



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

Sent via email

January 21, 2022

Joseph Bowring
Independent Market Monitor for PJM
2621 Van Buren Avenue, Suite 160
Eagleview, PA 19403

Dear Dr. Bowring,

In response to your December 22, 2021 letter regarding Section 90-55 of the Climate and Equitable Jobs Act, the Illinois Environmental Protection Agency (EPA) has addressed each question below:

1. Is it correct that affected generators must comply with section 9.15 (k-5) beginning with the 12 month period from October 1, 2021, through September 30, 2022. If correct, are only emissions from October 1, 2021, through September 30, 2022, subject to limits in the first 12-month rolling period? If not, when does the compliance obligation begin?

Yes, that is correct. The first compliance timeframe is from October 1, 2021, through September 20, 2022. And yes, only emissions in that timeframe are subject to the limitations as a starting point. Each month thereafter, a new rolling 12-month period will be compared to the limits.

2. Does the Illinois Environmental Protection Agency and/or the Illinois Pollution Control Board plan to monitor compliance with Section 9.15 (k-5)?

The Illinois EPA will monitor compliance as it does with other regulations. Additionally, sources are already required to notify the Illinois EPA of any noncompliance.

3. Does the Illinois Environmental Protection Agency and/or the Illinois Pollution Control Board plan to issue regulations addressing the implementation of Section 9.15 (k-5)?

The Illinois EPA does not intend to promulgate regulations itself or propose regulations to the Illinois Pollution Control Board (PCB). The PCB has not communicated any indication to the Illinois EPA that it intends to do so on its own.

4. Will the definition of the CO₂e emissions limit be based on current CEMS data for the baseline period or will it be based on the emissions estimates reported in 2018–2020?

The baseline period emissions are calculated using a combination of CEMS data and emissions factors based on fuel usage. All of this information is already reported to USEPA by sources subject to Section k-5, per 40 CFR Part 98, and Illinois does not intend for any changes in existing methodologies in that regard. Specifically, Part 98.2(a)(1) requires Part 98 reporting of sources that are subject to Part 75. CO₂e emissions are calculated using Equation A-1 from 40 CFR 98.2(b)(4), and emissions data for specific contributing pollutants are taken from a combination of CEMS data and other measurement or estimation methods. Part 98.3 requires reporting of CO₂, CH₄, N₂O, and each fluorinated GHG. This covers all pollutants used to calculate CO₂e that would be emitted by sources subject to Section k-5. Part 75.13

requires use of CO₂ CEMS or alternate methods that are acceptable continuous monitoring methods detailed in Appendices F and G to Part 75. Part 98 Tables C-1 and C-2 have default values for CH₄, N₂O, and other GHGs, based on fuel type, that sources should continue to use for requirements pursuant to Section k-5; they are essentially considered to be continuous parameter monitoring based on fuel consumption.

5. Will the definition of ongoing CO₂e emissions be based on current CEMs data or will it be based on emissions estimates?

See response to #4, above. CO₂e emissions are calculated using Equation A-1 from 40 CFR 98.2(b)(4), and emissions data for specific contributing pollutants are taken from a combination of CEMS data and other measurement or estimation methods. Existing emissions should be calculated using the information sources reported from 2018-2020, and those sources should continue to rely on the same methods for monitoring or estimating those emissions going forward.

One difference between federal requirements and the new Illinois requirements is that federal Part 98 GHG reports are annual while Illinois requirements are for rolling 12-month periods. However, sources already have the necessary information for tracking these emissions on a monthly (or more frequent) basis. As such, sources should continue to use methodologies in Part 75 and Part 98 as discussed above, but must demonstrate compliance on a 12-month rolling basis. This will require that sources review the information on a monthly basis to ensure ongoing compliance.

6. Will the definitions of co-pollutant baselines and ongoing emissions be based on estimated emissions per quantity of fuel (MMBtu) burned?

Similar to Question 5 above, a source should continue to use the methods for measuring or calculating emissions that are currently required by its permit. In some cases, this will be based on CEMS monitoring; in other cases, calculations may be based on emissions testing or fuel use for sources subject to (k-5).

"Copollutants" refers to the six criteria pollutants that have been identified by USEPA pursuant to the Clean Air Act: NO_x, CO, PM, SO₂, ozone, and lead. Many sources subject to Section k-5 have CEMS for NO_x and perhaps CO, and may use emissions testing for other emissions. Otherwise, PM, SO₂, and lead emissions should be calculated based on fuel use if the source is not currently required by its permit to record or report emissions of those pollutants. Ozone is not directly emitted by sources subject to Section k-5.

Emission baselines are established with emissions data previously submitted by sources for 2018 to 2020 in their annual emissions reports, and ongoing emissions for those respective pollutants should be measured or calculated using the same methods that have been employed in those baseline years and required by the source permit.

Please contact my office should you need additional information.

Sincerely,



John J. Kim
Director

cc: Christian Mitchell, Deputy Governor of Illinois
Jessica Himes, First Assistant Deputy Chief of Staff for Policy, Governor's Office
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