

ILLINOIS POLLUTION CONTROL BOARD
July 23, 2009

IN THE MATTER OF:)
)
SECTION 27 PROPOSED RULES FOR) R07-19
NITROGEN OXIDE (NO_x) EMISSIONS) (Rulemaking - Air)
FROM STATIONARY RECIPROCATING)
INTERNAL COMBUSTION ENGINES AND)
TURBINES: AMENDMENTS TO 35 ILL.)
ADM. CODE SECTION 201.146 AND)
PARTS 211 AND 217)

Proposed Rule. Final Notice.

OPINION AND ORDER OF THE BOARD (by A.S. Moore):

Today the Board adopts its final notice in this rulemaking amending Parts 201, 211, and 217 of its air pollution regulations and addressing emissions of nitrogen oxides (NO_x). *See* 35 Ill. Adm. Code 201, 211, 217.

On December 20, 2007, the Illinois Environmental Protection Agency (Agency or IEPA) filed a motion to proceed in this docket with an amended rulemaking proposal. The Board granted the motion on January 10, 2008. After conducting two public hearings on the amended proposal, the Board on September 16, 2008, adopted its first-notice opinion and order. *See* 32 Ill. Reg. 17035-17104 (Oct. 31, 2009). At its meeting on July 14, 2009, the Joint Committee on Administrative Rules (JCAR) considered the Board's second notice proposal and issued its Certificate of No Objection to the proposed rules.

The adopted regulations control NO_x emissions from engines and turbines located at 100 ton per year sources located in the Chicago and Metro East/St. Louis nonattainment areas with a capacity of 500 brake horsepower (bhp) or 3.5 megawatts (MW). In its motion to proceed with an amended proposal, the Agency stated that its proposed regulations would help Illinois to meet Clean Air Act (CAA) requirements for NO_x reasonably available control technology (RACT) under the eight-hour National Ambient Air Quality Standard (NAAQS) for ozone and would also improve air quality by reducing precursors of fine particulate matter (PM_{2.5}).

In this opinion, the Board first provides an abbreviated procedural background of this rulemaking and the background of federal requirements. The Board then addresses technical and economic considerations before reaching its conclusion. Finally, the Board directs the Clerk to file the proposed amendments with the Secretary of State for publication in the *Illinois Register*.

ABBREVIATED PROCEDURAL BACKGROUND

On April 6, 2007, the Agency filed a rulemaking proposal intended to reduce emissions of NO_x from stationary reciprocating engines and turbines. The Board docketed the proposal as

R07-18. In an order dated May 17, 2007, the Board concluded that the Agency's entire proposal was not "required to be adopted" by the CAA under Section 28.5 of the Environmental Protection Act (Act). 415 ILCS 5/28.5 (2006) (repealed Dec. 31, 2007). Accordingly, the Board bifurcated the proposal and continued to consider in docket R07-18 under Section 28.5 "fast-track" procedures only the portion of the proposal applicable to the 28 internal combustion engines affected by the NO_x State Implementation Plan (SIP) Call Phase II.

In a new docket, R07-19, the Board provided first-notice publication of the remainder of the Agency's proposal under the general rulemaking provisions of Sections 27 and 28 of the Act (415 ILCS 5/27, 28 (2006)). Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217, R07-19, slip op. at 2, 34-35 (May 17, 2007); *see* 31 Ill. Reg. 7683, 7702 (June 8, 2007). The Board's opinion and order bifurcating the Agency's original proposal did not comment on the substantive merits of docket R07-19. *See* Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217, R07-19, slip op. at 2, 34-35 (May 17, 2007). The Board adopted final rules in R07-18 on September 20, 2007. Fast-Track Rules Under Nitrogen Oxide (NO_x) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146 and Parts 211 and 217, R07-18 (Sept. 20, 2007); *see* 31 Ill. Reg. 14254-71 (Oct. 12, 2007).

On June 15, 2007, the hearing officer issued an order scheduling two hearings in R07-19 and setting deadlines for prefiled testimony. On August 23, 2007, the Agency filed a motion to cancel the scheduled hearings and prefiling deadlines. In an order dated August 27, 2007, the hearing officer granted the motion. At the direction of the hearing officer, the Agency subsequently filed two status reports, a first on October 31, 2007, and a second on November 19, 2007, which indicated that the Agency would file an amended proposal with the Board before the end of December 2007.

On December 20, 2007, the Agency filed its "Motion to Proceed with Amended Proposal and Withdraw Testimony" (Mot. Amend). The motion included as Attachment B an amended Technical Support Document (TSD). On January 3, 2008, the Illinois Environmental Regulatory Group (IERG) filed its response to the Agency's motion. In an order dated January 10, 2008, the Board granted the Agency's motion. In a letter dated January 23, 2008, the Board requested that the Department of Commerce and Economic Opportunity (DCEO) conduct an economic impact study of the amended proposal. *See* 415 ILCS 5/27(b) (2008). The Board did not receive a response to that request.

On March 26, 2008, the Board received prefiled testimony from four witnesses: Mr. Robert Kaleel (Kaleel Test.) and Mr. Yoginder Mahajan on behalf of the Agency; Mr. Kevin Wagner on behalf of the Illinois Municipal Electric Agency (IMEA); and Ms. Deirdre Hirner on behalf of IERG. The first hearing in this proceeding took place on April 9, 2008, in Edwardsville, Madison County. At the first hearing, the hearing officer admitted into the record a single exhibit, a finding by the United States Environmental Protection Agency (USEPA) that Illinois had failed to submit SIPs required under the eight-hour NAAQS for ozone (Exh. 1). *See*

73 Fed. Reg. 15416-21 (Mar. 24, 2008). On April 14, 2008, the Board received the transcript of the first hearing (Tr.1).

In an order dated April 17, 2008, the Board directed its Clerk to withdraw the proposed amendments that the Board had originally sent to first-notice publication in this docket. Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217, R07-19, slip op. at 1-2 (Apr. 17, 2008); *see* 31 Ill. Reg. 7683, 7702 (June 8, 2007). On May 2, 2008, the Secretary of State published notice of withdrawal of the proposed amendments. 32 Ill. Reg. 7230-31 (May 2, 2008).

On April 23, 2008, the Board received prefiled testimony from Mr. James McCarthy of Innovative Environmental Solutions, Inc. on behalf of two natural gas transmission companies, ANR Pipeline Company and Natural Gas Pipeline Company of America (collectively, the Pipeline Group). The second hearing in this proceeding took place on May 7, 2008 in Chicago. At the second hearing, the hearing officer admitted into the record one exhibit, a document offered by the Agency and entitled “Clarifications and *Errata* Sheet.” The Board received the transcript of the second hearing on May 8, 2008 (Tr.2).

In an order dated May 12, 2008, the hearing officer set a deadline of June 9, 2008 for filing post-hearing comments and a deadline of June 23, 2008 for filing a response to post-hearing comments. On June 9, 2008, the Board received post-hearing comments from the Agency (PC 1), IMEA, and IERG. On June 23, 2008, the Board received a response to post-hearing comments from the Agency. On July 1, 2008, the Board received a comment from Mr. Don C. DiCristoforo of Blue Sky Environmental LLC (Blue Sky). On July 16, 2008, the Board received from the Agency a motion for leave to file *instanter* a response to the comment filed on behalf of Blue Sky, accompanied by the Agency’s response to that comment.

On September 16, 2008, the Board issued its first-notice opinion and order. *See* 32 Ill. Reg. 17035-74 (Oct. 31, 2008). In its opinion, the Board among other actions granted the Agency’s July 16, 2008 motion for leave to file *instanter* a response to Blue Sky’s July 1, 2008 post-hearing comment and accepted that response into the record.

On December 12, 2008, IMEA and IERG filed a joint motion for an extension of time requesting that the Board or hearing officer extend the deadline for filing first-notice comments. In an order dated December 23, 2008, the hearing officer extended that deadline to February 2, 2009.

On December 22, 2008, the Board received a comment from Pamela F. Faggert, Vice President and Chief Environmental Officer of Dominion Resources Services, Inc.

On February 5, 2009, the Agency filed its first-notice comments (PC 8), accompanied by a motion to file *instanter*. On February 6, 2009, IERG filed its first-notice comments, accompanied by a motion to file *instanter*. On February 10, 2009, the Agency filed a motion to file *instanter* and its response to first-notice comments.

On March 19, 2009, the Agency filed a motion for expedited review and also submitted a letter from USEPA regarding potential sanctions against the state (PC 11). On March 23, 2009, the Agency also submitted a letter requesting that the Board expedite consideration of this proposal in order to avoid federal sanctions. On March 24, 2009, the hearing officer issued an order providing that, in order for the Board to address the Agency's motion to expedite at its April 2, 2009, meeting, participants wishing to respond to the Agency's motion must file a response by March 30, 2009. On March 24, 2009, the Pipeline Consortium filed its response supporting the Agency's motion to expedite. On March 30, 2009, IERG filed its response expressing no objection to the Agency's motion to expedite. On April 2, 2009, the Board granted the Agency's motion to expedite.

On May 21, 2009, the Board adopted its second notice opinion and order. In its opinion, the Board among other actions granted the motions to file *instanter* filed by the Agency on February 5, 2009, and February 10, 2009, and by IERG on February 6, 2009. On June 23, 2009, the Agency filed comments on the second notice proposal with the Board.

At its meeting on July 14, 2009, JCAR considered the Board second notice proposal and issued its "Certificate of No Objection." JCAR proposed non-substantive amendments, which the Board adopts in its order below.

BACKGROUND OF FEDERAL REQUIREMENTS

USEPA revised the NAAQS for PM_{2.5} and ozone in 1997. TSD at 11 (§2.1), citing 62 Fed. Reg. 38652 (July 18, 1997) (PM_{2.5} standards), 62 Fed. Reg. 38855 (July 18, 1997) (ozone standards); *see* Kaleel Test. at 2. Upon establishing the NAAQS for PM_{2.5}, USEPA designated two areas in Illinois, Chicago and Metro East/St. Louis, as nonattainment areas.¹ TSD at 11, *id.* at 12 (Figure 2-1). "These designations became effective on April 5, 2005." *Id.* at 11, citing 70 Fed. Reg. 943 (Jan. 5, 2005). USEPA has since reviewed the NAAQS for PM_{2.5} and strengthened the 24-hour standard. Kaleel Test. at 2, citing 71 Fed. Reg. 61144 (Oct. 17, 2006).

"The revised NAAQS for ozone replaced the previous 1-hour averaging time with an 8-hour averaging time, and reduced the applicable ambient concentration threshold from 0.12 parts per million (ppm) to 0.08 ppm." TSD at 11; Kaleel Test. at 2. USEPA has designated two areas in Illinois, greater Chicago and Metro East/St. Louis, as moderate nonattainment areas for ozone.² TSD at 11, *id.* at 12 (Figure 2-2), Kaleel Test. at 2. "These designations became effective on June 15, 2004." TSD at 11, citing 69 Fed. Reg. 23858 (Apr. 3, 2004).

¹ For the PM_{2.5} NAAQS, the following jurisdictions comprise the greater Chicago nonattainment area: Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Aux Sable and Goose Lake Townships in Grundy County, and Oswego Township in Kendall County. TSD at 11; Mot. Amend at 2 n.1. The following Illinois jurisdictions comprise the Metro-East/St. Louis nonattainment area: Madison, Monroe, and St. Clair Counties and Baldwin Township of Randolph County. TSD at 11; Mot. Amend at 2 n.1.

² For the eight-hour ozone NAAQS, the following jurisdictions comprise the greater Chicago nonattainment area: Cook, DuPage, Kane, Lake, McHenry, and Will Counties, Aux Sable and

“Under Section 110 of the CAA and related provisions, states are required to submit for USEPA’s approval SIPs that provide for the attainment and maintenance of standards established by USEPA through control programs directed to sources of the pollutant involved.” Kaleel Test. at 3, citing 42 U.S.C. §7410. “USEPA has determined that, in addition to direct particulate matter, that NO_x, sulfur dioxide (SO₂), VOCs [volatile organic compounds], and ammonia are precursors to the formation of PM_{2.5}.” Kaleel Test. at 2-3. Accordingly, states are required to address issues including NO_x emissions in their attainment plans under the 1997 PM_{2.5} NAAQS. *Id.* at 3. “This rulemaking addresses NO_x as a precursor to ozone and PM_{2.5}.” TSD at 13 (§2.2).

The CAA includes provisions for the state to address emissions sources on an area-wide basis through requirements including reasonably available control measures (RACM) and reasonably available control technology (RACT). Kaleel Test. at 3, citing 42 U.S.C. §§ 7502, 7511a. In nonattainment areas,

the CAA requires the State to demonstrate that it has adopted ‘all reasonably available control measures as expeditiously as possible (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.’ Kaleel Test. at 3, citing 42 U.S.C. § 7502(c)(1).

Under Sections 172 and 182 of the CAA, “RACT is required for all existing major sources of the applicable criteria pollutant and its precursors” in the nonattainment areas. TSD at 13. USEPA has defined RACT as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological feasibility and economic reasonableness.” TSD at 13, citing 70 Fed. Reg. 71612 (Nov. 29, 2005). In moderate nonattainment areas such as Illinois’, the major source threshold is 100 tons per year. TSD at 13.

USEPA recently issued a “Finding of Failure to Submit State Implementation Plans (SIP) Required for the 1997 8-Hour Ozone NAAQS.” PC 1 at 1, citing 73 Fed. Reg. 15416 (Mar. 24, 2008); *see* Exh. 1. This action issued a SIP call to all states with ozone nonattainment areas that had failed to submit complete RACT SIPs and began the running of sanctions clock. Exh. 1, Tr. 1 at 7-8. USEPA’s SIP Call included both the greater Chicago and Metro East/St. Louis areas. PC 1 at 3; 73 Fed. Reg. 15417-18; *see also* PC 11.

DISCUSSION

Although the Board in a letter dated January 23, 2008, requested that DCEO conduct an economic impact study on the Agency’s amended rulemaking proposal (*see* 415 ILCS 5/27(b)(1) (2008)), the Board received no response to that request. At the second hearing, the Board

Goose Lake Townships in Grundy County, and Oswego Township in Kendall County. TSD at 11; Mot. Amend at 2 n.1. The following Illinois counties comprise the Metro-East/St. Louis nonattainment area: Jersey, Madison, Monroe, and St. Clair. TSD at 11; Mot. Amend at 2 n.1.

received no testimony or comment regarding the absence of a response to the request. *See* Tr.2 at 16-17.

In its first-notice opinion and order, the Board addressed the technical feasibility and economic reasonableness of the Agency's amended proposal by considering a number of issues: the technical feasibility of controls for both engines and turbines, potentially affected sources, projected emission reductions, and the cost-effectiveness of controls on both engines and turbines. Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146 and Parts 211 and 217, R07-19, slip op. at 20-31 (Sept. 16, 2008). The Board concluded, after addressing those issues, that the first notice proposal was technically feasible and economically reasonable. *Id* at 31.

In its second notice opinion and order, the Board adopted amendments to the first-notice proposal that had been proposed by the Agency in its first notice comments. *See* PC 8. In those comments, the Agency stated that consultation with participants had resulted in agreement on all issues with the Pipeline Group and on all issues other than replacement units in averaging plans with IERG. *Id*. Regarding that unresolved issue, the Board found the Agency's proposed language appropriately allows and encourages replacement of units with newer and cleaner units. The Board agreed with the Agency that removing the requirement that a replacement unit be used for the "same purpose," as suggested by IERG, may not result in environmental benefits. Accordingly, the Board declined to adopt alternate language proposed by IERG.

In its second notice opinion and order, the Board stated that it had adopted substantive changes in the proposal only as offered by the Agency and reflecting consultation and agreement with regulated entities. Thus, as it did in its first-notice opinion and order, the Board found the proposed regulations to be technically feasible and economically reasonable. Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146 and Parts 211 and 217, R07-19, slip op. at 13 (May 21, 2009).

Since adopting that second notice opinion and order, the Board has adopted only non-substantive amendments as proposed by JCAR. Thus, the Board finds the proposed regulations technically feasible and economically reasonable and below directs the Clerk to file them with the Secretary of State for publication in the *Illinois Register*.

CONCLUSION

The Board finds that the record supports proceeding to final notice with the proposed amendments to the Board's regulations governing emissions of NO_x in Parts 201, 211, and 217 (35 Ill. Adm. Code 201, 211, 217).

ORDER

The Board directs the Clerk to file the following proposed amendments with the Secretary of State for publication in the *Illinois Register*. Proposed additions are underlined, and proposed deletions appear stricken.

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

PART 201
 PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units

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

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

SUBPART F: CAAPP PERMITS

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

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

Section

201.241	Contents of Compliance Program
201.242	Contents of Project Completion Schedule
201.243	Standards for Approval
201.244	Revisions
201.245	Effects of Approval
201.246	Records and Reports
201.247	Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section	
201.261	Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263	Records and Reports
201.264	Continued Operation or Startup Prior to Granting of Operating Permit
201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section	
201.281	Permit Monitoring Equipment Requirements
201.282	Testing
201.283	Records and Reports

SUBPART K: RECORDS AND REPORTS

Section	
201.301	Records
201.302	Reports

SUBPART L: CONTINUOUS MONITORING

Section	
201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction
201.407	Retention of Information
201.408	Compliance Schedules

201.APPENDIX A Rule into Section Table

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

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg.30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 32 Ill. Reg. _____, effective _____.

SUBPART C: PROHIBITIONS

Section 201.146 Exemptions from State Permit Requirements

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

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

- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 mmbtu/hr);
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lift trucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;
- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 mmbtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than 1118 kW (1500 ~~bhp~~horsepower) or stationary turbine, except that a permit shall be required for the following:
 - 1) Any internal combustion engine with a rating at equal to or greater than 500 bhp output that is subject to the control requirements of 35 Ill. Adm. Code 217.388(a) or (b); or
 - 2) Any ~~any~~ stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, subpart ~~Subpart~~ GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
- k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is associated;
- l) Storage tanks for liquids for retail dispensing except for storage tanks that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);

- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions and cleaning materials;
- n) Storage tanks of:
 - 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any material listed as a hazardous air pollutant pursuant to section ~~Section~~ 112(b) of the Clean Air Act, and provided the storage tank is not subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2);
 - 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
 - 3) Any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils;-
- o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps;
- p) Sampling connections used exclusively to withdraw materials for testing and analyses;
- q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
- r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);
- s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;
- t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
- u) Portable grain-handling equipment and one-turn storage space;

- v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- w) Coin-operated dry cleaning operations;
- x) Dry cleaning operations at a source that consume less than 30 gallons per month of perchloroethylene;
- y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;
- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:
 - 1) Used for maintenance activity;
 - 2) Manually operated;
 - 3) Exhausted inside a building; or
 - 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitator or a scrubber;:-
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
 - 1) Extruders used in the manufacture of polymers;
 - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and

- 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act;
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
 - ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
 - ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
 - gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
 - hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
 - ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a through-put of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
 - jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
 - kk) An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations - Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218, Subpart HH (Motor Vehicle Refinishing);
 - ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
 - mm) Equipment used for hydraulic or hydrostatic testing;
 - nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including:

- 1) Gasoline fuel handling; and
 - 2) Motor vehicle refinishing;:-
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has been added to the water;
- pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;
- qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
- 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;
 - 2) Located at a commercial laundry; or
 - 3) Coin operated;:-
- rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
- ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
- vv) Water treatment or storage systems, as follows:
- 1) Systems for potable water or boiler feedwater;
 - 2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that

contain volatile organic material or materials listed as hazardous air pollutants pursuant to ~~Section~~ section 112(b) of the Clean Air Act;:-

- ww) Lawn care, landscape maintenance and grounds keeping activities;
- xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;
- yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 USC 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;
- zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;
- ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;
- ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;
- eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;
- fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:
 - 1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and
 - 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process

materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line;

- ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m³ that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act; ~~and~~
- hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:
- 1) The existing emission unit is permitted and has operated in compliance for the past year;
 - 2) The new control equipment will provide equal or better control of the target pollutants;
 - 3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;
 - 4) Different State or federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; and
BOARD NOTE: All sources must comply with underlying federal regulations and future State regulations.
 - 5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of that type.
BOARD NOTE: For major sources subject to Section 39.5 of the Act, where the new air pollution control equipment will require a different compliance determination method in the facility's CAAPP permit, the facility may need a permit modification to address the changed compliance determination method;:-
- iii) Replacement, addition, or modification of emission units at facilities with federally enforceable State operating permits limiting their potential to emit in circumstances where:
- 1) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit, is less than 0.1 pound per hour or 0.44 tons per year;
 - 2) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material

Safety Data Sheets for those materials, do not contain equal to or greater than 0.01 percent by weight of any hazardous air pollutant as defined under ~~Section~~ section 112(b) of the federal Clean Air Act;

- 3) The emission unit or modification is not subject to an emission standard or other regulatory requirement pursuant to ~~Section~~ section 111 of the federal Clean Air Act;
 - 4) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under ~~Section~~ section 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable State operating permit limiting the source's potential to emit; and
 - 5) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;:-
- jjj) Replacement, addition, or modification of emission units at permitted sources that are not major sources subject to Section 39.5 of the Act and that do not have a federally enforceable State ~~state~~ operating permit limiting their potential to emit, in circumstances where:
- 1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit is either:
 - A) Less than 0.1 pound per hour or 0.44 tons per year; or
 - B) Less than 0.5 pound per hour, and the permittee provides prior notification to the Agency of the intent to construct or install the unit. The unit may be constructed, installed or modified immediately after the notification is filed;
 - 2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under ~~Section~~ section 111 or 112 of the federal Clean Air Act;
 - 3) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under

Section 39.5 of the Act or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and

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

- kkk) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Section 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be followed, as applicable. Other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for the emission units or activities, nothing in this subsection shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to the emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified or located at the source;:-

- lll) Plastic injection molding equipment with an annual through-put not exceeding 5,000 tons of plastic resin in the aggregate from all plastic injection molding equipment at the source, and all associated plastic resin loading, unloading, conveying, mixing, storage, grinding, and drying equipment and associated mold release and mold cleaning agents.

(Source: Amended at 33 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 211
 DEFINITIONS AND GENERAL PROVISIONS

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211.APPENDIX A Rule into Section Table
 211.APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28].

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 R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-06 at 31 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 211.1920 Emergency or Standby Unit

“Emergency or Standby Unit” means, for a stationary gas turbine or a stationary reciprocating internal combustion engine, a unit that:

- a) Supplies power for the source at which it is located but operates only when the normal supply of power has been rendered unavailable by circumstances beyond the control of the owner or operator of the source and only as necessary to assure the availability of the engine or turbine.—An emergency or standby unit may not be operated to supplement a primary power source when the load capacity or rating of the primary power source has been reached or exceeded.
- b) Operates exclusively for firefighting or flood control or both.
- c) Operates in response to and during the existence of any officially declared disaster or state of emergency.
- d) Operates for the purpose of testing, repair or routine maintenance to verify its readiness for emergency or standby use.
- e) Notwithstanding any other subsection in this Section, emergency or standby units may operate an additional 50 hours per year in non-emergency situations.

The term does not include equipment used for purposes other than emergencies, as described above, such as to supply power during high electric demand days.

(Source: Amended at 33 Ill. Reg., _____ effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
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<u>217</u> .APPENDIX A	Rule into Section Table
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<u>217</u> .APPENDIX G	Existing Reciprocating Internal Combustion Engines Affected by the NO _x SIP Call

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28].

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. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. _____, effective _____.

SUBPART Q: STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.386 Applicability

- a) The provisions of this Subpart shall apply to all:
 - 1) Stationary~~A stationary~~ reciprocating internal combustion engines ~~engine~~ listed in Appendix G of this Part ~~is subject to the requirements of this Subpart Q.~~

- 2) Stationary reciprocating internal combustion engines and turbines located at a source that emits or has the potential to emit NO_x in an amount equal to or greater than 100 tons per year and is in either the area composed of the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, or in the area composed of the Metro-East counties of Jersey, Madison, Monroe, and St. Clair, and the Township of Baldwin in Randolph County, where:
- A) The engine at nameplate capacity is rated at equal to or greater than 500 bhp output; or
- B) The turbine is rated at equal to or greater than 3.5 MW (4,694 bhp) output at 14.7 psia, 59°F and 60 percent relative humidity.
- b) Notwithstanding subsection (a)(2) of this Section, an affected unit is not subject to the requirements of this Subpart Q if the engine or turbine is or has been:
- 1) Used as an emergency or standby unit as defined by 35 Ill. Adm. Code 211.1920;
- 2) Used for research or for the purposes of performance verification or testing;
- 3) Used to control emissions from landfills, where at least 50 percent of the heat input is gas collected from a landfill;
- 4) Used for agricultural purposes, including the raising of crops or livestock that are produced on site, but not for associated businesses like packing operations, sale of equipment or repair; or
- 5) An engine with nameplate capacity rated at less than 1,500 bhp (1,118kW) output, mounted on a chassis or skids, designed to be moveable, and moved to a different source at least once every 12 months.
- c) If an exempt unit ceases to fulfill the criteria specified in subsection (b) of this Section, the owner or operator must notify the Agency in writing within 30 days after becoming aware that the exemption no longer applies and comply with the control requirements of this Subpart Q.
- d) The requirements of this Subpart Q will continue to apply to any engine or turbine that has ever been subject to the ~~control~~ requirements of Section 217.388, even if the affected unit or source ceases to fulfill the rating requirements of subsection (a) of this Section or becomes eligible for an exemption pursuant to subsection (b) of this Section.

- e) Where a construction permit, for which the application was submitted to the Agency prior to the adoption of this Subpart, is issued that relies on decreases in emissions of NO_x from existing emission units for purposes of netting or emissions offsets, such NO_x decreases shall remain creditable notwithstanding any requirements that may apply to the existing emissions units pursuant to this Subpart.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 217.388 Control and Maintenance Requirements

- a) On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (a)(4e) of this Section and comply with one of the following: either the applicable emissions concentration as set forth in subsection (a)(1) of this Section, or the requirements for an emissions averaging plan as specified in subsection (a)(2b) of this Section, or the requirements for operation as a low usage unit as specified in subsection (a)(3e) of this Section.

- 1a) ~~The owner or operator must limit~~ Limits the discharge from an affected unit into the atmosphere of any gases that contain NO_x to no more than:

A4) 150 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited rich-burn engines;

B2) 210 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-ignited lean-burn engines, except for existing spark-ignited Worthington engines that are not listed in Appendix G;

C3) 365 ppmv (corrected to 15 percent O₂ on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;

D4) 660 ppmv (corrected to 15 percent O₂ on a dry basis) for diesel engines;

E5) 42 ppmv (corrected to 15 percent O₂ on a dry basis) for gaseous fuel-fired turbines; and

F6) 96 ppmv (corrected to 15 percent O₂ on a dry basis) for liquid fuel-fired turbines.

- 2b) ~~The owner or operator must comply~~ Complies with an emissions averaging plan as provided for in either subsection (a)(2)(A) or (a)(2)(B)(b)(1) or (b)(2) of this Section:

- A1) ~~For any affected unit identified by Section 217.386: The~~ requirements of the applicable emissions averaging plan as set forth in Section 217.390; or
- B2) ~~For units identified in Section 217.386(a)(1)(B)(a)(2):~~ The requirements of an emissions averaging plan adopted pursuant to any other Subpart of this Part. For such affected engines and turbines the applicable requirements of this Subpart apply, including, but not limited to, calculation of NO_x allowable and actual emissions rates, compliance dates, monitoring, testing, reporting, and recordkeeping.
- 3e) ~~Operates, for~~ For units not listed in Appendix G, The owner or operator operates the affected unit as a low usage unit pursuant to subsection (a)(3)(A) or (a)(3)(B)(e)(1) or (e)(2) of this Section. Low usage units that are not part of an emissions averaging plan are not subject to the requirements of this Subpart Q except for the requirements to inspect and maintain the unit pursuant to subsection (a)(4)(d) of this Section, test as required by Section 217.394(f), and retain records pursuant to Section 217.396(b) and (d). Either the limitation in subsection (a)(3)(A) or (a)(3)(B) (e)(1) or (e)(2) may be utilized at a source, but not both:
- A1) The potential to emit (PTE) is no more than 100 TPY NO_x aggregated from all engines and turbines located at the source that are not otherwise exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) (a) or (b) of this Section, and the NO_x PTE limit is contained in a federally enforceable permit; or
- B2) The aggregate bhp-hrs/MW-hrs from all affected units located at the source that are not exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) (a) or (b) of this Section, are less than or equal to the bhp-hrs and MW-hrs operation limit listed in subsections (a)(3)(B)(i) and (a)(3)(B)(ii) (e)(2)(A) and (e)(2)(B) of this Section. The operation limits of subsections (a)(3)(B)(i) and (a)(3)(B)(ii) (e)(2)(A) and (e)(2)(B) of this Section must be contained in a federally enforceable permit, except for For units that drive a natural gas compressor station but that are not located at a natural gas compressor station or storage facility, the operation limits of subsections (e)(2)(A) and (e)(2)(B) of this Section must be contained in a federally enforceable permit. The operation limits are:
- iA) 8 mm bhp-hrs or less on an annual basis for engines; and

iiB) 20,000 MW-hrs or less on an annual basis for turbines.

4d) ~~The owner or operator must inspect~~ Inspects and ~~performs~~ perform periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:

A1) For a unit not located at natural gas transmission compressor station or storage facility, either:

iA) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or

iiB) If the original equipment manual is not available or substantial modifications have been made that require an alternative procedure for the applicable air pollution control device, monitoring device, or affected unit, the owner or operator must establish a plan for inspection and maintenance in accordance with what is customary for the type of air pollution control equipment, monitoring device, and affected unit.

B2) For a unit located at a natural gas compressor station or storage facility, the operator's maintenance procedures for the applicable air pollution control device, monitoring device, and affected unit.

b) Owners and operators of affected units may change the method of compliance with this Subpart, as follows:

1) When changing the method of compliance from subsection (a)(3)(e) of this Section to subsection (a)(1) or (a)(2)(a) or (b) of this Section, the owner or operator must conduct testing and monitoring according to the requirements of subsections (a) through (e) of Section 217.394(a) through (e), as applicable. For this purpose, references to the "applicable compliance date" in Section 217.394(a)(2) and (a)(3) shall mean the date by which compliance with subsections (a) through (e) of this SectionSection 217.388(a) or (b) is to begin.

2) An owner or operator of an affected unit that is changing the method of compliance from subsection (a)(1) or (a)(2) (a) or (b) of this Section to subsection (c) of this Section must:

A) Continue to operate the affected unit's control device, if that unit relied upon a NO_x emissions control device for compliance with the requirements of subsection (a)(1) or (a)(2)(a) or (b) of this

Section; and

- B) Prior to changing the method of compliance to subsection (c) of this Section, complete any outstanding initial performance testing, subsequent performances testing or monitoring as required by Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the deadline for such testing or monitoring has not yet occurred (e.g., the five-year testing or monitoring sequence has not yet elapsed), the owner or operator must complete the test or monitoring prior to changing the method of compliance to subsection (a)(3)(e) of this Section. After changing the method of compliance to subsection (a)(3)(e) of this Section, no additional testing or monitoring will be required for the affected unit while it is complying with subsection (a)(3)(e) of this Section, except as provided for in Section 217.394(f).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 217.390 Emissions Averaging Plans

- a) An owner or operator of certain affected units may comply through an emissions averaging plan.
- 1) ~~A~~The unit or units that commenced operation before January 1, 2002, may be included in only one~~an~~ emissions averaging plan, as follows:
- A) ~~units~~Units:
- i) ~~Listed in Appendix G and~~Located at a single source or at multiple sources in Illinois; to address compliance for units identified in Section 217.386(a)(1), so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations. ~~A unit may be listed in only one emissions averaging plan; or~~
- ii) ~~Identified in Section 217.386(a)(2), and~~Located at a single source or at multiple sources in either the Chicago area counties or Metro-East area counties; to address compliance for units identified in Section 217.386(a)(2), so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations.
- B) Units that have a compliance date later than the control period for which the averaging plan is being used for compliance; and

- C) Units which that are not otherwise subject to this Subpart (so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations) or that the owner or operator may claim as exempt pursuant to Section 217.386(b) but does not claim as exempt. For as long as such unit is included in an emissions averaging plan, it will be treated as an affected unit and subject to the applicable emission concentration, limits, testing, monitoring, recordkeeping and reporting requirements; and:
- D) Units thatwhich comply with the requirements for low usage units set forth in Section 217.388(a)(3)(e), so long as the unit or units operates NO_x emissions control technology. For as long as such unit is included in an emissions averaging plan, it will be subject to the applicable emission concentration limits in subsection (g)(7) of this Section, the applicable testing and monitoring requirements for affected units in subsections (a) through (e) of Section 217.394(a) through (e), and the applicable recordkeeping and reporting requirements for affected and low usage units in subsections (a) through (d) of Section 217.396(a) through (d).

2) The following types of units may not be included in an emissions averaging plan:

- A) Units that commence operation after January 1, 2002, unless the unit or units replaces a unit or units described in subsection (a)(1) of this Section ~~an engine or turbine~~ that commenced operation on or before January 1, 2002, or ~~the unit or units~~ ~~it~~ replaces ~~a unit or units described in subsection (a)(1) of this Section~~ ~~an engine or turbine~~ that replaced a unit or units described in subsection (a)(1) of this Section that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO_x emissions on annual basis than the actual NO_x emissions as of the replacement unit or units that are replaced. The owner or operator of a unit that is ~~shutdown~~ ~~shut down~~ and replaced must comply with the provisions of Section 217.396(c)(3) before the replacement unit may be included in an emissions averaging plan.
- B) Units thatwhich the owner or operator is claiming are exempt pursuant to Section 217.386(b) ~~or as low usage units pursuant to Section 217.388(e).~~

b) An owner or operator must submit an emissions averaging plan to the Agency by

the applicable compliance date set forth in Section 217.392, or by May 1 of the year in which the owner or operator is using a new emissions averaging plan to comply.

- 1) The plan must include, but is not limited to:
 - 1A) The list of affected units included in the plan by unit identification number and permit number.
 - 2B) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for both the ozone season and calendar year.
- 2) The plan will be effective as follows:
 - A) An initial plan for units required to comply by January 1, 2008_s is effective January 1, 2008;
 - B) An initial plan for units required to comply by May 1, 2010_s is effective May 1, 2010_s for those units;
 - C) A new plan submitted pursuant to subsection (b) of this Section but not submitted by January 1, 2008_s or May 1, 2010_s is effective retroactively to January 1 of the applicable year;
 - D) An amended plan submitted pursuant to subsection (c) of this Section is effective retroactively to January 1 of the applicable year; or
 - E) An amended plan submitted pursuant to subsection (d) of this Section is effective on the date it is received by the Agency.
- c) An owner or operator may amend an emissions averaging plan only once per calendar year. An amended plan must include the information from subsection (b)(1) and may change, but is not limited to changing the group of affected units or reflecting changes in the operation of the affected units. An amended plan must be submitted to the Agency by May 1 of the applicable calendar year and is effective as set forth in subsection (b)(2) of this Section. If an amended plan is not received by the Agency by May 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.
- d) Notwithstanding subsection (c) of this Section, an owner or operator, and the buyer or seller, if applicable_s; ~~must~~
 - 1) Must submit an updated emissions averaging plan or plans to the Agency within 60 days; if a unit that is listed in an emissions averaging plan is sold

or taken out of service.

- 2) May amend its emissions averaging plan to include another unit within 30 days after discovering that the unit no longer qualifies as an exempt unit pursuant to Section 217.386(b) or as a low usage unit pursuant to Section 217.388(a)(3)(e).
- 3) May submit an updated emissions averaging plan or plans to the Agency within 60 days after purchasing a new unit to include the new unit.

e) An owner or operator must:

- 1) Demonstrate compliance for both the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b), (c), or (d) of this Section; the higher of the monitoring or test data determined pursuant to Section 217.394; and the actual hours of operation for the applicable control period;
- 2) Notify the Agency by October 31 following the ozone season, if compliance cannot be demonstrated for that ozone season; and
- 3) Submit to the Agency by January 31 following each calendar year, a compliance report containing the information required by Section 217.396(c)(4).

f) The total mass of actual NO_x emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO_x emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

$$N_{\text{act}} \leq N_{\text{all}}$$

Where:

$$N_{\text{act}} = \sum_{i=1}^n EM_{\text{act}(i)}$$

$$N_{\text{all}} = \sum_{i=1}^n EM_{\text{all}(i)}$$

N_{act} = Total sum of the actual NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

N_{all} = Total sum of the allowable NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

$EM_{all(i)}$	=	Total mass of allowable NO_x emissions in lbs for a unit as determined in subsection (g)(2) or (h)(2) of this Section.
$EM_{act(i)}$	=	Total mass of actual NO_x emissions in lbs for a unit as determined in subsection (g)(1) or (h)(1) of this Section.
i	=	Subscript denoting an individual unit and fuel used.
n	=	Number of different units in the averaging plan.

g) For each unit in the averaging plan, and each fuel used by a unit, determine actual and allowable NO_x emissions using the following equations, except as provided for in subsection (h) of this Section:

1) Actual emissions must be determined as follows:

$$EM_{act(i)} = E_{act(i)} \times H_i$$

$$E_{act(i)} = \frac{\sum_{j=1}^m C_{d(act(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

2) Allowable emissions must be determined as follows:

$$EM_{all(i)} = E_{all(i)} \times H_i$$

$$E_{all(i)} = \frac{\sum_{j=1}^m C_{d(all)} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

Where:

$EM_{act(i)}$	=	Total mass of actual NO_x emissions in lbs for a unit, except as provided for in subsections (g)(3) and (g)(5) of this Section.
$EM_{all(i)}$	=	Total mass of allowable NO_x emissions in lbs for a unit, except as provided for in subsection (g)(3) of this Section.
E_{act}	=	Actual NO_x emission rate (lbs/mmBtu) calculated according to the above equation.
E_{all}	=	Allowable NO_x emission rate (lbs/mmBtu) calculated according to the above equation, <u>as applicable</u> .
H	=	Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.
$C_{d(act)}$	=	Actual concentration of NO_x in lb/dscf (ppmv x 1.194×10^{-7}) on a dry basis for the fuel used. Actual concentration is determined on each of the most recent test

		runs or monitoring passes performed pursuant to Section 217.394, whichever is higher.
$C_{d(all)}$	=	Allowable concentration of NO_x in lb/dscf (allowable emission limit in ppmv specified in Section 217.388(a)(1), except as provided for in subsection (g)(4), (g)(5), (g)(6) , or (g)(7) of this Section, if applicable, (multiplied by 1.194×10^{-7}) on a dry basis for the fuel used.
F_d	=	The ratio of the gas volume of the products of combustion to the heat content of the fuel (dscf/mmBtu) as given in the table of F Factors included in 40 CFR 60, Appendix A, Method 19 or as determined using 40 CFR 60, Appendix A, Method 19.
$\%O_{2d}$	=	Concentration of oxygen in effluent gas stream measured on a dry basis during each of the applicable tests or monitoring runs used for determining emissions, as represented by a whole number percent, e.g., for 18.7% O_{2d} , 18.7 would be used.
i	=	Subscript denoting an individual unit and the fuel used.
j	=	Subscript denoting each test run or monitoring pass for an affected unit for a given fuel.
m	=	The number of test runs or monitoring passes for an affected unit using a given fuel.

- 3) For a replacement unit that is electric-powered, the allowable NO_x emissions from the affected unit that was replaced should be used in the averaging calculations and the actual NO_x emissions for the electric-powered replacement unit ($EM_{(i)act\ elec(i)}$) are zero. Allowable NO_x emissions for the electric-powered replacement are calculated using the actual total bhp-hrs generated by the electric-powered replacement unit on an ozone season and on an annual basis multiplied by the allowable NO_x emission rate in lb/bhp-hr of the replaced unit. The allowable mass of NO_x emissions from an electric-powered replacement unit ($EM_{(i)all\ elec(i)}$) must be determined by multiplying the nameplate capacity of the unit by the hours operated during the ozone season or annually and the allowable NO_x emission rate of the replaced unit ($E_{all\ rep}$) in lb/mmBtu converted to lb/bhp-hr. For this calculation the following equation should be used:

$$EM_{all\ elec(i)} = bhp \times OP \times F \times E_{all\ rep(i)}$$

Where:

$EM_{all\ elec(i)}$ = Mass of allowable NO_x emissions from the electric-powered replacement unit in pounds per ozone season or calendar year.

bhp = Nameplate capacity of the electric-powered

replacement unit in brake-horsepower.
 OP = Operating hours during the ozone season or calendar year.
 F = Conversion factor of 0.0077 mmBtu/bhp-hr.
 $E_{\text{all rep}(i)}$ = Allowable NO_x emission rate (lbs/mmBtu) of the replaced unit.
 i = Subscript denoting an individual electric unit and the fuel used.

- 4) For a replacement unit that is not electric, the allowable NO_x emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air ~~p~~Pollutant eEmission Factors: AP-42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104 for the unit that was replaced.
- 5) For a unit that is replaced with purchased power, the allowable NO_x emissions rate used in the ~~above~~ equations set forth in subsection (g)(2) of this Section must be the emissions concentration ~~as~~ set forth in Section 217.388(a)(1) or subsection (g)(6) of this Section, when applicable, for the type of unit that was replaced. For owners or operators replacing units with purchased power, the annual hours of operations that must be used are the calendar year hours of operation for the unit that was ~~shutdown~~ shut down, averaged over the three-year period prior to the shutdown. The actual NO_x emissions for the units replaced by purchased power ($EM_{(i)\text{act}}$) are zero. These units may be included in any emissions averaging plan for no more than five years beginning with the calendar year that the replaced unit is shut down.
- 6) For units that have a later compliance date~~non-Appendix G units used in an emissions averaging plan~~, allowable emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be:
 - A) Prior to the applicable compliance date pursuant to Section 217.392, the higher of the actual NO_x emissions as determined by testing or monitoring data; or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Areas Sources, as incorporated by reference in Section 217.104); or
 - B) On and after the unit's applicable compliance date pursuant to Section 217.392, the applicable emissions concentration for that type of unit pursuant to Section 217.388(a)(1).
- 7) For a low usage unit complying with the requirements of Section

217.388(a)(3)(e) and used in an emissions averaging plan, the allowable NO_x emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104.

- h) For units that use CEMS₂ the data must show that the total mass of actual NO_x emissions determined pursuant to subsection (h)(1) of this Section is less than or equal to the allowable NO_x emissions calculated in accordance with the equations in subsections (f) and (h)(2) of this Section for both the ozone season and calendar year. The equations in subsection (g) of this Section will not apply.
- 1) The total mass of actual NO_x emissions in lbs for a unit (EM_{act}) must be the sum of the total mass of actual NO_x emissions from each affected unit using CEMS data collected in accordance with 40 CFR 60 or 75, or alternate methodology that has been approved by the Agency or USEPA and included in a federally enforceable permit.
 - 2) The allowable NO_x emissions must be determined as follows:

$$EM_{all(i)} = \sum_{j=1}^m (Cd_j * flow_j * 1.194 \times 10^{-7})$$

Where:

- EM_{all(i)} = Total mass of allowable NO_x emissions in lbs for a unit.
~~Flow_i~~ Flow_i = Stack flow (dscf/hr) for a given stack.
~~Cd_i~~ Cd_i = Allowable concentration of NO_x (ppmv) specified in Section 217.388(a)(1) for a given stack. (1.194 x 10⁻⁷) converts to lb/dscf).
 j = subscript denoting each hour operation of a given unit.
 m = Total number of hours of operation of a unit.
 i = Subscript denoting an individual unit and the fuel used.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 217.392 Compliance

- a) On and after January 1, 2008, an owner or operator of an affected engine listed in Appendix G may not operate the affected engine unless the requirements of this Subpart Q are met ~~or the affected engine is exempt pursuant to Section 217.386(b).~~

- b) On and after May 1, 2010, an owner or operator of a unit identified by Section 217.386(a)(2), and that is not listed in Appendix G, may not operate the affected unit unless the requirements of this Subpart Q are met or the affected unit is exempt pursuant to Section 217.386(b).
- c) Owners and operators of an affected unit may use NO_x allowances to meet the compliance requirements in Section 217.388 as specified below in this subsection (c). A NO_x allowance is defined as an allowance used to meet the requirements of a NO_x trading program in which the State of Illinois participates, administered by USEPA where one allowance is equal to one ton of NO_x emissions.
- 1) NO_x allowances may be used only under the following circumstances:
- A) An anomalous or unforeseen operating scenario inconsistent with historical operations for a particular ozone season or calendar year that causes an exceedance of an emissions or operating hour limitation;
- B) To achieve compliance for no more than two events in any rolling five-year period; and
- C) If the anomalous or unforeseen operating scenario occurs during an ozone season, it counts as a single event for purposes of the calendar year even if there is an exceedance of both an ozone season emission limitation and an annual emissions limitations as a result of such operating scenario; and
- ED) For a unit that is not listed in Appendix G.
- 2) The owner or operator of the affected unit must surrender to the Agency a NO_x allowance for each ton or portion of a ton of NO_x by which actual emissions exceed allowed emissions, as follows:
- A) Where a low usage limitation under Section 217.388(a)(3)(B)(e)(2) has been exceeded, the owner or operator of the affected unit must calculate the NO_x emissions resulting from the number of hours that exceeded the operating hour low usage limit and surrender to the Agency one NO_x allowance for each ton or portion of a ton of NO_x that was calculated.
- B) For noncompliance with a limitation in an emissions averaging plan that which includes low usage units, the owner or operator of the affected low usage unit must calculate the NO_x emissions using the applicable allowable emissions concentration from Section 217.388(a)(1).

- C) For noncompliance with a seasonal limit in Section 217.388(a)(2)(b), only a NO_x ozone season allowance must be used.
- D) For noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3)(e) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2)(b), only a NO_x annual allowance may be used.
- E.) Notwithstanding the provisions of subsections (c)(2)(C) and (c)(2)(D) of this Section, if a NO_x annual trading program does not exist, a NO_x ozone season allowance may be used for noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3)(e) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2)(b).
- 3) The owner or operator must submit a report documenting the circumstances that required the use of NO_x allowances and identify what actions will be taken in subsequent years to address these circumstances and must transfer the NO_x allowances to the Agency's federal NO_x retirement account. The report and the transfer of allowances must be submitted by October 31 for exceedances during the ozone season and March 1 for exceedances of the emissions concentration limits, the annual emissions averaging plan limits, or low usage limitations. The report must contain the NATS serial numbers of the NO_x allowances.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 217.394 Testing and Monitoring

- a) An owner or operator must conduct an initial performance test pursuant to subsection (c)(1) or (c)(2) of this Section as follows:
- 1) By January 1, 2008, for affected engines listed in Appendix G. Performance tests must be conducted on units listed in Appendix G, even if the unit is included in an emissions averaging plan pursuant to Section 217.388(a)(2)(b).
 - 2) By the applicable compliance date as set forth in Section 217.392, or within~~Within~~ the first 876 hours of operation per calendar year, whichever is later:
 - A) Performance tests must be conducted on For affected units not listed in Appendix G that operate more than 876 hours per calendar

year; and

- B) For units that are not affected units that are included in an emissions averaging plan and operate more than 876 hours per calendar year.
- 3) Once within the five-year period after the applicable compliance date as set forth in Section 217.392;
- A) For affected units that operate fewer than 876 hours per calendar year; and. Performance tests must be conducted on
 - B) For units that are not affected units that are included in an emissions averaging plan and that operate fewer than 876 hours per calendar year.
- b) An owner or operator of an engine or turbine must conduct subsequent performance tests pursuant to subsection (eb)(1), ~~or (eb)(2), and (b)(3)~~ of this Section as follows:
- 1) For affected engines listed in Appendix G and all units included in an emissions averaging plan, once every five years. Testing must be performed in the calendar year by May 1 or within 60 days after starting operation, whichever is later;
 - 2) If the monitored data shows that the unit is not in compliance with the applicable emissions concentration or emissions averaging plan, the owner or operator must report the deviation to the Agency in writing within 30 days and conduct a performance test pursuant to subsection (c) of this Section within 90 days of the determination of noncompliance; and
 - 3) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.
- c) Testing Procedures:
- 1) For an engine: The owner or operator must conduct a performance test using Method 7 or 7E of 40 CFR 60, appendix A, as incorporated by reference in Section 217.104. Each compliance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the affected unit is operating at peak load. If the unit combusts more than one type of fuel (gaseous or liquid), including backup

fuels, a separate performance test is required for each fuel.

- 2) For a turbine ~~included in an emissions averaging plan~~: The owner or operator must conduct a performance test using the applicable procedures and methods in 40 CFR 60.4400, as incorporated by reference in Section 217.104.
- d) Monitoring: Except for those years in which a performance test is conducted pursuant to subsection (a) or (b) of this Section, the owner or operator of an affected unit or a unit included in an emissions averaging plan must monitor NO_x concentrations annually, once between January 1 and May 1 or within the first 876 hours of operation per calendar year, whichever is later. If annual operation is less than 876 hours per calendar year, each affected unit must be monitored at least once every five years. Monitoring must be performed as follows:
- 1) A portable NO_x monitor ~~and~~ utilizing method ASTM D6522-00, as incorporated by reference in Section 217.104, or a method approved by the Agency must be used. If the engine or turbine combusts both liquid and gaseous fuels as primary or backup fuels, separate monitoring is required for each fuel.
 - 2) NO_x and O₂ concentrations measurements must be taken three times for a duration of at least 20 minutes. Monitoring must be done at highest achievable load. The concentrations from the three monitoring runs must be averaged to determine whether the affected unit is in compliance with the applicable emissions concentration or emissions averaging plan, as specified in Section 217.388.
- e) Instead of complying with the requirements of subsections (a), (b), (c) and (d) of this Section, an owner or operator may install and operate a CEMS on an affected unit that meets the applicable requirements of 40 CFR 60, subpart A, and appendix B or 40 CFR 75, incorporated by reference in Section 217.104, and complies with the quality assurance procedures specified in 40 CFR 60, appendix F, or 40 CFR 75, as incorporated by reference in Section 217.104, or an alternate procedure as approved by the Agency or USEPA in a federally enforceable permit. The CEMS must be used to demonstrate compliance with the applicable emissions concentration or emissions averaging plan only on an ozone season and annual basis.
- f) The testing and monitoring requirements of this Section do not apply to affected units in compliance with the requirements of the low usage limitations pursuant to Section 217.388(a)(3)(e) or low usage units using NO_x allowances to comply with the requirements of this Subpart pursuant to Section 217.392(c), unless such units are included in an emissions averaging plan. Notwithstanding these the above circumstances, when, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or

operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 217.396 Recordkeeping and Reporting

- a) Recordkeeping. The owner or operator of any a-unit included in an emissions averaging plan (e.g., affected units, nonsubject units, units that could be exempt pursuant to Section 217.386(b), and low usage units) or an affected unit that is not exempt pursuant to Section 217.386(b) and is not subject to the low usage exemption of Section 217.388(a)(3)(e) of an Appendix G unit or a unit included in an emissions averaging plan must maintain records that demonstrate compliance with the requirements of this Subpart Q, which include, but are not limited to:
- 1) Identification, type (e.g., lean-burn, gas-fired), and location of each unit.
 - 2) Calendar date of the record.
 - 3) The number of hours the unit operated on a monthly basis; and during each ozone season.
 - 4) Type and quantity of the fuel used on a daily basis.
 - 5) The results of all monitoring performed on the unit and reported deviations.
 - 6) The results of all tests performed on the unit.
 - 7) The plan for performing inspection and maintenance of the units, air pollution control equipment, and the applicable monitoring device pursuant to Section 217.388(a)(4)(d)(e).
 - 8) A log of inspections and maintenance performed on the unit's air emissions, monitoring device, and air pollution control device. These records must include, at a minimum, date, load levels and any manual adjustments, along with the reason for the adjustment (e.g., air to fuel ratio, timing or other settings).
 - 9) If complying with the emissions averaging plan provisions of Sections 217.388(a)(2)(b) and 217.390, copies of the calculations used to demonstrate compliance with the ozone season and annual control period limits, noncompliance reports for the ozone season, and ozone and annual control period compliance reports submitted to the Agency.

- 10) Identification of time periods for which operating conditions and pollutant data were not obtained by either the CEMS or alternate monitoring procedures, including the reasons for not obtaining sufficient data and a description of corrective actions taken.
 - 11) Any NO_x allowance reconciliation reports submitted pursuant to Section 217.392(c)(3).
- b) The owner or operator of an affected unit or unit included in an emissions averaging plan must maintain the records required by subsection (a) or (d) of this Section, as applicable, for a period of five years at the source at which the unit is located. The records must be made available to the Agency and USEPA upon request.
- c) Reporting Requirements
- 1) The owner or operator must notify the Agency in writing 30 days and five days prior to testing, pursuant to Section 217.394(a) and (b) and:
 - A) If, after the 30-days notice for an initially scheduled test is sent, there is a delay (e.g., due to operational problems) in conducting the performance test as scheduled, the owner or operator of the unit must notify the Agency as soon as possible of the delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test; or by arranging a new test date with the Agency by mutual agreement;
 - B) Provide a testing protocol to the Agency 60 days prior to testing; and
 - C) Not later than 30 days after the completion of the test, submit the results of the test to the Agency.
 - 2) Pursuant to the requirements for monitoring in Section 217.394(d), the owner or operator of the unit must report to the Agency any monitored exceedances of the applicable NO_x concentration from Section 217.388(a)(1) or (a)(2)(b) within 30 days after performing the monitoring.
 - 3) Within 90 days after permanently shutting down an affected unit or a unit included in an emissions averaging plan, the owner or operator of the unit must withdraw or amend the applicable permit to reflect that the unit is no longer in service.
 - 4) If demonstrating compliance through an emissions averaging plan:
 - A) By October 31 following the applicable ozone season, the owner or

operator must notify the Agency if he or she cannot demonstrate compliance for that ozone season; and

- B) By January ~~31~~³⁰ following the applicable calendar year, the owner or operator must submit to the Agency a report that demonstrates the following:
- i) For all units that are part of the emissions averaging plan, the total mass of allowable NO_x emissions for the ozone season and for the annual control period;
 - ii) The total mass of actual NO_x emissions for the ozone season and annual control period for each unit included in the averaging plan;
 - iii) The calculations that demonstrate that the total mass of actual NO_x emissions are less than the total mass of allowable NO_x emissions using equations in Sections 217.390(f) and (g); and
 - iv) The information required to determine the total mass of actual NO_x emissions and the calculations performed in subsection ~~(c)~~(4)(B)(iii) of this Section.
- 5) If operating a CEMS, the owner or operator must submit an excess emissions and monitoring systems performance report in accordance with the requirements of 40 CFR 60.7(c) and 60.13; or 40 CFR 75, incorporated by reference in Section 217.104, or an alternate procedure approved by the Agency or USEPA and included in a federally enforceable permit.
- 6) If using NO_x allowances to comply with the requirements of Section 217.388, reconciliation reports as required by Section 217.392(c)(3).
- d) The owner or operator of an affected unit that is complying with the low usage provisions of Section 217.388(a)(3)(e) must:
- 1) For each unit complying with Section 217.388(a)(3)(A)(e)(1), maintain a record of the NO_x emissions for each calendar year;
 - 2) For each unit complying with Section 217.388(a)(3)(B)(e)(2), maintain a record of bhp or MW-hours operated each calendar year; and
 - 3) For each unit utilizing NO_x allowances for compliance pursuant to Section 217.392(c)(3), maintain and submit any NO_x allowance reconciliation reports.

- e) Instead of complying with the requirements of subsection (a) of this Section,; subsection (b) of this Section,; subsections (c)(1) through (c)(4) of this Section; and subsection (d) of this Section,; an owner or operator of an affected unit complying with the requirements of Section 217.388(a)(1) and operating a CEMS on that unit may meet the applicable testing, monitoring, reporting and recordkeeping requirements for that CEMS of 40 CFR 75, as incorporated by reference in Section 217.104.

(Source: Amended at 33 Ill. Reg. _____, effective _____).

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 23, 2009, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board