

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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In the Matter of:

AMENDMENTS TO 35 ILL. ADM. CODE  
PARTS 201, 202, AND 212

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) R23-018(A)  
) (Rulemaking – Air)  
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**NOTICE OF FILING**

To: Attached Service List

PLEASE TAKE NOTICE that today I have electronically filed with the Office of the Clerk of the Illinois Pollution Control Board **EAST DUBUQUE NITROGEN FERTILIZERS, LLC'S INITIAL RESPONSE TO ILLINOIS EPA'S COMMENT** and a **CERTIFICATE OF SERVICE**, which are attached and copies of which are herewith served upon you.

Dated: December 1, 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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**EAST DUBUQUE NITROGEN FERTILIZERS, LLC’S**  
**INITIAL RESPONSE TO ILLINOIS EPA’S COMMENT**

East Dubuque Nitrogen Fertilizers, LLC (“EDNF”) respectfully submits this initial response to the comment filed by the Illinois Environmental Protection Agency (“Illinois EPA”) on October 23, 2023:

1. On August 7, 2023, EDNF filed its proposal in this rulemaking proceeding.
2. The Illinois Pollution Control Board (the “Board”) held a first hearing in this proceeding on September 27, 2023, at which EDNF appeared and presented testimony in support of its proposal.
3. On October 23, 2023, Illinois EPA filed a comment in the docket for this proceeding. Illinois EPA’s comment identified additional information that it said would be appropriate for EDNF and the other rulemaking proponents in the proceeding to provide.
4. On November 1, 2023, the Board held a second hearing. During the second hearing, the Hearing Officer requested that rulemaking proponents provide initial responses to Illinois EPA’s comment by December 1, 2023.

5. At the time of the second hearing, EDNF had already supplied Illinois EPA with some of the information that Illinois EPA had requested in its comment. This information includes data on emissions of nitrogen oxides (“NOx”), the date and duration of startup and shutdown events, and a discussion of how EDNF arrived at its proposed standard of 1.5 pounds of NOx per ton of nitric acid produced.

6. Since the second hearing, EDNF has continued discussions with Illinois EPA on its other information requests, including meeting with Illinois EPA on November 29, 2023.

7. Going forward, EDNF expects to continue to discuss with Illinois EPA EDNF’s proposal and the information Illinois EPA has requested. Following those discussions, EDNF anticipates filing a supplemental response to Illinois EPA’s comment to the docket in this proceeding.

Dated: December 1, 2023

Respectfully submitted,

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

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John M. Heyde  
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**CERTIFICATE OF SERVICE**

I, the undersigned, on affirmation, state that I have served the attached **East Dubuque Nitrogen Fertilizers, LLC's Initial Response to Illinois EPA's Comment** by email on the following:

<p><b>Illinois Pollution Control Board</b>  Don Brown - Clerk of the Board  don.brown@illinois.gov  100 W. Randolph St., Suite 11-500  Chicago, IL 60601</p> <p>Timothy Fox – Hearing Officer  Tim.Fox@illinois.gov  Chloe Salk – Hearing Officer  Chloe.Salk@illinois.gov  60 E. Van Buren St., Suite 630  Chicago, IL 60605</p>	<p><b>Office of the Attorney General</b>  Jason E. James - Assistant Attorney General  Jason.James@ilag.gov  201 West Point Drive, Suite 7  Belleville, IL 62226</p> <p>Molly Kordas - Assistant Attorney General  Molly.Kordas@ilag.gov  Ann Marie A. Hanohano - Assistant Attorney General  annmarie.hanohano@ilag.gov  69 West Washington Street, Suite 1800  Chicago, IL 60602</p>
<p><b>Illinois Environmental Protection Agency</b>  Charles E. Matoesian – Assistant Counsel  charles.matoesian@illinois.gov  Dana Vetterhoffer - Assistant Counsel  dana.vetterhoffer@illinois.gov  1021 North Grand Avenue East  P.O. Box 19276  Springfield, IL 62794</p>	<p><b>Illinois Department of Natural Resources</b>  Renee Snow - General Counsel  renee.snow@illinois.gov  One Natural Resources Way  Springfield, IL 62702-1271</p>
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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 five and that the email transmission took place before 5 p.m. on December 1, 2023.

Dated: December 1, 2023

Respectfully submitted,

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

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