

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
60 East Van Buren Street,	Illinois Pollution Control Board
Suite 630	60 East Van Buren Street, Suite 630
Chicago, Illinois 60605	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, **AMERICAN PETROLEUM INSTITUTE'S AND CITGO PETROLEUM CORPORATION'S PRE-FILED QUESTIONS DIRECTED TO ILLINOIS EPA'S WITNESS**, copies of which, are hereby served upon you.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE,
CITGO PETROLEUM CORPORATION,

By: /s/ Alec Messina
One of their Attorneys

Dated: April 8, 2024

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

**AMERICAN PETROLEUM INSTITUTE’S AND CITGO PETROLEUM
CORPORATION’S PRE-FILED QUESTIONS DIRECTED TO ILLINOIS EPA’S
WITNESS**

The AMERICAN PETROLEUM INSTITUTE (“API”) and CITGO PETROLEUM CORPORATION (“CITGO”), by and through their undersigned attorney, hereby submits to the Illinois Pollution Control Board (“Board”) their Pre-Filed Questions Directed to the Illinois Environmental Protection Agency’s (“Illinois EPA” or “Agency”) Witness for the third hearing in this sub-docket rulemaking pursuant to the March 6, 2024 Notice of Hearing.

On August 7, 2023, API filed in this sub-docket rulemaking a Proposal for Regulations of General Applicability (“API’s Proposal”). On March 15, API and CITGO filed a Supplemental Response to Illinois EPA’s October 23, 2023 Comment. API and CITGO Supplemental Response, PC #15, PCB R 23-18(A) (Mar. 15, 2024). In the Supplemental Response, CITGO and API (on behalf of ExxonMobil Oil Corporation and Marathon Petroleum Company) submitted additional information and data in support of API’s Proposal. On April 2, 2024, the Agency filed Pre-Filed Testimony of Rory Davis for the third hearing in this matter. In its Pre-filed Testimony, the Agency stated that, based on the additional technical support and justification for the amendments that API and CITGO have provided, “the Agency does not object to the adoption of the rule proposal as set forth in API’s March 15, 2024, filing with the Board.” Illinois EPA’s Pre-filed Testimony, PCB R 23-18(A) at 15 (April 2, 2024). API’s provides the following questions directed to Rory Davis based on the Agency’s Pre-Filed Testimony filed on April 2, 2024.

QUESTIONS FOR RORY DAVIS

1. On page 15 of its Pre-Filed Testimony, the Agency stated that “[b]ased on the additional technical support and justification for the amendments that API has provided, the Agency does not object to adoption of the rule proposal as set forth in API’s March 15, 2024, filing with the Board.” API’s and CITGO’s March 15, 2024 filing included the most up-to-date proposed alternate emission limitation (“AEL”) language in proposed Section 216.361(d), but did not set forth API’s proposed revisions to Sections 216.103 and 216.104. Does the Agency also not object to API’s proposal in relation to its proposed amendments to Sections 216.103 and 216.104?
2. API requests that the Agency elaborate on its statement that “the Agency does not object to adoption of the rule proposal.”
 - a. Does this statement imply that the Agency believes that USEPA’s criteria for AEL are met as to API’s proposal?
 - b. Does this statement imply that the Agency’s statement on page 12 of its October 23, 2023 comment (i.e., “Generally, the language proposed by API has significant issues.”) has been resolved based upon API’s and CITGO’s March 15, 2024 responses and further review by the Agency?
 - c. Is the Agency’s statement based in part on review and comment of API’s proposal by USEPA? If “yes,” can the Agency describe the interactions with USEPA on API’s proposal?
3. If API’s proposal is adopted by the Board, does the Agency intend to submit API’s AEL language to USEPA for approval as a State Implementation Plan (“SIP”) revision?
4. Is the Agency aware of the U.S. Court of Appeals for the District of Columbia (“D.C. Circuit Court”) decision issued on March 1, 2024, in *Environmental Committee of the Florida Electric Power Coordinating Group, Inc. v. EPA, et al.*?
 - a. Has the Agency had any discussions with USEPA about the D.C. Circuit Court’s decision? If so, can you summarize those discussions?
 - b. Does the D.C. Circuit Court’s decision potentially impact your response to Question #3 above? If “yes,” how does it impact your response?

WHEREFORE, for the above and foregoing reasons, the American Petroleum Institute and CITGO Petroleum Corporation hereby respectfully submits their Pre-Filed Questions

Directed to Illinois EPA’s Witness for the third hearing in this matter.

Respectfully submitted,

AMERICAN PETROLEUM INSTITUTE &
CITGO PETROLEUM CORPORATION,

Dated: April 8, 2024

By: /s/ Alec Messina
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, on oath state the following: That I have served the attached
**AMERICAN PETROLEUM INSTITUTE'S AND CITGO PETROLEUM
CORPORATION'S PRE-FILED QUESTIONS DIRECTED TO ILLINOIS EPA'S
WITNESS**, via electronic mail upon:

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That my email address is Alec.Messina@heplerbroom.com

That the number of pages in the email transmission is 6.

That the email transmission took place before 5:00 p.m. on April 8, 2024.

Date: April 8, 2024

/s/ Alec Messina
Alec Messina