

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:	)	
	)	
	)	R 23-18(A)
AMENDMENTS TO 35 ILL. ADM. CODE	)	(Rulemaking – Air)
PARTS 201, 202, AND 212	)	

**NOTICE OF FILING**

TO: Mr. Don A. Brown,	Timothy Fox
Clerk of the Board	Chloe Salk
Illinois Pollution Control Board	Hearing Officers
100 West Randolph Street,	Illinois Pollution Control Board
Suite 11-500	60 East Van Buren Street, Suite 630
Chicago, Illinois 60601	Chicago, Illinois 60605

**(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, the **PRE-FILED TESTIMONY OF JOHN DEREK REESE IN SUPPORT OF API'S RULEMAKING PROPOSAL**, on behalf of the American Petroleum Institute, copies of which, are hereby served upon you.

Respectfully submitted,  
AMERICAN PETROLEUM INSTITUTE,

By: /s/ Alec Messina  
One of its Attorneys

Dated: August 28, 2023

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**PRE-FILED TESTIMONY OF JOHN DEREK REESE  
IN SUPPORT OF API'S RULEMAKING PROPOSAL**

NOW COMES Petitioner, the AMERICAN PETROLEUM INSTITUTE ("API"), by and through its undersigned attorney, and pursuant to 35 Ill. Adm. Code § 102.424 and the Illinois Pollution Control Board's ("Board") August 17, 2023 Notice of Hearing, submits the following Pre-Filed Testimony of John Derek Reese in Support of API's Rulemaking Proposal for presentation at the September 27, 2023 hearing scheduled in the above-referenced matter.

**TESTIMONY OF JOHN DEREK REESE**

**I. INTRODUCTION**

My name is John Derek Reese, and I am the Downstream Policy Advisor within Policy, Economics, and Regulatory Affairs at API. I have more than thirty years of industry experience working in refining and petrochemical manufacturing operations as well as safety, health, and environmental compliance. My current responsibilities include advocating on environmental and process safety issues that may impact the procedures and/or operations of the refineries in the United States. My *curriculum vitae* is attached hereto.

API is the only national trade association representing all facets of the oil and natural gas industry, which supports more than 11 million U.S. jobs and nearly 8 percent of the U.S. economy. API's approximately 600 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. API members operate facilities subject to each of the proposed changes to SMB

regulatory language addressed in this proposal, including refineries subject to 40 CFR Part 63 Subpart UUU, and will be directly impacted by the proposed amendments.

I will be providing testimony in support of API's proposal to amend 35 Ill. Adm. Code Part 216. The focus of my testimony will be providing technical support and justification for API's proposed amendments to 35 Ill. Adm. Code 216.103, 216.104, and 216.361. The Illinois Environmental Protection Agency's ("Illinois EPA") proposal in PCB R 23-18, adopted by the Board on July 20, 2023 and effective July 25, 2023, will adversely affect entities that have relied on prior startup, malfunction, and breakdown ("SMB") provisions for compliance during SMB events. Particularly, the amendments will leave refineries with fluid catalytic cracking units ("FCCUs") with potential noncompliance with the carbon monoxide ("CO") standard in 35 Ill. Adm. Code 216.361 during startup and hot standby events. An alternative emission limitation ("AEL") to the Section 216.361 standard is needed for startup and hot standby periods.

API's proposed AEL incorporates by reference pertinent provisions of the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units at 40 CFR Subpart UUU. The United States Environmental Protection Agency ("USEPA") recognized the unique and important operating conditions that FCCUs must follow during startup and hot standby periods to ensure safe operations as well as emissions minimization. The work practices and standards for these periods have been successfully utilized by refineries in the U.S. since 2019. The Board's removal of the SMB provisions in PCB R 23-18 will prohibit the use of these effective and useful standards for SMB periods for FCCUs and could cause direct economic harm to Illinois refineries by potentially resulting in periods of unnecessary curtailment of

gasoline, diesel, aviation fuel, and other key feedstocks production in the Illinois and greater Midwest markets.

There are four refineries located in Illinois which would be potentially impacted by API's proposal. These include: (1) ExxonMobil Oil Corp. Joliet Refinery located at 25915 S. Frontage Road, Channahon, Illinois (Will County); (2) WRB Refining LP Wood River Refinery located at 900 South Central Avenue, Roxana, Illinois (Madison County); (3) CITGO Petroleum Corp. Lemont Refinery located at 135th Street and New Avenue, Lemont, Illinois (Will County); and (4) Marathon Petroleum Company, LP Robinson Refinery located at 100 Marathon Avenue, Robinson, Illinois (Crawford County).

## **II. PURPOSE OF PROPOSAL**

After the amendments adopted by the Board in PCB R 23-18, the Board's regulations no longer provide Illinois EPA the authority to issue permits with conditions that authorize emissions in excess of standards during startup and/or authorize continued operation of an emission source during malfunction or breakdown in violation of limits or standards. Prior to the recent amendments, Illinois EPA had used the provisions in Part 201 as a basis to include broad SMB conditions in air construction and operating permits. Prior to the amendments, refineries with FCCUs with exceedances during SMB events could apply for and obtain such SMB conditions in their permits. While the permit condition language could vary, the condition would authorize a violation, or exceedance, of the generally applicable emission limit, such as the standards in Section 216.361, during periods of SMB. Facilities can no longer apply for such relief in their permits and the SMB conditions in existing permits will eventually be removed. Sources will subsequently comply with generally applicable emission limitations, including Section 216.361, at all times including periods of SMB. However, removal of the SMB relief

provisions does not change the fact that the refineries with FCCUs will not be able to meet the standards in Section 216.361 during periods of startup and hot standby.

As explained in API's Statement of Reasons and Technical Support Document, it is technically infeasible for many FCCUs to achieve the conditions necessary to meet the CO standard in Section 216.361 during periods of startup and hot standby. During startup of an FCCU, the reactor and regenerator train temperature must be raised 1000 – 1200°F which is the temperature range of the heat of reaction occurs for catalytic cracking. Prior to introducing feed into an FCCU, hot air is used initially to heat up the regenerator. The hot air is typically supplied from a natural gas-fired air-preheater that is only used for startup. If refractory repairs were made, a refractory dry-out is required and the regenerator temperature must be raised slowly (e.g., at a rate of 50 – 100°F/hr) to prevent water from damaging the refractory. Emissions from the regenerator vent during this time are from the air heater.

These auxiliary burners and regenerator internals are not designed to heat the regenerator to temperatures required to start the FCCU cracking reactions (>1000°F). Torch oil is needed to heat the regenerator beyond the capacity of the auxiliary burner and the metallurgical constraints of the regenerator system. Thus, during a typical startup, and during some shutdowns and standby operations of an FCCU, there is a period when torch oil is added to the regenerator to facilitate the unit heat-up to operating temperature. Upon the addition of feed to the unit, catalytic coke will start to burn in the regenerator along with the torch oil. Feed ramp up is fairly quick, during which time the torch oil is backed out during normal startups but can be longer if refractory repairs were made because of the need to raise temperatures slowly so as not to damage the new refractory. The period of torch oil addition (i.e., the period when the bed temperature is relatively low) results in increased CO during the start-up period.

For full burn FCCUs, there is a relatively short period of time during startup when the unit operates in partial burn mode resulting in an additional period of higher CO. This partial burn period can result from heat imbalances during this transition state or may be required for safety because operation at regenerator temperatures high enough for complete combustion while establishing catalyst circulation or introducing feed can result in exceeding metallurgical temperature limits. The unit is inherently unstable as feed is being put into the unit. It is a balancing act that requires operators to manually balance heat consumed to vaporize the feed and sustain the cracking reaction as additional feed is being put on the unit with the heat being brought into the reactor from the regenerator via catalyst circulation, which is a function of regenerator operating conditions. This is an extremely complex operation with numerous variables that operations must manage until the unit can be lined out.

For a partial burn unit, the required CO boilers add an additional step to unit start-up. Additional time is required from the point that the regenerator enters partial burn until the time the flue gas is all routed through the CO boiler(s). The CO boiler(s) must be brought up separately from the regenerator to protect them from swings of the regenerator flue gas quality during the startup process, which can result in temperature excursions, damage to CO boiler internals and/or trip of the CO boiler(s). Further, industry safety practices recognize the potential hazard for hydrocarbon vapor to flow back to a CO boiler during startup and recommend CO boiler startup after the FCCU reactor is fully operational with catalytic reactions occurring and at full operating temperature. A CO boiler trip must be avoided because it could ultimately lead to a refinery shutdown due to a drastic decrease in steam production (a very large proportion of the refinery's steam supply is typically provided by the CO boilers), resulting in excess emissions at other units, significant flaring, production loss, and potentially equipment damage. Since the

regenerator flue gas initially bypasses the CO boiler, the CO is not further combusted. Once the regenerator is stable, the flue gas is added to the CO boilers and CO emissions drop to normal levels. Prior to lining up the regenerator flue gas to the CO boiler, the unit is operating in a mode with higher CO emissions for a short period of time.

USEPA, recognizing the unique transient operating condition for FCCUs, agreed with industry that these startup scenarios and sequence of events were accurate and appropriately designed. Further, USEPA stated that this sequence of events, specifically the use of torch oil, meant that CO concentrations would exceed the 500-ppm limit. However, USEPA recognized that the low level of CO in exhaust gas could be consistently achieved if the oxygen concentrations in the exhaust gas exceeded 1-percent by volume. This level of oxygen ensures there would be an excess level of oxygen concentration to maximize combustion and minimize CO and HAP emissions.

In addition to the issues with meeting steady-state emissions limits during startup periods, if no AEL is adopted, an FCCU may be unable to operate in hot standby in response to a weather event, temporary power interruption, unplanned mechanical outages, or other refinery unit disruptions. "Hot standby" refers to the use of torch oil to maintain the reactor and regenerator temperature as well as catalyst recirculation. This operating condition is utilized for limited durations during unplanned events that require removal of feed from an FCCU. Torch oil injection is also used to heat up the reactor and regenerator during startup sequence.

An AEL is also needed to ensure safe operation of FCCUs. When removing the SMB provisions, the Board did not take into account known process safety hazards, setting emission limitations that are in direct opposition to "Recognized and generally accepted good engineering practices" ("RAGAGEP") for these sources. While the Occupational Safety and Health

Administration (“OSHA”) originally coined the terminology, RAGAGEP involves the application of engineering, operating or maintenance activities derived from engineering knowledge and industry experience based upon the evaluation and analyses of appropriate internal and external standards, applicable codes, technical reports, guidance, or recommended practices or documents of a similar nature. EPA’s Risk Management Program, 40 CFR Part 68, and OSHA’s Process Safety Management, 29 CFR Part 1910, specifically direct refineries to adhere to RAGAGEP to ensure the safe operation of their facilities.

Without adoption of an AEL, the Board has placed refineries with FCCUs in a position where they must make an untenable operating decision. They must attempt to startup or go into hot standby with a known process safety hazard with potentially serious consequences in direct conflict with RAGAGEP or remain shut down until they obtain alternative operating conditions and emission limitations approved by Illinois EPA on a case-by-case basis. This scenario is completely avoidable as industry and USEPA have already aligned on the proper and safe operating conditions and alternative emission limitations for FCCU startup and hot standby. These procedures and operating conditions addressed in NESHAP Subpart UUU have been safely used by all refineries in the United States since 2016.

Additional discussions about the technical infeasibility of FCCUs to meet the limitations in Section 216.361 during periods of startup and hot standby are contained in API’s Statement of Reasons and Technical Support Document.

### **III. API’S PROPOSAL**

API is proposing to amend Section 216.361 of the Board’s rules governing CO emissions from petroleum and petrochemical processes. Section 216.361(a) prohibits causing or allowing the emission of a CO waste gas stream into the atmosphere unless such waste gas stream is



burned in a direct flame afterburner or CO boiler so that the resulting concentration of CO in such waste gas stream is less than or equal to 200 ppm corrected to 50% excess air. 35 Ill. Adm. Code 216.361(a). For existing petroleum or petrochemical processes using catalyst regenerators of fluidized catalytic converters equipped for in situ combustion of CO, Section 216.361(b) allows emission of a CO waste gas stream if the CO concentration is less than or equal to 750 ppm corrected to 50 percent excess air. 35 Ill. Adm. Code 216.361(b). The CO standards in Section 216.361 for petroleum and petrochemical processes are unachievable for refineries in Illinois during periods of startup and hot standby.

API's proposed AEL incorporates by reference NESHAP Subpart UUU provisions that contain work practice standards applicable during periods of startup and hot standby. Specifically, API proposes to incorporate by reference the following provisions from NESHAP Subpart UUU: 40 CFR 63.1565(a)(5); 40 CFR 63, Subpart UUU, Table 9; 40 CFR 63.1570(c); 40 CFR 63.1570(f); 40 CFR 63.1572(c); NESHAP Subpart UUU, Table 10; NESHAP Subpart UUU, Table 14; NESHAP Subpart UUU Table 41; 40 CFR 63.1576(a)(2); and 40 CFR 63.1576(d). An explanation of each of the provisions API proposes to incorporate by reference is contained in API's Statement of Reasons. Facilities with FCCUs would have the option to comply with either the existing CO standards in Section 216.361 or with the AEL during periods of startup and hot standby. API also proposes to amend Sections 216.103 and 216.104 to address NESHAP Subpart UUU in the list of incorporation by reference and to add pertinent definitions from the NESHAP.

As background, Illinois is unique in its approach by prescribing a specific CO emission limitation of 200 ppm when compared to other states. Most states simply require use of combustion of CO for catalytic cracker during normal operations without the addition of a

numeric concentration limit. South Coast Air Quality District (“SCAQD”) in California has a 500 ppm limitation but allows a specific startup duration (hours allowed) and limits the annual number of startups from FCCUs. Similar to SCAQD, Bay Area Air Quality Management District in California has a 350 ppm standard with a startup exemption. Generally, states have consistently incorporated by reference both Part 60 New Source Performance Standard (“NSPS”) and Part 63 NESHAP standards. In some cases, they have state standards that are exempted when a unit is subject to a federal NSPS and/or NESHAP (e.g., Indiana). Illinois’ limitation of 200 ppm is a unique problem with respect to FCCU startup and shutdown events when compared to other states. The federal standard is 500 ppm on a one-hour average basis. 40 CFR Part 63.1565 and 40 CFR 60.103. This standard was included as part of the most recent Risk and Technology Review (often referred to as “RTR”) completed in 2016 for both the Part 60 and 63 standards for petroleum refineries. The CO limitation serves as the surrogate parameter ensuring complete combustion conditions are being maintained which ensures optimum hazardous air pollutant (“HAP”) destruction efficiency/reduction from FCCUs.

Moreover, API’s proposal also meets the seven AEL criteria outlined by USEPA, as explained in detail in API’s Statement of Reasons. API’s proposed AEL is limited to specific, narrowly defined source categories using specific control strategies. The proposed amendments are limited to FCCUs and there are only four petroleum refineries in Illinois. All of the FCCUs at the refineries in Illinois are controlled by CO boilers or CO furnaces during steady-state operation.

As demonstrated in the Statement of Reasons and Technical Support Document, the use of the control strategy (i.e., CO boilers or furnaces) is technically infeasible during startup and hot standby periods. As to a worst-case emissions analysis, API’s proposed AEL should not

impact attainment of the CO National Ambient Air Quality Standards (“NAAQS”). Pertinent data from Illinois EPA’s most recent Annual Air Quality Report is discussed in the Statement of Reasons to support this criterion. Additionally, after API’s rulemaking proposal was filed, Marathon Petroleum Company LP (“Marathon”) filed a petition for an adjusted standard that included additional data demonstrating that the proposed AEL, i.e., compliance with NESHAP Subpart UUU, should not impact attainment of the CO NAAQS. Specifically, Marathon collected ambient monitoring data for two temporary monitors that operated for over a three-year timeframe (2017 – 2019) that showed that CO emissions from Marathon’s refinery, which was complying with NESHAP Subpart UUU during that timeframe, were well below and did not result in an exceedance of the CO NAAQS. Technical Support Document at TSD-6-7, 14-15, Marathon’s Petition for Adjusted Standard, AS 24-3 (Aug. 14, 2023) (during the monitoring period, there were five startups of Marathon’s FCCU).

Furthermore, API’s proposed AEL requires that the frequency and duration of operation in startup or hot standby mode are minimized to the greatest extent practicable and that all possible steps are taken to minimize the impact of emissions during startup and hot standby on ambient air quality. API’s proposed AEL also requires that records of actions taken during startup events be maintained and that the facility be operated in a manner consistent with good practice for minimizing emissions.

#### **IV. CONCLUSION**

The Board’s removal of the SMB relief provisions in Parts 201, 202, and 212 will leave Illinois refineries with the potential for noncompliance during periods of SMB. In particular, refineries with FCCUs cannot technologically and safely meet the CO standards in Section 216.361 during periods of startup and hot standby. API’s proposed amendments to Part 216

provide an option to comply with an AEL during those periods. The proposed alternative incorporates provisions from the federal regulations for FCCUs. In adopting such provisions, USEPA recognized the unique and important operating conditions that FCCUs must follow during startup and hot standby to ensure safe operations and minimize emissions. USEPA also established the alternate FCCU NESHAP provisions to best satisfy their own criteria for AELs.

Thank you for the opportunity to testify. I am prepared to answer any questions from hearing participants regarding my testimony above as well as API's Statement of Reasons and Technical Support Document.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE,

Dated: August 28, 2023

By: /s/ Alec Messina  
One of Its Attorneys

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# JOHN DEREK REESE

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## Summary

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Utilize 30-years of experience to provide effective and efficient compliance strategies and solutions for refining and chemical operations.

## Skills

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- Refinery and Chemical Operations
- RMP and PSM Audit Coordination
- Ambient Air Monitoring/Fenceline & Community
- Leak Detection and Repair (LDAR) Program Execution
- Optical Gas Imaging Camera Technology
- Regulatory Analysis and Advocacy
- Data Analysis
- Source Testing and Laboratory Analysis
- Compliance Reporting
- Compliance Software Management

## Experience

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American Petroleum Institute

Washington, DC

**Policy Advisor**

11/2022 - present

- Advocacy and member support for environmental and process safety issues for API member companies with focus in downstream and refinery operations.
- Staff Lead for Air Toxics, Stationary Source Emission Estimating, Air Modeling, and Mechanical Integrity workgroups.

Exxon Mobil | Spring, Texas

**Principal for Regulatory Compliance**

09/2013 - 06/2022

- Excelled at recognizing new regulatory and technology developments which will have impact on manufacturing or offer unique cost savings or improved compliance effectiveness. Key examples include use of active & passive air monitoring systems, optical gas imaging camera implementation, and implementation of new flare control systems.
- Established positive working relationships with state and federal regulatory agencies. Air Toxic Group Chair for API and Member Environmental Operating Committee for AFPM
- Developed and implemented strategies necessary for minimizing risk of non-compliance for EPA Risk Management Plan (RMP) and Accident Prevention and OSHA Process Safety Management (PSM) program requirements.
- Coordinated and led all PSM/RMP compliance audits for US facilities.
- ExxonMobil's subject matter expert for LDAR and ambient air monitoring technology and program execution.

ExxonMobil | Baton Rouge, LA

**Environmental Senior Section Supervisor**

01/2006 - 09/2013

- Responsible for execution of air quality compliance activities, reporting, and recordkeeping for the Baton Rouge Chemical Plant, Baton Rouge Refinery, Baton Rouge Resins Finishing Plant, Anchorage Terminal, and Chalmette Refinery.
- Supervised 24 employees and 30 contractors for Baton Rouge Chemical Plant.

## Electronic Filing: Received, Clerk's Office 08/28/2023

ExxonMobil   Baton Rouge, LA <b>Process Operations Senior Section Supervisor</b> 01/2003 - 01/2006	<ul style="list-style-type: none"><li>• Coordinated environmental incident response activities and served as agency/government liaison for sites.</li></ul>
ExxonMobil   Baton Rouge, LA <b>Process Operations Section Supervisor</b> 01/2000 - 01/2003	<ul style="list-style-type: none"><li>• Managed the process manufacturing units for Aromatics, Partial Oxidation, Phthalic Anhydride, and Light Ends at the Baton Rouge Refinery.</li><li>• Established production standards and productivity goals for section, prioritizing tasks to reach deadlines.</li><li>• Planned and successfully executed 3 separate unit shutdowns for maintenance and new equipment integration.</li></ul>
ExxonMobil   Baton Rouge, LA <b>Technical Section Supervisor</b> 01/1998 - 01/2000	<ul style="list-style-type: none"><li>• Managed the process manufacturing units for Isopropanol, Methyl Ethyl Ketone, and Neo Acids at the Baton Rouge Chemical Plant. Isopropanol unit is the world's largest of its kind.</li><li>• Managed employees for maximum productivity, efficiency, and job safety.</li><li>• Planned and successfully executed 4 separate unit shutdowns for maintenance and new equipment integration.</li></ul>
ExxonMobil   Baton Rouge, LA <b>Environmental Planning Section Supervisor</b> 01/1995 - 01/1998	<ul style="list-style-type: none"><li>• Managed 5 engineers and 2 technicians to provide daily operational support to plant wastewater treatment, flares, and utilities facilities for the Baton Rouge Chemical Plant.</li><li>• Coordinated all quality control programs, risk assessments, project design and execution, and compliance monitoring activities.</li></ul>
ExxonMobil   Baton Rouge, LA <b>Long Range Air Planner</b> 12/1992 - 01/1995	<ul style="list-style-type: none"><li>• Responsible for execution of all environmental regulatory compliance activities, reporting, and recordkeeping across all air, waste, and water programs.</li><li>• Supervised 19 employees and 30 contractors for Baton Rouge Chemical Plant.</li></ul>
United States Navy, USN   Norfolk, VA <b>United States Naval Officer</b> 06/1985 - 12/1992	<ul style="list-style-type: none"><li>• Led and coordinated all air quality compliance programs including permitting, regulatory advocacy, compliance program execution (e.g., leak detection, source testing, emissions reporting).</li></ul> <ul style="list-style-type: none"><li>• Served on USS Donald B Beary (FF0-1085) with deployments to Mediterranean and Middle East.</li><li>• Served in rotations as Engineering Officer, Damage Control Officer, and Combat Systems Officer.</li><li>• Specialized in anti-submarine warfare including passive and active acoustic surveillance systems.</li></ul>

## Education and Training

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Fairleigh Dickinson University | Teaneck, NJ  
**MBA in Petrochemical Industry**  
01/1993

Millsaps College | Jackson, MS  
**Bachelor of Science in Chemistry with Honors**  
05/1985

**CERTIFICATE OF SERVICE**

I, the undersigned, on oath state the following: That I have served the attached **PRE-FILED TESTIMONY OF JOHN DEREK REESE IN SUPPORT OF API'S RULEMAKING PROPOSAL**, via electronic mail upon:

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That the number of pages in the email transmission is 16.

That the email transmission took place before 5:00 p.m. on August 28, 2023.

Date: August 28, 2023

/s/ Alec Messina  
Alec Messina