

## **Board Goes to Second Notice with Alternative Standards for Startup, Shutdown, Breakdown, and Malfunction**

On July 11, 2024, for review by the Joint Committee on Administrative Rules (JCAR), the Board proposed second-notice amendments to establish alternative emission limits for periods of startup, shutdown, breakdown, and malfunction. The proposal would amend four Parts of the Board's air pollution rules, *i.e.*, Parts 212, 215, 216, and 217 (35 Ill. Adm. Code 212, 215, 216, 217).

During this rulemaking, the Board held three public hearings and received numerous public comments, including from the Illinois Attorney General's Office and the Illinois Environmental Protection Agency. The second-notice proposal is generally based on four rulemaking proposals separately filed by (1) Rain CII Carbon LLC; (2) Dynegy Midwest Generation LLC, Illinois Power Generating Company, Kincaid Generation, LLC, and Midwest Generation LLC; (3) American Petroleum Institute; and (4) East Dubuque Nitrogen Fertilizers LLC. In response to comment and testimony, the Board made many changes to the first-notice proposal. JCAR is expected to consider the second-notice proposal at its August 14, 2024 meeting.

The rulemaking is captioned [Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212](#), docket R23-18(A). Here is the link to the Board's [second-notice opinion and order](#), which includes the text of the proposed amendments. For more information, please contact Chloe Salk at 312-814-3932 or [chloe.salk@illinois.gov](mailto:chloe.salk@illinois.gov).