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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

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PERMITS AND GENERAL PROVISIONS

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AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 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 stated set forth 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 \_\_\_\_\_)

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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 in compliance with ~~pursuant to~~ Section 39.5 of the Act. To the extent that the above specified data and information has previously been submitted to the Agency in compliance with ~~pursuant to~~ this Subpart, the data and information need not be resubmitted, ~~but; provided, however, that~~ the applicant must certify that the data and information previously submitted remains true, correct and current. ~~An 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 specify set forth 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~~

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~~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)**

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~~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 ~~shall~~ must maintain, ~~as a minimum~~: records detailing all activities ~~under~~ pursuant to any compliance



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program and project completion schedule in compliance with ~~pursuant to~~ Subpart H; ~~records detailing all malfunctions, breakdowns or startups pursuant to Subpart I and~~ records of all monitoring and testing conducted in compliance with ~~pursuant to~~ 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 ~~these regulations~~; and
  - 2) Specify ~~Set forth~~ 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 Illinois Administrative Procedure Act [5 ILCS 100] ~~APA Act~~.

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