

## 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: 217.381                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 217 to provide alternate emission limitations during periods of startup, shutdown, breakdown, and malfunction.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*.

Public comments should refer to Docket R23-18(A) and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
60 E. Van Buren, Suite 630

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Chicago, IL 60605

Interested persons may download copies of the Board's opinions and orders in R23-18(A) from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies 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: Any small business that holds an air permit allowing emissions from equipment that malfunctions or that may start-up.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in either of the two most recent Regulatory Agendas because this is subdocket to a previous rulemaking.

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

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JCAR350217-2312842r01

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203 AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the  
204 Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

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206 SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23,  
207 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101,  
208 effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128,  
209 effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001;  
210 amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-  
211 18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999,  
212 effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009;  
213 amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35  
214 Ill. Reg. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective  
215 August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011;

216 amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011; amended in R15-21 at 39  
217 Ill. Reg. 16213, effective December 7, 2015; amended in R23-18(A) at 47 Ill. Reg. \_\_\_\_\_,  
218 effective \_\_\_\_\_.

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SUBPART O: CHEMICAL MANUFACTURE

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222 **Section 217.381 Nitric Acid Manufacturing Processes**

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- a) New Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations:

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- 1) ~~0.75~~<sup>1.5</sup> kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (~~1.53~~<sup>3.0</sup> lbs/T), 30-day rolling average, rolled daily, during all Operating Periods (including during Startup and Shutdown);

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- 2) Visible emissions in excess of 5 percent opacity, during all Operating Periods except during Startup and Shutdown;

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- 3) During Startup and Shutdown, as defined in subsection (e), visible emissions shall be controlled through:

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- A) Operating in a manner consistent with good air pollution control practices for minimizing emissions;

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- B) Maintaining a log of Startup and Shutdown events; and

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- C) Operating in accordance with written Startup and Shutdown procedures that are specifically developed to minimize Startup emissions, duration of individual starts, and frequency of Startups.

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- 4) The limitations on visible emissions in this Section are in lieu of the limitations in 35 Ill. Adm. Code 212.123.

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- ~~5)~~<sup>3)</sup> 0.05 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.1 lbs/T).

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- 6) In determining compliance with subsection (a)(1), during process operating periods where there is little or no acid production (e.g., Startup or Shutdown), the average hourly acid production rate shall be determined

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from the data collected over the previous 30 days of normal acid production periods.

- b) Existing Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:
- 1) 2.75 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (5.5 lbs/T);
  - 2) Visible emissions in excess of 5 percent opacity;
  - 3) 0.1 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.2 lbs/T).
- c) Concentrated Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:
- 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis)(3.0 lbs/T);
  - 2) 225 ppm of nitrogen oxides (expressed as nitrogen dioxide) in any effluent gas stream emitted into the atmosphere;
  - 3) Visible emissions in excess of 5 percent opacity.
- d) Nitric Acid Concentrating Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:
- 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (3.0 lbs/T);
  - 2) Visible emissions in excess of 5 percent opacity.

e) Definitions:

- 1) "Operating Periods" shall mean periods during which a process is producing nitric acid and nitrogen oxides are emitted. Operating Periods begin at the initiation of Startup, end at the completion of Shutdown, and include all periods of malfunction.

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- 2) "Shutdown" shall mean the cessation of nitric acid production operations of the process for any reason. Shutdown begins at the time the feed of ammonia to the process ceases and ends the earlier of three hours later or the cessation of feed of compressed air to the process.
- 3) "Startup" shall mean the process of initiating nitric acid production operations at a process. Startup begins one hour prior to the initiation of the feed of ammonia to the process and ends no more than five hours after such initiation of the feed of ammonia.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Comparing:  
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

JCAR350217-2312842r01

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENT~~

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

PART 217  
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

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SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

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217.121 New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

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217.141 Existing Emission Units in Major Metropolitan Areas

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SUBPART H: CEMENT AND LIME KILNS

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Section	
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SUBPART K: PROCESS EMISSION SOURCES

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217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

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217.340 Applicability  
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SUBPART O: CHEMICAL MANUFACTURE

Section

217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING  
INTERNAL COMBUSTION ENGINES AND TURBINES

Section

217.386 Applicability  
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SUBPART T: CEMENT KILNS

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217.400 Applicability  
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SUBPART U: NO<sub>x</sub> CONTROL AND TRADING PROGRAM FOR  
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Section

217.450 Purpose

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217.466	NO <sub>x</sub> 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
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217.474	Opt-In Units
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217.700	Purpose
217.702	Severability
217.704	Applicability
217.706	Emission Limitations
217.708	NO <sub>x</sub> Averaging
217.710	Monitoring
217.712	Reporting and Recordkeeping

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ELECTRICAL GENERATING UNITS

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217.752	Severability
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217.756	Compliance Requirements
217.758	Permitting Requirements
217.760	NO <sub>x</sub> Trading Budget

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- 217.762 Methodology for Calculating NO<sub>x</sub> Allocations for Budget Electrical Generating Units (EGUs)
- 217.764 NO<sub>x</sub> 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
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SUBPART X: VOLUNTARY NO<sub>x</sub> EMISSIONS REDUCTION PROGRAM

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

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

**POLLUTION CONTROL BOARD  
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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. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011; amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011; amended in R15-21 at 39 Ill. Reg. 16213, effective December 7, 2015; amended in R23-18(A) at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART O: CHEMICAL MANUFACTURE

**Section 217.381 Nitric Acid Manufacturing Processes**

- a) New Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations:
- 1) **0.75kg** of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (1.5 lbs/T), 30-day rolling average, rolled daily, during all Operating Periods (including during Startup and Shutdown);
  - 2) Visible emissions in excess of 5 percent opacity, **during all Operating Periods except during Startup and Shutdown**;
  - 3) **During Startup and Shutdown, as defined in subsection (e)-below, visible emissions shall be controlled through:**
    - A) **Operating in a manner consistent with good air pollution control practices for minimizing emissions;**
    - B) **Maintaining a log of Startup and Shutdown events; and**



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- C) Operating in accordance with written Startup and Shutdown procedures that are specifically developed to minimize Startup emissions, duration of individual starts, and frequency of Startups.
  - 4) The limitations on visible emissions in this ~~section~~Section are in lieu of the limitations in 35 Ill. Adm. Code 212.123.
  - 5) 0.05 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.1 lbs/T).
  - 6) In determining compliance with ~~paragraph~~subsection (a)(1), during process operating periods where there is little or no acid production (e.g., Startup or Shutdown), the average hourly acid production rate shall be determined from the data collected over the previous 30 days of normal acid production periods.
- b) Existing Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:
- 1) 2.75 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (5.5 lbs/T);
  - 2) Visible emissions in excess of 5 percent opacity;
  - 3) 0.1 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.2 lbs/T).
- c) Concentrated Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:
- 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis)(3.0 lbs/T);
  - 2) 225 ppm of nitrogen oxides (expressed as nitrogen dioxide) in any effluent gas stream emitted into the atmosphere;
  - 3) Visible emissions in excess of 5 percent opacity.

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- d) Nitric Acid Concentrating Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:
- 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (3.0 lbs/T);
  - 2) Visible emissions in excess of 5 percent opacity.
- e) Definitions:
- 1) "Operating Periods" shall mean periods during which a process is producing nitric acid and nitrogen oxides are emitted. Operating Periods begin at the initiation of Startup, end at the completion of Shutdown, and include all periods of malfunction.
  - 2) "Shutdown" shall mean the cessation of nitric acid production operations of the process for any reason. Shutdown begins at the time the feed of ammonia to the process ceases and ends the earlier of three hours later or the cessation of feed of compressed air to the process.
  - 3) "Startup" shall mean the process of initiating nitric acid production operations at a process. Startup begins one hour prior to the initiation of the feed of ammonia to the process and ends no more than five hours after such initiation of the feed of ammonia.

(Source: Amended at 47 Ill. Reg.                     , effective                     )

<b>Summary report:</b>	
<b>Litera Compare for Word 11.2.0.54 Document comparison done on 8/31/2023 9:50:43 AM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> 35-217RG-P Agency.docx	
<b>Modified filename:</b> 35-217RG-P r01 (47-35).docx	
<b>Changes:</b>	
Add	9
Delete	14
<del>Move From</del>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>23</b>