

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1997

IN THE MATTER OF:)
)
PETITION OF W.R. GRACE &) R98-16
COMPANY - CONNECTICUT , AND) (Rulemaking - Air)
THE ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY FOR)
SITE-SPECIFIC AIR REGULATION:)
35 ILL. ADM. CODE 218.940(h))

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by J. Yi):

On November 19, 1997, W.R. Grace & Company - Connecticut (Grace) and the Illinois Environmental Protection Agency (Agency), pursuant to Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (1996)), filed a joint proposal for site specific rulemaking. Specifically, the proposal requests a site specific air regulation for the facility be added to Subpart QQ of 35 Ill. Adm. Code 218 at Section 218.940(h). The Board previously granted Grace a variance regarding the emission control requirements of 35 Ill. Adm. Code 218, Subpart QQ in 1995; see W.R. Grace & Co. - Conn. v. IEPA (March 16, 1995), PCB 94-328. On February 6, 1997, the Board extended that variance until May 15, 1998. W.R. Grace & Co. - Conn. v. IEPA (February 6, 1997), PCB 96-193. On December 4, 1997, the Board adopted an order accepting the joint proposal for hearing and granting, in part, a joint motion for expedited review.

On December 2, 1997, Grace and the Agency filed a joint motion to amend the proposed regulatory language. The motion requests that Section 218.940(h) as proposed in the petition be deleted and replaced with the following:

- (h) The control requirements of this Subpart shall not apply to the solvation mixers at the container sealant manufacturing facility located at 6050 West 51st Street in Chicago, Illinois.

The underlined words are new to the proposal. The only substantive result of the amendment is to replace the name of the facility with a description of the facility. The proponents believe that this language avoids the possibility of having to bring the matter before the Board at a later date should Grace change its corporate name or sell the facility. The proponents assert that this language is specific enough to apply only to the type of operation and activities currently being carried on by Grace at the facility. The Board grants this motion, and the amendment is reflected in this first notice order.

The Board today adopts the following first notice order under the APA (5 ILCS 100/5-5 *et seq.* (1996)) without commenting on the merits of the proposal. In consideration of the request for expedited review, the Board notes the termination date for Grace's current variance, and the time requirements inherent in the rulemaking process. The Board is of the opinion that sending this proposal to first notice at this time is appropriate. This decision is bolstered by the fact that the Agency is a joint participant in both the petition for variance and the motion for expedited review. The proposal will be published in the *Illinois Register* whereupon a 45 day comment period will begin. The Board asks that parties interested in commenting on this proposal address any written comments to John C. Knittle, the hearing officer assigned to this matter.

A hearing in this matter is scheduled for January 8, 1998, at 1:00 p.m. in Room 9-031 of the James R. Thompson Center, 100 W. Randolph, Chicago, Illinois.

Copies of this opinion, the proposed rules, and any hearing officer order may be viewed and downloaded from the Board's Web site at <http://www.ipcb.state.il.us/>. Copies may also be requested in writing from the Clerk of the Illinois Pollution Control Board, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601, via telephone at 312.814.3461, or via facsimile at 312.814.3669.

ORDER

The Board directs the Clerk to cause publication of the proposed amendments in the Illinois Register for first notice:

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

PART 218
 ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
 CHICAGO AREA

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Section 218.212 Cross-Line Averaging

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

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. at 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. at 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R98-____, at ____ Ill. Reg. _____, effective _____.

BOARD NOTE: This Part implements the Environmental Protection Act as of July 1, 1994.

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section 218.940 Applicability

- a) Maximum theoretical emissions:
- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(l)), H (excluding Section 218.405), Q, R, S, T (excluding Section 218.486), V, X, Y, Z or BB of this Part, which as a group both:
 - A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and
 - B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP or FIP revision.
 - 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous formulation manufacturing process emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, or BB of this Part.
- b) Potential to emit:
- 1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units that are:
 - A) Not regulated by Subparts B, E, F, H, Q, R, S, T (excluding Section 218.486), V, X, Y, Z, or BB of this Part, or
 - B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's miscellaneous formulation manufacturing process emission units which are:
- A) Not included within any of the categories specified in Subparts B, E, F, H, Q, R, T, V, X, Y, Z, AA, BB, CC, or DD of this Part, or
 - B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- c) If a source ceases to fulfill the criteria of subsections (a) and/or (b) above, the requirements of this Subpart shall continue to apply to a miscellaneous formulation manufacturing process emission unit which was subject to the control requirements of Section 218.946 of this Part.
- d) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such emission units not complying with this Section does not exceed 4.5 Mg (5.0 tons) per calendar year.
- e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- f) For the purposes of this Subpart, VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.
- g) The control requirements in Subpart QQ shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene foam

packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.

h) The control requirements of this Subpart shall not apply to the solvation mixers at the container sealant manufacturing facility located at 6050 West 51st Street in Chicago, Illinois.

(Source: Amended at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R98-____, at Ill. Reg. _____, effective _____.)

IT IS SO ORDERED.

Board Members R. Flemal and J. Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the day of 1997, by a vote of .

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board