

ILLINOIS REGISTER

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (“Illinois EPA”) Bureau of Air is accepting public comment on a variance granted by the Illinois Pollution Control Board (“Board”) to Midwest Generation, LLC (“Midwest Generation”) for the purpose of submitting such variance to the United States Environmental Protection Agency (“USEPA”) as a revision to 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 November 30, 2012, Midwest Generation, with power plants in Cook, Will, Tazewell, and Lake Counties, requested a variance from portions of the Illinois Combined Pollutant Standard (“CPS”). *Midwest Generation, LLC v. Illinois Environmental Protection Agency*, PCB 13-024. Specifically, Midwest Generation requested relief from the system-wide sulfur dioxide (“SO₂”) emission rates set forth in 35 Ill. Adm. Code 225.295(b) from January 1, 2015, to December 31, 2016. With respect to its Waukegan Generating Station, Midwest Generation also requested a variance from the requirement set forth in 35 Ill. Adm. Code 225.296(a)(2) regarding installation of certain SO₂ control equipment on Waukegan Unit 8 by December 31, 2014; Midwest Generation requested a five-month delay of such requirement, to May 31, 2015. On April 4, 2013, the Board granted the variance, subject to certain conditions.

The CPS is a multi-pollutant comprehensive approach to reduce emissions of nitrogen oxides, SO₂, and mercury. On July 6, 2012, USEPA approved Sections 225.295(b) and 225.296(a)(2) as revisions to Illinois’ SIP as part of Illinois’ plan 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 Fed. Reg. 39943* (July 6, 2012). As Midwest Generation’s Petition for Variance sought relief from these provisions of the CPS and such relief was granted by the Board, the variance 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 received by Illinois EPA by October 28, 2013, unless a public hearing is requested. Comments and requests for hearing should be mailed to:

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 Illinois EPA by October 28, 2013, a public hearing will be scheduled through a separate notice and held to receive comments regarding the

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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 October 28, 2013, no hearing will be scheduled. Verification as to whether a public hearing will or will not be held will be posted by November 8, 2013, on the Illinois EPA's website at <http://www.epa.state.il.us/public-notice/>. 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 during regular business hours (Monday through Friday 8:30 a.m. to 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 5407 N. University St., Arbor 113, Peoria, 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 timely 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)).