

# Electronic Filing: Received, Clerk's Office 11/29/2018

**From:** [Rabczak, Tetyana](#)  
**To:** [Brown, Don](#)  
**Subject:** FW: Illinois's Renewed 110(l) Notice Request of the Board  
**Date:** Thursday, November 29, 2018 9:35:41 AM  
**Attachments:** [image001.png](#)

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Don,

Please add this correspondence to the record in R19-1.

Thank you,

**Tetyana (Tanya) Rabczak**

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**From:** Carter, Sally  
**Sent:** Thursday, November 29, 2018 9:14 AM  
**To:** [jn@nijmanfranzetti.com](mailto:jn@nijmanfranzetti.com); [sf@nijmanfranzetti.com](mailto:sf@nijmanfranzetti.com); [kg@nijmanfranzetti.com](mailto:kg@nijmanfranzetti.com); [greg.wannier@sierraclub.org](mailto:greg.wannier@sierraclub.org); [adavis@ierg.org](mailto:adavis@ierg.org); Brown, Don <[Don.Brown@illinois.gov](mailto:Don.Brown@illinois.gov)>; [KPamenter@atg.state.il.us](mailto:KPamenter@atg.state.il.us); Yang, Virginia <[Virginia.Yang@Illinois.gov](mailto:Virginia.Yang@Illinois.gov)>; Snow, Renee <[Renee.Snow@illinois.gov](mailto:Renee.Snow@illinois.gov)>; [Katherine.Hodge@heplerbroom.com](mailto:Katherine.Hodge@heplerbroom.com); [LaDonna.Driver@heplerbroom.com](mailto:LaDonna.Driver@heplerbroom.com); [Daniel.Siegfried@heplerbroom.com](mailto:Daniel.Siegfried@heplerbroom.com); [deborah.williams@cwlp.com](mailto:deborah.williams@cwlp.com); Rabczak, Tetyana <[Tetyana.Rabczak@illinois.gov](mailto:Tetyana.Rabczak@illinois.gov)>  
**Subject:** Illinois's Renewed 110(l) Notice Request of the Board

Ms. Hearing Officer,

The Illinois EPA previously requested in its Statement of Reasons that the Board include the following language in its public notice for proposed Part 204 and amendments to Parts 203 and 211:

If adopted by the Board, the Illinois EPA will submit proposed Part 204 and amendments to Parts 203 and 211 to the United States Environmental Protection Agency (USEPA) for review and approval as a State Implementation Plan (SIP) revision to satisfy Clean Air Act (CAA) requirements regarding Prevention of Significant Deterioration. 42 U.S.C. §§§7410(a)(2)(C) and 7471. The revisions submitted to USEPA will include not only the amendments to current regulatory provisions under this proposal, but also the newly created provisions, as well as an analysis demonstrating that the proposal does not interfere with attainment or maintenance of any applicable National Ambient Air Quality Standard, reasonable further progress, or any other applicable requirement of the CAA. This notice is intended to satisfy

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the requirements of Section 110(l) of the CAA, 42 U.S.C. §7410(l), regarding public notice for SIP submittals.

See, Statement of Reasons, page 4. This request was made given the State of Illinois intends to submit proposed Part 204 and the relevant amendments to Parts 203 and 211 to the USEPA as a SIP revision. While the Board indicated that it would consider such language in its August 23, 2018 Order, upon review of the certificates of publication and accompanying public notices posted on the Board's website this week, the Illinois EPA noted that the language required by Section 110(l) of the Clean Air Act for SIP submittals was not included. By this email, the Illinois EPA is renewing its request that this language be included in the notices for the second hearing in this rulemaking proceeding. The Illinois EPA is expressly requesting that the Board treat the second hearing in this proceeding as the hearing on a proposed SIP revision that is required under the federal Clean Air Act, and ensure that the notice of hearing conforms to the federal SIP notification requirements.

Again, SIP revisions are required to undergo public notice and opportunity for hearing before they are submitted to USEPA for approval under 40 CFR §51.102 and Appendix V to Part 51. 40 CFR §51.102(a) further provides that the public notice is required to be published at least 30 days prior to the public hearing. The Board's procedural rules provide for notice that meets this requirement, as set forth under 35 Ill. Adm. Code 102.416. However, to be adequate, the notice must describe the revisions and specify that the adopted rule will be submitted as a SIP revision to USEPA. Historically, the Board has followed this practice when requested by the Illinois EPA. See, *In the Matter of Amendments to 35 Ill. Adm. Code Part 214, Sulfur Limitations, Part 217, Nitrogen Oxides Emissions, and Part 225, Control of Emissions from Large Combustion Sources*, R15-21 (May 7, 2015). The Illinois EPA renews its original request that the Board's notice of second hearing conform to the language set forth above.

Respectfully submitted,

Sally Carter, Assistant Counsel, Illinois EPA

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