

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1985

IN THE MATTER OF:)
)
PARTICULATE EMISSION LIMITATIONS,) R82-1
RULE 203(g)(1) AND 202(b) OF)
CHAPTER 2)

PROPOSED RULE. SECOND FIRST NOTICE.

ORDER OF THE BOARD (by Jacob D. Dumelle)

On July 19, 1984, the Board adopted a Proposed Rule/First Notice Order, followed by a Proposed Rule/Second Notice Order on December 6, 1984. Instead of filing the second notice proposal with the Joint Committee on Administrative Rules at that time, the Board allowed a comment period since the Second Notice Order differed substantially from first notice. Motions to extend the comment period were filed by various participants to the proceeding on January 10, January 14, February 26 and March 25, 1985. Comments and a proposed amendment were filed by the Illinois Environmental Protection Agency (Agency) on April 24, 1985.

The main difficulty remaining in this proceeding is the degradation provision of 35 Ill. Adm. Code 212.203 [old rule 203(g)(1)(C)]. The Agency continues to argue that the record fully supports the adoption of the originally proposed degradation rule. However, the Agency also offers an alternative rule which would be essentially the same as the originally proposed rule except that the emission baseline would be re-established by using the results of the most recent stack tests. The Agency also provided data demonstrating what the effect of the rule would be.

While the Agency does not wish to go on record as "proposing" this amendment, the Board finds the amendment to be meritorious and will propose that amendment. Further, the Board will return to first notice to do so, since this is now the second amendment of the proposal since the original first notice, there have been numerous comments on the various proposals, and the Illinois Power Company (IPC) has requested an additional hearing. Additionally, the Agency proposes the correction of certain errors which arose during the codification of this Part which the Board will include in its second first notice proposal.

The Board agrees with IPC that an additional hearing is advisable for much the same reasons that it has determined to return to first notice. By taking this course the Board can assure a full and open public airing of the new data presented by

the Agency and any new issues which may arise as a result of the latest amendment to the proposal. Furthermore, one last opportunity will be provided to cure any perceived deficiencies in the record. The Board does, however, remain committed to completing this rulemaking by the end of the year.

The Board hereby proposes the following amendments:

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

PART 201
PERMITS AND GENERAL PROVISIONS

Section 201.102 Definitions

"Air Contaminant": any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.

"Air Pollution Control Equipment": any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

"Air Pollution": the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

"Ambient Air": that portion of the atmosphere external to buildings comprising emission sources.

"Ambient Air Quality Standard": those standards promulgated from time to time by the Pollution Control Board (Board) pursuant to authority contained in the Act and found at 35 Ill. Adm. Code 243, or by the United States Environmental Protection Agency (USEPA) pursuant to authority contained in 42 U.S.C. 7401 et seq., as amended from time to time.

"Clean Air Act": the Clean Air Act of 1970, as amended, including the Clean Air Act Amendments of 1977, as amended (42 U.S.C. 7401 et seq.)

"Commence": the act of entering into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modifications.

"Construction": commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

"Emission Source": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"Existing Air Pollution Control Equipment": any air pollution control equipment, the construction or modification which has commenced prior to April 14, 1972.

"Existing Emission Source": any emission source, the construction or modification of which has commenced prior to April 14, 1972.

"Modification": any physical change in, or change in the method of operations, of an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted. Notwithstanding any other provisions of this definition, for purposes of permits issued pursuant to Subpart D, the Illinois Environmental Protection Agency (Agency) may specify conditions under which an emission source or air pollution control equipment may be operated without causing a modification as herein defined, and normal cyclical variations, before the date operating permits are required, shall not be considered modifications.

"New Air Pollution Control Equipment": any air pollution control equipment, the construction or modification of which is commenced on or after April 14, 1972.

"New Emission Source": any emission source, the construction or modification of which is commenced on or after April 14, 1972.

"Owner or Operator": any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

"Person": any individual, corporation, partnership, firm, association, trust estate, public or private institution, group, agency, political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

"PSD Increment": the maximum allowable increase over baseline concentration of ~~sulfur dioxide~~ any air contaminant as determined by Section 163 of the Clean Air Act (42 U.S.C. 7473) and regulations adopted thereunder.

"Specified Air Contaminant": any air contaminant as to which this Chapter contains emission standards or other specific limitations.

"Standard Industrial Classification Manual": The Standard Industrial Classification Manual (1972), Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Section 201.103 Abbreviations and Units

a) The following abbreviations have been used in this Part:

<u>btu or Btu</u>	British thermal units (60 F)
gal	gallons
hp	horsepower
<u>hr</u>	<u>hour</u>
gal/mo	gallons per month
gal/yr	gallons per year
kPa	kilopascals
kPa absolute	kilopascals absolute
kW	kilowatts
l	liters
<u>mmbtu/hr or M</u>	<u>million btu's per hour</u>
MW	megawatts; one million watts
psi	pounds per square inch
psia	pounds per square inch absolute

b) The following conversion factors have been used in this Part:

English	Metric
1 gal	3.785 l
1000 gal	3,785 cubic meters
1 hp	07452 kW
1 mmbtu/hr	0.293 MW
1 psi	6,897

PART 211
DEFINITIONS AND GENERAL PROVISIONS
SUBPART B: DEFINITIONS

Section 211.121 Other Definitions

All terms defined in 35 Ill. Adm. Code 201 which appear in 35 Ill. Adm. Code ~~212-217~~ 211-217 have the definitions specified by 35 Ill. Adm. Code 201.202. Otherwise the definitions specified in Section 211.122 apply.

PART 212
VISUAL AND PARTICULATE MATTER EMISSIONS
SUBPART B: VISUAL EMISSIONS

Section 212.123 Limitations for All Other Sources

- a) No person shall cause or allow the emission of smoke or other particulate matter from any ~~other~~ emission source other than those sources subject to Section 212.122 into the atmosphere of an opacity greater than 30 percent.
- b) Exception: The emission of smoke or other particulate matter from any such emission source may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such more opaque emissions permitted during any 60 minute period shall occur from only one such emission source located within a 305 m (1000 ft) radius from the center point of any other such emission source owned or operated by such person, and provided further that such more opaque emissions permitted from each such emission source shall be limited to 3 times in any 24 hour period.

SUBPART E: PARTICULATE MATTER EMISSIONS
FROM FUEL COMBUSTION EMISSION SOURCES

Section 212.201 Existing Sources Using Solid Fuel Exclusively
Located in the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel combustion source using solid fuel exclusively, located in the Chicago major metropolitan area, to exceed 0.15 kg of particulate matter per MW-hr of actual heat input in any one hour period (0.10 lbs./MBtu/hr) except as provided in Section 212.203.

(Board Notes: Sections 212.201 through 212.205 have been ruled invalid by the First District Appellate Court, Commonwealth Edison v. PCB, 25 Ill. App. 3d 271, 323 NE 2d 84 and in Ashland Chemical Corp. v. PCB, 64 Ill. App. 3d 169. Section 212.205 was adopted after the Court challenges and is a valid rule.)

Section 212.202 Existing Sources Using Solid Fuel Exclusively
Located Outside the Chicago Area

No person shall cause or allow the emission of particulate matter into the atmosphere from any existing fuel combustion source using solid fuel exclusively, which is located outside the Chicago major metropolitan area, to exceed the limitations specified in the table below and Illustration A in any one hour period except as provided in Section 212.203.

METRIC UNITS

<u>H (Range)</u>	<u>S</u>
<u>Megawatts</u>	<u>Kilograms per megawatt</u>
Less than or equal to 2.93	1.55
Greater than 2.93 but Smaller than 73.2	$3.33H^{-0.715}$
Greater than or equal to 73.2	0.155

ENGLISH UNITS

<u>H (Range)</u>	<u>S</u>
<u>Million Btu per hour</u>	<u>Pounds per million btu</u>
Less than or equal to 10	1.0
Greater than 10 but smaller than 250	$5.18 H^{-0.715}$
Greater than or equal to 250	0.1

where:

S = Allowable emission standard in lbs/MBtu/hr or kg/MW of actual heat input, and

H = Actual heat input in million Btu per hour or megawatts

Section 212.203 Existing Controlled Sources Using Solid Fuel Exclusively

Notwithstanding Section 212.201 and 212.202, any existing fuel combustion source using solid fuel exclusively may, in any one hour period, emit up to, but not exceed 0.31 kg/MW-hr (0.20 lbs/mmbtu), if as of April 14, 1972, either any one of the following conditions was met:

- a) The emission source hasd an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which ~~is~~ was less than 0.31 kg/MW-hr (0.20 lbs/mmbtu) of actual heat input, and the emission control of such source is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmbtu) from such original design or acceptance performance test conditions; or,
- b) The source ~~is~~ was in full compliance with the terms and conditions of a variance granted by the Pollution Control Board (Board) sufficient to achieve an hourly emission rate less than 0.31 kg/MW-hr (0.20 lbs/mmbtu), and construction hasd commenced on equipment or modifications prescribed under that program; and emission control of such source is not

allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmbtu) from original design or equipment performance test conditions, whichever is stricter, or,

c) The emission source had an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.120 lbs/mmbtu) of actual heat input, and the emission control of such source is not allowed to degrade more than 0.77 kg/MW-hr (0.05 lbs/mmbtu) from that rate demonstrated by the most recent stack test, submitted to and accepted by the Agency prior to April 1, 1985, provided that:

- 1) Owners and operators of sources subject to this subsection shall apply for a new operating permit within 180 days of the effective date of this section; and
- 2) The application for a new operating permit shall include a demonstration that the proposed emission rate, if greater than the emission rate allowed by subsections (a) or (b) of this section, will not under any foreseeable operating conditions and potential meteorological conditions cause or contribute to a violation of any applicable primary or secondary ambient air quality standard for particulate matter, or violate any applicable prevention of significant deterioration (PSD) increment, or violate 35 Ill. Adm. Code 201.141; and
- 3) The emission limits determined pursuant to this subsection (c) shall be submitted to the USEPA if required pursuant to the Clean Air Act.

Section 212.204 New Sources Using Solid Fuel Exclusively

No person shall cause or allow the emission of particulate matter into the atmosphere ~~in any one hour period~~ from any new fuel combustion emission source using solid fuel exclusively to exceed 0.15 kg of particulate matter per MW-hr of actual heat input (0.1 lbs./mBtu) in any one hour period.

Section 212.210 Effective Date

This Part shall be effective immediately, but compliance with Sections 212.123, 212.201, 212.202, 212.203 and 212.204 shall not be required until January 1, 1987.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16th day of May, 1985 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board