

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air is accepting public comment on variances granted by the Illinois Pollution Control Board (Board) to Midwest Generation, LLC - Waukegan Generating Station (Midwest Generation) and Ameren Energy Resources (Ameren) for the purpose of submitting such variances to the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan (SIP) under the Clean Air Act (CAA), 42 USC § 7401 *et seq.* In order for a variance to be considered for approval as a revision to the SIP, the State must submit it in accordance with the requirements of 40 Code of Federal Regulations (CFR) § 51.104.

On April 10, 2012, Midwest Generation requested a variance from the provisions of the Illinois Combined Pollutant Standard (CPS), 35 Ill. Adm. Code 225.296(a)(1) and (c)(1), for the 12-month period beginning December 31, 2013, and ending December 31, 2014, thereby allowing Midwest Generation an extra year to install pollution controls on Unit 7 at its Waukegan Generating Station. *Midwest Generation, LLC – Waukegan Generating Station v. Illinois Environmental Protection Agency*, PCB 12-121. On August 23, 2012, the Board granted the variance to Midwest Generation, subject to certain conditions.

On May 3, 2012, Ameren, with power plants in Montgomery County, Fulton County, Peoria County, Massac County, Crawford County, Morgan County, and Jasper County filed a Petition for Variance with the Board. *Ameren Energy Resources v. Illinois Environmental Protection Agency*, PCB 12-126. Ameren requested a variance from both the 2015 and 2017 sulfur dioxide (SO₂) emission rate provisions of the Illinois Multi-Pollutant Standard (MPS), 35 Ill. Adm. Code 225.233, specifically the SO₂ emission standards set forth in Section 225.233(e)(3)(C)(iii) and (iv). On September 20, 2012, the Board granted the variance for the electrical generating units in Ameren's MPS Group from the applicable requirements of 35 Ill. Adm. Code 225.233(e)(3)(C)(iii) for a period beginning January 1, 2015, through December 31, 2019, and 35 Ill. Adm. Code 255.233(e)(3)(C)(iv) for a period beginning January 1, 2017, through December 31, 2019, subject to certain conditions.

The CPS and MPS are a multi-pollutant comprehensive approach to reduce emissions of nitrogen oxides, SO₂, and mercury. Sections 225.233(e) and 225.296(a) and (c) are approved rules of the Illinois SIP. On July 6, 2012, the USEPA approved the Illinois plan submitted to address the visibility protection requirements of Section 169A of the CAA, 42 U.S.C. § 7491, and the Regional Haze Rule, as codified in 40 CFR § 51.308. *See*, 77 Federal Register 39943 (July 6, 2012). The Illinois plan includes Sections 225.233(e) and 225.296(a) and (c). Accordingly, since the petitions for variance sought relief from provisions of the CPS and MPS and such relief was granted by the Board, the variances must be submitted to the USEPA for approval as a SIP revision addressing the visibility requirements under the CAA and the Regional Haze Rule.

The Illinois EPA will accept written comments from the public. The written comments must be postmarked by January 21, 2013, unless a public hearing is requested. Comments and requests for hearing should be mailed to:

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Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/558-8280 or TDD: 217/782-9143

If a timely request for a public hearing is received by January 21, 2013, a public hearing will be scheduled through a separate notice and held to receive comments regarding the proposed SIP revision. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice.

If no request for a public hearing is received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by January 21, 2013, no hearing will be scheduled. Verification of a public hearing will be posted on January 28, 2013, on the Illinois EPA's website at <http://www.epa.state.il.us/public-notices/>. Interested persons may also contact Dean Studer, the Illinois EPA's Hearing Officer, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed SIP revision may be viewed by the public on Illinois EPA's website at <http://www.epa.state.il.us/public-notices/> or during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m, except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 9511 W. Harrison St., Des Plaines, Illinois; and 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated, unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

If a hearing request is received, the hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. This notice is intended to satisfy the requirements of Section 110(l) of the CAA (42 USC § 7410(l) (public notice for SIP revisions)).