vetterhoffer  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **PROOF OF NOTICE OF PETITION** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: September 8, 2023

Respectfully submitted,

/s/John M. Heyde  
East Dubuque Nitrogen Fertilizers, LLC  
By One of Its Attorneys

Byron F. Taylor  
John M. Heyde  
**SIDLEY AUSTIN LLP**  
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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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**PROOF OF NOTICE OF PETITION**

Petitioner East Dubuque Nitrogen Fertilizers, LLC (“EDNF”) files its Proof of Notice of Petition, pursuant to 35 Ill. Adm. Code 104.410. EDNF filed its petition for an adjusted standard on August 14, 2023 and caused publication of notice of the filing of that petition pursuant to 35 Ill. Adm. Code 104.408 in the *Freeport Journal-Standard* on August 27, 2023. The certificate of publication of the *Freeport Journal-Standard*, which is attached to this filing as **Exhibit 1**, certifies that a public notice regarding EDNF’s petition for an adjusted standard was published in the *Freeport Journal-Standard* on August 27, 2023. A copy of the public notice is included in the certificate of publication.

Dated: September 8, 2023

Respectfully submitted,

/s/John M. Heyde  
East Dubuque Nitrogen Fertilizers, LLC  
By One of Its Attorneys

Byron F. Taylor

John M. Heyde

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on September 8, 2023, I have served the attached **Proof of Notice of Petition** upon the following persons by electronic mail.

I further state that my email address is as stated in the signature block below, that the number of pages in this email transmission is eight, and that the email transmission took place before 4:30 p.m. on September 8, 2023.

Don A. Brown, Clerk of the Board  
Illinois Pollution Control Board  
60 E. Van Buren St., Ste 630  
Chicago, Illinois 60605  
[don.brown@illinois.gov](mailto:don.brown@illinois.gov)

Gina Roccaforte, Assistant Counsel  
Dana Vetterhoffer, Deputy General Counsel  
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Dated: September 8, 2023

/s/John M. Heyde  
John M. Heyde

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# **Exhibit 1**

# LOCALiQ

JournalStar | Journal-Standard  
Rockford Register Star

PO Box 631200 Cincinnati, OH 45263-1200

## **PROOF OF PUBLICATION**

Alicia Garten  
1 S Dearborn St  
Chicago IL 60603

STATE OF ILLINOIS, COUNTY OF STEPHENSON

The Journal Standard, a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Freeport, County of Stephenson, Township of Freeport, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

That the attached or annexed was published in the issue dated:

08/27/2023

and that the fees charged are legal.  
Sworn to and subscribed before on 08/27/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

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*Please do not use this form for payment remittance.*

**KATHLEEN ALLEN**  
Notary Public  
State of Wisconsin

**Notice of Petition by East Dubuque Nitrogen Fertilizers, LLC for an Adjusted Standard before the Illinois Pollution Control Board.**

On August 14, 2023 East Dubuque Nitrogen Fertilizers, LLC (EDNF) filed a Petition for an Adjusted Standard with the Illinois Pollution Control Board (Board), Docket Number AS 2024-002, seeking an adjusted standard from the requirements imposed by the Board's recent final order in Docket R23-18. The Board's order repealed rules in Part 201 that allowed Illinois EPA, in operating permits, to authorize operation during startup and malfunction notwithstanding generally applicable limitations that apply during normal operation (the "SSM Rules"). In EDNF's case, the generally applicable limitations are found in 35 Ill. Adm. Code § 217.381, governing nitric acid manufacturing processes for EDNF's facility located at 16675 U.S. Highway 20 West, East Dubuque, Illinois 61025.

EDNF's facility produces nitrogenous fertilizer products that support agriculture and other industrial sectors in Illinois and surrounding states. The Facility produces anhydrous ammonia using natural gas and nitrogen from the air. Two nitric acid processes convert anhydrous ammonia to nitric acid as well as other products. One of the byproducts of a weak nitric acid manufacturing process is NOx air emissions. To control the NOx emissions and comply with Section 217.381, both of EDNF's Nitric Acid Processes use selective catalytic reduction ("SCR") systems. The chemical reaction inside the SCR occurs at an elevated temperature during normal operation. However, when the Nitric Acid Processes start up and shut down, a brief period of time is needed before the SCR reaches the required temperature to function properly. This causes, for a short duration, additional NOx emissions.

EDNF proposes that the Board adopt the following adjusted standard:

1. The adjusted standard applies to the emission of nitrogen oxides into the atmosphere and related visible emissions from the nitric acid manufacturing processes ("Nitric Acid Processes") at the EDNF facility located at 16675 US Highway 20 West in East Dubuque, Illinois (the "Facility"). The Nitric Acid Processes produce nitric acid using anhydrous ammonia produced in another process at the Facility.

2. During all Operating Periods, including during Startup and Shutdown (all as defined below), the emissions of nitrogen oxides from the Nitric Acid Processes shall not exceed 0.75 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (1.5 lbs/T), 30-day rolling

average, rolling facility. This standard applies in lieu of the general standard stated in Section 217.381(a)(1).

3. During periods of Startup and Shutdown, visible emissions shall be controlled through:

- (a) Operating in a manner consistent with good air pollution control practices for minimizing emissions;
- (b) Maintaining a log of Startup and Shutdown events; and
- (c) Operating in accordance with written Startup and Shutdown procedures that are specifically developed to minimize Startup emissions, duration of individual starts, and frequency of Startups.

This standard applies in lieu of the general standards stated in Sections 217.381(a)(2) and 212.123. During all Operating Periods other than Startup and Shutdown, the general standards shall apply.

4. In determining compliance with Paragraph 2, above, during Operating Periods when there is little or no acid production (e.g., Startup and Shutdown), the average hourly acid production rate shall be determined from the data collected over the previous 30 days of normal acid production periods.

5. The following definitions apply to this Adjusted Standard:

(a) "Operating Periods" shall mean periods during which a process is producing nitric acid and nitrogen oxides are emitted. Operating Periods begin at the initiation of Startup, end at the completion of Shutdown, and include all periods of malfunction.

(b) "Shutdown" shall mean the cessation of nitric acid production operations of the process for any reason. Shutdown begins at the time the feed of ammonia to the process ceases and ends the earlier of three hours later or the cessation of feed of compressed air to the process.

(c) "Startup" shall mean the process of initiating nitric acid production operations at a process. Startup begins one hour prior to the initiation of the feed of ammonia to the process and ends no more than five hours after such initiation of the feed of ammonia.

Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice. The hearing request must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601, or filed electronically through COOL, located on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).