TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 213

REGULATION OF COKE OR COAL BULK TERMINALS

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

SOURCE: Emergency Rule adopted at 38 Ill. Reg. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, effective \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, for a maximum of 150 days.

### SUBPART A: INTRODUCTION

**Section 213.110 Purpose and Applicability**

**EMERGENCY**

The requirements in this Part apply to coke or coal bulk terminals. Subpart B sets forth controls for fugitive dust emissions from the storage, handling, blending, processing, transport, or other management of coke and coal from bulk terminals. Subpart C sets forth controls intended to prevent water pollution. Subpart D sets forth hazardous waste determination requirements applicable to coke. The requirements set forth in this Part are intended to supplement other applicable laws and regulations.

**Section 213.115 Definitions**

**EMERGENCY**

For purposes of this Part, the following definitions apply.

“100-Year, 24-Hour Precipitation Event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 100 years, as defined by NOAA Atlas 14; Precipitation Frequency Atlas of the United States, incorporated by reference in Section 213.125.

“Act” means the Illinois Environmental Protection Act.

“Board” means Illinois Pollution Control Board.

“Coke” means a solid carbonaceous material derived from the distillation of coal (including metallurgical coke) or from oil refinery coker units or other cracking processes (including petroleum coke).

“Coke or coal bulk terminal” means a source, site, or facility where coke or coal is stored, handled, blended, processed, transported, or otherwise managed, other than the source, site, or facility that produces or consumes the coke or coal. A coke or coal bulk terminal typically receives coke or coal from one type of vehicle – such as a truck, railcar, barge, or lake vessel – and transfers the coke or coal to another type of vehicle, often while temporarily storing the coke or coal between receipt and transfer.

“Moist” means having a moisture content that is in no place less than 8.3% by weight for coke, and 7.6% by weight for coal.

“Operator” means the operator of a coke or coal bulk terminal.

“Owner” means the owner of a coke or coal bulk terminal.

“Restricted Area” means the area within the boundaries of any “municipality” as defined in the Illinois Municipal Code (Ill. Rev. Stat. 1981, ch. 24, par. 1-1-2), plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest federal census.

“Separation pond” means a container for separating coke or coal from water by gravity, which has a liquid water surface at all points.

“Transfer point” means any point where material being moved, carried, conveyed, or transported is dropped or deposited, other than points where material is being loaded to or unloaded from railcars or marine vessels.

“Vehicle” means any car, truck, railcar, off-road mobile heavy equipment, or marine vessel.

“Water spray system” means a dust suppression technique that uses water or water-based solutions delivered through pipes, tubes, or hoses that are fitted with one or more nozzles and operated at pressures ranging from 1 to 2000 psi.

**Section 213.120 Compliance Date**

**EMERGENCY**

The effective date of this Part is the date such Part is filed with the Illinois Secretary of State.

**Section 213.125 Incorporation by Reference**

**EMERGENCY**

The Board incorporates the following material by reference:

“NOAA Atlas 14: Precipitation-Frequency Atlas of the United States,” United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Volume 2, Version 3.0 (2004), revised 2006. Available from NOAA, NWS, Office of Hydrologic Development, 1325 East West Highway, Silver Spring, MD 20910 (Available online at <http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas14_Volume2.pdf>).

**Section 213.130 Other Provisions of the Illinois Environmental Protection Act**

**EMERGENCY**

a) These rules apply in addition to any other laws and regulations, including but not limited to Section 34 of the Act.

b) Any violation of the provisions of this Part may result in enforcement action pursuant to Title VIII of the Act, and/or penalties pursuant to Title XII of the Act.

**Section 213.135 Public Comments**

**EMERGENCY**

a)        The Agency must post all plans submitted to the Agency pursuant to Sections 213.220, 213.225, 213.265(c), 213.275(b), or 213.325 of this Part on the Agency’s website for at least thirty (30) days.

b)       The Agency must accept written comments regarding a plan described in subsection (a) of this Section for thirty (30) days, beginning on the date the plan is posted on the Agency’s website. The Agency must take such comments into consideration.

c) The Agency may, in its sole discretion, respond to comments received pursuant to subsection (b) of this Section, but a response is not required.

**SUBPART B: FUGITIVE DUST CONTROLS**

**Section 213.210 Applicability**

**EMERGENCY**

This Subpart is intended to supplement other requirements in 35 Ill. Adm. Code Part 212 to add detail to specific aspects of coke and coal storage, handling, blending, processing, transport, and other management.

**Section 213.213 Definitions**

**EMERGENCY**

Except as otherwise provided in this Part, the definitions of 35 Ill. Adm. Code 201 and 211 apply to this Subpart.

**Section 213.215** **Storage Limitation**

**EMERGENCY**

a) No later than sixty (60) days after the effective date of this Part, the owner or operator must remove all coke and coal that have been at the source for more than one year, and transfer such material to a location that complies with the requirements of the Illinois Environmental Protection Act and applicable regulations.

b) Except as provided under subsection (a) of this Section, the owner or operator must remove coke and coal from the source no later than one year after the date such materials were received at the source.

**Section 213.220 Plan for Total Enclosure**

**EMERGENCY**

No later than forty-five (45) days after the effective date of this Part, the owner or operator must submit to the Agency a plan for total enclosure of all coke piles, coal piles, conveyors, transfer points, truck loading and unloading areas, screening areas, crushing areas, and sizing areas at the source as quickly as possible, but in no event later than two years after the effective date of this Part. Such plan must include design specifications for the enclosure(s), which, at minimum, must comply with the following requirements. Any plan deficiencies noted by the Agency must be corrected within forty-five (45) days of written notification by the Agency:

a) Structures or buildings must be equipped with, maintain, and use as needed a water spray system or permitted air pollution control equipment sufficient to control fugitive dust emissions at designed vents and at entrances and exits for material or vehicles;

b) The pad, base, or flooring area of the structures or buildings must be impermeable;

c) All entrances and exits must have overlapping flaps, sliding doors, or other equivalent device(s) approved in writing by the Agency, which must remain closed except to allow entry or exit. Any device approved by the Agency pursuant to this subsection must be capable of achieving the same level of fugitive dust control provided by overlapping flaps or sliding doors;

d) Structures or buildings must comply with all applicable building code requirements; and

e) The owner or operator must utilize best practices to minimize the risk of fire or explosion within the enclosure.

**Section 213.225 Coke and Coal Fugitive Dust Plan**

**EMERGENCY**

No later than (45) days after the effective date of this Part, the owner or operator must prepare, submit to the Agency (directed to the Manager of the Bureau of Air’s Compliance Section), and follow a Coke and Coal Fugitive Dust Plan. The plan must contain all of the information specified in 35 Ill. Adm. Code 212.310 and demonstrate compliance with all of the requirements set forth in this Subpart. The plan must be updated on at least a semi-annual basis, or within 30 days after any change in transfer equipment or controls, and be submitted to the Agency on or before January 31 and July 31 of each year. Any plan deficiencies noted by the Agency must be corrected within forty-five (45) days of written notification by the Agency.

**Section 213.230 Property Boundary Setbacks**

**EMERGENCY**

In Cook County and Restricted Areas, beginning sixty (60) days after the effective date of this Part, coke piles, coal piles, and transfer points that are not totally enclosed at a source must be located at least 200 feet inside the property line of the source.

**Section 213.235 Pile Height**

**EMERGENCY**

Beginning sixty (60) days after the effective date of this Part, the vertical distance from grade immediately adjacent to a pile to the highest point of that pile must not exceed thirty (30) feet.

**Section 213.240 Wind Events**

**EMERGENCY**

The owner or operator must suspend disturbance of coke piles and coal piles that are not totally enclosed, including but not limited to loading, unloading, transferring, and blending activities, when wind speeds at the source exceed twenty-five (25) miles per hour. No later than five (5) days after the effective date of this Part, the owner or operator must install and maintain a weather station or other device to monitor wind speed at the source. Determination of wind speed for the purposes of this Section shall be by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site. In cases where the duration of operations subject to this Section is less than one hour, wind speed may be averaged over the duration of the operations on the basis of on-site wind speed instrument measurements.

**Section 213.245 Paving**

**EMERGENCY**

No later than ninety (90) days after the effective date of this Part, the owner or operator must pave, in a manner sufficient to handle the expected level of traffic at the source, and maintain as paved all roads used within the source and discontinue use of non-paved roads.

**Section 213.250 Roadways and Railways**

**EMERGENCY**

The owner or operator must comply with the following:

a) Use a street sweeper equipped with a water spray and vacuum system equipped with a filter collection device, system, or equivalent to clean all roads used to transport coke or coal at the source and within one quarter mile of the perimeter of the source. Street sweeping must take place at least once every four hours or after every 100 truck material receipts or dispatches, but not less than once per calendar day when the source is open for business;

b) Record on a daily basis the date and time(s) when street sweeping is performed and the truck count between sweepings, and provide such records to the Agency upon request; and

c) Maintain railways at railcar loading and unloading stations free of loose and spilled material.

**Section 213.260 Transfer Points**

**EMERGENCY**

Beginning thirty (30) days after the effective date of this Part, the owner or operator must comply with the following for each transfer point that is not totally enclosed:

a) Transfer only moist material;

b) Install and operate water spray bars, a misting system, water hoses, or similar devices sufficient to prevent visible fugitive dust during operations; or

c) When transferring coke or coal into vehicles and piles, utilize choke-feeding to minimize fugitive dust emissions.

**Section 213.265 Dust Suppression System**

**EMERGENCY**

Beginning thirty (30) days after the effective date of this Part, the owner or operator must comply with the following for all coke piles and coal piles that are not totally enclosed to meet the criteria set forth in Section 213.220(a) through (e) of this Part:

a) Apply chemical dust suppressant agents and/or maintain and operate water spray bars, a misting system, water hoses, and/or water trucks to control fugitive dust emissions;

b) The dust suppression system described in subsection (a) of this Section must be operated such that coke and coal at the surface of the pile is moist at all times; and

c) Develop and implement a plan containing measures, such as water heating systems, that adequately ensure that dust suppression continues when temperatures fall below 32 degrees Fahrenheit. No later than seven (7) days after the effective date of this Part, submit such plan to the Agency (directed to the Manager of the Bureau of Air’s Compliance Section). Any plan deficiencies noted by the Agency must be corrected within seven (7) days of written notification by the Agency.

**Section 213.270 Vehicle Covers**

**EMERGENCY**

The owner or operator must not load material into any truck trailer, unless it is subsequently and immediately covered before leaving the source in one of the following manners sufficient to prevent material from escaping from the trailer:

a) A solid sliding cover on the top of the truck that is kept completely closed; or

b) A continuous tarp that completely covers the trailer and does not contact the material within the trailer. In addition, the tarp must be installed, or the trailer constructed, to prevent wind from entering over the leading edge of the rim of the trailer and into the interior of the trailer. The tarp must not contain any rips or tears that allow fugitive dust emissions during transport.

**Section 213.275 Truck Transport**

**EMERGENCY**

a) The owner or operator must ensure that:

1) All trucks adhere to the posted speed limit within the source, which must be no more than 8 miles per hour; and

2) All outgoing coke or coal transport trucks, whether loaded or empty, are cleaned so that:

A) All parts of any tractor, trailer, or tire exterior surface, excluding the inside of the trailers, are free of all loose material;

B) The material removed by the truck cleaning operation is collected and properly disposed of so that it does not result in fugitive dust emissions; and

C) All outgoing coke or coal transport trucks, whether loaded or empty, pass through a wheel wash station, and pass over rumble strips that will vibrate the trucks and shake off loose material and dust.

b) No later than forty-five (45) days after the effective date of this Part, the owner or operator must submit to the Agency (directed to the Manager of the Bureau of Air’s Compliance Section) and follow a plan to minimize the impact of truck traffic upon residential areas near the source. Any plan deficiencies noted by the Agency must be corrected within forty-five (45) days of written notification by the Agency.

**Section 213.280 Monitoring**

**EMERGENCY**

a) The owner or operator must conduct monitoring of the coke and coal that is stored and handled at source. Each calendar week the owner or operator must collect representative samples of the coke and coal, as described below, and test the moisture content of such samples using ASTM Procedure D 3302 for coal and ASTM Procedure D 3172 and D 4931 for coke.  The owner or operator must conduct sampling until three consecutive tests at the source, taken at least 24 hours apart, show moisture contents of 8.3% by weight or greater for coke and 7.6% by weight or greater for coal;

b)       The owner or operator must install, maintain, and operate a master metering device on the equipment used for dust suppression by equipment type (i.e., processing and conveying equipment (including breakers and crushers), and coke or coal storage, transfer, and loading systems); and

c) At least once per calendar week the owner or operator must inspect all dust suppression equipment for proper operation (i.e., maintaining adequate flow, clogging of flow lines, etc.) when this equipment is being utilized.

**Section 213.285 Recordkeeping and Reporting**

**EMERGENCY**

a) The owner or operator must keep and maintain records containing the following information:

1) The type and amount, in tons, of all coke and coal delivered to the source each day; the name and address of the person or company from which the material was received; the type and amount, in tons, of all coke and coal transported from the source each day; and the name and address of the recipient of the material transported from the source;

2) The total quantity of coke and coal, in tons and cubic yards, at the source at the end of each month;

3) All cleaning and street sweeping performed pursuant to Section 213.250 of this Part;

4) The date and time of the application of water and chemical dust suppressant agent pursuant to Section 213.265 of this Part, indicating any instances when such application is suspended for any reason, including but not limited to weather conditions;

5) The dust suppression system manufacturer’s recommended maintenance procedures and the date and time of any maintenance and inspection activities and the results of those activities. Any variance from the manufacturer’s recommendations must be noted;

6) The date and time of periodic visual observations of the coke and coal at the source, noting the areas with visible emissions and the corrective actions taken to reduce visible emissions;

7) Monthly certification that the dust suppression systems were operational at all times during the processing of coal and coke, and that the system manufacturer's recommendations were followed for all control systems.  Any variance from the manufacturer's recommendations must be noted;

8) Monthly certification that the Coke and Coal Fugitive Dust Plan required under Section 213.225 of this Part was followed during the month. Any variance from the plan must be noted;

9) Information regarding the master metering device on the equipment used for dust suppression, including dates and hours of usage, total amount of water applied each month, malfunctions (type, dates, and measures to correct), records of each inspection conducted in accordance with Section 213.280 of this Part, amount of rainfall during the preceding 24 hours, and daily observations of coke and coal conditions (wet or dry) and other controls as may be present (e.g., coverage by snow or ice);

10) Results of moisture analyses from samples of the coke and coal collected at the source pursuant to Section 213.280 of this Part, including date, time, individual or laboratory performing test, and location of sample (e.g., prior to screening, stockpiles, etc.); and

11) All times when activities are suspended due to winds in excess of twenty-five (25) miles per hour.

b) Unless otherwise specified, all required records must be kept and maintained at the source for a minimum of three (3) years from the date the record is created, and provided to the Agency upon request.

c) No later than seven (7) days after the end of each month, the owner or operator must provide the Agency (directed to the Manager of the Bureau of Air’s Compliance Section) records containing the information specified in subsections (a)(1), (7), and (8) of this Section.

d) All information submitted to the Agency, other than certifications, must be submitted in table summary format.

**SUBPART C: WATER POLLUTION CONTROLS**

**Section 213.310 Applicability**

**EMERGENCY**

This Subpart is intended to supplement requirements in the Clean Water Act, the Illinois Environmental Protection Act, and Board regulations.

**Section 213.315 Definitions**

**EMERGENCY**

Except as otherwise provided in this Part, the terms used in this Subpart have the same meaning as those used in the Illinois Environmental Protection Act and 35 Ill. Adm. Code: Subtitles C and D.

**Section 213.320 Water and Well Setbacks; Impermeable Barriers**

**EMERGENCY**

Beginning sixty (60) days after the effective date of this Part, the owner or operator must locate all coke piles and coal piles:

a) A minimum distance of 200 feet from:

1) All waters of the United States;

2) All public water supply reservoirs and intakes;

3) All potable water wells; and

b) On impermeable bases or pads.

**Section 213.325 Wastewater and Stormwater Runoff Controls**

**EMERGENCY**

a) Within forty-five (45) days after the effective date of this Part, the owner or operator must submit applications for necessary permits, and implement comprehensive wastewater and stormwater runoff controls for the entire site.

1) The controls must:

1. Ensure that water that may come in contact with storage piles or process areas is prevented from entering waters of the State, except in accordance with a permit issued by the Agency;
2. Address all potential inlets, drains, or entry points into the stormwater collection system, and off-site conveyances through which coke or coal might enter the stormwater collection system;
3. Address timely and effective ways to respond to spills and or visible migration of pollutants that could occur onsite or offsite; and

D) Demonstrate that the site is graded in such a way as to ensure proper drainage and to prevent pooling of water.

2) For controls that utilize sedimentation ponds:

1. The sedimentation ponds must be designed and operated to contain or appropriately treat runoff from a 100-year, 24-hour precipitation event;
2. Rainfall, snowmelt, combined rainfall-snow melt events, and runoff from dust suppression spray systems must be considered in determining the design capacity of the sedimentation pond;

C) The sedimentation ponds and ditches or conveyances tributary to such ponds must be constructed with a liner that has a maximum permeability equal to or less than 1x10-7 cm/sec; and

D) All discharges from the sedimentation ponds must comply with the applicable requirements of the Illinois Environmental Protection Act and 35 Ill. Adm. Code: Subtitles C and D.

b) Within sixty (60) days after the effective date of this Part, the owner or operator must submit written documentation to the Agency demonstrating compliance with the comprehensive wastewater and stormwater runoff controls set forth in subsection (a) of this Section. Any deficiencies noted by the Agency must be corrected within sixty (60) days of written notification by the Agency.

c) Submittals for compliance with this Subpart must be addressed to:

Illinois Environmental Protection Agency

Division of Water Pollution Control, Mail Code #15

Attention: Permit Section

1021 North Grand Avenue East

Post Office Box 19276

Springfield, Illinois 62794-9276

**SUBPART D: HAZARDOUS WASTE DETERMINATIONS**

**Section 213.410 Applicability**

**EMERGENCY**

This Subpart is intended to supplement solid waste requirements in the Illinois Environmental Protection Act and regulations adopted under that Act.

**Section 213.415        Hazardous Waste Determinations**

**EMERGENCY**

a) The owner or operator must not accept coke for storage, handling, blending, processing, transport, or other management unless:

1) A hazardous waste determination for the coke has been conducted in accordance with 35 Ill. Adm. Code 722.111; and

2) Such determination establishes that the coke is not a hazardous waste.

b) When making hazardous waste determinations pursuant to this Section coke must be analyzed as if it were a solid waste.

c) Documentation of all determinations required under this Section must be maintained at the site and provided upon request to the Agency.