

ILLINOIS POLLUTION CONTROL BOARD
March 31, 1994

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

Adopted Rule. Final Order.

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 (Agency) was the only participant at those hearings. On February 17, 1994, the Board proceeded to second notice with no substantive changes in the proposal.

On March 22, 1994, the Joint Committee on Administrative Rules (JCAR) voted a certificate of no objection to this rulemaking. The Board today adopts the rule, which amends Section 302.209(a)(4) to read "15 tpy" from "25 tpy" and directs the publication of the rule in the Illinois Register.

BACKGROUND

On September 23, 1993, the 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 into 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. During first notice there were no suggested amendments from the public, the Agency or the Board to this rulemaking. On March 22, 1994, JCAR voted a certification of no objection to this rulemaking. JCAR made no suggestions for substantive changes during second notice. The Board finds that the proposal meets the requirements of the Act. Therefore the Board adopts the rule.

ORDER

The Board directs the Clerk to cause the filing of the following proposal for Final Notice with the Administrative Code Division of the Secretary of State's office and to cause the publication in the Illinois Register:

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

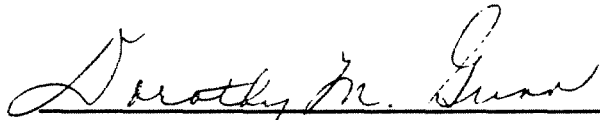
- a) A net emission increase in the pollutant emitted is significant if the rate of emission is equal to or in excess of the following:
- 1) Carbon monoxide: 100 tons per year (tpy)
 - 2) Nitrogen oxides: 40 tpy for a nonattainment area for nitrogen dioxide and 40 tpy for an ozone nonattainment area, except as provided in subsection (b) of this Section
 - 3) Sulfur dioxide: 40 tpy
 - 4) Particulate matter measured as PM-10: 215 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 31st day of March, 1994, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board