

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE OF FILING**

**TO: Don Brown**  
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**Illinois Pollution Control Board**  
**60 E. Van Buren St., Suite 630**  
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**Persons on Attached Service List**

PLEASE TAKE NOTICE THAT on the 8th day of April 2024, I caused to be electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, the Illinois Attorney General’s Questions for Participants at the Third Hearing on behalf of the Illinois Attorney General’s Office, for the People of the State of Illinois, true and correct copies of which are attached hereto and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,  
by KWAME RAOUL, Attorney General  
of the State of Illinois

By: /s/ Jason E. James  
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**CERTIFICATE OF SERVICE**

I, Jason E. James, an Assistant Attorney General, caused to be served on this 8th day of April 2024, a true and correct copy of Illinois Attorney General's Questions for Participants at the Third Hearing on behalf of the Illinois Attorney General's Office, for the People of the State of Illinois, true and correct copies of which are attached hereto and hereby served upon the persons listed on the Service List via electronic mail or electronic filing, as indicated.

/s/ Jason E. James

Jason E. James

Assistant Attorney General

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**Illinois Attorney General’s Questions for Participants at Third Hearing**

**Questions for the Illinois Environmental Protection Agency (“IEPA”)**

1. You provided written testimony concerning the regulatory proposal from the Illinois Environmental Regulatory Group (“IERG”) (IEPA Testimony of Rory Davis, R23-18(A), April 2, 2024). Specifically, you testified that IERG’s proposal fails to specify which sources or units have an actual need for regulatory relief.
  - a. How does this lack of specificity prevent you from determining which facilities could be affected by the proposal, and how they could be affected?
  - b. What suggestions did IEPA provide to IERG on how to more specifically describe the affected sources or otherwise improve their proposal? How did IERG respond, or fail to respond, to these suggestions?
2. You also testified that IERG has failed to provide sufficient technical support justifying its proposal, including technical support demonstrating the impact of emissions allowed under the proposal.
  - a. How would the additional information you requested help measure the emissions allowed under IERG’s proposal?
  - b. Without the additional technical support, is it possible to determine the extent to which IERG’s proposal is effective in reducing emissions?
3. On February 7, 2024, the U.S. EPA strengthened the National Ambient Air Quality Standards for Particulate Matter (PM NAAQS), lowering the primary annual PM 2.5 standard down to 9 µg/m. 89 Fed. Reg. 16,202 (Mar. 6, 2024). Will this new, more stringent PM NAAQS affect any determination made by IEPA in your testimony that the proposed AEL will not interfere with any NAAQS, either now or in the future?

**Question for Dynegy Midwest Generation, LLC, et al. (“Dynegy”)**

1. The Joint Proposal in part relies upon compliance with work practices as a condition to using an alternative averaging period. Specifically, what do you mean by “good engineering practices”?

**Question for Midwest Generation, LLC (“MWG”)**

1. The Joint Proposal in part relies upon compliance with work practices as a condition to using an alternative averaging period. Specifically, what do you mean by “good engineering practices”?

**Questions for Rain CII Carbon LLC (“Rain Carbon”)**

1. IEPA’s Comments filed on October 23, 2023 noted that “Rain Carbon did not sufficiently demonstrate why a 3-hour averaging period would be necessary to comply with the opacity standard” (IEPA Comments at 11). In response, Rain Carbon noted the difference between typical start-up conditions and the conditions during the July 2023 engineering study.<sup>1</sup> Rain Carbon did not otherwise demonstrate why a 3-hour averaging period is necessary to comply with the opacity standard. Does Rain Carbon believe further demonstration is needed to justify its proposed AEL for opacity? If not, please explain.
2. Given that Rain Carbon’s July 2023 engineering study differed from typical operating conditions:
  - a. Can Rain Carbon discuss why the July 2023 engineering study was conducted under atypical conditions?
  - b. Does Rain Carbon believe the differences between the July 2023 engineering study and typical operating conditions justifies a new engineering study conducted under typical operating conditions? If not, please explain.
3. In calculating its AEL for PM, Rain Carbon includes the variable “Malfunction Remainder Hours” which Rain Carbon defines as “the difference between 24 hours and the actual duration of each malfunction/breakdown event” (Rain Carbon’s Supplemental Response at 6, R23-18(A), March 15, 2024). Previously, Rain Carbon noted that “kiln malfunctions and breakdowns occur periodically at the Facility generally taking the pyroscrubber below 1800°F for shorter periods of time (*e.g.*, 4-5 hours)” (Rain Carbon’s Amendments to 35 Ill. Adm. Code Parts 212 and 215 at 15, R23-18(A), August 7, 2023). Please explain why “Malfunction Remainder Hours” should be defined as the difference between 24 hours and the actual duration of each malfunction or breakdown event rather than the difference between 4-5 hours and the actual duration of each malfunction or breakdown event.

**Questions for East Dubuque Nitrogen Fertilizers, LLC (“EDNF”)**

1. EDNF states that using Method 5 emission testing to confirm that opacity readings during startup and shutdown events are not caused by particulate matter is not feasible because those events happen intermittently and on short notice (EDNF Supplemental Response at

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<sup>1</sup> Under typical start-up conditions, green coke is introduced into the kiln after the inlet temperature to the pyroscrubber reaches approximately 400°F. During the July 2023 engineering study, green coke was introduced into the kiln after the inlet temperature to the pyroscrubber reached approximately 600°F.

6, R23-18(A), March 15, 2024). Please provide more detail on why the intermittent and unpredictable nature of startup and shutdown events made this testing impractical, including, for example, the estimated costs of completing such testing and/or the length of time it would take to complete.

2. EDNF states that it instead performed a literature review to evaluate whether particulate matter is included in opacity readings during startup and shutdown events at nitric acid production units (EDNF Supplemental Response at 6). EDNF reports that the review found no literature indicating or suggesting that opacity readings from nitric acid production units is connected to particulate matter (EDNF Supplemental Response at 6-7). For purposes of a complete record, please describe the method by which the literature review was carried out, and provide copies of the articles reviewed for this purpose.

/s/ Jason E. James

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