

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R 23-18(A)
AMENDMENTS TO)	
35 Ill. Adm. Code Parts 212 and 215)	(Rulemaking – Air)
)	
)	

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that on this day, the 1st day of December, 2023, I caused to be filed with the Clerk of the Illinois Pollution Control Board **RAIN CII CARBON LLC’S INITIAL RESPONSE TO ILLINOIS EPA COMMENTS**, copies of which are herewith served upon you.

/s/ Alexander Garel-Frantzen

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**RAIN CII CARBON LLC'S
INITIAL RESPONSE TO ILLINOIS EPA COMMENTS**

Pursuant to the Hearing Officer's directive at the Second Public Hearing held on November 1, 2023, in the above-captioned matter, Rain Carbon, by and through its attorneys, ArentFox Schiff LLP, submits this Initial Response to Illinois EPA's Comments, P.C. #5.¹

1. Rain Carbon has proposed a rulemaking to amend the Illinois Administrative Code to provide AELs and standards for opacity, PM, and VOM during limited periods of SMB at Rain Carbon's coke calcining facility in Robinson, Illinois.

2. In support of its proposed rulemaking, Rain Carbon submitted the Pre-Filed Testimony of Mr. Ross Gares, Director of Calcining Operations for Rain Carbon, Pre-Filed Testimony of Mr. Bryan Higgins of Trinity Consultants, and a TSD. The TSD provided ambient air quality modeling prepared by Trinity on behalf of Rain Carbon that demonstrated that Rain Carbon's proposed AELs for PM and VOM will not result in interference with the applicable PM and ozone NAAQS as required by Section 110(l) of the CAA, 42 U.S.C. § 7410(l).

3. Both Mr. Gares and Mr. Higgins testified on behalf of Rain Carbon at the First Public Hearing held on September 27, 2023. Illinois EPA did not file any pre-filed questions

¹ Capitalized terms have the same meaning as set forth in Rain Carbon's Proposal of Regulations, unless otherwise indicated herein.

directed towards Rain Carbon, nor did it ask Rain Carbon any questions during the First Public Hearing. However, Rain Carbon and Illinois EPA had discussions regarding Rain Carbon's ambient air quality modeling prior to the First Public Hearing.

4. On October 23, 2023, the Agency filed public comments concerning the five rulemaking proposals before the Board in this sub-docket, including Rain Carbon's proposed rules. *See* Illinois EPA's, P.C. #5, PCB No. 23-18(A) (Oct. 23, 2023) (the "Illinois EPA Comments"). In the Illinois EPA Comments, the Agency raised certain concerns with and questions regarding Rain Carbon's rulemaking proposal and modeling. *See* Illinois EPA Comments at pp. 8-11. Specifically, Illinois EPA requested that Rain Carbon: (i) conduct "worst-case modeling" rather than modeling based "only [on] the excess emissions from SMB events beyond the allowable limit" to evaluate the proposed PM and VOM AELs against the applicable SIL thresholds; (ii) provide additional justification for seeking 720 hours per kiln per year as an alternative PM standard under Section 212.322; (iii) provide "representative and worst-case emissions of VOM" during SMB to justify that relief from the standard under Section 215.302 is necessary and that a 24-hour averaging period to demonstrate compliance with the VOM standard is appropriate; and (iv) provide additional justification for the length of the averaging period to demonstrate compliance with the opacity limit under Section 212.123(b).

5. At the Second Public Hearing held on November 1, 2023, the Hearing Officer directed the rulemaking proponents to file initial responses to the Illinois EPA Comments by December 1, 2023. Second Hearing Transcript, PCB No. 23-18(A), 16:20-21 (Nov. 1, 2023).

6. Based on recent discussions with Illinois EPA, it is premature for Rain Carbon to provide substantive responses to the Illinois EPA Comments. This is consistent with Rain

Carbon's representations at the Second Hearing. *See id.* at 11:19-12:8, 12:12-22. However, Rain Carbon submits the following status update to the Board.

7. Since September, Rain Carbon and Illinois EPA have been engaged in a series of productive technical discussions regarding Rain Carbon's proposed AELs for PM, VOM, and opacity and to address the Illinois EPA Comments regarding the TSD and modeling demonstration. Rain Carbon has made substantial progress in developing a revised model to address the Agency's concerns regarding the modeling of worst-case emissions for PM during SMB. In addition, Rain Carbon is in the process of developing revised AELs for PM and VOM based on a review of historic SMB operational data at the Facility and further evaluation of the emission test data provided as part of the TSD. Work on the modeling and revised AELs is ongoing, and Illinois EPA has verbally expressed its support for the parties to continue working to resolve and finalize revisions to the proposed AELs and associated modeling. Rain Carbon anticipates that it will resolve any outstanding concerns the Agency has in the forthcoming months.

8. Accordingly, Rain Carbon believes that it is prudent to allow additional time for Rain Carbon and Illinois EPA to conclude its discussions in order to resolve and finalize revisions to the proposed AELs and associated modeling in support thereof. Based on the progress made to-date, Rain Carbon anticipates that it will be in a position to submit revised modeling and revised AELs to the Board that will address Illinois EPA's questions and concerns raised in the Illinois EPA Comments by the end of January 2024.

9. Rain Carbon will provide the Board with any further updates on timing during the upcoming prehearing conference on December 6, 2023.

Respectfully submitted,

Rain CII Carbon LLC

By: /s/ David M. Loring
David M. Loring

Dated: December 1, 2023

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CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 1st day of December, 2023, I have electronically served a true and correct copy of **Rain CII Carbon LLC's Initial Response to Illinois EPA Comments**, by electronically filing with the Clerk of the Illinois Pollution Control Board and by e-mail upon the persons identified on the attached Service List.

My e-mail address is Alex.Garel-Frantzen@afslaw.com.

The number of pages in the e-mail transmission is 8.

The e-mail transmission took place before 5:00 p.m.

/s/ Alexander J. Garel-Frantzen

Alexander J. Garel-Frantzen

Dated: December 1, 2023

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