

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R23-18
PARTS 201, 202, AND 212) (Rulemaking – Air)

NOTICE OF FILING

TO: Mr. Don A. Brown,
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street,
Suite 11-500
Chicago, Illinois 60601

Timothy Fox
Chloe Salk
Hearing Officers
Illinois Pollution Control Board
60 East Van Buren Street, Suite 630
Chicago, Illinois 60605

(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 Control Board, CICI'S RESPONSE TO ILLINOIS ATTORNEY GENERAL'S OFFICE'S QUESTIONS AT FEBRUARY 16, 2023 HEARING, copies of which are hereby served upon you.

Respectfully submitted,
CHEMICAL INDUSTRY
COUNCIL OF ILLINOIS
By: /s/ Lisa Frede_____

Dated: February 24, 2023

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**THE CHEMICAL INDUSTRY COUNCIL OF ILLINOIS' RESPONSE TO QUESTIONS
RECEIVED AT HEARING**

The Chemical Industry Council of Illinois (CICI) hereby submits CICI's response to the Illinois Attorney General's Office's pre-filed questions directed at Ms. Lisa Frede at the February 16, 2023 hearing.

Questions pre-filed by Illinois Attorney General's Office

1. CICI states that a member has a consent decree with the U.S. Environmental Protection Agency (USEPA) stating that NOx emissions limits do not apply during startup, shutdown, and malfunction (CICI testimony at 3). When was this consent decree agreed to? Please supplement this rulemaking record with any related information.

CICI's Response:

The consent decree was filed with the Clerk of the U.S. District Court in February, 2012. The consent decree provided specific process related definitions to: Startup, Shutdown, and Malfunction. The short-term NOx limit is based on a 3-hour rolling average and does not apply during periods of Startup, Shutdown or Malfunction. The long-term NOx limit was based on a 365-day rolling average NOx emission limit that applied at all times (including startup, shutdown, and malfunction). The above emission limits and definitions have since been incorporated into the source's CAAPP Permit as required by the consent decree.

2. CICI states that Ohio is working to "tailor a workable solution for their state-specific needs" with respect to their startup, shutdown, and malfunction (SSM) rules (CICI testimony at 5). Has Ohio submitted an updated State Implementation Plan (SIP) to

USEPA for approval? Which other states have done so? Has USEPA approved any of these other State SIPs? Please supplement this rulemaking record with any related information.

CICI's Response:

With regards to other States' approaches to this issue, and whether they have been approved by USEPA as a part of each State's SIP, the Board heard testimony at the second hearing from other witnesses detailing how Illinois is unique relative to other states, and that those other states regulatory schemes contain sufficient flexibility and would not require the relief that CICI requested at the second hearing.

3. CICI States that "without this exception of affirmative defense, each startup and shutdown will result in deviations of NOx emissions limits...and opacity limits or all permits in Illinois would have to be updated to address higher NOx emissions or opacity exceedances" (CICI testimony at 3). Is it your belief that deviations and higher emissions during SSM events will necessarily result in exceedances? If that is the case, have CICI's member companies explored any potential improvements to pollution control equipment to prevent exceedances of the emissions and opacity limits?

CICI's Response:

CICI would echo the testimony presented by IERG and API at the second hearing relative to possible exceedances during SSM events. With regards to the second part of this question, whether CICI's member companies have explored potential improvements to pollution control equipment, the answer is yes. Member companies routinely engage with pollution control equipment manufacturers to evaluate alternatives, whether those alternatives fall under the category of new or updated equipment, modified standard operating procedures, or modified use of existing equipment.