



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

December 16, 2010

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

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DEC. 21 2010
STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 34, Issue 52 of the Illinois Register, dated 12/27/2010.

ADOPTED RULES

Primary Drinking Water Standards	
35 Ill. Adm. Code 611	19848
Point of Contact: Michael McCambridge	

PROPOSED RULES

Nitrogen Oxides Emissions	
35 Ill. Adm. Code 217	19830
Point of Contact: Nancy Miller	

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code citation: 35 Ill. Adm. Code 217
- 3) Section Numbers: Proposed Action:
217.152 Amend
- 4) Statutory authority: Implementing Section 10, and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28].
- 5) A complete description of the subjects and issues involved:

Saint-Gobain Containers, Inc. (SGCI) owns and operates a glass manufacturing plant, including three glass melting furnaces, at 13850 Cottage Grove Avenue in Dolton. The Board's air pollution regulations at 35 Ill. Adm. Code 217.204 require specified glass melting furnaces to meet a nitrogen oxides (NO_x) emissions limitation of 5.0 lb/ton of glass produced by January 1, 2012. Section 217.152(b) includes an alternative compliance date of December 31, 2014 for units required to meet NO_x emissions limitations included in a legally enforceable order on or before December 31, 2009, where such emissions limitations are less than 30 percent of the limit of 5.0 lb/ton of glass produced.

Because of an agreement SGCI was negotiating with the U.S. Attorney and other entities at the time the Board promulgated the applicable NO_x limitations, SGCI sought the alternative compliance date. Although the participants in the Board's rulemaking process expected a qualifying agreement by the December 31, 2009 deadline in Section 217.152(b), the federal court did not enter a qualifying Consent Decree until May 7, 2010. SGCI states that, in order for its Dolton plant to qualify for the December 31, 2014 compliance date, it proposes to change the deadline for obtaining a legally enforceable order to May 7, 2010.

For a more detailed description of this rulemaking, see the Board's December 2, 2010, first-notice opinion and order: Proposed Site-Specific Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b). (R11-17)

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SGCI states in its rulemaking petition that “no published study or research report was used in developing this rule amendment.”

- 7) Will this proposed rule replace emergency rules currently in effect? No.
- 8) Does this rulemaking contain an automatic repeal date? No.
- 9) Does this proposed rule contain incorporations by reference? No.
- 10) Are there any other amendments pending on this Part? Yes.

Section Numbers: Proposed Action: Illinois Register Citation

217.388 Amend 34 Ill. Reg. 17513; November 19, 2010

- 11) Statement of statewide policy objectives: This proposed rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2008)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-17 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Timothy Fox at 312-814-6085.

Interested persons may obtain copies of the Board's opinion and order by downloading them from the Board's Web site at www.ipcb.state.il.us or by calling the Clerk's office at 312-814-3620.

- 13) Initial regulatory flexibility analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: In its rulemaking petition, SGCI refers to the Board's adopt of standards applicable to glass melting furnaces and states that "[a]ll parties understood that the alternative [compliance date] provision at 35 Ill. Adm. Code § 217.152(b) was intended for SGCI. . . ." Accordingly, the proposal is not expected to affect any other source and is not expected to affect a small business, small municipality, or not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: As SGCI's proposal would amend only the deadline for obtaining a court in order to qualify for an alternate compliance date, the proposal is not expected to require new reporting, bookkeeping, or other procedures for compliance.
- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control requirements are expected to be necessary.
- 14) Regulatory Agenda on which this rulemaking was summarized. State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas.

As noted above under Section 5, SCGI originally sought the alternative compliance date in Section 217.152(b) because of an agreement that it was negotiating with other entities at the time the Board promulgated the applicable NO_x limitations. Although the participants in the Board's rulemaking process expected a qualifying agreement by the December 31, 2009 deadline, the federal court did not enter a qualifying Consent Decree until May 7, 2010. Because of that unexpected delay of approximately four months, and because the Board did not receive SGCI's petition until November 24, 2010, this rulemaking was not summarized in either of the Board's two most recent regulatory agendas.

The full text of the proposed amendment begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 217
NITROGEN OXIDES EMISSIONS
SUBPART A: GENERAL PROVISIONS

Section	
217.100	Scope and Organization
217.101	Measurement Methods
217.102	Abbreviations and Units
217.103	Definitions
217.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
217.121	New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section	
217.141	Existing Emission Units in Major Metropolitan Areas

SUBPART D: NO_x GENERAL REQUIREMENTS

Section	
217.150	Applicability
217.152	Compliance Date
217.154	Performance Testing
217.155	Initial Compliance Certification
217.156	Recordkeeping and Reporting
217.157	Testing and Monitoring
217.158	Emissions Averaging Plans

SUBPART E: INDUSTRIAL BOILERS

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Section

- 217.160 Applicability
- 217.162 Exemptions
- 217.164 Emissions Limitations
- 217.165 Combination of Fuels
- 217.166 Methods and Procedures for Combustion Tuning

SUBPART F: PROCESS HEATERS

Section

- 217.180 Applicability
- 217.182 Exemptions
- 217.184 Emissions Limitations
- 217.185 Combination of Fuels
- 217.186 Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

Section

- 217.200 Applicability
- 217.202 Exemptions
- 217.204 Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

- 217.220 Applicability
- 217.222 Exemptions
- 217.224 Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

- 217.240 Applicability
- 217.242 Exemptions
- 217.244 Emissions Limitations

SUBPART K: PROCESS EMISSION SOURCES

Section

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section

217.340 Applicability
217.342 Exemptions
217.344 Emissions Limitations
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section

217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section

217.386 Applicability
217.388 Control and Maintenance Requirements
217.390 Emissions Averaging Plans
217.392 Compliance
217.394 Testing and Monitoring
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section

217.400 Applicability
217.402 Control Requirements
217.404 Testing
217.406 Monitoring
217.408 Reporting
217.410 Recordkeeping

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO_x GENERATING UNITS

Section

217.450 Purpose

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

217.452	Severability
217.454	Applicability
217.456	Compliance Requirements
217.458	Permitting Requirements
217.460	Subpart U NO _x Trading Budget
217.462	Methodology for Obtaining NO _x Allocations
217.464	Methodology for Determining NO _x Allowances from the New Source Set-Aside
217.466	NO _x Allocations Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from NO _x Trading Program
217.480	Opt-In Units: Change in Regulatory Status
217.482	Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section	
217.521	Lake of Egypt Power Plant
217.700	Purpose
217.702	Severability
217.704	Applicability
217.706	Emission Limitations
217.708	NO _x Averaging
217.710	Monitoring
217.712	Reporting and Recordkeeping

SUBPART W: NO_x TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section	
217.750	Purpose
217.751	Sunset Provisions
217.752	Severability
217.754	Applicability
217.756	Compliance Requirements
217.758	Permitting Requirements
217.760	NO _x Trading Budget

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO _x Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
217.770	Early Reduction Credits for Budget EGUs
217.774	Opt-In Units
217.776	Opt-In Process
217.778	Budget Opt-In Units: Withdrawal from NO _x Trading Program
217.780	Opt-In Units: Change in Regulatory Status
217.782	Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section

217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO _x Emission Reductions and the Subpart X NO _x Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO _x Emission Reductions
217.830	Limitations on NO _x Emission Reductions
217.835	NO _x Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units
217.APPENDIX F	Allowances for Electrical Generating Units
217.APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NO _x SIP Call
217.APPENDIX H	Compliance Dates for Certain Emissions Units at Petroleum Refineries

Authority: Implementing Sections 10 and authorized by Sections 27 and 28 of the

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Environmental Protection Act [415 ILCS 5/10, 27 and 28 (2008)].

Source: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. _____, effective _____.

SUBPART D: NO_x GENERAL REQUIREMENT

Section 217.152 Compliance Date

- a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or operator of an emission unit that is subject to any of those Subparts is required beginning January 1, 2012.
- b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart G of this Part by an owner or operator of an emission unit subject to Subpart G of this Part shall be extended until December 31, 2014, if such units are required to meet emissions limitations for NO_x, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before ~~December 31, 2009~~ May 7, 2010, whereby such emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204.
- c) Notwithstanding subsection (a) of this Section, the owner or operator of emission units subject to Subpart E or F of this Part and located at a petroleum refinery must comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, for those emission units beginning January 1, 2012, except that the owner or operator of emission units listed in Appendix H must comply with the requirements of this Subpart, including the option of demonstrating compliance with the applicable Subpart through an emissions averaging plan under Section 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units beginning on the dates set forth in Appendix H. With Agency approval, the owner or operator of emission units listed in Appendix H may elect to comply with the requirements of this Subpart and Subpart E or F of this Part, as

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

applicable, by reducing the emissions of emission units other than those listed in Appendix H, provided that the emissions limitations of such other emission units are equal to or more stringent than the applicable emissions limitations set forth in Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.

(Source: Amended at 35 Ill. Reg. _____, effective _____)