

**McGill, Richard**

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**From:** McGill, Richard  
**Sent:** Wednesday, February 08, 2017 9:16 AM  
**To:** 'Eastvold, Jonathan C.'  
**Subject:** RE: Illinois EPA Second Notice Comments R17-9

Good morning. Our responses appear in bold font below after each of your comments.

Any reaction to the attached suggestions? From where I'm sitting:

#1, #2, and #4 are already fixed by the revised First Notice Changes document. **We agree with your assessment.**

#3 can be done by Second Notice agreement, if you concur. **We agree to the Agency's suggested change.**

On #5, we disagree with changing the punctuation after (a) from a semicolon to a period. **We agree with you that the semicolon must remain after subsection (a). We otherwise agree to the Agency's suggested changes.**

The deleted paragraph in #6 is fixed, but what do you think about their proposed change? **We agree to the Agency's suggested change.**

Please let me know if you need anything else. Thank you.

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**From:** Eastvold, Jonathan C. [mailto:JonathanE@ilga.gov]  
**Sent:** Tuesday, February 07, 2017 2:19 PM  
**To:** McGill, Richard <Richard.McGill@illinois.gov>  
**Subject:** [External] FW: Illinois EPA Second Notice Comments R17-9

Any reaction to the attached suggestions? From where I'm sitting:

#1, #2, and #4 are already fixed by the revised First Notice Changes document.

#3 can be done by Second Notice agreement, if you concur.

On #5, we disagree with changing the punctuation after (a) from a semicolon to a period.

The deleted paragraph in #6 is fixed, but what do you think about their proposed change?

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**From:** Vetterhoffer, Dana [mailto:Dana.Vetterhoffer@Illinois.gov]  
**Sent:** Tuesday, February 07, 2017 1:46 PM  
**To:** Jcar Public <Jcar@ilga.gov>; Eastvold, Jonathan C. <JonathanE@ilga.gov>  
**Subject:** Illinois EPA Second Notice Comments R17-9

The Illinois EPA hereby submits Second Notice Comments regarding Illinois Pollution Control Board rulemaking R17-9.

Upon reviewing the Pollution Control Board's (Board) Second Notice Order of January 19, 2017: "In the Matter of: Permit by Rule for Boilers: Amendments to: 35 Ill. Adm. Code Parts 201 and 211" (R17-9), the Illinois EPA has noticed items in the Second Notice version of the rule that are incorrect, and items that are not only incorrect but also different from what was agreed upon between the Illinois EPA and stakeholders. There

is no indication in the Board's Second Notice Order that these omissions/errors were intentional. As such, the Illinois EPA is requesting that the following items be amended so errors do not carry through to the final, published rules:

1) **Section 201.510(a)**: The Board added language concerning certification from a responsible office as defined in the Environmental Protection Act, but this language was added to the wrong part of this section and thus does not make sense as written. As such, the Illinois EPA recommends that the certification language remain in Section 201.510, but that it be removed from the introductory paragraph and added to subsection (a)(11), where the certification requirement is located, with the language for the subsections reading as follows:

Section 201.510: Notice of Intent to Be Covered by a PBR (Notification)

a) ~~A certification signed by the responsible official, as defined in Section 39.5 of the Act, that An~~ owner or operator of a source seeking to construct or modify an emission unit pursuant to this Subpart M and the applicable PBR Subpart must submit a complete Notification, including fees, prior to commencing construction or modification of the emission unit. A complete Notification containing the following information and fees must be submitted to the Agency Permit Section at the address provided in Section 201.530(f)(1):

.....

11) A certification signed by the responsible official, as defined in Section 39.5 of the Act, that under penalty of law, based on information and belief formed after reasonable inquiry, the statements and information contained in the Notification are true, accurate, and complete and that the emission unit is eligible for the PBR selected pursuant to subsection (a)(6); and

2) **Section 201.605(c)**: The Board used "it's" instead of "its" in the Board's additional language "combusting it's primary fuel." The Illinois EPA recommends that this be corrected.

3) **Section 201.620(b)**: The Board changed the citation to the federal requirement for H<sub>2</sub>S content in fuel gas from 40 CFR 60.102a(g)(1)(ii) to 40 CFR 60.103a(g)(1)(ii). This is a mistake, as subsection 60.103a(g)(1)(ii) does not exist. It should be changed back to 60.102a(g)(1)(ii).

4) **Section 201.630(a)**: The letter "B" is missing from the abbreviation for PBR in this subsection and thus appears as "P R." The Illinois EPA recommends that this be corrected.

5) **Section 201.630(b)**: The punctuation is incorrect in multiple places due in part to Board changes and in part to Illinois EPA oversight. There is a misplaced comma in the regulatory citation that was changed from the Illinois EPA's proposed language. There is an incorrect comma before the regulatory citation that was included in the Illinois EPA's post-hearing comments, but is in error. Finally, the semicolon after subsection (a) should be changed to a period, for consistency with the rest of the section. The Illinois EPA also recommends that the introductory language of the section be slightly amended for clarification purposes. The Illinois EPA recommends that the following changes be made:

Section 201.630 Nitrogen Oxide (NO<sub>x</sub>) Requirements

The owner or operator of the PBR boiler must comply with all of the following that areas applicable to the boiler:

- a) If the PBR boiler is subject to the requirements of 35 Ill. Adm. Code Part 217 Subpart D, comply with all applicable requirements of 35 Ill. Adm. Code 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 63.7440(a)(10), as incorporated by reference in Section 201.104.

6) **Section 201.630(c)**: Part of the amended language that was agreed to by the Illinois EPA and the Illinois Environmental Regulatory Group (IERG), and included in the Illinois EPA's comments after the second hearing, has been omitted by the Board with no explanation as to why it was omitted. Since this was agreed-upon language and the Board made the other changes proposed in the Illinois EPA's comments regarding this subsection, it seems likely that the Board omitted this language accidentally. This language regards how combustion tuning would be conducted, and it has been reviewed and found approvable by USEPA. The Illinois EPA is concerned that without this language, there are no criteria specifying how combustion tuning will be done and is further concerned that without the criteria, USEPA will not approve the rule as part of Illinois' State Implementation Plan (SIP). If the rule does not receive federal approval, then owners and operators will not be able to use PBR to streamline the construction permitting process. Hence, the following amendment is recommended:

#### Section 201.630 Nitrogen Oxide (NOx) Requirements

- c) For a boiler with maximum design heat input greater than 50 mmBtu/hr, and not subject to either 35 Ill. Adm. Code 217 Subpart D or 40 CFR 63 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.

Please direct any questions regarding these comments to David Bloomberg and Rachel Doctors at the email addresses below.

[David.Bloomberg@illinois.gov](mailto:David.Bloomberg@illinois.gov)

[Rachel.Doctors@illinois.gov](mailto:Rachel.Doctors@illinois.gov)

Thank you,

Dana Vetterhoffer  
Deputy General Counsel, Air Regulatory Unit  
Illinois Environmental Protection Agency  
(217)782-5544 fax: (217)782-9807

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