

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

IN THE MATTER OF:)
)
CONTINGENCY MEASURES FOR)
PM10 EMISSIONS: AMENDMENTS) R93-30
TO 35 ILL. ADM. CODE) (Rulemaking)
PARTS 106 AND 212)

Proposed Rule. First Notice.

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

On December 30, 1993, the Illinois Environmental Protection Agency (Agency) filed this proposal for rulemaking. The proposal represents one part of Illinois' submittal of a complete state implementation plan (SIP). Pursuant to Section 182(a) of the Clean Air Act, as amended in 1990, Illinois was to adopt and submit its plan by November 15, 1992. The proposal contains rules which would establish contingency measures to provide for additional reductions of PM10 emissions for specific areas in the event that the United States Environmental Protection Agency finds a failure to attain the standard for PM10. The proposed rules would effect sources located in areas defined as moderate nonattainment areas for PM10: McCook and Lake Calumet Townships in Cook County, Granite City in Madison County, and a portion of Oglesby Township, LaSalle County. (See 35 Ill. Adm. Code 212.324(a)(1) and 212.423(a).) The proposal seeks to amend 35 Ill. Adm. Code 106 and 212.

This proposal was filed pursuant to Section 28.5 of the Environmental Protection Act (Act). (415 ILCS 5/28.5 (1992).) That section requires the Board to proceed with rulemaking under set time-frames. The Board has no discretion to adjust these time frames under any circumstances. Today the Board acts to send this proposal to first notice under the Illinois Administrative Procedure Act, but without commenting on the merits of the proposal.

The following schedule indicates the deadlines by which the Board must act, as provided in Section 28.5:

first notice	on or before January 13, 1994
first hearing	on or before February 23, 1994
second hearing	no later than 30 days after the start of the first hearing
third hearing	no later than 14 days after the start of the second hearing
second notice (if third hearing cancelled)	on or before May 9, 1994

(if third hearing held)
final adoption and filing

on or before May 29, 1994
21 days after receipt of JCAR
certificate of no objection

The Board notes that the above dates are the deadlines as established by Section 28.5 and do not represent actual hearing dates or filing dates. While the schedule includes second and third hearings, these hearings may be cancelled if unnecessary. The Board will proceed in this matter as prescribed in Section 28.5 and discussed in the Board's resolution. (See Clean Air Act Rulemaking Procedures Pursuant to Section 28.5 of the Environmental Protection Act, as Added By P.A. 87-1213, (October 29, 1992 and December 3, 1992), RES 92-2.)

The Agency has filed a motion for waiver of requirements with the proposal. The Agency requests waiver of the following requirements: that the Agency submit the original and nine copies of the entire regulatory proposal; that the Agency submit a copy of the proposal to the Attorney General and the Department of Energy and Natural Resources (ENR); and that the Agency submit copies of all documents upon which it relied. The Agency asks that it be permitted to file an original plus five complete copies of the proposal and four partial copies. A partial copy includes the pleadings and the proposed rules, but does not include the supporting exhibits. The Attorney General and ENR have agreed with the Agency that a copy of the proposal need not be served upon them. The Agency had provided the Board with one copy of the majority of the documents on which it relied, and notes that the other documents are readily accessible or already in the Board's possession. The Board grants the Agency's motion.

ORDER

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

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106
HEARINGS PURSUANT TO SPECIFIC RULES

SUBPART A: HEATED EFFLUENT DEMONSTRATIONS

Section
106.101 Petition
106.102 Requirements for Petition
106.103 Parties
106.104 Recommendation
106.105 Notice and Hearing

106.106 Transcripts
106.107 Opinion and Order

SUBPART B: ARTIFICIAL COOLING LAKE DEMONSTRATIONS

Section
106.201 Petition
106.202 Notice and Hearing
106.203 Transcripts
106.204 Effective Date

SUBPART C: SULFUR DIOXIDE DEMONSTRATIONS

Section
106.301 Petition
106.302 Requirements for Petition
106.303 Parties
106.304 Recommendation
106.305 Notice and Hearing
106.306 Transcripts

SUBPART D: RCRA ADJUSTED STANDARD PROCEDURES

Section
106.401 Petition (Repealed)
106.402 Notice of Petition (Repealed)
106.403 Recommendation (Repealed)
106.404 Response (Repealed)
106.405 Public Comment (Repealed)
106.406 Public Hearings (Repealed)
106.407 Decision (Repealed)
106.408 Appeal (Repealed)
106.410 Scope and Applicability
106.411 Joint or Single Petition
106.412 Request to Agency to Join as Co-Petitioner
106.413 Contents of Petition
106.414 Response and Reply
106.415 Notice and Conduct of Hearing
106.416 Opinions and Orders

SUBPART E: AIR ADJUSTED STANDARD PROCEDURES

Section
106.501 Scope and Applicability
106.502 Joint or Single Petition
106.503 Request to Agency to Join As Co-Petitioner
106.504 Contents of Petition
106.505 Response and Reply
106.506 Notice and Conduct of Hearing
106.507 Opinions and Orders

SUBPART F: WATER WELL SETBACK EXCEPTION PROCEDURES

Section	
106.601	Scope and Applicability
106.602	Contents of Petition
106.603	Response and Reply
106.604	Notice and Conduct of Hearing
106.605	Opinions and Orders

SUBPART G: ADJUSTED STANDARDS

Section	
106.701	Applicability
106.702	Definitions
106.703	Joint or Single Petition
106.704	Request to Agency to Join As Co-Petitioner
106.705	Petition Contents
106.706	Petition Verification
106.707	Federal Procedural Requirements
106.708	Incorporated Material
106.709	Motions
106.710	Service of Filings
106.711	Petition Notice
106.712	Proof of Petition Notice
106.713	Request for Public Hearing
106.714	Agency Response
106.715	Amended Petition and Amended Response
106.801	Hearing Scheduled
106.802	Hearing Notice
106.803	Pre-Hearing Submission of Testimony and Exhibits
106.804	Discovery
106.805	Admissible Evidence
106.806	Order of Hearing
106.807	Post-hearing Comments
106.808	Burden of Proof
106.901	Board Deliberations
106.902	Dismissal of Petition
106.903	Board Decision
106.904	Opinion and Order
106.905	Appeal of Board Decisions
106.906	Publication of Adjusted Standards
106.907	Effect of Filing a Petition

SUBPART J: CULPABILITY DETERMINATIONS

<u>Section</u>	
<u>106.930</u>	<u>Applicability</u>
<u>106.931</u>	<u>Petition</u>
<u>106.932</u>	<u>Response and Reply</u>
<u>106.933</u>	<u>Notice and Hearing</u>
<u>106.934</u>	<u>Opinion and Order</u>

Appendix A: Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 14.2(c), 22.4, 27, 28, and 28.1, 28.5 and 39.5 and authorized by Sections 26 and 39.5 of the Environmental Protection Act, [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1, 28.5, 26 and 39.5].

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-30 at 18 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART J: CULPABILITY DETERMINATIONS

Section 106.930 Applicability

The provisions of this Subpart shall apply to any proceeding initiated by an owner or operator of a source pursuant to a finding of culpability by the Agency under 35 Ill. Adm. Code 212.702 and 212.705.

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

Section 106.931 Petition

- a) A proceeding brought under this Subpart shall be commenced by the owner or operator of a source by serving a petition upon the Agency and filing 10 copies with the Clerk of the Board.
- b) A petition filed pursuant to this Subpart shall include a detailed description of and justification for the source's assertion that a finding of culpability by the Agency under 35 Ill. Adm. Code 212.705 is improper or incorrect.

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

Section 106.932 Response and Reply

- a) The Agency may file a response to a petition appealing a determination of culpability within 21 days after service of the petition.
- b) The petitioner may file a reply within 7 days after the filing of any response by the Agency.

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

Section 106.933 Notice and Hearing

- a) The Clerk of the Board shall give notice of the petition and any hearing in accordance with 35 Ill. Adm. Code 103. The proceeding shall be conducted in accordance with 35 Ill. Adm. Code 103.
- b) The burden of proof in such proceedings shall be on the petitioner.

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

Section 106.934 Opinion and Order

The Board shall issue a written opinion and order within 120 days after the filing of the petition that sets forth the Board's decision and supporting rationale.

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

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

PART 212
 VISIBLE AND PARTICULATE MATTER EMISSIONS

SUBPART A: GENERAL

Section	
212.100	Scope and Organization
212.107	Measurement Method for Visible Emissions
212.108	Measurement Methods for PM-10 Emissions
212.109	Measurement Methods for Opacity
212.110	Measurement Methods for Particulate Matter
212.111	Abbreviations and Units
212.112	Definitions
212.113	Incorporations by Reference

SUBPART B: VISIBLE EMISSIONS

Section	
212.121	Opacity Standards
212.122	Limitations for Certain New Sources
212.123	Limitations for All Other Sources
212.124	Exceptions
212.125	Determination of Violations
212.126	Adjusted Opacity Standards Procedures

SUBPART D: PARTICULATE MATTER EMISSIONS
FROM INCINERATORS

Section	
212.181	Limitations for Incinerators
212.182	Aqueous Waste Incinerators
212.183	Certain Wood Waste Incinerators
212.184	Explosive Waste Incinerators
212.185	Continuous Automatic Stoking Animal Pathological Waste Incinerators

SUBPART E: PARTICULATE MATTER EMISSIONS
FROM FUEL COMBUSTION EMISSION SOURCES

Section	
212.201	Existing Sources Using Solid Fuel Exclusively Located in the Chicago Area
212.202	Existing Sources Using Solid Fuel Exclusively Located Outside the Chicago Area
212.203	Existing Controlled Sources Using Solid Fuel Exclusively
212.204	New Sources Using Solid Fuel Exclusively
212.205	Existing Coal-fired Industrial Boilers Equipped with Flue Gas Desulfurization Systems
212.206	Sources Using Liquid Fuel Exclusively
212.207	Sources Using More Than One Type of Fuel
212.208	Aggregation of Existing Sources
212.209	Village of Winnetka Generating Station
212.210	Emissions Limitations For Certain Fuel Combustion Emission Sources Located in the Vicinity of Granite City

SUBPART K: FUGITIVE PARTICULATE MATTER

Section	
212.301	Fugitive Particulate Matter
212.302	Geographical Areas of Application
212.304	Storage Piles
212.305	Conveyor Loading Operations
212.306	Traffic Areas
212.307	Materials Collected by Pollution Control Equipment
212.308	Spraying or Choke-Feeding Required
212.309	Operating Program
212.310	Minimum Operating Program
212.312	Amendment to Operating Program
212.313	Emission Standard for Particulate Collection Equipment
212.314	Exception for Excess Wind Speed
212.315	Covering for Vehicles
212.316	Emission Limitations for Sources in Certain Areas

SUBPART L: PARTICULATE MATTER EMISSIONS
FROM PROCESS EMISSION SOURCES

Section
 212.321 New Process Sources
 212.322 Existing Process Sources
 212.323 Stock Piles
 212.324 Process Emission Sources in Certain Areas

SUBPART N: FOOD MANUFACTURING

Section
 212.361 Corn Wet Milling Processes
 212.362 Sources in Certain Areas

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

Section
 212.381 Catalyst Regenerators of Fluidized Catalytic Converters

SUBPART Q: STONE, CLAY, GLASS AND CONCRETE MANUFACTURING

Section
 212.421 New Portland Cement Processes
 212.422 Portland Cement Manufacturing Processes
 212.423 Emission Limits for the Portland Cement Manufacturing
 Plant Located in LaSalle County, South of the Illinois
 River
 212.424 Fugitive Particulate Matter Control for the Portland
 Cement Manufacturing Plant and Associated Quarry
 Operations Located in LaSalle County, South of the
 Illinois River
 212.425 Sources in Certain Areas

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND MACHINERY MANUFACTURE

Section
 212.441 Steel Manufacturing Processes
 212.442 Beehive Coke Ovens
 212.443 Coke Plants
 212.444 Sinter Processes
 212.445 Blast Furnace Cast Houses
 212.446 Basic Oxygen Furnaces
 212.447 Hot Metal Desulfurization Not Located in the BOF
 212.448 Electric Arc Furnaces
 212.449 Argon-Oxygen Decarburization Vessels
 212.450 Liquid Steel Charging
 212.451 Hot Scarfing Machines
 212.452 Measurement Methods
 212.455 Highlines on Steel Mills
 212.456 Certain Small Foundries
 212.457 Certain Small Iron-melting Air Furnaces

212.458 Sources in Certain Areas

SUBPART S: AGRICULTURE

Section

- 212.461 Grain Handling and Drying in General
- 212.462 Grain Handling Operations
- 212.463 Grain Drying Operations
- 212.464 Sources in Certain Areas

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

Section

- 212.681 Grinding, Woodworking, Sandblasting and Shotblasting

SUBPART U: ADDITIONAL CONTROL MEASURESSection

- 212.700 Applicability
- 212.701 Contingency Measure Plans, Submittal and Compliance Date
- 212.702 Determination of Contributing Sources
- 212.703 Contingency Measure Plan Elements
- 212.704 Implementation
- 212.705 Alternative Implementation

- 212.Appendix A Rule into Section Table
- 212.Appendix B Section into Rule Table
- 212.Appendix C Past Compliance Dates

- 212.Illustration A: Allowable Emissions from Solid Fuel Combustion Emission Sources Outside Chicago
- 212.Illustration B: Limitations for all New Process Emission Sources
- 212.Illustration C: Limitations for all Existing Process Emission Sources
- 212.Illustration D: McCook Vicinity Map
- 212.Illustration E: Lake Calumet Vicinity Map
- 212.Illustration F: Granite City Vicinity Map

AUTHORITY: Implementing Section 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10,27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203: Visual and Particulate Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4,

1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590, effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A), 10 Ill. Reg. 12637, effective July 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1 (Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15 Ill. Reg. 15708, effective October 4, 1991; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R91-22 at 16 Ill. Reg. 7880, effective May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204, effective May 15, 1992; amended in R93-30 at 18 Ill. Reg. _____, effective _____.

PART 212
VISIBLE AND PARTICULATE MATTER MEASURES

SUBPART A: GENERAL

Section 212.113 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

- a) Ringelmann Chart, Information Circular 833 (Revision of IC7718), Bureau of Mines, U.S. Department of Interior, May 1, 1967.
- b) 40 CFR 60, Appendix A (1991):
 - 1) Method 1: Sample and Velocity Traverses for Stationary Sources;
 - 2) Method 1A: Sample and Velocity Traverses for Stationary Sources with Small Stacks or Ducts;
 - 3) Method 2: Determination of Stack Gas Velocity and Volumetric Flow Rate (Type S pitot tube);
 - 4) Method 2A: Direct Measurement of Gas Volume Through Pipes and Small Ducts;
 - 5) Method 2C: Determination of Stack Gas Velocity and Volumetric Flow Rate in Small Stacks or Ducts (Standard Pitot Tube)
 - 6) Method 2D: Measurement of Gas Volumetric Flow Rates in Small Pipes and Ducts;
 - 7) Method 3: Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight;

- 8) Method 4: Determination of Moisture Content in Stack Gases;
 - 9) Method 5: Determination of Particulate Emissions From Stationary Sources;
 - 10) Method 5A: Determination of Particulate Emissions From the Asphalt Processing and Asphalt Roofing Industry;
 - 11) Method 5D: Determination of Particulate Matter Emissions From Positive Pressure Fabric Filters;
 - 12) Method 5E: Determination of Particulate Emissions From the Wool Fiberglass Insulation Manufacturing Industry;
 - 13) Method 9: Visual Determination of the Opacity of Emissions from Stationary Sources;
 - 14) Method 22: Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares.
- c) 40 CFR 51 Appendix M (1990):
- 1) Method 201: Determination of PM-10 Emissions;
 - 2) Method 201A: Determination of PM-10 Emissions (Constant Sampling Rate Procedures).
- d) 40 CFR 60.672(b), (c), (d) and (e) (1991).
- e) 40 CFR 60.675(c) and (d) (1991).
- f) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.
- g) U.S. Sieve Series, ASTM-E11, American Society of Testing Materials, 1916 Race Street, Philadelphia, PA 19103.
- h) 55 Fed. Reg. 41546, (October 12, 1990), Method 202: Determination of Condensible Particulate Emissions from Stationary Sources.
- i) Standard Methods for the Examination of Water and Wastewater, Section 209C, "Total Filtrable Residue Dried at 103 - 105°C," 15th Edition, 1980, American Public Health Association 1015 Fifteenth Street, N.W.,

Washington, D.C. 20005.

- j) "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events." U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards Monitoring and Data Analysis Division, Research Triangle Park, N.C. 27711, EPA-450/4-86.007 July 1986.
- k) "Guideline on Air Quality Models (Revised)"; U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, EPA-450/2-78-027R July 1986.
- l) 40 CFR 50, Appendix K (1992), "Interpretation of the National Ambient Air Quality Standard for Particulate Matter".

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

SUBPART U: ADDITIONAL CONTROL MEASURES

Section 212.700 Applicability

- a) This Subpart shall apply to those sources in the areas designated in and subject to Sections 212.324(a)(1) or 212.423(a) and that have actual annual source-wide emissions of PM-10 of at least fifteen (15) tons per year.
- b) A source's actual annual source-wide emissions of PM-10 shall be the total of its fugitive emissions and its emissions from process emission units and fuel combustion emission units and as set forth in the source's Annual Emissions Report submitted pursuant to 35 Ill. Adm. Code 254.

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

Section 212.701 Contingency Measure Plans, Submittal and Compliance Date

- a) Those sources subject to this Subpart shall prepare contingency measure plans reflecting the PM-10 emission reductions set forth in Section 212.703 of this Subpart. These plans shall become federally enforceable permit conditions. Such plans shall be submitted to the Agency by November 15, 1994. Notwithstanding the foregoing, sources that become subject to the provisions of this Subpart after July 1, 1994, shall submit a contingency measure plan to the Agency for review and approval within ninety (90) days

after the date such source or sources became subject to the provisions of this Subpart. The Agency shall notify those sources requiring contingency measure plans, based on the Agency's current information; however, the Agency's failure to notify any source of its requirement to submit contingency measure plans shall not be a defense to a violation of this Subpart and shall not relieve the source of its obligation to timely submit a contingency measure plan.

- b) If the Agency disapproves the initial submittal of a contingency measure plan or a source fails to revise a plan so that it is approvable, the Agency shall so notify the source in writing and the source may treat such notice as a permit denial.
- c) Sources having operational changes subject to Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 which require either a new permit or a revision to an existing permit, shall, within 30 days of such changes, submit a request to modify its permit in order to include a new, appropriate contingency measure plan. Such new plan shall be subject to the requirements of this Subpart.
- d) A source may, consistent with the requirements of this Subpart and any applicable permitting requirements, propose revisions to its contingency measure plan.

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

Section 212.702 Determination of Contributing Sources

- a) If the review of monitoring data reveals an exceedence of the 24-hour ambient air quality standard for PM-10 found at 35 Ill. Adm. Code 243.120, the Agency shall attempt to determine the source or sources causing or contributing to the exceedence.
- b) In determining whether a source has caused or contributed to an exceedence of the 24-hour ambient air quality standard for PM-10, the Agency may take whatever steps as are necessary to determine which source or sources are culpable for the exceedence, including, but not limited to:
 - 1) Evaluating whether the exceedence can be classified as an "exceptional event" pursuant to the "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events," incorporated by reference in Section 212.113 of this Part;

- 2) Reviewing operating records of the source or sources identified pursuant to subsections (b)(3) and (b)(4) below to determine whether any source or sources so identified experienced a malfunction or breakdown or violated any term or condition of its operating permit which contributed to the exceedence;
 - 3) Evaluating the monitoring equipment filter evidencing the exceedence to determine the types of sources that contributed to the exceedence; ar
 - 4) Evaluating meteorological data and conducting dispersion analyses pursuant to the "Guideline on Air Quality Models (Revised)," incorporated by reference in Section 212.113 of this Part, to determine which source or sources caused or contributed to the exceedence.
- c) If the Agency determines that the exceedence can be classified as an exceptional event, the Agency shall make a written request to USEPA to void the exceedence. If the exceedence has been caused by an "exceptional event," the Agency shall make no requests upon any source for Level I or Level II controls pursuant to Section 212.704(a) or (b) of this Subpart until such time as USEPA has denied the Agency's request to void the exceedence or until an additional exceedence of the 24-hour ambient air quality standard which is not due to an exceptional event, as determined by the Agency, has been monitored for the same area.
- d) If the Agency determines that the exceedence was due to a malfunction or breakdown or violation of any term or condition of a source's operating permit, the Agency shall contact such source and may pursue appropriate action under 35 Ill. Adm. Code 103.

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

Section 212.703 Contingency Measure Plan Elements

- a) All sources subject to this Subpart shall submit a contingency measure plan. The contingency measure plan shall contain two levels of control measures:
- 1) Level I measures are measures that will reduce total source-wide fugitive emissions of PM-10 subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 by at least 15%.

- 2) Level II measures are measures that will reduce total source-wide fugitive emissions of PM-10 subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 by at least 25%.
- b) A source may elect to demonstrate compliance with this Subpart by submitting an alternative control plan which has been approved by the Agency and USEPA as federally enforceable permit conditions. If a source elects to include controls on process emission units, fuel combustion emission units, or other fugitive emissions of PM-10 not subject to Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 at the source in its alternative control plan, the plan must include a reasonable schedule for implementation of such controls, not to exceed two (2) years. This implementation schedule is subject to Agency review and approval.

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

Section 212.704 Implementation

- a) Following any exceedence of the 24-hour ambient air quality standard for PM-10, the Agency shall notify the source or sources the Agency has identified as likely to be causing or contributing to an exceedence detected by monitoring. Within ninety (90) days of receipt of such notification, each source so notified may implement Level I or Level II measures, as determined pursuant to subsection (d)(1) below.
- b) If there is a violation of the ambient air quality standard for PM-10 as determined in accordance with 40 CFR Part 50, Appendix K, incorporated by reference in Section 212.113 of this Part, the Agency shall notify the source or sources the Agency has identified as likely to be causing or contributing to one or more of the exceedences leading to such violation, and such source or sources shall implement Level I or Level II measures, as determined pursuant to subsection (d)(2) below. The source or sources so identified shall implement such measures corresponding to fugitive emissions within ninety (90) days of receipt of such notification and shall implement such measures corresponding to any nonfugitive emissions according to the approved schedule set forth in such source's alternative control plan. Any source identified as causing or contributing to a violation of the ambient air quality standard for PM-10 may appeal any finding of culpability by the Agency to the Board pursuant to

Subpart J of 35 Ill. Adm. Code 106.

- c) Upon the finding of a failure to attain by the Administrator of USEPA, the Agency shall notify all sources in the applicable area required to submit contingency measure plans pursuant to Section 212.700 of this Subpart of such finding by the Administrator. All such sources subject to this Subpart shall, within ninety (90) days of receipt of such notification, implement any Level II measures corresponding to fugitive emissions subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 and shall implement any Level II measures corresponding to any nonfugitive emissions of PM-10 according to the approved schedule set forth in such source's alternative control plan, unless such corresponding Level II controls have been previously implemented by such source or sources pursuant to subsection (a) or (b) above.
- d) The Agency shall request Level I or Level II measures pursuant to subsection (a) above as follows:
 - 1) Level I measures shall be requested when the magnitude of the monitored exceedence at a given air quality monitor is less than or equal to 170 ug/m³.
 - 2) Level II measures shall be requested when the magnitude of the monitored exceedence at a given air quality monitor exceeds 170 ug/m³.
- e) The Agency shall require Level I or Level II measures pursuant to subsection (b) above as follows:
 - 1) Level I measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to 40 CFR 50, Appendix K, incorporated by reference in Section 212.113 of this Part, is less than or equal to 170 ug/m³.
 - 2) Level II measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to 40 CFR 50, Appendix K, incorporated by reference in Section 212.113 of this Part, exceeds 170 ug/m³.

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

Section 212.705 Alternative Implementation

Should the Agency determine that more than one source has caused or contributed to the implementation of this Subpart, the Agency may accept controls from fewer than all of the sources identified as culpable where greater than the required levels of control for all culpable sources are achieved at some of the culpable sources.

- a) For the purposes of this Section, an "identified source" is a source determined to be culpable for an exceedence of the 24-hour ambient air quality standard.
- b) For the purposes of this Section, a "participating source" is another source that is also identified as culpable by the Agency for the monitored exceedence.
- c) For the purposes of this Section, "equivalent air quality benefits" shall be determined by conducting one or more dispersion analyses in accordance with the "Guideline on Air Quality Models (revised)," incorporated by reference in Section 212.113 of this Part.
- d) An identified source may elect to achieve compliance with the provisions of this Subpart by obtaining equivalent air quality benefits from PM-10 emissions reductions by a participating source as would be achieved at the identified source, provided, however, that the PM-10 emissions reductions to be achieved by the participating source under this Section are in addition to any other obligation it may have under this Subpart to reduce PM-10 emissions.
- e) If an identified source elects to rely on this Section to demonstrate compliance with this Subpart, the identified source must:
 - 1) Demonstrate to the Agency that it will achieve equivalent air quality benefits from PM-10 emission reductions at the participating source as would be achieved from the identified source subject to this Subpart;
 - 2) The PM-10 emissions reductions from the participating source that the identified source is relying upon to demonstrate compliance with this Subpart must be reflected as federally enforceable permit conditions of the participating source's permit;
 - 3) The participating source implements any emissions reductions for fugitive emissions of PM-10 within ninety (90) days after the identified source would

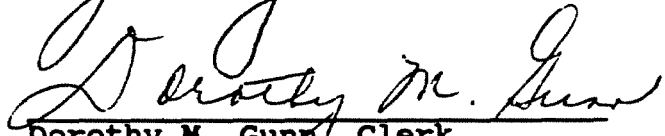
have been required to implement Level I or Level II measures pursuant to this Subpart; and

- 4) The participating source submits a reasonable schedule for implementation of any PM-10 emission reductions from controls on process emission units, fuel combustion emission units, or other fugitive emissions of PM-10 at the participating source not subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464, not to exceed two (2) years from the date of notification to the identified source that Level I or Level II measures, as appropriate, are required.

(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 6th day of January, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board