

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 2005

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO ) R05-19  
EXEMPTIONS FROM STATE ) (Rulemaking - Air)  
PERMITTING REQUIREMENTS )  
(35 ILL. ADM. CODE 201.146) )

Proposed Rule. First Notice.

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

This rulemaking proposes revisions to the Board's regulations regarding exemptions from air construction and operating permit requirements. The proposal seeks to add four exemptions to the existing list of 59 permit exemptions in Section 201.146. 35 Ill. Adm. Code 201.146. The purpose of the amendments is to eliminate permitting delays for minor projects having little environmental or regulatory impact.

The proposal was a joint collaboration by the Illinois Environmental Protection Agency (Agency) and the Illinois Environmental Regulatory Group (IERG). The proposed amendments will add four new subsections to the existing list of exemptions found in Section 201.146. The Board notes that it is simultaneously adopting for first notice another proposal that amends Section 201.146, entitled Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146), R05-20 (Sept. 15, 2005).

Today the Board adopts the proponents' proposal, as amended, for first notice. First-notice publication in the *Illinois Register* will begin a 45-day period for interested persons to file public comments with the Board. The Board describes each of the proposed exemptions and the various issues raised at hearing in more detail below.

**PROCEDURAL BACKGROUND**

On February 22, 2005, the proponents filed this proposal for rulemaking pursuant to Sections 27 and 28 of the Environmental Protection Act (Act) and 35 Ill. Adm. Code 102.202(b).<sup>1</sup> The Board has held two public hearings in this rulemaking before hearing officer Amy Antonioli. The first hearing was held on April 12, 2005, in Chicago and the second hearing was held on June 14, 2005, in Springfield.<sup>2</sup>

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<sup>1</sup> The proponents' statement of reasons will be cited to as "Statement at \_."

<sup>2</sup> The transcripts from the April 12, 2005 hearing will be cited to as "Tr.1 at \_," and the transcript from the June 14, 2005 hearing will be cited to as "Tr.2 at \_."

Mr. Don Sutton testified on behalf of the Agency. Mr. Sutton is the manager of the permit section, Division of Air Pollution Control, Bureau of Air, and has been since 1991. Mr. Sutton is responsible for issuing construction and operating permits for the Bureau of Air. Ms. Katherine Hodge, executive director of IERG, also testified on behalf of the proponents.

On June 1, 2005, the Agency filed an errata sheet making changes to the proposed rule language that reflected issues raised at the first hearing.

There have been two public comments filed in this rulemaking. The first was filed on behalf of the Chemical Industry Council of Illinois (CICI) (PC 1), and the second was a post-hearing comment filed by the proponents in support of the proposal (PC 2). CICI supports this rulemaking, stating “[t]his more efficient and targeted use of state resources is both consistent with the approach taken by our neighboring other Region 5 states and consistent with sound management of state resources.”

### **SUMMARY OF PROPOSED NEW PERMIT EXEMPTION CATEGORIES**

According to the proponents, the proposed exemptions to Section 201.146 of the Board’s regulations will improve the Illinois air permitting system and do not threaten the public health or welfare. PC 2, at 3; Statement at 3. The proponents state that the proposed exemptions will allow the Agency to dedicate its resources to “projects with greater emission and regulatory ramifications,” and allow eligible facilities to avoid the costly and time-consuming delays of the permitting process. PC 2, at 5. Lastly, the proponents state the environment will benefit from the speedier replacement or addition of improved air control equipment. *Id.*

Proposed Section 201.146(hhh) would apply to the replacement or addition of air pollution control equipment at existing units. Proposed Section 201.146(iii) would apply to sources that have Federally Enforceable State Operating Permits (FESOPs) and a low potential to emit. Proposed Section 201.146(jjj) would apply to permitted minor sources that are not Clean Air Act Permit Program (CAAPP) sources and do not have FESOPs. Proposed Section 201.146(kkk) would apply to insignificant activities at CAAPP sources. Statement at 12.

#### **Exemption for Equipment at Existing Emission Units**

The proponents explain that under the first exemption, proposed subsection (hhh), owners or operators replacing or adding air pollution control equipment at existing units would be exempt from obtaining a state construction or operating permit if certain criteria are met. First, the exemption would only apply to existing units, and the existing unit must be permitted and have operated in compliance for the past year. Statement at 3.

The new pollution control equipment must maintain or improve air pollution control over the prior levels of target pollutants, and not result in a net increase in emissions of any non-target criteria pollutant. Statement at 4. This exemption would not apply if sources are required to comply with different State or Federal regulatory requirements. Finally, required monitoring equipment must be carried over to the replacement control device and must incorporate current technology. *Id.*

### **Exemption for FESOP Sources With a Low Potential to Emit**

According to the proponents, some Illinois sources have FESOPs limiting their potential to emit. Statement at 5. The proponents claim that there can be some projects at FESOP sources that do not fit under any of the existing listed exemptions under Section 201.146 and that are still insignificant from a permitting standpoint. Under this second exemption, proposed subsection (iii), the Agency and IERG propose a “*de minimis*” permitting exemption for minor projects at minor FESOP sources that meet certain criteria.

The proponents state that this exemption is limited to the installation of new emission units or modifications of existing emission units at FESOP sources where the potential to emit any regulated air pollutant absent air pollution equipment from the new or modified emission unit is less than 0.1 pound per hour or 0.44 tons per year. Statement at 5. Also, the proposal requires that raw materials and fuels that cause or contribute to emissions not contain any hazardous air pollutant equal to or greater than 0.01% by weight. Statement at 6. The proponents state that the exemption thresholds correspond to insignificant activity designations for CAAPP sources. Further, the proponents state this exemption is limited by the applicability of New Source Performance Standards (NSPS) and New Source Review (NSR), both permitting requirements under the Clean Air Act. Statement at 7. Further, the exemption would not apply if outstanding compliance or enforcement issues exist.

### **Exemption for Minor Sources That Are Not CAAPPs or FESOPs**

The Agency and IERG state this exemption, proposed subsection (jjj), would only apply to permitted sources that are not major sources and do not have FESOPs. Statement at 8. The proponents state that this exemption, like in subsection (iii), would be limited to sources with the same low potential to emit any regulated air pollutant absent air pollution equipment from the new or modified unit. The proponents state the exemption would also be available for minor sources that have a slightly greater potential to emit up to 0.5 pounds per hour, so long as the facility notifies the Agency of its intent to construct or install a new emissions unit or make a modification. Only after notification can the facility begin construction, installation, or modification. Statement at 9.

The proponents state this exemption is also limited by the applicability of NSPS and NSR, both permitting requirements under the Clean Air Act. This provision, state the Agency and IERG, would require permitting if the additional emissions from the project could change the sources’s status with respect to its potential to emit. Further, the exemption would not apply if outstanding compliance or enforcement issues exist. Statement at 10.

### **Insignificant Activities Exemption**

According to the proponents, the proposed subsection (kkk) creates a list of insignificant activities similar to the list of insignificant activities at CAAPP sources exempt from requiring a CAAPP permit modification found at Section 201.210. Like sources under Section 201.210 and 201.211, owners or operators must notify the Agency when it adds insignificant activities. For

example, the proponents state that under the proposed revisions, the insignificant activities exemptions for state permit modifications would match those existing exemptions from CAAPP permit modifications. Statement at 11. Notwithstanding this exemption, facilities must comply with otherwise applicable emission standards or other regulatory requirements.

## **ISSUES RAISED AT HEARING**

### **Supporting Data**

Ms. Hodge presented an analysis of the Agency's air emissions permit data in support of the proposal. Ms. Hodge explained that the permit data used to provide the statistics for this rulemaking was gathered in calendar years 2001 and 2002. Tr.1 at 11. Subsequent to the first hearing and prior to the second, the Agency filed additional data from 2003 and 2004 regarding the Bureau of Air's permitting actions. The data showed that a large number of air permits were issued for projects with low levels of emissions. IERG's investigation revealed that approximately 70% of all air construction permits were for projects with no emission increases or for emission increases of less than one ton per year. Tr.1 at 12. IERG states that Illinois is the only state in Region V that does not have at least some form of *de minimis* permit exception. Accordingly, IERG contends that Illinois must proceed with air permit streamlining. Tr.1 at 13.

### **Technical Feasibility and Economic Reasonableness**

IERG states that together with the Agency it has identified 5,620 smaller source permits, called lifetime permits, out of nearly 7,000 total sources permitted by the Bureau of Air. Tr.1 at 15. The Agency adds that approximately 790 sources are classified as needing Clean Air Act Title V permits, 450 of which are FESOPs. Tr.1 at 19. The Agency currently permits 1,800 to 1,900 sources a year: 900 to 1,000 of which are construction permits, and the rest being operating permits. Tr.1 at 20. Of this number, the Agency would no longer need to issue approximately 200 to 230 permits per year (120-150 smaller source and FESOP source permits, and 60-80 Title V source permits).

The Agency sees the loss of fees from potentially exempt permittees in relation to the administrative costs of permitting those sources as "a wash." Tr.1 at 21. The Agency explains that the sources that would qualify under the proposed exemptions are "minimum fee payers," which means the cost of their construction permit is \$500 and operating permit is \$200. *Id.* The amount of time required in clerical work and engineering to issue the permit cancels out the permit fee for those sources. *Id.*

### **Administrative Advantages for the Agency**

Mr. Sutton testified the Agency issues roughly 1,900 permits a year, yet has, at any given time, a 900 to 1,000 permit backlog. The Agency believes this rulemaking would allow it to reduce the processing time and reallocate resources to the sources in Illinois that pollute the most. Tr.1 at 18, 31. The proponents reason that the Agency would routinely issue permits for the projects that qualify for these proposed permit exemptions, so even if there is some increase

in emissions, the Agency would almost certainly issue permits for these types of projects anyway. Tr.2 at 9.

According to Mr. Sutton, the largest five percent of air sources emit 95% of allowable emissions in Illinois. Tr.1 at 52. For actual emissions reported, it is the largest 15% that make up 95% of emissions for all criteria.

### **Types of Sources Fitting the Proposed Exemptions**

Mr. Sutton states that approximately 150 permits exempt under the proposed language would be construction permits for smaller sources and FESOP sources. Mr. Sutton further estimates that approximately 80 more Title V sources would fit within the proposed exemptions. Tr.1 at 32.

The Agency clarified that to qualify for an exemption under the proposed language, a source must be in compliance with air regulations, having had no enforcement action brought against it by the Agency, for at least a year. Tr.1 at 43-44.

### **Rule Language Questions**

There was some discussion at the first hearing about the terms “target pollutant” and “collateral pollutant” that were included in IERG’s originally proposed rule language. Mr. Sutton explained that a target pollutant is the pollutant you are trying to control. An example of a collateral pollutant is ozone, which may not be emitted into the atmosphere by the facility, but rather created in the atmosphere by the release of Volatile Organic Material (VOM). Therefore, if the goal is to reduce a collateral pollutant, ozone, one must first control the target pollutant, VOM.

The Board also inquired what the Agency meant by proposing the language “different regulatory or newly proposed regulatory requirements will not apply to the unit.” The Agency stated the language referred to new federal requirements, the most likely being newly proposed requirements under the National Emission Standards for Hazardous Air Pollutants (NESHAP). Tr.1 at 78. Mr. Sutton explained that under the Maximum Achievable Control Technology (MACT) standard, as another example, new sources must comply whether they are adopted or not. Tr.1 at 79. The Agency state it also purposely left the language open to include new state regulations as well. Tr.1 at 78. The Board suggested modifying the term “regulation” with “State or Federal.” Tr.1 at 79.

### **DISCUSSION**

Today the Board adopts the proponents’ proposal to add four more exemptions to the existing list of exemptions in Section 201.146 of the Board’s air regulations. Because of the existing 59 categorical exemptions, the Agency already has some procedures for determining compliance with permit exemptions. The proposed exemptions do not require any specific recordkeeping for inspectors to verify that the facility is exempt. Yet, each owner or operator has the responsibility and the risk for inaccurate determinations. This assumption of

responsibility is the same as what is currently required for existing permit exemptions under Section 201.146.

The proposed new exemptions incorporate additional safeguards. Subsections (hhh), (iii) and (jjj) require that sources be in compliance to take advantage of the proposed permit exemptions. Further, in proposed subsection (jjj)(1)(B), the facility must provide the Agency with notification before initiating the project.

The proposed rule language also clearly states that where a project is regulated by nonattainment NSR, prevention of significant deterioration (PSD), NSPS, or NESHAPs, the proposed exemptions will be unavailable and the permit process is still mandatory.

After the first hearing and before the second hearing, the Agency filed amendments to the proposed rule language. The amendments changed the term “collateral pollutant” in proposed subsection 201.146(hhh)(3) to “non-targeted criteria air pollutant.” The purpose of this change is to clarify that any changes or additions in air control equipment under the (hhh) exemption must not produce an increase in emissions of any criteria pollutant that may occur as a result of an allowed release of a target pollutant. The amendments also added the terms “State or Federal” so that (hhh)(4) reads: “Different State or Federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit to modify regulatory requirements that do not apply to the unit.” The amendments further add a Board note to (hhh)(4), stating: “All sources must comply with underlying Federal regulations and future State regulations.”

The Board received no testimony or comments regarding the DCEO’s decision not to perform an economic impact study on this rulemaking. Further, the Agency testified at hearing that the fees generated from the sources this rulemaking proposes to exempt basically cancel the administrative and engineering costs required for the Agency to permit those sources. The Board finds the proposed amendments technically feasible and economically reasonable for both the source as well as the State. The Board also finds that the proposed exemptions will not negatively impact the environment because they allow only a negligible increase in emissions.

The Board adopts the proponents’ proposal as amended by the Agency. The Board makes only those additional technical corrections necessary to keep the rule language consistent with regulatory language typically reviewed by the Joint Committee on Administrative Rules and adopted by the Board.

### **CONCLUSION**

The Board adopts the proponents’ proposed exemptions from state air permitting proposal, as amended by the Agency, for first-notice publication in the *Illinois Register*. By allowing *de minimis* sources an exemption from state permitting requirements, the Board finds this rulemaking will benefit the sources that will qualify for the proposed exemptions as well as the Agency which implements and enforces them.

### **ORDER**

The Board directs the Clerk to cause the filing of the following rule with the Joint Committee on Administrative Rules for its first-notice review.

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 State Permit Requirements
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 (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
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
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units

#### SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

#### SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants
201.210	Categories of Insignificant Activities or Emission Levels
201.211	Application for Classification as an Insignificant Activity
201.212	Revisions to Lists of Insignificant Activities or Emission Levels

#### SUBPART G: EXPERIMENTAL PERMITS (Reserved)

#### 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 Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

**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 R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R05-19 at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_; amended in R05-20 at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

### SUBPART C: PROHIBITIONS

#### Section 201.146 Exemptions from State Permit Requirements

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, Sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 mmbtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmbtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, Subpart D;
- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 mmbtu/hr);

- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;
- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 mmbtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than 1118 kW (1500 horsepower), except that a permit shall be required for any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, Subpart GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
- k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is associated;
- l) Storage tanks for liquids for retail dispensing except for storage tanks that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions and cleaning materials;
- n) Storage tanks of:
  - 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any material listed as a hazardous air pollutant pursuant to Section 112(b) of the Clean Air Act, and provided the storage tank is not subject to the requirements of 35 Ill.

Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);

- 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
  - 3) Any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils.
- o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps;
  - p) Sampling connections used exclusively to withdraw materials for testing and analyses;
  - q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
  - r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);
  - s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;
  - t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
  - u) Portable grain-handling equipment and one-turn storage space;
  - v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
  - w) Coin-operated dry cleaning operations;
  - x) Dry cleaning operations at a source that consume less than 30 gallons per month of perchloroethylene;
  - y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;

- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:
  - 1) Used for maintenance activity;
  - 2) Manually operated;
  - 3) Exhausted inside a building; or
  - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitator or a scrubber.
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
  - 1) Extruders used in the manufacture of polymers;
  - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and
  - 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act.
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable

oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;

- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a throughput of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
- jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
- kk) An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations - Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218, Subpart HH (Motor Vehicle Refinishing);
- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- mm) Equipment used for hydraulic or hydrostatic testing;
- nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including:
  - 1) Gasoline fuel handling; and
  - 2) Motor vehicle refinishing.
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has been added to the water;
- pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;

- qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
  - 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;
  - 2) Located at a commercial laundry; or
  - 3) Coin operated.
- rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
- ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
- vv) Water treatment or storage systems, as follows:
  - 1) Systems for potable water or boiler feedwater;
  - 2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to Section 112(b) of the Clean Air Act.
- ww) Lawn care, landscape maintenance and grounds keeping activities;
- xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;
- yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;

- zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;
- ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;
- ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;
- eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;
- fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:
  - 1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and
  - 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line; ~~and~~
- ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m<sup>3</sup> that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act; ~~and~~;
- hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:



- 1) The existing emission unit is permitted and has operated in compliance for the past year;
  - 2) The new control equipment will provide equal or better control of the target pollutants;
  - 3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;
  - 4) Different State or Federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; (Board Note: All sources must comply with underlying Federal regulations and future State regulations.) and
  - 5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of such type. (Board note: For major sources subject to Section 39.5 of the Act, where the new air pollution control equipment will require a different compliance determination method in the facility's CAAPP permit, the facility may need a permit modification to address the changed compliance determination method.)
- iii) Replacement, addition, or modification of emission units at facilities with federally enforceable state operating permits limiting their potential to emit in circumstances where:
- 1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit, is less than 0.1 pound per hour or 0.44 tons per year;
  - 2) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not contain equal to or greater than 0.01 percent by weight of any hazardous air pollutant as defined under Section 112(b) of the federal Clean Air Act;
  - 3) The emission unit or modification is not subject to an emission standard or other regulatory requirement pursuant to Section 111 of the federal Clean Air Act;
  - 4) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section

39.5, permitting requirements under Sections 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable state operating permit limiting the source's potential to emit; and

- 5) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source.

jjj) Replacement, addition, or modification of emission units at permitted sources that are not major sources subject to Section 39.5 and that do not have a federally enforceable state operating permit limiting their potential to emit, in circumstances where:

- 1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit is either:
- A) Less than 0.1 pound per hour or 0.44 tons per year; or
- B) Less than 0.5 pound per hour, and the Permittee provides prior notification to the Agency of the intent to construct or install the unit. The unit may be constructed, installed or modified immediately after the notification is filed;
- 2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under Section 111 or 112 of the federal Clean Air Act;
- 3) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and
- 4) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source.

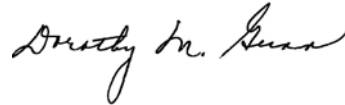
kkk) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Section 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be followed, as applicable. Other than excusing the owner or operator of a CAAPP

source from the requirement to obtain an air pollution control construction permit for such emission units or activities, nothing in this provision shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to such emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified or located at the source.

(Source: Amended at 29 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 15, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board