

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1992

IN THE MATTER OF:)
)
EXPANSION OF APPLICABILITY OF)
REASONABLY AVAILABLE CONTROL)
TECHNOLOGY FOR OZONE TO GOOSE) R91-28
LAKE AND ,AUX SABLE TOWNSHIPS IN) (Rulemaking)
GRUNDY COUNTY, ILLINOIS, AND)
OSWEGO TOWNSHIP IN KENDALL COUNTY)
ILLINOIS: AMENDMENTS TO 35 ILL.)
ADM. CODE PARTS 215 AND 218)

Proposed Rule. First Notice.

ORDER OF THE BOARD (by R. C. Flemal):

On February 18, 1992, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal is intended to expand the geographical applicability of reasonably available control technology (RACT) regulations to certain stationary sources of volatile organic material (VOM) in Goose Lake and Aux Sable Townships in Grundy County, Illinois, and to Oswego Township in Kendall County, Illinois.

On July 25, 1991, the Board adopted revisions to the State implementation plan (SIP) to make it consistent with the existing Federal implementation plan (FIP) (Board docket R91-7¹). The revised SIP contains a complete set of RACT regulations applying to stationary VOM sources located in the six Chicago area counties of Cook, Lake, DuPage, Kane, McHenry, and Will. The regulations do not include Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County. However, the Agency states that because these townships have now been included within the Chicago area boundaries designated by USEPA as nonattainment for ozone, they also must be included in the SIP.

Pursuant to a provision of the Clean Air Act Amendments (42 USC §7511a(c) and a(b)(2)), Illinois is to submit these regulations changing the applicability of parts 215 and 218 as a revision to its SIP by November 15, 1992.

¹ The Board notes that in its order of February 27, 1992, it incorrectly noted the docket number as R91-8. The R91-8 proceeding contained revisions involving the Metro-East area, whereas R91-7 contained revisions pertaining to the Chicago area.

The Board accepted the proposal for hearing on February 27, 1992. The Board also accepted the Agency's certification that this rulemaking is federally required pursuant to Section 28.2 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111½, par.1028.2), as amended by P.A. 86-1409.

By today's opinion and order, the Board sends this proposal to first notice, as required by Section 5.01 of the Illinois Administrative Procedure Act, and is submitted for publication as filed by the Agency. The Board has made only minor nonsubstantive changes to the rules as proposed by the Agency, in order to conform to Administrative Code Unit requirements.

The Board emphasizes that in sending this proposal to first notice, it adopts no substantive position on the merits of the proposal. The Board believes that publishing the proposal at this time will maximize the opportunity for public comment on the proposal. Additionally, the Board has already stated that it places a very high priority on the quick resolution of this rulemaking. Beginning the statutorily-required first notice period at this time will allow for the most expeditious resolution of the proceeding.

ORDER

The Board directs the Clerk of the Board to cause first notice publication of the following amendments in the Illinois Register.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

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

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, 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. 13601; Notice of Corrections at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117, effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; amended in R88-19 at 14

Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14
 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at
 15 Ill. Reg. 3309, effective February 13, 1991; amended in R88-14
 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at
 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10
 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in
 R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991;
 amended in R91-9 at 16 Ill. Reg. 3132, effective February 18,
 1992; amended in R91-28 at 16 Ill. Reg. _____, effective _____
 _____.

SUBPART A: GENERAL PROVISIONS

Section 215.100 Introduction

- a) This Part contains standards and limitations for emissions of organic material from stationary sources located in areas other than the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, and the Metro East area counties of Madison, Monroe, and St. Clair. Standards and limitations applying in the Chicago area are set forth in Part 218. Standards and limitations applying in the Metro East area are set forth in Part 219.
 - 1) Notwithstanding any other provision of this Part, the provisions of this Part shall not apply to sources located in the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, unless the provisions of 35 Ill. Adm. Code Part 218 applicable to such sources are voided or otherwise made ineffective pursuant to Section 218.100 of 35 Ill. Adm. Code Part 218.
 - 2) Notwithstanding any other provision of this Part, the provisions of this Part shall not apply to sources in the Metro East area counties of Madison, Monroe and St. Clair unless the provisions of 35 Ill. Adm. Code Part 219 applicable to such sources are voided or otherwise made ineffective pursuant to Section 219.100 of 35 Ill. Adm. Code Part 219.
- b) Sources subject to this Part may be subject to the following:
 - 1) Permits required under 35 Ill. Adm. Code 201;

- 2) Air quality standards under 35 Ill. Adm. Code 243.
- c) This Part is divided into Subparts which are grouped as follows:
- 1) Subpart A: General provisions;
 - 2) Subparts B - J: Emissions from equipment and operations in common to more than one industry;
 - 3) Subparts K - M: Emissions from use of organic material;
 - 4) Subparts N - end: Special rules for various industry groups.

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

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

PART 218
 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
 FOR THE CHICAGO AREA

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AUTHORITY: Implementing Section 10 and authorized by Section 28.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010 and 1028.2)

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-28 at 16 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 218.103 Applicability

The provisions of this Part shall apply to all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, or Aux Sable Township or Goose Lake Township in Grundy County, or Oswego Township in Kendall County.

- a) The provisions of this Part shall become effective on July 1, 1991 with the following exceptions:
 - 1) The provisions of this Part shall become effective on September 1, 1991 for each appellant, including the constituents represented by appellants who are associations, who has appealed the federal implementation plan (FIP) for the Chicago area (Illinois Regulatory Group v. USEPA; No. 90-2778 (and consolidated cases) (7th Cir.)).

2) The effectiveness of any provision of this Part applicable to any individual source or category of sources which has appealed the FIP shall be stayed to the extent that such individual source or category of sources received a stay of the effectiveness of the FIP from USEPA or from a court. When the court has taken final action or when USEPA has published in the Federal Register final action to revise or affirm the provisions of the FIP specifically applicable to such individual source or category of sources or such stay is terminated, the Board shall take corresponding action, if necessary, by the adoption of a peremptory rule pursuant to 35 Ill. Adm. Code 102.347 and Section 5.03 of the Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, ch. 1005.03).

3) The provisions of this Part shall become effective on November 15, 1992 for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.

b) The provisions of the Part shall not apply to Viskase Corporation; Allsteel, Incorporated; Stepan Company; or Ford Motor Company to the extent such source has obtained an adjusted standard from the Board or an exclusion from the General Assembly for any Subpart of this Part or of Part 215.

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

Section 218.106 Compliance Dates

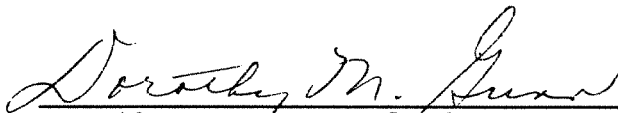
a) Compliance with the requirements of this Part is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties, consistent with the appropriate provisions of Section 218.103.

b) Compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County, or in Oswego Township in Kendall County.

(Source: Amended at ____ 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 March, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board