# ILLINOIS POLLUTION CONTROL BOARD July 7, 1995

IN THE MATTER OF:	)
	) R95-16
EXEMPTIONS FROM THE DEFINITION	) (Identical in Substance Rules-
OF VOM, U.S. EPA RECOMMENDED	) Air)
POLICY AMENDMENTS (January 1	
through June 30, 1995)	)

Proposal for Public Comment.

PROPOSED OPINION AND ORDER OF THE BOARD (by G.T. Girard):

This proceeding updates the definition of 35 Ill. Adm. Code 211.7150 to reflect the most recent U.S. EPA exemptions of compounds from regulation as ozone precursors. This rulemaking is mandated by Section 9.1(e) of the Environmental Protection Act (Act) [415 ILCS 5/9.1(e) (1992)]. That provision requires the Board to exempt from the definition of VOM those compounds that are determined by U.S. EPA to be exempt from regulation under the state implementation plan for ozone in the federal Recommended Policy. Section 9.1(e) provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35 & 5-40 (1992)] do not apply to this proceeding. Because it is not subject to Section 5 of the APA, this rulemaking is not subject to First Notice and Second Notice review by the Joint Committee on Administrative Rules.

As is explained below (<u>infra</u> p. 2), the Board is acting at this time in response to motions for expedited consideration from the Agency and a member of the regulated community.

#### EXPEDITED CONSIDERATION

The Agency filed a motion for expedited consideration on June 30, 1995. The Agency stated that it has received numerous inquiries as to when Illinois will "delist" acetone (i.e., exempt that material from regulation as VOM). U.S. EPA exempted acetone from the federal definition of VOM on June 16, 1995.

The Board received a motion for expedited consideration from Riverside Laboratories on June 30, 1995. That motion explained that Riverside has reformulated all coatings used at its Kane County facility to eliminate all coatings but acetone. Riverside drew attention to its presently-pending petition, docketed as PCB 95-157, for a variance from certain of the VOM regulations. It stated that it is also presently assembling its CAA Title V permit application to obtain a federally-enforceable permit. Riverside moved for expedited consideration of the exemption of acetone from the definition of VOM, so that it may withdraw its petition for variance and complete its Title V permit application.

The Board hereby grants the motions of the Agency and Riverside for expedited consideration. We immediately act today to propose the amendment that would exempt acetone from the definition of VOM. Board staff will submit an appropriate Notice of Proposed Amendments for publication in the <u>Illinois Register</u>, and schedule a public hearing as required by federal law. When the time for public comment has run, the Board will act promptly to adopt the exemption.

#### DESCRIPTION OF PRESENT ACTION

The present amendments respond to a single U.S. EPA amendment to the definition of VOM. On June 16, 1995, at 60 Fed. Reg. 31633, U.S. EPA added one compound to the list of chemical species that are exempted from the definition of VOM and, hence, are exempted from regulation for control of ozone precursors. The common name of that single compound is acetone. Alternative names for this compound are 2-propanone and dimethylketone.

The primary Federal Register citation to the revision in the federal policy statement used in this opinion and order is as follows:

60 Fed. Reg. 31633 (June 16, 1995) adding one compound to the list of those exempted

The Board has incorporated the federal amendments of June 16, 1995 with only minor deviation from the added federal text. The Board has parenthetically added the alternative names for acetone (i.e., "2-propanone" and "dimethylketone") in the listing for this material.

## HISTORICAL SUMMARY EXEMPTIONS FROM THE DEFINITION OF VOM

The Board's opinion and order of July 7, 1995 includes full discussion of the history of the exemptions from the definition of VOM. We do not wish to repeat that discussion here. However, we include a summary cumulative listing of Board actions relating to those exemptions for the convenience of the regulated community:

- R78-3 & 4 Adopted August 23, 1979. (general rulemaking; RACT regulations)
- R80-5 Adopted December 30, 1982. (general rulemaking; RACT II regulations)
- R86-37 Adopted December 22, 1987. (general rulemaking; amendments to VOM regulations)

Adopted October 18, 1989. (U.S. EPA revisions of R89-8 January 18, 1989) R91-10 Adopted September 12, 1991. (U.S. EPA revisions of March 18, 1991) R91-24 Adopted July 30, 1992. (extended exemptions to Chicago and Metro-East areas and responded to U.S. EPA codification of February 3, 1992) R92-6 Dismissed April 9, 1992. (no U.S. EPA amendments during July 1 through December 31, 1991) R92-15 Dismissed August 13, 1992. (no U.S. EPA amendments during January 1 through June 30, 1992) R93-3 Dismissed January 21, 1993. (no U.S. EPA amendments during July 1 through December 31, 1992) R93-21 Dismissed September 23, 1993. (no U.S. EPA amendments during January 1 through June 30, 1993) R94-3 Dismissed March 31, 1994. (no U.S. EPA amendments during July 1 through December 31, 1993) R94-22 Dismissed October 6, 1994. (no U.S. EPA amendments during January 1 through June 30, 1994) R95-2 July 6, 1995. (U.S. EPA amendments during July 1 through December 31, 1994: those of October 5, 1994)

#### PUBLIC COMMENTS

(U.S. EPA amendments during January

1 through June 30, 1995: those of June 16, 1995)

This docket.

R95-16

The Board invites public comments on the proposed amendments. We will receive public comments until 45 days after a Notice of Proposed Amendments appears in the Illinois Register on this matter. After the 45-day public comment period has expired, the Board will promptly proceed to adopt amendments based on today's proposal.

### ORDER

The Board hereby proposes the following amendments to its definition of "volatile organic compound" at 35 Ill. Adm. Code 211.7150:

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

# SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

#### PART 211

## DEFINITIONS AND GENERAL PROVISIONS

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	Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
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211.690	Batch Loading
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211.790	Bulk Gasoline Plant

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211.850
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211.1270 Coil Coating
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211.1310 Cold Cleaning
211.1330 Complete Combustion
211.1350 Component
211.1370
         Concrete Curing Compounds
211.1390
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211.1410
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211.1670
         Daily-Weighted Average VOM Content
211.1690
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         Dip Coating
         Distillate Fuel Oil
211.1770
211.1790
         Drum
211.1810
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211.3270 Large Appliance Coating
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211.3790 Miscellaneous Fabricated Product Manufacturing Process
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211.3850 Miscellaneous Metal Parts and Products Coating
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211.4070 Offset
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211.4350 Owner of a Gasoline Dispensing Operation or Owner of a
          Gasoline Dispensing Facility
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211.4470 Paper Coating
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211.4530 Parts Per Million (Volume) or PPM (Vol)
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211.4970 Potential to Emit
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211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
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211.5500 Regulated Air Pollutant
211.5510
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211.5530 Repair
211.5550 Repair Coat
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211.5710 Roll Coating
211.5730 Roll Printer
211.5750 Roll Printing
211.5770
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211.5830
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211.5850 Sanding Sealers
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211.5910
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211.5950 Set of Safety Relief Valves
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211.5990 Shotblasting
211.6010 Side-Seam Spray Coat
211.6030 Smoke
211.6050 Smokeless Flare
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211.6090
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211.6110 Solvent Recovery System
211.6130 Source
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211.6270 Standard Conditions
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211.6350 Stationary Emission Unit
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211.6390 Stationary Storage Tank
211.6410 Storage Tank or Storage Vessel
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211.6450 Styrene Recovery Unit
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211.6490 Substrate
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211.6550
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211.6930
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211.6990
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211.7270
         Wholesale Purchase - Consumer
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         Wood Furniture
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211. Appendix A Rule into Section Table 211. Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Req. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at

### SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

- a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane), 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely-methylated siloxanes; acetone (2-propanone or dimethylketone); and perfluorocarbon compounds which fall into these classes:
  - Cyclic, branched, or linear, completely fluorinated alkanes;
  - 2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - 3) Cyclic, branched, or linear, completely

fluorinated tertiary amines with no unsaturations; and

- 4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods in the approved implementation plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112, and 219.112, as applicable, or by source-specific test methods that have been established pursuant to a permit issued pursuant to a program approved or promulgated under Title V of the Clean Air Act; under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusion is approved by the Agency.
- c) As a precondition to excluding these negligiblyreactive compounds as VOM, or at any time thereafter,
  the Agency may require an owner or operator to provide
  monitoring or testing methods and results
  demonstrating, to the satisfaction of the Agency, the
  amount of negligibly-reactive compounds in the source's
  emissions.
- d) The USEPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source:	Amended	at	19	Ill.	Reg.	, effective	<u> </u>
	)						

IT IS SO ORDERED.

I, Dorothy M. Gunn, Cl	erk of t	the Illinois	Pollut	ion Cor	ıtrol
Board, certify that the abo	ve prop	csed opinion	and or	der was	;
adopted on the	_ day of	July	, 19	95, by	a
vote of $70$ .		0 1			
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