ILLINOIS POLLUTION CONTROL BOARD
October 20, 1994

IN THE MATTER OF:	)	
	)	
15% ROP PLAN CONTROL MEASURES	)	
FOR VOM EMISSIONS-PART II	)	R94-15
MARINE VESSEL LOADING:	)	(Rulemaking)
AMENDMENTS 35 ILL. ADM. CODE	)	
PARTS 211, 218 AND 219	)	

Adopted Rule. Final Notice.

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

On May 26, 1994, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. Section 182(b)(1) of the Clean Air Act (CAA), as amended in 1990, requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of volatile organic material (VOM) by 1996. In Illinois, the Chicago and Metro-East St. Louis (Metro-East) areas are classified as "severe" and "moderate" nonattainment for ozone, respectively, and as such are subject to the 15% reduction requirement. Also pursuant to Section 182(b) of the CAA, Illinois is to submit a 15% Rate of Progress Plan (ROP) within three years of the enactment of the CAA amendments. This rulemaking represents Part II of the rules proposed in Illinois' 15% ROP.

The Board's responsibility in this matter arises from the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (1992)). The Board is charged therein to "determine, define and implement the environmental control standards applicable in the State of Illinois" (415 ILCS 5/5(b)). More generally, the Board's rulemaking charge is based on the system of checks and balances integral to Illinois environmental governance: the Board bears responsibility for the rulemaking and principal adjudicatory functions; the Agency has primary responsibility for administration of the Act and the Board's regulations. The latter includes administering today's new regulation.

The proposal included control measures for the loading of marine vessels and deletes the exemption for barge loading currently in the regulations. The proposal will affect six potential sources in the Metro-East area and three sources in the Chicago area.

This proposal was filed pursuant to Section 28.5 of the Act. (415 ILCS 5/28.5 (1992).) Pursuant to the provisions of that section the Board is required to proceed within set time-frames toward the adoption of this regulation. The Board has no discretion to adjust these time-frames under any circumstances. Today the Board act to adopt the proposed rule as amended at first and second notice and to send the proposal to final notice.

PROCEDURAL HISTORY

On June 2, 1994, the Board sent this proposal to first notice under the Illinois Administrative Procedure Act (APA) without commenting on the merits of the proposal. The proposal was published in the Illinois Register on June 24, 1994 at 18 Ill. Reg. 9228 (Part 211), 18 Ill. Reg. 9242 (Part 218) and 18 Ill. Reg. 9272 (Part 219). Hearings were held on July 12, 1994 and August 9, 1994 in Collinsville, Illinois before Board Hearing Officer Marie Tipsord. The comment period closed on August 25, 1994 and the Board received 6 comments during that period which will be discussed in detail below.

On September 15, 1994, the Board proceeded to second notice with the proposal as amended at first notice pursuant to the public comments received. On September 23, 1994, the Board received a joint motion to reconsider the second notice opinion and order issued on September 15, 1994. The joint motion was filed by the Agency and the Illinois Environmental Regulatory Group (IERG). The motion asked that the Board reconsider striking the phrase "barge loading facility" from Sections 218.920(g), 218.940(g), 218.960(g), 218.980(f), 219.920(f), 219.940(f), 219.960(f) and 219.980(e). On September 28, 1994, the Board granted the motion to reconsider and amended the second notice to leave the phrase "barge loading facility" in the rule. As a result of this amendment, Sections 218.940, 218.980, 219.920, 219.940, 219.960 and 219.980 are no longer being amended in this proceeding and have been deleted from the order.

The Board recieved a certification of no objection from the Joint Committee on Administrative Rules on October 20, 1994.

PROPOSAL

Section 182(b)(1) of the Clean Air Act (CAA), as amended in 1990, requires all moderate and above ozone nonattainment area to achieve a 15% reduction of 1990 emissions of volatile organic materials (VOM) by 1996. This rulemaking is phase two of Illinois' 15% rate of progress (ROP) plan to achieve that reduction. The proposed rule requires control measures for marine terminals in the Metro-East and Chicago areas that load gasoline or crude oil into marine vessels.

The general requirement of the proposed rule is that there be a 95% by weight reduction in the VOM emissions associated with loading of gasoline or crude oil from marine terminals onto barges or tank vessels from May 1 through September 15. Specifically, the proposed rule will allow for compliance with the regulation in four ways. First, compliance can be achieved through the installation and operation of prescribed control equipment. The prescribed equipment will require the operation of the collection system (barge and piping) in a vacuum; thus,

the system is vapor tight and no VOM emissions will be released to the air. The Agency has been told that the vacuum-assisted system is the most common form of vapor tight operation. (State. at 6.)[1] The rule however also includes two alternatives to the vacuum-assisted collection system which would allow the owner or operator to document that the marine vessel has passed a vapor-tightness test in the last twelve months or the vapor tightness test can be done when loading. (Id.)

The second manner in which compliance may be achieved is the cessation of marine loading during the control period (May 1-September 15). Thirdly, submitting a federally enforceable emission reduction plan will also achieve compliance with the Illinois regulations.

The proposal is limited to loading of marine vessels because the greatest VOM emissions occur during loading. In all there are approximately 9 facilities which will be affected by the rule (three in Chicago and six in the Metro-East area). (Tr. at 13.) The proposed control of these VOM emissions will result in reductions of approximately 1.3 tons per day in Chicago and 11.82 tons per day in Metro-East. That is almost 1% of the necessary 15% VOM emission reduction in Chicago and 44% of the 15% VOM emission reduction in Metro-East which is required by the CAA. (State. at 4.)

The Board will take special note of an area of concern expressed in the Agency's statement of reasons. The Agency points out that gasoline is defined as "any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kPa or greater which is used as a fuel for internal combustion engines". (35 Ill. Adm. Code 211.257.) The Agency and "affected facilities intend the definition of gasoline to include the blendstock for reformulated gasoline and agree that such non-specification fuels are still considered gasoline and their loading into marine vessels is subject to the proposed requirement". (State. at 5.)

There is technology available for the control of VOM emissions from marine vessel loading. The capital costs of installing fittings and alarms on marine vessels is approximately $168,000 with annual maintenance cost of $29,300. The cost to outfit a marine terminal is approximately $2,646,000 to $2,660,000 with annual operating expenses ranging from approximately $560,000 to $564,000. (Tr. at 14-15.)

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[1] The Agency's statement of reasons filed with the proposal will be cited as "State. at __"; the transcript from the July 12 hearing will be cited as "Tr. at __"; all public comments will be cited as "P. C. __ at __"; exhibits will be cited as "Exh.".

PUBLIC COMMENTS

As stated previously, the Board received 6 public comments on this rulemaking. The first comment was filed by the Illinois Department of Commerce and Community Affairs which indicated that the rule would not significantly impact small business. (P.C. 1.) A comment was also received from the Secretary of State Administrative Code Division which indicated certain minor changes necessary for codification purposes. Those changes have been made in the proposed second notice. (P.C. 2.)

Marathon Pipe Line Company (Marathon)(P.C. 3)

Marathon suggested several language changes at the first hearing and the Agency agreed to those changes at the hearing. (Exh. 6 and Tr. at 20.) Marathon then filed the specific language requests as a public comment. Marathon asks that Sections 218.762(b)(3)(B) and 219.762(b)(3)(B) be amended to add the following language:

> As an alternative to subsection (b)(3)(A) of this Section, the owner or operator of the marine terminal shall obtain documentation as described in Section 218.770(b) of this subpart that the marine vessel has been vapor-tightness tested within the preceding 12 months or 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, using Method 21 of Part 60, Appendix A, incorporated by reference at Section 218.112/219.112 of this Part, as described in Section 218.768(e)(2)/219.768(e)(2) of this Subpart.

(P.C. 3 at 2.)

Marathon also asks that Sections 218.762(b)(3)(C) and 219.762(b)(3)(C) be amended to add the following language:

> If there is no documentation of a successful leak test conducted on the marine vessel in the preceding 12 months or 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, the owner or operator of the marine terminal shall require that a leak test of the marine vessel be conducted during the final 20 percent of loading of the marine vessel or shall not load the vessel. The test shall be conducted when the marine vessel is being loaded at the maximum liquid transfer rate for that transfer operation. The owner or operator of the marine terminal shall require that the documentation described in Section 218.770(b) of this Subpart is completed prior to departure of the vessel.

(Id.)

Marathon further requests that the phrase "during the regulatory control period" be added in Sections 218.770(a) and 219.770(a) at the end of the first sentence. (Id.) And in Sections 218.770(a)(6) and 219.770(a)(6) the following:

> If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor control equipment must be recorded from the certificate. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days of the loading event.

(P.C. 3 at 3.)

Shell Oil Company (Shell) (P.C. 4)

Shell commented that the capital cost for control measures installed at loading sites could be as high as $16,000,000 for Shell. (P.C. 4 at 1.) The cost-effectiveness in terms of dollars per ton of VOM reduced is also "potentially very high" according to Shell. (Id.) In fact Shell asserts that the high costs of controls "would be cost prohibitive for Shell based on 1992 loading rates". (Id.) For this reason, Shell and other impacted companies discussed alternative measures to reduce the VOM emissions from marine vessel loading facilities. As a result of this discussion, the Agency proposal included alternatives for lowering emission; ceasing to load during the control period and providing equivalent creditable emission reductions. (P.C. 4 at 2.) Shell states that the flexibility allowed by these alternatives is critical and Shell strongly supports these measures. (Id.)

Illinois Environmental Regulatory Group (IERG) (P.C. 5)

IERG suggested several language changes at the July 12 hearing which the Agency agreed to at the hearing. (Exh. 5 and Tr. at 18-19.) IERG filed this public comment in further support of the amendment to the proposal. IERG requests that Sections 218.764 and 219.764 have added a subsection (c) which would provide:

> If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a certification by the owner stating that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met.

(P.C. 5 at 2-3.)

This change would allow sources subject to the federal rules to avoid having to expend resources for the implementation of the Subpart GG required control technology unless the source intends to conduct loading activity prior to the federal compliance date. Sources which are not subject to federal rules that intend to not load for a longer period of time or indefinitely will need to seek relief from the requirements through variance, site-specific rule or adjusted standard which ever is appropriate.

IERG also suggested changes to Section 218.770(d)(e) and 219.770(d)(e) to provide sources subject to Subpart GG with needed temporary relief from the control requirements while ensuring regulatory oversight. The change is to add a new subsection (d) which would read as follows:

> d) Owners or operators certifying compliance under Section 218.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.

(P.C. 5 at 3.)

Subsection (d) as it was proposed at first notice would be relettered to subsection (e) and a reference to subsection (d) would be added. (P.C. 5 at 3.)

Agency (P. C. 6)

In its final comment the Agency further discussed the acceptance of the proposed changes by IERG in Sections 218.764 and 219.764. The Agency noted that without the changes as requested by IERG, the proposed rule does not give sources the option of choosing not to load during the regulatory control period without first obtaining a federally enforceable permit. Without a federally enforceable permit the source would be required to obtain a CAA permit or would be required to comply with USEPA maximum available control technology (MACT). Therefore, the proposed change is acceptable to the Agency. (P.C. 6 at 2.) The Agency also believes changes are necessary to insure that a source need not obtain a federally enforceable state operating permit not to load with MACT requirements. The Agency suggested that subsection (c) be further amended to read:

> If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installment and

operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

(P.C. 6 at 2.)

The Agency also explained that the vapor-tightness testing requirements as proposed at first notice were inconsistent with Coast Guard inspection requirements at 46 CFR 31.10-17. For safety reasons the vapor-tightness testing is often done at the same time as the Coast Guard inspection. Thus, the changes to Sections 218.762(b)(3)(C) and 219.762(b)(3)(C) suggested by Marathon are acceptable to the Agency with certain editorial changes which would insert "either" before the phrase "preceding 12 months" and "the preceding" before the phrase "14 months". (P.C. 6 at 3.)

Additionally, in discussing Sections 218.770(b) and 219.770(b), the Agency stated that there is concern that an extra copy of the vapor-tightness test certification may not be available at the time of loading of the marine vessel. Therefore, the change as suggested by Marathon which would allow the owner or operator 21 days to provide such a certificate is acceptable to the Agency. (P.C. 6 at 4.)

The Agency further supports the change to Section 218.770(a) and 219.770(a) suggested by Marathon to make clear the Agency's intent regarding recordkeeping. (Id.)

The Agency also provided economic information in its final comment. The Agency indicated that it estimates the cost of installation of control equipment on barges and at all affected facilities to range from approximately $5,200 per ton of VOM removed in the Chicago area to roughly $4,800 per ton in Metro-East. (P.C. 6 at 5.) The combined total is approximately $5,000 per ton. The Agency also indicated that approximately 8 barges would need to be retrofitted to service the Chicago area and 17 retrofitted in the Metro-East area. (Id.)

The Agency also points out however that installing control equipment is only one of several ways that the regulated community may choose to comply with the reduction. (P.C. 6 at 5-6.) The facility may choose not to load during the regulatory control period or choose to surrender permits for VOM reductions at the source. Also the facility may over-control other facility emission units in order to achieve compliance. These alternatives can be done at "very low cost per ton". (P.C. 6 at 6.)

DISCUSSION

The Board has carefully considered all public comments, as well as the testimony and exhibits, in this matter. There is no

substantive disagreement between the commenters and the Agency as to the substance of the rule. Marathon supports the rule and asks for some minor changes to the rule which will help to make clear the intent of the rule. The changes were agreed to by the Agency as well. Therefore, the Board made the changes requested by Marathon as editorially amended by the Agency when proceeding to second notice. Shell urges the Board to adopt the rule with the alternative means of compliance. Shell argues it would be cost-prohibitive for Shell to install the control equipment and the alternative methods for compliance are more cost-efficient for Shell. IERG generally supports the proposed rule but is asking the Board to consider making changes regarding certification that a source is not loading. IERG requests this change to allow a source to avoid the requirements of Subpart GG if the source is not loading during the regulatory control period. The Agency also endorses these changes but requests that the Board also note that the certification is effective until compliance with federal requirements are achieved. The Board made the changes agreed to by IERG and the Agency when proceeding to second notice. The changes alleviate dual regulation for some sources while monitoring that emissions are controlled. The Agency also requested that the Board correct certain typographical and nonsubstantive errors in the Agency proposal. Accordingly, the Board incorporated those changes into the second notice proposal.

As discussed previously the Board also amended the second notice by leaving in the phrase "barge loading facility" in specific sections of the rule. As a result, and at JCAR's suggestion, the Board will delete Sections 218.940, 218.980, 219.920, 219.940, 219.960 and 219.980. JCAR also requested several nonsubstantive typographical and grammatical corrections are included in the order.

CONCLUSION

The Board having found that the proposed rules are technically feasible and economically reasonable, and that the rules are necessary to meet the requirements of the Clean Air Act, proceeded to second notice. We also found that the record supported proceeding with the proposed rules, as amended, to second notice. Today, the Board acts to adopt these rules.

ORDER

The Board directs the Clerk to cause the filing of the following proposal for final notice with the Secretary of State Code Unit for publication in the Illinois Register:

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

SUBPART A: GENERAL PROVISIONS

SUBPART B: DEFINITIONS

211.830 Can
211.850 Can Coating
211.870 Can Coating Line
211.890 Capture
211.910 Capture Device
211.930 Capture Efficiency
211.950 Capture System
211.970 Certified Investigation
211.990 Choke Loading
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1130 Closed Purge System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning
211.1330 Complete Combustion
211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process
211.1410 Condensate
211.1430 Condensible PM-10
211.1470 Continuous Process
211.1490 Control Device
211.1510 Control Device Efficiency
211.1530 Conventional Soybean Crushing Source
211.1550 Conveyorized Degreasing
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing
211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1710 Degreaser
211.1730 Delivery Vessel
211.1750 Dip Coating
211.1770 Distillate Fuel Oil
211.1790 Drum
211.1810 Dry Cleaning Operation or Dry Cleaning Facility
211.1830 Dump-Pit Area
211.1850 Effective Grate Area
211.1870 Effluent Water Separator
211.1890 Electrostatic Bell or Disc Spray

211.1910 Electrostatic Spray
211.1930 Emission Rate
211.1950 Emission Unit
211.1970 Enamel
211.1990 Enclose
211.2010 End Sealing Compound Coat
211.2030 Enhanced Under-the-Cup Fill
211.2050 Ethanol Blend Gasoline
211.2070 Excess Air
211.2090 Excessive Release
211.2110 Existing Grain-Drying Operation
211.2130 Existing Grain-Handling Operation
211.2150 Exterior Base Coat
211.2170 Exterior End Coat
211.2190 External Floating Roof
211.2210 Extreme Performance Coating
211.2230 Fabric Coating
211.2250 Fabric Coating Line
211.2270 Federally Enforceable Limitations and Conditions
211.2310 Final Repair Coat
211.2330 Firebox
211.2350 Fixed-Roof Tank
211.2370 Flexographic Printing
211.2390 Flexographic Printing Line
211.2410 Floating Roof
211.2430 Fountain Solution
211.2450 Freeboard Height
211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490 Fugitive Particulate Matter
211.2510 Full Operating Flowrate
211.2530 Gas Service
211.2550 Gas/Gas Method
211.2570 Gasoline
211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610 Gel Coat
211.2650 Grain
211.2670 Grain-Drying Operation
211.2690 Grain-Handling and Conditioning Operation
211.2710 Grain-Handling Operation
211.2730 Green-Tire Spraying
211.2750 Green Tires
211.2770 Gross Heating Value
211.2790 Gross Vehicle Weight Rating
211.2810 Heated Airless Spray
211.2830 Heatset
211.2850 Heatset-Web-Offset Lithographic Printing Line
211.2870 Heavy Liquid
211.2890 Heavy Metals
211.2910 Heavy Off-Highway Vehicle Products
211.2930 Heavy Off-Highway Vehicle Products Coating

211.2950 Heavy Off-Highway Vehicle Products Coating Line
211.2970 High Temperature Aluminum Coating
211.2990 High Volume Low Pressure (HVLP) Spray
211.3010 Hood
211.3030 Hot Well
211.3050 Housekeeping Practices
211.3070 Incinerator
211.3090 Indirect Heat Transfer
211.3110 Ink
211.3130 In-Process Tank
211.3150 In-Situ Sampling Systems
211.3170 Interior Body Spray Coat
211.3190 Internal-Floating Roof
211.3210 Internal Transferring Area
211.3230 Lacquers
211.3250 Large Appliance
211.3270 Large Appliance Coating
211.3290 Large Appliance Coating Line
211.3310 Light Liquid
211.3330 Light-Duty Truck
211.3350 Light Oil
211.3370 Liquid/Gas Method
211.3390 Liquid-Mounted Seal
211.3410 Liquid Service
211.3430 Liquids Dripping
211.3450 Lithographic Printing Line
211.3470 Load-Out Area
211.3480 Loading Event
211.3490 Low Solvent Coating
211.3510 Magnet Wire
211.3530 Magnet Wire Coating
211.3550 Magnet Wire Coating Line
211.3570 Major Dump Pit
211.3590 Major Metropolitan Area (MMA)
211.3610 Major Population Area (MPA)
211.3630 Manufacturing Process
211.3650 Marine Terminal
211.3660 Marine Vessel
211.3670 Material Recovery Section
211.3690 Maximum Theoretical Emissions
211.3710 Metal Furniture
211.3730 Metal Furniture Coating
211.3750 Metal Furniture Coating Line
211.3770 Metallic Shoe-Type Seal
211.3790 Miscellaneous Fabricated Product Manufacturing Process
211.3810 Miscellaneous Formulation Manufacturing Process
211.3830 Miscellaneous Metal Parts and Products
211.3850 Miscellaneous Metal Parts and Products Coating
211.3870 Miscellaneous Metal Parts or Products Coating Line
211.3890 Miscellaneous Organic Chemical Manufacturing Process
211.3910 Mixing Operation
211.3930 Monitor

211.3950 Monomer
211.3970 Multiple Package Coating
211.3990 New Grain-Drying Operation
211.4010 New Grain-Handling Operation
211.4030 No Detectable Volatile Organic Material Emissions
211.4050 Non-contact Process Water Cooling Tower
211.4070 Offset
211.4090 One Hundred Percent Acid
211.4110 One-Turn Storage Space
211.4130 Opacity
211.4150 Opaque Stains
211.4170 Open Top Vapor Degreasing
211.4190 Open-Ended Valve
211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230 Organic Compound
211.4250 Organic Material and Organic Materials
211.4270 Organic Vapor
211.4290 Oven
211.4310 Overall Control
211.4330 Overvarnish
211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370 Owner or Operator
211.4390 Packaging Rotogravure Printing
211.4410 Packaging Rotogravure Printing Line
211.4430 Pail
211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
211.4470 Paper Coating
211.4490 Paper Coating Line
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4550 Person
211.4590 Petroleum
211.4610 Petroleum Liquid
211.4630 Petroleum Refinery
211.4650 Pharmaceutical
211.4670 Pharmaceutical Coating Operation
211.4690 Photochemically Reactive Material
211.4710 Pigmented Coatings
211.4730 Plant
211.4750 Plasticizers
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin
211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source

211.5950 Set of Safety Relief Valves
211.5970 Sheet Basecoat
211.5990 Shotblasting
211.6010 Side-Seam Spray Coat
211.6030 Smoke
211.6050 Smokeless Flare
211.6070 Solvent
211.6090 Solvent Cleaning
211.6110 Solvent Recovery System
211.6130 Source
211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
211.6190 Specialty Soybean Crushing Source
211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
211.6270 Standard Conditions
211.6290 Standard Cubic Foot (scf)
211.6310 Start-Up
211.6330 Stationary Emission Source
211.6350 Stationary Emission Unit
211.6370 Stationary Source
211.6390 Stationary Storage Tank
211.6410 Storage Tank or Storage Vessel
211.6430 Styrene Devolatilizer Unit
211.6450 Styrene Recovery Unit
211.6470 Submerged Loading Pipe
211.6490 Substrate
211.6510 Sulfuric Acid Mist
211.6530 Surface Condenser
211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570 Tablet Coating Operation
211.6590 Thirty-Day Rolling Average
211.6610 Three-Piece Can
211.6630 Through-the-Valve Fill
211.6650 Tooling Resin
211.6670 Topcoat
211.6690 Topcoat Operation
211.6710 Touch-Up
211.6730 Transfer Efficiency
211.6750 Tread End Cementing
211.6770 True Vapor Pressure
211.6790 Turnaround
211.6810 Two-Piece Can
211.6830 Under-the-Cup Fill
211.6850 Undertread Cementing
211.6870 Unregulated Safety Relief Valve
211.6890 Vacuum Producing System
211.6910 Vacuum Service
211.6930 Valves Not Externally Regulated
211.6950 Vapor Balance System

AUTHORITY: Implementing Sections 9, 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act ~~(Ill. Rev. Stat. 1991, ch. 111½, pars. 1009, 1009.1, 1010 and 1027), (P.A. 87-1213, effective September 26, 1992)~~ [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 Reg. 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 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. _____, effective _____ _____; amended in R94-15 at 18 Ill. Reg. _____, effective _____.

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

Section 211.3480 Loading Event

"Loading event" begins with the connecting of marine terminal storage tanks to a marine vessel by means of piping or hoses, and includes the transfer of liquid from the storage tank into the marine vessel and ends with the disconnecting of the pipes or hoses.

(Source: Added at 18 Ill. Reg. _____, effective _____ _____)

Section 211.3650 Marine Terminal

"Marine terminal" means a ~~facility~~ source ~~primarily engaged in~~ that load~~ing~~s and unload~~ing~~s water craft.

(Source: Amended at 18 Ill. Reg. _____, effective _____ _____)

Section 211.3660 Marine Vessel

"Marine vessel" means any tanker, freighter, barge, or other watercraft which transports solid or liquid freight, including grain, coal, rock, petroleum liquid, or crude oil in bulk.

(Source: Added at 18 Ill. Reg. _____, effective _____ _____)

Section 211.6970 Vapor Collection System

"Vapor collection system" means all piping, seals, hoses, connections, pressure-vacuum vents, and other components between the gasoline delivery vessel or marine vessel and the vapor processing unit and/or the storage tanks.

(Source: Amended at 18 Ill. Reg. _____, effective _____ _____)

Section 211.6990 Vapor Control System

"Vapor control system" means any system that limits or prevents release to the atmosphere of organic material in the vapors displaced from a tank or marine vessel during the transfer of gasoline or other volatile organic liquid.

(Source: Amended at 18 Ill. Reg. _____, effective _____ _____)

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.Appendix D: Coefficients for the Total Resource Effectiveness Index (TRE) Equation
Section 218.Appendix E: List of Affected Marine Terminals

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act ~~(Ill. Rev. Stat. 1991, ch. 111½, par. 1010) (P.A. 87-1213, effective September 26, 1992)~~ [415 ILCS 5/10 and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-23 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. _____, effective _____.

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

SUBPART A: GENERAL PROVISIONS

Section 218.101 Savings Clause

a) Every owner or operator of an emission unit formerly subject to 35 Ill. Adm. Code ~~Part~~ 215 shall have complied with its standards and limitations by the dates and schedules applicable to the emission unit in accordance with 35 Ill. Adm. Code 215 or upon initial start-up. All compliance dates or schedules found in 35 Ill. Adm. Code 215 are not superseded by this Part and remain in full force and effect.

b) Nothing in this Part shall affect the responsibility of any owner or operator that is now or has been subject to the FIP to comply with its requirements thereunder by the dates specified in the FIP.

c) Nothing in this Part as it is amended from time to time shall relieve the owner or operator of a source subject to the requirements of this Part from the obligation to comply with the applicable requirements and compliance dates set forth in Section 218.106 of this Subpart or any specific schedules contained within the applicable Subparts of this Part even though those compliance dates may have been expressly superseded by subsequent amendments.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 218.106 Compliance Dates

a) Except as provided in Section 218.106 (c) and (d) below or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of all rules is required by July 1, 1991, or September 1, 1991, for all sources located in Cook, DuPage, Kane, Lake, McHenry or Will Counties, consistent with the appropriate provisions of Section 218.103 of this Part.

b) Except as provided in Section 218.106 (c) and (d) below or as otherwise provided in a specific Subpart of this Part, compliance with the requirements of this Part is required by November 15, 1993, for all sources located in Aux Sable Township or Goose Lake Township in Grundy County or in Oswego Township in Kendall County.

c) All emission units which meet the applicability requirements of 218.402(a)(2), 218.611(b), 218.620(b), 218.660(a), 218.680(a), 218.920(b), 218.940(b), 218.960(b) or 218.980(b) of this Part, including emission units at sources which are excluded from the applicability criteria of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), or 218.980(a) of this Part by virtue of permit conditions or other enforceable means, must comply with the requirements of Subparts H, Z, AA, CC, DD, PP, QQ, RR or TT of this Part, respectively, by March 15, 1995. Any owner or operator of an emission unit which has already met the applicability requirements of Sections 218.402(a)(1), 218.611(a), 218.620(a), 218.920(a), 218.940(a), 218.960(a), 218.980(a) of this Part on or by the effective date of this subsection is required to comply with all compliance dates or schedules found in ~~Sections 218.106(a) or 218.106(b) above~~ subsection a or b of this Section, as applicable.

d) As this Part is amended from time to time, compliance dates included in the specific Subparts supersede the requirements of this Section except as limited by Section 218.101(c) of this Subpart.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART GG: MARINE TERMINALS

Section 218.760 Applicability

a) The requirements of this Subpart shall apply to sources that load or who are permitted to load gasoline or crude oil.

b) The requirements of this Subpart shall not apply to the following activities:

1) Loading of liquids associated with the fueling of marine vessels; or

2) The transfer of liquids from one marine vessel to another marine vessel.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 218.762 Control Requirements

a) Except as provided at subsection (c) of this Section, every owner or operator of a marine terminal subject to the requirements of this Subpart shall equip each terminal with a vapor collection and control system that:

1) Captures the vapors displaced during the loading event and reduces overall VOM emissions by at least 95% by weight through the use of either a vapor combustion system or a vapor recovery system;

2) Is maintained and operated so that it prevents visible liquid leaks, significant odors, and visible fumes in the liquid transfer and the vapor collection lines, and appurtenances during loading; and

3) Has been certified as required by Coast Guard regulations found at 33 CFR 154.

b) From May 1 to September 15, the regulatory control period, every owner or operator of a marine terminal subject to the requirements of this Subpart shall load gasoline or crude oil only into marine vessels that are:

1) Equipped with vapor collection equipment that has been certified as required by Coast Guard regulations found at 46 CFR 39;

2) Connected to the vapor collection system; and

3) Vapor-tight as described in the following subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), or (b)(3)(D) of this Section:

A) The owner or operator of the marine terminal shall load each marine vessel with a vacuum assisted vapor collection system, instrumented in such a way that the pump(s) transferring gasoline or crude oil to the marine vessel will not operate unless the vapor collection system is properly connected and properly operating.

B) As an alternative to subsection (b)(3)(A) of this Section, the owner or operator of the marine terminal shall obtain documentation as described in Section 218.770(b) of this Subpart that the marine vessel has been vapor-tightness tested within either the preceding 12 months or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, using Method 21 of Part 60, Appendix A, incorporated by reference at Section 218.112 of this Part, as described in Section 218.768(b) of this Subpart.

C) If there is no documentation of a successful leak test conducted on the marine vessel in either the preceding 12 months or in the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, the owner or operator of the marine terminal shall require that a leak test of the marine vessel be conducted during the final 20 percent of loading of the marine vessel or shall not load the vessel. The test shall be conducted when the marine vessel is being loaded at the maximum liquid transfer rate for that transfer operation. The owner or operator of the marine terminal shall require that the documentation described in Section 218.770(b) of this Subpart is completed prior to departure of the vessel.

D) If the marine vessel has failed its most recent vapor-tightness leak test at the marine terminal, before the marine vessel can be loaded, the owner or operator of the

marine terminal shall require that the owner or operator of the marine vessel provide documentation that the leaks detected during the previous vapor-tightness leak test have been repaired and that the marine vessel has been vapor-tightness tested since the leak(s) has been repaired pursuant to subsection (b)(3)(B) of this Section.

c) As an alternative to the control requirements of subsections (a) and (b) of this Section, an owner or operator of a marine terminal subject to the control requirements of this Subpart may comply by showing:

1) Operation of a vapor collection and control system for the loading of gasoline or crude oil from marine vessels in accordance with the regulations adopted by the USEPA pursuant to Sections 112(d) or 183(f) of the CAA;

2) Reduction of VOM emissions equivalent to the levels in Appendix E of this Part through a federally enforceable emission reduction plan; or

3) An alternate procedure to those described that has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

d) Nothing in this Subpart shall supersede any U. S. Coast Guard regulation that is more stringent than that contained in this Subpart.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 218.764 Compliance Certification

By May 1, 1996, or upon initial startup or upon change in method of compliance, the owner or operator of a source subject to the requirements of this Subpart must certify compliance with the requirements of this Subpart by submitting to the Agency the following:

a) If complying with Sections 218.762(a) and (b), or (c)(1), or (c)(3) of this Subpart:

1) The type of vapor collection and control system utilized;

2) The date the system was installed;

3) A demonstration that the vapor collection and control system achieves an overall efficiency of 95%;

4) A copy of the U.S. Coast Guard certification required under 33 CFR 154; and

5) The location (including the contact person's name, address, and telephone number) of the records required by Section 218.770 of this Subpart.

b) If complying with Section 218.762(c)(2) of this Subpart, a federally enforceable emission reduction plan.

c) If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installment and operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 218.766 Leaks

The owner or operator of a marine terminal shall comply with the requirements of Section 218.445 of this Part with respect to all equipment associated with the vapor collection and control system required by Section 218.762(a) of this Subpart.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 218.768 Testing and Monitoring

a) Compliance with Section 218.762(a)(2) of this Subpart shall be determined by visual inspection and by the leak detection methods contained in Section 218.105(g) of this Part.

b) If the control device used to comply with Section 218.762(a)(1) of this Subpart is a flare, compliance

shall be determined by methods described in Section 218.429(c) of this Part.

c) For all other control devices used to comply with Section 218.762(a)(1) of this Subpart, compliance shall be determined by methods described in Section 218.105(d) and (f) of this Part.

d) Compliance with Section 218.762(b)(3) of this Subpart shall be determined by one of the methods described in this Section:

1) A marine vessel loaded in accordance with Section 218.762(b)(3)(A) of this Subpart through the use of a vacuum assisted vapor collection system is assumed to be vapor-tight for the purposes of this Subpart.

2) A vapor-tightness test for marine vessels shall be conducted to include the final 20 percent of loading of each product tank of the marine vessel, and it shall be applied to any potential sources of vapor leaks on the vessel pursuant to Method 21 of 40 CFR 60, Appendix A, incorporated by reference at Section 218.112 of this Part. A reading of 10,000 ppmv or greater as methane shall constitute a leak.

3) As an alternative to subsection (d)(2) of this Section, an owner or operator of a marine terminal may use the vapor-tightness test described in 40 CFR 61.304(f), incorporated by reference at Section 218.112 of this Part.

e) When in the opinion of the Agency or USEPA it is necessary to conduct testing to demonstrate compliance with or verify effectiveness of the vapor collection and control system required by Section 218.762(a), (c)(1), or (c)(3) of this Subpart, the owner or operator of a marine terminal shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in subsections (a), (b), or (c) of this Section, as applicable.

f) An owner or operator of a marine terminal planning to conduct a VOM emissions test to demonstrate compliance with Sections 218.762(a), (c)(1), or (c)(3) of this Subpart shall notify the Agency of that intent not less than 30 days before the planned initiation of the tests so that the Agency may observe the test.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 218.770 Recordkeeping and Reporting

a) The owner or operator of sources complying with Sections 219.762(a) and (b), or (c)(1), or (c)(3) of this Subpart shall maintain records regarding the marine terminal, and each time a marine vessel is loaded during the regulatory control period. The records shall include but are not limited to:

1) The date(s) and the time(s) at which the marine vessel was loaded from the marine terminal;

2) The name, type, identification number, and owner of the vessel loaded;

3) The type and amount of liquid loaded into the marine vessel;

4) Records of any leaks found, repair attempts, and the results of the required fugitive monitoring and maintenance program, including appropriate dates, test methods, instrument readings, repair results, and corrective action taken as required by Sections 218.762(a)(2) and 218.766 of this Subpart;

5) A copy of the Coast Guard certification demonstrating that the marine terminal's vapor collection and control system has been certified as required by Coast Guard regulations found at 33 CFR 154; and

6) A copy of the Coast Guard certification demonstrating that the marine vessel has been inspected and certified as required by Coast Guard regulations found at 46 CFR 39. If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor control equipment must be recorded from the certificate. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days of the loading event.

b) Owners or operators complying with Sections 218.762(b)(3)(B), (b)(3)(C), or (b)(3)(D) shall

additionally maintain the following records concerning the vapor-tightness of the marine vessel:

1) Test title;

2) Owner of the marine vessel tested;

3) The identification number of the marine vessel tested;

4) Testing location;

5) Tester name and signature;

6) Witnessing inspector, name, signature, and affiliation; and

7) Test results.

c) Owners or operators complying with the requirements of Section 218.762(c)(2) of this Subpart shall maintain records of daily product volumes loaded to demonstrate that the applicable emission reduction specified in Appendix E of this Part has been achieved.

d) Owners or operators certifying compliance under Section 218.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.

e) All records required by subsections (a), (b), (c), and (d) of this Section shall be maintained for at least three years and shall be made available to the Agency upon request.

(Source: Added at 18 Ill. Reg. _____, effective _____)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section 218.920 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 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 fabricated product 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 fabricated product manufacturing process emission units, which are:

A) Not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, ~~DD~~ CC, or ~~CC~~ 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 sources ceases to fulfill the criteria of subsections (a) and/or (b) above, the requirements of this Subpart shall continue to apply to a miscellaneous fabricated products manufacturing process emission unit which was subject to the control requirements of Section 218.926 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 0.91 Mg (1.0 ton) per calendar year if the total emissions from such emission units not complying with Section 218.926 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year, provided that thi provision shall not apply to an emission unit which is a leather coating line or operation at a source where the criteria of Section 218.920(a) above are not met.

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 PP 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.

(Source: Amended at 18 Ill. Reg. _____, effective _____ _____)

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section 218.960 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 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 organic chemical 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 other than VOM leaks from components 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 one 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 organic chemical manufacturing process emission units which are:

A) Not included within the categories specified in Subparts B, E, F, H, Q, R, S, 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 organic chemical manufacturing process emission unit which was subject to the control requirements of Section 218.966 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 0.91 Mg (1.0 ton) per calendar year if the total emissions from such emission units not complying with Section 218.966 of this Part 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 RR 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.

(Source: Amended at 18 Ill. Reg. _____, effective _____ _____)

218.APPENDIX E List of Affected Marine Terminals

The following table identifies the expected volatile organic material (VOM) emission reductions, in pounds per day in 1996, from the control of the marine vessel loading of gasoline and crude oil from the listed sources, their successors, and assigns. Such reduction of VOM emissions must occur after November 1990 and may not include reductions resulting from compliance with any federally required controls or from any measures included in any State Implementation Plan adopted by the State of Illinois to satisfy any other Clean Air Act requirement.

Facility	Permit/Source	Reduction
Mobil-Joliet Refining Corp. Facility ID # 197800AAA	88010021045	1,595

Texaco Refining Facility ID # 197810AAA	84050048007	541
UNO-VEN Company Facility ID # 197090AAI	88010019055	549

(Source: Added at 18 Ill. Reg. _____, effective _____
_____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
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SUBCHAPTER c: EMISSIONS STANDARDS
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PART 219
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SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

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SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

SUBPART TT: OTHER EMISSION UNITS

SUBPART UU: RECORDKEEPING AND REPORTING

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act ~~(Ill. Rev. Stat. 1991, ch. 111½, par. 1010) (P.A. 87-1213, effective September 26, 1992)~~ [415 ILCS 5/10 and 28.5].

SOURCE: Adopted at R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days, amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg.

14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. _____, effective _____.

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

SUBPART A: GENERAL PROVISIONS

Section 219.101 Savings Clause

a) Every owner or operator of an emission unit formerly subject to 35 Ill. Adm. Code 215 shall have complied with its standards and limitations by the dates and schedules applicable to the emission unit in accordance with Part 215 or upon initial start-up. All compliance dates or schedules found in Part 215 are not superseded by this Part and remain in full force and effect.

b) Nothing in this Part as it is amended from time to time shall relieve the owner or operator of a source subject to the requirements of this Part of the obligation to have complied with applicable requirements by the compliance dates set forth in Section 219.106 of this Subpart or in specific Subparts of this Part even though those compliance dates have been superseded by subsequent amendments.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 219.106 Compliance Dates

a) Except as provided in subsection (b) below, ~~c~~compliance with the requirements of ~~all rules~~ this Part is required by May 15, 1992, consistent with the provisions of Section 219.103 of this Part.

b) As this Part is amended from time to time, compliance dates included in the specific Subparts supersede the requirements of this Section except as limited by Section 219.101(b) of this Subpart.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART GG: MARINE TERMINALS

Section 219.760 Applicability

a) The requirements of this Subpart shall apply to sources that load or who are permitted to load gasoline or crude oil.

b) The requirements of this Subpart shall not apply to the following activities:

1) Loading of liquids associated with the fueling of marine vessels; or

2) The transfer of liquids from one marine vessel to another marine vessel.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 219.762 Control Requirements

a) Except as provided at subsection (c) of this Section, every owner or operator of a marine terminal subject to the requirements of this Subpart shall equip each terminal with a vapor collection and control system that:

1) Captures the vapors displaced during the loading event and reduces overall VOM emissions by at least 95% by weight through the use of either a vapor combustion system or a vapor recovery system;

2) Is maintained and operated so that it prevents visible liquid leaks, significant odors, and visible fumes in the liquid transfer and the vapor collection lines, and appurtenances during loading; and

3) Has been certified as required by Coast Guard regulations found at 33 CFR 154.

b) From May 1 to September 15, the regulatory control period, every owner or operator of a marine terminal subject to the requirements of this Subpart shall load gasoline or crude oil only into marine vessels that are:

1) Equipped with vapor collection equipment that has been certified as required by Coast Guard regulations found at 46 CFR 39;

2) Connected to the vapor collection system; and

3) Vapor-tight as described in the following subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), or (b)(3)(D) of this Section:

A) The owner or operator of the marine terminal shall load each marine vessel with a vacuum assisted vapor collection system, instrumented in such a way that the pump(s) transferring gasoline or crude oil to the marine vessel will not operate unless the vapor collection system is properly connected and properly operating.

B) As an alternative to subsection (b)(3)(A) of this Section, the owner or operator of the marine terminal shall obtain documentation as described in Section 219.770(b) of this Subpart that the marine vessel has been vapor-tightness tested within either the preceding 12 months or the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, using Method 21 of Part 60, Appendix A, incorporated by reference at Section 219.112 of this Part, as described in Section 219.768(b) of this Subpart.

C) If there is no documentation of a successful leak test conducted on the marine vessel in either the preceding 12 months or in the preceding 14 months, if the test is being conducted as part of the Coast Guard's reinspection of the vessel required under 46 CFR 31.10-17, the owner or operator of the marine terminal shall require that a leak test of the marine vessel be conducted during the final 20 percent of loading of the marine vessel or shall not load the vessel. The test shall be conducted when the marine vessel is being loaded at the maximum liquid transfer rate for that transfer operation. The owner or operator of the marine terminal shall require that the documentation described in Section 219.770(b) of this Subpart is completed prior to departure of the vessel.

D) If the marine vessel has failed its most recent vapor-tightness leak test at the marine terminal, before the marine vessel can be loaded, the owner or operator of the marine terminal shall require that the owner or operator of the marine vessel provide documentation that the leaks detected during the previous vapor-tightness leak test have

been repaired and that the marine vessel has been vapor-tightness tested since the leak(s) has been repaired pursuant to subsection (b)(3)(B) of this Section.

c) As an alternative to the control requirements of subsections (a) and (b) of this Section, an owner or operator of a marine terminal subject to the control requirements of this Subpart may comply by showing:

1) Operation of a vapor collection and control system for the loading of gasoline or crude oil from marine vessels in accordance with the regulations adopted by the USEPA pursuant to Sections 112(d) or 183(f) of the CAA;

2) Reduction of VOM emissions equivalent to the levels in Appendix E of this Part through a federally enforceable emission reduction plan; or

3) An alternate procedure to those described that has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision.

d) Nothing in this Subpart shall supersede any U. S. Coast Guard regulation that is more stringent than that contained in this Subpart.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 219.764 Compliance Certification

By May 1, 1996, or upon initial startup or upon change in method of compliance, the owner or operator of a source subject to the requirements of this Subpart must certify compliance with the requirements of this Subpart by submitting to the Agency the following:

a) If complying with Sections 219.762(a) and (b), or (c)(1), or (c)(3) of this Subpart:

1) The type of vapor collection and control system utilized;

2) The date the system was installed;

3) A demonstration that the vapor collection and control system achieves an overall efficiency of 95%;

4) A copy of the U.S. Coast Guard certification required under 33 CFR 154; and

5) The location (including the contact person's name, address, and telephone number) of the records required by Section 219.770 of this Subpart.

b) If complying with Section 219.762(c)(2) of this Subpart, a federally enforceable emission reduction plan.

c) If not loading during the 1996 regulatory control period or the 1996 and 1997 regulatory control periods, a statement that the source will not be loading gasoline or crude oil, the regulatory control period affected, and a date certain when the requirements of subsection (a) above will be met. Further, if the owner or operator is also required to comply with the control requirements for marine vessel loading adopted pursuant to Section 112(d) or Section 183(f) of the CAA, then the above statement of not loading may extend to subsequent regulatory control periods until installment and operation of the control equipment is required under Section 112(d) or Section 183(f) of the CAA.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 219.766 Leaks

The owner or operator of a marine terminal shall comply with the requirements of Section 219.445 of this Part with respect to all equipment associated with the vapor collection and control system required by Section 219.762(a) of this Subpart.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 219.768 Testing and Monitoring

a) Compliance with Section 219.762(a)(2) of this Subpart shall be determined by visual inspection and by the leak detection methods contained in Section 219.105(g) of this Part.

b) If the control device used to comply with Section 219.762(a)(1) of this Subpart is a flare, compliance shall be determined by methods described in Section 219.429(c) of this Part.

c) For all other control devices used to comply with Section 219.762(a)(1) of this Subpart, compliance shall be determined by methods described in Section 219.105(d) and (f) of this Part.

d) Compliance with Section 219.762(b)(3) of this Subpart shall be determined by one of the methods described in this Section:

1) A marine vessel loaded in accordance with Section 219.762(b)(3)(A) of this Subpart through the use of a vacuum assisted vapor collection system is assumed to be vapor-tight for the purposes of this Subpart.

2) A vapor-tightness test for marine vessels shall be conducted to include the final 20 percent of loading of each product tank of the marine vessel, and it shall be applied to any potential sources of vapor leaks on the vessel pursuant to Method 21 of 40 CFR 60, Appendix A, incorporated by reference at Section 219.112 of this Part. A reading of 10,000 ppmv or greater as methane shall constitute a leak.

3) As an alternative to subsection (d)(2) of this Section, an owner or operator of a marine terminal may use the vapor-tightness test described in 40 CFR 61.304(f), incorporated by reference at Section 219.112 of this Part.

e) When in the opinion of the Agency or USEPA it is necessary to conduct testing to demonstrate compliance with or verify effectiveness of the vapor collection and control system required by Section 219.762(a), (c)(1), or (c)(3) of this Subpart, the owner or operator of a marine terminal shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in subsections (a), (b), or (c) of this Section, as applicable.

f) An owner or operator of a marine terminal planning to conduct a VOM emissions test to demonstrate compliance with Sections 219.762(a), (c)(1), or (c)(3) of this Subpart shall notify the Agency of that intent not less than 30 days before the planned initiation of the tests so that the Agency may observe the test.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 219.770 Recordkeeping and Reporting

a) The owner or operator of sources complying with Sections 219.762(a) and (b), or (c)(1), or (c)(3) of this Subpart shall maintain records regarding the marine terminal, and each time a marine vessel is loaded during the regulatory control period. The records shall include but are not limited to:

1) The date(s) and the time(s) at which the marine vessel was loaded from the marine terminal;

2) The name, type, identification number, and owner of the vessel loaded;

3) The type and amount of liquid loaded into the marine vessel;

4) Records of any leaks found, repair attempts, and the results of the required fugitive monitoring and maintenance program, including appropriate dates, test methods, instrument readings, repair results, and corrective action taken as required by Sections 219.762(a)(2) and 219.766 of this Subpart;

5) A copy of the Coast Guard certification demonstrating that the marine terminal's vapor collection and control system has been certified as required by Coast Guard regulations found at 33 CFR 154; and

6) A copy of the Coast Guard certification demonstrating that the marine vessel has been inspected and certified as required by Coast Guard regulations found at 46 CFR 39. If a copy of the Coast Guard certificate is not available at the time of loading, then the date that the marine vessel was last inspected and the authorization that the marine vessel has functioning vapor control equipment must be recorded from the certificate. Further, a copy of the certificate must be obtained by the owner or operator of the marine terminal within 21 days of the loading event.

b) Owners or operators complying with Sections 219.762(b)(3)(B), (b)(3)(C), or (b)(3)(D) shall additionally maintain the following records concerning the vapor-tightness of the marine vessel:

1) Test title;

2) Owner of the marine vessel tested;

3) The identification number of the marine vessel tested;

4) Testing location;

5) Tester name and signature;

6) Witnessing inspector, name, signature, and affiliation; and

7) Test results.

c) Owners or operators complying with the requirements of Section 219.762(c)(2) of this Subpart shall maintain records of daily product volumes loaded to demonstrate that the applicable emission reduction specified in Appendix E of this Part been achieved.

d) Owners or operators certifying compliance under Section 218.764(c) shall maintain the records specified in subsections (a)(1), (a)(2), and (a)(3) above.

e) All records required by subsections (a), (b), (c), and (d) of this Section shall be maintained for at least three years and shall be made available to the Agency upon request.

(Source: Added at 18 Ill. Reg. _____, effective _____)

219.APPENDIX E List of Affected Marine Terminals

The following table identifies the expected volatile organic material (VOM) emission reductions, in pounds per day in 1996, from the control of the marine vessel loading of gasoline and crude oil from the listed sources, their successors, and assigns. Such reduction of VOM emissions must occur after November 1990 and may not include reductions resulting from compliance with any federally required controls or from any measures included in any State Implementation Plan adopted by the State of Illinois to satisfy any other Clean Air Act requirement.

Facility	Permit#	Reduction
Phillips Pipeline Co. Facility ID# 163020AAB	73040515014	10
Clark Oil and Refining Corp. Facility ID # 197800AAA	72110678053	468

Marathon Pipe Line Co. Facility ID # 119050AAF	73021451001	2,417
Conoco Pipe Line Co. Facility ID # 119050AAK	73031095011	2,759
Shell Oil Co. Facility ID # 119090AAA	87120058128	7,554
Amoco Distribution Center Facility ID # 119115AAY	73020080007	10,443

(Source: Added at 18 Ill. Reg. _____, effective _____
_____)

IT IS SO ORDERED

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 20th day of October, 1994, by a vote of 5-0.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board