

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
The State Implementation Plan) DLC 26-09
Submittals for the Chicago)
Illinois 8-Hour Ozone Nonattainment Area)

**Responsiveness Summary of the Illinois Environmental
Protection Agency Following a Public Hearing on December 16, 2008**

On December 16, 2008, the Illinois Environmental Protection Agency (“Illinois EPA”) held a public hearing in Chicago, Illinois, on the Attainment Demonstration for the 1997 Chicago 8-hour ozone nonattainment area (“NAA”) and the associated establishment of motor vehicle emissions budgets. The Illinois EPA proposes to submit these documents to the United States Environmental Protection Agency (“U.S. EPA”) as State Implementation Plan (“SIP”) revisions. The Attainment Demonstration contains the State’s plan to meet the requirements of the federal Clean Air Act (“CAA”) to achieve the National Ambient Air Quality Standard (“NAAQS”) for 8-hour ozone for the Chicago area. The Chicago NAA includes Cook, DuPage, Kane, Lake, McHenry, and Will counties, and Aux Sable and Goose Lake Townships in Grundy County, and Oswego Township in Kendall County. This designation became effective on June 15, 2004. The SIP revision will establish new motor vehicle budgets for the attainment year, 2009, for the same area. The hearing satisfies the requirements of Section 110(l) of the CAA.

The Notice for the public hearing was published by the Illinois EPA in accordance with 40 CFR 51.102, entitled “Public Hearings,” and the Illinois EPA’s “Procedures for Informational and Quasi-Legislative Public Hearings” (“Public Hearing Procedures”).

On December 16, 2008, the public hearing was held to fulfill the public participation requirements for SIP revisions. Close of the record was January 15, 2009. Following the public hearing, the Illinois EPA received three comments from the interested public. A summary of the comments and the Illinois EPA’s responses are as follows:

- 1) One commenter requested that the Illinois EPA consider updating the vehicle registration distribution database to a more recent timeframe in establishing motor vehicle emissions budgets for conformity purposes.

Response: The commenter is correct in stating that the proposed motor vehicle emissions budgets contained in the Illinois EPA's November 15, 2008 draft attainment demonstration and maintenance plan documents were developed using a 2003 Registration Distribution dataset. The Registration Distribution data breaks down the vehicle fleet by model year providing an annual percentage of vehicles from one model year old to 25 model years old. Since guidelines established by the Federal Highway Administration and the U.S. EPA recommend the use of planning assumptions that are no more than five years old, the Illinois EPA has updated the motor vehicle emissions budgets in both documents to reflect the most recent Registration Distribution database.

The Illinois EPA downloaded data representative of the year 2008 for the Chicago area from the dataset acquired from the Illinois Secretary of State and used in the Illinois Vehicle Inspection and Maintenance Program. Comparing the updated 2008 vehicle registration dataset to the 2003 dataset included in the original proposal indicated that the percentage of vehicles in the region that were between one and five model years old was significantly lower in 2008 than in 2003. This would suggest that vehicle owners in the Chicago region had slowed their purchasing of new cars and were keeping their current vehicles longer. This lower percentage of newer vehicles impacts the expected level of emissions from the vehicle fleet in the region as newer, cleaner vehicles make up a lesser fraction than what was previously projected. The updated 2008 Registration Distribution, described in the Transportation Conformity sections of both documents, was used to replace the 2003 dataset in the MOBILE6 input file and resulted in an increase in estimated emissions of volatile organic compounds ("VOC") and oxides of nitrogen ("NOx") from on-road mobile sources for all future years projected in the attainment demonstration and maintenance plan documents.

Of note, these emissions changes increased the level of emissions proposed as motor vehicle emissions budgets for the attainment year, 2009, and the maintenance year, 2020. The motor vehicle emissions budgets contained in the final attainment demonstration and maintenance plan documents reflect this change. The increases in estimated emissions also affect the Reasonable Further Progress ("RFP") demonstration and Contingency Measures contained in the attainment

demonstration. The updated emissions estimates have been incorporated into the appropriate RFP and Contingency Measures sections of the final attainment demonstration document.

2) A commenter noted that the attainment demonstration document contained apparently conflicting statements regarding Illinois' NOx Reasonably Available Control Technology ("RACT") proposal and requested clarification.

Response: The Illinois EPA agrees that the wording regarding NOx RACT as contained in the draft attainment demonstration document is unclear. The final document has been revised to reflect the fact that the modeling performed for the attainment year, 2009, did not include emission reductions reflective of Illinois' NOx RACT program since it was recognized that Illinois' rulemaking process would not be completed in time to allow industries sufficient time to implement controls. The 2009 modeling demonstrated that the Chicago nonattainment area would attain the standards by the attainment deadline without reliance on these emission reductions. Since it is expected that rulemaking for Illinois' NOx RACT program will be completed in time for controls on most emission units to be installed by 2012, emission reductions from NOx RACT were included in the modeling for 2012. As stated in the attainment demonstration, the 2012 modeling demonstrates attainment of the monitor in Holland, MI.

3) One commenter urged Illinois to adjust its attainment strategy to allow the monitor in Holland, MI, to attain the ozone standard by the 2009 attainment deadline, noting the strong contribution of Illinois emission sources to ozone concentrations in western Michigan.

Response: The Illinois EPA acknowledges the contribution of Illinois emission sources to ozone levels in western Michigan and has worked diligently to mitigate Illinois' contribution to downwind states. Illinois has participated in regional planning efforts through the Lake Michigan Air Directors Consortium ("LADCO"), the Midwest Regional Planning Organization ("RPO"), and the State Collaborative efforts with other Midwestern and Northeastern states. Illinois has adopted regulations affecting coal-fired electric generating units ("EGUs") that are more stringent than the federal Clean Air Interstate Rule ("CAIR"). The Illinois EPA has also proposed NOx RACT requirements for industrial sources in the Chicago area, and has proposed requirements on consumer products and architectural, industrial, and maintenance coatings

which will reduce precursor emissions statewide sooner than federal requirements. The Illinois EPA believes that it has pursued all feasible control measures that could be implemented to address Illinois' contribution to downwind states including western Michigan, and that these measures are being implemented as expeditiously as possible.

4) One commenter requested that the Illinois EPA provide a schedule for proposing required rules to address recently revised Control Techniques Guidelines ("CTGs").

Response: The Illinois EPA recognizes that revised rules to address Group II and Group III CTGs issued by U.S. EPA in 2006 and 2007 are overdue. The Illinois EPA has prepared draft rules to address the Group II CTGs and initiated outreach with stakeholders in late 2008. Illinois EPA expects to conclude the stakeholder process soon and anticipates proposing Group II revisions to the Illinois Pollution Control Board ("IPCB") in the next few weeks. Similarly, the Illinois EPA has drafted a regulatory proposal to address the Group III CTGs and will soon initiate a review by stakeholders prior to filing the proposal with the IPCB. The Illinois EPA will seek expedited rulemaking by the IPCB for both proposals.

5) At hearing, one commenter asked for a clarification in Table C2 in the Maintenance Plan regarding appropriate units (tons per day versus tons per year) represented in the table.

Response: Table C2 referenced at hearing is actually contained in the attainment demonstration document, not in the maintenance plan. The Illinois EPA has clarified the table, as well as the corresponding Table C1, to include both tons per day and tons per year emission estimates for the listed pollutants.

6) At hearing, one commenter requested more details be provided in the attainment demonstration regarding Dynegey's consent decree. In particular, the commenter requested that the document provide a summary of the schedule for installing control equipment at Dynegey's electric generating stations.

Response: The text in the final attainment demonstration has been updated from the draft document to include additional language regarding the implementation of control measures at

Dynegy's facilities. According to the consent decree, Dynegy was required to meet specified emission limits within 30 – 45 days after entry of the consent decree. The consent decree was entered on May 27, 2005, so the implementation of control measures occurred well before the attainment year, 2009.

7) At hearing, one commenter questioned the level of proposed NOx RACT emission reductions that are necessary for maintenance purposes, as described in the draft maintenance plan.

Response: As mentioned in the document, a maintenance plan is to provide for the continued attainment of the 8-hour ozone NAAQS for a nonattainment area for a period of ten years after U.S. EPA has formally redesignated the area to attainment. There are several required elements of a maintenance plan, including requirements for the state to provide a projection of the emission inventory forward to a year at least ten years after redesignation, and a demonstration that the projected level of emissions is sufficient to maintain the ozone NAAQS. The Illinois EPA has addressed these requirements by providing a projected emissions inventory for 2020, which is at least ten years after a presumed redesignation by U.S. EPA in 2009 or 2010. The requirement to provide a demonstration that the projected level of emissions is sufficient to maintain the ozone NAAQS is met by showing that the projected level of precursor emissions in 2020 is less than it is in the year attainment was achieved. Illinois EPA's inventory for 2020 includes reductions expected from implementation of NOx RACT since it is expected that this program, in addition to numerous others, will be in place by then. The demonstration does not rely on emission reduction targets specific to any particular control measure.

On behalf of the Director Douglas Scott and the Illinois EPA staff, we would like to thank all those who participated at the public hearing and for your comments and questions.

Illinois Environmental Protection Agency

A handwritten signature in black ink, appearing to read 'John J. Kim', written over a horizontal line.

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