

Board Adopts Alternative Standards for Startup, Shutdown, Breakdown, and Malfunction

On August 22, 2024, the Board amended its air pollution rules by adopting alternative emission limits for periods of startup, shutdown, breakdown, and malfunction. These amendments to 35 Ill. Adm. Code 212, 215, 216, and 217 are generally based on four rulemaking proposals separately filed by (1) Rain CII Carbon LLC; (2) Dynegy Midwest Generation LLC, Illinois Power Generating Company, Kincaid Generation, LLC, and Midwest Generation LLC; (3) American Petroleum Institute; and (4) East Dubuque Nitrogen Fertilizers LLC.

During this rulemaking, the Board held three public hearings and received numerous public comments, including from the Illinois Attorney General's Office and the Illinois Environmental Protection Agency. At its August 14, 2024 meeting, the Joint Committee on Administrative Rules issued a "Certification of No Objection" to the Board's proposed second-notice amendments, subject to a handful of non-substantive changes, all of which the Board included in the final amendments.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212, docket R23-18(A). Here is a link to the Board's [final opinion and order](#), which includes the text of the adopted amendments. For more information, please contact Chloe Salk at 312-814-3932 or chloe.salk@illinois.gov.