



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

AUG 10 2016

Ray Pilapil
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Dear Mr. Pilapil:

The U.S. Environmental Protection Agency has reviewed the Illinois Environmental Protection Agency's (IEPA's) draft revised Clean Air Act Program permit (CAAPP) through reopening and significant modification (draft permit) for Illinois Power Generating Company – Newton Power Station (Permittee), located at 6725 North 500th Street, Newton, Illinois (Permit No. 95090066). We appreciate your efforts in working with us towards the common goal of issuing a clear and practically enforceable permit. Our comments are as follows:

- 1) The requirements in Conditions 5.2.7(a), 7.2, 7.3, and 7.5 relating to monitoring and limiting opacity and particulate matter (PM) emissions from coal, fly ash, and limestone and gypsum handling equipment are inadequate to assure compliance with the applicable requirements.**

Under the draft permit, the Permittee is subject to the following PM and opacity emission limitations for the handling equipment that is used for coal, fly ash, and limestone and gypsum (material handling equipment):

- Conditions 5.2.2(a), 7.2.4(a), 7.3.4(a), and 7.5.4(b), which prohibit emissions of fugitive PM from leaving the property line of the source unless the wind speed is greater than 40.2 kilometers per hour. *See also* Illinois State Implementation Plan (SIP) requirements at 35 Illinois Administrative Code (IAC) §§ 212.301 and 212.314.
- Conditions 5.2.2(b), 7.2.4(b), 7.3.4(b), and 7.5.4(c), which prohibit emissions of smoke or other pm with an opacity greater than 30 percent into the atmosphere from certain emission units. *See also* Illinois SIP requirements at 35 IAC §§ 212.122 and 212.123(a).
- Conditions 7.2.4(c), 7.3.4(c), and 7.5.4(a), which contain process weight rate requirements and restrict PM emissions from coal, fly ash, and limestone and gypsum handling equipment. *See also* Illinois SIP requirements at 35 IAC § 212.321.

- Conditions 7.2.6(b), 7.3.6(b), and 7.5.6(b), which incorporate Title 1 permit limits that restrict PM and opacity emissions from certain material handling equipment and other sources of fugitive dust.

EPA has a number of concerns with the draft permit's requirements to assure compliance with the above opacity and PM emission limitations, as required by 40 C.F.R. § 70.6(a)(1). EPA's specific comments regarding these issues are provided below.

- a. *The frequency of the required visible emissions (VE) observations from the material handling equipment is inadequate to assure continuous compliance with applicable opacity and PM limits.*

To control PM and opacity emissions from material handling equipment, the Permittee uses, among other things, natural surface moisture, water atomized foggers, baghouses and dust suppression. These measures are identified in the Control Measures Record, which is incorporated by reference into the draft permit by Condition 5.2.7(a). To assure compliance with the applicable emission limits, the draft permit requires performance of: monthly inspections; annual VE observations in accordance with EPA Method 22; and annual VE observations in accordance with EPA Method 9.

These inspection and monitoring requirements are not adequate to yield reliable and accurate emissions data that are representative of the Permittee's compliance with applicable PM and opacity limits, as required by 40 C.F.R. § 70.6(a)(3)(i)(B). The frequency of inspections and monitoring will not provide sufficient data to determine whether the control measures being used are adequate and whether alternative control measures must be employed. This is because, among other things: the majority of the affected equipment operates continuously year-round; the permit allows for substantial variation in the type of control measure used; and weather conditions can have significant impacts on the adequacy of using natural surface moisture to control emissions. *See also* comment number two of EPA's August 8, 2013 letter regarding the Newton permit.

To address the above concerns, Conditions 7.2.8(b), 7.3.8(b), and 7.5.8(b) should be revised to require the Permittee to conduct a Method 22 test at least once per day for each affected operation during normal operation. These daily observations may be performed by the plant operators involved in day-to-day operations who decide on a daily basis whether to operate additional control measures. The permit should also identify appropriate next steps if emissions are observed, such as corrective action and/or Method 9 observations. Alternatively, the permit could require installation and operation of video monitoring equipment to monitor visible emissions from the material handling equipment and require appropriate next steps if emissions are observed.

- b. *Condition 5.2.7 should be revised so that any substantive changes to the Control Measures Record require review by IEPA and public comment, as appropriate, prior to incorporation into the permit.*

Condition 5.2.7(a) incorporates into the draft permit the Permittee's Control Measures Record dated January 15, 2016, and states that "[a]ny revised version of the Control Measures Record prepared by the Permittee and submitted to IEPA while this permit term is in effect is automatically incorporated by reference. Upon such automatic incorporation, the revised plan replaces the version of the plan previously incorporated by reference." As written, the draft permit allows for the Control Measures Record to be revised and automatically incorporated by reference into the permit without review by IEPA or the opportunity for public notice and comment. Thus, the Permittee could make significant changes to control measures that may not assure compliance with applicable requirements. Those changes would then be automatically incorporated into the draft permit without the opportunity for review and comment.

Pursuant to 415 ILCS 5/39.5(8), IEPA must provide notice to the public, including an opportunity for public comment, on each significant modification to a CAAPP permit. Illinois' CAAPP further provides that "every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping requirements shall be considered significant." 415 ILCS 5/39.5(14)(c)(ii). Additionally, the federal Title V regulations require all permit modification proceedings to provide adequate procedures for public notice and comment except for minor modifications. 40 C.F.R. § 70.7(h). The Permittee's implementation of the control measures contained in the Control Measures Record is essential to achieving and maintaining compliance with the applicable opacity and PM limits. Any change to those control measures must be processed consistent with the appropriate permit modification procedures required by state and federal law, including review by IEPA and opportunity for public comment, as appropriate.

To address this issue, the statement in Condition 5.2.7(a) that automatically incorporates any revisions made to the Control Measures Record should be removed from the permit.

c. *The Control Measures Record should be revised to require that the secondary control measures be used to supplement the primary control measures whenever the primary control measures are not effective at controlling visible emissions.*

i. *Use of term "may" when secondary control measures are needed should be revised to "must."*

The Control Measures Record includes primary control measures and, for certain emission sources, secondary control measures. However, the Control Measures Record is set up such that the source "may" operate the secondary control measures when there is "greater than normal dusting." The draft permit's use of the term "may" in this context suggests that the secondary control measures are optional even when the primary control measures are ineffective. This issue is of concern because compliance with the applicable PM and opacity limitations may not be possible at times unless the secondary control measures are employed.

To ensure that the control measures provide the necessary level of emission control to maintain continuous compliance with applicable requirements, the Control Measures Record should be revised so that the secondary control measures must be used to supplement primary control measures whenever the primary control measures are ineffective at minimizing emissions, as required by 40 C.F.R. § 70.6(a).

ii. The term "greater than normal dusting" should be defined.

As discussed above, the Control Measures Record allows the source to implement the secondary control measures when "handled coal is unusually dry and causes greater than normal dusting." The Illinois SIP, Control Measures Record, and the draft permit do not define the term "greater than normal dusting." Therefore, it is not clear to the source, the public, or IEPA when the source should implement the secondary control measures. Terms for demonstrating compliance with applicable requirements must be clearly described so that the permit language is clear and enforceable as a practical matter.

IEPA must revise the permit and/or Control Measures Record to define the term "greater than normal dusting" or revise the language such that the events that require the implementation of the secondary control measures is clear and enforceable. The language must ensure that the source can demonstrate continuous compliance with applicable emission limitations. IEPA could resolve this issue by including the following language in the permit or Control Measures Record: "the source must operate the secondary control measures whenever the primary measures are unable to prevent ve that violate applicable opacity limitations."

d. Conditions 7.2.6(a), 7.3.6(a), and 7.5.6(a) should be revised to require the Permittee to implement and maintain the control measures specified in the Control Measures Record that is incorporated by reference in Condition 5.2.7.

Conditions 7.2.6(a), 7.3.6(a), and 7.5.6(a) require the Permittee to implement and maintain control measures for the material handling equipment and lists examples of those measures, but does not require any specific control measures to be used. For example, Condition 7.2.6(a)(i) states that "The Permittee shall implement and maintain the control measures for the affected operations, *such as* enclosure, natural surface moisture, application of dust suppressant, and use of dust collection devices..." (Emphasis added).

As written, the draft permit does not require the Permittee to use any specific control measures. Therefore, the permit does not contain sufficient operational requirements to assure compliance with applicable opacity and PM limits for the material handling equipment, as required by 40 C.F.R. § 70.6(a). To address this issue, the Conditions identified above must be revised to require the Permittee to implement and maintain the control measures required by the Control Measures Record that is incorporated by reference in Condition 5.2.7.

e. Condition 5.2.7. should be revised to include a reference to Condition 7.5.9(b).

Condition 5.2.7(a) incorporates the Control Measures Record, and specifies that the Control Measures Record constitutes the Control Measures Record required by Conditions 7.2.9(b), and 7.3.9(b), which contains recordkeeping requirements for coal and fly ash handling equipment. However, Condition 5.2.7 does not include a reference to Condition 7.5.9(b), which contains requirements to limestone and gypsum handling recordkeeping requirements and includes a cross-reference to Condition 5.2.7(a)(i).

Condition 5.2.7(a) should be revised to include a reference to Condition 7.5.9(b) in addition to Conditions 7.2.6(b), and 7.3.9(b) for consistency and to make clear that the Control Measures Record applies to the limestone and gypsum handling equipment requirements in Condition 7.5.

- 2) **The PM and carbon monoxide (CO) performance testing requirements for the Coal Fired Boilers NB-1 and NB-2, as contained in Conditions 7.1(a)(ii) and 7.1.7(b)(i), will not necessarily reflect the highest emissions during the expected normal operation of the sources.**

Condition 7.1.7(a)(ii), requires that any PM emissions testing be performed “within 90 days of operating an affected boiler for more than 72 hours total in a calendar quarter at a load ([as defined in that rule]) that is “more than 15 percent higher than the greatest load on the boiler, during the most recent set of PM tests on the affected boiler in which compliance is shown....” that showed compliance. Condition 7.1.7(a)(iv) states that CO emissions shall be measured in conjunction with the initial measurements of PM emissions, as required by Condition 7.1.7(a)(i). Condition 7.1.7(b)(i) specifies that measurements of PM and CO emissions “shall be performed at 90 % or greater of the seasonal maximum operating loads” of the boilers and “other operating conditions that are representative of normal operation.” We have the following concerns with these conditions:

- a. *Condition 7.1.7(a)(ii), which does not require the re-testing of PM emissions under certain changed circumstances, may result in violations of applicable emission limits.*

As written, Condition 7.1.7(a)(ii) authorizes the Permittee to test at close to 100 percent of its “seasonal maximum” operating load, without having to retest in the future unless, among other things, the Permittee actually operates the boilers at 115 percent or higher of the maximum operating load for more than 72 hours in a calendar quarter. Condition 7.1.7(a)(iv) provides a similar approach for CO. These provisions could allow the Permittee to violate PM and CO emission limits, if emissions from the last compliant source test were close to the limit. It could also allow the Permittee to indefinitely operate at levels that are higher than the representative testing conditions that are established during the initial and follow-up routinely required testing, as discussed further below in the comment on Condition 7.1.7(b)(i).

The permit record does not show that the Permittee has provided a demonstration that this approach will enable the boilers to remain in continuous compliance with applicable

emission limits at all times, including when operating at maximum capacity. The Statement of Basis (SOB) similarly does not provide such an explanation.

The main reason for performance testing of an emission unit is to determine whether emissions from the source can demonstrate compliance on a continuous basis.¹ Accordingly, performance tests conducted for the purpose of demonstrating compliance must be conducted under normal process operating conditions producing the highest emissions. This expectation is reflected in EPA's stack testing guidance, which recommends that a source be tested at an operating level that would represent the highest emissions during the expected normal operation of the source. See EPA CAA Stack Testing Guidance, April 27, 2009, available at: <http://www3.epa.gov/ttnemc01/guidlnd/gd-050.pdf> (pp. 14-16)

Where it is not possible to replicate such conditions during the test (such as due to safety concerns, or if testing is being conducted during a period of low productivity by the source), the source must provide the permitting authority with a demonstration that the source will be in continuous compliance with applicable emission limits at all times, including when operating at maximum capacity. As explained in the stack testing guidance, the Permittee is responsible for making this demonstration.

In the absence of an adequate explanation in the permit record or SOB, the permit should be revised to require that any re-testing be performed at the maximum capacity at which the boilers are expected to be operated. Alternatively, IEPA could add a permit condition that prohibits the boilers from operating at a load higher than the operating load during the most recent performance test that demonstrated compliance. Without such revisions, the permit does not assure compliance with all applicable requirements, in accordance with 40 C.F.R. § 70.6(a)(1).

b. The operating conditions during the PM and CO performance tests required by Condition 7.1.7(b)(i) do not reflect the highest emissions during expected normal operation of the boilers.

Conditions 7.1.7(b)(i) of the permit authorizes initial and follow-up routine testing of the boilers at a capacity of 90 percent or greater of the seasonal maximum operating loads. As with Conditions 7.1.7(a)(ii) and (a)(iv) above, these provisions could allow the Permittee to violate PM and CO emission limits if emissions from the last compliant source test were close to the limit. It could also allow the Permittee to indefinitely operate at levels that are higher than the representative testing conditions.

Again, the permit record does not show that the Permittee has provided a demonstration that this will enable the boilers to remain in continuous compliance with applicable emission limits at all times, including when operating at maximum capacity. The SOB

¹ The Act defines the terms "emissions limitation" and "emission standard" in Section 302(k) as "a requirement established by the state of the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis...." (emphasis added).

similarly does not provide an explanation as to how this approach would yield PM and CO emissions that represent maximum emissions from the affected boilers.

The main reason for performance testing of an emission unit is to determine whether emissions from the source can demonstrate compliance on a continuous basis. Accordingly, performance tests conducted for the purpose of demonstrating compliance must be conducted under normal process operating conditions producing the highest emissions. This expectation is reflected in EPA's stack testing guidance, which recommends that a source be tested at an operating level that would represent the highest emissions during the expected normal operation of the source. See EPA CAA Stack Testing Guidance, April 27, 2009, available at: <http://www3.epa.gov/ttnemc01/guidlnd/gd-050.pdf> (pp. 14-16)

Where it is not possible to replicate such conditions during the test (such as due to safety concerns, or if testing is being conducted during a period of low productivity by the source), the source must provide the permitting authority with a demonstration that the source will be in continuous compliance with applicable emission limits at all times, including when operating at maximum capacity. As explained in the stack testing guidance, the Permittee is responsible for making this demonstration.

In the absence of an adequate explanation in the permit record, the permit should be revised to require that testing be performed at the maximum capacity at which the boilers are expected to be operated. Alternatively, IEPA could add a permit condition that prohibits the boilers from operating at a load higher than the operating load during the most recent performance test that demonstrated compliance. Without such revisions, the permit does not assure compliance with all applicable requirements, in accordance with 40 C.F.R. § 70.6(a)(1).

3) The Compliance Assurance Monitoring (CAM) plan should identify and include parametric monitoring ranges for important Electro-Static Precipitator (ESP) parameters to provide a reasonable assurance of ongoing compliance with the applicable PM emission limitations.

The draft permit requires the Permittee to use an ESP to control PM emissions from the two boilers at the source, which are identified as boilers NB-1 and NB-2. Boilers NB-1 and NB-2 are subject to, among other things, the monitoring requirements of the CAM plan described in Tables 7.1.13a and 7.1.13b. See Condition 7.1.13-2. Additionally, as part of the recordkeeping requirements for the ESP, Condition 7.1.9(b)(ii) requires the Permittee to record: the status of each ESP field at least once per shift; and primary voltages and currents, secondary voltages and currents, and sparking rates at least once per day.

Among other requirements, the CAM regulations require that subject sources establish appropriate indicator ranges for "one or more indicators of emission control performance for the control device," and any associated capture system. See 40 C.F.R. § 64.3. The selected indicators and indicator ranges must provide a reasonable assurance of ongoing compliance with emission limitations or standards for the anticipated range of operating conditions. The

draft permit's CAM plan relies on a continuous opacity monitoring system (COMS) as a surrogate for monitoring PM emissions from the boilers.

While opacity from a boiler stack is one good indicator of boiler operation and combustion efficiency, proper operation and maintenance of the ESP, which is the primary control device, is essential to assuring compliance with the applicable PM limits. Additionally, as discussed above, the purpose of the CAM regulations is to design monitoring criteria to obtain data of emission control performance for the control device to provide a reasonable assurance of compliance. *See* 40 C.F.R. § 64.3(a)(1). Therefore, in addition to COMS, ESP parameters should be used as an indicator of compliance in addition to COMS. Also, as noted above, the permit requires the Permittee to keep records of certain ESP parameters. However, the CAM plan does not establish any ESP parameters as indicators of compliance, and it does not establish ranges for those parameters that indicate proper operation of the ESP.

As EPA has previously explained, if ESP parametric monitoring is to be used as a surrogate to assure compliance with PM emission limits, the permit must contain specific operational limits (upper level or lower level) and/or operational ranges, or a method for determining the ranges. *See In the Matter Of: Midwest Generation, LCC Waukegan Generating Station*, Petition Number V-2004-5 (Order on Petition), September 22, 2005, at 20-21. *See also*, "Proposed CAM Protocol for an ESP Controlling PM Emissions from a Coal-Fired Boiler," available at <https://www3.epa.gov/ttnemc01/cam/espcam.pdf>.²

To address the above issues, the CAM Plan must identify the key ESP operating parameters as indicators of performance, and establish appropriate ranges for those parameters, such that operation within the ranges provides a reasonable assurance of ongoing compliance with the PM emission limits, consistent with 40 C.F.R. § 64.3. The key operating parameters may be those already included in Condition 7.1.9(b)(ii), and the parametric levels or ranges may be those established through emission tests or those listed by the control equipment manufacturer as the settings for optimum operation.

4) The averaging period for the COMS data in Condition 7.1.13 should be one hour.

The Permittee operates two coal-fired boilers, NB-1 and NB-2, which are subject to PM emission limits of 0.15 and 0.19 pounds per million British thermal units (lb/mmBtu) of actual heat input in any one hour period, respectively. *See* Condition 7.1.4(b) and 35 IAC § 212.204. Pursuant to 40 C.F.R. Part 64, the Permittee must comply with a CAM plan that assures the boilers are in continuous compliance with the PM emission limits.

The Permittee's CAM plan, which, in part, requires COMS data as a surrogate for PM emissions, is found in Condition 7.1.13-2 and Tables 7.1.13.a and 7.1.13.b. However, the CAM plan specifies the averaging period for the pollutant of concern (i.e., PM/opacity) as three hours instead of one hour, which would be consistent with the averaging period for the

² Although the CAM Protocol does not mandate that certain indicators be used, it does provide that COMS and ESP parametric monitoring are sufficient to meet CAM requirements for PM. Any modifications to the Protocol must include a rationale for the modification.

PM emission limits in Condition 7.1.4(b). While the three-hour averaging period specified in the CAM plan would be consistent with the averaging period for a three-hour performance test under Illinois' SIP, this is not the case when PM (or its surrogate, opacity) data is being collected continuously through a COMS.

Specifically, since the ESP will be operating continuously, COMS data will be collected continuously (four data points per minute), and there is a one-hour mass emission limit, the averaging period used for the CAM plan indicator range for the COMS data in Tables 7.1.13a and 7.1.13b should be revised to be one hour. Without the appropriate averaging time, the monitoring scheme is not sufficiently relevant to the time period that is representative of the source's compliance status with the applicable PM limits in the permit, as required by 40 C.F.R. § 70.6(a)(3)(B).

- 5) **The compliance procedures regarding the applicable PM limits in Condition 7.1.12(b) should be revised to assure compliance with applicable PM limits by citing the relevant portions of Condition 7.1.9 within Condition 7.1.12(b).**

Condition 7.1.12(b) establishes that compliance with the PM limits in Conditions 7.1.4(a)(ii)(A) and 7.1.4(b) is determined through “continuous opacity monitoring in accordance with Condition 7.1.8(e), PM testing in accordance with Condition 7.1.7, and the recordkeeping required by Condition 7.1.9.” Condition 7.1.9 contains all recordkeeping requirements for the boilers, associated controls, and associated monitoring equipment. Condition 7.1.12(b) should be revised to specify only those portions of Condition 7.1.9 that are directly related to compliance with the PM limits.

- 6) **Conditions 7.1.3(c)(ii), 7.2.3(b)(ii), and 7.3.3(b)(ii), are not practically enforceable because the term “as soon as practicable” as used in these conditions is not defined.**

The Illinois SIP at 35 IAC § 201.262 allows the Permittee to receive IEPA approval to continue operation of an affected operation in violation of applicable requirements in the event of a malfunction or breakdown only if the Permittee submits proof to IEPA that: such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services. The Illinois SIP at 35 IAC § 201.261 requires a source to apply for this authorization in its Title V application, and requires the source to include in its application, among other things, “all measures, such as use of off-shift labor or equipment which will be taken to minimize the quantity of air contaminant emissions and length of time during which such operation will continue.”

These SIP requirements are reflected in, among others, draft permit Conditions 7.1.3(c)(ii), 7.2.3(b)(ii), and 7.3.3(b)(ii). These Conditions state that upon occurrence of excess emissions due to malfunction or breakdown of an affected operation, the Permittee shall “as soon as practicable” repair the affected operation, remove the affected operation from service or undertake other action so that excess emissions cease. However, the term “as soon as practicable” is not defined in the draft permit, which renders the above permit Conditions practically unenforceable.

As EPA has previously explained, the term “as soon as practicable,” as used in the context of the above permit conditions must have a specified time limit for it to be practically enforceable. *See In the Matter Of: Midwest Generation, LCC Waukegan Generating Station*, Petition Number V-2004-5 (Order on Petition), September 22, 2005, at 11-13. In that Petition Order, EPA determined that because the challenged permit specifically “[provided] 24 hours or noon of the IEPA’s next business day, unless an extension has been obtained, as the maximum time permitted to reduce boiler load, repair the affected boiler, or remove the affected boiler from service so that excess emissions cease, “as soon as practicable” has boundaries which makes the term practically enforceable.” *Id.* at 13.

As written, the draft permit’s use of the terms “as soon as practicable,” in the Conditions identified above do not include boundaries or definitions as described in the Waukegan Petition Order. IEPA must revise the draft permit to define the term “as soon as practicable” by including specific time limits by when the Permittee must take corrective actions to make the term practically enforceable.

7) Section 6.3 has not appropriately incorporated the Cross-State Air Pollution (CSAPR)/Transport Rule (TR) trading programs.

EPA has identified several concerns with Section 6.3 of the draft permit, “CSAPR /TR Trading Programs.” These relate primarily to areas where IEPA has not used the language contained in EPA’s May 13, 2015 guidance document entitled “Title V Permit Guidance and Template for the CSAPR,” or has deviated from the language of the rule. EPA developed this guidance in order to assist states in incorporating applicable TR requirements into Title V permits. The guidance includes a template that can be completed and inserted into a Title V permit in order to ensure that the TR requirements are completely and correctly incorporated. EPA strongly encourages states to use the template. While state permitting authorities are not required to use the template, it does provide the minimum applicable TR requirements that must be included in a Title V permit.

Our specific comments on Section 6.3 of the draft permit are as follows:

a. Throughout Section 6.3, IEPA has inappropriately replaced the term "owners and operators" from the TR language with "Permittee."

For sources subject to CSAPR, there may be multiple owners and operators that are not necessarily named as the Permittee. The term "owners and operators" is consistent with the Federal rule language in 40 C.F.R. Part 97, and will ensure that the appropriate responsible parties are included in the event of any future changes in ownership for this facility. IEPA should replace the term "Permittee" with “owners and operators” throughout Section 6.3.

b. The structure of Section 6.3 will require a significant modification to the permit to incorporate any future changes to the selected monitoring systems.

The template provided by EPA in the May 13, 2015, guidance was structured to provide flexibility for sources subject to CSAPR. By providing the table outlining the multiple monitoring system options, the structure of the template allows for the use of the minor permit modification procedures under Title V if a facility chooses to request an alternative monitoring system. While IEPA is not required to use the template, the structure of Section 6.3 will require a significant modification to the permit to incorporate any future changes to the selected monitoring systems. This would likely result in a conflict between the approved monitoring system under CSAPR and the permit while the significant modification is being processed. The facility will be expected to comply with both the requirements of the approved plan and the requirements of the permit.

- c. Condition 6.3.3(a) does not include the link to EPA's website where monitoring plans can be found.***

Condition 6.3.3.a of the permit requires the permittee to submit a monitoring plan to the EPA Administrator. This language is similar to the language in paragraph 2 of the "Description of TR Monitoring Provisions" in the template; however, IEPA has not included the link to EPA's website where the monitoring plans can be found. EPA requests that IEPA include the link to ensure that any interested party knows where to find the information.

- d. The term "affected unit" as used in Conditions 6.3.2(a)(i), 6.3.2(b)(i), 6.3.2(c)(i), 6.3.5(a), and 6.3.5(b) is not defined in 40 C.F.R. Part 97.***

In Conditions 6.3.2(a)(i), 6.3.2(b)(i), 6.3.2(c)(i), 6.3.5(a), and 6.3.5(b), IEPA has used the term "affected unit" instead of "TR NO_x Annual Unit," "TR NO_x Ozone Season Unit," or "TR SO₂ Group 1 Unit." The term "affected unit" is not defined in 40 C.F.R. Part 97. IEPA should use the appropriate term from 40 C.F.R. Part 97 for each condition.

- e. The language of Condition 6.3.4 concerning delegated representative is inconsistent with the language of the TR.***

The language of Condition 6.3.4 concerning delegated representative deviates from the language of the TR at 40 C.F.R. §§ 97.406(a), 97.506(a), and 97.606(a). EPA requests that IEPA use the language of the rule.

- f. The language in Condition 6.3.5(d) is inconsistent with the language in the TR.***

It appears that the language in Condition 6.3.5(d) may have been intended to meet the requirements of 40 C.F.R. §§ 97.406(g), 97.506(g), and 97.606(g). If so, the language in the draft permit deviates from the language in the TR. If the intent of Condition 6.3.5(d) was to address these requirements, please revise the condition to incorporate the rule language. If condition 6.3.5.d was not meant to address these requirements, please add the appropriate requirements of the TR.

- g. Several provisions of the TR that EPA considers to be minimum requirements for a Title V permit are not included in Section 6.3.*

To ensure the CAAPP includes the minimum requirements, EPA requests that the following provisions be included in Section 6.3 of the CAAPP permit:

- From the "Description of TR Monitoring Provisions" section of the template: paragraph numbers 3 and 4 including the link to EPA's website.
- 40 C.F.R. §§ 97.406 (d)(1) and (e), 40 C.F.R. §§ 97.506 (d)(1) and (e), and 40 C.F.R. §§ 97.606 (d)(1) and (e).

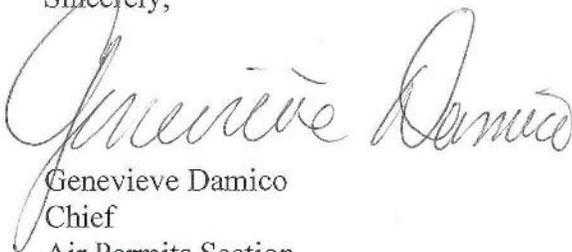
- 8) Many conditions within the permit are missing the citation of origin and authority, as required by 40 C.F.R. § 70.6(a)(1)(i) and 415 ILCS 5/39.5(7).**

Conditions throughout the permit refer to underlying applicable requirements that were established in a construction permit cite to "(T1)". However, the conditions do not state the specific construction permit under which requirements were established. The conditions should specify the applicable construction permit, and also clarify whether those conditions are Best Available Control Technology requirements established under the authority of Prevention of Significant Deterioration program, at 40 C.F.R. § 52.21. (See Conditions 3.4.6(a), 3.4.7(a), 3.4.10(a) and (b), 7.1.8(f)(i) and (ii), 7.1.9(j)(i), 7.1.11-2(b) and (c), 7.2.6(b) and (c), 7.2.8(a), 7.3.6(b), 7.5.6(b)(i)(B), (ii), (iii), (v), and (vi), and 7.5.9(g)).

We provide these comments to help ensure that the permit meets all federal requirements and provides all necessary information to the public, and that the record provides adequate support for the permit decision.

We look forward to working with you to address all of our comments. If you have any further questions, please feel free to contact Danny Marcus, of my staff, at (312) 353-8781.

Sincerely,



Genevieve Damico
Chief
Air Permits Section

Enclosure