

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR BOILERS:) R17-9
AMENDMENTS TO: 35 ILL. ADM. CODE) (Rulemaking – Air)
PARTS 201 AND 211)

NOTICE OF FILING

TO: Mr. John T. Therriault Mr. Jason James
Assistant Clerk of the Board Hearing Officer
Illinois Pollution Control Board Illinois Pollution Control Board
100 West Randolph Street 100 West Randolph Street
Suite 11-500 Suite 11-500
Chicago, Illinois 60601 Chicago, Illinois 60601
(VIA ELECTRONIC MAIL) **(VIA ELECTRONIC MAIL)**

(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Board PRE-FILED QUESTIONS FOR THE ILLINOIS EPA SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
REGULATORY GROUP,

Dated: October 19, 2016

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Antonette R. Palumbo
Legal Counsel
Illinois Environmental Regulatory Group
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PRE-FILED QUESTIONS FOR THE ILLINOIS EPA SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP

NOW COMES the ILLINOIS ENVIRONMENTAL REGULATORY GROUP (“IERG”),
by and through its attorney, Antonette R. Palumbo, and submits the following Pre-Filed
Questions for the Illinois Environmental Protection Agency (“Agency”) for presentation at the
hearing scheduled in the above-referenced matter:

35 Ill. Adm. Code 201, Subpart A

1. How will future updates to the referenced material be incorporated into the regulations?
2. Refinery fuel gas systems are now regulated pursuant to revisions to Maximum Achievable Control Technology (“MACT”) standards in Subpart CC of the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Source Categories in 40 CFR Part 63. Does the Agency feel it is necessary to include Subpart CC by reference in Section 201.104?

35 Ill. Adm. Code 201, Subpart M

3. Can a single facility potentially utilize the permit by rule (“PBR”) to construct multiple boilers at one time at a facility, so long as the entire project satisfies the requirements to ensure that it does not exceed the major source or major modification permitting thresholds?

4. Section 201.505(a)(1) requires a source to have a CAAPP permit to be eligible to obtain a PBR. Could a source utilize a PBR if it is operating under a permit application shield for an initial CAAPP permit?

5. Section 201.505(a)(4) states that the proposed emission unit cannot be “an element in a larger project that otherwise requires a construction permit . . .” Is this terminology consistent with PBR rules in other states?

6. Would the Agency consider using “NOI” or “PBR NOI” as an abbreviation for “Notice of Intent to be Covered by a PBR”, rather than “Notification”, as used in Section 201.510, and throughout the proposal, in order to avoid confusion with “Notification” as that term is used in referenced rules, including MACT and New Source Performance Standards (“NSPS”)?

7. Will there be a new CAAPP form for the Notice of Intent?

a. If so, will the form provide for a joint PBR and minor permit modification application, consistent with the simultaneous applications discussed in Section 2.1 of the Technical Support Document on page 5?

8. Section 201.510(a)(8) requires the Notice of Intent to be Covered by a PBR to include an “[i]dentification of construction permits and PBRs received in the last two years . . .” What is the basis for the two-year time frame?

9. Section 201.510(b) states the Agency will acknowledge receipt of the Notice of Intent within 30 days. What form will this acknowledgement take?

a. Will the Notice of Intent submitted by a source be assigned an application number for future reference?

10. Do the Standard Conditions for PBR set forth in Section 201.525 supersede the standard conditions that apply to conventional construction permits?

11. Would the Agency please clarify that Section 201.525(d), which pertains to updated fee determinations if there is an increase in allowable emissions, does not apply to facilities that currently pay maximum fees?

12. Are the recordkeeping and reporting requirements in Section 201.530 consistent with the analogous requirements in CAAPP permits being issued today?

a. For example, do CAAPP provisions require performance test protocols to be submitted to the Agency 45 days prior to the testing, as is required by Section 204.530(d)(1), or is some other time frame specified?

13. Section 201.530(d)(2) requires an owner or operator to notify the Agency of a performance test at least 30 days prior to testing and again 5 days prior. What is the basis for the second notification to Agency?

14. In Section 201.530(f)(1), does "Notification" refer to the Notice of Intent to be Covered by a PBR?

a. If yes, do "notices," as used in Section 201.530(f)(2), refer to the performance test notices?

15. Section 201.540(a) and (b) state "[a] violation exists even if it is determined that the Notification was incomplete after construction or modification has already occurred." Could the Agency discuss the circumstances of an enforcement action in which it is determined that the Notice of Intent to Be Covered by a PBR is found to be incomplete?

35 Ill. Adm. Code, Subpart N

16. Does the Agency plan to define "maximum design heat input capacity"?

17. If a boiler is de-rated, is the “maximum heat input capacity” that of the original design or the de-rated capacity?

18. Does Section 201.600(a)(2) require that a source just be equipped with a low NO_x burner designed to meet a NO_x emission limit of not greater than 0.05 lb/mmBtu, or does this provision require the actual emission rate to be 0.05 lb/mmBtu?

- a. Would the Agency be willing to revise the language of Section 201.600(a)(2) to read “. . . and is equipped with low-NO_x burners designed to achieve ~~meet~~ a NO_x emission rate limit of less than or equal to ~~not greater than~~ 0.05 lb/mmBtu?”

19. Regarding the combustion tuning requirements in Section 201.630(b), if tuning is required by NO_x RACT or a NESHAP, do those tunings satisfy the requirement in the PBR, and vice-versa?

- a. Would compliance with 40 CFR 63.7540(a)(10) – (13) satisfy the combustion tuning requirements?

Thank you for your consideration. IERG reserves the right to supplement these Pre-Filed Questions.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
REGULATORY GROUP

By: /s/ Antonette R. Palumbo
Antonette R. Palumbo

Dated: October 19, 2016
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CERTIFICATE OF SERVICE

I, Antonette R. Palumbo, the undersigned, hereby certify that I have served the PRE-FILED QUESTIONS FOR THE ILLINOIS EPA SUBMITTED BY THE ILLINOIS ENVIRONMENTAL REGULATORY GROUP upon:

Mr. John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Rachel L. Doctors
Assistant Counsel
Illinois Environmental Protection Agency
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P.O. Box 19276
Springfield, IL 62706

Jason James
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Matt Dunn
Office of the Attorney General
500 South Second Street
Springfield, IL 62706

via electronic mail on October 19, 2016; and upon:

Illinois Department of Natural Resources
Office of General Counsel
One Natural Resources Way
Springfield, IL 62702

By depositing said documents in the United States Mail, postage prepaid, in Springfield, Illinois on October 19, 2016.

By: /s/ Antonette R. Palumbo
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