



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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DOUGLAS P. SCOTT, DIRECTOR

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

March 18, 2009

Mr. Bharat Mathur  
Deputy Regional Administrator  
Office of the Regional Administrator, R-19J  
U. S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3507

Re: 8-Hour Ozone Attainment Demonstration and State Implementation Plan (SIP)  
for the Chicago Ozone Nonattainment Area

Dear Mr. Mathur:

Pursuant to Section 110(a)(2) of the Clean Air Act (CAA) [42 U.S.C. § 7410 (a)(2)] and Section 4(1) of the Illinois Environmental Protection Act [415 ILCS 5/4(1)], the Illinois Environmental Protection Agency (Illinois EPA), on behalf of Governor Pat Quinn, submits a revision to the Illinois State Implementation Plan (SIP).

This submittal includes the Illinois EPA's plan for attaining the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) in the Chicago nonattainment area (NAA) by the 2010 deadline established by the CAA for NAAs with a classification of moderate. The plan includes several elements satisfying CAA requirements set forth in Sections 110, 172, and 182. The components included in this plan are as follows: the final base year (2002) emissions inventory, the 8-hour ozone attainment demonstration for the Chicago NAA, Reasonably Available Control Measures (RACM) including Reasonably Available Control Technology (RACT), a demonstration of Reasonable Further Progress (RFP), and Contingency Measures. Also included in the plan, pursuant to Section 176 of the CAA, is the transportation conformity budget for the Chicago portion of the NAA.

Illinois hereby requests parallel processing of the regulatory proposals currently being considered by the Illinois Pollution Control Board (IPCB) to address NO<sub>x</sub> RACT. The NO<sub>x</sub> RACT rules before the IPCB are:

- 1) R07-19: NO<sub>x</sub> Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 IAC Section 201.146 and Parts 211 and 217; and

- 2) R08-19: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211.

These proposals are included with this submittal as Attachments 8 and 9. These proposals have already been the subject of several public hearings. Both of these rules are scheduled for adoption in final form no later than October 15, 2009, and to be submitted to the United States Environmental Protection Agency (U.S. EPA) no later than November 1, 2009. The proposed regulations affect emission sources not just in the Chicago NAA, but in the Metro-East NAA as well.

It should be noted that although Illinois does not need the above referenced NO<sub>x</sub> RACT rules R07-19 and R08-19 for attainment or rate of progress (ROP) purposes under this SIP, we are nevertheless committed to adopting these rules which are currently in front of the IPCB.

Illinois hereby provides U.S. EPA with a Negative Declaration regarding the need for regulations to address certain pre-2006 Control Technique Guidelines (CTG) and major-source non-CTGs. Specifically, Illinois is providing Negative Declarations for the following categories: coating operations at aerospace manufacturing, shipbuilding and ship repair, equipment leaks from natural gas and gasoline processing plants, industrial wastewater, bakery ovens, polystyrene foam manufacturing, and industrial cleaning solvents. To make its determination, the Illinois EPA conducted a search of its current emissions inventory and permitting databases for any sources potentially affected by pre-2006 RACT requirements for these categories. The Illinois EPA believes that there are no sources covered by these categories, either because there are no sources in the Chicago NAA or because emissions from existing sources are too small to trigger applicability of these requirements.

The Illinois EPA is requesting that this State Implementation Plan (SIP) submittal be determined complete for purposes of stopping the sanctions clock associated with the U.S. EPA failure-to-submit findings letter to the Illinois EPA on March 17, 2008, and the March 24, 2008, U.S. EPA final rule (73 *Fed. Reg.* 15416), which issued findings of failure-to-submit to several States, including Illinois. This final rule initiated a sanctions clock that, if not terminated or stayed by the U.S. EPA, will result in the sequenced implementation of several sanctions in the subject ozone nonattainment areas, and may eventually result in the need for U.S. EPA to replace the missing ozone SIP elements with Federal Implementation Plans (FIPs).

The Illinois EPA believes this SIP submittal is complete based upon its contents as of the date of this submittal pursuant to two separate, but related, SIP review guidelines and approaches provided in existing law and policy, either one of which allows U.S. EPA to find this SIP submittal complete.

First, the Illinois EPA believes this submittal meets the criteria for completeness for all required SIP elements for the Chicago and Metro-East ozone NAAs pursuant to 40 CFR Part 51 Appendix V (Criteria for Determining the Completeness of Plan Submissions). This provision provides that plans submitted for parallel processing will satisfy the completeness criteria if the submission contains a schedule for final adoption or issuance of the State's plan and a copy of

the draft regulation at issue. Illinois' request for parallel processing, a schedule for adoption of Illinois' NOx RACT regulations, and copies of the regulations are provided in this submittal.

Second, the Illinois EPA believes this submittal meets the criteria for completeness pursuant to U.S. EPA's policy on complete submittals as outlined in the September 1, 1994, memorandum, "November 1994 Submittal Policy," John S. Seitz, Director, Office of Air Quality Planning and Standards. According to this policy, a SIP submittal is complete if it contains fully adopted rules for a substantial portion of the reductions needed for attainment. Illinois currently meets this requirement. Illinois does not need any additional NOx or VOC RACT rules for attainment or reasonable further progress (RFP) purposes beyond those that are currently adopted and effective in Illinois. This is because the attainment demonstration and RFP in this SIP, as well as the previously submitted ozone attainment demonstration SIP for the Metro-East area, do not rely upon any reductions from additional RACT rules, including NOx RACT, other than those currently adopted and effective in Illinois. Since no additional RACT rules are needed in Illinois for purposes of Illinois ozone SIPs, there is no need for Illinois to commit to adopting any additional rules or providing a schedule for such rules. Furthermore, certified monitoring data for the period from 2006 – 2008 show attainment for the entire Chicago nonattainment area. For these reasons, the Illinois EPA believes this submittal meets the criteria for completeness and requests that U.S. EPA promptly make a finding of completeness and stop the sanctions clock.

The Illinois EPA provided Notice of the Public Hearing in Chicago area newspapers on November 15, 2008, and the hearing was held on December 16, 2008, in Chicago. Members of the public were present at the hearing and a few post-hearing public comments were submitted to the Illinois EPA. Illinois EPA prepared a Responsiveness Summary in response to the public comments which were submitted.

In order to assist with your review, the following documents are attached:

- Attachment 1) Draft Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Chicago Nonattainment Area, AQPSTR 08-07, Illinois EPA, November 15, 2008.
- Attachment 2) Illinois Base Year Ozone Inventory 2002, AQPSTR 06-03, Illinois EPA, June 2006.
- Attachment 3) Notice of Public Hearing, November 15, 2008.
- Attachment 4) Hearing Sign-in Sheet.
- Attachment 5) Transcript of Public Hearing held on December 16, 2008.
- Attachment 6) Responsiveness Summary, Illinois EPA, March 18, 2009.
- Attachment 7) Final Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Chicago Nonattainment Area, AQPSTR 09-03, Illinois EPA, March 18, 2009.

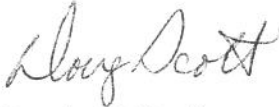
Attachment 8) Proposed Rule R07-19: NOx Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 IAC Section 201.146 and Parts 211 and 217.

Attachment 9) Proposed Rule R08-19: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211.

The SIP Checklists are also enclosed to assist in your review.

We look forward to working with U.S. EPA as a critical partner in our continuing mission to safeguard environmental quality so as to protect the public health, welfare, property and the quality of life in Illinois and other states. If further information is required or should you have any questions, please feel free to contact Laurel L. Kroack, Chief of the Bureau of Air.

Very truly yours,



Douglas P. Scott  
Director

Attachments