

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1989

IN THE MATTER OF:)
)
CONTINUOUS MONITORING RULES) R89-7, Docket A
AND)
REPEAL OF NEW SOURCE) R89-7, Docket B
PERFORMANCE STANDARDS AND)
HAZARDOUS AIR POLLUTANT)
REGULATIONS)

PROPOSED RULE. SECOND NOTICE.

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

On May 11, 1989, the Board, on its own motion, proposed the above-captioned rulemaking for First Notice. This rulemaking encompasses both a proposed amendment to correct 35 Ill. Adm. Code 201.405 and a proposed repeal of 35 Ill. Adm. Code Sections 230 and 231 in their entirety. Section 201.405 pertains to continuous monitoring rules. Sections 230 and 231 pertain to New Source Performance Standards ("NSPS") and National Emissions Standards for Hazardous Air Pollutants ("NESHAPS"), respectively. The proposed amendment to correct Section 201.405 was published in the Illinois Register on June 9, 1989. The proposed repeal of Sections 230 and 231 was published in the Illinois Register on June 16, 1989. On June 22, 1989, the Board determined that it was not necessary to prepare an economic impact study for this proceeding. The Board held two hearings in this matter, one in Chicago on August 16, 1989 and the other in Urbana on August 23, 1989. The deadline for submitting written public comments was September 6, 1989. No comments were filed with the Board regarding this proceeding during that period. As explained below, the Board is splitting this proceeding into two dockets. Docket A, the correction to Section 201.405, is being sent to Second Notice. Docket B, the repeal of Section 230 and 231, will be sent back to First Notice by a separate Board Order.

At the August 16, 1989 hearing, the Illinois Environmental Protection Agency ("Agency") requested that the Board separate the correction of Section 201.405 and the repeal of Section 230 and 231 into two separate dockets so that the correction to Section 201.405 could proceed as expeditiously as possible. The Agency stated that since the repeal of Sections 230 and 231 has ramifications for other portions of the Board's air pollution control regulations, that portion of this rulemaking may take

longer than previously anticipated. Additionally, the Agency stated that the consent decree covering the continuous monitoring regulations (Section 201) contains deadlines which will not be jeopardized if the Board moves quickly in correcting Section 201.405. The Illinois Manufacturers Association ("IMA") also stated that it supports splitting the docket and urged the Board to proceed on a fast track with the correction to Section 201.405.

The Board agrees with the Agency and the IMA that the docket should be split in this proceeding in order to expeditiously correct Section 201.405. Thus, the correction to Section 201.405 will be sent to Second Notice as R89-7A. The only change from the proposed amendment for First Notice is that the phrase "requirements of this Subpart" is inserted in the first sentence between "monitoring" and "shall". The repeal of Sections 230 and 231 will be sent back to First Notice as R89-7B since other affected sections will also have to be amended. The Board does not anticipate holding more hearings in Docket B since the repeal of Sections 230 and 231 were addressed in the August 16th and 23rd hearings and no further comments have been filed.

ORDER

The Board hereby adopts the following amendments to 35 Ill. Adm. Code 201 for Second Notice review. The Clerk is directed to submit these proposed amendments as R89-7A to the Joint Committee on Administrative Rules.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions

201.124 Annual Report
201.125 Severability
201.126 Repealer

SUBPART C: PROHIBITIONS

Section
201.141 Prohibition of Air Pollution
201.142 Construction Permit Required
201.143 Operating Permits for New Sources
201.144 Operating Permits for Existing Sources
201.146 Exemptions from Permit Requirement
201.147 Former Permits
201.148 Operation Without Compliance Program and Project
Completion Schedule
201.149 Operation During Malfunction, Breakdown or Startups
201.150 Circumvention
201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS
AND REVIEW PROCESS

Section
201.152 Contents of Application for Construction Permit
201.153 Incomplete Applications
201.154 Signatures
201.155 Standards for Issuance
201.156 Conditions
201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
201.162 Duration
201.163 Joint Construction and Operating Permits
201.164 Design Criteria
201.165 Hearings

SUBPART F: RENEWAL, REVOCATION, REVISION
AND APPEAL

Section
201.207 Revocation
201.209 Revisions to Permits
201.210 Appeals from Conditions

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section
201.241 Contents of Compliance Program
201.242 Contents of Project Completion Schedule
201.243 Standards for Approval

201.244 Revisions
201.245 Effects of Approval
201.246 Records and Reports
201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section
201.261 Contents of Request for Permission to Operate
During a Malfunction, Breakdown or Startup
201.262 Standards for Granting Permission to Operate During
a Malfunction, Breakdown or Startup
201.263 Records and Reports
201.264 Continued Operation or Startup Prior to Granting of
Operating Permit
201.265 Effect of Granting of Permission to Operate During
a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section
201.301 Records
201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
201.401 Continuous Monitoring Requirements
201.402 Alternative Monitoring
201.403 Exempt Sources
201.404 Monitoring System Malfunction
201.405 Excess Emission Reporting
201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

Appendix A Rule Into Section Table
Appendix B Section Into Rule Table
Appendix C Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch.
111 $\frac{1}{2}$, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General
Provisions, in R71-23, 4 PCB 191, filed and effective April 14,

1972; 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. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7A at _____ Ill. Reg. _____, effective _____.

Section 201.405 Excess Emission Reporting

Owners and operators of sources subject to the continuous monitoring requirements of this Subpart shall report the following information: ~~ion applicable to the source.~~ The report shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded.

- a) For periods of emissions in excess of any emission limitation adopted by the Board:
 - 1) The starting date and time of the excess emissions;
 - 2) The duration of the excess emissions;
 - 3) The magnitude of excess emissions;
 - 4) The cause of the excess emissions, if known;
 - 5) Corrective actions and actions taken to lessen the emissions;
 - 6) The operating status of the monitoring system, including the dates and times of any periods during which it was inoperative; and
 - 7) Other information, including but not limited to, monitoring location, monitoring maintenance records and source operating hours, which the Agency may require by permit.
- b) For gaseous sulfur dioxide, percent oxygen, or carbon dioxide measurements, the averaging period used for data reporting shall correspond to the averaging period used to determine compliance with the applicable emission limitation applicable to the source. The report shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded.
- c) For opacity measurements, the report shall be based on six minute averages of opacity and contain.

- 1) The percent opacity for each continuous opacity excess period; and
- 2) The start and stop time in six minute increments of any opacity measurements in excess of the limitation.
- d) If there were no excess emissions during the reporting period, the report shall so state and include information about the operating status of the monitoring equipment during that period.
- e) Reports shall be submitted within 45 days of the end of every calendar quarter.

(SOURCE: Added at 13 Ill. Reg. 2066 effective February 3, 1989)

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 13th day of September, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board