

ILLINOIS POLLUTION CONTROL BOARD  
December 15, 2022

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. CODE ) R23-18  
201, 202, AND 212 ) (Rulemaking - Air)  
 )

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by J. Van Wie)

On December 7, 2022, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal to amend 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The proposal is filed pursuant to Sections 10, 27, 28 and 28.5 of the Environmental Protection Act (Act). 415 ILCS 5/10, 27, 28 and 28.5 (2020). In addition to the proposed rule language, the proposal includes a motion for waiver of copy requirements and the IEPA’s statement of reasons (Statement).

IEPA states that removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings. Specifically, USEPA made findings requiring IEPA to take this action in:

*State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction (“SSM SIP Call”), 80 Fed. Reg. 33840 (June 12, 2015) and*

*Finding of Failure to Submit State Implementation Plan Revisions to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction (“Finding of Failure to Submit SIP Revisions”), 87 Fed. Reg. 1680 (Jan. 12, 2022). Statement at 1.*

IEPA further states that this proposal is intended to meet obligations of the State of Illinois under the Clean Air Act (“CAA”), 42 U.S.C. § 4701, et seq. Specifically, CAA Section 110(a) requires Illinois to submit a SIP “which provides for the implementation, maintenance, and enforcement” of the National Ambient Air Quality Standards. 42 U.S.C. § 7410(a). Section 110(k)(5) requires states to revise the SIP if the Administrator determines the SIP is inadequate to comply with the requirements of the CAA. 42 U.S.C. § 7410(k)(5). USEPA made such a determination in the SSM SIP Call and further found that the State of Illinois failed to make a timely SIP submittal in response to the SSM SIP Call. To comply with the CAA, the SSM SIP Call, and the Finding of Failure to Submit SIP Revisions, the IEPA is proposing amendments to 35 Ill. Adm. Code Parts 201, 202, and 212. Statement at 1-2.

The IEPA filed this proposal pursuant to Section 28.5 of the Act (415 ILCS 5/28.5 (2020)), and the Board accepts the proposal for hearing. Section 28.5 of the Act (415 ILCS 5/28.5 (2020)) requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines. The Act provides the Board no discretion to extend those deadlines. *See* 415 ILCS 5/28.5 (2020).

The first of those strict deadlines provides that the Board must, “within 14 days of receipt of the proposal,” file the proposed rule for first notice under the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2020)). 415 ILCS 5/28.5(e) (2020). Therefore, the Board today accepts the proposal without commenting on the merits of the proposal and sends the proposed rule to first notice.

In that same 14-day period, the Board must also schedule all required hearings on the proposed rule. *Id.* The Board, within 55 days of accepting the proposal, must hold a first hearing “confined to testimony by and questions of the Agency’s witnesses concerning the scope, applicability, and basis of the rule.” 415 ILCS 5/28.5(f)(1) (2020). “Within 7 days after the first hearing, any person may request that the second hearing be held.” *Id.* The second hearing must commence within 30 days of the first day of the first hearing and “shall be devoted to presentation of testimony, documents, and comments by affected entities and all other interested parties.” 415 ILCS 5/28.5(f)(2) (2020). A third hearing must commence within 14 days after the first day of the second hearing and “shall be devoted solely to any Agency response to the material submitted at the second hearing and to any response by other parties.” 415 ILCS 5/28.5(f)(3) (2020). Section 28.5(f)(1) provides for cancellation of the second and third hearings under specified circumstances. 415 ILCS 5/28.5(f)(1) (2020). Hearings may continue day-to-day as necessary to complete the subject matter of the hearing. 415 ILCS 5/28.5(f) (2020).

The Board accepts IEPA’s proposed rulemaking for hearing. The Board directs the hearing officer to expeditiously schedule all hearings in this proceeding according to the following statutory deadlines:

First Notice	on or before December 21, 2022 (415 ILCS 5/28.5(e) 2020))
First Hearing	on or before January 31, 2023 (415 ILCS 5/28/5(f)(1) 2020))
Second Hearing	on or before March 2, 2023 (415 ILCS 5/28/5(f)(2) 2020))
Third Hearing	on or before March 16, 2023 (415 ILCS 5/28/5(f)(3) 2020))
Second Notice	on or before April 14, 2023, if no third hearing is held (415 ILCS 5/28/5(n) 2020)) or May 4, 2023, if a third hearing is held <i>Id.</i>
Final Filing	21 days after receipt of the Joint Committee on Administrative Rules certificate of no objection ( <i>see</i> 415 ILCS 5/28/5(o) 2020))

In addition to the rulemaking proposal, the IEPA filed a motion for waiver of copy requirements (Waiver) found in Section 102.200 of the Board’s procedural rules. 35 Ill. Adm. Code 102.200. IEPA seeks to waive the requirement that it provide copies of the documents

relied upon in a Section 28.5 fast-frack rulemaking. Waiver at 1. IEPA provides a list of the documents and states the documents are lengthy and publicly available. The Board grants the request to waive filing. The documents are generally documents published in the *Federal Register* or are otherwise publicly available.

In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. The Board amends IEPA's proposal for first notice to continue that review. The Board includes only changes to the IEPA's proposed language in this docket. The Board intends proposed amendments to be non-substantive in nature.

### **ORDER**

Without commenting on the merits of the rulemaking proposal, the Board directs the Clerk to cause the publication of the following rule for first notice in the *Illinois Register*.

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
201.175	Registration of Smaller Sources (ROSS)

#### 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 Level

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 ( <u>Repealed</u> )
201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup ( <u>Repealed</u> )
201.263	Records and Reports ( <u>Repealed</u> )
201.264	Continued Operation or Startup Prior to Granting of Operating Permit ( <u>Repealed</u> )
201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup ( <u>Repealed</u> )

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

#### SUBPART M: PERMIT BY RULE (PBR) –GENERAL PROVISIONS

Section	
201.500	Purpose
201.505	Applicability
201.510	Notice of Intent to Be Covered By a PBR (Notification)
201.515	Commencing Construction or Modification
201.520	Modification or Change in Status of an Emission Unit Covered by a PBR
201.525	Standard Conditions for PBR
201.530	Recordkeeping and Reporting
201.535	Authority to Operate
201.540	Enforcement Authority

#### SUBPART N: PERMIT BY RULE (PBR) –BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

Section	
201.600	Applicability
201.605	Boiler Notice of Intent to Be Covered by a PBR (Notification)
201.610	Federal NSPS and NESHAP Requirements
201.615	Opacity Requirements
201.620	Requirements for Use of Diesel Fuel and Refinery Fuel Gas
201.625	Carbon Monoxide (CO) Requirements
201.630	Nitrogen Oxide (NO <sub>x</sub> ) Requirements
201.635	PBR Boiler Reporting Requirements

201.APPENDIX A	Rule into Section Table
201.APPENDIX B	Section into Rule Table
201.APPENDIX C	Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 39, 39.5, and 39.12].

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 R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013; amended in R17-09 at 41 Ill. Reg. 4140, effective March 24, 2017; amended in R23-18 at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART C: PROHIBITIONS

##### **Section 201.149 Operation During Malfunction, Breakdown or Startups**

~~A No person must not shall cause or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the applicable standards or limitations set forth in Subchapter c of this Chapter except as specifically provided for by such standard or limitation. unless the current operating permit granted by the Agency provides for operation during a malfunction or breakdown. A No person must not shall cause or allow violation of the applicable standards or limitations set forth in that Subchapter during startup except as specifically provided for by such standard or limitation. unless the current operating permit granted by the Agency provides for violation of such standards or limitations during startup.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

##### **Section 201.157 Contents of Application for Operating Permit**

An application for an operating permit must shall contain, as a minimum, the data and information specified in Section 201.152. Each application must shall list all individual emission units and air pollution equipment for which a permit is sought. Any applicant may seek to obtain from the Agency a permit for each emission unit, or such emission units as are similar in design or principle of operation or function, or for all emission units encompassed in an identifiable operating unit, unless subject to the provisions of Section 201.169 of this Subpart or required to obtain an operating permit with federal enforceable conditions pursuant to Section 39.5 of the Act. To the extent that the above specified data and information has previously been submitted to the Agency pursuant to this Subpart, the data and information need not be resubmitted; provided, however, that the applicant must certify that the data and information previously submitted remains true, correct and current. If emissions of an emission unit during startup

~~would be higher than during normal operation of the emission unit, an~~ An application for an operating permit ~~must shall~~ contain a description of the startup procedure for each emission unit, the duration and frequency of startups, the types and quantities of emissions during startup, and the applicant's efforts to minimize any such startup emissions, duration of individual startups, and frequency of startups. ~~If applicable, pursuant to the requirements of Subpart I of this Part, an application for a permit shall contain a description of the startup procedure for each emission unit, the duration and frequency of startups and quantities of emissions during startup in excess of emissions during operations, and the applicant's efforts to minimize any such startup emissions.~~ The Agency may adopt procedures that require data and information in addition to and in amplification of the matters specified in the first sentence of this Section, that are reasonably designed to determine compliance with this Chapter, and ambient air quality standards, and that set forth the format by which all data and information ~~must shall~~ be submitted.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

##### **Section 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)**

- a) ~~A request for permission to continue to operate during a malfunction or breakdown, if desired, shall be included as an integral part of the application for an operating permit pursuant to Subpart D, and shall include as a minimum: a full and detailed explanation of why such continued operation is necessary; the anticipated nature, sources and quantities of emissions which will occur during such continued operation; the anticipated length of time during which such operation will continue; all measures, such as use of off-shift labor or equipment which will be taken to minimize the quantity of air contaminant emissions and length of time during which such operation will continue. When the standards or limitations of Subchapter c of this Chapter will be violated during startup, a request for permission to violate such standards or limitations shall be an integral part of the application for an operating permit pursuant to Subpart D, and shall include, as a minimum: a description of the startup procedure for each emission source, the duration and frequencies of such startups, the type and quantities of emissions during such startups and the applicant's efforts to minimize any such startup emissions, duration of individual startups and frequency of startups.~~
- b) ~~The Agency may adopt procedures which require data and information in addition to or in amplification of the matters set forth in subsection (a), and which set forth the format in which all data and information shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et seq.) (APA Act).~~

(Source: Repealed at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



**Section 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)**

~~Permission shall not be granted to allow continued operation during a malfunction or breakdown unless the applicant submits proof to the Agency that: such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for granting of permission. Permission shall not be granted to allow violation of the standards or limitations of Subchapter c of this Chapter during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emissions, duration of individual startups and frequency of startups.~~

(Source: Repealed at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 201.263 Records and Reports (Repealed)**

~~Any person who causes or allows the continued operation of an emission source during a malfunction or breakdown of the emission source or related air pollution control equipment when such continued operation would cause a violation of the standards or limitations set forth in Subchapter c of this Chapter shall immediately report such incident to the Agency by telephone, telegraph or such other method as constitutes the fastest available alternative, except if otherwise provided in the operating permit. Thereafter, any such person shall comply with all reasonable directives of the Agency with respect to the incident. In addition, any person subject to this Subpart shall maintain such records and make such reports as may be required in procedures adopted by the Agency pursuant to Subpart K.~~

(Source: Repealed at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 201.264 Continued Operation or Startup Prior to Granting of Operating Permit (Repealed)**

~~Any person desiring to continue to operate, or to startup in accordance with Section 201.149 prior to the date when an operating permit is required pursuant to Section 201.143 or 201.144, shall make immediate application for permission to operate during a malfunction, breakdown or startup in accordance with Section 201.261.~~

(Source: Repealed at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)**

~~The granting of permission to operate during a malfunction or breakdown, or to violate the standards or limitations of Subchapter c of this Chapter during startup, and full compliance with any terms and conditions connected therewith, shall be a prima facie defense to an enforcement~~

~~action alleging a violation of Section 201.149, of the emission and air quality standards of this Chapter, and of the prohibition of air pollution during the time of such malfunction, breakdown or startup.~~

(Source: Repealed at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: RECORDS AND REPORTS

### Section 201.301 Records

The owner or operator of any emission source or air pollution control equipment ~~must shall~~ maintain: records detailing all activities pursuant to any compliance program and project completion schedule pursuant to Subpart H; ~~records detailing all malfunctions, breakdowns or startups pursuant to Subpart I and~~ records of all monitoring and testing conducted pursuant to Subpart J, plus records of all monitoring and testing of any type whatsoever conducted with respect to specified air contaminants. All such records ~~must shall~~ be made available to the Agency at any reasonable time.

- a) The Agency may adopt procedures which:
  - 1) Require additional records be maintained consistent with this Part; and
  - 2) Specify the format in which all records ~~must shall~~ be maintained.
- b) ~~The Such~~ procedures and formats, and revisions ~~thereto~~, ~~will shall~~ not become effective until filed with the Secretary of State as required by the APA Act.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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

PART 202  
 ALTERNATIVE CONTROL STRATEGIES

SUBPART A: GENERAL PROVISIONS

Section	
202.101	Definitions
202.104	Actual Emissions
202.107	Allowable Emissions
202.110	Alternative Control Strategy (ACS)
202.113	Chapter
202.116	Emission Baseline

202.119	Multi-person ACS
202.122	Potential to Emit
202.125	Abbreviations
202.140	Scope
202.142	Severability

#### SUBPART B: PERMIT APPLICATION

Section	
202.201	Emission Baseline for Alternative Control Strategies
202.210	Permit Application Information
202.211	Analysis of Emissions
202.212	Analysis of Environmental Quality
202.213	Analysis of Methods of Assuring Compliance

#### SUBPART C: PERMIT CONDITIONS AND ISSUANCE

Section	
202.301	Permit Conditions
202.302	Records and Reports
202.303	Monitoring and Testing
202.304	Compliance Dates
202.305	Public Participation
202.306	Standards for Issuance
202.307	Notification to USEPA

#### SUBPART D: PERMIT DURATION, REVISION AND RENEWAL

Section	
202.401	Duration
202.402	Revision
202.403	Renewal

#### SUBPART E: ALTERNATIVE CONTROL STRATEGIES INVOLVING MORE THAN ONE PERSON

Section	
202.501	Applicability
202.502	Permit Application
202.503	Duration
202.504	Permit Conditions
202.505	Records and Reports
202.506	Revocation
202.507	Termination

Appendix A Pre-Codification into Codified

## Appendix B Codified into Pre-Codification

**AUTHORITY:** Implementing Section 9.3 and authorized by Sections 5 and 27 of the Environmental Protection Act [415 ILCS 5/5, 9.3 and 27].

**SOURCE:** 35 Ill. Adm. Code 212 adopted in R81-20 (Interim) at 6 Ill. Reg. 6703, effective May 20, 1982; renumbered to 35 Ill. Adm. Code 202 and amended in R81-20(A) at 7 Ill. Reg. 8091, effective June 27, 1983; codified at 7 Ill. Reg. 13584; corrected at 7 Ill. Reg. 14561; amended in R81-20(B) at 8 Ill. Reg. 4171, effective March 16, 1984; amended in R23-18 at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

### SUBPART A: GENERAL PROVISIONS

#### Section 202.107 Allowable Emissions

- a) "Allowable emissions" means the emission rate of an emission source calculated using the maximum rated capacity of the emission source (unless the emission source is subject to permit conditions or other enforceable limits which restrict the operating rate, or hours of operation, or both) and the more stringent of the following:
  - 1) The applicable emission standard or limitation contained in this Chapter, including those with a future compliance date; or
  - 2) The emissions rate specified as a permit condition including those with a future compliance date.
- b) The allowable emissions may be expressed as a permit condition limiting annual emissions or material or fuel throughput.
- c) ~~Allowable emissions shall include a reasonable estimate of emissions in excess of applicable standards during start-up, malfunction, or breakdown, as appropriate, only if the applicable provisions of 35 Ill. Adm. Code Part 201 have been complied with.~~
- c)d) If an emission source is not subject to an emission standard under subsection (a) and is not conditioned pursuant to subsection (b), the allowable emissions will ~~shall~~ be the source's potential to emit.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### SUBPART B: PERMIT APPLICATION

#### Section 202.211 Analysis of Emissions

- a) A permit application under this Subpart ~~must~~ ~~shall~~ provide a comparison of the baseline emissions and the emissions which would be permitted under the proposed ACS for each emission source involved in the ACS. Where appropriate, this analysis ~~must~~ ~~shall~~ address differences between the emission sources to be covered by the ACS regarding:
- 1) Methods of determining emissions;
  - 2) Consistency and reliability of the performance of the emission sources and any associated control devices;
  - 3) Frequency and duration of operating during malfunction or breakdown with excess emissions, or ~~excess emissions~~ during start-up with excess emissions;
  - 4) Methods of operation, including operating schedules, range of raw materials or products; and
  - 5) Other characteristics of the emission sources or their operation which may affect equivalence of emissions.
- b) The analysis ~~must~~ ~~shall~~ describe any increases in emissions from emission sources outside the ACS which may accompany the proposed ACS.

(Source: Amended at 47 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 and Condensable 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 (Repealed)
212.122	Visible Emissions Limitations for Certain Emission Units For Which Construction or Modification Commenced On or After April 14, 1972
212.123	Visible Emissions Limitations for All Other Emission Units
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 UNITS

Section	
212.201	Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively Located in the Chicago Area
212.202	Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively Located Outside the Chicago Area
212.203	Controlled Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively
212.204	Emission Units For Which Construction or Modification Commenced On or After April 14, 1972, Using Solid Fuel Exclusively
212.205	Coal-fired Industrial Boilers For Which Construction or Modification Commenced Prior to April 14, 1972, Equipped with Flue Gas Desulfurization Systems
212.206	Emission Units Using Liquid Fuel Exclusively
212.207	Emission Units Using More Than One Type of Fuel
212.208	Aggregation of Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972
212.209	Village of Winnetka Generating Station (Repealed)
212.210	Emissions Limitations for Certain Fuel Combustion Emission Units 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	Emissions Limitations for Emission Units in Certain Areas

#### SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION UNITS

Section	
212.321	Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972
212.322	Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972
212.323	Stock Piles
212.324	Process Emission Units in Certain Areas

#### SUBPART N: FOOD MANUFACTURING

Section	
212.361	Corn Wet Milling Processes
212.362	Emission Units 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	Portland Cement Processes For Which Construction or Modification Commenced On or After April 14, 1972
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 Emission Units in Certain Areas

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- 212.441 Steel Manufacturing Processes
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- Section
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- 212.462 Grain-Handling Operations
- 212.463 Grain Drying Operations
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- Section
- 212.681 Grinding, Woodworking, Sandblasting and Shotblasting

#### SUBPART U: ADDITIONAL CONTROL MEASURES

- Section
- 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
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212.Illustration A	Allowable Emissions From Solid Fuel Combustion Emission Sources Outside Chicago (Repealed)
212.Illustration B	Limitations for all New Process Emission Sources (Repealed)
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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), at 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. 11587, effective July 11, 1994; amended in R96-5 at 20 Ill. Reg. 7605, effective May 22, 1996; amended in R23-18 at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

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

#### SUBPART A: GENERAL

##### Section 212.124 Exceptions

- a) ~~Sections 212.122 and 212.123 of this Subpart shall apply during times of startup, malfunction and breakdown except as provided in the operating permit granted in accordance with 35 Ill. Adm. Code 201.~~

- a)b) Sections 212.122 and 212.123 ~~will of this Subpart shall~~ not apply to emissions of water or water vapor from an emission unit.
- b)e) An emission unit which has obtained an adjusted opacity standard pursuant to Section 212.126 ~~will of this Subpart shall~~ be subject to that standard rather than the limitations of Section 212.122 or 212.123 of this Subpart.
- c)d) Compliance with the particulate regulations of this Part will ~~shall~~ constitute a defense.
- 1) For all emission units that are not subject to Chapters 111 or 112 of the CAA and Sections 212.201, 212.202, 212.203 or 212.204 ~~of this Part~~ but are subject to Sections 212.122 or 212.123 ~~of this Subpart~~: the opacity limitations of Sections 212.122 and 212.123 ~~will of this Subpart shall~~ not apply if it is shown that the emission unit was, at the time of such emission, in compliance with the applicable particulate emissions limitations of Subparts D through T ~~of this Part~~.
  - 2) For all emission units ~~that which~~ are not subject to Chapters 111 or 112 of the CAA but ~~which~~ are subject to Sections 212.201, 212.202, 212.203 or 212.204 ~~of this Part~~:
    - A) An exceedance of the limitations of Section 212.122 or 212.123 ~~of this Subpart will shall~~ constitute a violation of the applicable particulate limitations of Subparts D through T ~~of this Part~~. It ~~will shall~~ be a defense to a violation of the applicable particulate limitations if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions for the unit and the control devices, and in accordance with Method 5, 40 CFR part 60, incorporated by reference in Section 212.113 of this Part, the owner or operator shows that the emission unit is in compliance with the particulate emission limitations.
    - B) It ~~will~~ be a defense to an exceedance of the opacity limit if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions of the emission unit and the control devices, and in accordance with Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, the owner or operator shows that the emission unit is in compliance with the allowable particulate emissions limitation while, simultaneously, having visible emissions equal to or greater than the opacity exceedance as originally observed.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 212.324 Process Emission Units in Certain Areas

- a) Applicability:
- 1) This Section ~~applies shall apply~~ to any process emission unit located in any of the following areas:
    - A) That area bounded by lines from Universal Transmercator (UTM) coordinate 428000mE, 4631000mN, east to 435000mE, 4631000mN, south to 435000mE, 4623000mN, west to 428000mE, 4623000mN, north to 428000mE, 4631000mN, in the vicinity of McCook in Cook County, as shown in Illustration D of this Part;
    - B) That area bounded by lines from Universal Transmercator (UTM) coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000mE, 4622180mN, in the vicinity of Lake Calumet in Cook County, as shown in Illustration E of this Part; and
    - C) That area bounded by lines from Universal Transmercator (UTM) coordinate 744000mE, 4290000mN, east to 753000mE, 4290000mN, south to 753000mE, 4283000mN, west to 744000mE, 4283000mN, north to 744000mE, 4290000mN, in the vicinity of Granite City in Madison County, as shown in Illustration F of this Part.
  - 2) This Section ~~does shall~~ not alter the applicability of Sections 212.321 and 212.322 ~~of this Subpart~~.
  - 3) The emission limitations of this Section are not applicable to any emission unit subject to a specific emissions standard or limitation contained in any of the following Subparts ~~of this Part~~:
    - A) Subpart N, Food Manufacturing;
    - B) Subpart Q, Stone, Clay, Glass and Concrete Manufacturing;
    - C) Subpart R, Primary and Fabricated Metal Products and Machinery Manufacture; and
    - D) Subpart S, Agriculture.

- b) General Emission Limitation. Except as otherwise provided in this Section, a person must not cause or allow the emission into the atmosphere, of PM-10 from any process emission unit to exceed 68.7 mg/scm (0.03 gr/scf) during any one hour period.
- c) Alternative Emission Limitation. In lieu of the emission limit of 68.7 mg/scm (0.03 gr/scf) contained in subsection (b) of this Section, a person must not cause or allow the emissions from the following emission units to exceed the corresponding limitations:

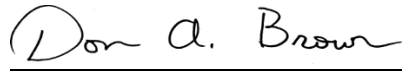
	Emissions Units	Emissions Limit	
		Metric	English
1)	Shotblasting emission units in the Village of McCook equipped with fabric filters as of June 1, 1991	22.9 mg/scm	0.01 gr/scf
2)	All process emission units at manufacturers of steel wool with soap pads located in the Village of McCook	5% opacity	5% opacity

- d) Exceptions. The mass emission limits contained in subsections (b) and (c) of this Section will not apply to those emission units with no visible emissions other than fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsections (b) and (c) of this Section.
- e) Special Emissions Limitation for Fuel-Burning Process Emission Units in the Vicinity of Granite City. A person must not cause or allow emissions of PM-10 into the atmosphere to exceed 12.9 ng/J (0.03 lbs/mmbtu) of heat input from the burning of fuel other than natural gas at any process emission unit located in the vicinity of Granite City as defined in subsection (a)(1)(C) of this Section.
- f) Maintenance and Repair. For any process emission unit subject to subsection (a) of this Section, the owner or operator must shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this Section must shall be met at all times. ~~This Section shall not affect the applicability of 35 Ill. Adm. Code 201.149.~~ Proper maintenance must shall include the following requirements:
- 1) Visual inspections of air pollution control equipment;
  - 2) Maintenance of an adequate inventory of spare parts; and

- 3) Expeditious repairs, unless the emission unit is shutdown.
- g) Recordkeeping of Maintenance and Repair.
- 1) Written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment must shall be kept in compliance with subsection (f) of this Section.
  - 2) The owner or operator must shall document any period during which any process emission unit was in operation when the air pollution control equipment was not in operation or was malfunctioning so as to cause an emissions level in excess of the emissions limitation. These records must shall include documentation of causes for pollution control equipment not operating or such malfunction and shall state what corrective actions were taken and what repairs were made.
  - 3) A written record of the inventory of all spare parts not readily available from local suppliers must shall be kept and updated.
  - 4) Copies of all records required by this Section must shall be submitted to the Agency within ten (10) working days after a written request by the Agency.
  - 5) The records required under this Section must shall be kept and maintained for at least three (3) years and be available for inspection and copying by Agency representatives during working hours.
  - 6) Upon written request by the Agency, a report must shall be submitted to the Agency for any period specified in the request stating the following: the dates during which any process emission unit was in operation when the air pollution control equipment was not in operation or was not operating properly, documentation of causes for pollution control equipment not operating or not operating properly, and a statement of what corrective actions were taken and what repairs were made.
- h) Compliance Date. Emission units must shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 15, 2022, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk  
Illinois Pollution Control Board