

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code citation: 35 Ill. Adm. Code 217
- 3) Section Number: 217.152 Proposed Action: Amend
- 4) Statutory authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28]
- 5) A complete description of the subjects and issues involved: Saint-Gobain Containers, Inc. (SGCI) owns and operates a glass manufacturing plant, including three glass melting furnaces, at 13850 Cottage Grove Avenue in Dolton. The Board's air pollution regulations at 35 Ill. Adm. Code 217.204 require specified glass melting furnaces to meet a nitrogen oxides (NOx) emissions limitation of 5.0 lb/ton of glass produced by January 1, 2012. Section 217.152(b) includes an alternative compliance date of December 31, 2014 for units required to meet NOx emissions limitations included in a legally enforceable order on or before December 31, 2009, where such emissions limitations are less than 30 percent of the limit of 5.0 lb/ton of glass produced.

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

For a more detailed description of this rulemaking, see the Board's December 2, 2010, first-notice opinion and order: Proposed Site-Specific Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b). (R11-17)
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: SGCI states in its rulemaking petition that "no published study or research report was used in developing this rule amendment."
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
217.388	Amend	34 Ill. Reg. 17513; November 19, 2010

- 11) Statement of statewide policy objective: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b) (2008)].
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R11-17 and be addressed to:

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

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

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

- 13) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: In its rulemaking petition, SGCI refers to the Board's adoption of standards applicable to glass melting furnaces and states that "[a]ll parties understood that the alternative [compliance date] provision at 35 Ill. Adm. Code § 217.152(b) was intended for SGCI. . . ." Accordingly, the proposal is not expected to affect any other source and is not expected to affect a small business, small municipality, or not-for-profit corporations.

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- B) Reporting, bookkeeping or other procedures required for compliance: As SGCI's proposal would amend only the deadline for obtaining a court in order to qualify for an alternate compliance date, the proposal is not expected to require new reporting, bookkeeping or other procedures for compliance.
- C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the existing state and federal air pollution control requirements are expected to be necessary.
- 14) Regulatory Agenda on which this rulemaking was summarized: As noted above under Section 5, SCGI originally sought the alternative compliance date in Section 217.152(b) because of an agreement that it was negotiating with other entities at the time the Board promulgated the applicable NOx limitations. Although the participants in the Board's rulemaking process expected a qualifying agreement by the December 31, 2009 deadline, the federal court did not enter a qualifying Consent Decree until May 7, 2010. Because of that unexpected delay of approximately four months, and because the Board did not receive SGCI's petition until November 24, 2010, this rulemaking was not summarized in either of the Board's two most recent regulatory agendas.

The full text of the Proposed Amendment begins on the next page:

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

PART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section
217.121 New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section
217.141 Existing Emission Units in Major Metropolitan Areas

SUBPART D: NOx GENERAL REQUIREMENTS

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

SUBPART E: INDUSTRIAL BOILERS

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

SUBPART F: PROCESS HEATERS

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

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SUBPART G: GLASS MELTING FURNANCES

Section

217.200 Applicability
217.202 Exemptions
217.204 Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

Section

217.220 Applicability
217.222 Exemptions
217.224 Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section

217.240 Applicability
217.242 Exemptions
217.244 Emissions Limitations

SUBPART K: PROCESS EMISSION SOURCES

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217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section

217.340 Applicability
217.342 Exemptions
217.344 Emissions Limitations
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section

217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING
INTERNAL COMBUSTION ENGINES AND TURBINES

Section

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

SUBPART T: CEMENT KILNS

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217.400 Applicability
217.402 Control Requirements
217.404 Testing
217.406 Monitoring

217.408 Reporting
217.410 Recordkeeping

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

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217.450 Purpose
217.452 Severability
217.454 Applicability
217.456 Compliance Requirements
217.458 Permitting Requirements
217.460 Subpart U NOx Trading Budget
217.462 Methodology for Obtaining NOx Allocations
217.464 Methodology for Determining NOx Allowances from the New Source Set-
Aside
217.466 NOx Allocations Procedure for Subpart U Budget Units
217.468 New Source Set-Asides for "New" Budget Units
217.470 Early Reduction Credits (ERCs) for Budget Units
217.472 Low-Emitter Requirements
217.474 Opt-In Units
217.476 Opt-In Process
217.478 Opt-In Budget Units: Withdrawal from NOx Trading Program
217.480 Opt-In Units: Change in Regulatory Status
217.482 Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section

217.521 Lake of Egypt Power Plant
217.700 Purpose
217.702 Severability
217.704 Applicability
217.706 Emission Limitations
217.708 NOx Averaging
217.710 Monitoring
217.712 Reporting and Recordkeeping

SUBPART W: NOx TRADING PROGRAM FOR
ELECTRICAL GENERATING UNITS

Section

217.750 Purpose
217.751 Sunset Provisions
217.752 Severability
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217.756 Compliance Requirements
217.758 Permitting Requirements
217.760 NOx Trading Budget
217.762 Methodology for Calculating NOx Allocations for Budget Electrical
Generating Units (EGUs)
217.764 NOx Allocations for Budget EGUs
217.768 New Source Set-Asides for "New" Budget EGUs
217.770 Early Reduction Credits for Budget EGUs
217.774 Opt-In Units
217.776 Opt-In Process
217.778 Budget Opt-In Units: Withdrawal from NOx Trading Program
217.780 Opt-In Units: Change in Regulatory Status

217.782 Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NOx EMISSIONS REDUCTION PROGRAM

Section

217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NOx Emission Reductions and the Subpart X NOx Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NOx Emission Reductions
217.830	Limitations on NOx Emission Reductions
217.835	NOx Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
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217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units
217.APPENDIX F	Allowances for Electrical Generating Units
217.APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NOx SIP Call
217.APPENDIX H	Compliance Dates for Certain Emissions Units at Petroleum Refineries

~~Authority~~AUTHORITY: Implementing Sections 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28 (2008)].

~~Source~~SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. ~~14254~~14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. _____, effective _____.

SUBPART D: NOx GENERAL ~~REQUIREMENT~~REQUIREMENTS

Section 217.152 Compliance Date

a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or operator of an emission unit that is subject to any of those Subparts is required beginning January 1, 2012.

b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart G of this Part by an owner or operator of an emission unit subject to Subpart G of this Part shall be extended until December 31,

2014, if ~~such units are~~ the unit is required to meet emissions limitations for NOx, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before ~~December 31, 2009~~ May 7, 2010, whereby ~~such the~~ emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204.

c) Notwithstanding subsection (a) of this Section, the owner or operator of emission units subject to Subpart E or F of this Part and located at a petroleum refinery must comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, for those emission units beginning January 1, 2012, except that the owner or operator of emission units listed in Appendix H must comply with the requirements of this Subpart, including the option of demonstrating compliance with the applicable Subpart through an emissions averaging plan under Section 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units beginning on the dates set forth in Appendix H. With Agency approval, the owner or operator of emission units listed in Appendix H may elect to comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, by reducing the emissions of emission units other than those listed in Appendix H, provided that the emissions limitations of such other emission units are equal to or more stringent than the applicable emissions limitations set forth in Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.

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

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2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
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181 217.825 Calculation of Creditable NO_x Emission Reductions
182 217.830 Limitations on NO_x Emission Reductions
183 217.835 NO_x Emission Reduction Proposal
184 217.840 Agency Action
185 217.845 Emissions Determination Methods
186 217.850 Emissions Monitoring
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197 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x
198 SIP Call
199 217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

200
201 AUTHORITY: Implementing Sections 10 and authorized by Sections 27 and 28 of the
202 Environmental Protection Act [415 ILCS 5/10, 27 and 28 (2008)].
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204 SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23,
205 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101,
206 effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128,
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209 18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999,
210 effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009;
211 amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35
212 Ill. Reg. _____, effective _____.
213

214 SUBPART D: NO_x GENERAL REQUIREMENTS
215

216 **Section 217.152 Compliance Date**
 217

- 218 a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or
 219 operator of an emission unit that is subject to any of those Subparts is required
 220 beginning January 1, 2012.
 221
- 222 b) Notwithstanding subsection (a) of this Section, compliance with the requirements
 223 of Subpart G of this Part by an owner or operator of an emission unit subject to
 224 Subpart G of this Part shall be extended until December 31, 2014, if the unit
 225 ~~is such units are~~ required to meet emissions limitations for NO_x, as measured using
 226 a continuous emissions monitoring system, and included within a legally
 227 enforceable order on or before May 7, 2010~~December 31, 2009~~, whereby thesueh
 228 emissions limitations are less than 30 percent of the emissions limitations set forth
 229 under Section 217.204.
 230
- 231 c) Notwithstanding subsection (a) of this Section, the owner or operator of emission
 232 units subject to Subpart E or F of this Part and located at a petroleum refinery
 233 must comply with the requirements of this Subpart and Subpart E or F of this Part,
 234 as applicable, for those emission units beginning January 1, 2012, except that the
 235 owner or operator of emission units listed in Appendix H must comply with the
 236 requirements of this Subpart, including the option of demonstrating compliance
 237 with the applicable Subpart through an emissions averaging plan under Section
 238 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units
 239 beginning on the dates set forth in Appendix H. With Agency approval, the
 240 owner or operator of emission units listed in Appendix H may elect to comply
 241 with the requirements of this Subpart and Subpart E or F of this Part, as
 242 applicable, by reducing the emissions of emission units other than those listed in
 243 Appendix H, provided that the emissions limitations of such other emission units
 244 are equal to or more stringent than the applicable emissions limitations set forth in
 245 Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.
 246

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