THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JAN 18 2017

Mr. Stephen J. Bonebrake
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233 South Wacker Drive
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Chicago, Illinois 60606

Dear Mr. Bonebrake:

Thank you for your September 12, 2016, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy transmitting on behalf of Southern Illinois Power Cooperative a petition for reconsideration regarding the EPA's July 12, 2016, final rule titled "Air Quality Designations for the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard – Round 2" (81 FR 45039). In the petition SIPC requests that the EPA reconsider the nonattainment designation for the area surrounding Marion Power Station in Williamson County, Illinois, for the 2010 SO_2 Primary National Ambient Air Quality Standard.

As discussed more fully in the enclosures, after careful review, the EPA denies the petition for the EPA to reconsider the nonattainment designation of Williamson County for the 2010 SO_2 Primary NAAQS. SIPC has not demonstrated that it was impracticable to raise the objections listed in the petition by the end of the comment period or that the grounds for these objections arose after the close of the comment period but before the close of the period for judicial review. Furthermore, SIPC has not demonstrated that its objections are of central relevance to the outcome of the final rule. Therefore, the EPA concludes that SIPC's petition does not meet the criteria to warrant reconsideration and that the information it submits does not change the EPA's conclusions regarding the designation of Williamson County as nonattainment for the SO_2 Primary NAAQS, as determined under section 107 of the Clean Air Act.

Accordingly, the SO_2 nonattainment designation for Williamson County set out in the July 12, 2016, *Federal Register* remains effective. This denial of the petition for reconsideration is effective immediately.

Sincerely,

Gina McCarthy

Enclosures

Enclosure A
EPA Response to Petition for Reconsideration from
Southern Illinois Power Cooperative

By a letter dated September 12, 2016, Southern Illinois Power Cooperative (SIPC) petitioned the U.S. Environmental Protection Agency (EPA) to reconsider the final area designation for the Williamson County, Illinois, area under the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard (NAAQS). For the reasons discussed below, the EPA is denying this petition. The final designation was signed by the Administrator on June 30, 2016, and published in the *Federal Register* on July 12, 2016, at 81 FR 45039 (Rule). The Rule became effective on September 12, 2016. The EPA has reviewed the petition and revisited both the administrative record and the Administrator's decision process underlying the Rule in light of this petition. The EPA's review of the petition leads the EPA to conclude that the petition does not meet the criteria for reconsideration under the Clean Air Act (CAA).

I. Summary

On or around February 16, 2016, the EPA notified Illinois and other states regarding its intended designations for the 2010 SO_2 NAAQS for selected areas, including Williamson County, Illinois. On March 1, 2016, the EPA published a notice in the *Federal Register* soliciting public comments on its intended designations. *See* 81 FR 10563. This comment period extended through March 31, 2016. On July 12, 2016, the EPA published designations for the 2010 SO_2 NAAQS for a number of areas. *See* 81 FR 45039. Included in these designations was the designation of Williamson County, Illinois, as nonattainment. The primary source of emissions in this area is the Marion Power Plant, owned and operated by SIPC.

By a letter dated September 12, 2016, a law firm representing SIPC sent EPA Administrator Gina McCarthy a petition for reconsideration of the Williamson County portion of this action (petition). The petition asks the EPA to change the designation of this county to either attainment or unclassifiable for the 2010 SO_2 NAAQS.

As discussed below, after careful review, the EPA concludes that SIPC's petition does not meet the criteria to warrant reconsideration and that the information it submits does not change the EPA's conclusions regarding the EPA's designation of Williamson County, Illinois, as nonattainment for the 2010 SO_2 NAAQS, as determined under section 107 of the CAA. For these reasons, the EPA declines to change the designation of Williamson County, Illinois, from nonattainment to attainment or unclassifiable.

II. Background

A. Revisions to the 2010 SO_2 Primary NAAQS

Based on the EPA's review of the impact on air quality from oxides of sulfur, and of the primary NAAQS for oxides of sulfur as measured by SO_2, the EPA published a revised primary SO_2 NAAQS on June 22, 2010. *See* 75 FR 35520, codified at 40 CFR 50.17. Specifically, the EPA replaced the prior 24-hour and annual NAAQS with a new short-term NAAQS of 75 parts per billion (ppb), evaluated on the basis of the 99th percentile among daily maximum 1-hour average values. At the time the EPA promulgated the revised SO_2 NAAQS in 2010, the EPA did not promulgate

requirements governing designations of areas as either nonattainment, attainment, or unclassifiable for the new NAAQS under CAA section 107; nor did the EPA establish new requirements governing development and approval of state implementation plans (SIPs) under CAA sections 110, 172, and 191-192.

B. The EPA's Multiple Rounds of Designations for the 2010 SO_2 NAAQS

Following promulgation of the 2010 SO_2 NAAQS, under CAA section 107(d)(1)(A), state governors had until June 3, 2011, to submit to the EPA recommendations for air quality designations as either nonattainment, attainment, or unclassifiable. Section 107(d)(1)(A) provides further that when the EPA intends to modify any state designation recommendations, it must provide states at least 120 days' notice prior to promulgating final designations. During that period, states may demonstrate why they believe the EPA's proposed modifications are inappropriate.

Nearly all states submitted timely designation recommendations for the 2010 SO_2 NAAQS to the EPA. On August 5, 2013, the EPA published a notice of final rulemaking promulgating nonattainment designations of 29 areas in 16 states in which certified monitoring data demonstrated violations of the 2010 SO_2 NAAQS. *See* 78 FR 47191. The Williamson County, Illinois, area was not included in that first round of designations, as the area did not have existing monitoring data showing a NAAQS violation. Instead, following entry of a consent decree in the U.S. District Court for the Northern District of California, the EPA was required to designate areas with sources meeting certain calendar year 2012 SO_2 emissions thresholds, such as Williamson County, in a second round of designations ("Round 2") no later than July 2, 2016.

On March 20, 2015, the EPA provided additional guidance on designations for the 2010 SO_2 NAAQS and solicited updated state recommendations by September 18, 2015. Illinois provided its Round 2 SO_2 designation recommendations on September 18, 2015, including a recommendation that Williamson County be designated attainment, along with technical information the state deemed relevant. Additionally, on September 15, 2015, Sierra Club provided modeling indicating violations of the 2010 SO_2 NAAQS in Williamson County.

On and around February 16, 2016, the EPA notified affected states of the EPA's intended modifications to the state recommendations for Round 2 designations for the 2010 SO_2 NAAQS. In the letter notifying Illinois, dated February 16, 2016, the EPA expressed its intent to modify the state's recommended designation for Williamson County and designate the county as nonattainment. This letter was accompanied by a technical support document (TSD) providing the rationale for this intended modification. In this TSD for its proposed designation, the EPA determined that Illinois' modeling did not support the state's recommendation, highlighting that Illinois' modeling used an emission rate for SIPC's Marion facility, identified as the "maximum actual emissions expected," that significantly understated emissions from this facility and was contrary to the guidance recommendations in the Modeling Technical Assistance Document (TAD) without providing justification. *See* "Technical Support Document - Illinois - Area Designations for the 2010 SO_2 Primary National Ambient Air Quality Standard" (subsequently, "TSD for proposed Illinois designations"), p. 59. In examining the degree to which Illinois' modeling understated emissions, the EPA stated that actual emissions were approximately 38 percent higher than the emission rate Illinois modeled, and, since Illinois' modeling estimated a maximum concentration of 74.3 ppb, this suggested that modeling using actual emissions would have shown a violation of the 2010 SO_2 NAAQS. *Id.*

In the TSD for proposed Illinois designations, the EPA also highlighted that Sierra Club's modeling used actual emissions, and determined that modeling was consistent with the EPA guidance in the Modeling TAD, though the EPA noted that Sierra Club's "modeling addresses some modeling inputs in a less reliable fashion than Illinois." *Id.* Nevertheless, the EPA stated that, overall, especially considering the more appropriate treatment of emissions, Sierra Club's modeling provides a more reliable assessment of the area, estimating a maximum concentration well over the 75 ppb standard. *See id.*

On March 1, 2016, the EPA also published a notice in the *Federal Register* soliciting public comments on the intended designations, requesting that commenters "be as specific as possible" and "describe any assumptions and provide any technical information and/or data" that the commenter used. *See* 81 FR 10563.

On March 30, 2016, SIPC submitted comments including a modeling analysis ("Characterization of 1-Hour SO_2 Concentrations for the Marion Power Plant," dated March 2016, docket number EPA-HQ-OAR-2014-0464-0318, subsequently "March 2016 SIPC Modeling Report") which in SIPC's view demonstrated that the area is attaining the 2010 SO_2 NAAQS.[1] The modeling used more recent SO_2 emissions data (from 2013 to 2015), used revised source information, and estimated SO_2 concentrations at a reduced set of locations that excluded modeling receptors in SIPC property northeast of the plant. No information in support of the latter set of receptor exclusions was provided except for a statement that SIPC owned the property and that "[t]his area is restricted from public access." *See* March 2016 SIPC Modeling Report, p. 3.2.

In finalizing the designations, the EPA reviewed all available information, including SIPC's comments and modeling, and responded to SIPC's information in the final TSD for the Illinois portion of the designations and the response to comment document. In response to SIPC's general assertion that excluded receptors were in areas restricted from public access, the EPA noted that the Modeling TAD recommends that "receptors should be placed on plant property that is nevertheless ambient air" but that "neither the consultant nor Illinois provides any further information as to the manner or degree to which public access is restricted [from the plant property north of Lake Egypt Road]." *See* "Final Technical Support Document - Illinois - Area Designations for the 2010 SO_2 Primary National Ambient Air Quality Standard" (subsequently "TSD for final Illinois designations"), p. 23. In that final TSD, the EPA describes additional public information the EPA reviewed for assessing the degree to which public access is restricted in order to evaluate whether this area could be excluded from being considered ambient air. The EPA included in that TSD an image, found to be "representative of the majority of the southern boundary of the northern plant property," which "shows only a standard, low guard rail and no fence." *Id.* The EPA found that the northern property could not be excluded from consideration as ambient air, as available evidence indicated that public access was available through at least one access point (in fact through a considerable length of readily accessible access points) and that monitoring in that area is fully feasible, and determined, therefore, that "receptors should have been placed in [this] plant property." *Id*., p. 24. Similarly, the EPA disagreed with the exclusion of receptors by SIPC in near-roadway locations along Lake Egypt Road as "neither the consultant nor Illinois addresses whether the rectangular grid used by Illinois places the receptors directly on the road or why they did not place receptors in near-roadway locations a few meters away," and since "EPA's view that it is fully feasible to place monitors in these near-roadway, ambient air locations." *Id*., p. 25.

[1] For simplicity, documents submitted on behalf of SIPC, whether it be comments submitted by SIPC's modeling consultant or the petition submitted by SIPC's retained attorneys, shall be identified as being submitted by SIPC.

The EPA's final rule designated Williamson County as nonattainment, concluding, "In summary, the Sierra Club modeling demonstrates violations in the area. Illinois' modeling suggests that violations would have been identified if the correct emission rates had been used. The [SIPC] consultant's modeling did not identify violations at the modeled receptors, but relatively high concentrations are modeled at the edge of the unmodeled area, and the windrose information and other available evidence regarding expected areas of peak impacts support a judgment that the consultant would also have identified violations if critical receptors had not been inappropriately removed. Therefore, the EPA concludes that modeling from all three parties supports the view that violations of the 1-hour primary SO_2 NAAQS are likely occurring near Marion."[2] *See Id.*, p. 31.

C. Petitions for Reconsideration and for Judicial Review

Four petitions for judicial review of the Rule were filed: two in the U.S. Court of Appeals for the D.C. Circuit (consolidated by the court), one in the U.S. Court of Appeals for the 10th Circuit (transferred to the D.C. Circuit and consolidated), and one (filed by SIPC) in the U.S. Court of Appeals for the 7th Circuit. The EPA moved to dismiss or transfer SIPC's 7th Circuit case to the D.C. Circuit, which SIPC opposed, and which remains pending. In addition, SIPC submitted to the EPA a petition for administrative reconsideration under CAA section 307(d)(7)(B), as did one of the parties that filed a petition for judicial review in the D.C. Circuit.

The SIPC petition for reconsideration's "Argument" section in sum asserts that: 1) the EPA cannot rely on modeling from a third party as the basis for a designation; 2) modeling by any party is an impermissible basis for a designation; 3) the EPA relied on flawed modeling, insofar as the EPA relied on modeling for receptor locations that should not be considered ambient air, the EPA relied on modeling from Sierra Club and Illinois and assumptions that were unrepresentative and inaccurate, and the EPA improperly rejected SIPC's modeling demonstrating attainment submitted during the comment period and its use of AERMOIST to improve source characterization; and 4) further modeling submitted with the petition, using revised building dimensions, shows attainment even in the contested area that SIPC does not consider ambient air and provides corroborative evidence that—if corrected—the third party modeling the EPA relied upon for the designation demonstrates attainment.

III. Criteria for Petitions for Reconsideration

Section 307(d)(7)(B) of the CAA is the key section of the Act that governs petitions for reconsideration and it provides clear criteria for granting petitions for reconsideration both in time and scope. While this section does not apply here, because designations are not one of the types of rulemakings listed in CAA section 307(d)(1) as being automatically subject to section 307(d) and the Administrator did not exercise her discretion to subject the Rule to section 307(d) under section 307(d)(1)(V), the EPA nevertheless looks to and is using the section 307(d)(7)(B) criteria as the basis for evaluating SIPC's petition, in part because there is no other section in the CAA which directly applies to such petitions. This is appropriate where, as with the Rule, the EPA provides stakeholders such as SIPC the opportunity to provide comments prior to final EPA action. SIPC in fact availed itself of this opportunity. SIPC also asserts that section 307(d)(7)(B) provides the appropriate criteria for the EPA to use in determining whether to grant reconsideration.

[2] *See* also the response to comments document in the Rule docket for some additional EPA response to SIPC's comments and modeling.

Under section 307(d)(7)(B), judicial review of final actions taken under section 307(d) is only available with respect to issues raised "with reasonable specificity" during the comment period that the EPA has provided. However, if the person raising an objection "can demonstrate to the Administrator that it was impracticable to raise such objection within such time [i.e., the public comment period] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule," then the EPA must grant administrative reconsideration of the rule or the person raising the objection can seek judicial review of the EPA's refusal to so. The requirement to convene a proceeding to reconsider a rule is thus based on the petitioner demonstrating to EPA both: (1) that it was impracticable to raise the objection during the comment period, or that the grounds for such objection arose after the comment period but within the time specified for judicial review (i.e., within 60 days after publication of the final rulemaking notice in the *Federal Register*, see CAA section 307(b)(1)); and (2) that the objection is of central relevance to the outcome of the rule.

SIPC first asserts that section 307(d)(7)(B) "directs EPA to reconsider any issue that has been raised 'with reasonable specificity' during the public comment period." Second, the petitioner asserts that the EPA must as well "consider issues that are of 'central relevance to the outcome of the rule' that were 'impracticable to raise' or that 'arose after the period for public comment.'"

The EPA disagrees with the petitioner's first assertion, as the quoted sentence is in regards to judicial review, not administrative reconsideration. If an issue has been raised during the public comment period, an affected party may petition for judicial review based on an assertion that the EPA has not properly considered the comment and other information available to the EPA at the time of its rulemaking, but section 307(d)(7)(B) does not provide for required reconsideration of issues that have already been raised to the EPA in the rulemaking. As stated in the first criterion for reconsideration, a petitioner must show why the issue could not have been presented during the comment period, either because it was impracticable to raise the issue during that time or because the grounds for the issue arose after the period for public comment (but within 60 days of publication of the final action). Thus, CAA section 307(d)(7)(B) does not provide a forum to request the EPA to reconsider issues that actually were raised, or could have been raised, during the comment period. In contrast, the EPA is required for rules subject to section 307(d) to reconsider a rulemaking if objections demonstrated to be of "central relevance" to the outcome of the rule could not have been raised by the end of the public comment period arose and were raised within 60 days after publication of the rule in the *Federal Register*.

SIPC continues that "on reconsideration, the EPA must evaluate whether a reexamination of existing information or consideration of new information substantially supports a different outcome." The EPA notes that the EPA is not required to undertake any evaluation unless the person raising the objection(s) demonstrates first why their objection(s) could not have been timely provided during the public comment period, and second that such objection and information is of central relevance to the outcome of the rule. An objection is of central relevance to the outcome of the rule if it provides substantial support for the argument that the promulgated regulation should be revised.[3] It is not sufficient that the objection be of central relevance to the issues involved in the rulemaking that would not alter the final outcome.

[3] *Coalition for Responsible Regulation v. EPA*, 684 F.3d 102, 125 (DC Cir. 2012).

IV. Evaluation of Petition for Reconsideration

In general, in its petition SIPC either includes objections that repeat comments SIPC already submitted to the EPA during the public comment period for the Rule or provides new objections without demonstrating that the objections could not have been provided during the public comment period. As a result, the petition fails to demonstrate either that the information was impracticable to raise in a timely fashion or that the grounds for the information arose after the end of the period for public comment but within the period for filing a petition for judicial review of the final designations. As detailed below, for these reasons alone, the petition can be and is denied, without consideration of the information and arguments presented in the petition. Nevertheless, the EPA is also here providing limited commentary on the substance of the comments and information provided in the petition. While a full review of these comments and this information is not warranted since the first criterion for reconsideration was not met, our limited review of the substance of SIPC's claims suggests that the petition also does not meet the prerequisite that the petition raise objections that are of central relevance to the outcome of the rule.

The petition provides both commentary and additional information about the designation of the Williamson County, Illinois, area, albeit without having made the required demonstrations discussed above. These categories provide a useful means of organizing the following more detailed review of the contents of this petition for reconsideration.

A. Commentary

Several portions of the petition provide comments on the legal basis for the designations proposed on March 1, 2016. In one set of comments in the petition, SIPC argues that the CAA provides for designations to be developed as "a cooperative effort between the EPA and the states," and that the EPA is to base its action for Williamson County on a review of Illinois' recommendation rather than upon modeling by a third party (i.e., in this case, modeling by Sierra Club). *See* Petition, p. 11. In a second set of comments in the petition, SIPC argues more generally that "EPA's reliance on modeling data alone to make its designation is, by itself, impermissible and a separate basis for setting aside the nonattainment designation." *Id.* p. 13. The petition seems to also argue that modeling can be an appropriate basis for designating areas as attainment but can seldom if ever be an adequately reliable basis for designating an area as nonattainment. *See, e.g., id.,* p. 4 ("EPA may not base a nonattainment designation on modeling data alone") and p. 15.

Regarding the first criterion for reconsideration, SIPC provides no demonstration that either of these sets of comments in the petition were impracticable for SIPC to make during the comment period or reflect grounds for objection that arose after the end of the comment period but within the period for judicial review. Both sets of comments could clearly have been made during the comment period, as the proposed designation for Williamson County on which the EPA solicited comment was based upon third party modeling, and supported by state modeling, in EPA's analysis. *See* proposed TSD for Illinois designations, p. 59.

In fact, other commenters on EPA's proposed designations did raise these and similar objections for other areas where proposed designations were based on third party modeling, or state modeling,

which the EPA fully responded to in documents supporting the final designations.[4] These timely submitted comments illustrate the feasibility of making such comments during the comment period in a timely manner. The EPA responded to these timely objections, stating that EPA must consider third party modeling and any other modeling in designations, because part of EPA's responsibility in fulfilling our duties in promulgating designations under CAA section 107 is to consider and evaluate all available information, regardless of the origins of that information, and to base designations upon air quality information that is adequately reliable and representative. *See, e.g.,* "Responses to Significant Comments on the Designation Recommendations for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard (NAAQS)" (subsequently, "Round 2 Response to Comments Document"), p. 77.

Regarding the second criterion for reconsideration, SIPC's petition commentary on these issues is unlikely to lead EPA to conclude differently than EPA already concluded in responding to similar comments in promulgating its Round 2 designations. As a result, SIPC has also not demonstrated why its comments should be considered central to the outcome of EPA's Round 2 designations.

EPA also notes that any party other than Illinois EPA and EPA would be considered third parties with respect to the Rule, including both Sierra Club and SIPC, despite SIPC requesting EPA to rely on modeling SIPC provided.

Therefore, for both the procedural and substantive reasons explained above, these objections presented in SIPC's petition must be rejected as grounds for reconsidering the designation of Williamson County. For these same procedural and substantive reasons, EPA also disagrees with the comments that advocate inconsistent consideration of modeling by some third parties, but not others, as well as the comments that imply that modeling in support of a nonattainment designation must meet a more stringent reliability test than modeling in support of an attainment designation.

In a third set of comments in the petition, SIPC argues that modeling by Sierra Club and modeling by Illinois were flawed and were an inappropriate basis for establishing a designation for Williamson County. SIPC argues that a nonattainment designation may be promulgated only if the underlying information is reliable, supportable, representative, and reflective of all available information. SIPC highlights various elements of Illinois' and Sierra Club's modeling that it considers flawed, including use of receptors that SIPC argues should have been excluded, use of "outdated" emissions data, use of hourly stack temperatures, velocities, and flow rates, and use of "inappropriate" background values. SIPC concludes that these alleged flaws render the modeling provided by Sierra Club (and, implicitly, the modeling provided by Illinois) inadequate to provide the compelling

[4] The EPA notes and maintains the responses previously given to comments similar to SIPC's petition assertions (Petition, pp. 4, 13-15) regarding the legality and historical practice of relying on modeling data for designations. S*ee, e.g.*, Round 2 Response to Comments Document, p. 15 (discussing EPA's historical practice of, and guidance regarding, relying upon appropriate modeling when issuing SO_2 NAAQS designations, and citing case law affirming the legality under the CAA of the EPA relying on modeling to assess SO_2 air quality status, even in the face of conflicting monitoring); and pp. 16-17 (concerning effect of the Consent Decree on these designations); p. 62 (responding to concerns about alleged modeling over-prediction). The EPA also notes that CAA section 107 specifies that "unclassifiable" is a designation label for any area that cannot be classified on the basis of "available information" as meeting or not meeting a NAAQS, and does not use the word "monitoring" or otherwise mandate reliance on the monitoring subset of available information, despite the SIPC petition's assertions to the contrary.

evidence of violations that SIPC believes is necessary for EPA to designate Williamson County as nonattainment.

These petition comments do not identify new objections beyond comments raised previously during the public comment period, nor do they include demonstration by SIPC that these comments were impracticable to raise during the public comment period or reflect grounds for objection that arose after the close of the comment period but during the period for judicial review. As stated previously, the Sierra Club and state modeling at issue was available during the public comment period, as was EPA's analysis of each, and EPA's proposed designation reflected reasoned consideration of both sets of modeling that was fully practicable for SIPC to comment on during the public comment period. Rather than meeting the first criteria for reconsideration, instead these petition comments re-present objections SIPC already made during the comment period and that EPA already responded to in the final designations. Furthermore, as quoted above, the final designation was based on EPA's analysis and conclusion that modeling from all three parties (Sierra Club, Illinois, and SIPC) supports the view that violations of the 1-hour primary SO_2 NAAQS are likely occurring near Marion; it was not based on only a single modeling run. Thus, reconsideration of these comments would also be unlikely to result in a different outcome of the rule, and SIPC has not demonstrated otherwise. Therefore, these comments do not meet the criteria for reconsidering the designation of Williamson County.[5]

The petition objects that "Sierra Club's modeling was not made [publicly] available for any entity other than Illinois EPA to review and evaluate." *See* Petition, p. 5 fn 3. This statement is factually incorrect. A report fully describing Sierra Club's modeling was available in the docket for the designations rulemaking, available for downloading as docket item number EPA-HQ-OAR-2014-0464-0073 from *https://www.regulations.gov/document?D=EPA-HQ-OAR-2014-0464-0073* as of the date posted, March 1, 2016. Thus, SIPC had appropriate opportunity to provide timely comments on this modeling (or to provide timely comment that it needed additional information).

B. Additional Technical Information

SIPC provides three types of additional technical information. The first set of information relates to the degree of public access to the northern property of SIPC and thus regards the question of whether receptor locations in this area are warranted. The second set of information regards the use of the "AERMOIST formulation," focusing on SIPC's contention that AERMOIST yields stack parameters which provide "more representative source inputs" and does not involve use of an alternative model, which in SIPC's view means that EPA should not have required approval of the use of AERMOIST under 40 CFR Part 51 Appendix W. The third set of information reflects a new set of modeling results that includes new building height information discussed in an attachment to the petition. The following sections address the timeliness of each of these types of information, and provide limited commentary on the substance of the comments and information provided in the petition.

1. Appropriate receptor locations

[5] In the subsequent section herein on additional technical information, the EPA addresses changes in fencing identified by the petitioner and provides a more detailed evaluation of the timeliness of comments on receptor locations.

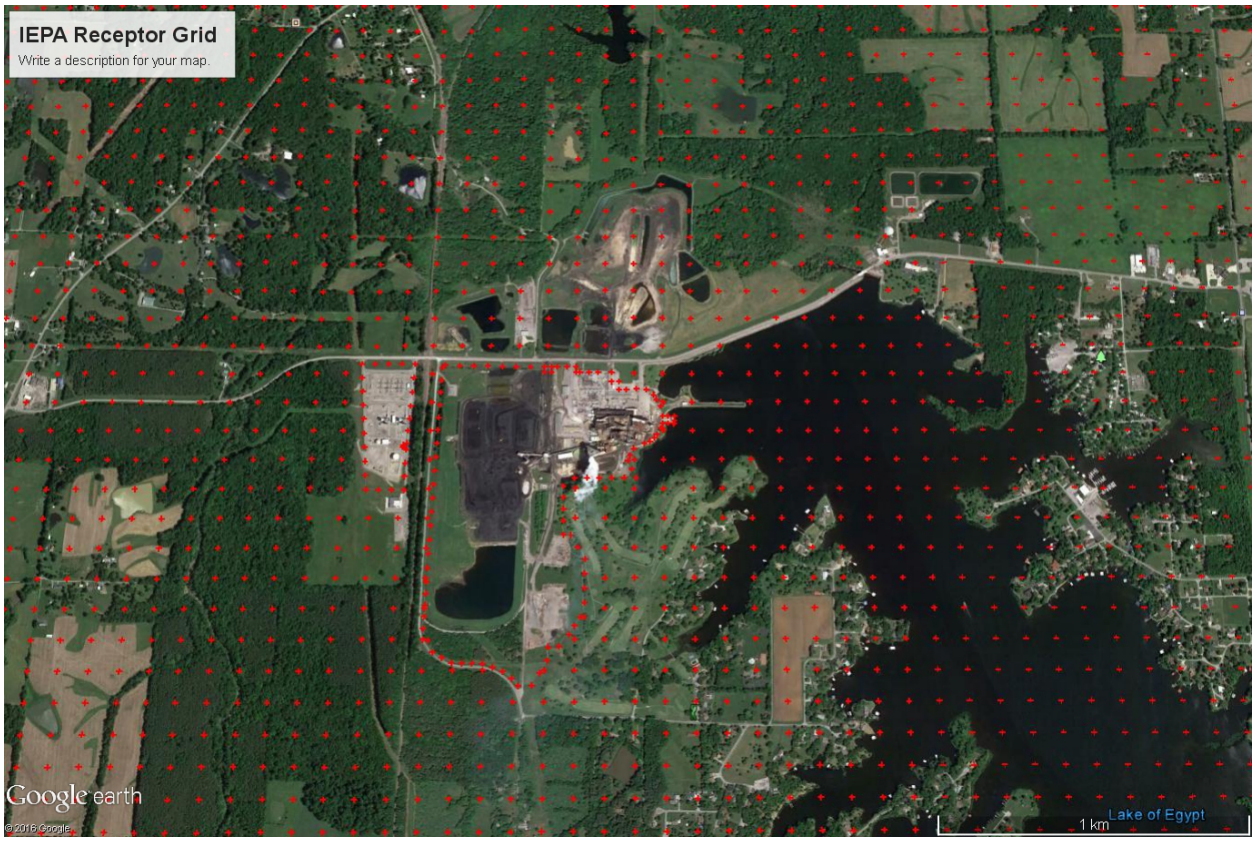
Receptors should be included in areas that are classified as ambient air. The term "ambient air" is defined at 40 CFR 50.1(e) as "that portion of the atmosphere, external to buildings, to which the general public has access." The EPA's longstanding interpretation has been that "the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barrier." Letter from Administrator Douglas M. Costle, EPA to Senator Jennings Randolph, Chairman, Environment and Public Works Committee (December 19, 1980).

SIPC submitted comments with modeling during the public comment period that excluded numerous receptor locations compared to the modeling the EPA relied on for the proposed designation (i.e., Illinois' and Sierra Club's modeling). That timely SIPC submission included only a conclusory statement regarding these exclusions of receptors: "SIPC owns an area of land northeast of the main property, across the street. This area is restricted from public access." *See* March 2016 SIPC Modeling Report, p. 3-2. Despite SIPC claiming in the petition that "available" data demonstrate public access is prevented,[6] the timely comments did not identify or address the criteria for such exclusions and provided no supporting information with which the EPA might judge the exclusions that SIPC applied. As SIPC stated in the petition, Illinois EPA, in its April, 19, 2016, letter, similarly only included the conclusory statement that SIPC's modeling receptor placement "followed Federal guidance provided in the [Modeling TAD]." *See* Illinois April 19, 2016, letter, (docket number EPA-HQ-OAR-2014-0464-0344), p. 2.

The EPA proposed the designation for Williamson County based on Sierra Club's modeling and supported by Illinois' modeling; both modeling runs included modeling receptors in the northern property and Lake Egypt Road. Despite SIPC's petition claim that the EPA did not seek information from SIPC about site access,[7] in the preamble to the notice of the proposed designations, the EPA requested public comment on the proposal and specified that "[w]e are particularly interested in receiving comments, *supported by relevant information*, if you believe that a specific geographic area that the EPA is proposing to identify as a nonattainment area should not be categorized by the CAA section 107(d) criteria as nonattainment, or if you believe that a specific nearby area not proposed by the EPA to be identified as contributing to a nonattainment area should in fact be categorized as contributing to nonattainment using the CAA section 107(d) criteria. *Please be as specific as possible in supporting your views…Describe any assumptions and provide any technical information and/or data that you used*." 81 Fed. Reg. 10563, 10564 (emphasis added).

The set of receptors used in SIPC's modeling differs from modeling provided by Illinois EPA. An image of the set of receptors used in SIPC's initial modeling submitted to the EPA for this particular area is included in the TSD for EPA's final action on designations in Illinois. An image of the set of receptors for this area in Illinois EPA's modeling (enlarging a portion of the receptor area shown in Figure 28 of the TSD for EPA's proposed Illinois designations) is provided in Figure 1 below.
Figure 1. Image of Illinois EPA receptor grid for the Northern Property area

[6] *See* Petition, p. 16.
[7] *See* Petition, p. 17.



In this figure, red dots are used to indicate the locations of receptors in Illinois' modeling. The Marion power plant is in the center of this figure, and Lake Egypt Road runs east-west through the center of this figure. Thus this figure illustrates that Illinois used a regular grid of receptors in SIPC's property north of Lake Egypt Road, northeast of the plant.

In EPA's review and evaluation of SIPC's timely modeling and comments that implicitly disputed this aspect of the proposed designation, the EPA faced a choice in how to respond to SIPC's comment (and Illinois'): 1) finalize EPA's proposed view (that the area(s) were ambient air and receptors must be included) since neither SIPC nor Illinois provided necessary justification or supporting information to support exclusion, or 2) actively seek to obtain and examine other publicly available information not submitted to the EPA, such as information available from the internet, to determine whether the conclusory comments and associated modeling with such excluded receptor areas were supportable and able to be relied on for designations. The EPA undertook the latter, and explained in the final designation TSD for Williamson County its conclusions that these disputed modeling receptors were located in ambient air. Specifically, the EPA concluded that "the public has sufficient access to most of [the northern property] that the area should be considered ambient air," that "placing a monitor in that area . . . is fully feasible," and so "EPA finds that receptors should have been placed" in this area. *See* TSD for final designations, pp. 22 to 25 and 31-32.

As explained above, the first criterion for reconsideration hinges on SIPC demonstrating that objections in the petition regarding appropriate receptor locations could not have been timely raised during the public comment period, either because timely commenting was impracticable or because of the objections' grounds arising in the 60 days after the Rule was promulgated. This issue originated in EPA's proposed designation being based on modeling that included receptors in these

areas and considering them ambient air, which was then commented on by SIPC during the comment period. SIPC's comments implicitly disputed (and the petition states was explicitly intended to dispute[8]) this aspect of the modeling as a proper designations basis, by recommending exclusion of numerous modeling receptors, but did not submit supporting information for EPA's evaluation on whether a change from proposal was warranted. SIPC had a full opportunity to, but did not, provide justification and supporting information to persuade the EPA of the merits of the comment. SIPC cannot now credibly claim that it was impracticable for SIPC to raise this issue during the comment period, during which SIPC submitted comments, although lacking any supporting information. SIPC in its petition makes clear that it is familiar with EPA's guidance and historic and current practice of analyzing all available information, i.e., specific measures utilized by facilities, to determine whether barriers exist to preclude public access. *See* Petition, pp. 16 and 20. While SIPC's petition states the EPA's lack of information is due, in part, to Illinois EPA's failure to submit the modeling SIPC provided to the state prior to EPA's proposed designation, SIPC did not provide such justification or supporting information in its timely comments, and SIPC has not demonstrated in its petition why it would have been impracticable to timely provide justification and supporting information for its comments.

The petition goes further to claim, "this Petition is the first time that SIPC has had the opportunity to respond to EPA's apparent confusion about site control at Marion Station and to provide the information needed for the EPA to properly determine that the general public does not, in fact, have access on the Northern Property." *See* Petition, p. 17. The EPA disagrees, as SIPC had the opportunity when submitting its comment with recommended modeling receptor locations to provide whatever information it had that would assist the EPA in evaluating the merits of its timely comment and whether the comment merited EPA making a change from proposal. If SIPC is also arguing the EPA must afford parties that disagree with EPA's response to a timely submitted comment with a further opportunity to provide information in support of the original comment, regardless of whether EPA's response could have been anticipated (here, the EPA finding that SIPC's recommendation was not supported and thus, could not be relied on to change from proposal), this objection does not follow the criteria for section 307(d)(7)(B) reconsideration. Section 307(d)(7)(B) does not require the EPA to treat the same objections in more detailed form submitted after the final rulemaking action as new grounds arising to justify a petition for reconsideration without a demonstration that such details were impracticable to have been raised in the timely comment period or that grounds for comments regarding circumstances at the time of promulgation arose afterward. Such an approach would nullify the purpose of notice and comment rulemaking, insofar as it suggests that parties need not comment on notices of proposed rulemaking or may provide only cursory comments because they can choose instead to make more detailed comments on the same issue after final rulemaking in a petition for reconsideration. In fact, according to the petition, SIPC even submitted modeling to Illinois EPA prior to EPA's designation proposal intending, in part, to "correct" Illinois' inclusion of receptors in areas where public access is allegedly prohibited on the facility property, further demonstrating SIPC's awareness and practicality of being able to comment on this issue prior to the conclusion of EPA's public comment period. *See* Petition, pp. 5-6. Furthermore, the petition goes further to lament Illinois' not sending SIPC's modeling to EPA, specifically noting that SIPC then submitted updated modeling to the EPA during the public comment period "to ensure that EPA reviewed and considered SIPC's air quality modeling, which included necessary corrections to Illinois EPA's modeling." *See* Petition, pp. 6-7. SIPC's petition also notes that the receptor issues

[8] *See* Petition, pp. 6-7.

SIPC found in Illinois EPA's modeling were the same receptor issues SIPC has with Sierra Club's modeling. *See* Petition, p. 6. SIPC cannot claim this is the first opportunity when SIPC has already intended to clarify site control and exclusion of receptors to both Illinois and the EPA previously, prior to and during the public comment period, because SIPC did not provide more than conclusory statements to support its comments.

In addition to being untimely, a limited review of the provided information suggests that SIPC has not demonstrated that the information justifies a different designation; i.e., SIPC has not adequately justified a conclusion that the information is of central relevance to the outcome of the rule.

SIPC's petition asserts that the "Northern Property" area should not be considered ambient air and, therefore, warrants exclusion of modeling receptors. The petition states, "EPA relied upon insufficient, incomplete and inaccurate data to determine that the area located to the northeast of Lake Egypt Road ('Northern Property') constituted ambient air and should be included in any model for Marion Station." *See* Petition, p. 17. While criticizing EPA's insufficient information in promulgating the rule, SIPC ignores that SIPC disputed EPA's consideration of these areas as ambient air in the proposed designation without any supporting information other than a conclusory pair of statements that the company owns this property and "[t]his area is restricted from public access." *See* March 2016 SIPC modeling report, page 3-2. Additionally, no request was submitted by SIPC within or outside of the designations rulemaking process for the EPA to make a formal determination that the areas in question were not ambient air or requesting the EPA to make a site visit to supplement its comments regarding any part of the property being excluded from ambient air. As noted above, the EPA could have analyzed the comment and rejected the request based simply on the absence of supporting information, but EPA instead took the additional step of conducting a reasonable search for additional available information with which to make a more informed judgment as to the degree to which the public has access to the area. The petition lists several pages of information SIPC contends was "available" at the time of designation, but did not include such support in its own public comment on this issue and does not demonstrate how it was impracticable for SIPC to provide this information during the public comment period. *See* Petition, pp. 18-20. It is unreasonable, after not providing such information that was practicable to provide, for SIPC then to object that the available information that the EPA relied upon was "insufficient, incomplete and inaccurate."

The EPA notes that the petition also includes some problematic mischaracterizations. The petition states that "EPA apparently looked for and relied upon *just two* (2) [emphasis in original] stock Google Maps images (a single Google 'street view' image and a single Google satellite image)." Contrary to this statement, the TSD for the final designation states that in EPA's review the EPA determined that the Google Street View image "is representative of the majority of the southern boundary of the northern plant property." *See* TSD for final Illinois designation, p. 24. Furthermore, this TSD included a footnote describing characteristics of another portion of the southern boundary of the northern plant property not shown in the figure. *See* TSD for final Illinois designation, p. 24 footnote 2.[9]

As discussed earlier, SIPC did not provide any basis to support their assertion that the areas in question were not ambient air, but the EPA did take additional steps to ascertain whether available public information supported its comment. The EPA can reasonably conclude that public access is not

[9] In addition, the term "stock images" misrepresents the type of information available from Google Street View. In Street View mode, Google Maps provides a continuous series of views, available at a wide range of magnifications, along the entire pertinent length of Lake Egypt Road.

precluded, and therefore that the area is ambient air, if information demonstrates that the public appears to have access at any given point, e.g., through a photo representing conditions at the time of rulemaking showing public access and no evidence available providing substantial support to the contrary. The EPA's view is that the images included in the record showed public access without timely available information substantiating a determination to the contrary. The petition also claims that [Street View] "images are often deceiving," by citing as evidence that a barbed wire fence is not visible in the image provided in EPA's TSD, despite the fact that the barbed wire fence existed along a separate roadway segment. SIPC's photograph of the southern boundary of its northern property, particularly Exhibit 16, while showing a modest barbed wire fence in the foreground, in fact confirms that the majority of this boundary has only a low guard rail once the barbed wire fence ends. *See* Petition, Exhibit 16. In the EPA's review of this petition, we reconfirmed that the barbed wire fencing where it exists is clearly visible in Street View[10], confirming the EPA's view that locations where Street View shows fencing in fact have fencing and locations where Street View shows no fencing in fact have no fencing. It appears that the main difference between the EPA's images in the record for the Rule and those newly provided in this petition (identified, for each of the four images, as "Photograph – New fencing; new signage; Northern Property"; *See* Petition, Exhibits 21-24) is that the latter are more recent, after additional measures were taken by SIPC,[11] and therefore does not seem to demonstrate that EPA's images are invalid or unreliable in representing the conditions existing at the time the EPA promulgated its designations.

The petition then states, "[i]n addition, to avoid any doubt on the issue SIPC has taken additional measures to ensure public access is prohibited." *See* Petition p. 16. This statement suggests that more measures are currently in place to limit public access than were in place at the time the EPA was evaluating the appropriate designation for Williamson County. Measures to restrict public access that were implemented by SIPC after the EPA promulgated its designations are not germane to the question as to whether the EPA promulgated an appropriate designation based on relevant air quality information reflecting ambient air quality at that time. Designations are decisions about air quality status as of the time the decision is made, regardless of the potential for air quality at subsequent times to be different. By this principle, subsequent air quality data may help justify revising the designation or other future actions (see section V of this document), but do not justify a reconsideration of the original designation action. Similarly, the designation action that the EPA published on July 12, 2016, reflected a judgment, based on available information, that the environs of the northern property were ambient air at that time. SIPC does not address the timing of these additional restrictions against access, other than to characterize them as "recent." Thus, beyond failing to provide information regarding these issues in a timely way, SIPC has not provided necessary information as to whether these additional restrictions existed at the time the EPA completed its designation action, and has not demonstrated that it was impracticable for SIPC to raise this objection during the public comment period or that the grounds for

[10] *See* Enclosure B, including two images from Street View that correspond to the sections of the northern property at issue in SIPC's petition exhibits 15 and 16, taken further down Lake Egypt Road from the Street View image the EPA included in the final TSD for Illinois for the Rule.

[11] The petition provides a set of images that show features, including additional fencing and additional placards advising "No trespassing," that were not present at the time the Google Street View images were taken. Any future review of what area within the northern property is ambient air would need to explore the spatial extent of these features, including an assessment of the degree to which public access is restricted and effectively precluded around the entire area that SIPC seeks to be identified as not being ambient air. Generally, a few images can suffice to illustrate the basis for a finding that the public has relatively easy access to an area; a showing that access is adequately precluded at all potential points of access may require a more exhaustive set of evidence.

the objection arose after the public comment period but within the time specified for judicial review and whether the EPA should have been aware of them at that time.[12]

2. Use of the "AERMOIST Formulation"

The issue regarding AERMOIST arose through SIPC's comments on the proposed designation submitted during the public comment period, which provided modeling based on the use of AERMOIST and which provided rationale in support of the use of this tool. These comments also provided rationale to support another modeling approach advocated for by SIPC (using AERMOD options known as ADJ_U* and LOWWIND3) as being adequate to satisfy the criteria in 40 CFR 51 Appendix W section 3.2.2 for use of alternate models. However, unlike the latter modeling approach, these comments did not recommend any particular criteria for the EPA to use to judge the appropriateness of using these tools AERMOIST, and in particular did not comment on whether the criteria of Appendix W section 3.2.2 are the best criteria for judging the appropriateness of using AERMOIST.

In the final designation, the EPA reviewed SIPC's comments and concluded that the use of AERMOIST had not been adequately justified. The EPA stated, "[This] approach, a non-regulatory default, seeks to use an alternate set of plume temperatures in order to prompt the model to calculate the greater plume rise that is asserted to occur in cases with elevated plume moisture [. . . .] Neither the consultant nor Illinois has provided evidence pursuant to Appendix W section 3.2.2 that this alternative approach provides a better assessment of plume characteristics either in general or in this particular case." See TSD for final Illinois designations, p. 22.

SIPC's petition focuses on whether the EPA is required to use the criteria of Appendix W section 3.2.2 to judge the appropriateness of AERMOIST. The petition asserts that "AECOM's adjustment of stack temperature inputs to account for moisture in the flue gas (referred to as the 'AERMOIST formulation') did not use or implement an alternate model," and so "Appendix W does not require EPA approval to use more representative source inputs." The petitioner concludes, "Therefore, EPA must reconsider and evaluate AECOM's modeling runs utilizing AERMOIST." See Petition, p. 26.

Again, SIPC must demonstrate that these comments could not practically have been made during the comment period or are based on grounds that arose after the close of the comment period. SIPC's comments recommended reliance on modeling using AERMOIST, and so SIPC was unquestionably aware of this issue and aware that the EPA would be analyzing its comment in regards to the use of AERMOIST. Given that SIPC was aware that AERMOIST was not a regulatory default, and that EPA's proposed designation relied on modeling that did not use AERMOIST, SIPC should have included all relevant information to support its view that its modeling could include use of AERMOIST, and SIPC should have sought to meet the requirements of Appendix W or provided timely commentary on any alternate criteria SIPC wished the EPA to apply in making the final designation, to support its views regarding the use of modeling including AERMOIST. SIPC has not demonstrated they could not have made the comments regarding criteria that SIPC's petition now

[12] The EPA also notes that modeling included with the petition, with receptors in the northern property and using new building parameters, indicated that peak concentrations occurred in the northern property. While not timely information, this also supports EPA's determination at final designation that lack of receptors in this area was a critical deficiency in the prior SIPC modeling.

wishes the EPA to use as a basis for reconsideration. As with the issue relating to receptor locations, the failure of SIPC and its representatives to timely raise its objections with reasonable specificity and offer relevant information during the comment period does not negate the fact that such comments were practicable to make in a timely fashion and, thus, does not meet the first criterion under CAA section 307(d)(7)(B) for reconsideration. Additionally, the EPA notes that SIPC does not dispute that AERMOIST was not, at either the time of EPA's proposed designation of Williamson County or of the final designation, an approved alternative under Appendix W.

In addition to considering the timeliness of this information, the EPA also conducted a limited review of whether SIPC had demonstrated that the information was of central relevance to the outcome of the rule, and the EPA concludes that the information appears incomplete to justify a different designation.

As a starting point, it is essential to clarify that the foundational premise of AERMOIST is that a better representation of plume rise at a facility with a moist plume is obtained by running AERMOD with stack temperatures that are often higher than the measured stack temperatures. For example, for the first hour of the three-year simulation for the Marion facility, SIPC's simulation based on AERMOIST used a stack temperature of 222.6 degrees Fahrenheit, dramatically higher than the actual stack temperature of 137.3 degrees Fahrenheit. For this example hour, SIPC is proposing that using an "altered" stack temperature that is 85.3 degrees Fahrenheit hotter than the actual stack temperature provides a better simulation of the behavior of the Marion facility's plume.

SIPC focuses on a parsing of whether a model run based on the use of the "AERMOIST formulation" constitutes use of an "alternative model" and thus whether satisfaction of Appendix W section 3.2.2 is mandatory. Answering these questions in the negative, SIPC argues that the EPA should view AERMOIST as a means of improving source characterization, without any modification of the underlying model, and asserts that EPA must simply "rely on modeling that is representative of actual conditions." *See* Petition, pp. 25-27.

Specifically, SIPC asserts that "AECOM's March 2016 modeling included modeling runs that adjusted stack temperature inputs to more accurately represent emission characteristics from Marion Station stacks." See id., p. 25. The EPA's review indicates that the opposite is true: that these model runs using AERMOIST expressly used less accurate stack temperature inputs with the intent of improving the plume characterization in the AERMOD simulation. Thus, petitioner's recommended test – in which modeling tools (or modeling runs based on their use) need not meet the criteria of 40 CFR 51 Appendix W section 3.2.2 so long as the inputs, such as stack temperature, are accurately characterized – is a test that model runs based on the use of AERMOIST are designed to fail.

Irrespective of whether a simulation based on the use of AERMOIST constitutes an alternative model, and irrespective of whether use of the criteria in Appendix W section 3.2.2 are mandatory, the EPA must apply appropriate criteria for judging whether the use of this tool is appropriate, and the criteria in Appendix W section 3.2.2 provides a reasonable and appropriate means of judging whether a simulation in which stack temperatures are adjusted based on AERMOIST provides a more appropriate air quality simulation. The EPA determined, based on information available at the time of its rulemaking, that these criteria had not been met, a conclusion that the petitioner does not dispute. On this basis, the EPA concluded that the simulations based on the use of AERMOIST were not an appropriate basis for determining the designation of Williamson County.

The petition further cites an email sent by EPA Region 4 regarding the use of a separate modeling tool called AERLIFT. *See* Petition, p. 27 fn 16. The EPA notes that the Region 4 email cannot be considered grounds for using AERMOIST as SIPC did not use AERLIFT, and since the specific facts regarding the performance of modeling tools in the area being addressed by Region 4 (Sullivan County, Tennessee) are not germane here. Regarding the specific facts, the Region 4 email describes an evaluation comparing modeling results to nearby monitoring data, and was not offering a formal blanket approval of AERLIFT as a source characterization tool. Indeed, the EPA has subsequently determined that the monitoring data underlying the findings in the Region 4 email were inadequately quality assured, resulting in Region 4 rescinding the findings of their email.

Additionally, SIPC's petition more generally objects to EPA's alleged rejection of all of SIPC's March 2016 modeling, including modeling that uses EPA's regulatory default approaches. First, the EPA addressed SIPC's regulatory default modeling at length in the TSD for its final Illinois designations, and disagrees with SIPC's characterization. The EPA found that SIPC's March 2016 modeling, if deficiencies such as the failure to estimate concentrations in the northern property and near-roadway areas were corrected, suggested that it would likely have also supported a designation of nonattainment. See TSD for final Illinois designations, pp. 31-32. Second, with respect to SIPC's modeling based on the use of AERMOIST (and additional runs using ADJ_U* and LOWWIND3), in the absence of a demonstration that the modeling provided a suitable evaluation of air quality, no detailed review of the results of this modeling was warranted. Third, this general objection is in regards to EPA's treatment of comments submitted by SIPC during the public comment period without any demonstration that the objection meets the criteria for reconsideration, and therefore does not justify reconsideration of EPA's Round 2 designations.

3. Modified Building Dimensions

SIPC's petition includes an additional set of modeling runs not previously submitted to the EPA, with some runs including and some runs excluding receptors in the northern property and other areas. Only the petition's modeling report attachment includes any details regarding the model's parameters, indicating that these newer runs use building dimensions that differ from the building dimensions used in SIPC's modeling submitted during the public comment period.

Regarding the first criterion for reconsideration, SIPC does not demonstrate that the new building dimensions used in the modeling, or the modeling itself that estimates the impacts expected to result from the Marion facility having those building dimensions, was impracticable to provide during the comment period or reflects an objection the grounds for which arose only after the close of the comment period. The modeling that SIPC provided during the comment period reflected numerous source characteristics that differed from the source characteristics identified by Illinois and included in EPA's proposed designation. Thus, SIPC was clearly aware during the comment period of the importance of source characteristics and was providing information during the comment period for the EPA to analyze on this issue. SIPC does not explain in its petition when it became aware of the information it provided to support use of newer building dimensions. The modeling report in the petition states that "dimensions for two buildings were updated from those used in the SIPC/AECOM March 2016 report to reflect actual site-specific surveys taken in 2016" (*See* Petition Exhibit 26, p. 4-1), but the petition does not clarify whether this information was available before or after March 2016. More importantly, SIPC has provided no evidence that its review of source characteristics could not practicably have identified this additional information regarding source characteristics timely during the public comment period. Similarly, SIPC has provided no evidence that the modeling based on these revised source

characteristics could not have been practicably conducted and provided within the comment period. Therefore, the new information on building dimensions and the resulting modeling analyses have not met the first criterion for reconsideration.

Additionally, the modeling provided with the petition relies on building dimensions that differ from the building dimensions included in SIPC's March 2016 modeling. In effect, SIPC's petition asks the EPA to conclude that the modeling provided with its comments used inappropriate building dimensions.

The EPA notes that the modification seemingly inherently recommended in the petition is not a simple correction of an error in the modeling SIPC submitted as a public comment. Instead, at issue is building sections consisting of dense "lattice works" of pipes, and whether dispersion near these building sections is better represented by including versus excluding these pipes in determining the appropriate building heights to use in the modeling. As the comments regarding this issue were not timely made nor demonstrated to not be able to be timely made, this issue need not be resolved here.

V. Future Consideration of Issues

Insofar as SIPC has not demonstrated that the criteria for reconsideration are met, the EPA finds that no administrative reconsideration is warranted as to whether a nonattainment designation for Williamson County, Illinois, was appropriately promulgated. Nevertheless, we note that selected elements of the petition may also have relevance to the attainment plan that is now required for this nonattainment area. For example, SIPC will have opportunity during the attainment planning process to provide timely comments on what area within Williamson County should be considered ambient air at the time and under the criteria applicable to attainment planning. The EPA will consider any such information received during the attainment planning process as appropriate.

VI. Conclusion

The EPA denies the petition for the EPA to reconsider the designation of Williamson County, Illinois, as nonattainment for the 2010 primary SO_2 NAAQS. SIPC has not demonstrated that it was impracticable to raise the objections in the petition by the end of the comment period or that the grounds for these objections arose after the close of the comment period but during the period for judicial review. Additionally, SIPC has not demonstrated that its objections are of central relevance to the outcome of the final rule.

Accordingly, the SO_2 nonattainment designation for Williamson County set out in the July 12, 2016, *Federal Register* remains effective. This denial of the petition for reconsideration is effective immediately.

Enclose B

View along Lake Egypt Road. Top photo facing west toward facility; bottom photo facing east away from facility.