

ILLINOIS POLLUTION CONTROL BOARD
March 29, 1979

IN THE MATTER OF:)
)
PROPOSED REVISIONS TO RULES 101,) R79-3
103, and 105 OF CHAPTER 2, AIR)
POLLUTION (PERMIT CONDITIONS AND)
MAINTENANCE PROGRAMS))

INTERIM ORDER OF THE BOARD (by Mr. Goodman):

In order to meet the federal deadline for submittal of State Implementation Plan revisions pursuant to the Clean Air Act, 42 U.S.C. §7401 et seq. (1977), the Board hereby proposes the following amendments to Rules 101, 103 and 105 of Chapter 2: Air Pollution Regulations. The Board orders that the Hearing Officer set further hearings or set aside time during the economic impact hearings to receive testimony on these proposed amendments. These proposed amendments are not a final action in this matter for any purpose.

PROPOSED ORDER

1. It is proposed that the following definitions be added to Rule 101 in their alphabetically appropriate positions:

Excess Emissions: Emissions that exceed any standard or limitation set forth in Part II, IX, or X of Chapter 2.

Malfunction: Any sudden and unavoidable failure of air pollution control equipment or an emission source to operate in a normal and usual manner.

Breakdown: Any failure of air pollution control equipment or an emission source to operate in a normal and usual manner if such failure is caused entirely or in part by poor maintenance, careless operation, chronic or repeated overloading, lack of compliance with a required maintenance program, or any other preventable upset condition or preventable equipment failure.

Startup: The setting into operation of any air pollution control equipment or an emission source for any purpose, except routine phasing in of process equipment. Any requirement contained in these Rules applicable to startups shall also apply to shutdowns.

Shutdown: The cessation of operation of any air pollution control equipment or an emission source for any purpose, except routine phasing out of process equipment. Any requirement contained in these Rules applicable to startups shall also apply to shutdowns.

2. Rule 103 - It is proposed that Rule 103(b)(7) be amended as follows:

Rule 103(b)(7) Conditions. The Agency may impose conditions in an Operating Permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board thereunder. Except as herein specified, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. ~~When deemed appropriate as a condition to the issuance of an Operation Permit, the Agency may require that the permittee adequately maintain the air pollution control equipment covered by the permit. To assure that such a maintenance program is planned, the Agency may require that the permittee have a maintenance program and keep such maintenance records as are necessary to demonstrate compliance with this Rule, provided, however, the Agency shall not have the authority to approve the maintenance program required thereunder.~~

3. Rule 105 - Delete the current Rule 105 and substitute the following:

Rule 105: Maintenance, Malfunctions, Breakdowns, Startups and Shutdowns

(a) Prohibition

- (1) No person shall cause or allow the continued operation of an emission source during breakdown of the emission source or related air pollution control equipment if such operation would cause excess emissions.
- (2) No person shall cause or allow the continued operation of an emission source during malfunction of the emission source or related air pollution control equipment if such operation would cause excess emissions unless the conditions prescribed in paragraphs 105(c), Records and Reports, and 105(d), Operation during Malfunction, Startup or Shutdown, are met.
- (3) No person shall cause or allow excess emissions during startup or shutdown unless the current

operating permit granted by the Agency provides for excess emissions during startup or shutdown and the emission source is being operated in compliance with all conditions in the current operating permit concerning startups or shutdowns. When the standards or limitations of Part 2 of this Chapter 2 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 Rule 103 and shall include, as a minimum: a description of the startup procedure for each emission source, the duration and frequencies of such startups, the types 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.

- (4) In the following townships, no person shall replace the air pollution control equipment on any source of particulate matter with a less effective kind of control equipment:

Cook - All townships
 Will - DuPage, Plainfield, Lockport, Joliet,
 Peotone, and Florence
 Macon - Decatur and Hickory Point
 Madison - Alton, Chouteau, Collinsville,
 Edwardsville, Fort Russell,
 Godfrey, Granite City, Nameoki,
 Venice and Wood River

- (b) Maintenance. Every owner or operator of an emission source or air pollution control equipment shall maintain such source or equipment in accordance with a maintenance program. Such program shall be designed to prevent a breakdown which could lead to excess emissions and to minimize excess emissions to the maximum extent practicable if a malfunction or breakdown occurs. The owner or operator shall inform the Agency of the person or persons responsible for administering the maintenance program and upon request shall describe the program to the Agency; provided, however, that the Agency shall not have the authority to approve the maintenance programs required by this paragraph. Every owner of an emission source or air pollution control equipment shall comply with this paragraph within 90 days of [the effective date of this Rule].

- (c) Records and Reports. Any person who causes or allows the continued operation of an emission source during a malfunction of the emission source or related air pollution control equipment when such continued operation causes excess emissions shall, if the excess emissions last for more than 2 hours and exceed 200 pounds or if the excess emissions include any air contaminant which may constitute an immediate or acute danger to health:
- (1) Notify the Agency as soon as is reasonably possible but not later than one working day subsequent to the start of the malfunction; and
 - (2) Submit to the Agency in writing, within ten working days, a report including:
 - (A) identification of the sources, stacks, instrumentation and control devices involved in the malfunction;
 - (B) time and duration of the excess emissions;
 - (C) estimate of the magnitude of the excess emissions;
 - (D) nature and probable causes of the excess emissions;
 - (E) a description of the steps taken by such person to remedy the situation causing the excess emissions, prevent a recurrence, and limit the excess emissions; and
 - (F) a statement of the reasons why such continued operation was necessary to prevent injury to persons or severe damage to equipment or to provide essential services.
- (d) Operation during Malfunction, Startup or Shutdown. It shall be a defense to an enforcement action alleging a violation of any applicable emission limitation or air quality standard that:
- (1) the violation occurred as a result of a malfunction, startup or shutdown;
 - (2) the emission source and air pollution control equipment have been operated in accordance with the maintenance program required by Rule 105(b);

- (3) repairs were made promptly when the operator knew or should have known that applicable emission limitations were or were likely to be exceeded;
- (4) the amount and duration of excess emissions (including any bypass) were minimized as much as practicable during periods of such emissions;
- (5) All reasonable steps were taken to minimize the effect of the excess emissions on ambient air quality;
- (6) the excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance; and
- (7) continued operation during the malfunction was necessary to prevent injury to persons or severe damage to equipment or to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be sufficient.

Mr. Young and Mr. Dumelle concur.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Interim Order was adopted on the 29th day of March, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board