

ILLINOIS POLLUTION CONTROL BOARD

August 24, 2000

IN THE MATTER OF:)
)
PROPOSED NEW 35 ILL. ADM. CODE 217.) R01-11
SUBPART T, CEMENT KILNS,) (Rulemaking - Air
AND AMENDMENTS TO)
35 ILL. ADM. CODE 211 AND 217)

Proposed Rule. First Notice.

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

On August 21, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 211 and 217 of the Illinois air regulations. The Agency proposes to have the Board add a new Subpart T to Part 217 and to make various conforming amendments to Parts 211 and 217. The rules would control the emission of nitrogen oxides (NOx) from cement kilns. The controls would be effective during the period from May 1 to September 30 of each calendar year beginning in 2003.

The Agency has stated that the proposed amendments are intended to meet several obligations of the State of Illinois under the federal Clean Air Act Amendments of 1990 (CAA) (42 U.S.C. §§ 7401 *et seq.* (1990)). Section 107(a) of the CAA (42 U.S.C. § 7407(a) (1990)) imposes on the State the primary responsibility for ensuring that Illinois meet the National Ambient Air Quality Standard (NAAQS) for ozone. It requires the State to submit a state implementation plan (SIP) that specifies emission limitations, controls, and other measures necessary for the attainment, maintenance, and enforcement of the NAAQS in this State. This rulemaking will:

1. satisfy a portion of Illinois' obligation to submit a State Implementation Plan (SIP) to address the requirements of the so-called NOx SIP Call, 63 Fed. Reg. 57356 (Oct. 27, 1998);¹
2. mandate a 30% decrease from uncontrolled levels of NOx emissions for large non-trading cement kilns;

¹ The NOx SIP Call (entitled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Regions for Purpose of Reducing Regional Transport of Ozone") is a regulation promulgated by the United States Environmental Protection Agency (USEPA) to address ozone transport in the area of the country largely east of the Mississippi River, published on October 27, 1998, at 63 Fed. Reg. 57,356. A number of petitions challenging this rulemaking were filed before the U.S. Court of Appeals for the D. C. Circuit. On March 3, 2000, the court upheld most of the NOx SIP Call rule, but reversed and remanded for further consideration the inclusion of portions of Missouri and Georgia in the rule, and reversed the inclusion of Wisconsin in the rule because USEPA had not made a showing that sources in Wisconsin significantly contributed to nonattainment or interfered with maintenance of the NAAQS in any other State. See Michigan v. EPA, 213 F.3d 663 (D.C. Cir. 2000).

3. allow large cement kilns to opt into the NOx Trading Program in lieu of compliance (See 40 C.F.R. § 96 (1998); Proposed New 35 Ill. Adm. Code 217. Subpart W, the NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 (July 13, 2000), R01-9); and
4. meet the applicable requirements of Section 9.9 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.9 (1998)).

The adoption by the Board of these amendments is authorized under Section 28.5 of the Act (415 ILCS 5/28.5 (1998)). Section 28.5 provides for “fast-track” adoption of certain regulations necessary for compliance with the CAA.

This is the second of three anticipated Agency regulatory proposals in response to the NOx SIP Call. See also Proposed New 35 Ill. Adm. Code 217. Subpart W, the NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 (July 13, 2000), R01-9.

PROCEDURAL MATTERS

Pending Motion

Along with the proposal, the Agency filed a motion to waive the requirement that it provide the original and nine copies of the proposal (35 Ill. Adm. Code 101.103(b) (1998)) and instead file one complete original and four complete copies, together with five partial copies. The partial copies would consist of the following: the pleadings; the applicable federal guidance documents; the appropriate *Federal Register* notices; and the text of the proposed rules absent supporting exhibits. The Agency maintains that the entire regulatory proposal consists of several hundred pages.

In addition to the request to file fewer than one original and nine copies of all documents, the Agency also requested that the Board waive the requirement that it provide the Attorney General’s Office and the Department of Natural Resources with a copy of the proposed amendments. The Agency asserts that it discussed the matter with both offices who agreed that the Agency need not supply their offices with a copy of the entire proposal.

The Agency also requests that it not be required to submit copies of two sections of the Code of Federal Regulations which will be incorporated by reference in new Subpart T to 35 Ill. Adm. Code 217:

1. 40 C.F.R. § 60.13 (1998); and
2. 40 C.F.R. § 60, Appendix A, Methods 7, 7A, 7C, 7D, and 7E (1998).

Finally, the Agency requests that it not be required to provide the Board with multiple copies of the 13 documents which it relied on in development of the proposal and which it intends

to rely on at hearing. The Agency instead would provide the Board with five copies of ten of the listed documents and would not provide any copies of the other three documents. The documents for which the Agency wants to file five copies are listed in subheading 14 of the table of contents for the regulatory proposal as items (d) through (m). The Agency requested a waiver as to items (a) through (c) (the Clean Air Act, the Illinois Environmental Protection Act, and Title 35 of the Illinois Administrative Code), asserting that the documents are readily accessible to the Board.

The Board grants the Agency's motion.

Scheduling Constraints

Pursuant to Section 28.5 of the Act (415 ILCS 5/28.5 (1998)), the Board is required to proceed within set timeframes toward the adoption of the regulation. The Board has no discretion to adjust these timeframes under any circumstances. Today the Board adopts this proposal for first-notice publication in the *Illinois Register* under the Illinois Administrative Procedure Act (5 ILCS 100 (1998)) without commenting on the merits of the proposal. The following schedule indicates the dates on which the Board will act as provided in Section 28.5 of the Act (415 ILCS 5/28.5 (1998)):

First Notice	on or before August 24, 2000
First Hearing	on or before October 16, 2000
Second Hearing	on or before November 15, 2000
Third Hearing (if necessary)	on or before November 29, 2000
Second Notice	
(if 3rd hearing is canceled)	on or before December 29, 2000
(if 3rd hearing is held)	on or before January 18, 2001
Final Adoption	21 days after receipt of JCAR certificate of no objection

The third hearing may be canceled if unnecessary, as specified at Section 28.5(g)(3) of the Act. The Board will proceed in this matter as required by Section 28.5 of the Act and as discussed in the Board's resolutions regarding Section 28.5 of the Act. See RES 92-2 (October 28, 1992, and December 3, 1992).

Additional detail will be contained in a hearing officer order to be issued shortly.

ORDER

The Board directs the Clerk to cause the filing of the following with the Secretary of State for First Notice publication in the *Illinois Register*.

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR
STATIONARY SOURCES

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

- 211.101 Incorporations by Reference
- 211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

- 211.121 Other Definitions
- 211.122 Definitions (Repealed)
- 211.130 Accelacota
- 211.150 Accumulator
- 211.170 Acid Gases
- 211.210 Actual Heat Input
- 211.230 Adhesive
- 211.240 Adhesion Promoter
- 211.250 Aeration
- 211.270 Aerosol Can Filling Line
- 211.290 Afterburner
- 211.310 Air Contaminant
- 211.330 Air Dried Coatings
- 211.350 Air Oxidation Process
- 211.370 Air Pollutant
- 211.390 Air Pollution
- 211.410 Air Pollution Control Equipment
- 211.430 Air Suspension Coater/Dryer
- 211.450 Airless Spray
- 211.470 Air Assisted Airless Spray
- 211.474 Alcohol
- 211.484 Animal
- 211.485 Animal Pathological Waste
- 211.490 Annual Grain Through-Put
- 211.495 Anti-Glare/Safety Coating
- 211.510 Application Area
- 211.530 Architectural Coating
- 211.550 As Applied
- 211.560 As-Applied Fountain Solution
- 211.570 Asphalt
- 211.590 Asphalt Prime Coat
- 211.610 Automobile

211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck
Manufacturing Plant

211.650 Automobile or Light-Duty Truck Refinishing

211.660 Automotive/Transportation Plastic Parts

211.670 Baked Coatings

211.680 Bakery Oven

211.685 Basecoat/Clearcoat System

211.690 Batch Loading

211.695 Batch Operation

211.696 Batch Process Train

211.710 Bead-Dipping

211.730 Binders

211.750 British Thermal Unit

211.770 Brush or Wipe Coating

211.790 Bulk Gasoline Plant

211.810 Bulk Gasoline Terminal

211.820 Business Machine Plastic Parts

211.830 Can

211.850 Can Coating

211.870 Can Coating Line

211.890 Capture

211.910 Capture Device

211.930 Capture Efficiency

211.950 Capture System

211.955 Cement

211.960 Cement Kiln

211.970 Certified Investigation

211.980 Chemical Manufacturing Process Unit

211.990 Choke Loading

211.1010 Clean Air Act

211.1050 Cleaning and Separating Operation

211.1070 Cleaning Materials

211.1090 Clear Coating

211.1110 Clear Topcoat

211.1120 Clinker

211.1130 Closed Purge System

211.1150 Closed Vent System

211.1170 Coal Refuse

211.1190 Coating

211.1210 Coating Applicator

211.1230 Coating Line

211.1250 Coating Plant

211.1270 Coil Coating

211.1290 Coil Coating Line

211.1310 Cold Cleaning

211.1330 Complete Combustion

211.1350 Component
211.1370 Concrete Curing Compounds
211.1390 Concentrated Nitric Acid Manufacturing Process
211.1410 Condensate
211.1430 Condensible PM-10
211.1465 Continuous Automatic Stoking
211.1467 Continuous Coater
211.1470 Continuous Process
211.1490 Control Device
211.1510 Control Device Efficiency
211.1520 Conventional Air Spray
211.1530 Conventional Soybean Crushing Source
211.1550 Conveyorized Degreasing
211.1570 Crude Oil
211.1590 Crude Oil Gathering
211.1610 Crushing
211.1630 Custody Transfer
211.1650 Cutback Asphalt
211.1670 Daily-Weighted Average VOM Content
211.1690 Day
211.1710 Degreaser
211.1730 Delivery Vessel
211.1750 Dip Coating
211.1770 Distillate Fuel Oil
211.1780 Distillation Unit
211.1790 Drum
211.1810 Dry Cleaning Operation or Dry Cleaning Facility
211.1830 Dump-Pit Area
211.1850 Effective Grate Area
211.1870 Effluent Water Separator
211.1875 Elastomeric Materials
211.1880 Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding Coatings
211.1885 Electronic Component
211.1890 Electrostatic Bell or Disc Spray
211.1900 Electrostatic Prep Coat
211.1910 Electrostatic Spray
211.1920 Emergency or Standby Unit
211.1930 Emission Rate
211.1950 Emission Unit
211.1970 Enamel
211.1990 Enclose
211.2010 End Sealing Compound Coat
211.2030 Enhanced Under-the-Cup Fill
211.2050 Ethanol Blend Gasoline
211.2070 Excess Air
211.2090 Excessive Release

211.2110 Existing Grain-Drying Operation (Repealed)
211.2130 Existing Grain-Handling Operation (Repealed)
211.2150 Exterior Base Coat
211.2170 Exterior End Coat
211.2190 External Floating Roof
211.2210 Extreme Performance Coating
211.2230 Fabric Coating
211.2250 Fabric Coating Line
211.2270 Federally Enforceable Limitations and Conditions
211.2285 Feed Mill
211.2290 Fermentation Time
211.2300 Fill
211.2310 Final Repair Coat
211.2330 Firebox
211.2350 Fixed-Roof Tank
211.2360 Flexible Coating
211.2365 Flexible Operating Unit
211.2370 Flexographic Printing
211.2390 Flexographic Printing Line
211.2410 Floating Roof
211.2430 Fountain Solution
211.2450 Freeboard Height
211.2470 Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490 Fugitive Particulate Matter
211.2510 Full Operating Flowrate
211.2530 Gas Service
211.2550 Gas/Gas Method
211.2570 Gasoline
211.2590 Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610 Gel Coat
211.2630 Gloss Reducers
211.2650 Grain
211.2670 Grain-Drying Operation
211.2690 Grain-Handling and Conditioning Operation
211.2710 Grain-Handling Operation
211.2730 Green-Tire Spraying
211.2750 Green Tires
211.2770 Gross Heating Value
211.2790 Gross Vehicle Weight Rating
211.2810 Heated Airless Spray
211.2830 Heatset
211.2850 Heatset Web Offset Lithographic Printing Line
211.2870 Heavy Liquid
211.2890 Heavy Metals
211.2910 Heavy Off-Highway Vehicle Products
211.2930 Heavy Off-Highway Vehicle Products Coating

211.2950 Heavy Off-Highway Vehicle Products Coating Line
211.2970 High Temperature Aluminum Coating
211.2990 High Volume Low Pressure (HVLP) Spray
211.3010 Hood
211.3030 Hot Well
211.3050 Housekeeping Practices
211.3070 Incinerator
211.3090 Indirect Heat Transfer
211.3110 Ink
211.3130 In-Process Tank
211.3150 In-Situ Sampling Systems
211.3170 Interior Body Spray Coat
211.3190 Internal-Floating Roof
211.3210 Internal Transferring Area
211.3230 Lacquers
211.3250 Large Appliance
211.3270 Large Appliance Coating
211.3290 Large Appliance Coating Line
211.3310 Light Liquid
211.3330 Light-Duty Truck
211.3350 Light Oil
211.3370 Liquid/Gas Method
211.3390 Liquid-Mounted Seal
211.3410 Liquid Service
211.3430 Liquids Dripping
211.3450 Lithographic Printing Line
211.3470 Load-Out Area
211.3480 Loading Event
211.3483 Long Dry Kiln
211.3485 Long Wet Kiln
211.3487 Low-NOx Burner
211.3490 Low Solvent Coating
211.3500 Lubricating Oil
211.3510 Magnet Wire
211.3530 Magnet Wire Coating
211.3550 Magnet Wire Coating Line
211.3570 Major Dump Pit
211.3590 Major Metropolitan Area (MMA)
211.3610 Major Population Area (MPA)
211.3620 Manually Operated Equipment
211.3630 Manufacturing Process
211.3650 Marine Terminal
211.3660 Marine Vessel
211.3670 Material Recovery Section
211.3690 Maximum Theoretical Emissions
211.3695 Maximum True Vapor Pressure

211.3710 Metal Furniture
211.3730 Metal Furniture Coating
211.3750 Metal Furniture Coating Line
211.3770 Metallic Shoe-Type Seal
211.3780 Mid-Kiln Firing
211.3790 Miscellaneous Fabricated Product Manufacturing Process
211.3810 Miscellaneous Formulation Manufacturing Process
211.3830 Miscellaneous Metal Parts and Products
211.3850 Miscellaneous Metal Parts and Products Coating
211.3870 Miscellaneous Metal Parts or Products Coating Line
211.3890 Miscellaneous Organic Chemical Manufacturing Process
211.3910 Mixing Operation
211.3915 Mobile Equipment
211.3930 Monitor
211.3950 Monomer
211.3960 Motor Vehicles
211.3965 Motor Vehicle Refinishing
211.3970 Multiple Package Coating
211.3990 New Grain-Drying Operation (Repealed)
211.4010 New Grain-Handling Operation (Repealed)
211.4030 No Detectable Volatile Organic Material Emissions
211.4050 Non-Contact Process Water Cooling Tower
211.4055 Non-Flexible Coating
211.4065 Non-Heatset
211.4070 Offset
211.4090 One Hundred Percent Acid
211.4110 One-Turn Storage Space
211.4130 Opacity
211.4150 Opaque Stains
211.4170 Open Top Vapor Degreasing
211.4190 Open-Ended Valve
211.4210 Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4230 Organic Compound
211.4250 Organic Material and Organic Materials
211.4260 Organic Solvent
211.4270 Organic Vapor
211.4290 Oven
211.4310 Overall Control
211.4330 Overvarnish
211.4350 Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370 Owner or Operator
211.4390 Packaging Rotogravure Printing
211.4410 Packaging Rotogravure Printing Line
211.4430 Pail

211.4450 Paint Manufacturing Source or Paint Manufacturing Plant
211.4470 Paper Coating
211.4490 Paper Coating Line
211.4510 Particulate Matter
211.4530 Parts Per Million (Volume) or PPM (Vol)
211.4550 Person
211.4590 Petroleum
211.4610 Petroleum Liquid
211.4630 Petroleum Refinery
211.4650 Pharmaceutical
211.4670 Pharmaceutical Coating Operation
211.4690 Photochemically Reactive Material
211.4710 Pigmented Coatings
211.4730 Plant
211.4740 Plastic Part
211.4750 Plasticizers
211.4770 PM-10
211.4790 Pneumatic Rubber Tire Manufacture
211.4810 Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830 Polyester Resin Material(s)
211.4850 Polyester Resin Products Manufacturing Process
211.4870 Polystyrene Plant
211.4890 Polystyrene Resin
211.4910 Portable Grain-Handling Equipment
211.4930 Portland Cement Manufacturing Process Emission Source
211.4950 Portland Cement Process or Portland Cement Manufacturing Plant
211.4970 Potential to Emit
211.4990 Power Driven Fastener Coating
211.5010 Precoat
211.5015 Preheater Kiln
211.5020 Preheater/Preheater Kiln
211.5030 Pressure Release
211.5050 Pressure Tank
211.5060 Pressure/Vacuum Relief Valve
211.5061 Pretreatment Wash Primer
211.5065 Primary Product
211.5070 Prime Coat
211.5080 Primer Sealer
211.5090 Primer Surfacer Coat
211.5110 Primer Surfacer Operation
211.5130 Primers
211.5150 Printing
211.5170 Printing Line
211.5185 Process Emission Source
211.5190 Process Emission Unit
211.5210 Process Unit

211.5230 Process Unit Shutdown
211.5245 Process Vent
211.5250 Process Weight Rate
211.5270 Production Equipment Exhaust System
211.5310 Publication Rotogravure Printing Line
211.5330 Purged Process Fluid
211.5340 Rated Heat Input Capacity
211.5350 Reactor
211.5370 Reasonably Available Control Technology (RACT)
211.5390 Reclamation System
211.5410 Refiner
211.5430 Refinery Fuel Gas
211.5450 Refinery Fuel Gas System
211.5470 Refinery Unit or Refinery Process Unit
211.5480 Reflective Argent Coating
211.5490 Refrigerated Condenser
211.5500 Regulated Air Pollutant
211.5510 Reid Vapor Pressure
211.5530 Repair
211.5550 Repair Coat
211.5570 Repaired
211.5590 Residual Fuel Oil
211.5600 Resist Coat
211.5610 Restricted Area
211.5630 Retail Outlet
211.5650 Ringelmann Chart
211.5670 Roadway
211.5690 Roll Coater
211.5710 Roll Coating
211.5730 Roll Printer
211.5750 Roll Printing
211.5770 Rotogravure Printing
211.5790 Rotogravure Printing Line
211.5810 Safety Relief Valve
211.5830 Sandblasting
211.5850 Sanding Sealers
211.5870 Screening
211.5890 Sealer
211.5910 Semi-Transparent Stains
211.5930 Sensor
211.5950 Set of Safety Relief Valves
211.5970 Sheet Basecoat
211.5980 Sheet-Fed
211.5990 Shotblasting
211.6010 Side-Seam Spray Coat
211.6025 Single Unit Operation

211.6030 Smoke
211.6050 Smokeless Flare
211.6060 Soft Coat
211.6070 Solvent
211.6090 Solvent Cleaning
211.6110 Solvent Recovery System
211.6130 Source
211.6140 Specialty Coatings
211.6145 Specialty Coatings for Motor Vehicles
211.6150 Specialty High Gloss Catalyzed Coating
211.6170 Specialty Leather
211.6190 Specialty Soybean Crushing Source
211.6210 Splash Loading
211.6230 Stack
211.6250 Stain Coating
211.6270 Standard Conditions
211.6290 Standard Cubic Foot (scf)
211.6310 Start-Up
211.6330 Stationary Emission Source
211.6350 Stationary Emission Unit
211.6355 Stationary Gas Turbine
211.6360 Stationary Reciprocating Internal Combustion Engine
211.6370 Stationary Source
211.6390 Stationary Storage Tank
211.6400 Stencil Coat
211.6410 Storage Tank or Storage Vessel
211.6420 Strippable Spray Booth Coating
211.6430 Styrene Devolatilizer Unit
211.6450 Styrene Recovery Unit
211.6470 Submerged Loading Pipe
211.6490 Substrate
211.6510 Sulfuric Acid Mist
211.6530 Surface Condenser
211.6540 Surface Preparation Materials
211.6550 Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570 Tablet Coating Operation
211.6580 Texture Coat
211.6590 Thirty-Day Rolling Average
211.6610 Three-Piece Can
211.6620 Three or Four Stage Coating System
211.6630 Through-the-Valve Fill
211.6650 Tooling Resin
211.6670 Topcoat
211.6690 Topcoat Operation
211.6695 Topcoat System
211.6710 Touch-Up

211.6720 Touch-Up Coating
 211.6730 Transfer Efficiency
 211.6750 Tread End Cementing
 211.6770 True Vapor Pressure
 211.6790 Turnaround
 211.6810 Two-Piece Can
 211.6830 Under-the-Cup Fill
 211.6850 Undertread Cementing
 211.6860 Uniform Finish Blender
 211.6870 Unregulated Safety Relief Valve
 211.6880 Vacuum Metallizing
 211.6890 Vacuum Producing System
 211.6910 Vacuum Service
 211.6930 Valves Not Externally Regulated
 211.6950 Vapor Balance System
 211.6970 Vapor Collection System
 211.6990 Vapor Control System
 211.7010 Vapor-Mounted Primary Seal
 211.7030 Vapor Recovery System
 211.7050 Vapor-Suppressed Polyester Resin
 211.7070 Vinyl Coating
 211.7090 Vinyl Coating Line
 211.7110 Volatile Organic Liquid (VOL)
 211.7130 Volatile Organic Material Content (VOMC)
 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
 211.7170 Volatile Petroleum Liquid
 211.7190 Wash Coat
 211.7200 Washoff Operations
 211.7210 Wastewater (Oil/Water) Separator
 211.7230 Weak Nitric Acid Manufacturing Process
 211.7250 Web
 211.7270 Wholesale Purchase - Consumer
 211.7290 Wood Furniture
 211.7310 Wood Furniture Coating
 211.7330 Wood Furniture Coating Line
 211.7350 Woodworking
 211.7400 Yeast Percentage

Appendix A Rule into Section Table
 Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27 and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; 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. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-___ at ___ Ill. Reg. _____, effective _____.

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

SUBPART B: DEFINITIONS

Section 211.955 Cement

"Cement" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a hydraulic cement produced by pulverizing clinker consisting primarily of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.960 Cement Kiln

"Cement kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a system including any solid, gaseous or liquid fuel combustion equipment, used to preheat, calcine and react with raw materials, including limestone and clay, to produce cement clinker.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.1120 Clinker

"Clinker" means the product of a cement kiln from which finished cement is manufactured by milling and grinding.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.3483 Long Dry Kiln

"Long dry kiln" means a kiln 14 feet or larger in outside diameter, 400 feet or larger in length, which employs no preheating of the feed in the cyclone chambers, and the inlet feed to the kiln is dry.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.3485 Long Wet Kiln

"Long wet kiln" means a kiln 14 feet or larger in outside diameter, 400 feet or greater in length, which employs no preheating of the feed in the cyclone chambers, and the inlet feed to the kiln is a slurry.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.3487 Low-NOx Burner

"Low-NOx burner" means for the purpose of 35 Ill. Adm. Code 217, Subpart T, a type of cement kiln burner system designed to lower NOx formation by controlling flame turbulence, delaying fuel/air mixing and establishing fuel-rich zones for initial combusting, which for firing of solid fuel by a kiln's main burner includes an indirect firing system or comparable technique for the main burner to lower the amount of primary combustion air supplied with the pulverized fuel. In an indirect firing system, one air stream is used to convey pulverized fuel from the grinding equipment and another air stream is used to supply primary combustion air to the kiln burner with the pulverized fuel, with intermediate storage of the fuel. In contrast, in a direct firing system, the air stream used to convey pulverized coal is then directly used as primary combustion air without any intermediate storage of fuel, resulting in more primary combustion air than with an indirect system.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.3780 Mid-Kiln Firing

"Mid-kiln firing" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a secondary firing in a kiln system by injecting fuel at an intermediate point in the kiln system using a specially designed fuel injection mechanism for the purposes of decreasing NOx emissions through burning

part of the fuel at a lower temperature, and reducing conditions at the fuel injection point that may destroy some of the NOx formed upstream in the kiln system.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.5015 Preheater Kiln

"Preheater kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a kiln where the feed to the kiln is preheated in cyclone chambers prior to the final reactions in a kiln which forms clinker.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 211.5020 Preheater/Precalciner Kiln

"Preheater/precalciner kiln" means, for the purposes of 35 Ill. Adm. Code 217, Subpart T, a kiln where the feed to the kiln is preheated in cyclone chambers and utilizes a second burner to calcine material in a separate vessel attached to the preheater prior to the final fusion in a kiln which forms clinker.

(Source: Added at ___ 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

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217.102	Abbreviations and Units
217.103	Definitions
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SUBPART T: CEMENT KILNS

Section	
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<u>217.602</u>	<u>Control Requirements</u>
<u>217.604</u>	<u>Testing</u>
<u>217.606</u>	<u>Monitoring</u>
<u>217.608</u>	<u>Reporting</u>
<u>217.610</u>	<u>Recordkeeping</u>

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (~~Ill. Rev. Stat. 1981, ch. 111 ½ pars. 1010 and 1027~~)[415 ILCS 5/10 and 27.]

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- __ at ____ Ill. Reg. , effective _____.

SUBPART A: GENERAL PROVISIONS

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference: These incorporations do not include any later amendments or editions.

- a) The phenol disulfonic acid method, ~~36 Fed. Reg. 15, 718~~ as published in 40 CFR 60, Appendix A, Method 7 (1999);
- b) Alternative Control Techniques Document---- NOx Emissions from Cement Manufacturing, EPA-453/R-94-004, U. S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N. C. 27711, March 1994;
- c) Section 11.6, Portland Cement Manufacturing, AP-42 Compilation of Air Emission Factors, Volume 1: Stationary Point and Area Sources, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N. C. 27711, revised January 1995;
- d) 40 CFR § 60.13 (1999); and
- e) 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, and 7E (1999).

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

SUBPART T: CEMENT KILNS

Section 217.600 Applicability

The requirements of this Subpart shall apply to the types of cement kilns listed below with process rates in tons per hour (TPH) of clinker produced that are greater than or equal to the following:

- a) Long dry kilns -- 12 TPH;
- b) Long wet kilns -- 10 TPH;
- c) Preheater kilns -- 16 TPH; and
- d) Preheater/precalciner kilns -- 22 TPH.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 217.602 Control Requirements

- a) After April 30, 2003, an owner or operator of any cement kiln subject to the requirements of this Subpart shall not operate the kiln during the control period or any subsequent control period, unless the owner or operator complies with either subsection (a)(1), (a)(2), (a)(3), (a)(5) or (a)(6) of this Section for kilns which commenced operation prior to January 1, 1996, or either subsection (a)(4) or (a)(6) of this Section for kilns which commenced operation on or after January 1, 1996.
 - 1) The kiln is operated with a low-NO_x burner or a mid-kiln firing system;
 - 2) The kiln shall not exceed the applicable NO_x emission limitation in pounds per ton of clinker (lb/T), expressed in the rates listed below:
 - A) Long dry kilns -- 5.1 lb NO_x/T of clinker;
 - B) Long wet kilns -- 6.0 lb NO_x/T of clinker;
 - C) Preheater kilns -- 3.8 lb NO_x/T of clinker; or
 - D) Preheater/precalciner kilns -- 2.8 lb NO_x/T of clinker.
 - 3) The kiln achieves a 30 percent or greater reduction from its uncontrolled baseline, established as set forth in this subsection (a)(3), and complying with the following:
 - A) Uncontrolled baseline emissions shall be determined using the following equation:

$$\text{UBE} = [\text{EF} \times \text{SPR}] \div 2000 \text{ lbs NO}_x/\text{T}$$

Where:

UBE ≡ Uncontrolled Baseline NO_x emissions expressed in tons of NO_x per control period;

EF ≡ Emissions factor, expressed in lbs of NO_x per ton of clinker produced per control period, based on one of the methods in subsection (a)(3)(B) of this Section; and

SPR ≡ Seasonal production rate, expressed in tons of clinker produced per control period, using the average of the two highest control period operating rates from the previous three-year period at the time the application for the permit with federally enforceable conditions is submitted to the Agency pursuant to subsection (a)(3)(C) of this Section.

B) Emissions factors shall be determined using one of the following methods:

i) The average of the emission factors for the type of kiln from the Compilation of Air Pollutant Emission Factors (AP-42) and the Alternative Control Techniques Document -- NO_x Emissions from Cement Manufacturing, as incorporated by reference in Section 217.104 of this Part;

ii) The site-specific emission factor developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to approval by the Agency, and must certify that the emissions testing is being conducted under representative conditions; or

iii) An alternate method for establishing the emissions factors, when submitted with supporting data to substantiate such emissions factors and approved by the Agency as set forth in subsection (a)(3)(C) of this Section.

C) The owner or operator must submit an emission reduction plan to the Agency and obtain approval of that plan by the Agency. Such plan shall be effective only when contained as federally enforceable conditions in a permit. Such plan shall include any alternate

procedures for monitoring, testing, reporting, or recordkeeping approved by the Agency, or other provisions as appropriate.

- 4) Any kiln subject to this Subpart that commenced operation on or after January 1, 1996, must meet the more stringent of the requirements of this Subpart or other CAA requirements, or rules promulgated thereunder, applicable to kilns. If a kiln is required to comply with a more stringent requirement pursuant to the CAA, and chooses to do so in lieu of complying with this Subpart, the owner or operator must submit an emissions reduction plan that demonstrates that compliance with the CAA requirement results in emissions reductions that are equal to or exceed the requirements of this Section and obtain a permit containing federally enforceable conditions addressing such CAA requirement.

- 5) The owner or operator obtains an alternate emissions standard for operating the kiln pursuant to Section 28.1 of the Act (415 ILCS 5/28.1), and in accordance with 35 Ill. Adm. Code 106, Subpart G, provisions for adjusted standards. An adjusted standard or alternate emissions standard with an alternate compliance schedule shall be granted by the Board to the extent consistent with federal law. Such alternate shall be effective only when included as a federally enforceable condition in a permit approved by USEPA or approved as a SIP revision. The adjusted standard shall include any alternate procedures for control, compliance, monitoring, operation, testing, reporting, or recordkeeping that are appropriate. In addition, the owner or operator must demonstrate, as justification for the adjusted standard, that the control requirements contained in this Subpart, as they apply to cement kilns, meet one or more of the following criteria:
 - A) Unreasonable cost of control resulting from plant, age, location or basic process design;
 - B) Physical impossibility of installing necessary control equipment; or
 - C) Other factors specific to the cement kiln that support an alternate emissions standard.

- 6) The owner or operator obtains approval by the Agency and USEPA to allow the kiln to participate in the federal NOx Trading Program. Such participation will be effective upon issuance of a permit containing all necessary federally enforceable permit conditions addressing the kiln's participation in the federal NOx Trading Program pursuant to 40 CFR 96 and Subpart W of 35 Ill. Adm. Code Part 217, NOx Trading Program for Electrical Generating Units, Sections 217.750 *et seq.* The owner or operator is not subject to the requirements of this Subpart for the duration of its participation in the NOx Trading Program, except for the requirement to

submit the initial compliance report pursuant to Section 217.608(a) of this Subpart.

- b) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on THE FIRST DAY OF THE CONTROL SEASON SUBSEQUENT TO THE CALENDAR YEAR IN WHICH ALL OF THE OTHER STATES SUBJECT TO THE PROVISIONS OF THE NOX SIP CALL (63 Fed. Reg. 57,355 (October 27, 1998)) THAT ARE LOCATED IN REGION V OR THAT ARE CONTIGUOUS TO ILLINOIS HAVE ADOPTED REGULATIONS TO IMPLEMENT NOX TRADING PROGRAMS AND OTHER REQUIRED REDUCTIONS OF NOX EMISSIONS PURSUANT TO THE NOX SIP CALL, AND SUCH REGULATIONS HAVE RECEIVED FINAL APPROVAL BY USEPA AS PART OF THE RESPECTIVE STATES' SIPS FOR OZONE, OR A FINAL FIP FOR OZONE PROMULGATED BY USEPA IS EFFECTIVE FOR SUCH OTHER STATES. [415 ILCS 5/9.9(f)]

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 217.604 Testing

- a) Any owner or operator of a kiln that commenced operation prior to May 1, 2002, and using a low-NOx burner or mid-kiln firing system to demonstrate compliance pursuant to Section 217.602(a)(1) of this Subpart must maintain and operate the device according to the manufacturer's specifications as approved by the Agency.
- b) Any owner or operator of a kiln that commenced operation prior to May 1, 2002, and demonstrating compliance pursuant to Section 217.602(a)(2), (a)(3)(C), or (a)(5) of this Subpart must complete an initial performance test between May 1, 2002, and April 30, 2003, and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the requirements of 40 CFR 60, Appendix A, Methods 7, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, or such alternate test method that has been approved by the Agency pursuant to Section 217.602(a)(3)(C) of this Subpart or the Board pursuant to Section 217.602(a)(5) of this Subpart.
- c) The owner or operator of a kiln that commences operation on or after May 1, 2002, must complete, as appropriate, an initial performance test within one year of initial startup and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the test methods listed in subsection (b) of this Section.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 217.606 Monitoring

- a) The owner or operator of a kiln subject to this Subpart must submit a complete monitoring plan addressing the applicable requirements of subsection (b) of this Section to the Agency and obtain approval of such plan by the Agency. The monitoring plan shall identify the operating conditions to be monitored and the records to be maintained under Section 217.610 of this Subpart. For any kiln that commences operation on or before August 1, 2002, such plan shall be submitted on or before August 1, 2002. For any other kiln subject to this Subpart, such plan shall be submitted with the construction permit application for such kiln. Such plan will be effective only when included as federally enforceable conditions in a permit issued by the Agency.
- b) The plan must:
- 1) Identify the specific operating conditions to be monitored and the correlation between the operating conditions and NO_x emission rates;
 - 2) Include the data and information that the owner or operator used to identify the correlation between NO_x emission rates and these operating conditions;
 - 3) Identify how the owner or operator will monitor these operating conditions on an hourly or other basis, as approved by the Agency, the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate, and the type and format of the records of these operating conditions that will be maintained by the owner or operator under Section 217.610 of this Subpart;
 - 4) If operating a low-NO_x burner or mid-kiln firing system, the plan must include only monitoring the parameters indicated in the manufacturer's specifications and recommendations for the low-NO_x burner or mid-kiln firing system as approved by the Agency; and
 - 5) Notwithstanding the requirements of subsections (b)(1) and (b)(2) of this subsection requiring the monitoring of operating parameters, if the owner or operator elects to monitor NO_x emissions using a continuous emissions monitoring system (CEMS), the owner or operator must submit a monitoring plan subject to approval by the Agency which contains the applicable provisions of 40 CFR § 60.13 and of Method 7E in Appendix A contained in 40 CFR part 60, as incorporated by reference in Section 217.104 of this Part, and additional provisions regarding accuracy, data capture, and monitoring frequency.

- c) The owner or operator must monitor the operating parameters of the emission unit and predict NO_x emission rates in accordance with the plan specified in the applicable operating permit.

(Source: Added at ___ Ill. Reg. _____, effective _____)

Section 217.608 Reporting

- a) By May 1, 2003, or within one year of initial startup, whichever occurs later, the owner or operator of a kiln subject to the requirements of this Subpart must submit to the Agency an initial compliance certification for each kiln subject to the requirements of Section 217.602 of this Subpart. This certification must contain the following information as applicable:
- 1) The identity and type of each kiln subject to this Subpart, the name and address of the plant where the kiln is located, and the name and telephone number of the person responsible for demonstrating compliance with this Subpart;
 - 2) A demonstration that each kiln is in compliance with Section 217.602 of this Subpart, identifies the provision with which it is complying and is accompanied by a summary of the approved compliance method, e.g., performance test for the kiln and other supporting data being relied upon by the owner or operator;
 - 3) If demonstrating compliance by use of a low-NO_x burner or mid-kiln firing system pursuant to Section 217.602(a)(1) of this Subpart, a copy of the manufacturer's recommended maintenance and schedule for maintenance as approved by the Agency;
 - 4) If demonstrating compliance pursuant to Section 217.602(a)(3)(C) or (a)(5) of this Subpart, the date on which the permit containing the emission reduction plan or SIP revision was received as federally enforceable conditions; and
 - 5) If demonstrating compliance pursuant to Section 217.602(a)(6) of this Subpart, the date of issuance and the identification of the permit authorizing, through federally enforceable conditions, participation in the federal NO_x trading program.
- b) Beginning in 2003, by December 31 of each year, owners and operators complying with this Subpart pursuant to Section 217.602(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5), must, as a seasonal component of its annual emission report pursuant to 35 Ill. Adm. Code 254, report the total NO_x emissions of each subject kiln during the control period of each year to the Agency, if the kiln operated during this period.

(Source: Added at ___ Ill. Reg. _____, effective _____)

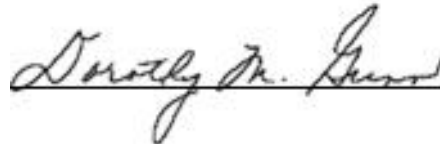
Section 217.610 Recordkeeping

- a) Any owner or operator of a cement kiln subject to this Subpart must produce and maintain records that include, but are not limited to:
- 1) Emissions in pounds of NO_x per ton of clinker produced from each kiln subject to the requirements of Section 217.602(a)(2), (a)(3)(C) or (a)(5) of this Subpart;
 - 2) The date, time, and duration of any startup, shutdown, or malfunction in the operation of any cement kiln subject to this Subpart or any emissions monitoring equipment. The records shall include a description of the malfunction and maintenance activity;
 - 3) If operating a low-NO_x burner or mid-kiln firing system; the date, time and duration of any regularly scheduled maintenance, with a description of the activity, and tons of clinker produced from each kiln;
 - 4) The results of any required performance testing;
 - 5) Daily cement kiln clinker production in tons per day; and
 - 6) The records of monitoring required by Section 217.606 of this Subpart.
- b) All records required to be produced or maintained shall be retained on site for a minimum of three years and be made available to the Agency upon request.

(Source: Added at ___ Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above opinion and order was adopted on the 24th day of August 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board