

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED NEW CLEAN AIR) **R06-26**
INTERSTATE RULES (CAIR)) **(Rulemaking – Air)**
SO₂, NO_x ANNUAL AND NO_x)
OZONE SEASON TRADING)
PROGRAMS, 35 ILL. ADM. CODE 225,)
SUBPARTS A, C, D AND E)

NOTICE OF FILING

To:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

Persons included on the
ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that we have today filed with the Office of the Clerk of the Pollution Control Board the MOTION TO AMEND PROPOSED RULE TO CORRECT TYPOGRAPHICAL ERRORS, a copy of which is herewith served upon you.

/s/ Karl A. Karg
Karl A. Karg

Dated: February 16, 2007

Karg A. Karg
Cary R. Perlman
Andrea M. Hogan
LATHAM & WATKINS LLP
Sears Tower, Suite 5800
233 South Wacker Drive
Chicago, IL 60606
Telephone: (312) 876-7691
Fax: (312) 993-9767
karl.karg@lw.com

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
PROPOSED NEW CAIR SO ₂ , CAIR NO _x)	
ANNUAL AND CAIR NO _x OZONE SEASON)	R06-26
TRADING PROGRAMS, 35 ILL. ADM.)	(Rulemaking – Air)
CODE 225, CONTROL OF EMISSIONS)	
FROM LARGE COMBUSTION SOURCES)	
SUBPARTS A, C, D and E)	

MOTION TO AMEND PROPOSED RULE TO CORRECT TYPOGRAPHICAL ERRORS

NOW COME Midwest Generation EME, LLC (“MWGen”) and the Illinois Environmental Protection Agency (“Illinois EPA”), by and through their respective attorneys, pursuant to 35 Ill. Adm. Code 101.500, and state as follows:

1. On January 5, 2007, and as revised in a filing of January 10, 2007, the Illinois EPA and MWGen submitted to the Illinois Pollution Control Board (“PCB”) the proposed Subpart F to the proposed 35 Ill. Adm. Code 225, New CAIR SO₂, CAIR NO_x Annual and CAIR NO_x Ozone Season Trading Programs, Control of Emissions from Large Combustion Sources, Subparts A, C, D and E.
2. Subsequent to that filing, Illinois EPA and MWGen discovered that two inadvertent typographical errors are contained in the proposed Subpart F.
3. At Section 225.615(g)(3)(D), the end of that paragraph should read “...applicable requirements ‘for’ particulate matter or opacity” rather than “...applicable requirements ‘or’ particulate matter or opacity.”
4. At Section 225.625(a)(3), the paragraph should be changed to reflect a Control Technology Control deadline of December 31, ‘2015’ rather than the year ‘2013.’ The deadline of December 31, 2015 was previously agreed to by Illinois EPA and MWGen, as embodied in

the December 10, 2006 Memorandum of Understanding (“MOU”) between Illinois EPA and MWGen.

5. The proposed changes will render the proposed rule consistent with the MOU as agreed to by MWGen and the Illinois EPA.
6. The proposed changes will avoid confusion in submitting an incorrect draft Subpart F for First Notice.
7. The proposed changes will not result in undue hardship or result in prejudice to any party to this rulemaking.
8. Illinois EPA and MWGen have included a revised copy of the Proposed Subpart F with this Motion. The only changes made to the revised Subpart F attached hereto from the January 10, 2007 filing are those described in Paragraphs 3 and 4 of this Motion.

WHEREFORE, Illinois EPA and MWGen request that the Board amend the proposed Subpart F to reflect the corrections noted above and that the Board replace the originally filed Subpart F with the attached corrected version.

Dated: February 16, 2007.

Respectfully submitted,

MIDWEST GENERATION EME LLC

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: /s/ Karl A. Karg
Karl A. Karg

By: /s/ John J. Kim
John J. Kim

Karl A. Karg
Cary R. Perlman
Andrea Hogan
Attorneys for Petitioners
Latham & Watkins, LLP
233 South Wacker Drive
5800 Sears Tower
Chicago, Illinois 60606

John J. Kim, Managing Attorney
Charles E. Matoesian, Assistant Counsel
Gina Roccaforte, Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

1
2 **SUBPART F: COMBINED POLLUTANT STANDARDS**
3

4 Section 225.600 Purpose
5

6 The purpose of this Subpart F is to allow an alternate means of compliance with the emissions
7 standards for mercury in Section 225.230(a) for Specified EGUs through permanent shut-down,
8 installation of ACI, and the application of pollution control technology for NO_x, PM, and SO₂
9 emissions that also reduce mercury emissions as a co-benefit and to establish permanent
10 emissions standards for those Specified EGUs. Unless otherwise provided for in this Subpart F,
11 owners and operators of those Specified EGUs are not excused from compliance with other
12 applicable requirements of Subparts B, C, D, and E.
13

14 Section 225.605 Applicability
15

- 16 a) As an alternative to compliance with the emissions standards of Section
17 225.230(a), the owner or operator of specified EGUs in this Subpart F located at
18 Fisk, Crawford, Joliet, Powerton, Waukegan, and Will County power plants may
19 elect for all of those EGUs as a group to demonstrate compliance pursuant to this
20 Subpart F, which establishes control requirements and emissions standards for
21 NO_x, PM, SO₂, and mercury. For this purpose, ownership of a Specified EGU is
22 determined based on direct ownership, by holding a majority interest in a
23 company that owns the EGU or EGUs, or by the common ownership of the
24 company that owns the EGU, whether through a parent-subsidiary relationship, as
25 a sister corporation, or as an affiliated corporation with the same parent
26 corporation, provided that the owner or operator has the right or authority to
27 submit a CAAPP application on behalf of the EGU.
28
- 29 b) A Specified EGU is a coal-fired EGU listed in Appendix A, irrespective of any
30 subsequent changes in ownership of the EGU or power plant, changes in the
31 operator, unit designation, or name of unit.
32
- 33 c) The owner or operator of each of the Specified EGUs electing to demonstrate
34 compliance with Section 225.230(a) pursuant to this Subpart must submit an
35 application for a CAAPP permit modification to the Agency, as provided for in
36 Section 225.220, that includes the information specified in Section 225.610 that
37 clearly states the owner's or operator's election to demonstrate compliance with
38 Section 225.230(a) pursuant to this Subpart F.
39
- 40 d) If an owner or operator of one or more Specified EGUs elects to demonstrate
41 compliance with Section 225.230(a) pursuant to this Subpart F, then all Specified
42 EGUs owned or operated in Illinois by the owner or operator as of December 31,
43 2006, as defined in subsection (a) of this Section, are thereafter subject to the
44 standards and control requirements of this Subpart F. Such EGUs are referred to
45 as a Combined Pollutant Standard ("CPS") group.
46

47 e) If an EGU is subject to the requirements of this Section, then the requirements
48 apply to all owners and operators of the EGU, and to the CAIR designated
49 representative for the EGU.
50

51 Section 225.610 Notice of Intent
52

53 The owner or operator of one or more Specified EGUs that intends to comply with Section
54 225.230(a) by means of this Subpart F must notify the Agency of its intention on or before
55 December 31, 2007. The following information must accompany the notification:
56

57 a) The identification of each EGU that will be complying with Section 225.230(a)
58 pursuant to this Subpart F, with evidence that the owner or operator has identified
59 all Specified EGUs that it owned or operated in Illinois as of December 31, 2006,
60 and which commenced commercial operation on or before December 31, 2004;
61

62 b) If an EGU identified in subsection (a) of this Section is also owned or operated by
63 a person different than the owner or operator submitting the notice of intent, a
64 demonstration that the submitter has the right to commit the EGU or authorization
65 from the responsible official for the EGU submitting the application; and
66

67 c) A summary of the current control devices installed and operating on each EGU
68 and identification of the additional control devices that will likely be needed for
69 each EGU to comply with emission control requirements of this Subpart F.
70

71 Section 225.615 Control Technology Requirements and Emissions Standards for Mercury
72

73 a) Control Technology Requirements for Mercury.
74

75 1) For each EGU in a CPS group other than an EGU that is addressed by
76 subsection (b) of this Section, the owner or operator of the EGU must
77 install, if not already installed, and properly operate and maintain, by the
78 dates set forth in subsection (a)(2) of this Section, ACI equipment
79 complying with subsections (g), (h), (i), (j), and (k) of this Section, as
80 applicable.
81

82 2) By the following dates, for the EGUs listed below, which include hot and
83 cold side ESPs, the owner or operator must install, if not already installed,
84 begin operating ACI equipment or the Agency must be given written
85 notice that the EGU will be shutdown on or before the dates below:
86

87 A) Fisk 19, Crawford 7, Crawford 8, Waukegan 7, and Waukegan 8
88 on or before July 1, 2008; and
89

90 B) Powerton 5, , Powerton 6, , Will County 3, Will County 4, Joliet 6,
91 Joliet 7, and Joliet 8 on or before July 1, 2009.
92

- 93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
- b) Notwithstanding subsection (a) of this Section, the following EGUs are not required to install ACI equipment because they will be permanently shut-down, as addressed by Section 225.630, by the date specified:
 - 1) EGUs that are required to permanently shut-down:
 - A) On or before December 31, 2007, Waukegan 6; and
 - B) On or before December 31, 2010, Will County 1 and Will County 2.
 - 2) Any other Specified EGU that is permanently shut down by December 31, 2010.
 - c) Beginning on January 1, 2015, and continuing thereafter, and measured on a rolling 12-month basis (the initial period is January 1, 2015, through December 31, 2015, and, then, for every 12-month period thereafter), each Specified EGU, except Will County 3, shall achieve one of the following emissions standards:
 - 1) An emissions standard of 0.0080 lbs mercury/GWh gross electrical output; or
 - 2) A minimum 90 percent reduction of input mercury.
 - d) Beginning on January 1, 2016, and continuing thereafter, Will County 3 shall achieve the mercury emissions standards of subsection (c) of this Section measured on a rolling 12-month basis (the initial period is January 1, 2016, through December 31, 2016, and, then, for every 12-month period thereafter).
 - e) At any time prior to the dates required for compliance in subsections (c) and (d) of this Section, the owner or operator of a Specified EGU, upon notice to the Agency, may elect to comply with the emissions standards of subsection (c) of this Section measured on a rolling 12-month basis for one or more EGUs. Once an EGU is subject to the mercury emissions standards of subsection (c) of this Section, it shall not be subject to the requirements of subsections (g), (h), (i), (j) and (k) of this Section.
 - f) Compliance with the mercury emissions standards or reduction requirement of this Section must be calculated in accordance with Section 225.230(a) or (b).
 - g) For each EGU for which injection of halogenated activated carbon is required by subsection (a)(1) of this Section, the owner or operator of the EGU must inject halogenated activated carbon in an optimum manner, which, except as provided in subsection (h) of this Section, is defined as all of the following:

- 138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
- 1) The use of an injection system for effective absorption of mercury, considering the configuration of the EGU and its ductwork;
 - 2) The injection of halogenated activated carbon manufactured by Alstom, Norit, or Sorbent Technologies, or the injection of any other halogenated activated carbon or sorbent that the owner or operator of the EGU has demonstrated to have similar or better effectiveness for control of mercury emissions; and
 - 3) The injection of sorbent at the following minimum rates, as applicable:
 - A) For an EGU firing subbituminous coal, 5.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 2.5 lbs million actual cubic feet;
 - B) For an EGU firing bituminous coal, 10.0 lbs per million actual cubic feet or, for any cyclone-fired EGU that will install a scrubber and baghouse by December 31, 2012, and which already meets an emission rate of 0.020 lb mercury/GWh gross electrical output or at least 75 percent reduction of input mercury, 5.0 lbs million actual cubic feet;
 - C) For an EGU firing a blend of subbituminous and bituminous coal, a rate that is the weighted average of the above rates, based on the blend of coal being fired; or
 - D) A rate or rates set lower by the Agency, in writing, than the rate specified in any of subsections (g)(3)(A), (g)(3)(B), or (g)(3)(C) of this Section on a unit-specific basis, provided that the owner or operator of the EGU has demonstrated that such rate or rates are needed so that carbon injection will not increase particulate matter emissions or opacity so as to threaten noncompliance with applicable requirements ~~or~~for particulate matter or opacity.
 - h) For purposes of subsection (g)(3) of this Section, the flue gas flow rate must be determined for the point sorbent injection; provided that this flow rate may be assumed to be identical to the stack flow rate if the gas temperatures at the point of injection and the stack are normally within 100° F, or the flue gas flow rate may otherwise be calculated from the stack flow rate, corrected for the difference in gas temperatures.
 - h) The owner or operator of an EGU that seeks to operate an EGU with an activated carbon injection rate or rates that are set on a unit-specific basis pursuant to

184 subsection (g)(3)(D) of this Section must submit an application to the Agency
185 proposing such rate or rates, and must meet the requirements of subsections (h)(1)
186 and (h)(2) of this Section, subject to the limitations of subsections (h)(3) and
187 (h)(4) of this Section:

- 188
- 189 1) The application must be submitted as an application for a new or revised
190 federally enforceable operation permit for the EGU, and it must include a
191 summary of relevant mercury emissions data for the EGU, the unit-
192 specific injection rate or rates that are proposed, and detailed information
193 to support the proposed injection rate or rates; and
194
- 195 2) This application must be submitted no later than the date that activated
196 carbon must first be injected. For example, the owner or operator of an
197 EGU that must inject activated carbon pursuant to subsection (a)(1) of this
198 Section must apply for unit-specific injection rate or rates by July 1, 2008.
199 Thereafter, the owner or operator may supplement its application; and
200
- 201 3) Any decision of the Agency denying a permit or granting a permit with
202 conditions that set a lower inject rate or rates may be appealed to the
203 Board pursuant to Section 39 of the Act.
204
- 205 4) The owner or operator of an EGU may operate at the injection rate or rates
206 proposed in its application until a final decision is made on the application
207 including a final decision on any appeal to the Board.
208
- 209 i) During any evaluation of the effectiveness of a listed sorbent, alternative sorbent,
210 or other technique to control mercury emissions, the owner or operator of an EGU
211 need not comply with the requirements of subsection (g) of this Section for any
212 system needed to carry out the evaluation, as further provided as follows:
213
- 214 1) The owner or operator of the EGU must conduct the evaluation in
215 accordance with a formal evaluation program submitted to the Agency at
216 least 30 days prior to commencement of the evaluation;
217
- 218 2) The duration and scope of the evaluation may not exceed the duration and
219 scope reasonably needed to complete the desired evaluation of the
220 alternative control techniques, as initially addressed by the owner or
221 operator in a support document submitted with the evaluation program;
222 and
223
- 224 3) The owner or operator of the EGU must submit a report to the Agency no
225 later 30 days after the conclusion of the evaluation that describes the
226 evaluation conducted and which provides the results of the evaluation; and
227
- 228 4) If the evaluation of the alternative control techniques shows less effective
229 control of mercury emissions from the EGU than was achieved with the

230 principal control techniques, the owner or operator of the EGU must
231 resume use of the principal control techniques. If the evaluation of the
232 alternative control technique shows comparable effectiveness to the
233 principal control technique, the owner or operator of the EGU may either
234 continue to use the alternative control technique in a manner that is at least
235 as effective as the principal control technique or it may resume use of the
236 principal control techniques. If the evaluation of the control techniques
237 shows more effective control of mercury emissions than the control
238 technique, the owner or operator of the EGU must continue to use the
239 alternative control technique in a manner that is more effective than the
240 principal control technique, so long as it continues to be subject to this
241 Section 225.615.
242

243 j) In addition to complying with the applicable recordkeeping and monitoring
244 requirements in Sections 225.240 through 225.290, the owner or operator of an
245 EGU that elects to comply with Section 225.230(a) by means of this Subpart F
246 must also comply with the following additional requirements:
247

248 1) For the first 36 months that injection of sorbent is required, it must
249 maintain records of the usage of sorbent, the exhaust gas flow rate from
250 the EGU, and the sorbent feed rate, in pounds per million actual cubic feet
251 of exhaust gas at the injection point, on a weekly average;
252

253 2) After the first 36 months that injection of sorbent is required, it must
254 monitor activated sorbent feed rate to the EGU, flue gas temperature at the
255 point sorbent injection, and exhaust gas flow rate from the EGU,
256 automatically recording this data and the sorbent carbon feed rate, in
257 pounds per million actual cubic feet of exhaust gas at the injection point,
258 on an hourly average; and
259

260 3) If a blend of bituminous and subbituminous coal is fired in the EGU, it
261 must keep records of the amount of each type of coal burned and the
262 required injection rate for injection of activated carbon, on a weekly basis.
263

264 k) In addition to complying with the applicable reporting requirements in Sections
265 225.240 through 225.290, the owner or operator of an EGU that elects to comply
266 with Section 225.230(a) by means of this Subpart F must also submit quarterly
267 reports for the recordkeeping and monitoring conducted pursuant to subsection (j)
268 of this Section.
269

270 Section 225.620 Emissions Standards for NO_x and SO₂

271 a) Emissions Standards for NO_x and Reporting Requirements.

272 1) Beginning with calendar year 2012 and continuing in each calendar year
273 thereafter, the CPS group, which includes all Specified EGUs that have
274
275

276 not been permanently shut-down by December 31 before the applicable
 277 calendar year, must comply with a CPS group average annual NO_x
 278 emissions rate of no more than 0.11 lbs/mmBtu.
 279

280 2) Beginning with ozone season control period 2012 and continuing in each
 281 ozone season control period (May 1 through September 30) thereafter, the
 282 CPS group, which includes all Specified EGUs that have not been
 283 permanently shut-down by December 31 before the applicable ozone
 284 season, must comply with a CPS group average ozone season NO_x
 285 emissions rate of no more than 0.11 lbs/mmBtu.
 286

287 3) The owner or operator of the Specified EGUs in the CPS group must file
 288 not later than one year after startup of any selective SNCR on such EGU, a
 289 report with the Agency describing the NO_x emissions reductions that the
 290 SNCR has been able to achieve.
 291

292 b) Emissions Standards for SO₂. Beginning in calendar year 2013 and continuing in
 293 each calendar year thereafter, the CPS group must comply with the applicable
 294 CPS group average annual SO₂ emissions rate listed below:
 295

296 year	lbs/mmBtu
297	
298 2013	0.44
299 2014	0.41
300 2015	0.28
301 2016	0.195
302 2017	0.15
303 2018	0.13
304 2019	0.11

305

306 c) Compliance with the NO_x and SO₂ emissions standards must be demonstrated in
 307 accordance with Sections 225.310, 225.410, and 225.510. The owner or operator
 308 of the Specified EGUs must complete the demonstration of compliance pursuant
 309 to Section 225.635(c) before March 1 of the following year for annual standards
 310 and before November 30 of the particular year for ozone season control periods
 311 (May 1 through September 30) standards, by which date a compliance report must
 312 be submitted to the Agency.
 313

314 d) The CPS group average annual SO₂ emission rate, annual NO_x emission rate and
 315 ozone season NO_x emission rates shall be determined as follows:
 316

$$ER_{avg} = \frac{\sum_{i=1}^n (SO_{2i} \text{ or } NO_{xi} \text{ tons})}{\sum_{i=1}^n (HI_i)}$$

317

318 Where:

319

320

321

322 ER_{avg} = average annual or ozone season emission
 323 rate in lbs/mmBtu of all EGUs in the CPS
 324 group.
 325 HI_i = heat input for the annual or ozone control
 326 period of each EGU, in mmBtu.
 327 SO_{2i} = actual annual SO_2 tons of each EGU in the
 328 CPS group.
 329 NO_{xi} = actual annual or ozone season NO_x tons of
 330 each EGU in the CPS group.
 331 n = number of EGUs that are in the CPS group
 332 i = each EGU in the CPS group.
 333

334 Section 225.625 Control Technology Requirements for NO_x , SO_2 , and PM Emissions

- 335
- 336 a) Control Technology Requirements for NO_x and SO_2 .
- 337 1) On before December 31, 2013, the owner or operator must either
 338 permanently shutdown or install and have operational FGD equipment on
 339 Waukegan 7:
 340
- 341 2) On before December 31, 2014, the owner or operator must either
 342 permanently shutdown or install and have operational FGD equipment on
 343 Waukegan 8;
 344
- 345 3) On before December 31, 2013~~5~~, the owner or operator must either
 346 permanently shutdown or install and have operational FGD equipment on
 347 Fisk 19:
 348
- 349 4) If Crawford 7 will be operated after December 31, 2018, and not
 350 permanently shutdown by this date, the owner or operator must
 351
- 352 A) On or before December 31, 2015, install and have operational
 353 SNCR or equipment capable of delivering essentially equivalent
 354 NO_x reductions on Crawford 7; and
 355
- 356 B) On or before December 31, 2018, install and have operational FGD
 357 equipment on Crawford 7;
 358
- 359 5) If Crawford 8 will be operated after December 31, 2017 and not
 360 permanently shutdown by this date, the owner or operator must:
 361
- 362 A) On or before December 31, 2015, install and have operational
 363 SNCR or equipment capable of delivering essentially equivalent
 364 NO_x emissions reductions on Crawford 8; and
 365
- 366 B) On or before December 31, 2017, install and have operational FGD
 367 equipment on Crawford 8.

368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400

- b) Other Control Technology Requirements for SO₂. Owners or operators of Specified EGUs must either permanently shutdown or install FGD equipment on each Specified EGU (except Joliet 5), on or before December 31, 2018, unless an earlier date is specified in subsection (a) of this Section.

- c) Control technology requirements for PM. The owner or operator of the two Specified EGUs listed below that are equipped with a hot-side ESP must either replace the hot-side ESPs with a cold-side ESP, install an appropriately designed fabric filter, or permanently shut-down the EGU by the dates specified below. Hot-side ESP means an ESP on a coal-fired boiler that is installed before the boiler's air-preheater where the operating temperature is typically at least 550° F, as distinguished from a cold-side ESP that is installed after the air pre-heater where the operating temperature is typically no more than 350° F.
 - 1) Waukegan 7 on or before December 31, 2013; and
 - 2) Will County 3 on before December 31, 2015.

- d) Beginning on December 31, 2008, and annually thereafter up to and including December 31, 2015, the owner or operator of the Fisk power plant must submit in writing to the Agency a report on any technology or equipment designed to affect air quality that has been considered or explored for the Fisk power plant in the preceding 12 months. This report will not obligate the owner or operator to install any equipment described in the report.

- e) Notwithstanding 35 Ill. Adm. Code 201.146(hhh), until an EGU has complied with the applicable requirements of Sections 225.625(a), (b), and (c), the owner or operator of the EGU must obtain a construction permit for any new or modified air pollution control equipment that it proposes to construct for control of emissions of mercury, NO_x, PM, or SO₂.

401 Section 225.630 Permanent Shut-Downs

402
403
404
405
406
407
408
409
410
411
412
413

- a) The owner or operator of the following EGUs must permanently shut-down the EGU by the dates specified:
 - 1) Waukegan 6 on or before December 31, 2007; and
 - 2) Will County 1 and Will County 2 on or before December 31, 2010.

- b) No later than 8 months before the date that a Specified EGU will be permanently shut-down, the owner or operator must submit a report to the Agency that includes a description of the actions that have already been taken to allow the shut-down of the EGU and a description of the future actions that must be

414 accomplished to complete the shut-down of the EGU, with the anticipated
415 schedule for those actions and the anticipated date of permanent shut-down of the
416 unit.

- 417
- 418 c) No later than six months before a Specified EGU will be permanently shut-down,
419 the owner or operator shall apply for revisions to the operating permits for the
420 EGU to include provisions that terminate the authorization to operate the unit on
421 that date.
 - 422
 - 423 d) If after applying for or obtaining a construction permit to install required control
424 equipment, the owner or operator decides to permanently shut-down a Specified
425 EGU rather than install the required control technology, the owner or operator
426 must immediately notify the Agency in writing and thereafter submit the
427 information required by subsections (b) and (c) of this Section.
 - 428
 - 429 e) Failure to permanently shut-down a Specified EGU by the required date shall be
430 considered separate violations of the applicable emissions standards and control
431 technology requirements of this Subpart F for NO_x, PM, SO₂, and mercury.
 - 432

433 Section 225.635 Requirements for CAIR SO₂, CAIR NO_x, and CAIR NO_x Ozone Season
434 Allowances

- 435
- 436 a) The following requirements apply to the owner, the operator and the designated
437 representative with respect to CAIR SO₂, CAIR NO_x, and CAIR NO_x Ozone
438 Season allowances:
 - 439
 - 440 1) The owner, operator, and CAIR designated representative of Specified
441 EGUs in a CPS group is permitted to sell, trade, or transfer SO₂ and NO_x
442 emissions allowances of any vintage owned, allocated to, or earned by the
443 Specified EGUs (the "CPS Allowances") to its affiliated Homer City,
444 Pennsylvania generating station ("Homer City Station") for as long as the
445 Homer City Station needs the CPS Allowances for compliance.
 - 446
 - 447 2) When and if the Homer City Station no longer requires all of the CPS
448 Allowances, the owner, operator, or CAIR designated representative of
449 Specified EGUs in CPS group may sell any and all remaining CPS
450 Allowances, without restriction, to any person or entity located anywhere,
451 except that the owner or operator may not directly sell, trade, or transfer
452 CPS Allowances to a CAIR NO_x or CAIR SO₂ unit located in Ohio,
453 Indiana, Illinois, Wisconsin, Michigan, Kentucky, Missouri, Iowa,
454 Minnesota, or Texas.
 - 455
 - 456 3) In no event shall this subsection (a) require or be interpreted to require any
457 restriction whatsoever on the sale, trade, or exchange of the CPS
458 Allowances by persons or entities who have acquired the CPS Allowances

459 from the owner, operator, or CAIR designated representative of Specified
460 EGUs in a CPS group.

- 461
- 462 b) The owner, operator, and CAIR designated representative of EGUs in a CPS
463 group comprised of is prohibited from purchasing or using CAIR SO₂, CAIR
464 NO_x, and CAIR NO_x Ozone Season allowances for the purposes of meeting the
465 SO₂ and NO_x emissions standards set forth in Section 225.620.
- 466
- 467 c) Before March 1, 2010, and continuing each year thereafter, the CAIR designated
468 representative of the EGUs in a CPS group must submit a report to the Agency
469 that demonstrates compliance with the requirements of this Section 225.635 for
470 the previous calendar year and ozone season control period (May 1 through
471 September 30), and includes identification of any CAIR allowances that have
472 been used for compliance with the CAIR trading programs as set forth in Subparts
473 C, D, and E, and any CAIR allowances that were sold, gifted, used, exchanged, or
474 traded. A final report must be submitted to the Agency by August 31 of each
475 year, providing either verification that the actions described in the initial report
476 have taken place, or, if such actions have not taken place, an explanation of the
477 changes that have occurred and the reasons for such changes.

478

479 Section 225.640 Clean Air Act Requirements

480

481 The SO₂ emissions rates set forth in this Subpart F shall be deemed to be best available retrofit
482 technology ("BART") under the Visibility Protection provisions of the CAA, 42 U.S.C. 7491,
483 reasonably available control technology ("RACT") and reasonably available control measures
484 ("RACM") for achieving fine particulate matter ("PM_{2.5}") requirements under NAAQS in effect
485 on the effective date of this Subpart F, as required by the CAA, 42 U.S.C. 7502. The Agency
486 may use the SO₂ and NO_x emissions reductions required under this Subpart F in developing
487 attainment demonstrations and demonstrating reasonable further progress for PM_{2.5} and 8 hour
488 ozone standards, as required under the CAA. Furthermore, in developing rules, regulations, or
489 state implementation plans designed to comply with PM_{2.5} and 8 hour ozone NAAQS, the
490 Agency, taking into account all emission reduction efforts and other appropriate factors, will use
491 best efforts to seek SO₂ and NO_x emissions rates from other EGUs that are equal to or less than
492 the rates applicable to the CPS Group and will seek SO₂ and NO_x reductions from other sources
493 before seeking additional emissions reductions from any EGU in the CPS Group.

494

495 225.Appendix A Specified EGUs for Purposes of Subpart F (Midwest Generation's Coal-
 496 Fired Boilers as of July 1, 2006)
 497

498	Plant	Permit	Boiler	Permit designation	Subpart F
499		Number			Designation
500					
501	Crawford	031600AIN	7	Unit 7 Boiler BLR1	Crawford 7
502			8	Unit 8 Boiler BLR2	Crawford 8
503					
504	Fisk	031600AMI	19	Unit 19 Boiler BLR19	Fisk 19
505					
506	Joliet	197809AAO	71	Unit 7 Boiler BLR71	Joliet 7
507			72	Unit 7 Boiler BLR72	Joliet 7
508			81	Unit 8 Boiler BLR81	Joliet 8
509			82	Unit 8 Boiler BLR82	Joliet 8
510			5	Unit 6 Boiler BLR5	Joliet 6
511					
512	Powerton	179801AAA	51	Unit 5 Boiler BLR 51	Powerton 5
513			52	Unit 5 Boiler BLR 52	Powerton 5
514			61	Unit 6 Boiler BLR 61	Powerton 6
515			62	Unit 6 Boiler BLR 62	Powerton 6
516					
517	Waukegan	097190AAC	17	Unit 6 Boiler BLR17	Waukegan 6
518			7	Unit 7 Boiler BLR7	Waukegan 7
519			8	Unit 8 Boiler BLR8	Waukegan 8
520					
521	Will County	197810AAK	1	Unit 1 Boiler BLR1	Will County 1
522			2	Unit 2 Boiler BLR2	Will County 2
523			3	Unit 3 Boiler BLR3	Will County 3
524			4	Unit 4 Boiler BLR4	Will County 4
525					
526					
527					
528					

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this 16th day of February, 2007, I have served electronically the attached Motion to Amend Proposed Rule to Correct Typographical Errors upon the following persons:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

and by first-class mail with postage thereon fully prepaid and affixed to the persons listed on the **ATTACHED SERVICE LIST**.

/s/ Karl A. Karg

Karl A. Karg

Karg A. Karg
LATHAM & WATKINS LLP
Sears Tower, Suite 5800
233 South Wacker Drive
Chicago, IL 60606
Telephone: (312) 876-7691
Fax: (312) 993-9767
karl.karg@lw.com

SERVICE LIST
(R06-26)

John Knittle
Hearing Office
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph
Suite 11-500
Chicago, Illinois 60601

Rachel Doctors, Assistant Counsel
John J. Kim, Managing Attorney
Air Regulatory Unit
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276

Matthew J. Dunn, Division Chief
Office of the Illinois Attorney General
Environmental Bureau
188 West Randolph, 20th Floor
Chicago, Illinois 60601

Virginia Yang, Deputy Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62702-1271

David Rieser
James T. Harrington
Jeremy R. Hojnicky
McGuire Woods LLP
77 West Wacker, Suite 4100
Chicago, Illinois 60601

Sheldon A. Zabel
Kathleen C. Bassi
Stephen J. Bonebrake
SCHIFF HARDIN, LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606

Katherine D. Hodge
N. LaDonna Drive
HODGE DWYER ZEMAN
3150 Roland Avenue, P.O. Box 5776
Springfield, Illinois 62705-5776

William A. Murray
City of Springfield, Office of Public Utilities
800 East Monroe, 4th Floor, Municipal Building
Springfield, Illinois 62757-0001

Faith E. Bugel
Environmental Law and Policy Center
35 East Wacker Drive, Suite 1300
Chicago, Illinois 60601

Keith I. Harley
Chicago Legal Clinic, Inc.
205 West Monroe Street, 4th Floor
Chicago, Illinois 60606

SERVICE LIST

(R06-26)

S. David Farris
Manager, Environmental, Health and Safety
City Water Light & Power
201 East Lake Shore Drive
Springfield, Illinois 62757

Sasha M. Reyes
Steven K. Murawski
Baker & McKenzie
One Prudential Plaza, Suite 3500
130 East Randolph Drive
Chicago, IL 60601

Bruce Nilles
Sierra Club
122 West Washington Avenue, Suite 830
Madison, Wisconsin 53703

Daniel D. McDevitt
General Counsel
Midwest Generation, LLC
440 South LaSalle Street, Suite 3500
Chicago, Illinois 60605

Bill S. Forcade
Katherine M. Rahill
Jenner & Block LLP
One IBM Plaza
Chicago, Illinois 60611

James H. Russell
Winston & Strawn LLP
35 W. Wacker Drive, 40th Floor
Chicago, Illinois 60601