

ILLINOIS POLLUTION CONTROL BOARD
December 15, 1988

IN THE MATTER OF:)
)
PROPOSED AMENDMENTS TO)
35 ILL. ADM. CODE 201,) R87-38
SUBPARTS J & L (Self-Monitoring))

ADOPTED RULE. FINAL ORDER.

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

This matter is before the Board upon a proposed rule change to the provisions of 35 Ill. Adm. Code Part 201, Subparts J&L (Self-Monitoring). This rulemaking was jointly proposed by the Illinois Manufacturers Association, the Illinois Environmental Protection Agency, and Citizens for a Better Environment in response to a federal lawsuit entitled CBE, et al. v. Lee M. Thomas, Administrator, USEPA, No. 80 C 0003, (N.D. Ill.). In general, the new regulation would require certain fossil fuel-fired steam generators, sulfuric acid plants, nitric acid plants and petroleum refineries to conduct self-monitoring of certain types or air emissions.

BACKGROUND

In specific, fossil fuel-fired steam generators with annual average capacity factor greater than 30%, as reported to the Federal Power Commission in 1974, or as otherwise demonstrated to the IEPA, will be required to monitor air emissions for opacity unless the generator is less than 250 million Btu per hour heat input or if gas is the only fuel burned, or if oil or a mixture of gas and oil is utilized, when the source can comply with the applicable regulations regarding particulate matter and opacity without collection equipment and the source has never been found to be in violation of visible or particulate emission regulations. Additionally, these same fossil fuel-fired steam generators will also be required to monitor for nitrogen oxides when there is greater than 1000 million Btu per hour heat input, and when located in an area where the USEPA has decided that a control strategy for nitrogen dioxide is necessary; and when the owner or operator has not demonstrated emissions to be less than 30% below the applicable emission standards.

Similarly these same fossil fuel-fired steam generators must also self-monitor for sulfur dioxide when the generator is greater than 250 million Btu per hour heat input and has installed and operates sulfur dioxide pollution control equipment.

Finally, these same fossil fuel-fired steam generators must also self-monitor for oxygen or carbon dioxide when measurements of oxygen and carbon dioxide in the flue gas are required to convert sulfur dioxide or nitrogen oxide emissions data to units of applicable emission standards.

In addition to the fossil fuel-fired steam generators referenced above certain other industrial plants will also be required to conduct self-monitoring. Sulfuric acid plants of greater than 300 tons per day production capacity (expressed as 100 percent acid) will monitor for sulfur dioxide at each point of sulfur dioxide emissions. Nitric acid plants of greater than 300 tons per day production capacity (expressed as 100 percent acid) located in areas designated by USEPA as requiring a control strategy for nitrogen dioxide will be required to monitor for nitrogen oxides at each point of nitrogen oxide emissions. And petroleum refineries shall monitor for opacity at each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity.

The proposed regulation contains a provision allowing for alternative self-monitoring upon a demonstration that continuous monitoring is technically unreasonable or infeasible or due to extreme economic burden. Alternative self-monitoring requirements would be imposed by permits issued by the IEPA.

Certain emission sources will be exempt from the self-monitoring requirements. These include emissions sources subject to new source performance standards and any source not subject to either the applicable emission limitation established pursuant to the Act or Board regulation or when an alternative, adjusted or site-specific standard has been set by the Board.

The proposed regulation sets forth the data which are required to be reported to the IEPA, including, inter alia, starting times and dates, durations, magnitudes etc.... The proposed regulation also contains a provision governing malfunctions of the self-monitoring equipment, stating that monitoring and recording requirements shall not be applicable during malfunctions so long as the owner or operator demonstrates that the malfunction was unavoidable and is being repaired as expeditiously as possible.

Finally, the proposed regulation sets forth the manner by which recorded data shall be expressed, the manner by which the recorded data shall be retained and times for compliance.

On February 25, 1988 the Board adopted the proposal, as submitted for First Notice, and directed the hearing officer to schedule two merit hearings. The first hearing was held on April 8, 1988 in Chicago; the second hearing was held on April 22, 1988 in Springfield. The proponents were notified of the hearings and were represented.

At the April 8, 1988, merit hearing, testimony in support of The proposal was provided by Mr. Lauren Laabs, who spoke on behalf of the Illinois Manufacturers Association. Mr. Laabs' testimony explained the history of this proceeding, discussed its relation to USEPA and Illinois' State Implementation Plan, and set forth a thorough explanation of the proposed regulation. Next, Mr. Frederick Smith, Manager of the Source Emissions Testing Unit of the Division of Air Pollution Control of the IEPA was called by joint proponent, IEPA. Mr. Smith testified on behalf of the proposal and further explained the proposal.

The second merit hearing of April 22, 1988 contained no new prepared testimony by joint proponents. However, representatives from industry did speak and asked questions. The second merit hearing consisted mainly of follow-up questions, suggested language changes to correct typographical errors and a statement from Bill Denham of the Illinois Department of Energy and Natural Resources stating that if all economic data were timely provided, a decision on the necessity of a EcIS could be rendered shortly.

PUBLIC COMMENTS

Two comments were received after First Notice publication. On May 11, 1988 the Department of Commerce and Community Affairs (DCCA) filed a comment which stated that the proposed rule will have no effect on small businesses affected by the rule. On April 21, 1988 comments were filed by the United States Environmental Protection Agency (USEPA), Region V, in response to a request for clarification made at the April 8, 1988 hearing. The request for clarification concerned the issues of 1) the cost of Federal promulgation of a continuous emission monitoring (CEM) rule and, 2) whether alternative procedures and requirements must be submitted to USEPA as revisions of the Illinois State Implementation Plan (SIP).

In response to the first posed question (regarding the costs, if any, of Federal promulgation of a CEM rule), USEPA stated that the State's failure to adopt a CEM rule which satisfies Federal requirements would necessitate USEPA's promulgation of a CEM into the SIP. The cost of work associated with such promulgation would be deducted from Illinois' Federal Assistance allocation. USEPA estimated such cost at \$60,000.

In response to the second posed question (whether authorizing alternative but equivalent procedures and requirements for CEM systems must be submitted to USEPA as revisions of the SIP), USEPA answered affirmatively stating, "USEPA believes this is a necessary requirement of approval of a CEM rule." Additionally, USEPA noted as follows: "In addition, the Illinois rule being adopted should clearly state that these modifications will not be effective until approved by USEPA."

On June 27, 1988, the Department of Energy and Natural Resources (DENR) filed a negative declaration stating its determination that the preparation of a formal economic impact study is not necessary in this proceeding. The negative declaration was based on DENR's finding that the cost of a formal study is economically unreasonable in relation to the value of the study to the Board in determining the adverse economic impact of the regulation. On August 4, 1988 the Board was notified of the concurrence by the Economic and Technical Advisory Committee (ETAC) in DENR's negative declaration.

MOTION TO REVISE PROPOSED REGULATORY LANGUAGE

On June 29, 1988 the Illinois Manufacturers' Association (IMA) proposed minor changes to the proposed language. The proposed language essentially corrected typographical errors and provided suggested clarifying language for the proposed rule. The proposed language did not alter the substance of the original regulatory language and was not opposed by co-proponents.

The proposed changes were as follows:

- | | |
|------------------------|---|
| Section 201.401(a)(2), | "... the production being expressed as 100 percent acid ..." |
| Section 201.401(a)(3), | "nitric acid plants of greater..." |
| Section 201.401(b), | "Set forth in: |
| | 1) paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987). This incorporation includes no later amendments or editions; and |
| | 2) relevant portions of 35 Ill. Adm. 230, Appendix A & B." |
| Section 201.402, | "... continuous monitoring system or device" |
| Section 201.403(a), | "... new source performance standard |

adopted by USEPA pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to 9.1 of the Act; or ..."

Section 201.401, "... repaired as expeditiously as is practicable."

Section 201.405(a)(7), "other information, including but not limited to, monitor location, monitor maintenance records and source operation hours, which the Agency may require by permit."

Section 201.406(a), "... procedures specified either in 35 Ill. Adm. Code 230, or in any applicable monitoring requirements which are part of a new source performance standard adopted by USEPA pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act; or ..."

Section 201.406(b), "... 40 CFR 51, Appendix P, paragraph 5, (1987). This incorporation includes no later amendments or editions; or ..."

Section 201.408, "... this schedule shall provide that monitoring and recording begin within 18 months..."

Except for the suggested language change in Section 201.401(b), supra, the Board granted the Motion To Revise Proposed Regulatory Language. Notwithstanding, Section 201.401(b) has been corrected to reflect the substance of the change sought by movant; but the language adopted was, for grammatical reasons, not the identical language sought by movant.

On October 24, 1988 the Board forwarded its Second Notice Package and Agency Analysis of Environmental Budgetary Effects Of Proposed Rulemaking to the Joint Committee On Administrative Rules (JCAR). On October 25, 1988 JCAR acknowledged receipt of the package and scheduled consideration of the proposal for November 15, 1988. On October 28, 1988, after reviewing the proposed rulemaking and second notice data, the Board received a seven page document setting forth general problems and questions concerning the proposed rulemaking. The document also requested a prehearing conference among JCAR, the proponents and the Board. A telephone conference was arranged during which the proponents and JCAR resolved outstanding issues.

As result of the conference, the Board agreed to make the following changes in its final proposal.

1. To update all CFR citations to 1987.
2. To add the following after "Agency" in Section 201.401(a)(1): "through the use of annual production data and equipment rating information representative of the facility's operations."
3. To change "applicable regulations" to "limitations applicable to that source" in Section 201.401(a)(1)(A)(ii).
4. To add "pursuant to Section 107 of the Clean Air Act (42 U.S.C. 7407)" after "determined" in Section 201.401(a)(1)(B)(ii).
5. To add the following after "compliance tests" in Section 201.401(a)(1)(B)(iii): "performed pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act."

6. To change "applicable emissions standards" to "emissions standards applicable to that source" in Section 201.401(a)(1)(B)(iii).
7. To add the following after "required" in Section 201.401(a)(1)(D): pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act or 40 CFR 51, Appendix P. (This amendment includes no later amendments or editions.)
8. To change "applicable emission standards" to "emission standards applicable to that source" in Section 201.401(a)(1)(D).
9. To add "pursuant to Section 107 of the Clean Air Act" after "determined" in Section 201.401(a)(3).
10. To add the following language in Section 201.402 after "provided" to clarify what constitutes an "extreme economic burden": ", in that the cost of monitoring would exceed the norm for similar sources and those costs would have a significant adverse effect on the profitability of the operation."
11. To add ", location" after "installation" in the last sentence of Section 201.402.
12. To add "generally" before "applicable" in Section 201.403(b).
13. To add the following language to Section 201.404: "This demonstration may include, but is not limited to, evidence that the device has been properly calibrated and maintained, adequate spare parts are on hand, and trained technicians are available to make repairs."
14. To add "applicable to the source" after "limitation" in Section 201.405(a).

15. To replace "applicable emission limitation" with "emission limitation applicable to the source" in Section 201.405(b).
16. To replace "40 CFR 60 (1985)" with "35 Ill. Adm. Code 230 or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act" in Section 201.406(a).
17. To add "by means including, but not limited to, instrument accuracy tests" after "source" in Section 201.406(c).
18. To add "pursuant to Section 110(a)(3)(A) of the Clean Air Act" after "USEPA" in Section 201.408.

On November 15, 1988, the Joint Committee on Administrative Rules served its Certificate Of Objection regarding this rulemaking. The objection was a result of the Board's failure to provide all data which had been received concerning the economic impact of the proposed rule on the regulated community.

ENVIRONMENTAL IMPACTS

The Board notes that the record is sparse concerning the environmental impacts and health consequences of the proposed rule. The joint proponents were notified of the hearings and were presented an opportunity to submit additional data concerning environmental impacts.

Notwithstanding this, the Board takes notice of earlier rulemakings involving opacity standards, nitrogen oxide, sulfur dioxide, and carbon monoxide. The environmental impacts of these pollutants are well known and the Board considered these when proposing the regulations.

ECONOMIC ANALYSIS

The size of the community regulated by this rulemaking is relatively small. This is due to Section 201.401 which sets forth the qualifications for a facility's being required to conduct continuous monitoring.

Through the testimony and evidence, it has been reported to the Board that there are approximately nineteen (19) industrial facilities which would be affected by the proposed rule.

Shell Oil Company, Wood River, Illinois, submitted data showing annualized costs for two (already installed) opacity analyzers at twenty-one thousand dollars (\$21,000) per year. That figure also included staff time required to review the monitoring records and file any necessary reports. Commonwealth Edison submitted economic data concerning installation and operating and maintenance costs for opacity monitors installed at all its coal-fired generating stations. The total costs for the equipment and installation were reported as follows:

<u>Station</u>	<u># Stacks</u>	<u>Total Costs*</u>
Crawford	2	\$ 850,000
Fisk	1	500,000
Joliet	3	1,900,000
Kincaid	1	190,000**
Powerton	1	1,200,000
State Line	2	1,060,000
Waukegan	3	1,400,000
Will County	4	1,700,000

*1980 dollars

**Cost for Opacity Monitors only

Edison further stated that it was difficult to determine an accurate average annualized cost per monitor without an in-depth study at each monitoring location. However, it noted that the fact that opacity monitors are sheltered from the elements and are easily accessible via the stack elevators has significantly reduced operational and maintenance costs. Edison further noted that use of its own trained instrument mechanics was an important economic factor. In sum Edison estimated annual operation and maintenance costs in a range of \$2,000 - \$4,000 per monitor, per year.

Additionally, ten other facilities were identified as being regulated pursuant to the proposed rule. These were as follows:

- CPC Corn Products, Argo, Illinois;
- Quantum Chemicals, Tuscola, Illinois;
- Jefferson Smurfit, Alton, Illinois;
- Pekin Energy Corporation, Pekin, Illinois;
- Amax Zinc, Sauget, Illinois;
- Clark Oil, Blue Island, Illinois;
- Marathon Petroleum, Robinson, Illinois;
- Mobil Oil, Joliet, Illinois;
- Shell Oil, Roxanna, Illinois; and
- Union Oil, Romeoville, Illinois.

Although subject to the proposed rule the above facilities have not yet installed the required monitors.

Based upon the foregoing analysis, the fact that this is a joint proposal by industry, the IEPA and environmental groups and the absence of any indication or evidence that these rules are not economically reasonable, the Board hereby adopts the following amendment to the Illinois Administrative Code.

ORDER

The Board hereby adopts, as final, the following amendments to be filed with the Secretary of State.

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	<u>Permit Monitoring Equipment Requirements</u>
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	
<u>201.401</u>	<u>Continuous Monitoring Requirements</u>
<u>201.402</u>	<u>Alternative Monitoring</u>
<u>201.403</u>	<u>Exempt Sources</u>
<u>201.404</u>	<u>Monitoring System Malfunction</u>
<u>201.405</u>	<u>Excess Emission Reporting</u>
<u>201.406</u>	<u>Data Reduction</u>
<u>201.407</u>	<u>Retention of Information</u>
<u>201.408</u>	<u>Compliance Schedules</u>

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. 111¹/₂, 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 _____ Ill. Reg. _____, effective _____.

SUBPART J: MONITORING AND TESTING

Section 201.281 Permit Monitoring Equipment Requirements

- a) Except as otherwise provided at Subpart L of this Part, every emission source or air pollution control equipment shall be equipped with such monitoring instruments as may be required in a procedures adopted by the Agency or as a condition to a permit issued by the Agency. Such procedures and formats, and revisions thereto, shall not become effective until filed with the

Secretary of State as required by the APA. The Agency permit may require that such monitoring instruments be continuous or intermittent. Such monitoring instruments shall be installed, maintained and operated at the expense of the owner or operator of the emission source or air pollution control equipment. A permit condition to monitor is appealable to the Board pursuant to Section 40 of the Act.

- b) Before adopting or making substantive changes in any such procedures adopted by the Agency, the Agency shall:
- 1) Publish a summary of the proposed changes in the Board Newsletter or a comparable publication at the Agency's expense, and
 - 2) Provide a copy of the full text of the proposed changes to any person who in writing so requests, and
 - 3) Defer adoption of the changes for 45 days from the date of publication to allow submission and consideration of written comments on the proposed changes.

(SOURCE: Amended at ____ Ill. Reg.
effective _____)

SUBPART L: CONTINUOUS MONITORING

Section 201.401 Continuous Monitoring Requirements

- a) Except as otherwise provided at Section 201.402 and Section 201.403, the owners and operators of the following emission sources shall install, operate, calibrate and maintain continuous monitoring equipment for the indicated pollutants.
- 1) Fossil fuel-fired steam generators with an annual average capacity factor greater than 30%, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency through the use of annual production data and equipment rating information representative of the facility's operations, shall monitor for:
 - A) Opacity, when the steam generator is greater than 250 million Btu per hour heat input unless:
 - i) Gas is the only fuel burned; or

ii) Oil or a mixture of gas and oil are the only fuels burned and the source can comply with the limitations applicable to that source for particulate matter and opacity without use of collection equipment for particulate matter and the source has never been found to be in violation of an applicable visible or particulate emission standard through any administrative or judicial proceedings.

B) Nitrogen oxides, when:

i) The steam generator is greater than 1000 million Btu per hour heat input;

ii) The facility is located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 fo the Clean Air Act (42 U.S.C. 7407) that a control strategy for nitrogen dioxide is necessary to attain the national standards; and

iii) The owner or operator has not demonstrated during compliance tests performed pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act that the source emits nitrogen oxides at levels less than 30% or more below the emissions standards applicable to that source.

C) Sulfur dioxide, when the steam generator is greater than 250 million Btu per hour heat input and which has installed and operates sulfur dioxide pollution control equipment.

D) Percent oxygen or carbon dioxide, when measurements of oxygen or carbon dioxide in the flue gas are required pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. environmental Protection Agency under Section 111 of the clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental

Protection Act, or 40 CFR 51, Appendix P (This incorporation includes no later amendments or editions.) to convert sulfur dioxide or nitrogen oxide continuous emissions data to units of the applicable emission standard applicable to that source.

- 2) Sulfuric acid plants of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall monitor for sulfur dioxide at each point of sulfur dioxide emission.
 - 3) Nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act that a control strategy for nitrogen dioxide is necessary to attain the national standard, shall monitor for nitrogen oxides at each point of nitrogen oxide emission.
 - 4) Petroleum refineries shall monitor for opacity at each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity.
- b) Except for sources permitted to use alternative monitoring pursuant to Section 201.402, compliance with the Illinois emissions limitations by the owners and operators of emission sources required to monitor continuously shall be determined by the use of equipment which meets the performance specifications set forth in paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987) (this incorporation includes no later amendments or editions), and relevant portions of 35 Ill. Adm. Code 230.Appendix A and B.

(SOURCE: Added at ___ Ill. Reg.
effective _____)

Section 201.402 Alternative Monitoring

Alternative monitoring requirements for sources subject to Section 201.401(a) shall be prescribed by permit upon a demonstration by the owner or operator that continuous monitoring is technically unreasonable or infeasible due to physical plant limitations or would impose an extreme economic burden. It shall be demonstrated that the installation, location or operation of a continuous monitoring system or device:

- a) Would not provide accurate determinations of nitrogen dioxide, sulfur dioxide, carbon dioxide, percent oxygen, or opacity; or
- b) Cannot be installed due to the facility's physical constraints such as size, space or strength of materials, or due to safety considerations; or
- c) Would impose an extreme economic burden in proportion to the significance of the monitoring information which would be provided, in that the cost of monitoring would exceed the norm for similar sources and those costs would have a significant adverse effect on the profitability of the operations.

(SOURCE: Added at ___ Ill. Reg.
effective _____)

Section 201.403 Exempt Sources

The following emission sources are exempt from the requirements of this Subpart:

- a) Any source subject to monitoring requirements which are part of a new source performance standard adopted by USEPA pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act; or
- b) Any source not subject to either the generally applicable emission limitation established pursuant to the Act or Board regulation or an alternative, adjusted or site specific standard approved by the Board.

(SOURCE: Added at ___ Ill. Reg.
effective _____)

Section 201.404 Monitoring System Malfunction

The monitoring and recording requirements of this Subpart shall not be applicable during any period of a monitoring system or device malfunction if demonstrated by the owner or operator of the source that the malfunction was unavoidable and is being repaired as expeditiously as practicable. This demonstration may include, but is not limited to, evidence that the device has been properly calibrated and maintained, adequate spare parts are on hand, and trained technicians are available to make repairs.

(SOURCE: Added 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:

- 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, monitor location, monitor 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 ___ Ill. Reg. effective _____)

Section 201.406 Data Reduction

To convert monitoring data to the units of the emission limitation, owners and operators of sources subject to this Subpart shall use:

- a) The procedures specified in 35 Ill. Adm. code 230 or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act; or where necessary
- b) The procedures specified in 40 CFR 51, Appendix P, paragraph 5 (1987). This incorporation includes no later amendments or editions; or
- c) Alternative measurement and data reduction methods may be utilized if demonstrated by the owner or operator of the affected source by means including, but not limited to, instrument accuracy tests that such alternative methods will provide information equivalent to the information which would be provided by the above methods.

(SOURCE: Added at ___ Ill. Reg. effective _____)

Section 201.407 Retention of Information

Owners and operators of sources which are subject to the monitoring and recording requirements of this Subpart shall maintain files of emission information at the facility and make the information available to the Agency upon request. This information shall be retained for at least two years from the date of collection, and shall include:

- a) Emission measurements;
- b) Continuous monitoring system performance testing measurements;
- c) Performance evaluations;
- d) Calibration checks;

- e) Maintenance and adjustments performed;
- f) Quarterly reports submitted pursuant to Section 201.405;
and
- g) Data reduction information used pursuant to Section
201.406.

(SOURCE: Added at ___ Ill. Reg.
effective _____)

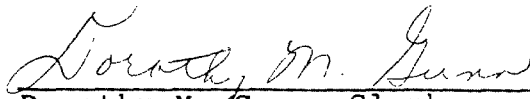
Section 201.408 Compliance Schedules

Owners and operators of sources subject to Section 201.401 shall
install all necessary equipment and monitor in accordance with
the compliance schedule contained in the permit issued by the
Agency. This schedule shall provide that monitoring and
recording begin within 18 months of this Subpart being approved
by the USEPA pursuant to Section 110(a)(3)(A) of the Clean Air
Act as a revision to the State Implementation Plan, unless the
owner or operator has been granted a variance pursuant to Section
35(a) of the Act allowing a longer compliance schedule.

(SOURCE: Added at ___ 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 15th day of December, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board