

From: [McGill, Richard](#)
To: [Brown, Don](#)
Subject: PC for R18-21
Date: Thursday, March 22, 2018 1:12:16 PM
Attachments: [35-201JCENotes.docx](#)
[35-201ProposedChanges.docx](#)

Good afternoon, Mr. Clerk:

Please add this email and two attachments to the R18-21 record as a PC from Jonathan Eastvold of JCAR staff.

If you have any questions, please let me know. Thank you.

From: Eastvold, Jonathan C. [mailto:JonathanE@ilga.gov]
Sent: Thursday, March 22, 2018 11:20 AM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] 35 IAC 201

Richard –

Attached is a line-numbered markup combining your proposed changes (judging from the attachment posted on the docket) with the ones we found, along with a list of changes identified by line number and citation.

Thanks so much.

JE

Jonathan C. Eastvold, Ph.D.
Rules Analyst II
Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Building
Springfield, IL 62706

Tel.: 217-785-2254
JonathanE@ilga.gov

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<u>Line</u>	<u>Citation</u>	<u>Change</u>
219	201.102, "Ambient Air Quality Standard"	"U.S.C." to "USC"
223	201.102, "Clean Air Act"	"U.S.C." to "USC"
270	201.102, "PSD Increment"	"U.S.C." to "USC"
483	201.146(m)	"dilutents" to "diluent"
554	201.146(aa)(4)	"electro static precipitor" to "electrostatic precipitator"
1012	201.160(b)(5)	"of this Subpart" to "of this Part"
1584	201.209(a)(1)(A)	"hexachloro benzene" to "hexachlorobenzene"
1586	201.209(a)(1)(A)	"tetrachloridibenzo-p-dioxin" to "tetrachlorodibenzo-p-dioxin"
1584	201.209(a)(1)(A)	"hexachloro benzene" to "hexachlorobenzene"
1605	201.209, Source	"201.109" to "201.209"
1683	201.210(a)(13)	"dilutents" to "diluent"
1687	201.210(a)(14)	"dilutents" to "diluent"
1826	201.210(a)(23)	After "source" add a semicolon.
2134	201.282(a)	"by" to "be"
2176	201.302(a)	After "Agency" add a comma.
2227	201.401(a)(1)(B)(ii)	"U.S.C." to "USC"
2387	201.406(a)	"code" to "Code"
2873	201.620(b)	After the citation delete the comma.
2894	201.630(b)	"40 CFR 63.subpart DDDDD" to "subpart DDDDD of 40 CFR 63"
2900	201.630(c)	"40 CFR 63.subpart DDDDD" to "subpart DDDDD of 40 CFR 63"

2950 201.APPENDIX B

"Petroleum and Coal Products Indusry" to "Petroleum
and Coal Products Industry"

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

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6 PART 201
7 PERMITS AND GENERAL PROVISIONS

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32 201.143 Operating Permits for New Sources
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160		
161	201.APPENDIX A	Rule into Section Table
162	201.APPENDIX B	Section into Rule Table
163	201.APPENDIX C	Past Compliance Dates

164
165 AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of
166 the Environmental Protection Act [415 ILCS 5/10, 39, 39.5, and 39.12].

167
168 SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB
169 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill.
170 Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January
171 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628,
172 effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989;
173 amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B)
174 at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483,
175 effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21,
176 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17
177 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective
178 June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in
179 R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill.
180 Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August
181 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-
182 10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005,
183 effective December 23, 2013; amended in R17-9 at 41 Ill. Reg. 4140, effective March 24, 2017.
184

SUBPART A: DEFINITIONS

Section 201.101 Other Definitions

- a) Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] (Act).
- b) All terms defined in 35 Ill. Adm. Code 211 which appear in this Part have the definitions specified by 35 Ill. Adm. Code 211.

(Source: Amended at 18 Ill. Reg. 15760, effective October 17, 1994)

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 USC 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 USC 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.

231
232 "Emission Source": any equipment or facility of a type capable of emitting
233 specified air contaminants to the atmosphere.
234
235 "Existing Air Pollution Control Equipment": any air pollution control equipment,
236 the construction or modification which has commenced prior to April 14, 1972.
237
238 "Existing Emission Source": any emission source, the construction or
239 modification of which has commenced prior to April 14, 1972.
240
241 "Modification": any physical change in, or change in the method of operations, of
242 an emission source or of air pollution control equipment which increases the
243 amount of any specified air contaminant emitted by such source or equipment or
244 which results in the emission of any specified air contaminant not previously
245 emitted. It shall be presumed that an increase in the use of raw materials, the time
246 of operation or the rate of production will change the amount of any specified air
247 contaminant emitted. Notwithstanding any other provisions of this definition, for
248 purposes of permits issued pursuant to Subpart D, the Illinois Environmental
249 Agency (Agency) may specify conditions under which an emission source or air
250 pollution control equipment may be operated without causing a modification as
251 herein defined, and normal cyclical variations, before the date operating permits
252 are required, shall not be considered modifications.
253
254 "New Air Pollution Control Equipment": any air pollution control equipment, the
255 construction or modification of which is commenced on or after April 14, 1972.
256
257 "New Emission Source": any emission source, the construction or modification
258 of which is commenced on or after April 14, 1972.
259
260 "Owner or Operator": any person who owns, leases, controls or supervises an
261 emission source or air pollution control equipment.
262
263 "Person": any individual, corporation, partnership, firm, association, trust, estate,
264 public or private institution, group, agency, political subdivision of this State, any
265 other State or political subdivision or agency thereof or any legal successor,
266 representative, agent or agency of the foregoing.
267
268 "PSD Increment": the maximum allowable increase over baseline concentration
269 of any air contaminant as determined by Section 163 of the Clean Air Act (42
270 [U.S.C. 7473](#)) and regulations adopted thereunder.
271
272 "Specified Air Contaminant": any air contaminant as to which this Subtitle
273 contains emission standards or other specific limitations and any contaminant
274 regulated in Illinois pursuant to Section 9.1 of the Act.
275
276 "Standard Industrial Classification Manual": the Standard Industrial

277 Classification Manual (1972), Superintendent of Documents, U.S. Government
278 Printing Office, Washington, D.C. 20402.

279
280 (Source: Amended at 15 Ill. Reg. 17699, effective November 26, 1991)

281
282 **Section 201.103 Abbreviations and Units**

283
284 a) The following abbreviations have been used in this Part:
285

Act	Illinois Environmental Protection Act
AER	Annual Emissions Report
Agency	Illinois Environmental Protection Agency
btu or Btu	British thermal units
CAA	Clean Air Act
CAAPP	Clean Air Act Permit Program
CO	Carbon monoxide
CO ₂ e	Carbon dioxide equivalent
gal	gallons
HAPs	hazardous air pollutants
hp	horsepower
hr	hour
gal/mo	gallons per month
gal/yr	gallons per year
kPa	kilopascals
kPa absolute	kilopascals absolute
kW	kilowatts
l	liters
Mg	megagrams
m ³	cubic meters
MM	million
MW	megawatts; one million watts
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMOC	nonmethane organic compounds
NO _x	nitrogen oxide
NSPS	New Source Performance Standards
NSR	New Source Review
PBR	permit by rule
PM	particulate matter
PM ₁₀	particulate matter with an aerodynamic diameter less than or equal to 10 micrometers
PM _{2.5}	particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers
PSD	Prevention of Significant Deterioration
psi	pounds per square inch
psia	pounds per square inch absolute

ROSS	Registration of Smaller Sources
SO ₂	sulfur dioxide
TPY	tons per year
USEPA	United States Environmental Protection Agency
VOM	volatile organic material
yr	year

286
287 b) The following conversion factors have been used in this Part:
288

English	Metric
1 gal	3.785 l
1,000 gal	3.785 m ³
1 hp	0.7452 kW
1MMBtu/hr	0.293 MW
1 psi	6.897 kPa

289
290 (Source: Amended at 41 Ill. Reg. 4140, effective March 24, 2017)
291

292 **Section 201.104 Incorporations by Reference**
293

294 The following materials are incorporated by reference. These incorporations by reference do not
295 include any later amendments or editions:
296

- 297 a) Standard Industrial Classification Manual (1972), Superintendent of Documents,
298 U.S. Government Printing Office, Washington DC 20402.
299
- 300 b) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and
301 Continuous-Flow Grain Dryers, American Society of Agricultural Engineers,
302 2950 Niles Road, St. Joseph, MI 49085.
303
- 304 c) Prevention of Significant Deterioration of Air Quality, 40 CFR 52.21 (2015).
305
- 306 d) Standards of Performance for New Stationary Sources, 40 CFR 60:
307
- 308 1) Subpart A – General Provisions (2015);
 - 309
 - 310 2) Standards of Performance for Small Industrial-Commercial-Institutional
311 Steam Generating Units, Subpart Dc (2015);
312
 - 313 3) Appendix A-4, Reference Method 10 – Determination of Carbon
314 Monoxide Emissions from Stationary Sources (2015); and
315
 - 316 4) Subpart Ja – Standards of Performance for Petroleum Refineries for
317 Which Construction, Reconstruction, or Modification Commenced After
318 May 14, 2007 (2015).
319

320 e) National Emission Standards for Hazardous Air Pollutants for Source Categories,
321 40 CFR 63:

- 322
- 323 1) Subpart A – General Provisions (2015);
 - 324
 - 325 2) Subpart DDDDD – National Emission Standards for Hazardous Air
326 Pollutants for Major Sources: Industrial, Commercial, and Institutional
327 Boilers and Process Heaters (2015); and
 - 328
 - 329 3) Subpart JJJJJ – National Emission Standards for Hazardous Air
330 Pollutants for Industrial, Commercial, and Institutional Boilers Area
331 Sources (2015).
 - 332

333 (Source: Amended at 41 Ill. Reg. 4140, effective March 24, 2017)

334
335 **SUBPART B: GENERAL PROVISIONS**

336
337 **Section 201.121 Existence of Permit No Defense**

338
339 The existence of a permit under this Part shall not constitute a defense to a violation of the Act or
340 any rule or regulation of this Chapter, except for construction or operation without a permit.

341
342 **Section 201.122 Proof of Emissions**

343
344 Notwithstanding other provisions of this Chapter, evidence that specified air contaminant
345 emissions, as calculated on the basis of standard emission factors or other factors generally
346 accepted as true by those persons engaged in the field of air pollution control, exceed the
347 limitations prescribed by this Chapter shall constitute adequate proof of a violation, in the
348 absence of a showing that actual emissions are in compliance.

349
350 **Section 201.123 Burden of Persuasion Regarding Exceptions**

351
352 In any proceeding pursuant to this Chapter, if an exception stated in this Chapter would limit an
353 obligation, limit a liability or eliminate either an obligation or a liability, the person who would
354 benefit from the application of the exception shall have the burden of persuasion that the
355 exception applies and that the terms of the exception have been met.

356
357 **Section 201.124 Annual Report (Repealed)**

358
359 ~~The Agency shall annually prepare and submit to the Board an Air Contaminant Emission Report~~
360 ~~which lists the emission sources in the State for which an operating permit is required under this~~
361 ~~Part, describes the type, quantity and concentrations of the various specified contaminants being~~
362 ~~emitted and describes the existing and planned controls and the scheduled dates for completion~~
363 ~~of improvements.~~

364
365 **Section 201.125 Severability**

366
367 If any provision of these rules or regulations is adjudged invalid, or if the application thereof to
368 any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity
369 of this Chapter as a whole or of any part, subpart, sentence or clause thereof not adjudged
370 invalid.

371
372 **Section 201.126 Repealer**

373
374 Each provision of the Rules and Regulations Governing the control of Air Pollution, as amended
375 August 19, 1969, applying to an emission source shall remain in full force and effect unless and
376 until such source is required to comply with a corresponding provision of this Chapter.

377
378 **SUBPART C: PROHIBITIONS**

379
380 **Section 201.141 Prohibition of Air Pollution**

381
382 No person shall cause or threaten or allow the discharge or emission of any contaminant into the
383 environment in any State so as, either alone or in combination with contaminants from other
384 sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this
385 Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality
386 standard.

387
388 **Section 201.142 Construction Permit Required**

389
390 No person shall cause or allow the construction of any new emission source or any new air
391 pollution control equipment, or cause or allow the modification of any existing emission source
392 or air pollution control equipment, without first obtaining a construction permit from the
393 Agency, except as provided in Sections 201.146 or Section 201.170(b) of this Part.

394
395 (Source: Amended at 27 Ill. Reg. 5820, effective March 21, 2003)

396
397 **Section 201.143 Operating Permits for New Sources**

398
399 No person shall cause or allow the operation of any new emission source or new air pollution
400 control equipment of a type for which a construction permit is required by Section 201.142
401 without first obtaining an operating permit from the Agency, except for such testing operations
402 as may be authorized by the construction permit. Applications for operating permits shall be
403 made at such times and contain such information (in addition to the information required by
404 Section 201.157 as shall be specified in the construction permit.

405
406 **Section 201.144 Operating Permits for Existing Sources**

407
408 No person shall cause or allow the operation of any existing emission source or any existing air
409 pollution control equipment without first obtaining an operating permit from the Agency, except
410 as provided in Section 201.146. Dates on which permits were required are shown in Appendix
411 C.

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Section 201.146 Exemptions from State Permit Requirements

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 MMBtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 MMBtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, subpart D;
- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 MMBtu/hr);
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;
- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 MMBtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than

- 458 1118 kW (1500 bhp) or stationary turbine, except that a permit shall be required
459 for the following:
460
461 1) Any internal combustion engine with a rating at equal to or greater than
462 500 bhp output that is subject to the control requirements of 35 Ill. Adm.
463 Code 217.388(a) or (b); or
464
465 2) Any stationary gas turbine engine with a rated heat input at peak load of
466 10.7 gigajoules/hr (10 MMBtu/hr) or more that is constructed,
467 reconstructed or modified after October 3, 1977 and that is subject to
468 requirements of 40 CFR 60, subpart GG;
469
470 j) Rest room facilities and associated cleanup operations, and stacks or vents used to
471 prevent the escape of sewer gases through plumbing traps;
472
473 k) Safety devices designed to protect life and limb, provided that a permit is not
474 otherwise required for the emission unit with which the safety device is
475 associated;
476
477 l) Storage tanks and fuel dispensing equipment that are both used for the dispensing
478 of fuel to mobile sources, including on-road and off-road vehicles, for use in such
479 mobile sources;
480
481 m) Printing operations with aggregate organic solvent usage that never exceeds 2,839
482 l (750 gal) per year from all printing lines at the source, including organic solvent
483 from inks, ~~diluents/dilutents~~, fountain solutions and cleaning materials;
484
485 n) Storage tanks of:
486
487 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal),
488 provided the storage tank is not used to store any amount of material or
489 mixture of any material listed as a hazardous air pollutant pursuant to
490 section 112(b) of the Clean Air Act;
491
492 2) Any size containing exclusively soaps, detergents, surfactants, waxes,
493 glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup,
494 aqueous salt solutions or aqueous caustic solutions, provided an organic
495 solvent has not been mixed with such materials; or
496
497 3) Any size containing virgin or re-refined distillate oil (including kerosene
498 and diesel fuel), hydrocarbon condensate from natural gas pipeline or
499 storage systems, lubricating oil or residual fuel oils;
500
501 o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure
502 relief valves, pressure relief devices and pumps;
503

Commented [JCE1]: ?

- 504 p) Sampling connections used exclusively to withdraw materials for testing and
505 analyses;
- 506 q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000
507 gal) located on oil field sites;
- 508 r) All organic material-water single or multiple compartment effluent water
509 separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa
510 absolute (5 psia);
- 511 s) Grain-handling operations, exclusive of grain-drying operations, with an annual
512 grain through-put not exceeding 300,000 bushels;
- 513 t) Grain-drying operations with a total grain-drying capacity not exceeding 750
514 bushels per hour for 5% moisture extraction at manufacturer's rated capacity,
515 using the American Society of Agricultural Engineers Standard 248.2, Section 9,
516 Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
- 517 u) Portable grain-handling equipment and one-turn storage space;
- 518 v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor
519 pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured
520 at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- 521 w) Coin-operated dry cleaning operations;
- 522 x) Dry cleaning operations at a source that consume less than 30 gallons per month
523 of perchloroethylene;
- 524 y) Brazing, soldering, wave soldering or welding equipment, including associated
525 ventilation hoods;
- 526 z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for
527 preparing food or beverages, but not including facilities used in the manufacturing
528 and wholesale distribution of food, beverages, food or beverage products, or food
529 or beverage components;
- 530 aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing,
531 surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot
532 peening, or polishing ceramic artwork, leather, metals (other than beryllium),
533 plastics, concrete, rubber, paper stock, wood or wood products, where such
534 equipment is either:
- 535 1) Used for maintenance activity;
- 536 2) Manually operated;
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- 3) Exhausted inside a building; or
 - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electrostatic precipitator or a scrubber;
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
- 1) Extruders used in the manufacture of polymers;
 - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and
 - 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act;
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;

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- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a through-put of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
 - jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
 - kk) (Reserved);
 - ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
 - mm) Equipment used for hydraulic or hydrostatic testing;
 - nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including motor vehicle refinishing;
 - oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has been added to the water;
 - pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;
 - qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
 - 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;
 - 2) Located at a commercial laundry; or
 - 3) Coin operated;
 - rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
 - ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;

- 642 tt) Activities associated with the construction, on-site repair, maintenance or
643 dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks
644 and other structures that do not constitute emission units;
645
- 646 uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
647
- 648 vv) Water treatment or storage systems, as follows:
649
- 650 1) Systems for potable water or boiler feedwater;
651
- 652 2) Systems, including cooling towers, for process water, provided that such
653 water has not been in direct or indirect contact with process streams that
654 contain volatile organic material or materials listed as hazardous air
655 pollutants pursuant to section 112(b) of the Clean Air Act;
656
- 657 ww) Lawn care, landscape maintenance and grounds keeping activities;
658
- 659 xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat
660 objects with oils, waxes or greases, provided no organic solvent has been mixed
661 with such materials;
662
- 663 yy) Use of consumer products, including hazardous substances as that term is defined
664 in the Federal Hazardous Substances Act (15 USC 1261 et seq.), where the
665 product is used at a source in the same manner as normal consumer use;
666
- 667 zz) Activities directly used in the diagnosis and treatment of disease, injury or other
668 medical condition;
669
- 670 aaa) Activities associated with the construction, repair or maintenance of roads or
671 other paved or open areas, including operation of street sweepers, vacuum trucks,
672 spray trucks and other vehicles related to the control of fugitive emissions of such
673 roads or other areas;
674
- 675 bbb) Storage and handling of drums or other transportable containers, where the
676 containers are sealed during storage and handling;
677
- 678 ccc) Activities at a source associated with the maintenance, repair or dismantlement of
679 an emission unit or other equipment installed at the source, not including the
680 shutdown of the unit or equipment, including preparation for maintenance, repair
681 or dismantlement, and preparation for subsequent startup, including preparation of
682 a shutdown vessel for entry, replacement of insulation, welding and cutting, and
683 steam purging of a vessel prior to startup;
684
- 685 ddd) Equipment used for corona arc discharge surface treatment of plastic with a power
686 rating of 5 kW or less or equipped with an ozone destruction device;
687

- 688 eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic
689 use;
690
- 691 fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line,
692 excluding:
693
- 694 1) Dryers with a rated heat input capacity of 2930 kW (10 MMBtu/hr) or
695 more; and
696
 - 697 2) Dryers for which emissions other than those attributable to combustion of
698 fuel in the dryer, including emissions attributable to use or application of
699 cleaning agents, washing materials, coatings or inks or other process
700 materials that contain volatile organic material are not addressed as part of
701 the permitting of such line, if a permit is otherwise required for the line;
702
- 703 ggg) Municipal solid waste landfills with a maximum total design capacity of less than
704 2.5 million Mg or 2.5 million m³ that are not required to install a gas collection
705 and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or
706 Section 9.1 of the Act;
707
- 708 hhh) Replacement or addition of air pollution control equipment for existing emission
709 units in circumstances where:
710
- 711 1) The existing emission unit is permitted and has operated in compliance for
712 the past year;
713
 - 714 2) The new control equipment will provide equal or better control of the
715 target pollutants;
716
 - 717 3) The new control device will not be accompanied by a net increase in
718 emissions of any non-targeted criteria air pollutant;
719
 - 720 4) Different State or federal regulatory requirements or newly proposed
721 regulatory requirements will not apply to the unit; and
722
- 723 BOARD NOTE: All sources must comply with underlying federal
724 regulations and future State regulations.
725
- 726 5) Where the existing air pollution control equipment had required
727 monitoring equipment, the new air pollution control equipment will be
728 equipped with the instrumentation and monitoring devices that are
729 typically installed on the new equipment of that type.
730
- 731 BOARD NOTE: For major sources subject to Section 39.5 of the Act,
732 where the new air pollution control equipment will require a different
733 compliance determination method in the facility's CAAPP permit, the

734 facility may need a permit modification to address the changed
735 compliance determination method;

736
737 iii) Replacement, addition, or modification of emission units at facilities with
738 federally enforceable State operating permits limiting their potential to emit in
739 circumstances where:

740
741 1) The potential to emit any regulated air pollutant in the absence of air
742 pollution control equipment from the new emission unit, or the increase in
743 the potential to emit resulting from the modification of any existing
744 emission unit, is less than 0.1 pound per hour or 0.44 tons per year;

745
746 2) The raw materials and fuels used or present in the emission unit that cause
747 or contribute to emissions, based on the information contained in Material
748 Safety Data Sheets for those materials, do not contain equal to or greater
749 than 0.01 percent by weight of any hazardous air pollutant as defined
750 under section 112(b) of the federal Clean Air Act;

751
752 3) The emission unit or modification is not subject to an emission standard or
753 other regulatory requirement pursuant to section 111 of the federal Clean
754 Air Act;

755
756 4) Potential emissions of regulated air pollutants from the emission unit or
757 modification will not, in combination with emissions from existing units
758 or other proposed units, trigger permitting requirements under Section
759 39.5, permitting requirements under section 165 or 173 of the federal
760 Clean Air Act, or the requirement to obtain a revised federally enforceable
761 State operating permit limiting the source's potential to emit; and

762
763 5) The source is not currently the subject of a Non-compliance Advisory,
764 Clean Air Act Section 114 Request, Violation Notice, Notice of Violation,
765 Compliance Commitment Agreement, Administrative Order, or civil or
766 criminal enforcement action, related to the air emissions of the source;

767
768 jii) Replacement, addition, or modification of emission units at permitted sources that
769 are not major sources subject to Section 39.5 of the Act and that do not have a
770 federally enforceable State operating permit limiting their potential to emit, in
771 circumstances where:

772
773 1) The potential to emit of any regulated air pollutant in the absence of air
774 pollution control equipment from the new emission unit, or the increase in
775 the potential to emit resulting from the modification of any existing
776 emission unit is either:

777
778 A) Less than 0.1 pound per hour or 0.44 tons per year; or
779

- 780 B) Less than 0.5 pound per hour, and the permittee provides prior
781 notification to the Agency of the intent to construct or install the
782 unit. The unit may be constructed, installed or modified
783 immediately after the notification is filed;
784
- 785 2) The emission unit or modification is not subject to an emission standard or
786 other regulatory requirement under section 111 or 112 of the federal Clean
787 Air Act;
788
- 789 3) Potential emissions of regulated air pollutants from the emission unit or
790 modification will not, in combination with the emissions from existing
791 units or other proposed units, trigger permitting requirements under
792 Section 39.5 of the Act or the requirement to obtain a federally
793 enforceable permit limiting the source's potential to emit; and
794
- 795 4) The source is not currently the subject of a Non-compliance Advisory,
796 Clean Air Act Section 114 Request, Violation Notice, Notice of Violation,
797 Compliance Commitment Agreement, Administrative Order, or civil or
798 criminal enforcement action, related to the air emissions of the source;
799
- 800 kkk) The owner or operator of a CAAPP source is not required to obtain an air
801 pollution control construction permit for the construction or modification of an
802 emission unit or activity that is an insignificant activity as addressed by Section
803 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be
804 followed, as applicable. Other than excusing the owner or operator of a CAAPP
805 source from the requirement to obtain an air pollution control construction permit
806 for the emission units or activities, nothing in this subsection shall alter or affect
807 the liability of the CAAPP source for compliance with emission standards and
808 other requirements that apply to the emission units or activities, either
809 individually or in conjunction with other emission units or activities constructed,
810 modified or located at the source;
811
- 812 lll) Plastic injection molding equipment with an annual through-put not exceeding
813 5,000 tons of plastic resin in the aggregate from all plastic injection molding
814 equipment at the source, and all associated plastic resin loading, unloading,
815 conveying, mixing, storage, grinding, and drying equipment and associated mold
816 release and mold cleaning agents;
817
- 818 mmm) Sources required to comply with Section 201.175 (Registration of Smaller
819 Sources (ROSS)).
820
- 821 (Source: Amended at 41 Ill. Reg. 4140, effective March 24, 2017)
822

823 **Section 201.147 Former Permits (Repealed)**

824 ~~Any permit issued by the Agency, or any predecessor, is subject to the requirements of Section~~
825

826 ~~201.121, 201.142 through 201.146 and Subparts D through F, and shall be revised or revoked as~~
827 ~~necessary to conform to this Chapter.~~

828
829 **Section 201.148 Operation Without Compliance Program and Project Completion**
830 **Schedule**

- 831
832 a) No person shall cause or allow the operation of an emission source which is not in
833 compliance with the requirements of 35 Ill. Adm. Code 215 unless such person is
834 in compliance with a compliance program as provided for in Subpart H and in the
835 applicable provisions of 35 Ill. Adm. Code 215.
836 b) Any compliance plan or project completion schedule, where applicable, shall be a
837 binding condition of the operating permit for the source.

838
839 (Source: Amended 7 Ill. Reg. 1244, effective January 21, 1983)

840
841 **Section 201.149 Operation During Malfunction, Breakdown or Startups**

842
843 No person shall cause or allow the continued operation of an emission source during malfunction
844 or breakdown of the emission source or related air pollution control equipment if such operation
845 would cause a violation of the standards or limitations set forth in Subchapter c of this Chapter
846 unless the current operating permit granted by the Agency provides for operation during a
847 malfunction or breakdown. No person shall cause or allow violation of the standards or
848 limitations set forth in that Subchapter during startup unless the current operating permit granted
849 by the Agency provides for violation of such standards or limitations during startup.

850
851 **Section 201.150 Circumvention**

852
853 Except as provided in 35 Ill. Adm. Code 212.207, 214.162 and 214.182 through 214.185, and
854 except as further provided by Section 201.151, no person shall cause or allow the construction or
855 operation of any device or any means, including the creation or use of any corporations or other
856 business entities having interlocking directorships or substantially identical ownerships which,
857 without resulting in a reduction in the total amount of any air contaminant emitted, conceals,
858 dilutes or permits air contaminant emissions which would otherwise violate these regulations.

859
860 **Section 201.151 Design of Effluent Exhaust Systems**

- 861
862 a) No person shall cause or allow the operation of an emission source or of air
863 pollution control equipment without providing one or more stacks or vents that
864 are designed to prevent the concentration of any air contaminant from:
865
866 1) Exceeding any applicable ambient air quality standard, either alone or in
867 combination with air contaminants from other sources; or,
868
869 2) Causing or tending to cause air pollution, either alone or in combination
870 with air contaminants from other sources; or,
871

872 3) Exceeding the emission standards and limitations of subchapter (c) of this
873 Chapter.

874
875 b) Exception. This rule shall not apply to emission sources, such as stock piles of
876 particulate matter which, because of the disperse nature of such emission sources,
877 cannot reasonably be expected to be emitted through a stack.

878
879 **SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS**

880
881 **Section 201.152 Contents of Application for Construction Permit**

882
883 An application for a construction permit shall contain, as a minimum, the following data and
884 information: The nature of the emission unit and air pollution control equipment, including the
885 expected life and deterioration rate; information concerning processes to which the emission unit
886 or air pollution control equipment is related; the quantities and types of raw materials to be used
887 in the emission source or air pollution control equipment; the nature, specific points of emission
888 and quantities of uncontrolled and controlled air contaminant emissions at the source that
889 includes the emission unit or air pollution control equipment; the type, size, efficiency and
890 specifications (including engineering drawings, plans and specifications certified to by a
891 registered Illinois professional engineer) of the proposed emission unit or air pollution control
892 equipment; maps, statistics and other data reasonably sufficient to describe the location of the
893 emission unit or air pollution control equipment. The Agency may waive the submission by the
894 applicant of such engineering drawings, plans, specifications or such other portions of the above
895 data or information as it shall deem inappropriate or unnecessary to the construction permit
896 application. The Agency may adopt procedures that require data and information in addition to
897 and in amplification of the matters specified in the first sentence of this Section, that are
898 reasonably designed to determine compliance with this Chapter and ambient air quality
899 standards, or that set forth the format by which all data and information shall be submitted.

900
901 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

902
903 **Section 201.153 Incomplete Applications (Repealed)**

904
905 (Source: Repealed at 22 Ill. Reg. 11451, effective June 23, 1998)

906
907 **Section 201.154 Signatures (Repealed)**

908
909 (Source: Repealed at 22 Ill. Reg. 11451, effective June 23, 1998)

910
911 **Section 201.155 Standards for Issuance (Repealed)**

912
913 (Source: Repealed at 22 Ill. Reg. 11451, effective June 23, 1998)

914
915 **Section 201.156 Conditions**

916
917 The Agency may impose such conditions in a construction permit as may be necessary to

918 accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated
919 by the Board thereunder. Except as herein specified, nothing in this Chapter shall be deemed to
920 limit the power of the Agency in this regard. Such conditions may include conditions specifying
921 any testing operations that may be conducted under the construction permit.

922

923 (Source: Amended at 3 Ill. Reg. 30, p. 124, effective July 28, 1979)

924

925 **Section 201.157 Contents of Application for Operating Permit**

926

927 An application for an operating permit shall contain, as a minimum, the data and information
928 specified in Section 201.152. Each application shall list all individual emission units and air
929 pollution equipment for which a permit is sought. Any applicant may seek to obtain from the
930 Agency a permit for each emission unit, or such emission units as are similar in design or
931 principle of operation or function, or for all emission units encompassed in an identifiable
932 operating unit, unless subject to the provisions of Section 201.169 of this Subpart or required to
933 obtain an operating permit with federal enforceable conditions pursuant to Section 39.5 of the
934 Act. To the extent that the above specified data and information has previously been submitted
935 to the Agency pursuant to this Subpart, the data and information need not be resubmitted;
936 provided, however, that the applicant must certify that the data and information previously
937 submitted remains true, correct and current. An application for an operating permit shall contain
938 a description of the startup procedure for each emission unit, the duration and frequency of
939 startups, the types and quantities of emissions during startup, and the applicant's efforts to
940 minimize any such startup emissions, duration of individual startups, and frequency of startups.
941 If applicable, pursuant to the requirements of Subpart I of this Part, an application for a permit
942 shall contain a description of the startup procedure for each emission unit, the duration and
943 frequency of startups and quantities of emissions during startup in excess of emissions during
944 operations, and the applicant's efforts to minimize any such startup emissions. The Agency may
945 adopt procedures that require data and information in addition to and in amplification of the
946 matters specified in the first sentence of this Section, that are reasonably designed to determine
947 compliance with this Chapter and ambient air quality standards, and that set forth the format by
948 which all data and information shall be submitted.

949

950 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

951

952 **Section 201.158 Incomplete Applications**

953

954 An application shall not be deemed to be filed until the applicant has submitted all information
955 and completed application forms required by Section 201.152 or 201.157 of this Subpart,
956 whichever is applicable, and procedures adopted and effective pursuant hereto. Provided,
957 however, that if the Agency fails to notify the applicant within 30 days after the filing of a
958 purported application that the application is incomplete and of the reasons the Agency deems it
959 incomplete, the application shall be deemed to have been filed as of the date of such purported
960 filing. The applicant may treat the Agency's notification that an application is incomplete as a
961 denial of the application for purposes of review, pursuant to Section 40 of the Act [415 ILCS
962 5/40].

963

964 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

965
966 **Section 201.159 Signatures**

967
968 All applications and supplements thereto shall be signed by the owner and operator of the source,
969 or their authorized agent, and shall be accompanied by evidence of authority to sign the
970 application.

971
972 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

973
974 **Section 201.160 Standards for Issuance**

- 975
976 a) No construction permit shall be granted unless the applicant submits proof to the
977 Agency that:
- 978 1) The emission unit or air pollution control equipment will be constructed or
979 modified to operate so as not to cause a violation of the Act or of this
980 Chapter; and
 - 981 2) If subject to a future compliance date, the applicant has an approved
982 compliance program and project completion schedule in accordance with
983 the provisions of Subpart H of this Part.
- 984
985 b) No operating permit shall be granted unless the applicant submits proof to the
986 Agency that:
- 987 1) The emission unit or air pollution control equipment has been constructed
988 or modified to operate so as not to cause a violation of the Act or of this
989 Chapter, or has been granted a variance therefrom by the Board and is in
990 full compliance with such variance; and
 - 991 2) The emission unit or air pollution control equipment has been constructed
992 or modified in accordance with all conditions in the construction permit,
993 where applicable; and
 - 994 3) The emission unit or air pollution control equipment has been shown by
995 tests in accordance with the provisions of Subpart J of this Part, applicable
996 regulations, and permit conditions to operate in accordance with the
997 emission limitations set forth in this Chapter, provided that the Agency
998 may waive the requirement for actual tests where sufficient standard
1000 testing information is available; and
 - 1001 4) The applicant has taken all technically feasible measures, including
1002 changes in work rules, to minimize the duration and frequency of startups
1003 and to reduce the quantity of emissions during startups; and
- 1004
1005
1006
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1009

- 1010 5) If subject to a future compliance date, the applicant has an approved
1011 compliance program and project completion schedule in accordance with
1012 the provisions of Subpart H of this ~~Part~~Subpart; and
1013
1014 6) If required, the applicant has an approved episode action plan in effect in
1015 accordance with the provisions of 35 Ill. Adm. Code 244.
1016

1017 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

1018
1019 **Section 201.161 Conditions**

1020
1021 The Agency may impose such conditions in an operating permit as may be necessary to
1022 accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated
1023 by the Board thereunder. Except as herein specified, nothing in this Chapter shall be deemed to
1024 limit the power of the Agency in this regard. When deemed appropriate as a condition to the
1025 issuance of an operating permit, the Agency may require that the permittee adequately maintain
1026 the air pollution control equipment covered by the permit. To assure that such a maintenance
1027 program is planned, the Agency may require that the permittee have a maintenance program and
1028 keep such maintenance records as are necessary to demonstrate compliance with this rule;
1029 provided, however, the Agency shall not have the authority to approve the maintenance
1030 programs required thereunder.
1031

1032 **Section 201.162 Duration**

- 1033
1034 a) No operating permit shall be valid longer than ten years or such shorter period as
1035 the Agency may specify in the operating permit as necessary to accomplish the
1036 purposes of the Act and this Chapter, unless the source is subject to:
1037
1038 1) Section 201.169 of this Subpart; or
1039
1040 2) Section 39.5 of the Act, except for sources exempt pursuant to Section
1041 39.5(1.1).
1042
1043 b) Applications for renewal of an operating permit shall be submitted to the Agency
1044 at least 90 days prior to the expiration of the prior permit, and shall conform to
1045 Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of
1046 operating permits shall be as set forth in Section 201.160.
1047

1048 (Source: Amended at 34 Ill. Reg. 19575, effective December 1, 2010)

1049
1050 **Section 201.163 Joint Construction and Operating Permits**

1051
1052 In cases where the Agency determines that an emission unit or air pollution control equipment is
1053 sufficiently standard so as to obviate the need for separate construction and operating permits,
1054 the Agency may issue a joint construction and operating permit. The Agency may adopt
1055 procedures that: set forth the circumstances under which joint construction and operating

1056 permits may be issued; require data and information designed to determine compliance with this
1057 Chapter and ambient air quality standards; and set forth the format by which all data and
1058 information shall be submitted. The standards for issuance of joint construction and operating
1059 permits shall be as set forth in Section 201.160. Except as herein provided, nothing in this
1060 Chapter shall be deemed to limit the power of the Agency in this regard. The term "operating
1061 permit" as used elsewhere in this Chapter shall be deemed to include a joint construction and
1062 operating permit.

1063
1064 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

1065
1066 **Section 201.164 Design Criteria (Repealed)**

- 1067
1068 a) ~~The Agency may adopt procedures that set forth criteria for the design, operation~~
1069 ~~or maintenance of emission units and air pollution control equipment. These~~
1070 ~~procedures shall be revised from time to time to reflect current engineering~~
1071 ~~judgment and advances in the state of the art.~~
- 1072
1073 b) ~~Before adopting new criteria or making substantive changes to any criteria~~
1074 ~~adopted by the Agency, the Agency shall:~~
- 1075
1076 1) ~~Publish a summary of the proposed changes in the Environmental Register~~
1077 ~~or a comparable publication at the Agency's expense; and~~
- 1078
1079 2) ~~Provide a copy of the full text of the proposed changes to any person who~~
1080 ~~in writing so requests; and~~
- 1081
1082 3) ~~Defer adoption of the changes for 45 days from the date of publication to~~
1083 ~~allow submission and consideration of written comments on the proposed~~
1084 ~~changes.~~

1085
1086 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

1087
1088 **Section 201.165 Hearings**

- 1089
1090 a) The Agency may conduct hearings, prior to issuing a permit pursuant to this
1091 Chapter, to determine whether an applicant has submitted proof that the emission
1092 source or air pollution control equipment is or will be in compliance with every
1093 rule of this Chapter.
- 1094
1095 b) The Agency shall adopt procedural regulations for the conduct of such hearings.

1096
1097 **Section 201.166 Revocation**

1098
1099 Violation of any of the conditions of a permit, or the failure to comply with any rule or
1100 regulation of this Chapter, shall be grounds for revocation of the permit, as well as for other
1101 sanctions provided in the Act. Such sanctions shall be sought by filing a complaint with the

1102 Board.

1103

1104 (Source: Renumbered from Section 201.207 at 18 Ill. Reg. 15760, effective October 17,
1105 1994)

1106

1107 **Section 201.167 Revisions to Permits**

1108

1109 The Agency may revise any permit issued pursuant to Subpart D or any condition contained in
1110 such permit, as follows:

1111

1112 a) Upon reapplication by the permittee; or

1113

1114 b) Upon the revision of the Act or this Chapter.

1115

1116 (Source: Renumbered from Section 201.209 at 18 Ill. Reg. 15760, effective October 17,
1117 1994)

1118

1119 **Section 201.168 Appeals from Conditions**

1120

1121 An applicant may consider any condition imposed by the Agency in a permit as a refusal by the
1122 Agency to grant a permit, which shall entitle the applicant to appeal the Agency's decision to the
1123 Board pursuant to Section 40 of the Act [415 ILCS 5/40].

1124

1125 (Source: Renumbered from Section 201.210 and amended at 18 Ill. Reg. 15760, effective
1126 October 17, 1994)

1127

1128 **Section 201.169 Special Provisions for Certain Operating Permits**

1129

1130 a) Applicability:

1131

1132 1) Operating permits issued pursuant to Section 39 of the Act for sources of
1133 air pollution that are not subject to the requirements of Section 39.5 of the
1134 Act and are not required to have a federally enforceable State operating
1135 permit are subject to the provisions of this Section.

1136

1137 2) This Section only applies to sources that meet the requirements of
1138 subsection (a)(1) above and whose permit has not expired pursuant to a
1139 renewal request under subsection (b)(2) of this Section. If this Section no
1140 longer applies to a source and its permit has not expired pursuant to a
1141 renewal request under subsection (b)(2) of this Section, the terms and
1142 conditions of the permit shall remain in effect until the permit is
1143 superseded by a new or revised permit or is withdrawn.

1144

1145 3) Nothing in this Subpart shall be construed as exempting persons with
1146 permits issued pursuant to this Section from the requirements of Section
1147 201.142 of this Part requiring a construction permit or from review under

1148 Part 203 procedures for new and modified emission units.

1149

1150

b) Expiration and Renewal:

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1152

- 1) The Agency may request the renewal of an operating permit subject to this Section for reasons including, but not limited to, a change in the requirements applicable to the source; an indication that the information on the source's application is inaccurate; or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.

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- 2) Notwithstanding Section 201.162 of this Subpart, an operating permit subject to this Section shall expire 180 days after the Agency sends a written request for renewal of the permit. A permit shall terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.

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- 3) In its request for renewal pursuant to subsection (b)(2) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Section or the ability of the source to comply with any requirement.

1165

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- 4) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.168 of this Subpart, or a determination that a permit application is incomplete based upon insufficiencies such as, but not limited to, a failure to submit information requested under subsection (b)(3) above or Section 201.158 of this Subpart.

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1177

c) Requirement for a Revised Permit:

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- 1) Persons with operating permits subject to this Section must obtain a revised permit prior to any of the following changes at the source:

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1181

1182

- A) An increase in emissions above the amount the emission unit or the source is permitted to emit; or

1183

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- B) A modification; or

1186

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- C) A change in operations that will result in the source's noncompliance with a condition in the existing permit; or

1188

1189

1190

- D) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

1191

1192

1193

- 1194 2) If changes in the source's emission units or control equipment remove a
1195 source from the applicability of this Section, an owner or operator shall
1196 apply for a construction permit under Section 201.152 of this Subpart, if
1197 applicable, and either a federally enforceable State operating permit or a
1198 Clean Air Act Permit Program (CAAPP) permit pursuant to Section 39.5
1199 of the Act.

1200
1201 (Source: Added at 22 Ill. Reg. 11451, effective June 23, 1998)

1202
1203 **Section 201.170 Portable Emission Units**

- 1204 a) An emission unit is portable provided that the emission unit meets the following
1205 criteria.
1206
1207 1) Emissions from the emission unit are expected to occur for less than one
1208 year at any one site.
1209
1210 2) The emission unit of air pollution is subject to the requirements of Section
1211 201.169 of this Subpart.
1212
1213 3) The emission unit or group of emission units that will be changing sites is
1214 permitted to emit less than 25 tons per year of any combination of
1215 regulated air pollutants.
1216
1217 4) The emission unit is mounted on a chassis or skids and is designed to be
1218 moveable.
1219
1220 5) The emission unit is not used as a thermal desorption system pursuant to
1221 35 Ill. Adm. Code 728.Table F or as an incinerator system.
1222
1223 b) An owner or operator of a portable emission unit meeting the requirements of
1224 subsection (a) of this Section may change the site of the unit without obtaining a
1225 new construction or operating permit pursuant to Section 201.142, 201.143, or
1226 201.169 of this Part, provided that the owner or operator meets the following
1227 requirements:
1228
1229 1) The owner or operator has obtained a construction and operating permit
1230 containing special conditions as required by subsection (c) of this Section
1231 for the emission unit, or is exempt pursuant to subsection (d) of this
1232 Section.
1233
1234 2) If a permit issued pursuant to subsection (c) of this Section includes more
1235 than one emission unit, the owner or operator shall move all emission
1236 units covered by the permit to the new site.
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- 3) The owner or operator does not locate the emission unit on a site with a source:
 - A) That is subject to the requirements of Section 39.5 of the Act; or
 - B) That would become subject to the requirements of Section 39.5 of the Act if the emissions of all regulated pollutants from the portable emission unit were included in such source's potential to emit.
 - 4) The owner or operator does not modify the operation of the emission unit in such a way so as to:
 - A) Make the emission unit subject to New Source Review (NSR) requirements pursuant to 35 Ill. Adm. Code 203 or to Prevention of Significant Deterioration (PSD) pursuant to Section 9.1(a) of the Act; or
 - B) Make the emission unit a support facility of a source that is subject to Section 39.5 of the Act.
 - 5) At least three days prior to moving the emission unit to a new site, the owner or operator shall notify the Agency by certified mail. The notification shall include the items listed in this subsection (b)(5), unless the emission unit is exempt pursuant to subsection (d) of this Section:
 - A) The location of the new site;
 - B) The estimated emissions of all regulated air pollutants while located at the new site; and
 - C) That the operation for the emission unit will be consistent with its construction and operating permits.
 - 6) The owner or operator shall keep a copy of the construction and operating permits for that emission unit on the site where the emission unit is in operation.
- c) Permit Requirements.
- 1) The owner or operator of an emission unit must obtain a new or amended construction and operating permit containing special conditions for changing the site of the portable emission unit pursuant to the requirements of Sections 201.142, 201.143 and 201.169 of this Subpart prior to an initial change in site of an emission unit. The permit application, in addition to the information required pursuant to Section

1285 201.152, 201.157 and 201.169 of this Part, must contain the following
1286 information:

- 1287
1288 A) The initial site of the emission unit;
1289
1290 B) A permanent address where correspondence may be sent to the
1291 owner or operator; and
1292
1293 C) The permanent site of any required operating records.
1294
1295 2) If the portable emission unit has a permit pursuant to this subsection (c),
1296 but has not changed sites within the prior twelve months at least once, the
1297 owner or operator shall obtain a revised permit prior to changing the site
1298 of the emission unit.
1299
1300 d) The owner or operator of a portable emission unit that is included in more than
1301 one operating permit and meets the requirements of subsections (a)(2) through
1302 (a)(5), (b)(3), (b)(4) and (b)(6) of this Section may change the site of the unit
1303 without obtaining a new construction or operating permit pursuant to Section
1304 201.142, 201.143 or 201.169 of this Part when the unit is moved to a site covered
1305 by the permit.
1306

1307 (Source: Added at 27 Ill. Reg. 5820, effective March 21, 2003)
1308

1309 **Section 201.175 Registration of Smaller Sources (ROSS)**
1310

- 1311 a) An owner or operator of an eligible source shall annually register with the Agency
1312 instead of complying with the requirement to obtain an air pollution construction
1313 or operating permit under the Act or complying with a permit issued under
1314 Section 201.169. The owner and operator of a ROSS source are still subject to all
1315 applicable environmental statutes and regulations. The source must meet all of
1316 the following criteria to be an eligible source:
1317
1318 1) Pursuant to Section 9.14 of the Act:
1319
1320 A) *The source must not be required to obtain a permit pursuant to the*
1321 *Clean Air Act Permit Program, or federally enforceable State*
1322 *operating permit program, or under regulations promulgated*
1323 *pursuant to Section 111 or 112 of the Clean Air Act;*
1324
1325 B) *USEPA has not otherwise determined that a permit is required;*
1326
1327 C) *The source emits less than an actual 5 tons per year of combined*
1328 *particulate matter, carbon monoxide, nitrogen oxides, sulfur*
1329 *dioxide, and volatile organic material air pollutant emissions;*
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- D) *The source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;*
 - E) *The source emits less than an actual 0.05 tons per year of lead air emissions;*
 - F) *The source emits less than an actual 0.05 tons per year of mercury air emissions; and*
 - G) *The source does not have an emission unit or source subject to a standard pursuant to 40 CFR 61 (Maximum Achievable Control Technology) or 40 CFR 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that USEPA has categorized as "area source."*
- 2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728.Table F or as incinerator systems.
 - 3) The source or its emission units must not be subject to local siting under Section 39.2 of the Act.
- b) For the purposes of determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section, the owner or operator of a source shall only use emissions from units that are not exempt from the requirement to obtain a permit pursuant to Section 201.146, as follows:
- 1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year. If the source is new, or has been operating less than one calendar year, projected estimated emissions may be used for all of the remaining months in the prior calendar year, respectively.
 - 2) Annual renewal of registration:
 - A) For the purposes of determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must:
 - i) Verify that the source still meets the eligibility criteria in subsection (a)(1)(C); or
 - ii) Calculate emissions by summing all actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from all units associated with the source for the prior calendar year. The total sum of actual

- 1377 emissions of combined particulate matter, carbon
1378 monoxide, nitrogen oxides, sulfur dioxide, and volatile
1379 organic material air pollutant emissions for the prior
1380 calendar year must be less than or equal to 7 tons, or the
1381 total sum of actual emissions of combined particulate
1382 matter, carbon monoxide, nitrogen oxides, sulfur dioxide,
1383 and volatile organic material air pollutant emissions from
1384 the prior two calendar years must be less than or equal to
1385 10 tons.
- 1386
- 1387 B) For the purposes of determining compliance with subsections
1388 (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or
1389 operator must:
- 1390
- 1391 i) Verify that the source still meets the eligibility criteria in
1392 subsections (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this
1393 Section; or
- 1394
- 1395 ii) Calculate emissions by summing all actual emissions from
1396 all units at the source for the prior calendar year. Summed
1397 emissions of HAPs, mercury or lead must be less than or
1398 equal to 0.5 tons per year, 0.05 tons per year, or 0.05 tons
1399 per year, for the prior calendar year, respectively.
- 1400
- 1401 c) The following must be included in each initial registration and each re-entry
1402 registration:
- 1403
- 1404 1) The name, address, and telephone number of the source and of the person
1405 responsible for submitting and retaining copies of the registration
1406 information and the records;
- 1407
- 1408 2) A statement that the source meets the requirements of this Section;
- 1409
- 1410 3) A certification that the information submitted in subsections (c)(1) and
1411 (c)(2) of this Section is correct or a correction of the information; and
- 1412
- 1413 4) The applicable fee pursuant to Section 9.14 of the Act.
- 1414
- 1415 d) The owner or operator of an eligible source shall submit the registration required
1416 by subsection (c) of this Section as follows:
- 1417
- 1418 1) Initial registration:
- 1419
- 1420 A) The owner or operator of a source holding a permit may register
1421 after the effective date of this Section and no later than their annual
1422 fee payment date in fiscal year 2013 (July 1, 2012 through June 30,

- 1423 2013). The terms and conditions of a permit issued pursuant to
1424 Section 201.169 do not apply during the period the source is
1425 registered. The owner and operator of a ROSS source are still
1426 subject to all applicable environmental statutes and regulations.
1427
- 1428 B) The owner or operator of an operating source not holding a permit
1429 shall register no later than July 1, 2012.
1430
- 1431 C) The owner or operator of a new source shall register at least 10
1432 days before commencing construction or operation and may
1433 commence construction or operation 10 days after submittal to the
1434 Agency.
1435
- 1436 2) Annual registration. The owner or operator of a ROSS source must pay an
1437 annual fee on or before their annual fee payment date. Annual payment of
1438 the fee is verification by the owner or operator that the source continues to
1439 meet the criteria in subsection (a), as determined by subsection (b)(2), as
1440 applicable.
1441
- 1442 3) Re-entry into ROSS under subsection (h). The owner or operator of a
1443 source that re-enters ROSS based on the criteria in subsection (a), as
1444 determined by subsection (b)(1), must register and pay an annual fee on or
1445 before their annual fee payment date.
1446
- 1447 e) The owner or operator shall keep the following records and make them available
1448 for inspection by the Agency:
1449
- 1450 1) A description of the emission units associated with the source and their
1451 associated control devices;
1452
- 1453 2) A description of control efficiency or emission rates of any control devices
1454 that are relied upon to meet the criteria for ROSS in subsection (a), as
1455 determined by subsection (b)(1) or (b)(2), as applicable;
1456
- 1457 3) Documentation of the source's actual emissions and calculations
1458 demonstrating that the source is eligible for ROSS pursuant to the criteria
1459 in subsections (a), as determined by subsection (b)(1) or (b)(2), as
1460 applicable. This documentation may include, but is not limited to, annual
1461 material usage or emission rates;
1462
- 1463 4) A copy of the source's initial registration; and
1464
- 1465 5) A copy of the owner's or operator's annual fee payment for at least the
1466 most recent 5 calendar years.
1467

- 1468 f) Changes to a ROSS source requiring notification: The owner or operator of the
1469 source must notify the Agency in writing within 45 days after the change to the
1470 source, if the information provided in subsection (c)(1) of this Section changes.
1471
- 1472 g) Changes requiring a new or modified construction or operating permit, or
1473 compliance with conditions in an existing permit issued pursuant to Section
1474 201.169:
1475
- 1476 1) The owner or operator must apply for a permit by the date required by the
1477 new regulation or statute if there is a change in a regulation or statutory
1478 requirement or a new regulation or statutory requirement that makes a
1479 source ineligible for ROSS under the criteria in subsection (a), as
1480 determined in subsection (b)(2), as applicable.
1481
- 1482 2) If the source no longer meets the criteria in subsection (a), as determined
1483 by subsection (b)(2), as applicable:
1484
- 1485 A) The owner or operator of a source that did not have a permit under
1486 Section 201.169 prior to registration must apply and comply with
1487 the applicable requirements of the Act and 35 Ill. Adm. Code Parts
1488 201 and 203, as follows:
1489
- 1490 i) If the source is eligible for a permit under Section 201.169,
1491 the owner or operator must apply for a permit within 90
1492 days of the source's annual fee payment date.
1493
- 1494 ii) If the source is not eligible under Section 201.169, the
1495 owner or operator must apply for a permit as provided for
1496 under the Act and 35 Ill. Adm. Code Parts 201 and 203.
1497
- 1498 iii) If the source was not constructed or operated at the time of
1499 initial registration and has actual emissions in excess of the
1500 eligibility levels during the first or second year of
1501 operations as determined in subsection (b)(2), the owner or
1502 operator must apply for an operating permit and pay
1503 construction permit application fees.
1504
- 1505 B) The owner or operator of a source that had a permit under Section
1506 201.169 prior to registration:
1507
- 1508 i) If the source is in compliance with the terms and conditions
1509 of the permit, the owner or operator shall notify the Agency
1510 no later than the source's annual fee payment date of the
1511 calendar year following the change in status from a ROSS
1512 eligible source to a permitted source.
1513

- 1514 ii) If the source is not in compliance with the terms and
1515 conditions of the permit, but is still eligible for a permit
1516 pursuant to Section 201.169, the owner or operator must
1517 apply for a new or revised permit within 90 days of the
1518 source's annual fee payment date.
1519
1520 iii) If the source is not eligible for a permit pursuant to Section
1521 201.169, the owner or operator must comply with the
1522 applicable permitting requirements under the Act and 35
1523 Ill. Adm. Code Parts 201 and 203.
1524
1525 h) Reentry into ROSS: the owner or operator of a source that changed status to
1526 become a permitted source pursuant to subsection (g) of this Section shall submit
1527 a registration for ROSS if the source meets the criteria in subsections (a), as
1528 determined in subsection (b)(1), in the prior calendar year.

1529
1530 (Source: Added at 36 Ill. Reg. 19790, effective December 5, 2011)

1531
1532 SUBPART E: SPECIAL PROVISIONS FOR OPERATING
1533 PERMITS FOR CERTAIN SMALLER SOURCES

1534
1535 **Section 201.180 Applicability (Repealed)**

1536 (Source: Repealed at 22 Ill. Reg. 11451, effective June 23, 1998)

1537
1538
1539 **Section 201.181 Expiration and Renewal (Repealed)**

1540 (Source: Repealed at 22 Ill. Reg. 11451, effective June 23, 1998)

1541
1542
1543 **Section 201.187 Requirement for a Revised Permit (Repealed)**

1544 (Source: Repealed at 22 Ill. Reg. 11451, effective June 23, 1998)

1545
1546 SUBPART F: CAAPP PERMITS

1547
1548
1549 **Section 201.207 Applicability**

1550
1551 This Subpart shall apply only to sources subject to Section 39.5 of the Act. The requirements of
1552 Sections 201.143 through ~~201.146~~~~201.148~~ of Subpart C, Sections 201.157 through 201.165 and
1553 201.169 of Subpart D, and Subparts G and H of this Part shall not apply to a source subject to the
1554 requirements of Section 39.5 of the Act.

1555
1556 (Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

1557
1558 **Section 201.208 Supplemental Information**

1559

1560 Notwithstanding Sections 201.210, 201.211, and 201.212, an applicant for a CAAPP permit shall
1561 supplement its application with any information for an emission unit of the source that is needed
1562 to determine the applicability of any applicable requirement or to set forth in a permit any
1563 applicable requirement, when such information is requested by the Agency, pursuant to Section
1564 39.5(5)(g) of the Act, or when the applicant becomes aware that such information has not been
1565 submitted or that incorrect information has been submitted, pursuant to 39.5(5)(i) of the Act.

1566 (Source: Added at 18 Ill. Reg. 15760, effective October 17, 1994)

1567 **Section 201.209 Emissions of Hazardous Air Pollutants**

- 1570
- 1571 a) For the purposes of establishing whether an emission unit qualifies as an
1572 insignificant activity and providing emission data for an emission unit in a
1573 CAAPP application, an applicant may presume that an emission unit does not
1574 emit an air pollutant listed as hazardous pursuant to Section 112(b) of the Clean
1575 Air Act if:
- 1576
- 1577 1) Raw material, other than fuel, for the emission unit contains a
1578 concentration by weight of such pollutant that is equal to or less than the
1579 following:
- 1580
- 1581 A) 0.01 percent by weight for the following pollutants if more than 1
1582 ton of the raw material is used annually: alkylated lead
1583 compounds, polycyclic organic matter,
1584 ~~hexachlorobenzene~~~~hexachloro benzene~~, mercury, polychlorinated
1585 biphenyls, 2,3,7,8-tetrachlorodibenzofurans, and 2,3,7,8-
1586 ~~tetrachlorodibenzo~~~~tetrachloridibenzo~~-p-dioxin; or
- 1587
- 1588 B) 0.01 percent by weight for pollutants other than those in subsection
1589 (a)(1)(A) above if more than 1,000 tons of the raw material are
1590 used annually; or
- 1591
- 1592 C) 0.1 percent by weight for pollutants other than those addressed in
1593 subsection (a)(1)(A) or (B) above.
- 1594
- 1595 2) The fuel used in the emission unit does not qualify as a hazardous waste
1596 and the emission unit is not subject to an applicable requirement for the
1597 pollutant.
- 1598
- 1599 b) Notwithstanding the above, pursuant to Section 39.5(5)(g) of the Act, the Agency
1600 may require an applicant to submit specific information for an emission unit
1601 concerning emissions of an air pollutant listed as hazardous pursuant to Section
1602 112(b) of the Clean Air Act.
- 1603

1604 (Source: Former Section 201.209 renumbered to Section 201.167, new Section
1605 ~~201.209~~~~201.169~~ added at 18 Ill. Reg. 15760, effective October 17, 1994)

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Section 201.210 Categories of Insignificant Activities or Emission Levels

- a) The owner or operator of a CAAPP source, pursuant to 35 Ill. Adm. Code 270, shall submit to the Agency within its CAAPP application a list of the following activities or emission levels:
- 1) Any emission unit determined to be an insignificant activity by the Agency pursuant to Section 201.211 of this Part;
 - 2) Emission units with emissions that never exceed 0.1 lbs/hr of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to section 112(b) of the Clean Air Act;
 - 3) Emission units with emissions that never exceed 0.44 tons/year of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to section 112(b) of the Clean Air Act;
 - 4) Direct combustion units designed and used for comfort heating purposes and fuel combustion emission units as follows:
 - A) Units with a rated heat input capacity of less than 2.5 mmbtu/hr that fire only natural gas, propane or liquefied petroleum gas;
 - B) Units with a rated heat input capacity of less than 1.0 mmbtu/hr that fire only oil or oil in combination with only natural gas, propane, or liquefied petroleum gas;
 - C) Units with a rated capacity of less than 200,000 btu/hr which never burn refuse or treated or chemically contaminated wood;
 - 5) Extruders used for the extrusion of metals, minerals, plastics, rubber, or wood, excluding extruders used in the manufacture of polymers, provided that volatile organic materials or class I or II substances subject to the requirements of Title VI of the Clean Air Act are not used as foaming agents or release agents or were not used as foaming agents in the case of extruders processing scrap material;
 - 6) Furnaces used for melting metals other than beryllium with a brim full capacity of less than 450 cubic inches by volume;
 - 7) Equipment used for the melting or application of less than 50,000 lbs/yr of wax to which no organic solvent has been added;

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- 8) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions;
 - 9) Equipment used for the mixing and blending of materials at ambient temperature to make water based adhesives provided each material contains less than 5% organic solvent by weight;
 - 10) Storage tanks, as follows:
 - A) Storage tanks of organic liquids with a capacity of less than 10,000 gallons and an annual throughput of less than 100,000 gallons provided the tank is not used for the storage of any amount of gasoline, including gasoline/ethanol blend fuels, or any amount of material or mixture of any material listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act;
 - B) Storage tanks of gasoline, including gasoline/ethanol blend fuels, with a capacity of less than 2000 gallons;
 - 11) Storage tanks of virgin or rerefined distillate oil (including kerosene and diesel fuel), hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils;
 - 12) Die casting machines where a metal or plastic is formed under pressure in a die;
 - 13) Coating operations (excluding powder, architectural and industrial maintenance coating) with aggregate VOM usage that never exceeds 15 lbs/day from all coating lines at the source, including VOM from coating, ~~dilutents~~diluents, and cleaning materials;
 - 14) Printing operations with aggregate organic solvent usage that never exceeds 750 gallons per year from all printing lines at the source, including organic solvent from inks, ~~dilutents~~diluents, fountain solutions, and cleaning materials;
 - 15) Gas turbines and stationary reciprocating internal combustion engines of less than 112 kW (150 horsepower) power output;
 - 16) Gas turbines and stationary reciprocating internal combustion engines of between 1118 and 112 kW (1500 and 150 horsepower) power output that are emergency or standby units;
 - 17) Storage tanks of any size containing exclusively soaps, detergents,

- 1698 surfactants, waxes, glycerin, vegetable oils, greases, animal fats,
1699 sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions
1700 provided an organic solvent has not been mixed with such materials;
1701
- 1702 18) Loading and unloading systems for railcars, tank trucks, or watercraft that
1703 handle only the following liquid materials provided an organic solvent has
1704 not been mixed with such materials: soaps, detergents, surfactants,
1705 lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats,
1706 sweetener, corn syrup, aqueous salt solutions, or aqueous caustic
1707 solutions; and
1708
- 1709 19) Fuel dispensing operations and fuel dispensing equipment for the fuels
1710 specified in subsections (a)(19)(A) and (B), for mobile sources, including
1711 on-road and off-road vehicles, for use in those mobile sources. For
1712 purposes of this subsection (a)(19), fuel dispensing equipment means
1713 equipment for transferring fuel to a mobile source, including nozzles,
1714 hoses, swivels, breakaways, hose retractors, vapor valves, dispensers,
1715 vacuum-assist devices, vapor-return piping, and liquid collection points.
1716 Storage tanks and storage tank equipment are not included in fuel
1717 dispensing operations or fuel dispensing equipment and are addressed
1718 separately.
1719
- 1720 A) Gasoline, including gasoline/ethanol blend fuels, if the annual
1721 throughput of the fuel dispensed is less than 120,000 gallons
1722 (rolling 12 month total).
1723
- 1724 B) Distillate oil (including kerosene and diesel fuel), biodiesel, and
1725 biodiesel/distillate oil blends.
1726
- 1727 b) The owner or operator of a CAAPP source is not required to individually list the
1728 following activities in a CAAPP application pursuant to 35 Ill. Adm. Code 270.
1729 The applicant shall denote whether any of the following activities are present at
1730 the source in its CAAPP application:
1731
- 1732 1) Air conditioning or ventilating equipment not designed to remove air
1733 contaminants generated by or released from associated equipment;
1734
- 1735 2) Photographic process equipment by which an image is reproduced upon
1736 material sensitized to radiant energy;
1737
- 1738 3) Equipment used for hydraulic or hydrostatic testing;
1739
- 1740 4) General vehicle maintenance and servicing activities at the source, other
1741 than fuel handling or dispensing of gasoline (including gasoline/ethanol
1742 blend fuels), distillate oil (including kerosene and diesel fuel), biodiesel,
1743 or biodiesel/distillate oil blends;

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- 5) Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source;
 - 6) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing provided no organic solvent has been added to the water;
 - 7) Administrative activities including, but not limited to, paper shredding, copying, photographic activities, and blueprinting machines. This does not include incinerators;
 - 8) Laundry dryers, extractors, and tumblers processing clothing, bedding, and other fabric items used at the source that have been cleaned with water solutions of bleach or detergents provided that any organic solvent present in such items before processing that is retained from clean-up operations shall be addressed as part of the VOM emissions from use of cleaning materials;
 - 9) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
 - 10) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
 - 11) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
 - 12) Restroom facilities and associated clean-up operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
 - 13) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
 - 14) Storage tanks of organic liquids with a capacity of less than 500 gallons, provided the tank is not used for storage of any amount of material or mixture of any material listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act;
 - 15) Piping and storage systems for natural gas, propane, and liquefied

- 1790 petroleum gas;
1791
1792 16) Water treatment or storage systems, as follows:
1793
1794 A) Systems for potable water or boiler feedwater;
1795
1796 B) Systems, including cooling towers, for process water provided that
1797 such water has not been in direct or indirect contact with process
1798 streams that contain volatile organic material or materials listed as
1799 hazardous air pollutants pursuant to section 112(b) of the Clean Air
1800 Act;
1801
1802 17) Lawn care, landscape maintenance, and groundskeeping activities;
1803
1804 18) Containers, reservoirs, or tanks used exclusively in dipping operations to
1805 coat objects with oils, waxes, or greases, provided no organic solvent has
1806 been mixed with such materials;
1807
1808 19) Cold cleaning degreasers that are not in-line cleaning machines, where the
1809 vapor pressure of the solvents used never exceed 2 kPa (15 mmHg or 0.3
1810 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C
1811 (68°F);
1812
1813 20) Manually operated equipment used for buffing, polishing, carving, cutting,
1814 drilling, machining, routing, sanding, sawing, scarfing, surface grinding or
1815 turning;
1816
1817 21) Use of consumer products, including hazardous substances as that term is
1818 defined in the Federal Hazardous Substances Act (15 USC 1261 et seq.),
1819 where the product is used at a source in the same manner as normal
1820 consumer use;
1821
1822 22) Activities directly used in the diagnosis and treatment of disease, injury or
1823 other medical condition;
1824
1825 23) Firefighting activities and training in preparation for fighting fires
1826 conducted at the source;
1827
1828 BOARD NOTE: Open burning permits may be required for certain
1829 training activities.
1830
1831 24) Internal combustion engine or boiler (including the fuel system) of motor
1832 vehicles, locomotives, aircraft, watercraft, lifttrucks, and other vehicles
1833 powered by nonroad engines;
1834
1835 25) Activities associated with the construction, repair or maintenance of roads

- 1836 or other paved or open areas, including operation of street sweepers,
1837 vacuum trucks, spray trucks and other vehicles related to the control of
1838 fugitive emissions of such roads or other areas;
1839
- 1840 26) Storage and handling of drums or other transportable containers where the
1841 containers are sealed during storage and handling;
1842
- 1843 27) Individual points of emission or activities as follows:
1844
- 1845 A) Individual flanges, valves, pump seals, pressure relief valves and
1846 other individual components that have the potential for leaks;
1847
- 1848 B) Individual sampling points, analyzers, and process instrumentation,
1849 whose operation may result in emissions;
1850
- 1851 C) Individual features of an emission unit such as each burner and
1852 sootblowers in a boiler or each use of cleaning materials on a
1853 coating or printing line;
1854
- 1855 D) Individual equipment that is transportable or activities within a
1856 facility established for testing units prior to sale or distribution or
1857 for purposes of research; and
1858
- 1859 E) Individual equipment or activities within a pilot plant facility that
1860 is used for research or training;
1861
- 1862 BOARD NOTE: Notwithstanding the foregoing, such points of emissions
1863 or activities shall be addressed in a CAAPP application in sufficient detail
1864 to identify applicable requirements and demonstrate compliance with such
1865 requirements. Emission data for such activities shall be addressed in the
1866 aggregate for each emission unit or group of related emission units.
1867
- 1868 28) Activities at a source associated with the modification only or construction
1869 only of a facility, an emission unit or other equipment at the source; and
1870
- 1871 BOARD NOTE: Notwithstanding the status of this activity as
1872 insignificant, a particular activity that entails modification or construction
1873 of an emission unit or construction of air pollution control equipment may
1874 require a construction permit pursuant to Section 201.142 of this Part and
1875 may subsequently require a revised CAAPP permit. A revised CAAPP
1876 permit may also be necessary for operation of an emission unit after
1877 completion of a particular activity if the existing CAAPP permit does not
1878 accommodate the new state of the emission unit.
1879
- 1880 29) Activities at a source associated with the maintenance, repair, or
1881 dismantlement of an emission unit or other equipment installed at the

1882 source, not including the shutdown of the unit or equipment, including
1883 preparation for maintenance, repair or dismantlement, and preparation for
1884 subsequent startup, including preparation of a shutdown vessel for entry,
1885 replacement of insulation, welding and cutting, and steam purging of a
1886 vessel prior to startup.
1887

1888 (Source: Amended at 38 Ill. Reg. 1005, effective December 23, 2013)
1889

1890 **Section 201.211 Application for Classification as an Insignificant Activity**
1891

- 1892 a) An owner or operator of a CAAPP source may propose to the Agency in its
1893 CAAPP application that an emission unit at the source be treated as an
1894 insignificant activity consistent with Section 201.210 of this Part, provided the
1895 emission unit meets the following criteria and the owner or operator provides the
1896 information required in subsection (b) below regarding the emission unit:
- 1897 1) The emission unit would not emit more than 1.0 lb/hr of any regulated air
1898 pollutant not listed as hazardous pursuant to Section 112(b) of the Clean
1899 Air Act in the absence of air pollution control equipment;
 - 1900 2) The emission unit would not emit more than 0.1 lb/hr of any regulated air
1901 pollutant that is listed as hazardous pursuant to Section 112(b) of the
1902 Clean Air Act in the absence of air pollution control equipment; and
 - 1903 3) The emission unit is not a process unit.
- 1904 b) The owner or operator of such emission unit shall include the following
1905 information in its CAAPP application:
- 1906 1) A description of the emission unit including the function and expected
1907 operating schedule of the unit;
 - 1908 2) A description of any air pollution control equipment or control measures
1909 associated with the emission unit;
 - 1910 3) The emissions of regulated air pollutants in lb/hr and ton/yr;
 - 1911 4) The means by which emissions were determined or estimated;
 - 1912 5) The estimated number of such emission units at the source; and
 - 1913 6) Other information upon which the applicant relies to support treatment of
1914 such emission unit as an insignificant activity.
- 1915 c) The Agency shall determine whether such emission unit may be treated as an
1916 insignificant activity considering factors including, but not limited to, the
1917 following:
- 1918 1) The amount and nature of emissions;
 - 1919 2) The basis by which emissions were determined;
 - 1920 3) The expected consistency and reliability of operation of the emission unit;
 - 1921 4) The operating schedule or intended use of the emission unit;
 - 1922 5) The air pollution control equipment or control measures applied to the
1923 emission unit;
 - 1924 6) The nature of applicable requirements;
 - 1925 7) The environmental impact of such emission unit; and
 - 1926 8) The potential benefits to the environment if the emission unit were not
1927 treated as an insignificant activity.

1928 d) Unless the Agency notifies the applicant in writing that the emission unit cannot
1929 be treated as an insignificant activity following the Agency's determination in
1930 subsection (c) above, the emission unit shall be deemed an insignificant activity
1931 for purposes of Section 201.210(a) of this Part. If the Agency determines that an
1932 emission unit cannot be treated as an insignificant activity pursuant to this
1933 Section, the Agency shall notify the owner or operator in writing and request that
1934 such owner or operator submit the information required in a CAAPP application
1935 pursuant to Agency procedures regarding the emission unit within a reasonable
1936 time frame. The owner or operator shall submit the requested information to the
1937 Agency within the time frame stated in the request.

1938
1939 (Source: Added at 18 Ill. Reg. 15760, effective October 17, 1994)

1940
1941 **Section 201.212 Revisions to Lists of Insignificant Activities or Emission Levels**

- 1942
1943 a) The owner or operator of a CAAPP source is not required to notify the Agency of
1944 additional insignificant activities present at the source of a type that were
1945 previously listed in its CAAPP application pursuant to Section 201.210(a) or
1946 201.211 of this Part, until its renewal CAAPP application is submitted.
1947
1948 b) The owner or operator of a CAAPP source seeking to add a new insignificant
1949 activity of a type provided under Section 201.210(a) or 201.211 of this Part that
1950 was not previously listed in its CAAPP application must notify the Agency
1951 pursuant to Section 39.5(12)(b) of the Act.
1952
1953 c) The owner or operator of a CAAPP source is not required to notify the Agency of
1954 additional insignificant activities present at the source of a type that were
1955 previously listed in its CAAPP application pursuant to Section 201.210(b) of this
1956 Part or any new insignificant activities of a type provided under Section
1957 201.210(b) of this Part that were not previously listed in its CAAPP application,
1958 until its renewal CAAPP application is submitted.

1959
1960 (Source: Added at 18 Ill. Reg. 15760, effective October 17, 1994)

1961
1962 **SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION**
1963 **SCHEDULES**

1964
1965 **Section 201.241 Contents of Compliance Program**

1966
1967 A compliance program shall contain, as a minimum, the following data and information: the
1968 nature and/or type of the proposed air pollution control equipment or proposed air pollution
1969 control technique which has been chosen to achieve compliance; the cost, availability and
1970 technical reasonableness of the proposed air pollution control equipment or proposed air
1971 pollution control technique, including detailed cost analyses and copies of engineering reports or
1972 studies sufficient to prove to the Agency that the compliance program will result in compliance
1973 with applicable standards and limitations of Subchapter c of this Chapter.

1974

1975 **Section 201.242 Contents of Project Completion Schedule**

1976

1977

- a) A project completion schedule shall contain, as a minimum, the following data and information: a final compliance date, which date shall be no later than the applicable date prescribed in Subchapter c of this Chapter; and reasonable interim dates by which various increments of the proposed compliance program shall be completed, such as dates when contracts will be awarded, dates for equipment delivery and dates for construction of preliminary structural work.

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- b) The Agency may adopt procedures which require data and information in addition to and in amplification of the matters specified in subsection (a), and which set forth the format by which all data and information shall be submitted.

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1988 **Section 201.243 Standards for Approval**

1989

No compliance program and project completion schedule shall be approved unless the applicant submits proof to the Agency that:

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1992

- a) The compliance program will result in timely compliance with the applicable standards and limitations of Subchapter c of this Chapter; and

1993

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1995

- b) The owner or operator has provided adequate proof that it is committed to the compliance program or project completion schedule, including, in the case of a corporation, certification by a duly authorized officer of such corporation that such corporation approves each and every provision of such program and of such schedule.

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2002 **Section 201.244 Revisions**

2003

The owner or operator of an emission source or air pollution control equipment subject to an approved compliance program and project completion schedule may request a revision of such program or schedule at any time. In addition, the Agency may require a revision upon any change in the Act or this Chapter. The Agency shall not approve any revision which contains a final compliance date later than the applicable date prescribed in Subchapter c of this Chapter.

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2010 **Section 201.245 Effects of Approval**

2011

The approval of a compliance program and project completion schedule shall be a condition precedent to the issuance and effectiveness of a permit pursuant to Subpart D. An approved compliance program and project completion schedule, and full compliance therewith, and a current operating permit, shall be a prima facie defense to any enforcement action alleging a violation of the standards or limitations set forth in Subchapter c of this Chapter with respect to any air contaminant included in such program and schedule during the period of the program. Failure to adhere to an approved compliance schedule shall constitute a violation of this Part for which appropriate sanctions may be sought in accordance with the Act.

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Section 201.246 Records and Reports

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2022
2023 Any person subject to this Subpart shall maintain such records and make such reports as may be
2024 required in procedures adopted by the Agency pursuant to Subpart K.

2025

Section 201.247 Submission and Approval Dates

2026

2027
2028 The owner or operator of an emission source required to have a compliance plan and project
2029 completion schedule shall have a compliance plan and a project completion schedule, where
2030 applicable, approved by the Agency by the dates indicated in Subchapter c of this Chapter. A
2031 compliance plan and project completion schedule, where applicable, shall be submitted at least
2032 90 days before the date required in Subchapter c of this Chapter.

2033

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

2034

**Section 201.261 Contents of Request for Permission to Operate During a Malfunction,
Breakdown or Startup**

2035

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2038
2039 a) A request for permission to continue to operate during a malfunction or
2040 breakdown, if desired, shall be included as an integral part of the application for
2041 an operating permit pursuant to Subpart D, and shall include as a minimum: a full
2042 and detailed explanation of why such continued operation is necessary; the
2043 anticipated nature, sources and quantities of emissions which will occur during
2044 such continued operation; the anticipated length of time during which such
2045 operation will continue; all measures, such as use of off-shift labor or equipment
2046 which will be taken to minimize the quantity of air contaminant emissions and
2047 length of time during which such operation will continue. When the standards or
2048 limitations of Subchapter c of this Chapter will be violated during startup, a
2049 request for permission to violate such standards or limitations shall be an integral
2050 part of the application for an operating permit pursuant to Subpart D, and shall
2051 include, as a minimum: a description of the startup procedure for each emission
2052 source, the duration and frequencies of such startups, the type and quantities of
2053 emissions during such startups and the applicant's efforts to minimize any such
2054 startup emissions, duration of individual startups and frequency of startups.

2055

2056 b) The Agency may adopt procedures which require data and information in addition
2057 to or in amplification of the matters set forth in subsection (a), and which set forth
2058 the format in which all data and information shall be submitted. Such procedures
2059 and formats, and revisions thereto, shall not become effective until filed with the
2060 Secretary of State as required by the Administrative Procedure Act (Ill. Rev. Stat.
2061 1981, ch. 127, par. 1001 et seq.) (APA Act).

2062

**Section 201.262 Standards for Granting Permission to Operate During a Malfunction,
Breakdown or Startup**

2063

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2065

2066 Permission shall not be granted to allow continued operation during a malfunction or breakdown
2067 unless the applicant submits proof to the Agency that: such continued operation is necessary to
2068 prevent injury to persons or severe damage to equipment; or that such continuation is required to
2069 provide essential services; provided, however, that continued operation solely for the economic
2070 benefit of the owner or operator shall not be a sufficient reason for granting of permission.
2071 Permission shall not be granted to allow violation of the standards or limitations of Subchapter c
2072 of this Chapter during startup unless the applicant has affirmatively demonstrated that all
2073 reasonable efforts have been made to minimize startup emissions, duration of individual startups
2074 and frequency of startups.

2075
2076 **Section 201.263 Records and Reports**

2077
2078 Any person who causes or allows the continued operation of an emission source during a
2079 malfunction or breakdown of the emission source or related air pollution control equipment
2080 when such continued operation would cause a violation of the standards or limitations set forth in
2081 Subchapter c of this Chapter shall immediately report such incident to the Agency by telephone,
2082 telegraph or such other method as constitutes the fastest available alternative, except if otherwise
2083 provided in the operating permit. Thereafter, any such person shall comply with all reasonable
2084 directives of the Agency with respect to the incident. In addition, any person subject to this
2085 Subpart shall maintain such records and make such reports as may be required in procedures
2086 adopted by the Agency pursuant to Subpart K.

2087
2088 **Section 201.264 Continued Operation or Startup Prior to Granting of Operating Permit**

2089
2090 Any person desiring to continue to operate, or to startup in accordance with Section 201.149
2091 prior to the date when an operating permit is required pursuant to Section 201.143 or 201.144,
2092 shall make immediate application for permission to operate during a malfunction, breakdown or
2093 startup in accordance with Section 201.261.

2094
2095 **Section 201.265 Effect of Granting of Permission to Operate During a Malfunction,**
2096 **Breakdown or Startup**

2097
2098 The granting of permission to operate during a malfunction or breakdown, or to violate the
2099 standards or limitations of Subchapter c of this Chapter during startup, and full compliance with
2100 any terms and conditions connected therewith, shall be a prima facie defense to an enforcement
2101 action alleging a violation of Section 201.149, of the emission and air quality standards of this
2102 Chapter, and of the prohibition of air pollution during the time of such malfunction, breakdown
2103 or startup.

2104
2105 **SUBPART J: MONITORING AND TESTING**

2106
2107 **Section 201.281 Permit Monitoring Equipment Requirements**

2108
2109 Except as otherwise provided at Subpart L of this Part, every emission source or air pollution
2110 control equipment shall be equipped with such monitoring instruments as may be required as a
2111 condition to a permit issued by the Agency. The permit may require that such monitoring

2112 instruments be continuous or intermittent. Such monitoring instruments shall be installed,
2113 maintained and operated at the expense of the owner or operator of the emission source or air
2114 pollution control equipment. A permit condition to monitor is appealable to the Board pursuant
2115 to Section 40 of the Act.

2116
2117 (Source: Amended at 13 Ill. Reg. 2066, effective February 3, 1989)

2118
2119 **Section 201.282 Testing**

2120
2121 Every emission source or air pollution control equipment shall be subject to the following testing
2122 requirements for the purpose of determining the nature and quantities of specified air
2123 contaminant emissions and for the purpose of determining ground level and ambient air
2124 concentrations of such air contaminants:

2125
2126 a) Testing by Owner or Operator. The Agency may require the owner or operator of
2127 the emission source or air pollution control equipment to conduct such tests in
2128 accordance with procedures adopted by the Agency, at such reasonable times as
2129 may be specified by the Agency and at the expense of the owner or operator of the
2130 emission source or air pollution control equipment. The Agency may adopt
2131 procedures detailing methods of testing and formats for reporting results of
2132 testing. Such procedures, and revisions thereto, shall not become effective until
2133 filed with the Secretary of State, as required by the APA Act. All such tests shall
2134 ~~be~~ made by or under the direction of a person qualified by training and/or
2135 experience in the field of air pollution testing. The Agency shall have the right to
2136 observe all aspects of such tests.

2137
2138 b) Testing by the Agency. The Agency shall have the right to conduct such tests at
2139 any time at its own expense. Upon request of the Agency, the owner or operator
2140 of the emission source or air pollution control equipment shall provide, without
2141 charge to the Agency, necessary holes in stacks or ducts and other safe and proper
2142 testing facilities, including scaffolding, but excluding instruments and sensing
2143 devices, as may be necessary.

2144
2145 **Section 201.283 Records and Reports**

2146
2147 Any person subject to this Subpart shall maintain such records and make such reports as may be
2148 required in procedures adopted by the Agency pursuant to Subpart K.

2149
2150 **SUBPART K: RECORDS AND REPORTS**

2151
2152 **Section 201.301 Records**

2153
2154 The owner or operator of any emission source or air pollution control equipment shall maintain,
2155 as a minimum: records detailing all activities pursuant to any compliance program and project
2156 completion schedule pursuant to Subpart H; records detailing all malfunctions, breakdowns or
2157 startups pursuant to Subpart I and records of all monitoring and testing conducted pursuant to

2158 Subpart J, plus records of all monitoring and testing of any type whatsoever conducted with
2159 respect to specified air contaminants. All such records shall be made available to the Agency at
2160 any reasonable time.

- 2161
- 2162 a) The Agency may adopt procedures which:
- 2163
- 2164 1) Require additional records be maintained consistent with these
2165 regulations; and
- 2166
- 2167 2) Set forth the format in which all records shall be maintained.
- 2168
- 2169 b) Such procedures and formats, and revisions thereto, shall not become effective
2170 until filed with the Secretary of State as required by the APA Act.
- 2171

2172 **Section 201.302 Reports**

2173

- 2174 a) The owner or operator of any emission unit or air pollution control equipment
2175 meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall
2176 submit to the Agency, as a minimum, annual reports detailing the nature, specific
2177 emission units and total annual quantities of all specified air contaminant
2178 emissions; provided, however, that the Agency may require more frequent reports
2179 when necessary to accomplish the purposes of the Act and this Chapter.
- 2180
- 2181 b) The Agency may adopt procedures which require that additional reports be
2182 submitted, and which set forth the format in which all reports shall be submitted.
2183 Such procedures and formats, and revisions thereto, shall not become effective
2184 until filed with the Secretary of State as required by the Illinois Administrative
2185 Procedure Act.
- 2186
- 2187 c) All emission data received by the Agency, shall be available for public inspection
2188 at reasonable times and upon reasonable notice.
- 2189

2190 (Source: Amended at 38 Ill. Reg. 1005, effective December 23, 2013)

2191

2192 **SUBPART L: CONTINUOUS MONITORING**

2193

2194 **Section 201.401 Continuous Monitoring Requirements**

2195

- 2196 a) Except as otherwise provided at Section 201.402 and Section 201.403, the owners
2197 and operators of the following emission sources shall install, operate, calibrate
2198 and maintain continuous monitoring equipment for the indicated pollutants.
- 2199
- 2200 1) Fossil fuel-fired steam generators with an annual average capacity factor
2201 greater than 30%, as reported to the Federal Power Commission for
2202 calendar year 1974, or as otherwise demonstrated to the Agency through
2203 the use of annual production data and equipment rating information

- 2204 representative of the facility's operations, shall monitor for:
2205
2206 A) Opacity, when the steam generator is greater than 250 million Btu
2207 per hour heat input unless:
2208
2209 i) Gas is the only fuel burned; or
2210
2211 ii) Oil or a mixture of gas and oil are the only fuels burned and
2212 the source can comply with the limitations applicable to
2213 that source for particulate matter and opacity without use of
2214 collection equipment for particulate matter and the source
2215 has never been found to be in violation of an applicable
2216 visible or particulate emission standard through any
2217 administrative or judicial proceedings.
2218
2219 B) Nitrogen oxides, when:
2220
2221 i) The steam generator is greater than 1000 million Btu per
2222 hour heat input;
2223
2224 ii) The facility is located in an Air Quality Control Region
2225 where the Administrator, U.S. Environmental Protection
2226 Agency, has specifically determined pursuant to Section
2227 107 of the Clean Air Act (42 ~~USCU.S.C.~~ 7407) that a
2228 control strategy for nitrogen dioxide is necessary to attain
2229 the national standards; and
2230
2231 iii) The owner or operator has not demonstrated during
2232 compliance tests that the source emits nitrogen oxides at
2233 levels less than 30% or more below the emissions standards
2234 applicable to that source. Such compliance tests shall be
2235 performed pursuant to regulations promulgated by the U.S.
2236 Environmental Protection Agency under Section 111 of the
2237 Clean Air Act (42 USC 7411), as amended. *The provisions*
2238 *of Section 111 of the Clean Air Act...relating to standards*
2239 *of performance for new stationary sources...are applicable*
2240 *in this State and are enforceable under [the Environmental*
2241 *Protection Act]. (Ill. Rev. Stat. ch. 111½, par. 1009.1(b))*
2242
2243 C) Sulfur dioxide, when the steam generator is greater than 250
2244 million Btu per hour heat input and which has installed and
2245 operates sulfur dioxide pollution control equipment.
2246
2247 D) Percent oxygen or carbon dioxide, when measurements of oxygen
2248 or carbon dioxide in the flue gas are required in regulations
2249 adopted by the U.S. Environmental Protection Agency under

2250 Section 111 of the Clean Air Act, (42 USC 7411) as amended, to
2251 convert sulfur dioxide or nitrogen oxide continuous emissions data
2252 to units of the emission standard applicable to that source. *The*
2253 *provisions of Section 111 of the Clean Air Act relating to*
2254 *standards of performance for new stationary sources are*
2255 *applicable in this State and are enforceable under [the Illinois*
2256 *Environmental Protection Act]. (Ill. Rev. Stat., ch. 111½, par.*
2257 *1009.1(b))*
2258

- 2259 2) Sulfuric acid plants of greater than 300 tons per day production capacity,
2260 the production being expressed as 100 percent acid, shall monitor for
2261 sulfur dioxide at each point of sulfur dioxide emission.
2262
- 2263 3) Nitric acid plants of greater than 300 tons per day production capacity, the
2264 production capacity being expressed as 100 percent acid, located in an Air
2265 Quality Control Region where the Administrator, U.S. Environmental
2266 Protection Agency, has specifically determined pursuant to Section 107 of
2267 the Clean Air Act that a control strategy for nitrogen dioxide is necessary
2268 to attain the national standard, shall monitor for nitrogen oxides at each
2269 point of nitrogen oxide emission.
2270
- 2271 4) Petroleum refineries shall monitor for opacity at each catalyst regenerator
2272 for fluid bed catalytic cracking units of greater than 20,000 barrels per day
2273 fresh feed capacity.
2274

- 2275 b) Except for sources permitted to use alternative monitoring pursuant to Section
2276 201.402, compliance with the Illinois emissions limitations by the owners and
2277 operators of emission sources required to monitor continuously shall be
2278 determined by the use of equipment which meets the performance specifications
2279 set forth in paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987) (this
2280 incorporation includes no later amendments or editions), and relevant regulations
2281 promulgated by the U.S. Environmental Protection Agency under Section 111 of
2282 the Clean Air Act (42 USC 7411), as amended. *The provisions of Section 111 of*
2283 *the Clean Air Act relating to standards of performance for new stationary*
2284 *sources...are applicable in this State and are enforceable under [the*
2285 *Environmental Protection Act]. (Ill. Rev. Stat., ch. 111½, par. 1009.1(b))*
2286

2287 (Source: Amended at 15 Ill. Reg. 17699, effective November 26, 1991)
2288

2289 **Section 201.402 Alternative Monitoring**
2290

2291 Alternative monitoring requirements for sources subject to Section 201.401(a) shall be
2292 prescribed by permit upon a demonstration by the owner or operator that continuous monitoring
2293 is technically unreasonable or infeasible due to physical plant limitations or would impose an
2294 extreme economic burden. It shall be demonstrated that the installation, location or operation of
2295 a continuous monitoring system or device:

- 2296
2297 a) Would not provide accurate determinations of nitrogen dioxide, sulfur dioxide,
2298 carbon dioxide, percent oxygen, or opacity; or
2299
2300 b) Cannot be installed due to the facility's physical constraints such as size, space or
2301 strength of materials, or due to safety considerations; or
2302
2303 c) Would impose an extreme economic burden in proportion to the significance of
2304 the monitoring information which would be provided, in that the cost of
2305 monitoring would exceed the norm for similar sources and those costs would have
2306 a significant adverse effect on the profitability of the operations.
2307

2308 (Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)
2309

2310 **Section 201.403 Exempt Sources**

2311 The following emission sources are exempt from the requirements of this Subpart:
2312

- 2313
2314 a) Any source subject to monitoring requirements which are part of a new source
2315 performance standard adopted by USEPA pursuant to Section 111 of the Clean
2316 Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act; or
2317
2318 b) Any source not subject to either the generally applicable emission limitation
2319 established pursuant to the Act or Board regulation or an alternative, adjusted or
2320 site specific standard approved by the Board.
2321

2322 (Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)
2323

2324 **Section 201.404 Monitoring System Malfunction**

2325 The monitoring and recording requirements of this Subpart shall not be applicable during any
2326 period of a monitoring system or device malfunction if demonstrated by the owner or operator of
2327 the source that the malfunction was unavoidable and is being repaired as expeditiously as
2328 practicable. This demonstration may include, but is not limited to, evidence that the device has
2329 been properly calibrated and maintained, adequate spare parts are on hand, and trained
2330 technicians are available to make repairs.
2331

2332 (Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)
2333
2334

2335 **Section 201.405 Excess Emission Reporting**

2336 Owners and operators of sources subject to the continuous monitoring requirements of this
2337 Subpart shall report the following information:
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- 2339 a) For periods of emissions in excess of any emission limitation applicable to the
2340 source adopted by the Board:
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- 1) The starting date and time of the excess emissions;
 - 2) The duration of the excess emissions;
 - 3) The magnitude of excess emissions;
 - 4) The cause of the excess emissions, if known;
 - 5) Corrective actions and actions taken to lessen the emissions;
 - 6) The operating status of the monitoring system, including the dates and times of any periods during which it was inoperative; and
 - 7) Other information, including but not limited to, monitoring location, monitoring maintenance records and source operating hours, which the Agency may require by permit.
- b) For gaseous sulfur dioxide, percent oxygen, or carbon dioxide measurements, the averaging period used for data reporting shall correspond to the averaging period used to determine compliance with the emission limitation applicable to the source. The report shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded.
- c) For opacity measurements, the report shall be based on six minute averages of opacity and contain.
- 1) The percent opacity for each continuous opacity excess period; and
 - 2) The start and stop time in six minute increments of any opacity measurements in excess of the limitation.
- d) If there were no excess emissions during the reporting period, the report shall so state and include information about the operating status of the monitoring equipment during that period.
- e) Reports shall be submitted within 45 days of the end of every calendar quarter.

(Source: Amended at 13 Ill. Reg. 19444, effective December 5, 1989)

Section 201.406 Data Reduction

To convert monitoring data to the units of the emission limitation, owners and operators of sources subject to this Subpart shall use:

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- a) The procedures specified in 35 Ill. Adm. ~~Code~~ 230 or in regulations adopted

2388 by the U.S. Environmental Protection Agency under Section 111 of the Clean Air
2389 Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois
2390 Environmental Protection Act; or where necessary

- 2391
- 2392 b) The procedures specified in 40 CFR 51, Appendix P, paragraph 5 (1987). This
2393 incorporation includes no later amendments or editions; or
- 2394
- 2395 c) Alternative measurement and data reduction methods may be utilized if
2396 demonstrated by the owner or operator of the affected source by means including,
2397 but not limited to, instrument accuracy tests that such alternative methods will
2398 provide information equivalent to the information which would be provided by
2399 the above methods.

2400
2401 (Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

2402
2403 **Section 201.407 Retention of Information**

2404
2405 Owners and operators of sources which are subject to the monitoring and recording requirements
2406 of this Subpart shall maintain files of emission information at the facility and make the
2407 information available to the Agency upon request. This information shall be retained for at least
2408 two years from the date of collection, and shall include:

- 2409
- 2410 a) Emission measurements;
- 2411
- 2412 b) Continuous monitoring system performance testing measurements;
- 2413
- 2414 c) Performance evaluations;
- 2415
- 2416 d) Calibration checks;
- 2417
- 2418 e) Maintenance and adjustments performed;
- 2419
- 2420 f) Quarterly reports submitted pursuant to Section 201.405; and
- 2421
- 2422 g) Data reduction information used pursuant to Section 201.406.

2423
2424 (Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

2425
2426 **Section 201.408 Compliance Schedules**

2427
2428 Owners and operators of sources subject to Section 201.401 shall install all necessary equipment
2429 and monitor in accordance with the compliance schedule contained in the permit issued by the
2430 Agency. This schedule shall provide that monitoring and recording begin within 18 months of
2431 this Subpart being approved by the USEPA pursuant to Section 110(a)(3)(A) of the Clean Air
2432 Act as a revision to the State Implementation Plan, unless the owner or operator has been granted
2433 a variance pursuant to Section 35(a) of the Act allowing a longer compliance schedule.

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(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

SUBPART M: PERMIT BY RULE (PBR) –
GENERAL PROVISIONS

Section 201.500 Purpose

The purpose of this Subpart is to implement the PBR program provided for in Section 39.12 of the Act for classes of emission units described in this and following Subparts that address specific types of units covered by the PBR program. By fulfilling all the applicable requirements of this Subpart and the applicable Subpart for the specific type of emission unit, an owner or operator of a source seeking a PBR for an emission unit is considered to have met the requirement to submit an application for a construction permit and obtain such a construction permit pursuant to Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a).

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

Section 201.505 Applicability

- a) An owner or operator of a source is eligible to obtain a PBR for a proposed new or modified emission unit if:
 - 1) The proposed emission unit will be located at a CAAPP source that has a CAAPP permit pursuant to Section 39.5 of the Act;
 - 2) There is a PBR that has been adopted and become effective within this Part that is applicable to the proposed emission unit;
 - 3) The proposed emission unit, either alone or as part of a larger project, is not subject to any pre-construction permitting requirements for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act; and
 - 4) The proposed emission unit is not an element in a larger project that otherwise requires a construction permit pursuant to this Part or the Act.
- b) A PBR does not:
 - 1) Exempt any owner or operator from the requirements of the CAA or the Act, including determining whether construction or modification of an emission unit, by itself or as part of a project, constitutes a major modification or major source;

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- 2) Exempt any owner or operator from any requirement to notify the Agency or list insignificant activities and emissions levels for CAAPP permit purposes;
 - 3) Relieve the owner or operator of a source from the requirement of including the emissions associated with the emission unit in any pre-construction permitting application for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act;
 - 4) Relieve the owner or operator of the emission unit from any applicable requirements of Section 39.5 of the Act for the emission unit, including any requirement to submit a timely application for a new or modified CAAPP permit that addresses the emission unit; or
 - 5) Relieve the owner or operator of the source from compliance with other applicable statutes and regulations of the United States or the State of Illinois, or with applicable local laws, ordinances, and regulations.

2500 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

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2502 **Section 201.510 Notice of Intent to Be Covered by a PBR (Notification)**
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- a) An owner or operator of a source seeking to construct or modify an emission unit pursuant to this Subpart M and the applicable PBR Subpart must submit a complete Notification, including fees, prior to commencing construction or modification of the emission unit. A complete Notification containing the following information and fees must be submitted to the Agency's Permit Section at the address provided in Section 201.530(f)(1):
 - 1) The owner's or operator's name, the name of the source, and the applicable Agency Bureau of Air Identification Number;
 - 2) Name, site address, mailing address (if different from site address), e-mail address, and telephone number of the source's contact;
 - 3) Statement noting whether the emission unit is a new emission unit or a modified emission unit (including a reconstructed emission unit);
 - 4) The location of the emission unit at the source;
 - 5) The identity of the new emission unit or the identity of the current emission unit prior to modification, applicable permit numbers, and the description of the modification or reconstruction of the emission unit;

- 2526 6) A statement that indicates which PBR applies to the emission unit;
2527
2528 7) A statement as to whether the proposed emission unit will be an element
2529 in a larger project; if it is, all of the following information must also be
2530 included:
2531
2532 A) A description of the larger project;
2533
2534 B) A statement describing why a construction permit will not be
2535 required for any element of that project; and
2536
2537 C) A demonstration that the potential emissions of each regulated
2538 NSR pollutant, as defined in 40 CFR 52.21, as incorporated by
2539 reference in Section 201.104, from the project will be less than 80
2540 percent of the relevant significant emission rates under 40 CFR
2541 52.21, 35 Ill. Adm. Code 203, and any other regulations adopted
2542 pursuant to Section 9.1(c) of the Act;
2543
2544 8) Identification of construction permits and PBRs received in the last two
2545 years and a demonstration that the requested PBR should not be
2546 aggregated with, and considered an element of, any of these projects that
2547 were addressed by the construction permits and PBRs identified;
2548
2549 9) The specific information required by the applicable PBR Subpart
2550 Notification requirement for this type of emission unit;
2551
2552 10) A statement noting whether the source is major or non-major for
2553 emissions of HAPs pursuant to Section 39.5(2)(c)(i) of the Act. If the
2554 source is non-major, the Notification must include documentation for the
2555 determination;
2556
2557 11) A certification signed by the responsible official, as defined in Section
2558 39.5 of the Act, that, under penalty of law, based on information and belief
2559 formed after reasonable inquiry, the statements and information contained
2560 in the Notification are true, accurate, and complete and that the emission
2561 unit is eligible for the PBR selected pursuant to subsection (a)(6); and
2562
2563 12) Payment of the fee that applies to the owner or operator of the source
2564 pursuant to Section 9.12 of the Act for the proposed construction or
2565 modification of a single emission unit.
2566
2567 b) The Agency will acknowledge receipt of the Notification within 30 days.
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2569 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)
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2571 **Section 201.515 Commencing Construction or Modification**

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- a) For the emission unit addressed by a complete Notification, the owner or operator of the source may commence construction or modification after submittal of a complete Notification in accordance with Section 201.510.
 - b) If the submitted Notification is incomplete, the emission unit is not covered by a PBR and the owner or operator has not met the requirement to submit an application for a construction permit and to obtain the construction permit pursuant to Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a). The owner or operator of the source may not commence construction or modification of the emission unit until it has submitted a complete Notification to the Agency in accordance with Section 201.510 or received a construction permit issued by the Agency.

2586 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2587
2588 **Section 201.520 Modification or Change in Status of an Emission Unit Covered by a PBR**

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- a) If the owner or operator proposes to modify an emission unit covered by a PBR, the owner or operator of the source must submit a new Notification for a PBR or obtain a construction permit for the modification pursuant to this Part and the Act, as applicable.
 - b) If a proposed modification of the source at which an emission unit covered by a PBR is located will cause the source to become a major source of HAPs as defined in Section 39.5(2)(c)(i) of the Act, the owner or operator must submit a new Notification for a PBR for the emission unit.

2600 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

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2602 **Section 201.525 Standard Conditions for PBR**

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- a) Duration. A PBR will expire one year from the date of submittal of the complete Notification unless a continuous program of construction on this project has commenced by that time.
 - b) The construction covered by a PBR must be performed in compliance with applicable provisions of the PBR, the Act, and regulations adopted by the Board.
 - c) The owner or operator of the emission unit must comply with all applicable requirements of Subpart M and the applicable PBR Subpart.
 - d) The owner or operator of the emission unit must submit an updated Fee Determination for CAAPP Permit form prior to commencing operation of the proposed emission unit if there is an increase in allowable emissions over the

2617 existing permitted allowable emissions for fee purposes as a result of the
2618 construction or modification of the emission unit.

2619
2620 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2621
2622 **Section 201.530 Recordkeeping and Reporting**

2623
2624 The owner or operator of the emission unit must:

- 2625
- 2626 a) Keep and maintain all records used to demonstrate initial compliance and ongoing
2627 compliance with the applicable requirements of Subpart M and the applicable
2628 PBR Subpart, as well as any additional records required by and reported pursuant
2629 to those Subparts, for at least five years from the date the document is created and
2630 make all records available to the Agency for inspection and copying upon request.
2631 These records include any records required by State or federal laws or regulations
2632 and any materials submitted to the Agency or USEPA pertaining to the emission
2633 unit. Any record retained in an electronic format must be capable of being
2634 retrieved and printed on paper during normal source office hours.
 - 2635
 - 2636 b) Notify the Agency of the emission unit's actual start-up date no later than 30 days
2637 after that date, unless an earlier date is specified in the applicable PBR.
 - 2638
 - 2639 c) Except as otherwise provided in this Subpart M or the applicable PBR Subpart,
2640 submit a written report of any deviations from the applicable emission standards,
2641 emission limitations, operational restrictions, qualifying criteria, work practice
2642 requirements, or control equipment operating parameter limitations set forth in
2643 this Subpart M and the applicable PBR Subpart. The report must be submitted to
2644 the Agency within 30 days after the date the deviation occurred and must describe
2645 the deviation (including the date, time, and duration of the deviation), identify the
2646 specific requirement from which the deviation occurred and the total amount of
2647 excess emissions during the deviation, and describe the probable cause of the
2648 deviation and any corrective actions or preventive measures that have been or will
2649 be taken.
 - 2650
 - 2651 d) If required to conduct a performance test:
 - 2652
 - 2653 1) Submit to the Agency a testing protocol as required by the applicable PBR
2654 Subpart at least 45 days prior to the scheduled performance test. Upon
2655 written request directed to the Bureau of Air's Compliance Section, the
2656 Agency may waive the 45-day requirement. A waiver is only effective if
2657 it is provided in writing by the Bureau of Air;
 - 2658
 - 2659 2) Notify the Agency in writing of the date of performance testing at least 30
2660 days prior to testing and again 5 days prior to the testing, unless the
2661 emission unit is subject to other State or federal requirements that specify
2662 a longer notification period. Upon written request directed to the Bureau

- 2663 of Air's Compliance Section, the Agency may waive either or both of
2664 these requirements. A waiver is only effective if it is provided in writing
2665 by the Bureau of Air;
2666
- 2667 3) If, after the 30-day notice for an initially scheduled performance test is
2668 sent, there is a delay (e.g., due to operational problems) in conducting the
2669 test as scheduled, notify the Agency of the delay in the original test date,
2670 directed to the Bureau of Air's Compliance Section, as soon as practicable.
2671 This must be done either by providing at least a 7-day notice of the
2672 rescheduled date of the test or by arranging a new test date with the
2673 Agency by mutual agreement;
2674
- 2675 4) Not later than 60 days after the completion of the performance test, submit
2676 the results of the test to the Agency.
2677
- 2678 e) Submit any monitoring information required by the PBR as part of the Semi-
2679 Annual Monitoring Report required by the source's CAAPP permit.
2680
- 2681 f) Provide copies of all required reports and Notifications as follows:
2682
- 2683 1) One copy of the new or amended Notification must be sent to:
2684
2685 Illinois Environmental Protection Agency
2686 Bureau of Air
2687 Permit Section (#11)
2688 P.O. Box 19506
2689 Springfield, Illinois 62794-9506
2690
- 2691 2) One copy of all other reports and notices must be sent to:
2692
2693 Illinois Environmental Protection Agency
2694 Bureau of Air
2695 Compliance Section (#40)
2696 P.O. Box 19276
2697 Springfield, Illinois 62794-9276
2698

2699 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)
2700

2701 **Section 201.535 Authority to Operate**
2702

2703 For eligible emission units under Section 201.505, the owner or operator of a proposed emission
2704 unit must submit a complete application to the Agency for a minor modification to the CAAPP
2705 permit for the source to address the emission unit, pursuant to Section 39.5(14) of the Act, before
2706 the emission unit begins operation. The application for minor permit modification must address
2707 all applicable requirements contained in this Subpart M, the applicable PBR Subpart, and Section
2708 39.5(14) of the Act. Pursuant to Section 39.5(14)(a)(vi) of the Act, the owner or operator may

2709 begin operating the emission unit immediately after it files the application. Until the Agency
2710 takes any of the actions specified in Section 39.5(14)(a)(v)(A) through (C) of the Act, the owner
2711 or operator must comply with both the applicable requirements governing the emission unit and
2712 the proposed terms and conditions of the suggested draft of the modified CAAPP permit in the
2713 application, pursuant to Section 39.5(14)(a)(iii)(B) of the Act.

2714

2715 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2716

2717 **Section 201.540 Enforcement Authority**

2718

2719 Nothing in this Subpart limits the State's authority to seek penalties and injunctive relief for any
2720 violation of any applicable State law or regulation. Nothing in this Subpart limits the right of the
2721 federal government or any person to directly enforce against owners or operators due to actions
2722 or omissions that constitute violations of permits required by the CAA or applicable laws and
2723 regulations.

2724

2725 a) Any owner or operator of a source that commences construction or modification
2726 of an emission unit and submits a Notification pursuant to Section 201.510 that is
2727 incomplete, or fails to submit any Notification, is deemed to have constructed
2728 without the benefit of a permit under Section 9(b) of the Act and 35 Ill. Adm.
2729 Code 201.142, 201.152, and 201.160(a) unless the Agency has issued a
2730 construction permit other than a PBR for the emission unit pursuant to Section
2731 9(b) of the Act. A violation exists even if it is determined that the Notification
2732 was incomplete after construction or modification has already occurred.

2733

2734 b) Any owner or operator of a source that submits a Notification and commences
2735 operation of an emission unit covered by a PBR, but fails to submit a complete
2736 application for a minor modification to the CAAPP permit in accordance with
2737 Section 39.5(14) of the Act, is deemed to have operated without the benefit of a
2738 permit under Section 39.5(6)(b) of the Act. A violation exists even if it is
2739 determined that the application for a minor permit modification was incomplete
2740 after operation has already occurred.

2741

2742 c) Any owner or operator of an emission unit covered by a PBR that violates any
2743 condition of this Subpart or the applicable PBR Subpart is deemed to have
2744 violated Sections 39.12(e) and 9(b) of the Act, as well as any other applicable
2745 State or federal regulation or portion of the Act. If such a violation occurs after
2746 the emission unit has commenced operation, the owner or operator is also deemed
2747 to have violated Section 39.5(6)(a) of the Act.

2748

2749 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2750

2751 SUBPART N: PERMIT BY RULE (PBR) –

2752 BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

2753

2754 **Section 201.600 Applicability**

2755
2756 An owner or operator of a source seeking a PBR for a new or modified boiler is eligible to obtain
2757 a PBR under this Subpart N if:

- 2758
2759 a) The boiler has a maximum design heat input capacity of:
- 2760 1) Less than or equal to 50 MMBtu/hr; or
 - 2761 2) Greater than 50 MMBtu/hr and less than or equal to 100 MMBtu/hr and is
2762 equipped with low-NO_x burners designed by the manufacturer to meet a
2763 NO_x emission limit of not greater than 0.05 lb/MMBtu;
- 2764
2765 b) The boiler primarily burns pipeline natural gas, butane, propane, or refinery fuel
2766 gas;
- 2767
2768 c) The only backup or reserve fuel burned in the boiler is diesel fuel, butane, or
2769 propane. If diesel fuel is the backup fuel, the burning of diesel fuel in the boiler
2770 must be such that, as appropriate, the boiler is a "unit designed to burn gas 1
2771 subcategory," as defined by 40 CFR 63.7575, or a "gas-fired boiler," as defined
2772 by 40 CFR 63.11237 as incorporated by reference in Section 201.104; and
- 2773
2774 d) The emissions from the boiler consist entirely of the products of fuel combustion.
2775

2776
2777 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2778
2779 **Section 201.605 Boiler Notice of Intent to Be Covered by a PBR (Notification)**

2780
2781 The Notification for a PBR pursuant to this Subpart must also include the following information,
2782 in addition to the information specified by Section 201.510:

- 2783
2784 a) The primary fuel that will be burned by the boiler, along with the maximum rated
2785 heat input capacity of the boiler (MMBtu/hr) and a copy of the manufacturer's
2786 specifications for the boiler.
- 2787
2788 b) Whether the boiler would be a temporary boiler as defined by 40 CFR 60.41c and
2789 63.7575 or 63.11237 as incorporated by reference in Section 201.104, and, if it
2790 would be, a demonstration that the criteria set forth in the definition of a
2791 temporary boiler are met, and the expected period or periods in which the boiler
2792 would be at a location or locations at the source.
- 2793
2794 c) The potential emissions of individual pollutants from the boiler in lb/hr,
2795 tons/month, and tons/year, including emissions of PM, PM₁₀ (including both
2796 filterable and condensable particulate), PM_{2.5} (including both filterable and
2797 condensable particulate), NO_x, CO, VOM, and SO₂, based on continuous
2798 operation of the boiler at its rated heat input capacity combusting its primary fuel,
2799 with supporting documentation and calculations.
2800

2801
2802 d) Whether the boiler will have the capability to burn diesel fuel, butane, propane, or
2803 refinery fuel gas and, if so, the potential SO₂ emissions of the boiler from the use
2804 of such fuel.

2805
2806 e) If the boiler or the source at which the boiler would be located does not meet the
2807 applicability criteria in 35 Ill. Adm. Code 217.150(a)(1)(A) or (a)(1)(B), an
2808 identification of the criteria that are not met, with explanation.

2809
2810 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2811
2812 **Section 201.610 Federal NSPS and NESHAP Requirements**

2813
2814 The owner or operator must comply with the requirements of all applicable federal regulations
2815 for the PBR boiler, including the following limits, work practice standards, testing, monitoring,
2816 recordkeeping, and reporting requirements:

2817
2818 a) 40 CFR 60, subpart A, Standards of Performance for New Stationary Sources:
2819 General Provisions, as incorporated by reference in Section 201.104.

2820
2821 b) 40 CFR 60, subpart Dc, Standards of Performance for Small Industrial-
2822 Commercial-Institutional Steam Generating Units, as incorporated by reference in
2823 Section 201.104.

2824
2825 c) 40 CFR 63, subpart A, National Emission Standards for Hazardous Air Pollutants
2826 for Source Categories: General Provisions, as incorporated by reference in
2827 Section 201.104.

2828
2829 d) 40 CFR 63, subpart DDDDD, National Emission Standards for Hazardous Air
2830 Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers
2831 and Process Heaters, as incorporated by reference in Section 201.104.

2832
2833 e) 40 CFR 63, subpart JJJJJ, National Emission Standards for Hazardous Air
2834 Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, as
2835 incorporated by reference in Section 201.104.

2836
2837 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2838
2839 **Section 201.615 Opacity Requirements**

2840
2841 The owner or operator of the source must comply with the applicable provisions of 35 Ill. Adm.
2842 Code 212.Subpart B.

2843
2844 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2845
2846 **Section 201.620 Requirements for Use of Diesel Fuel and Refinery Fuel Gas**

- 2847
2848 a) For a PBR boiler to burn diesel fuel as a backup fuel, the owner or operator must:
2849
2850 1) Comply with the applicable provisions of 35 Ill. Adm. Code 214.Subpart
2851 B or D when burning diesel fuel;
2852
2853 2) Comply with the particulate emission standard in 35 Ill. Adm. Code
2854 212.206 when diesel fuel is burned;
2855
2856 3) Maintain records that include the following information:
2857
2858 A) Date, time, and duration of any period when diesel fuel was fired
2859 in the boiler, the amount of diesel fuel that was fired, and the
2860 reason diesel fuel was fired, e.g., gas curtailment, gas supply
2861 interruption, or periodic operational testing;
2862
2863 B) The total duration of periodic operational testing or other activity
2864 while firing diesel fuel (number of hours of operation per calendar
2865 year); and
2866
2867 C) The actual SO₂ emissions of the boiler from use of diesel fuel
2868 (tons/month and tons/year), with supporting calculations.
2869
2870 b) For a PBR boiler to burn refinery fuel gas, the owner or operator must use fuel
2871 gas at a petroleum refinery from a fuel gas system that is subject to and meeting
2872 the requirements for compliance with the limits for H₂S content of fuel gas in 40
2873 CFR 60.102a(g)(1)(ii); as incorporated by reference in Section 201.104.
2874

2875 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)
2876

2877 **Section 201.625 Carbon Monoxide (CO) Requirements**
2878

2879 Pursuant to 35 Ill. Adm. Code 216.121, no owner or operator of a PBR boiler may cause or allow
2880 the emission of CO into the atmosphere from any fuel combustion emission source with actual
2881 heat input greater than 2.9 MW (10 MMBtu/hr) to exceed 200 ppm, corrected to 50 percent
2882 excess air.
2883

2884 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)
2885

2886 **Section 201.630 Nitrogen Oxide (NO_x) Requirements**
2887

2888 The owner or operator of the PBR boiler must comply with the following, as applicable:
2889

- 2890 a) If the PBR boiler is subject to the requirements of 35 Ill. Adm. Code 217.Subpart
2891 D, comply with all the applicable requirements of 35 Ill. Adm. Code 217.Subparts
2892 D and E;

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- b) If the PBR boiler is subject to the requirements of subpart DDDDD of 40 CFR 63-subpart DDDDD, comply with all applicable requirements, including the combustion tuning work practice requirements of 40 CFR 63.7540(a)(10), as incorporated by reference in Section 201.104; and
 - c) For a boiler with a maximum design heat input capacity greater than 50 MMBtu/hr, and not subject to either 35 Ill. Adm. Code 217.Subpart D or subpart DDDDD of 40 CFR 63-subpart DDDDD, conduct combustion tuning for the boiler. This tuning must be conducted in each calendar year in which the boiler is operated, except for the calendar year in which the boiler first starts up and the calendar year in which the boiler is permanently removed from service. The combustion tuning must be conducted as specified by 40 CFR 63.7540(a)(10)(i) through (vi), as incorporated by reference in Section 201.104, and be conducted while burning the type of fuel that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

2910
2911
2912 **Section 201.635 PBR Boiler Recordkeeping Requirements**
2913

2914 The owner or operator of the PBR boiler must maintain records containing the following
2915 information, in addition to the records required by Section 201.530:
2916

- a) The maximum design heat input capacity of the boiler, in MMBtu/hr, with supporting documentation;
- b) An inspection, maintenance, and repair log with dates and the nature of those activities for the boiler;
- c) The quantity of each fuel used per month and per year;
- d) The hours of operation, in hours/month and hours/year;
- e) Emissions of PM, PM₁₀, PM_{2.5}, NO_x, CO, and VOM, in tons/month and tons/year, with supporting calculations; and
- f) SO₂ emissions, in tons/month and tons/year, with supporting calculations if the boiler has the capability to burn refinery fuel gas, butane, or propane.

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2933 (Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)
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2935 **Section 201.APPENDIX A Rule Into Section Table**
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RULE	SECTION
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101	201.102
102	201.141
103(a)(1)	201.142
103(a)(2)	201.152
103(a)(3)	201.153
103(a)(4)	201.154
103(a)(5)	201.155
103(a)(6)	201.156
103(b)(1)	201.143
103(b)(2)	201.144, Appendix C
103(b)(3)	201.157
103(b)(4)	201.158
103(b)(5)	201.159
103(b)(6)(A)-(F)	201.160
103(b)(6)(G)	Appendix C
103(b)(7)	201.161
103(b)(8)	201.162
103(c)	201.163
103(d)	201.164
103(e)	201.165
103(f)	201.207
103(g)	201.209
103(h)	201.121
103(i)	201.146
103(j)	201.147
103(k)	201.210
104(a)(1)	201.148(a)
104(a)(2)	215.606, 215.182
104(a)(3)	201.148(b)
104(b)(1)	201.241, 215.213
104(b)(2)	201.242(a)
104(b)(3)	201.242(b)
104(c)	201.243
104(d)	201.244
104(e)	201.245
104(f)	201.246
104(g)	201.247, Appendix C
104(h)	215.126, 215.212, 215.407, 215.466, 215.605
105(a)	201.149
105(b)	201.261
105(c)	201.262
105(d)	201.263
105(e)	201.264
105(f)	201.265
106(a)	201.281

106(b)	201.282
106(c)	201.283
107(a)	201.301
107(b)	201.302
108	201.122
109	201.150
110	201.151
111	201.123
112	201.124
113	201.125
114	201.126

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Section 201.APPENDIX B Section Into Rule Table

SECTION	RULE
201.101	---
201.102	101
201.103	---
201.104	---
201.121	103(h)
201.122	108
201.123	111
201.124	112
201.125	113
201.126	114
201.141	102
201.142	103(a)(1)
201.143	103(b)(1)
201.144	103(b)(2)
201.146	103(i)
201.147	103(j)
201.148(a)	104(a)(1)
201.148(b)	104(a)(3)
201.149	105(a)
201.150	109
201.151	110
201.152	103(a)(2)
201.153	103(a)(3)
201.154	103(a)(4)
201.155	103(a)(5)
201.156	103(a)(6)
201.157	103(b)(3)

201.158	103(b)(4)
201.159	103(b)(5)
201.160	103(b)(6)(A)-(F)
201.161	103(b)(7)
201.162	103(b)(8)
201.163	103(c)
201.164	103(d)
201.165	103(e)
201.207	103(f)
201.209	103(g)
201.210	103(k)
201.241	104(b)(1)
201.242	104(b)(2) and (3)
204.243	104(c)
201.244	104(d)
201.245	104(e)
201.246	104(f)
201.247	104(g)
201.261	105(b)
201.262	105(c)
201.263	105(d)
201.264	105(e)
201.265	105(f)
201.281	106(a)
201.282	106(b)
201.283	106(c)
201.301	107(a)
201.302	107(b)
Appendix C	103(b)(2), 103(b)(6)(G), 104(g)

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Section 201.APPENDIX C Part Compliance Dates

Rule 103(b)(2)

Operating permits were required as follows:

SOURCE CLASSIFICATION	DATE OPERATING PERMIT REQUIRED
Primary Metal Industry Operations as defined by code 33 of the "Standard Industrial Classification Manual"	By December 1, 1972

Rubber and Plastics Products Industry
Operations as defined by code 30 of the
"Standard Industrial Classification Manual" By December 1, 1972

Chemicals and Allied Products Industry
Operations as defined by code 28 of the
"Standard Industrial Classification Manual" By January 1, 1973

Food and Kindred Products Industry
Operations as defined by code 20 and Printing
and Publishing Industry Operations as defined
by code 27 of the "Standard Industrial
Classification Manual" By February 1, 1973

Petroleum and Coal Products ~~Industry~~ Industry
Operations as defined by code 29 of the
"Standard Industrial Classification Manual"
and bituminous cement (asphalt) plants By February 1, 1973

Stone, Clay and Glass Products and Paper and
Allied Products Industry Operations as defined
by code 32 and 26 of the "Standard Industrial
Classification Manual" and all painting
operations using in excess of 5,000 gallons of
paint (including thinner) per year By March 1, 1973

Incinerators By April 1, 1973

Electric, Gas, and Sanitary Services as defined
by code 49 of the "Standard Industrial
Classification Manual" and coal fired boilers By May 1, 1973

Gas and Oil fired boilers and all other emission
sources or air pollution control equipment not
listed previously in this paragraph except
equipment excluded under paragraph (i) of this
Rule June 1, 1973

Grain-Handling and Conditioning Operations By March 1, 1976

Grain-Handling and Grain-Drying Operations By March 1, 1976

2951
2952 (B) All applications for Operating Permits shall be submitted to the Agency at
2953 least 90 days prior to the date on which an Operating Permit is required.
2954 Provided, however, the Agency may waive this 90 day requirement when
2955 appropriate. If necessary, to prevent an unmanageable workload as may

2956 be deemed appropriate, the Agency may extend the dates by which
2957 Operating Permits are required under Section 103(b)(2)(A) for a period
2958 not to exceed four months. The Agency shall notify the persons affected
2959 and the Board in writing of the extension at least four months before the
2960 dates set forth in Section 103(b)(2)(A).

- (C) Nothing in this Rule shall preclude any person from applying for an
Operating Permit earlier than the dates specified in part (b)(2)(A) of this
Rule 103.

Rule 103(b)(6)(G)

No operating permit could be granted unless the applicant submitted proof to the Agency that:

if subject to a future compliance date, the applicant was, on the effective date of this
Chapter, and is at the time of application for an Operating Permit pursuant to Rule
103(b)(2), in compliance with any applicable emission standards of the Rules and
Regulations Governing the Control of Air Pollution of the former State of Illinois Air
Pollution Control Board; or was, on the effective date of this Chapter, in full compliance
with any variance from those regulations granted by the Pollution Control Board; or has
been, since the effective date of this Chapter, granted a variance from those regulations,
and is in full compliance with such variance.

Rule 104(g)

Submission and Approval Dates. The owner or operator of an emission source subject to the
following rules was required to have a Compliance Plan and a Project Completion Schedule,
where applicable, approved by the Agency by the following dates. A Compliance Plan and a
Project Completion Schedule, where applicable, shall be submitted at least 90 days before the
following dates.

- (1) By February 1, 1980. Gasoline Dispensing facilities subject to Rule 205(p) and
degreasers subject to Rule 205(k) located in Cook, DuPage, Lake, Kane, McHenry and
Will counties.
- (2) By March 1, 1980. Petroleum refineries subject to Rule 205(1), except (1) (4)-(10).
Gasoline dispensing facilities subject to Rule 205(p) in Boone, Madison, St. Clair, Peoria,
Tazewell, Rock Island and Winnebago counties.
- (3) By April 1, 1980. Degreasers subject to Rule 205(k) located in counties other than Cook,
DuPage, Lake, Kane, McHenry or Will. Bulk gasoline plants, bulk gasoline terminals
and petroleum liquid storage tanks subject to Rule 205(o), except (o) (3), located in
Cook, DuPage, Lake, Kane, McHenry and Will counties.
- (4) By April 1, 1980. Coating lines subject to Rule 205(n), except (n)(1)(J), and (K). Bulk
gasoline plants, bulk gasoline terminals and petroleum liquid storage tanks subject to
Rule 205(o), except (o)(3), which are located in counties other than Cook, Lake, DuPage,
Kane, McHenry or Will.