

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR) **R17-009**
BOILERS:) **(Rulemaking - Air)**
AMENDMENTS TO: 35 ILL. ADM.)
CODE PARTS 201 and 211)

NOTICE

TO:

John Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Pollution Control Board the Post-Hearing Comments of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rachel L. Doctors
Assistant Counsel

DATED: December 16, 2016
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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POST-HEARING COMMENTS OF THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by its attorney, hereby submits its post-hearing comments in the above rulemaking proceeding with regard to the November 16, 2016, hearing and with regard to errors that appeared in the First Notice version of the rule published in the Illinois Register.

Modifications to Boiler Tuning Requirements:

At the Second Hearing, Illinois Environmental Regulatory Group (“IERG”) asked how the boiler tuning requirements for permit by rule (“PBR”) aligned with tuning requirements in federal rules, such as the National Emissions Standards for Hazardous Air Pollutants (“NESHAP”) (40 CFR 63.7540). The representatives from the Illinois EPA noted that requirements set forth in the proposed PBR regulations are slightly different than the NESHAP requirements and are essentially verbatim from Part 217 NO_x RACT tuning requirements (35 Ill. Adm. Code 217.166). IERG noted that owners and operators who take advantage of a PBR for small boilers could potentially be subject to tuning requirements pursuant to the PBR rules, NO_x RACT, and/or NESHAP (40 CFR Part 63 DDDDD).

After the hearing, IERG discussed with the Illinois EPA modifications to the proposed boiler tuning requirements that would harmonize the boiler tuning

requirements, including the frequency and training requirements, of the various applicable rules in order to ensure the PBR rule is comprehensive and can be easily used while minimizing duplicative or unnecessary obligations. The Illinois EPA therefore recommends that the following changes be made to Section 201.630 of the Agency's proposal, with the Agency's understanding that IERG supports such changes:

Section 201.630 Nitrogen Oxide Requirements

The owner or operator of the PBR boiler must comply with the following, as applicable:

- a) If the PBR boiler is subject to the requirements of 35 Ill. Adm. Code Part 217 Subpart D, comply with all the applicable requirements of 35 Ill. Adm. Code Part 217 Subparts D and E.
- b) If the PBR boiler is subject to the requirements of 40 CFR 63 Subpart DDDDD, comply with all applicable requirements, including the combustion tuning work practice requirements, of 40 CFR 63.7540(a)(10), as incorporated by reference in Section 201.104.
- c) For a boiler with a maximum design heat input capacity greater than 50 mmBtu/hr and not subject to either 35 Ill. Adm. Code Part 217 Subpart D or 40 CFR 63 Subpart DDDDD, conduct combustion tuning for the boiler. This tuning must be conducted in each calendar year in which the boiler is operated, excepting the calendar year in which the boiler first starts up and the calendar year in which the boiler is permanently removed from service. The combustion tuning must be conducted as specified by 40 CFR 63.7540(a)(10)(i) through (vi), as incorporated by reference in Section 201.104, and be conducted while burning the type of fuel that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up. performed by and employee of the owner or operator or a contractor who has successfully completed a training course on the combustion tuning boilers firing the fuel or fuels that are fired in the boiler. The owner or operator must maintain the following records that must be made available to the Agency upon request:
 - 1) The date the combustion tuning was performed;
 - 2) The name, title, and affiliation of the person who performed the combustion tuning;

- ~~3) Documentation demonstrating the provider of the combustion tuning training course, the dates the training course was taken, and proof of successful completion of the training course;~~
- ~~4) Tune up procedure followed and checklist of items (such as burners, flame conditions, air supply, scaling, on heating surface, etc.) inspected prior to the actual tune up; and~~
- ~~5) Operating parameters recorded at the start and at the conclusion of the combustion tuning.~~

By way of explanation of the above amendments: Subsection (a) applies to sources subject to Subpart D of Part 217, i.e., sources located in ozone nonattainment areas. Subsection (b) applies to emission units required to comply with the Subpart DDDDD NESHAP requirements. An owner and operator of a large PBR boiler may be subject to the requirements in both subsections (a) and (b) or only the requirements in subsection (b), depending on where the source is located. Subsection (c) requires smaller boilers that are not subject to either Part 217 or NESHAP requirements in subsections (a) and (b) to conduct combustion tuning. Even though these smaller boilers are not otherwise subject to the requirements in the boiler NESHAP, the NESHAP requirements for combustion tuning, including recording keeping requirements, must be complied with for the tuning.

Corrections to the Transcript:

The Agency notes that the following corrections should be made to the transcript:

1. Page 7, line 19: "Blumberg" should be "Bloomberg."
2. Page 7, line 20: "Jacqueline" should be "Jacquelyn."
3. Page 8, line 18: "201.600A2" should be "201.600(a)(2)."
4. Page 8, line 19: "ERB" should be "IERG."

5. Page 8, line 24: "Mr. Davis" should be "Mr. Bloomberg."

Corrections to the Illinois Register/First Notice version of the Proposed Rule (40 Ill. Reg. 13545, September 30, 2016) (hereinafter "Ill. Reg."):

1. In Section 201.103(a): "CP₂e" should be "CO₂e." Ill. Reg. 13553.
2. In Section 201.103(a): an abbreviation for "Agency" meaning the "Illinois EPA" should be added.
3. In Section 201.510(a), the abbreviation "Agency" should be used instead of "EPA." Ill. Reg. 13567. The term "Agency" is used throughout the rule to refer to the Illinois EPA. See Sections 201.142, 143, 144, 146, etc., and from the current rulemaking, 201.530 Recordkeeping and Reporting at Ill. Reg. 13570 through 13572. Further, using "EPA" may cause confusion between the Illinois EPA and the United States EPA.
4. In Section 201.620(b), the reference "40 CFR 60, Subpart Ja, Section 60.102a(g)(1)(ii)" should be simplified consistent with the other changes to citations in the Agency's proposed rule to: "40 CFR 60.102a(g)(1)(ii)." Ill. Reg. 13577.
5. In Section 201.630: "Nox" should be "NO_x."

WHEREFORE, for the reasons stated above the Illinois EPA respectfully submits the above comments.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Rachel L. Doctors
Assistant Counsel

DATED: December 16, 2016
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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, affirm that I have served the attach Post-Hearing Comments of the Illinois Environmental Protection Agency upon the following person by emailing it to the email address indicated below:

Jason James
Illinois Pollution Control Board
Jason.James@illinois.gov

I affirm that my e-mail address is rachel.doctors@illinois.gov; the number of pages in the e-mail transmission is seven; and the e-mail transmission took place today before 5:00 p.m.

I also affirm that I am mailing the attached Post-Hearing Comments of the Illinois Environmental Protection Agency by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Rachel L. Doctors
Assistant Counsel

DATED: December 16, 2016

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