ILLINOIS POLLUTION CONTROL BOARD
August 17, 2023

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

Proposed Rule. First Notice.

OPINION AND ORDER OF THE BOARD (by B.F. Currie)

On August 7, 2023, the Board received five rulemaking proposals. Combined, they seek to amend 35 Ill. Adm. Code 212, 215, 216, and 217 to provide alternative standards during periods of startup, shutdown, breakdown, and malfunction. One proposal was filed by the Illinois Environmental Regulatory Group (IERG); one by Rain CII Carbon LLC (Rain Carbon); one jointly by Dynegy Midwest Generation, LLC, Illinois Power Generating Company, and Kincaid Generation, LLC (collectively, Dynegy) and Midwest Generation LLC (MWG); one by the American Petroleum Institute (API); and one by East Dubuque Nitrogen Fertilizers, LLC (EDNF).

For the reasons below, the Board combines the rule text of the five proposals and accepts the combined proposal for hearing. Given the Board's July 6, 2023 partial grant of API's motion for expedited review, the Board, without commenting on the combined proposal's substantive merits, directs the Clerk to submit it for first-notice publication in the *Illinois Register*. The proposed rules appear in an addendum to this order.

BRIEF SUMMARY OF THE MAIN DOCKET

On December 7, 2022, the Illinois Environmental Protection Agency (IEPA) proposed to amend Parts 201, 202, and 212 of the Board's air pollution regulations. 35 Ill. Adm. Code 201, 202, 212. IEPA filed the proposal under the "fast-track" procedures of Section 28.5 of the Environmental Protection Act (Act). 415 ILCS 5/28.5 (2022). Section 28.5 requires the Board to meet a series of specific deadlines when proceeding toward adoption of the rules required by the 1990 Clean Air Act Amendments.

IEPA proposed removing provisions that gave facilities a "prima facie" defense to an enforcement action alleging emission limit exceedances during a startup, malfunction, or breakdown (SMB) event. IEPA asserted that its proposal would implement changes identified by the United States Environmental Protection Agency (USEPA) as necessary to comply with the federal Clean Air Act. After the Board adopted the rules, IEPA submitted them to USEPA as a State Implementation Plan (SIP) revision. IEPA also asserted that its proposal included changes necessary for USEPA to approve a revised SIP.

On December 15, 2022, the Board accepted IEPA's proposal for hearing without commenting on its substantive merits and submitted it for first-notice publication. *See* 46 Ill. Reg. 20627, 20638, 20644 (Dec. 30, 2022). After holding two public hearings, the Board adopted a second-notice opinion and order on April 6, 2023 that reviewed the rulemaking record, discussed various questions and issues, and opened this sub-docket to explore alternative emission standards. At its July 18, 2023 meeting, the Joint Committee on Administrative Rules (JCAR) objected to the Board's proposal on three grounds. On July 20, 2023, the Board respectfully declined to modify or withdraw the proposal based on JCAR's objections and adopted the amendments to Parts 201, 202, and 212. The adopted rules became effective on July 25, 2023, and were published in the *Illinois Register* on August 11, 2023. *See* 47 Ill. Reg. 12089, 12101, 12107 (Aug. 11).

BRIEF SUMMARY OF THE FIVE SUB-DOCKET PROPOSALS

The Board opened this sub-docket to consider rulemaking proposals for alternative standards during periods of startup, shutdown, and malfunction. Consistent with expedited review, the Board set a deadline of August 7, 2023 to file proposals. *See* Amendments to 35 Ill. Adm. Code 201, 202, and 212, R23-18(A) slip op. at 4 (July 6, 2023).[1] The Board timely received five proposals.

IERG

IERG's proposal seeks to amend 35 Ill. Adm. Code 216.103, 216.104, and 216.121 to provide alternative carbon monoxide (CO) standards during startup and shutdown for fuel combustion emission sources, such as boilers and process heaters. IERG Statement of Reasons at 13-15, 30-31. According to IERG, its proposal "has the potential to affect a large number of facilities and sources within the State." *Id*. at 31. Under IERG's proposal, "a facility with a fuel combustion emission source can elect to comply with the alternative standard during periods of startup and shutdown." *Id*. at 15. The alternative standards are specified provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. Part 63, Subpart DDDDD; specifically, "40 CFR 63, Subpart DDDDD, Table 3 Items 5 and 6, 40 CFR 63.7500(a)(3) and (f), 40 CFR 63.7505(e), 40 CFR 63.7535(b), and 40 CFR 63.7555(d)(9)-(12)." *Id*. at 2, 15.

Rain Carbon

Rain Carbon's proposal would amend 35 Ill. Adm. Code 212.124, 212.322, and 215.302 to provide alternative opacity, particulate matter, and volatile organic material standards during SMB periods at Rain Carbon's coke calcining facility in Robinson (Crawford County) (Rain Carbon Facility). Rain Carbon Statement of Reasons at 1, 23. Under Rain Carbon's proposal, alternative emission standards would apply during SMB periods when the Rain Carbon Facility is "unable to achieve or maintain an inlet temperature of 1800°F at the inlet to the pyroscrubber servicing either Kiln 1 or Kiln 2." *Id*. at 22.

[1] The Board cites its July 6, 2023 order as "R23-18(A), slip op at _."

Dynegy and MWG

Dynegy and MWG's proposal seeks to amend 35 Ill. Adm. Code 212.124 to provide alternative opacity standards during SMB periods for specified coal-fired boilers at their respective facilities in Baldwin (Randolph County), four miles west of Kincaid (Christian County), Newton (Jasper County), and Pekin (Tazewell County) (collectively, Facilities). Dynegy and MWG Statement of Reasons at 1-8. Under Dynegy and MWG's proposal, if any of the Facilities is unable to comply with the 20% or 30% opacity standards in Section 212.122(a) or 212.123(a) on a six-minute average basis during a SMB period, it may demonstrate compliance using a three-hour averaging period. *Id*. at 5-6. Dynegy and MWG's proposal also includes recordkeeping and reporting obligations. *Id*. at 6.

API

API's proposal would amend 35 Ill. Adm. Code 216.103, 216.104, and 216.361 to provide alternative CO standards for petroleum and petrochemical processes during periods of startup and hot standby. API Statement of Reasons at 1-15. API states that, to its knowledge, its proposal would apply to only four petroleum refineries: ExxonMobil Oil Corp. Joliet Refinery in Channahon (Will County); WRB Refining LP Wood River Refinery in Roxana (Madison County); CITGO Petroleum Corp. Lemont Refinery in Lemont (Will County); and Marathon Petroleum Co. Robinson Refinery in Robinson (Crawford County). *Id*. at 43. Under API's proposal, a petroleum catalytic cracking unit may elect to comply with the alternative standards during periods of startup and hot standby. *Id*. at 15. The alternative standards are specified provisions of the NESHAP at 40 C.F.R. Part 63, Subpart UUU; specifically, "40 CFR 63 Subpart UUU Tables 9, 10, 14, and 41 and 40 CFR 63.1565(a)(5), 40 CFR 63.1570(c) and (f), 40 CFR 63.1572(c), and 40 CFR 63.1576(a)(2) and (d)." *Id*. at 16.

EDNF

EDNF's proposal seeks to amend 35 Ill. Adm. Code 217.381 to change the nitrogen oxide (NOx) limit for new weak nitric acid manufacturing processes, as well as provide an alternative, non-numerical opacity standard for new weak nitric acid processes during periods of startup and shutdown. EDNF Statement of Reasons at 1. The NOx limit would "use a 30-day averaging period at half of the current allowable level" and lower the level of allowable NOx. *Id*. at 5. For the alternative opacity standard during startup and shutdown, new weak nitric acid processes would need to: 1) operate "in a manner consistent with good air pollution control practices for minimizing emissions," 2) maintain "a log of Startup and Shutdown events," and 3) operate "in accordance with written Startup and Shutdown procedures that are specifically developed to minimize Startup emissions, duration of individual starts, and frequency of Startups." *Id*. at 20-21, Attachment at 5-6. EDNF states that, to its knowledge, it "operates the only nitric acid production processes in Illinois and, therefore, is the only facility subject to Section 217.381." *Id*. at 6. EDNF's facility is located approximately five miles outside of East Dubuque and 6.5 miles west of Galena. *Id*. at 13.

HEARING, FIRST-NOTICE PUBLICATION, AND COMMENT

The Board finds that the rulemaking proposals comply with the applicable content requirements of 35 Ill. Adm. Code 102.[2] As the Board's July 6, 2023 order stated, the Board combines the rule text of the five proposals into a single proposal. *See* R23-18(A), slip op. at 5. On August 14, 2023, IEPA timely filed a public comment requesting that the Board hold two public hearings on the combined proposal. Public Comment 1 at 2-3. IEPA notes that "sources impacted by the proposal are located throughout the State" and asserts that, given this "geographical diversity" and the statewide portions of the combined proposal, "two hearings are required." *Id*. at 2. The Board agrees with IEPA, accepts the proposal for hearing, and finds that the Act requires two public hearings. *See* 415 ILCS 5/28(a) (2022). The Board directs the assigned hearing officer to proceed expeditiously to hearing.

In its July 6, 2023 order, the Board partially granted API's motion for expedited review. *See* R23-18(A), slip op. at 5. Accordingly, the Board, without commenting on the proposal's merits, directs the Clerk to arrange for its first-notice publication in the *Illinois Register*.[3] Publication of the proposal in the *Illinois Register* begins a period of at least 45 days during which any person may file a public comment with the Board. Public comments should include this rulemaking's docket number R23-18(A). Further, comments must be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website (www.ipcb.state.il.us). *See* 35 Ill. Adm. Code 101.302(h) (general requirement with specified exceptions); *see also* 35 Ill. Adm. Code 101.1000(c) ("if filing through COOL is not practicable, the Board, the hearing officer, or the Clerk may grant permission to file in paper"). Questions about filing comments may be directed to the Clerk's Office at 312-814-3461.

MOTIONS FOR WAIVER OF COPY REQUIREMENT

In their respective rulemaking proposals, IERG and API included motions asking that the Board waive the requirement to provide copies of any material proposed to be incorporated by reference. IERG Motion at 1; API Motion at 1; 35 Ill. Adm. Code 102.202(d). All the materials proposed by IERG or API to be incorporated by reference are within the Code of Federal Regulations. *Id*. IERG and API assert that these materials are readily accessible to the Board or already within its possession. *Id*. Further, they are all publicly available online from the Government Publishing Office's website. *Id*. The Board agrees and therefore grants both motions.

ORDER

[2] The Board's July 6, 2023 order waived the 200-person signature requirement of 35 Ill. Adm. Code 102.202(g). See R23-18(A), slip op. at 4. For the IERG and API proposals, today's order waives the requirement of 35 Ill. Adm. Code 102.202(d) to provide copies of materials proposed to be incorporated by reference.

[3] In 2016, the Board began reviewing its rules to identify obsolete, repetitive, confusing, or otherwise unnecessary language. Continuing that review here, the Board so amends the proposals for first notice. The Board intends these changes to be non-substantive.

1. The Board combines the rule text of the five proposals and accepts the combined proposal for hearing.

2. Without commenting on the combined proposal's substantive merits, the Board directs the Clerk to submit it for first-notice publication in the *Illinois Register*. The proposed rules appear as an addendum to this order.

3. The Board directs the assigned hearing officer to proceed expeditiously to hearing under the rulemaking provisions of the Act and the Board's procedural rules (415 ILCS 5/27, 28 (2022); 35 Ill. Adm. Code 102).

4. The Board grants IERG's and API's respective motions for waiver of the copy requirement at 35 Ill. Adm. Code 102.202(d).

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 17, 2023, by a vote of 3-0.

Don A. Brown, Clerk
Illinois Pollution Control Board

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

SUBPART B: VISIBLE EMISSIONS

Section

SUBPART D: PARTICULATE MATTER EMISSIONS FROM INCINERATORS

Section

SUBPART E: PARTICULATE MATTER EMISSIONS FROM FUEL COMBUSTION EMISSION UNITS

Section

SUBPART K: FUGITIVE PARTICULATE MATTER

SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION UNITS

SUBPART N: FOOD MANUFACTURING

SUBPART O: PETROLEUM REFINING, PETROCHEMICAL AND CHEMICAL MANUFACTURING

SUBPART Q: STONE, CLAY, GLASS AND CONCRETE MANUFACTURING

SUBPART R: PRIMARY AND FABRICATED METAL PRODUCTS AND MACHINERY MANUFACTURE

SUBPART S: AGRICULTURE

SUBPART T: CONSTRUCTION AND WOOD PRODUCTS

SUBPART U: ADDITIONAL CONTROL MEASURES

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. 12107, effective July 25, 2023; amended in R23-18(A) at 47 Ill. Reg. _____, effective _____.

Section 212.124 Exceptions

a) Sections 212.122 and 212.123 will not apply to emissions of water or water vapor from an emission unit.

b) An emission unit that has obtained an adjusted opacity standard in compliance with Section 212.126 will be subject to that standard rather than the limitations of Section 212.122 or 212.123.

c) Compliance with the particulate regulations of this Part will 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 but are subject to Sections 212.122 or 212.123: the opacity limitations of Sections 212.122 and 212.123 will not apply if it is shown that the emission unit was, at the time of emission, in compliance with the applicable particulate emissions limitations of Subparts D through T.

2) For all emission units that are not subject to Chapters 111 or 112 of the CAA but are subject to Sections 212.201, 212.202, 212.203 or 212.204:

A) An exceedance of the limitations of Section 212.122 or 212.123 will constitute a violation of the applicable particulate limitations of Subparts D through T. It will 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 60, incorporated by reference in Section 212.113, 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, 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.

d) During times of startup of coal-fired boiler 1 or 2 at the Baldwin Energy Complex, coal-fired boiler 1 or 2 at the Kincaid Power Station, coal-fired boiler 1 at Newton Power Station, or coal-fired boiler 51, 52, 61, or 62 at the Powerton Generating Station, or of malfunction or breakdown of these boilers or the air pollution control equipment serving these boilers, when average opacity exceeds 20 or 30 percent for a six-minute period, as applicable pursuant to Section 212.122(a) or 212.123(a) of this Subpart, compliance with Section 212.122(a) or 212.123(a) may alternatively be demonstrated for that six-minute period as follows:

1) Alternative Averaging Period. Compliance for that six-minute period may be determined based on a three-hour average of opacity, utilizing opacity readings for those six minutes and the immediately preceding 174 minutes.

2) Recordkeeping and Reporting

A) Any person relying on the Alternative Averaging Period in Section 212.124(d)(1) of this Subpart shall maintain records of such average opacity calculations and shall report such calculations to Illinois EPA as part of the next quarterly excess emissions report for the source.

B) For periods of startup, such report shall include:

i) The date, time, and duration of the startup.

ii) A description of the startup.

iii) The reason(s) for the startup.

iv) An indication of whether or not written startup procedures were followed. If any written startup procedures were not followed, the report shall include any departures from

established procedures and any reason the procedures could not be followed.

v) A description of any actions taken to minimize the magnitude or duration of opacity that requires utilization of the Alternative Averaging Period in Section 212.124(d)(1) of this Subpart.

vi) An explanation whether similar incidents could be prevented in the future and, if so, a description of the actions taken or to be taken to prevent similar incidents in the future.

vii) Confirmation of fulfillment of the requirements of Section 212.124(d)(3) of this Subpart.

C) For periods of malfunction and breakdown, such report shall include:

i) The date, time, duration (i.e., the length of time during which operation continued with opacity in excess of 20 or 30 percent, as applicable, on a six-minute average basis) until corrective actions were taken or the boiler was taken out of service.

ii) A description of the incident.

iii) Any corrective actions used to reduce the magnitude or duration of opacity that requires utilization of the Alternative Averaging Period in Section 212.124(d)(1) of this Subpart.

iv) Confirmation of fulfillment of the requirements of Sections 212.124(d)(2)(D) and (d)(3) of this Subpart.

D) Any person who causes or allows the continued operation of a coal-fired boiler during a malfunction or breakdown of the coal-fired boiler or related air pollution control equipment when such continued operation would require reliance on the Alternative Averaging Period in Section 212.124(d)(1) of this Subpart to demonstrate compliance with Sections 212.122 or 212.123 of this Subpart, as applicable, shall immediately report such incident to the Agency by telephone, facsimile, electronic mail, or such other method as constitutes the fastest available alternative, except if other-wise provided in the operating permit. Thereafter, any such

person shall comply with all reasonable directives of the Agency with respect to the incident.

3) Work Practices

Any person relying on the Alternative Averaging Period in Section 212.124(d)(1) of this Subpart must comply with the following Work Practices.

A) Operate the coal-fired boiler and related air pollution control equipment in a manner consistent with good engineering practice for minimizing opacity during startup, malfunction or breakdown.

B) Use good engineering practices and best efforts to minimize the frequency and duration of operation in startup, malfunction, and breakdown.

e) During any period of start-up at the emission unit designated Kiln 1 or Kiln 2 at the Rain CII Carbon LLC facility located in Robinson, Illinois, when average opacity exceeds 30 percent for a six-minute period, as applicable pursuant to Section 212.123(a) of this Subpart, compliance with Section 212.123(a) may alternatively be demonstrated for that six-minute period as follows.

1) Compliance with that six-minute period may be determined based on Test Method 9 (40 C.F.R. Part 60, Appendix A, incorporated by reference in Section 212.113) opacity readings the average of non-consecutive opacity readings during a 1-hour period; provided, however, that compliance may be based on the average of up to three, 1-hour average periods, in the event that compliance is not demonstrated during the preceding hour. For purposes of this subsection (e), "start-up" is defined as the duration from when green coke feed is introduced into the kiln until the temperature at the pyroscrubber inlet servicing the kiln achieves a minimum operating temperature of 1800°F (based on a three-hour rolling average).

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

Section 212.322 Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any process emission unit for which construction or modification commenced prior to April 14, 1972, which, either alone or in combination with the emission of particulate matter from all other similar process emission units at a source or

premises, exceeds the allowable emission rates specified in subsection (c) of this Section.

b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = C + A(P)^{B10}$$

where:

P = process weight rate; and,
E = allowable emission rate; and,

1) For process weight rates up to 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.985	4.10
B	0.67	0.67
C	0	0

2) For process weight rates in excess or 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	25.21	55.0
B	0.11	0.11
C	-18.4	-40.0

c) Limits for Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

	Metric	English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.27	0.05	0.55
0.1	0.42	0.10	0.87
0.2	0.68	0.20	1.40
0.3	0.89	0.30	1.83
0.4	1.07	0.40	2.22

0.5	1.25	0.50	2.58
0.7	1.56	0.75	3.38
0.9	1.85	1.00	4.10
1.8	2.9	2.00	6.52
2.7	3.9	3.00	8.56
3.6	4.7	4.00	10.40
4.5	5.4	5.00	12.00
9.	8.7	10.00	19.20
13.	11.1	15.00	25.20
18.	13.8	20.00	30.50
23.	16.2	25.00	35.40
27.2	18.15	30.00	40.00
32.0	18.8	35.00	41.30
36.0	19.3	40.00	42.50
41.0	19.8	45.00	43.60
45.0	20.2	50.00	44.60
90.0	23.2	100.00	51.20
140.0	25.3	150.00	55.40
180.0	26.5	200.00	58.60
230.0	27.7	250.00	61.00
270.0	28.5	300.00	63.10
320.0	29.4	350.00	64.90
360.0	30.0	400.00	66.20
400.0	30.6	450.00	67.70
454.0	31.3	500.00	69.00

where:

P = Process weight rate in Mg/hr or T/hr, and
E = Allowable emission rate in kg/hr or lbs/hr.

d) Alternative Standard

1) The owner or operator of the Rain CII Carbon LLC facility located in Robinson, Illinois, shall be allowed to emit particulate matter into the atmosphere in excess of the allowable emission rates specified in subsection (c) applicable to the emission unit designated Kiln 1 or Kiln 2 during any period of time that the temperature of the inlet to the pyroscrubber servicing either emission unit does not achieve a minimum operating temperature of 1800°F during start-up, malfunction, or breakdown (based on a three-hour rolling average).

2) Use of the alternative standard in subsection (d)(1) shall not exceed 720 hours in the aggregate per kiln in a calendar year. It shall not be a violation of this Part to operate the pyroscrubber servicing Kiln 1 or Kiln 2

below the minimum operating temperature in subsection (d)(1) during this time.

3) During any time that Kiln 1 or Kiln 2 is operated while the pyroscrubber servicing the emission unit is not achieving the minimum operating temperature in subsection (d)(1), the owner or operator must:

A) minimize emissions to the extent reasonably practicable;

B) not introduce green coke into the kiln unless or until a minimum operating temperature of 400°F measured at the inlet to the pyroscrubber is achieved; and

C) operate the natural gas-fired burners to minimize the duration that a kiln operates below 1800°F, consistent with technological limitations, manufacturer specifications, and good air pollution control practices for minimizing emissions.

4) The owner or operator must keep and maintain all records necessary to demonstrate compliance with this subsection, including, but not limited to, records of each hour that the pyroscrubber operated below the minimum operating temperature specified in this subsection.

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

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

PART 215
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

SUBPART E: SOLVENT CLEANING

SUBPART F: COATING OPERATIONS

SUBPART H: SPECIAL LIMITATIONS FOR SOURCES IN MAJOR URBANIZED AREAS WHICH ARE NONATTAINMENT FOR OZONE

SUBPART I: ADJUSTED RACT EMISSIONS LIMITATIONS

SUBPART K: USE OF ORGANIC MATERIAL

SUBPART N: VEGETABLE OIL PROCESSING

SUBPART P: PRINTING AND PUBLISHING

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING EQUIPMENT

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

SUBPART T: PHARMACEUTICAL MANUFACTURING

SUBPART U: COKE MANUFACTURING AND BY-PRODUCT RECOVERY

SUBPART V: AIR OXIDATION PROCESSES

SUBPART W: AGRICULTURE

SUBPART X: CONSTRUCTION

SUBPART Y: GASOLINE DISTRIBUTION

SUBPART Z: DRY CLEANERS

Section

SUBPART AA: PAINT AND INK MANUFACTURING

Section

SUBPART BB: POLYSTYRENE PLANTS

Section

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.1, 10 and 27].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 205: Organic Material Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-3, 33 PCB 357, at 3 Ill. Reg. 18, p. 41, effective May 3, 1979; amended in R78-3 and R78-4, 35 PCB 75, 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. 13601 Corrected at 7 Ill. Reg. 14575; amended in R82-14 at 8 Ill. Reg. 13254, effective July 12, 1984; amended in R83-36 at 9 Ill. Reg. 9114, effective May 30, 1985; amended in R82-14 at 9 Ill. Reg. 13960, effective August 28, 1985; amended in R85-28 at 11 Ill. Reg. 3127, effective February 3, 1987; amended in R82-14 at 11 Ill. Reg. 7296, effective April 3, 1987; amended in R85-21(A) at 11 Ill. Reg. 11770, effective June 29, 1987; recodified in R86-39 at 11 Ill. Reg. 13541; amended in R82-14 and R86-12 at 11 Ill. Reg. 16706, effective September 30, 1987; amended in R85-21(B) at 11 Ill. Reg. 19117,

effective November 9, 1987; amended in R86-36, R86-39, R86-40 at 11 Ill. Reg. 20829, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 815, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7311, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7650, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10893, effective June 27, 1989; amended in R88-30(A) at 14 Ill. Reg. 3555, effective February 27, 1990; emergency amendments in R88-30A at 14 Ill. Reg. 6421, effective April 11, 1990, for a maximum of 150 days; amended in R88-19 at 14 Ill. Reg. 7596, effective May 8, 1990; amended in R89-16(A) at 14 Ill. Reg. 9173, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 3309, effective February 15, 1991; amended in R88-14 at 15 Ill. Reg. 8018, effective May 14, 1991; amended in R91-7 at 15 Ill. Reg. 12217, effective August 19, 1991; amended in R91-10 at 15 Ill. Reg. 15595, effective October 11, 1991; amended in R89-7(B) at 15 Ill. Reg. 17687, effective November 26, 1991; amended in R91-9 at 16 Ill. Reg. 3132, effective February 18, 1992; amended in R91-24 at 16 Ill. Reg. 13555, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13849, effective August 24, 1992; amended in R98-15 at 22 Ill. Reg. 11427, effective June 19, 1998; amended in R12-24 at 37 Ill. Reg. 1683, effective January 28, 2013; expedited correction at 37 Ill. Reg. 16858, effective January 28, 2013; amended in R19-1 at 44 Ill. Reg.15032, effective September 4, 2020; amended in R23-18(A) at Ill. Reg. _____, effective _____.

Section 215.302 Alternative Standard

a) Emissions of organic material in excess of those permitted by Section 215.301 are allowable if such emissions are controlled by one of the following methods:

1)~~a)~~ Flame, thermal or catalytic incineration so as either to reduce such emissions to 10 ppm equivalent methane (molecular weight 16) or less, or to convert 85 percent of the hydrocarbons to carbon dioxide and water; or,

2)~~b)~~ A vapor recovery system which adsorbs and/or condenses at least 85 percent of the total uncontrolled organic material that would otherwise be emitted to the atmosphere; or,

3)~~c)~~ Any other air pollution control equipment approved by the Agency capable of reducing by 85 percent or more the uncontrolled organic material that would be otherwise emitted to the atmosphere.

b) Compliance with the permitted emissions of organic material under subsection (a) during any period of start-up at the emission unit designated Kiln 1 or Kiln 2 at the Rain CII Carbon LLC facility located in Robinson, Illinois, shall be determined by the average of hourly emissions of organic material during start-up of the emission unit; provided, however, that in no event shall the averaging period of any single start-up exceed twenty-four (24) hours. For purposes of the alternative standard in subsection (b), "start-up" is defined as the duration from when green coke feed is introduced into the kiln until the temperature at the pyroscrubber inlet servicing the kiln achieves a minimum operating temperature

of 1800°F (based on a 3-hour rolling average). During any period of start-up, the owner or operator must:

1) minimize emissions to the extent reasonably practicable;

2) not introduce green coke into the kiln until a minimum operating temperature of 400°F measured at the inlet to the pyroscrubber is achieved; and

3) operate the natural gas-fired burners to minimize the duration of start-up, consistent with technological limitations, manufacturer specifications, and good air pollution control practices for minimizing emissions.

4) The owner or operator must keep and maintain all records necessary to demonstrate compliance with this subsection, including, but not limited to, records of the duration and frequency of each start-up period.

(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 216
CARBON MONOXIDE EMISSIONS

SUBPART A: GENERAL PROVISIONS

SUBPART B: FUEL COMBUSTION EMISSION SOURCES

SUBPART C: INCINERATORS

SUBPART N: PETROLEUM REFINING AND CHEMICAL MANUFACTURE

SUBPART O: PRIMARY AND FABRICATED METAL PRODUCTS

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/10 and 27).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 206: Carbon Monoxide Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 3 Ill. Reg. 47, p. 92, effective November 8, 1979; amended at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; codified at 7 Ill. Reg. 13607; amended in R87-18 at 12 Ill. Reg. 20774, effective December 6, 1988; amended in R90-23 at 16 Ill. Reg. 18075, effective November 13, 1992; amended in R23-18(A) at 47 Ill. Reg. _____, effective _____.

Section 216.103 Definitions

The definitions contained in 35 Ill. Adm. Code 201 and 211 apply to this Part. The definitions for "catalytic cracking unit" and "hot standby" in 40 C.F.R. 63.1579 apply to Section 216.361(d) of this Part. The definition of "startup" in 40 C.F.R. 63.2 applies to Section 216.361(d) of this Part. The definitions of "startup" and "shutdown" in 40 C.F.R. 63.7575 apply to Section 216.121(b) of this Part.

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

Section 216.104 Incorporations by Reference

The following materials are incorporated by reference: non-dispersive infrared method, 40 CFR 60, Appendix A, Method 10 (1982); 40 C.F.R. Part 63, Subpart A (2022); 40 C.F.R. Part 63, Subpart UUU (2022); 40 C.F.R. 63, Subpart DDDDD (2022).

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

SUBPART B: FUEL COMBUSTION EMISSION SOURCES

Section 216.121 Fuel Combustion Emission Sources

a) No person shall cause or allow the emission of carbon monoxide (CO) into the atmosphere from any fuel combustion emission source with actual heat input greater than 2.9 MW (10 mmbtu/hr) to exceed 200 ppm, corrected to 50 percent excess air.

b) Notwithstanding subsection (a), during periods of startup and shutdown, any new or existing fuel combustion emission source can elect to comply with subsection (a) or the alternate standards for these operating modes in 40 C.F.R. 63, Subpart DDDDD, Table 3 Items 5 and 6, 40 C.F.R. 63.7500(a)(3) and (f), 40 C.F.R. 63.7505(e), 40 C.F.R. 63.7535(b), and 40 C.F.R. 63.7555(d)(9)-(12).

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

SUBPART N: PETROLEUM REFINING AND CHEMICAL MANUFACTURE

Section 216.361 Petroleum and Petrochemical Processes

a) No person shall cause or allow the emission of a carbon monoxide waste gas stream into the atmosphere from a petroleum or petrochemical process unless such waste gas stream is burned in a direct flame afterburner or carbon monoxide boiler so that the resulting concentration of carbon monoxide in such waste gas stream is less than or equal to 200 ppm corrected to 50 percent excess air, or such waste gas stream is controlled by other equivalent air pollution control equipment approved by the Agency according to the provisions of 35 Ill. Adm. Code 201.

b) Notwithstanding subsection (a), any existing petroleum or petrochemical process using catalyst regenerators of fluidized catalytic converters equipped for in situ combustion of carbon monoxide, may emit a carbon monoxide waste gas stream into the atmosphere if the carbon monoxide concentration of such waste gas stream is less than or equal to 750 ppm corrected to 50 percent excess air.

c) Notwithstanding subsection (a), any new petroleum or petrochemical process using catalyst regenerators of fluidized catalytic converters equipped for in situ combustion of carbon monoxide, may emit a carbon monoxide waste gas stream into the atmosphere if the carbon monoxide concentration of such waste gas stream is less than or equal to 350 ppm corrected to 50 percent excess air.

d) Notwithstanding subsections (a) through (c), during periods of startup and hot standby, any new or existing petroleum catalytic cracking units can elect to comply with subsections (a) through (c) or the alternate limitation for these operating modes in 40 C.F.R. 63 Subpart UUU Tables 9, 10, 14, and 41, 40 C.F.R. 63.1565(a)(5), 40 C.F.R. 63.1570(c) and (f), 40 C.F.R. 63.1572(c), and 40 C.F.R. 63.1576(a)(2) and (d).

(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 217
NITROGEN OXIDES EMISSIONS
SUBPART A: GENERAL PROVISIONS

Section
Section

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section

SUBPART D: NO_x GENERAL REQUIREMENTS

Section

SUBPART E: INDUSTRIAL BOILERS

Section

SUBPART F: PROCESS HEATERS

SUBPART G: GLASS MELTING FURNANCES

SUBPART H: CEMENT AND LIME KILNS

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

SUBPART K: PROCESS EMISSION SOURCES

SUBPART M: ELECTRICAL GENERATING UNITS

SUBPART O: CHEMICAL MANUFACTURE

SUBPART Q: STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES AND TURBINES

SUBPART T: CEMENT KILNS

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR SPECIFIED NO_x GENERATING UNITS

SUBPART V: ELECTRIC POWER GENERATION

SUBPART W: NO_x TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

217.840 Agency Action
217.845 Emissions Determination Methods
217.850 Emissions Monitoring
217.855 Reporting
217.860 Recordkeeping
217.865 Enforcement

217.APPENDIX A Rule into Section Table
217.APPENDIX B Section into Rule Table
217.APPENDIX C Compliance Dates
217.APPENDIX D Non-Electrical Generating Units
217.APPENDIX E Large Non-Electrical Generating Units
217.APPENDIX F Allowances for Electrical Generating Units
217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call
217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

Source: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011; amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011; amended in R15-21 at 39 Ill. Reg. 16213, effective December 7, 2015; amended in R23-18(A) at 47 Ill. Reg. _____, effective _____.

SUBPART O: CHEMICAL MANUFACTURE

Section 217.381 Nitric Acid Manufacturing Processes

a) New Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations:

1) 0.75~~1.5~~ kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (1.5 ~~3.0~~ lbs/T)), 30-day rolling average, rolled daily, during all Operating Periods (including during Startup and Shutdown);

2) Visible emissions in excess of 5 percent opacity, during all Operating Periods except during Startup and Shutdown;

3) During Startup and Shutdown, as defined in subsection (e) below, visible emissions shall be controlled through:

A) Operating in a manner consistent with good air pollution control practices for minimizing emissions;

B) Maintaining a log of Startup and Shutdown events; and

C) Operating in accordance with written Startup and Shutdown procedures that are specifically developed to minimize Startup emissions, duration of individual starts, and frequency of Startups.

4) The limitations on visible emissions in this section are in lieu of the limitations in 35 Ill. Adm. Code 212.123.

5)~~3)~~ 0.05 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.1 lbs/T).

6) In determining compliance with paragraph (a)(1), during process operating periods where there is little or no acid production (e.g., Startup or Shutdown), the average hourly acid production rate shall be determined from the data collected over the previous 30 days of normal acid production periods.

b) Existing Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:

1) 2.75 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (5.5 lbs/T);

2) Visible emissions in excess of 5 percent opacity;

3) 0.1 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.2 lbs/T).

c) Concentrated Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:

1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis)(3.0 lbs/T);

2) 225 ppm of nitrogen oxides (expressed as nitrogen dioxide) in any effluent gas stream emitted into the atmosphere;

3) Visible emissions~~emisisons~~ in excess of 5 percent opacity.

d) Nitric Acid Concentrating Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:

1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (3.0 lbs/T);

2) Visible emissions~~emisisons~~ in excess of 5 percent opacity.

e) Definitions:

1) "Operating Periods" shall mean periods during which a process is producing nitric acid and nitrogen oxides are emitted. Operating Periods begin at the initiation of Startup, end at the completion of Shutdown, and include all periods of malfunction.

2) "Shutdown" shall mean the cessation of nitric acid production operations of the process for any reason. Shutdown begins at the time the feed of ammonia to the process ceases and ends the earlier of three hours later or the cessation of feed of compressed air to the process.

3) "Startup" shall mean the process of initiating nitric acid production operations at a process. Startup begins one hour prior to the initiation of the feed of ammonia to the process and ends no more than five hours after such initiation of the feed of ammonia.

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