

ILLINOIS POLLUTION CONTROL BOARD
January 18, 2023

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R23-18
201, 202, AND 212) (Rulemaking - Air)
)

HEARING OFFICER ORDER

On December 7, 2022, the Illinois Environmental Protection Agency (IEPA, or Agency) filed a rulemaking proposal to amend 35 Ill. Adm. Code 201, 202, and 212 pursuant to Sections 10, 27, 28 and 28.5 of the Environmental Protection Act. The Board accepted IEPA's proposal and directed the hearing officer to schedule and proceed to hearings. Without commenting on the merits of the rulemaking proposal, the Board also directed the Clerk to publish the first-notice proposal. The hearing officer scheduled the first hearing in this proceeding for January 19, 2023, with the deadline for IEPA to pre-file testimony by January 9, 2023.

The Board and Staff have reviewed the pre-filed testimony filed by IEPA in this matter, and submit with this order their questions, included as Attachment A. Anyone may file a comment, and anyone may respond to the attached questions, as well as any other pre-filed questions in the record.

All filings in this proceeding will be available on the Board's website at <https://pcb.illinois.gov/> in the rulemaking docket R23-18. Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the [Clerk's Office On-Line](#). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.



Chloe Salk
Hearing Officer
Illinois Pollution Control Board
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ATTACHMENT A**R23-18: Amendments to 35 Ill. Adm. Code 201, 202, and 212
Board and Staff Questions for the Agency Witnesses**

1. The existing language in Section 201.157 states that the “Agency may adopt procedures that require data and information in addition to and in amplification of the matters specified in the first sentence of this Section, that are reasonably designed to determine compliance with this Chapter, and ambient air quality standards, and that set forth the format by which all data and information shall be submitted.” Please comment on whether the Agency has adopted procedures to implement this provision. If so, does the Agency plan to revise the existing procedures to address changes proposed in this rulemaking? If not, comment on whether this allowance for the Agency to adopt procedures to implement Section 201.157 must be deleted.
2. On January 17, 2023, the Board received from the Joint Committee on Administrative Rules a comment with 20 suggestions on the proposed language and a single question. Would IPEA please comment on those suggested changes and respond to JCAR’s question?
3. The Board made several non-substantive changes to IEPA’s proposal in the first notice rules to address obsolete, repetitive, confusing, or otherwise unnecessary language. The Board has identified additional non-substantive changes to the rule language that are shown by yellow highlighting in the attached document. Please comment if the non-substantive changes are acceptable to the Agency.

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
 PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

| | |
|---------|-----------------------------|
| Section | |
| 201.101 | Other Definitions |
| 201.102 | Definitions |
| 201.103 | Abbreviations and Units |
| 201.104 | Incorporations by Reference |

SUBPART B: GENERAL PROVISIONS

| | |
|---------|---|
| Section | |
| 201.121 | Existence of Permit No Defense |
| 201.122 | Proof of Emissions |
| 201.123 | Burden of Persuasion Regarding Exceptions |
| 201.124 | Annual Report |
| 201.125 | Severability |
| 201.126 | Repealer |

SUBPART C: PROHIBITIONS

| | |
|---------|--|
| Section | |
| 201.141 | Prohibition of Air Pollution |
| 201.142 | Construction Permit Required |
| 201.143 | Operating Permits for New Sources |
| 201.144 | Operating Permits for Existing Sources |
| 201.146 | Exemptions from State Permit Requirements |
| 201.147 | Former Permits |
| 201.148 | Operation Without Compliance Program and Project Completion Schedule |
| 201.149 | Operation During Malfunction, Breakdown or Startups |
| 201.150 | Circumvention |
| 201.151 | Design of Effluent Exhaust Systems |

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

| | |
|---------|---|
| Section | |
| 201.152 | Contents of Application for Construction Permit |
| 201.153 | Incomplete Applications (Repealed) |
| 201.154 | Signatures (Repealed) |

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|---------|--|
| 201.155 | Standards for Issuance (Repealed) |
| 201.156 | Conditions |
| 201.157 | Contents of Application for Operating Permit |
| 201.158 | Incomplete Applications |
| 201.159 | Signatures |
| 201.160 | Standards for Issuance |
| 201.161 | Conditions |
| 201.162 | Duration |
| 201.163 | Joint Construction and Operating Permits |
| 201.164 | Design Criteria |
| 201.165 | Hearings |
| 201.166 | Revocation |
| 201.167 | Revisions to Permits |
| 201.168 | Appeals from Conditions |
| 201.169 | Special Provisions for Certain Operating Permits |
| 201.170 | Portable Emission Units |
| 201.175 | Registration of Smaller Sources (ROSS) |

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

| | |
|---------|---|
| Section | |
| 201.180 | Applicability (Repealed) |
| 201.181 | Expiration and Renewal (Repealed) |
| 201.187 | Requirement for a Revised Permit (Repealed) |

SUBPART F: CAAPP PERMITS

| | |
|---------|--|
| Section | |
| 201.207 | Applicability |
| 201.208 | Supplemental Information |
| 201.209 | Emissions of Hazardous Air Pollutants |
| 201.210 | Categories of Insignificant Activities or Emission Levels |
| 201.211 | Application for Classification as an Insignificant Activity |
| 201.212 | Revisions to Lists of Insignificant Activities or Emission Level |

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

| | |
|---------|---|
| Section | |
| 201.241 | Contents of Compliance Program |
| 201.242 | Contents of Project Completion Schedule |
| 201.243 | Standards for Approval |
| 201.244 | Revisions |

- 201.245 Effects of Approval
- 201.246 Records and Reports
- 201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

- Section
- 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)
- 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)
- 201.263 Records and Reports (Repealed)
- 201.264 Continued Operation or Startup Prior to Granting of Operating Permit (Repealed)
- 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)

SUBPART J: MONITORING AND TESTING

- Section
- 201.281 Permit Monitoring Equipment Requirements
- 201.282 Testing
- 201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

- Section
- 201.301 Records
- 201.302 Reports

SUBPART L: CONTINUOUS MONITORING

- Section
- 201.401 Continuous Monitoring Requirements
- 201.402 Alternative Monitoring
- 201.403 Exempt Sources
- 201.404 Monitoring System Malfunction
- 201.405 Excess Emission Reporting
- 201.406 Data Reduction
- 201.407 Retention of Information
- 201.408 Compliance Schedules

SUBPART M: PERMIT BY RULE (PBR) –GENERAL PROVISIONS

- Section
- 201.500 Purpose
- 201.505 Applicability

| | |
|---------|---|
| 201.510 | Notice of Intent to Be Covered By a PBR (Notification) |
| 201.515 | Commencing Construction or Modification |
| 201.520 | Modification or Change in Status of an Emission Unit Covered by a PBR |
| 201.525 | Standard Conditions for PBR |
| 201.530 | Recordkeeping and Reporting |
| 201.535 | Authority to Operate |
| 201.540 | Enforcement Authority |

SUBPART N: PERMIT BY RULE (PBR) –BOILERS LESS THAN OR EQUAL TO 100
MMBTU/HR

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|----------------|---|
| Section | |
| 201.600 | Applicability |
| 201.605 | Boiler Notice of Intent to Be Covered by a PBR (Notification) |
| 201.610 | Federal NSPS and NESHAP Requirements |
| 201.615 | Opacity Requirements |
| 201.620 | Requirements for Use of Diesel Fuel and Refinery Fuel Gas |
| 201.625 | Carbon Monoxide (CO) Requirements |
| 201.630 | Nitrogen Oxide (NO _x) Requirements |
| 201.635 | PBR Boiler Reporting Requirements |
| 201.APPENDIX A | Rule into Section Table |
| 201.APPENDIX B | Section into Rule Table |
| 201.APPENDIX C | Past Compliance Dates |

AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 39, 39.5, and 39.12].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg.30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg.19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013; amended in R17-09 at 41 Ill. Reg. 4140, effective March 24, 2017; amended in R23-18 at 47 Ill. Reg. _____, effective _____.

SUBPART C: PROHIBITIONS

Section 201.149 Operation During Malfunction, Breakdown or Startups

~~A No person must not shall~~ cause or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the applicable standards or limitations ~~stated~~ set forth in Subchapter c of this Chapter ~~except as specifically provided for by such standard or limitation. unless the current operating permit granted by the Agency provides for operation during a malfunction or breakdown.~~ A No person must not shall cause or allow violation of the applicable standards or limitations set forth stated in that Subchapter c during startup ~~except as specifically provided for by such standard or limitation. unless the current operating permit granted by the Agency provides for violation of such standards or limitations during startup.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.157 Contents of Application for Operating Permit

An application for an operating permit ~~must shall~~ contain, ~~as a minimum,~~ the data and information specified in Section 201.152. Each application ~~must shall~~ list all individual emission units and air pollution equipment for which a permit is sought. Any applicant may seek to obtain from the Agency a permit for each emission unit, or such emission units as are similar in design or principle of operation or function, or for all emission units encompassed in an identifiable operating unit, unless subject to the provisions of Section 201.169 of this Subpart or required to obtain an operating permit with federal enforceable conditions ~~pursuant to in compliance with~~ Section 39.5 of the Act. To the extent that the above specified data and information has previously been submitted to the Agency ~~pursuant to in compliance with~~ this Subpart, the data and information need not be resubmitted; ~~provided, however, that but~~ the applicant must certify that the data and information previously submitted remains true, correct and current. ~~If emissions of an emission unit during startup would be higher than during normal operation of the emission unit, an~~ An application for an operating permit ~~must shall~~ contain a description of the startup procedure for each emission unit, the duration and frequency of startups, the types and quantities of emissions during startup, and the applicant's efforts to minimize any such startup emissions, duration of individual startups, and frequency of startups. ~~If applicable, pursuant to the requirements of Subpart I of this Part, an application for a permit shall contain a description of the startup procedure for each emission unit, the duration and frequency of startups and quantities of emissions during startup in excess of emissions during operations, and the applicant's efforts to minimize any such startup emissions.~~ The Agency may adopt procedures that require data and information in addition to and in amplification of the matters specified in the first sentence of this Section, that are reasonably designed to determine compliance with this Chapter, and ambient air quality standards, and ~~that set forth specify~~ the format by which all data and information ~~must shall~~ be submitted.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)

- a) ~~A request for permission to continue to operate during a malfunction or breakdown, if desired, shall be included as an integral part of the application for an operating permit pursuant to Subpart D, and shall include as a minimum: a full and detailed explanation of why such continued operation is necessary; the anticipated nature, sources and quantities of emissions which will occur during such continued operation; the anticipated length of time during which such operation will continue; all measures, such as use of off-shift labor or equipment which will be taken to minimize the quantity of air contaminant emissions and length of time during which such operation will continue. When the standards or limitations of Subchapter c of this Chapter will be violated during startup, a request for permission to violate such standards or limitations shall be an integral part of the application for an operating permit pursuant to Subpart D, and shall include, as a minimum: a description of the startup procedure for each emission source, the duration and frequencies of such startups, the type and quantities of emissions during such startups and the applicant's efforts to minimize any such startup emissions, duration of individual startups and frequency of startups.~~
- b) ~~The Agency may adopt procedures which require data and information in addition to or in amplification of the matters set forth in subsection (a), and which set forth the format in which all data and information shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.) (APA Act).~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)

~~Permission shall not be granted to allow continued operation during a malfunction or breakdown unless the applicant submits proof to the Agency that: such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for granting of permission. Permission shall not be granted to allow violation of the standards or limitations of Subchapter c of this Chapter during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emissions, duration of individual startups and frequency of startups.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 201.263 Records and Reports (Repealed)

~~Any person who causes or allows the continued operation of an emission source during a malfunction or breakdown of the emission source or related air pollution control equipment when such continued operation would cause a violation of the standards or limitations set forth in Subchapter c of this Chapter shall immediately report such incident to the Agency by telephone, telegraph or such other method as constitutes the fastest available alternative, except if otherwise provided in the operating permit. Thereafter, any such person shall comply with all reasonable directives of the Agency with respect to the incident. In addition, any person subject to this Subpart shall maintain such records and make such reports as may be required in procedures adopted by the Agency pursuant to Subpart K.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 201.264 Continued Operation or Startup Prior to Granting of Operating Permit (Repealed)

~~Any person desiring to continue to operate, or to startup in accordance with Section 201.149 prior to the date when an operating permit is required pursuant to Section 201.143 or 201.144, shall make immediate application for permission to operate during a malfunction, breakdown or startup in accordance with Section 201.261.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)

~~The granting of permission to operate during a malfunction or breakdown, or to violate the standards or limitations of Subchapter c of this Chapter during startup, and full compliance with any terms and conditions connected therewith, shall be a prima facie defense to an enforcement action alleging a violation of Section 201.149, of the emission and air quality standards of this Chapter, and of the prohibition of air pollution during the time of such malfunction, breakdown or startup.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

SUBPART K: RECORDS AND REPORTS

Section 201.301 Records

The owner or operator of any emission source or air pollution control equipment must shall maintain: records detailing all activities under any compliance program and project completion schedule pursuant to in compliance with Subpart H; records detailing all malfunctions, breakdowns or startups pursuant to Subpart I and records of all monitoring and testing conducted pursuant to in compliance with Subpart J, plus records of all monitoring and testing of any type

whatsoever conducted with respect to specified air contaminants. All **such** records must shall be made available to the Agency at any reasonable time.

- a) The Agency may adopt procedures which:
 - 1) Require additional records be maintained consistent with this Part; and
 - 2) Specify the format in which all records must shall be maintained.
- b) The Such procedures and formats, and revisions ~~thereto~~, will shall not become effective until filed with the Secretary of State as required by the APA Act.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 202
 ALTERNATIVE CONTROL STRATEGIES

SUBPART A: GENERAL PROVISIONS

| | |
|---------|------------------------------------|
| Section | |
| 202.101 | Definitions |
| 202.104 | Actual Emissions |
| 202.107 | Allowable Emissions |
| 202.110 | Alternative Control Strategy (ACS) |
| 202.113 | Chapter |
| 202.116 | Emission Baseline |
| 202.119 | Multi-person ACS |
| 202.122 | Potential to Emit |
| 202.125 | Abbreviations |
| 202.140 | Scope |
| 202.142 | Severability |

SUBPART B: PERMIT APPLICATION

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|---------|--|
| Section | |
| 202.201 | Emission Baseline for Alternative Control Strategies |
| 202.210 | Permit Application Information |
| 202.211 | Analysis of Emissions |
| 202.212 | Analysis of Environmental Quality |
| 202.213 | Analysis of Methods of Assuring Compliance |

SUBPART C: PERMIT CONDITIONS AND ISSUANCE

| | |
|---------|------------------------|
| Section | |
| 202.301 | Permit Conditions |
| 202.302 | Records and Reports |
| 202.303 | Monitoring and Testing |
| 202.304 | Compliance Dates |
| 202.305 | Public Participation |
| 202.306 | Standards for Issuance |
| 202.307 | Notification to USEPA |

SUBPART D: PERMIT DURATION, REVISION AND RENEWAL

| | |
|---------|----------|
| Section | |
| 202.401 | Duration |
| 202.402 | Revision |
| 202.403 | Renewal |

SUBPART E: ALTERNATIVE CONTROL STRATEGIES INVOLVING MORE THAN ONE PERSON

| | |
|---------|---------------------|
| Section | |
| 202.501 | Applicability |
| 202.502 | Permit Application |
| 202.503 | Duration |
| 202.504 | Permit Conditions |
| 202.505 | Records and Reports |
| 202.506 | Revocation |
| 202.507 | Termination |

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| Appendix A | Pre-Codification into Codified |
| Appendix B | Codified into Pre-Codification |

AUTHORITY: Implementing Section 9.3 and authorized by Sections 5 and 27 of the Environmental Protection Act [415 ILCS 5/5, 9.3 and 27].

SOURCE: 35 Ill. Adm. Code 212 adopted in R81-20 (Interim) at 6 Ill. Reg. 6703, effective May 20, 1982; renumbered to 35 Ill. Adm. Code 202 and amended in R81-20(A) at 7 Ill. Reg. 8091, effective June 27, 1983; codified at 7 Ill. Reg. 13584; corrected at 7 Ill. Reg. 14561; amended in R81-20(B) at 8 Ill. Reg. 4171, effective March 16, 1984; amended in R23-18 at 47 Ill. Reg. _____, effective _____).

SUBPART A: GENERAL PROVISIONS

Section 202.107 Allowable Emissions

- a) "Allowable emissions" means the emission rate of an emission source calculated using the maximum rated capacity of the emission source (unless the emission source is subject to permit conditions or other enforceable limits which restrict the operating rate, or hours of operation, or both) and the more stringent of the following:
- 1) The applicable emission standard or limitation contained in this Chapter, including those with a future compliance date; or
 - 2) The emissions rate specified as a permit condition including those with a future compliance date.
- b) The allowable emissions may be expressed as a permit condition limiting annual emissions or material or fuel throughput.
- e) ~~Allowable emissions shall include a reasonable estimate of emissions in excess of applicable standards during start-up, malfunction, or breakdown, as appropriate, only if the applicable provisions of 35 Ill. Adm. Code Part 201 have been complied with.~~
- c)d) If an emission source is not subject to an emission standard under subsection (a) and is not conditioned pursuant to subsection (b), the allowable emissions will ~~shall~~ be the source's potential to emit.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART B: PERMIT APPLICATION

Section 202.211 Analysis of Emissions

- a) A permit application under this Subpart must ~~shall~~ provide a comparison of the baseline emissions and the emissions which would be permitted under the proposed ACS for each emission source involved in the ACS. Where appropriate, this analysis must ~~shall~~ address differences between the emission sources to be covered by the ACS regarding:
- 1) Methods of determining emissions;
 - 2) Consistency and reliability of the performance of the emission sources and any associated control devices;
 - 3) Frequency and duration of operating during malfunction or breakdown with excess emissions, or ~~excess emissions~~ during start-up with excess emissions;

- 4) Methods of operation, including operating schedules, range of raw materials or products; and
 - 5) Other characteristics of the emission sources or their operation which may affect equivalence of emissions.
- b) The analysis ~~must shall~~ describe any increases in emissions from emission sources outside the ACS which may accompany the proposed ACS.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 212
VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

| | |
|---------|---|
| Section | |
| 212.100 | Scope and Organization |
| 212.107 | Measurement Method for Visible Emissions |
| 212.108 | Measurement Methods for PM-10 Emissions and Condensable PM-10 Emissions |
| 212.109 | Measurement Methods for Opacity |
| 212.110 | Measurement Methods For Particulate Matter |
| 212.111 | Abbreviations and Units |
| 212.112 | Definitions |
| 212.113 | Incorporations by Reference |

SUBPART B: VISIBLE EMISSIONS

| | |
|---------|--|
| Section | |
| 212.121 | Opacity Standards (Repealed) |
| 212.122 | Visible Emissions Limitations for Certain Emission Units For Which Construction or Modification Commenced On or After April 14, 1972 |
| 212.123 | Visible Emissions Limitations for All Other Emission Units |
| 212.124 | Exceptions |
| 212.125 | Determination of Violations |
| 212.126 | Adjusted Opacity Standards Procedures |

SUBPART D: PARTICULATE MATTER EMISSIONS FROM INCINERATORS

Section

| | |
|---------|---|
| 212.181 | Limitations for Incinerators |
| 212.182 | Aqueous Waste Incinerators |
| 212.183 | Certain Wood Waste Incinerators |
| 212.184 | Explosive Waste Incinerators |
| 212.185 | Continuous Automatic Stoking Animal Pathological Waste Incinerators |

SUBPART E: PARTICULATE MATTER EMISSIONS FROM FUEL COMBUSTION EMISSION UNITS

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| Section | |
| 212.201 | Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively Located in the Chicago Area |
| 212.202 | Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively Located Outside the Chicago Area |
| 212.203 | Controlled Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively |
| 212.204 | Emission Units For Which Construction or Modification Commenced On or After April 14, 1972, Using Solid Fuel Exclusively |
| 212.205 | Coal-fired Industrial Boilers For Which Construction or Modification Commenced Prior to April 14, 1972, Equipped with Flue Gas Desulfurization Systems |
| 212.206 | Emission Units Using Liquid Fuel Exclusively |
| 212.207 | Emission Units Using More Than One Type of Fuel |
| 212.208 | Aggregation of Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972 |
| 212.209 | Village of Winnetka Generating Station (Repealed) |
| 212.210 | Emissions Limitations for Certain Fuel Combustion Emission Units Located in the Vicinity of Granite City |

SUBPART K: FUGITIVE PARTICULATE MATTER

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| Section | |
| 212.301 | Fugitive Particulate Matter |
| 212.302 | Geographical Areas of Application |
| 212.304 | Storage Piles |
| 212.305 | Conveyor Loading Operations |
| 212.306 | Traffic Areas |
| 212.307 | Materials Collected by Pollution Control Equipment |
| 212.308 | Spraying or Choke-Feeding Required |
| 212.309 | Operating Program |
| 212.310 | Minimum Operating Program |
| 212.312 | Amendment to Operating Program |
| 212.313 | Emission Standard for Particulate Collection Equipment |
| 212.314 | Exception for Excess Wind Speed |
| 212.315 | Covering for Vehicles |
| 212.316 | Emissions Limitations for Emission Units in Certain Areas |

SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION UNITS

Section

- 212.321 Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972
- 212.322 Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972
- 212.323 Stock Piles
- 212.324 Process Emission Units in Certain Areas

SUBPART N: FOOD MANUFACTURING

Section

- 212.361 Corn Wet Milling Processes
- 212.362 Emission Units in Certain Areas

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

Section

- 212.381 Catalyst Regenerators of Fluidized Catalytic Converters

SUBPART Q: STONE, CLAY, GLASS AND CONCRETE MANUFACTURING

Section

- 212.421 Portland Cement Processes For Which Construction or Modification Commenced On or After April 14, 1972
- 212.422 Portland Cement Manufacturing Processes
- 212.423 Emission Limits for the Portland Cement Manufacturing Plant Located in LaSalle County, South of the Illinois River
- 212.424 Fugitive Particulate Matter Control for the Portland Cement Manufacturing Plant and Associated Quarry Operations Located in LaSalle County, South of the Illinois River
- 212.425 Emission Units in Certain Areas

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND MACHINERY MANUFACTURE

Section

- 212.441 Steel Manufacturing Processes
- 212.442 Beehive Coke Ovens
- 212.443 Coke Plants
- 212.444 Sinter Processes
- 212.445 Blast Furnace Cast Houses
- 212.446 Basic Oxygen Furnaces

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| 212.447 | Hot Metal Desulfurization Not Located in the BOF |
| 212.448 | Electric Arc Furnaces |
| 212.449 | Argon-Oxygen Decarburization Vessels |
| 212.450 | Liquid Steel Charging |
| 212.451 | Hot Scarfing Machines |
| 212.452 | Measurement Methods |
| 212.455 | Highlines on Steel Mills |
| 212.456 | Certain Small Foundries |
| 212.457 | Certain Small Iron-Melting Air Furnaces |
| 212.458 | Emission Units in Certain Areas |

SUBPART S: AGRICULTURE

Section

| | |
|---------|--------------------------------------|
| 212.461 | Grain-Handling and Drying in General |
| 212.462 | Grain-Handling Operations |
| 212.463 | Grain Drying Operations |
| 212.464 | Sources in Certain Areas |

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

Section

| | |
|---------|--|
| 212.681 | Grinding, Woodworking, Sandblasting and Shotblasting |
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SUBPART U: ADDITIONAL CONTROL MEASURES

Section

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| 212.700 | Applicability |
| 212.701 | Contingency Measure Plans, Submittal and Compliance Date |
| 212.702 | Determination of Contributing Sources |
| 212.703 | Contingency Measure Plan Elements |
| 212.704 | Implementation |
| 212.705 | Alternative Implementation |
| 212.Appendix A | Rule into Section Table |
| 212.Appendix B | Section into Rule Table |
| 212.Appendix C | Past Compliance Dates |
| 212.Illustration A | Allowable Emissions From Solid Fuel Combustion Emission Sources Outside Chicago (Repealed) |
| 212.Illustration B | Limitations for all New Process Emission Sources (Repealed) |
| 212.Illustration C | Limitations for all Existing Process Emission Sources (Repealed) |
| 212.Illustration D | McCook Vicinity Map |
| 212.Illustration E | Lake Calumet Vicinity Map |
| 212.Illustration F | Granite City Vicinity Map |

AUTHORITY: Implementing Section 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203: Visual and Particulate Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590, effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A), at 10 Ill. Reg. 12637, effective July 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1 (Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15 Ill. Reg. 15708, effective October 4, 1991; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R91-22 at 16 Ill. Reg. 7880, effective May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204, effective May 15, 1992; amended in R93-30 at 18 Ill. Reg. 11587, effective July 11, 1994; amended in R96-5 at 20 Ill. Reg. 7605, effective May 22, 1996; amended in R23-18 at 47 Ill. Reg. _____, effective _____).

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART A: GENERAL

Section 212.124 Exceptions

- a) ~~Sections 212.122 and 212.123 of this Subpart shall apply during times of startup, malfunction and breakdown except as provided in the operating permit granted in accordance with 35 Ill. Adm. Code 201.~~
- a)b) Sections 212.122 and 212.123 will of this Subpart shall not apply to emissions of water or water vapor from an emission unit.
- b)e) An emission unit which has obtained an adjusted opacity standard pursuant to in compliance with Section 212.126 will of this Subpart shall be subject to that standard rather than the limitations of Section 212.122 or 212.123 of this Subpart.
- c)d) Compliance with the particulate regulations of this Part will ~~shall~~ constitute a defense.
 - 1) For all emission units that are not subject to Chapters 111 or 112 of the CAA and Sections 212.201, 212.202, 212.203 or 212.204 ~~of this Part~~ but are subject to Sections 212.122 or 212.123 ~~of this Subpart~~: the opacity limitations of Sections 212.122 and 212.123 will of this Subpart shall not apply if it is shown that the emission unit was, at the time of ~~such~~

emission, in compliance with the applicable particulate emissions limitations of Subparts D through T ~~of this Part~~.

- 2) For all emission units ~~that which~~ are not subject to Chapters 111 or 112 of the CAA but ~~which~~ are subject to Sections 212.201, 212.202, 212.203 or 212.204 ~~of this Part~~:
 - A) An exceedance of the limitations of Section 212.122 or 212.123 ~~of this Subpart will shall~~ constitute a violation of the applicable particulate limitations of Subparts D through T ~~of this Part~~. It ~~will shall~~ be a defense to a violation of the applicable particulate limitations if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions for the unit and the control devices, and in accordance with Method 5, 40 CFR part 60, incorporated by reference in Section 212.113 ~~of this Part~~, the owner or operator shows that the emission unit is in compliance with the particulate emission limitations.
 - B) It ~~will~~ be a defense to an exceedance of the opacity limit if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions of the emission unit and the control devices, and in accordance with Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 ~~of this Part~~, the owner or operator shows that the emission unit is in compliance with the allowable particulate emissions limitation while, simultaneously, having visible emissions equal to or greater than the opacity exceedance as originally observed.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 212.324 Process Emission Units in Certain Areas

- a) Applicability:
 - 1) This Section ~~applies shall apply~~ to any process emission unit located in any of the following areas:
 - A) That area bounded by lines from Universal Transmercator (UTM) coordinate 428000mE, 4631000mN, east to 435000mE, 4631000mN, south to 435000mE, 4623000mN, west to 428000mE, 4623000mN, north to 428000mE, 4631000mN, in the vicinity of McCook in Cook County, as shown in Illustration D of this Part;

- B) That area bounded by lines from Universal Transmercator (UTM) coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000mE, 4622180mN, in the vicinity of Lake Calumet in Cook County, as shown in Illustration E of this Part; and
 - C) That area bounded by lines from Universal Transmercator (UTM) coordinate 744000mE, 4290000mN, east to 753000mE, 4290000mN, south to 753000mE, 4283000mN, west to 744000mE, 4283000mN, north to 744000mE, 4290000mN, in the vicinity of Granite City in Madison County, as shown in Illustration F of this Part.
- 2) This Section ~~does shall~~ not alter the applicability of Sections 212.321 and 212.322 ~~of this Subpart~~.
 - 3) The emission limitations of this Section are not applicable to any emission unit subject to a specific emissions standard or limitation contained in any of the following Subparts ~~of this Part~~:
 - A) Subpart N, Food Manufacturing;
 - B) Subpart Q, Stone, Clay, Glass and Concrete Manufacturing;
 - C) Subpart R, Primary and Fabricated Metal Products and Machinery Manufacture; and
 - D) Subpart S, Agriculture.
 - b) General Emission Limitation. Except as otherwise provided in this Section, a person must not cause or allow the emission into the atmosphere, of PM-10 from any process emission unit to exceed 68.7 mg/scm (0.03 gr/scf) during any one hour period.
 - c) Alternative Emission Limitation. In lieu of the emission limit of 68.7 mg/scm (0.03 gr/scf) contained in subsection (b) ~~of this Section~~, a person must not cause or allow the emissions from the following emission units to exceed the corresponding limitations:

| | Emissions Units | | Emissions Limit | |
|----|--|--|-----------------|-------------|
| | | | Metric | English |
| 1) | Shotblasting emission units in the Village of McCook equipped with | | 22.9 mg/scm | 0.01 gr/scf |

fabric filters as of June 1, 1991

- 2) All process emission units at 5% opacity 5% opacity
manufacturers of steel wool with
soap pads located in the Village
of McCook
- d) Exceptions. The mass emission limits contained in subsections (b) and (c) ~~of this Section~~ will not apply to those emission units with no visible emissions other than fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsections (b) and (c) ~~of this Section~~.
- e) Special Emissions Limitation for Fuel-Burning Process Emission Units in the Vicinity of Granite City. A person must not cause or allow emissions of PM-10 into the atmosphere to exceed 12.9 ng/J (0.03 lbs/mmbtu) of heat input from the burning of fuel other than natural gas at any process emission unit located in the vicinity of Granite City as defined in subsection (a)(1)(C) ~~of this Section~~.
- f) Maintenance and Repair. For any process emission unit subject to subsection (a) ~~of this Section~~, the owner or operator must shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this Section ~~will must shall~~ be met at all times. ~~This Section shall not affect the applicability of 35 Ill. Adm. Code 201.149. Proper maintenance must shall~~ include the following requirements:
 - 1) Visual inspections of air pollution control equipment;
 - 2) Maintenance of an adequate inventory of spare parts; and
 - 3) Expeditious repairs, unless the emission unit is shutdown.
- g) Recordkeeping of Maintenance and Repair.
 - 1) Written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment must shall be kept in compliance with subsection (f) ~~of this Section~~.
 - 2) The owner or operator must shall document any period during which any process emission unit was in operation when the air pollution control equipment was not in operation or was malfunctioning so as to cause an emissions level in excess of the emissions limitation. These records must shall include documentation of causes for pollution control equipment not operating or such malfunction and ~~shall~~ state what corrective actions were taken and what repairs were made.

- 3) A written record of the inventory of all spare parts not readily available from local suppliers must shall be kept and updated.
 - 4) Copies of all records required by this Section must shall be submitted to the Agency within ten (10) working days after a written request by the Agency.
 - 5) The records required under this Section must shall be kept and maintained for at least three (3) years and be available for inspection and copying by Agency representatives during working hours.
 - 6) Upon written request by the Agency, a report must shall be submitted to the Agency for any period specified in the request stating the following: the dates during which any process emission unit was in operation when the air pollution control equipment was not in operation or was not operating properly, documentation of causes for pollution control equipment not operating or not operating properly, and a statement of what corrective actions were taken and what repairs were made.
- h) Compliance Date. Emission units must shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 47 Ill. Reg. _____, effective _____)