

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1994

IN THE MATTER OF:)
)
AMENDMENTS TO THE NEW) R93-26
SOURCE REVIEW RULES) (Rulemaking)
35 ILL. ADM. CODE 203)

Proposed Rule. Second Notice.

OPINION AND ORDER OF THE BOARD (by G. T. Girard):

On October 7, 1993, the Board sent this proceeding to first notice by directing the Clerk to cause publication of the proposal in the Illinois Register. The Board held two hearings on this proposal one on December 8, 1993 and one on January 27, 1994. The Illinois Environmental Protection Agency was the only participant at those hearings. Today, the Board proceeds with this rulemaking to second notice with no substantive changes in the proposal.

BACKGROUND

On September 23, 1993, the Illinois Environmental Protection Agency (Agency) filed a "Motion For Expedited Correction and Affidavit" in R92-21 Amendments to New Source Review Rules. The Agency's motion asked that the Board submit to the Joint Committee on Administrative Rules (JCAR) a request for an expedited correction of 35 Ill. Adm. Code 203, pursuant to Section 5-85 of the Illinois Administrative Procedures Act (APA). (5 ILCS 100/5-85; Mot. at 1.) On October 1, 1993, the Board received a response to the Agency's motion filed by the Illinois Steel Group (Steel Group) opposing the adoption of an expedited correction.

The Board agreed that an error occurred and that the error should be corrected as quickly as possible since this section of the rules is a part of Illinois' SIP submittal. However, the question before the Board was how best to correct the typographical error. The Board determined that the best way to proceed was to open a new rulemaking docket under Section 28.2 of the Act.

On December 14, 1993, the Board received a motion filed by the Agency asking the Board to rule on the Agency's oral motion to dismiss this docket presented by the Agency at the December 8, 1993 hearing. The Board denied that motion on January 6, 1994.

DISCUSSION

The Board has received three public comments on this rule. In addition, the hearing officer at the December 8, 1993, hearing incorporated the motions filed in docket R92-21 onto this docket.

The comments were received from the Illinois Department of Commerce and Community Affairs (P.C. 1), the Secretary of State Administrative Code Unit (P.C. 2) and Browning-Ferris Industries (BFI) (P.C. 3). Other than comments by the Agency, no other testimony was presented at the hearings on this rulemaking. There have been no suggested amendments from the public, the Agency or the Board to this rulemaking. Therefore, the Board will proceed to second notice with this proposal.

ORDER

The Board directs the Clerk to cause the filing of the following proposal for Second Notice with the Joint Committee on Administrative Rules:

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

PART 203
 MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION

SUBPART A: GENERAL PROVISIONS

Section	
203.101	Definitions
203.103	Actual Construction
203.104	Actual Emissions
203.107	Allowable Emissions
203.110	Available Growth Margin
203.112	Building, Structure and Facility
203.113	Commence
203.116	Construction
203.117	Dispersion Enhancement Techniques
203.119	Emission Baseline
203.121	Emission Offset
203.122	Emissions Unit
203.123	Federally Enforceable
203.124	Fugitive Emissions
203.125	Installation
203.126	Lowest Achievable Emission Rate
203.127	Nonattainment Area
203.128	Potential to Emit
203.131	Reasonable Further Progress
203.134	Secondary Emissions
203.136	Stationary Source
203.145	Volatile Organic Material
203.150	Public Participation
203.155	Severability (Repealed)

SUBPART B: MAJOR STATIONARY SOURCES IN

NONATTAINMENT AREAS

Section	
203.201	Prohibition
203.202	Coordination with Permit Requirement and Application Pursuant to 35 Ill. Adm. Code 201
203.203	Construction Permit Requirement and Application
203.204	Duration of Construction Permit (Repealed)
203.205	Effect of Permits
203.206	Major Stationary Source
203.207	Major Modification of a Source
203.208	Net Emission Determination
203.209	Significant Emissions Determination
203.210	Relaxation of a Source-Specific Limitation
203.211	Permit Exemption Based on Fugitive Emissions

SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section	
203.301	Lowest Achievable Emission Rate
203.302	Maintenance of Reasonable Further Progress and Emission Offsets
203.303	Baseline and Emission Offsets Determination
203.304	Exemptions from Emissions Offset Requirement (Repealed)
203.305	Compliance by Existing Sources
203.306	Analysis of Alternatives

SUBPART F: OPERATION OF A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION

Section	
203.601	Lowest Achievable Emission Rate Compliance Requirement
203.602	Emission Offset Maintenance Requirement
203.603	Ambient Monitoring Requirement (Repealed)

SUBPART G: GENERAL MAINTENANCE OF EMISSION OFFSETS

Section	
203.701	General Maintenance of Emission Offsets

SUBPART H: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND MOTOR FIRING

Section	
203.801	Offsetting by Alternative or Innovative Means

AUTHORITY: Implementing Section 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1009.1, 1010 and 1027) [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted and codified at 7 Ill. Reg. 9344, effective July 22, 1983; codified at 7 Ill. Reg. 13588; amended in R85-20 at 12 Ill. Reg. 6118, effective March 22, 1988; amended in R91-24 at 16 Ill. Reg. 13551, effective August 24, 1992; amended in R92-21 at 17 Ill. Reg. 6973, effective April 30, 1993; amended in R93-9 at 17 Ill. Reg. 16630, effective September 27, 1993; amended in R93-26 at ___ Ill. Reg. _____, effective _____.

SUBPART B: MAJOR STATIONARY SOURCES IN
NONATTAINMENT AREAS

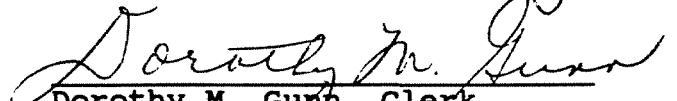
Section 203.209 Significant Emissions Determination

- a) A net emission increase in the pollutant emitted is significant if the rate of emission is equal to or in excess of the following:
- 1) Carbon monoxide: 100 tons per year (tpy)
 - 2) Nitrogen oxides: 40 tpy for a nonattainment area for nitrogen dioxide and 40 tpy for an ozone nonattainment area, except as provided in subsection (b) of this Section
 - 3) Sulfur dioxide: 40 tpy
 - 4) Particulate matter measured as PM-10: 2¹/₅ tpy
 - 5) Ozone: 40 tpy of volatile organic material, except as provided in subsection (b) of this Section
 - 6) Lead: 0.6 tpy
- b) For areas classified as serious or severe nonattainment for ozone, an increase in emissions of volatile organic material or nitrogen oxides shall be considered significant if the net emissions increase of such air pollutant from a stationary source located within such area exceeds 25 tons when aggregated with all other net increases in emissions from the source over any period of 5 consecutive calendar years which includes the calendar year in which such increase occurred. This provision shall become effective beginning November 15, 1992, or such later date that an area is classified as a serious or severe nonattainment area for ozone.

(Source: Amended at 17 Ill. Reg. _____, effective _____
_____)

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 17th day of February, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board