

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED  
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SEP 02 2003

IN THE MATTER OF: )

CLEAN-UP )  
AMENDMENTS TO 35 ILL. )  
ADM. CODE PART 214 )

R07-10  
(Rulemaking - Air)

STATE OF ILLINOIS  
Pollution Control Board

NOTICE

TO:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

Matthew Dunn, Chief  
Attorney General's Office  
James R. Thompson Center  
100 West Randolph, 12th Floor  
Chicago, Illinois 60601

Katherine D. Hodge  
Executive Director  
Illinois Environmental Regulatory Group  
3150 Roland Avenue  
Springfield, IL 62703

Jonathan Furr  
Chief Legal Counsel  
Illinois Dept. of Natural Resources  
524 South Second Street  
Springfield, Illinois 62701-1787

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the REGULATORY PROPOSAL FOR CLEAN-UP AMENDMENTS TO 35 ILL. ADM. CODE PART 214 and APPEARANCE of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: August 28, 2003  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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TABLE OF CONTENTS OF REGULATORY SUBMITTAL

Following is a Table of Contents of all pleadings and documents included with the regulatory action proposed:

1. Notice of Proposal
2. Appearance of Charles E. Matoesian, Assistant Counsel, for the Illinois Environmental Protection Agency
3. Director Renee Cipriano's Proposal of Amendments
4. Agency Analysis of Economic and Budgetary Effects
5. Statement of Reasons
6. Illinois Register Notice of Proposed Amendments
7. Proposed Amendments:  
The original and nine (9) copies
8. Statement of Justification
9. Proof of Service
10. Disk in Microsoft Word containing:
  - a. Agency's Analysis of Economic and Budgetary Effects
  - b. First Notice Form for 35 Ill. Adm. Code Part 214
  - c. Proposed Amendments to 35 Ill. Adm. Code Part 214

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )

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R04-10  
(Rulemaking - Air)

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Pollution Control Board

APPEARANCE

The undersigned, as one of its attorneys, hereby enters an Appearance on behalf of the Illinois Environmental Protection Agency.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: August 28, 2003  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

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IN THE MATTER OF: )  
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R04b  
(Rulemaking - Air)

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSAL OF AMENDMENTS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached amendments to Part 214.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: Renee Cipriano  
Renee Cipriano  
Director

DATED: August 28, 3003

P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-3397

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF PROPOSED RULEMAKING:

Agency: Illinois Pollution Control Board

Part/Title: 35 Ill. Adm. Code Part 214: SULFUR LIMITATIONS

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.

- (a) Current cost to the agency for this program/activity. NONE
- (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.  
N/A
- (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity.  
No additional funds are necessary.
- (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect.  
N/A
- (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above?  
No

2. Economic effect on persons affected by the rulemaking:

- (a) Indicate the economic effect and specify the persons affected:  
Positive \_\_\_ Negative \_\_\_ No effect X  
Persons affected: N/A  
Dollar amount per person: N/A  
Total statewide cost: N/A

(b) If an economic effect is predicted, please briefly describe how the effect will occur. N/A

(c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms?

The rulemaking should have no indirect effect that may result in increased administrative costs. The rulemaking merely corrects typographical errors in Part 214.

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R07-10  
(Rulemaking - Air)

STATE OF ILLINOIS  
Pollution Control Board

STATEMENT OF REASONS

The Illinois Environmental Protection Agency ("Illinois EPA") hereby submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 27 and 28 of the Environmental Protection Act ("Act")(415 ILCS 5/27 and 28) and 35 Ill. Adm. Code 102.202(b), in support of the attached proposed amendments to existing regulations. Included in this proposal are amendments to 35 Ill. Adm. Code Part 214 "Part 214" which correct typographical errors in the "Special Formula" at Section 214.184. This proposal amends the most recent version of Part 214 as found on the Board's website.

I. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY PROPOSAL

This proposed rulemaking is simply a "clean-up" of the existing regulation and results from comments by industry. It seeks only to correct typographical errors present in the existing formula used to determine sulfur dioxide emissions from stationary sources. Originally, the Subpart at issue was adopted to satisfy Clean Air Act ("CAA") requirements.

II. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

Sulfur dioxide emitting sources throughout the state could be affected by this proposal, but, as stated, the proposal simply involves the correction of typographical errors.

III. PURPOSE AND EFFECT OF THE PROPOSAL

This proposal is a minor clean-up of Part 214. It is intended to have no real impact upon sources except in that it clarifies the existing formula for calculating sulfur dioxide emissions from stationary sources.

**IV. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS**

The amendments to Part 214 do not impose new requirements. The Illinois EPA therefore believes that an analysis of technical feasibility and economic reasonableness is not appropriate.

**V. COMMUNICATION WITH INTERESTED PARTIES**

These amendments are being proposed based on inquiries from industry.

**VI. CONCLUSION**

The Agency proposes a minor clean-up of the rule at 35 Ill. Adm. Code 214 to correct typographical errors present in the formula in Section 184.

**WHEREFORE**, for the reasons stated above, the Illinois EPA hereby submits this regulatory proposal and requests the Board adopt these proposed amendments to Part 214 for the State of Illinois.

Respectfully submitted,  
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: August 28, 2003

1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276



ILLINOIS REGISTER

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sulfur Limitations.
- 2) Code Citation: 35 Ill. Adm Code 214
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
Authority	Amended
214.184	Amended
- 4) Statutory Authority: Sections 27 and 28 of the Illinois Environmental Protection Act. [415 ILCS 5/27 and 28]
- 5) A Complete Description of the Subjects and Issues Involved : This proposal is a clean-up of Part 214.184. The rulemaking merely corrects typographical errors present in the "Special Formula" used to determine sulfur dioxide emissions from stationary sources.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objective: This proposed amendment is intended to correct typographical errors present in the "Special Formula" used to determine sulfur dioxide emissions from stationary sources. As such, it will clarify compliance requirements for sources in Illinois. It does not increase state mandates.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public comments on this proposal for a period of forty-five (45) days after the date of publication in the Illinois Register. Comments should reference the Sulfur Limitations and be addressed to:

Charles E. Matoesian  
Assistant Counsel  
Illinois Environmental Protection Agency

ILLINOIS REGISTER

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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143( TDD)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: The amendment will clarify compliance requirements for sources.
  - B) Reporting, Bookkeeping or other procedures required for compliance: None.
  - C) Types of professional skills necessary for compliance: None.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] : No.

The full text of the Proposed Rule(s) begins on the next page:

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

**PART 214  
SULFUR LIMITATIONS**

**SUBPART A: GENERAL PROVISIONS**

<b>Section</b>	
214.100	Scope and Organization
214.101	Measurement Methods
214.102	Abbreviations and Units
214.103	Definitions
214.104	Incorporations by Reference

**SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES**

<b>Section</b>	
214.120	Scope
214.121	Large Sources
214.122	Small Sources

**SUBPART C: EXISTING SOLID FUEL COMBUSTION EMISSION SOURCES**

<b>Section</b>	
214.140	Scope
214.141	Sources Located in Metropolitan Areas
214.142	Small Sources Located Outside Metropolitan Areas
214.143	Large Sources Located Outside Metropolitan Areas

**SUBPART D: EXISTING LIQUID OR MIXED FUEL COMBUSTION EMISSION  
SOURCES**

<b>Section</b>	
214.161	Liquid Fuel Burned Exclusively
214.162	Combination of Fuels

**SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN  
AREAS**

**Section**

214.181	Dispersion Enhancement Techniques
214.182	Prohibition
214.183	General Formula
214.184	Special Formula
214.185	Alternative Emission Rate
214.186	New Operating Permits

**SUBPART F: ALTERNATIVE STANDARDS FOR SOURCES INSIDE  
METROPOLITAN AREAS**

**Section**

214.201	Alternative Standards for Sources in Metropolitan Areas
214.202	Dispersion Enhancement Techniques

**SUBPART K: PROCESS EMISSION SOURCES**

**Section**

214.300	Scope
214.301	General Limitation
214.302	Exception for Air Pollution Control Equipment
214.303	Use of Sulfuric Acid
214.304	Fuel Burning Process Emission Source

**SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND  
CHEMICAL MANUFACTURING**

**Section**

214.380	Scope
214.381	Sulfuric Acid Manufacturing
214.382	Petroleum and Petrochemical Processes
214.383	Chemical Manufacturing
214.384	Sulfate and Sulfite Manufacturing

**SUBPART P: STONE, CLAY, GLASS AND CONCRETE PRODUCTS**

**Section**

214.400	Scope
214.401	Glass Melting and Heat Treating

214.402 Lime Kilns

**SUBPART Q: PRIMARY AND SECONDARY METAL  
MANUFACTURING**

**Section**

214.420 Scope  
214.421 Combination of Fuels at Steel Mills in Metropolitan Areas  
214.422 Secondary Lead Smelting in Metropolitan Areas  
214.423 Slab Reheat Furnaces in St. Louis Area

**SUBPART V: ELECTRIC POWER PLANTS**

**Section**

214.521 Winnetka Power Plant

**SUBPART X: UTILITIES**

**Section**

214.560 Scope  
214.561 E. D. Edwards Electric Generating Station  
214.562 Coffeen Generating Station

Appendix A Rule into Section Table  
Appendix B Section into Rule Table  
Appendix C Method used to Determine Average Actual Stack Height and Effective  
Height of Effluent Release  
Appendix D Past Compliance Dates

**AUTHORITY:** Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act (415 ILCS 5/10, 5/27 and 5/28). (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1010 and 1027)

**SOURCE:** Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur Emission Standards and Limitations, 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 R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg. 1892, effective February 17, 1981; amended in R77-15, 44 PCB 267, at 6 Ill. Reg. 2146, effective January 28, 1982; amended and renumbered in R80-22(A), at 7 Ill. Reg. 4219, effective March 28, 1983; codified 7 Ill. Reg. 13597; amended in R80-22(B), at 8 Ill. Reg. 6172, effective April 24, 1984; amended in R84-28, at 10 Ill. Reg. 9806, effective May 20, 1986; amended in R86-31, at

12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-30, at 12 Ill. Reg. 20778, effective December 5, 1988; amended in R87-31 at 15 Ill. Reg. 1017, effective January 15, 1991.; amended in \_\_\_\_\_ at \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART E: AGGREGATION OF SOURCES OUTSIDE METROPOLITAN AREAS

### Section 214.184 Special Formula

- a) If the maximum total emissions of sulfur dioxide into the atmosphere in any one hour period from all fuel combustion emission sources owned or operated by any person and located within a 1 mile (1.6 km) radius from the center point of any such fuel combustion emission sources exceed, during normal cyclical variations in firing rate and fuel, the emissions allowed under Section 214.183 but, as of April 1, 1978, were in compliance with either the formula detailed below or a Pollution Control Board (Board) order, then the owner or operator of the emission sources shall not cause or allow such emissions to exceed the emissions allowed under Section 214.183 or the formula detailed below, whichever the owner or operator of the emission sources determines shall apply.

b)

$$E = 0.2222H^2$$

$$H = P_1 H_1 + P_2 H_2 + \dots P_n H_n$$

(Note:  $P_1 + P_2 \dots P_n = 1$ )

- c) As used in these equations, symbols mean the following:

E = total emission of sulfur dioxide, in pounds per hour, into the atmosphere in any one hour period from all fuel combustion emission sources owned or operated by such person and located within a 1 mile radius from the center point of any such emission source;

$P_i, i = 1, 2, \dots,$        $n =$       percentage of total emissions E emitted from source i expressed in decimal equivalents, i divided by 100, and

$H_i, i = 1, 2, \dots,$        $n =$       physical height in feet above grade of stack i.

(Source: Amended at \_\_\_\_\_, effective \_\_\_\_\_)

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R04 10  
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STATE OF ILLINOIS  
Pollution Control Board

STATEMENT OF JUSTIFICATION

Pursuant to 35 Ill. Adm. Code Section 102.202(j) this statement justifies why the following information need not be included in the Statement of Reasons in this matter.

First, as the proposal is of limited scope and simply a clean-up, the Illinois EPA does not believe that testimony is necessary before the Board. Accordingly, no synopsis of testimony pursuant to Section 102.202(c) is included in the Statement of Reasons.

Secondly, the proposed amendments are not federally required. Accordingly, no certification pursuant to Section 102.500 is included in the Statement of Reasons.

Finally, this rulemaking contains no incorporations by reference. Section 102.202(d).

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PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached REGULATORY PROPOSAL FOR CLEAN-UP AMENDMENTS TO 35 ILL. ADM. CODE PART 214 and APPEARANCE of the Illinois Environmental Protection Agency upon the persons to whom it is directed, by placing it in envelopes addressed to:

TO:


Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

Matthew Dunn, Chief  
Attorney General's Office  
James R. Thompson Center  
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Katherine D. Hodge  
Executive Director  
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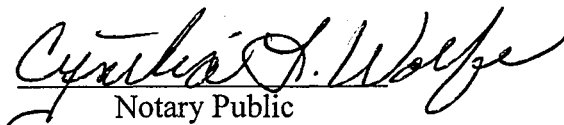
Jonathan Furr  
Chief Legal Counsel  
Illinois Dept. of Natural Resources  
524 South Second Street  
Springfield, Illinois 62701-1787

and mailing same by First Class Mail from Springfield, Illinois on August 28, 2003 with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

this 28th day of August, 2003

  
Notary Public

