

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R17-
PERMIT BY RULE FOR)
BOILERS: PROPOSED) (Rulemaking-Air)
AMENDMENTS TO 35 Ill. Adm. Code)
Parts 201 and 211)

MOTION FOR ACCEPTANCE

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by and through its attorneys, and pursuant to 35 Ill. Adm. Code 102.106, 102.200, and 102.202, moves that the Illinois Pollution Control Board accept for hearing the Illinois EPA’s proposal for the adoption of amendments to 35 Ill. Adm. Code Parts 201 and 211.

This regulatory proposal includes:

1. Notice of Proposal
2. Appearance of Rachel L. Doctors, Assistant Counsel
3. Director Alec Messina’s Proposal of Regulations
4. Economic and Budgetary Analysis
6. Statement of Reasons
7. Proposed Amendments:
 - a) 35 Ill. Adm. Code Part 201
 - b) 35 Ill. Adm. Code Part 211
8. Incorporations by reference:
 - *a) Prevention of Significant Deterioration of Air Quality, 40 CFR Section 52.21(2015).
 - *b) Standards of Performance for New Stationary Sources, 40 CFR Part 60:

DATED: August 23, 2016

1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PERMIT BY RULE FOR) R17-
BOILERS:) (Rulemaking - Air)
AMENDMENTS TO: 35 ILL. ADM.)
CODE PARTS 201 and 211)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
PROPOSAL OF REGULATIONS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached regulations.

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Alec Messiri
Acting Director

DATED: July 20, 2016

P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544

AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF
PROPOSED RULEMAKING

Agency: Illinois Pollution Control Board

Part/Title: Amendments to Title 35 IAC Part 201 and Part 211

Illinois Register Citation:

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.

(a) Current cost to the agency for this program/activity.

The proposed rulemaking is a process change to the construction permitting process for a certain type of boiler, which is a small part of the overall permitting program. There is no independent information on the cost for permitting just these types of boilers.

(b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect.

Any change in costs would occur in FY2018. The Agency does not anticipate a significant change in program costs due to the proposed rulemaking. Any change in costs that would occur would be to decrease administrative costs. The proposed rulemaking will potentially reduce administrative burden on the Agency by streamlining the construction permit process for a single unit type. The Agency does not anticipate any reduction in work force due the streamlining.

(c) Indicate the funding source, including Fund and appropriation lines, for this program/activity.

Construction Permit Fees: Fund 944-53210-1920-0000
CAAPP Permit Fees: Fund 091-53210-1900-0000

(d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. N/A \$ N/A

Agency: N/A

(e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts.

State revenues should not be affected because permit fees will still be collected from sources utilizing the proposed permit by rule.

2. Economic effect on persons affected by the rulemaking.
- (a) Indicate the economic effect and specify the persons affected:
 Positive Negative No effect

Persons affected: **Owners or operators of sources wishing to obtain a construction permit for the boiler type affected by the proposed rulemaking.**

Dollar amount per person: **It would be difficult to quantify the economic benefits of the proposed rulemaking on a per person basis. Sources and affected units and their configurations may vary widely.**

Total Statewide cost: **The proposed rulemaking should provide an economic benefit to persons affected.**

- (b) If an economic effect is predicted, please briefly describe how the effect will occur. **The economic benefit of the proposed rulemaking comes from reduced administrative burden in the permitting process for certain emission units. This benefit will result from reduced man hours spent by owners, operators, employees, or third party consultants in preparing permit applications for affected emission units and a shortened timeframe for obtaining construction permits for affected emission units.**
- (c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms? Compare to current requirements.

The Agency does not anticipate any indirect effects that will result in increased administrative costs. The primary reason for the proposed rule amendments is to reduce administrative burden for affected sources and the Agency.

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)	
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BOILERS:)	(Rulemaking - Air)
AMENDMENTS TO: 35 ILL. ADM.)	
CODE PARTS 201 and 211)	

STATEMENT OF REASONS

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") hereby submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 27, 28, and 39.12 of the Environmental Protection Act ("Act") (415 ILCS 5/27, 28, and 39.12) and 35 Ill. Adm. Code 102.202(b) in support of the attached proposed amendments. Included in this proposal are amendments to general provisions in 35 Ill. Adm. Code Part 201 (Permits And General Provisions), new Subparts M and N in Part 201, and amendments to Part 211 (Definitions and General Provisions). This proposal amends the most recent versions of Parts 201 and 211 as found on the Board's website. The purpose of these amendments is to streamline the construction permitting process for owners or operators with Clean Air Act Permit Program ("CAAPP") permits electing to add a package boiler with a heat input capacity of no more than 100 million British thermal units per hour ("mmBtu/hr").

I. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S PROPOSAL

A. Background

The Illinois EPA recognizes that it must find ways to most effectively use its resources. Analysis of the Division of Air Pollution, Bureau of Air operations shows that a considerable share of resources is being directed toward permitting and processing of permit applications for

types of operations with similar characteristics. The permitting of these types of sources requires significant resources to be expended, resources that could otherwise be directed toward permitting more complex emissions sources. In order to minimize the number of permit applications reviewed, the concept of permits by rule ("PBR") has been developed. On July 12, 2011, the Governor signed P.A.097-095 adopting provisions for PBR programs in Section 39.12 of the Act.

Section 39.12 of the Act authorizes the Board to adopt applicable rules for PBR and provides:

...(b) Board rules adopted under this Section shall include, but not be limited to, standards as may be necessary to accomplish the intent of this Act and rules adopted under this Act and the terms and conditions for obtaining a permit by rule under this Section, which shall include, but not be limited to, the following as prerequisites to obtaining a permit by rule:

- (i) the submittal of a notice of intent to be subject to the permit by rule and
- (ii) the payment of applicable permitting fees. 415 ILCS 5/39.12(b)

The Illinois EPA is also proposing an amendment to 35 Ill. Adm. Code Section 201.146 to clarify that owners and operators of emission units subject to Section 9.14 of the Act and 35 Ill. Adm. Code Section 201.175 Registration of Smaller Sources ("ROSS") are exempt from the provisions in Part 201 that require owners and operators to obtain construction and operating permits. Further, Illinois EPA is proposing to add a definition for "pipeline natural gas," a term used in the proposed amendments to Part 201.

B. Proposal

The Illinois EPA's Proposal is described below.

1. Permit By Rule ("PBR")

Section 39.12 of the Act authorizes any person to propose a permit by rule. In subsection (c), the Act provides that this type of permit may include certain package boilers. The proposed amendments would create two new Subparts in Part 201, Subparts M and N. Subpart M contains

general requirements for PBR, applicable to all sources seeking a PBR. Subpart N contains PBR requirements for boilers that primarily burn pipeline natural gas, butane, propane, or refinery fuel gas (“gas-fired”) with a heat input capacity of no more than 100 mmBtu/hr. The Illinois EPA is proposing that this PBR cover the construction of small boilers at CAAPP sources.

Subpart M contains the general provisions for any PBR that an owner or operator may apply for regardless of unit type. Owners or operators wishing to construct a unit under the proposed PBR are required to submit a complete Notice of Intent, and may operate the unit under the authority of the CAAPP permit, so long as the owner or operator has submitted a complete application for minor modification for the applicable CAAPP permit. The conditions of the PBR found in the proposed amendments are consistent with the permit conditions that are found in a construction permit for this type of unit. These regulations are also consistent with State and federal regulations and laws pertaining to this type of unit. While the proposed amendments for this rulemaking only allow for PBR for boilers that meet the above criteria, the general provisions of Subpart M would apply to other PBR categories that may be proposed in the future.

Subpart N contains the PBR requirements for the construction and operation of gas-fired boilers with a heat input capacity of no more than 100 mmBtu/hr. These units are relatively common and have well-known emission characteristics. Specific PBR requirements ensure that emissions of any criteria pollutant from a unit covered by a PBR will not exceed the significant emissions threshold for New Source Review (“NSR”) or a major modification of a source pursuant to 35 IAC 203.209. Specifically, the proposed amendments require that emission units meet all applicable federal New Source Performance Standards (“NSPS”) and National Emission Standards for Hazardous Air Pollutants (“NESHAP”), as well as the Pollution Control Board’s requirements for opacity, carbon monoxide (“CO”) emissions, and nitrogen oxide (“NO_x”)

emissions, that are applicable to boilers of this type and size. Additional requirements for Subpart N PBR boilers include: the primary fuel for the boiler must be pipeline natural gas, butane, propane, or refinery fuel gas; backup or reserve fuels are limited to diesel fuel, butane, and propane; emissions from the boiler must consist entirely of the products of fuel combustion; boilers with maximum design heat input capacities greater than 50 mmBtu/hr must be equipped with low-NOx burners designed to meet a NOx emission limit of 0.05 lb/mmBtu; annual combustion tuning is required for boilers larger than 50 mmBtu/hr; and owners or operators must keep records sufficient to ensure compliance with all of the above provisions.

2. Amendments for the ROSS Program

In addition, the Illinois EPA is proposing to amend Section 201.146 to be consistent with Section 9.14 of the Act and the provisions of Section 201.175 that exempt owners and operators of ROSS sources from the requirement to obtain construction and operating permits.

3. Amendments to Part 211

The Illinois EPA is proposing to add a definition for “pipeline natural gas” that is consistent with the federal Acid Rain Program under the Clean Air Act (“CAA”).

II. GEOGRAPHIC REGIONS AND SOURCES AFFECTED

The amendments are effective statewide. The PBR amendments would cover gas-fired indirect boilers with a heat input capacity of no more than 100 mmBtu/hr located at CAAPP sources. An indirect boiler is one in which heated combustion gases do not directly contact the material heated. See TSD at Sec. 3. The emissions from this type of boiler consist entirely of products from the fuel combustion. The Agency estimates that it has processed an average of 10 applications per year for this type of unit. Id. However, as there are 492 owners and operators of

sources with CAAPP permits, there could be more in any given year. See Section 110(l) demonstration, TSD Attachment A.

The amendment for ROSS sources will add clarity for owners or operators required to comply with the registration requirements pursuant to Section 9.14 of the Act. ROSS sources are those sources that, among other criteria, emit less than 5 tons per year (“tpy”) of criteria pollutants, less than 0.5 tpy of hazardous air pollutants, less than .05 tpy of lead, and less than .05 tpy of mercury emissions. There are currently approximately 3,200 ROSS sources in Illinois.

III. PURPOSE AND EFFECT OF THE PROPOSAL

The purpose and effect of the majority of this proposal is to reduce the administrative burden to owners and operators in preparing construction permit applications and to reduce the time period before construction or modification may begin. For the Illinois EPA, this proposal will similarly reduce the administrative burden attributable to processing construction permits issued for similar boilers. The use of PBRs will reduce the costs for both affected sources and the Agency. The proposal will allow the Illinois EPA to refocus resources on more complex sources of emissions.

The Illinois EPA does not anticipate an increase in pollutant emissions from the use of PBR, as PBRs are similar in nature to construction permits that would otherwise be applicable. The new type of permit will in no way authorize noncompliance with otherwise applicable requirements. The Illinois EPA retains the authority to inspect and commence enforcement proceedings against a source, as needed, to ensure compliance with all applicable regulations. PBR as proposed in this rulemaking applies to CAAPP sources that are necessarily subject to inspection on a federally mandated schedule.

In addition, the Illinois EPA is clarifying that sources that are required to participate in the ROSS program are exempt from the requirement to obtain construction and operating permits, consistent with the provisions in Section 9.14 of the Act.

IV. CLEAN AIR ACT REQUIREMENTS

This proposal is intended to be submitted to the United States Environmental Protection Agency (“USEPA”) as a revision to the State Implementation Plan (“SIP”) for Illinois, as the sections being amended are part of Illinois’ SIP under the federal Clean Air Act. SIP revisions are required to undergo public notice and opportunity for hearing before they may be submitted to USEPA for approval pursuant to 40 CFR 51.102 and Appendix V, 2.1(g). The Board’s procedural rules provide for notice that meets this requirement, as set forth at 35 Ill. Adm. Code 102.416. The notice, to be sufficient, must describe the revisions, in this case the amendments to Parts 201 and 211, and indicate that the adopted rules will be submitted to USEPA as a SIP revision.

The Agency also intends to submit an anti-backsliding demonstration to USEPA under Section 110(l) of the CAA, demonstrating that the rule amendments will not interfere with attainment or maintenance of any applicable National Ambient Air Quality Standard. The Board’s hearing notice would also need to state that this 110(l) demonstration will be submitted as part of the SIP revision.

V. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

The Illinois EPA considers these programs to be technically feasible and economically reasonable because PBRs are intended to reduce the administrative burdens and associated costs for the owners and operators of regulated sources and the Agency. The units addressed by the proposed Subpart N are gas-fired indirect boilers with a heat input capacity of no more than 100

mmBtu/hr. In some cases, these boilers are “skid-mounted” and relatively portable. These units are quite common across a range of industries, and are manufactured to be additional boilers or permanent or temporary replacements for older boilers for a number of reasons, including to improve efficiency, to use while an existing boiler is under repair, to facilitate a change of fuel in order to reduce emissions, to provide additional capacity to a process, or to replace older boilers that are at the end of their useful life. The boilers of the type eligible for Subpart N PBRs are the most common available to owners or operators. The requirements of Subpart N for units of this type are typical in BOA’s construction and operating permits. While it is not possible to predict with certainty the number of owners or operators that might utilize a PBR for this type of unit, the Agency estimates that it has processed an average of eight to twelve applications per year for units of this type.

As discussed above, the proposed amendments are technically feasible for regulated sources. In addition, the construction application process pursuant to Section 201.162 is still available to owners or operators wishing to construct and operate gas-fired boilers.

Further, the amendment for the ROSS program is merely a housekeeping measure to clarify permitting obligations for ROSS sources.

VI. COMMUNICATION WITH INTERESTED PARTIES

The Illinois EPA has engaged in outreach activities with respect to these proposals. It has met several times with the Illinois Environmental Regulatory Group to discuss these amendments pursuant to Section 39.12 of the Act, and has shared drafts of the proposed rules. In addition, the Illinois EPA has sent several drafts of the rule to USEPA Region 5 and had multiple phone calls to discuss and resolve comments.

VII. SYNOPSIS OF TESTIMONY

Currently, the Illinois EPA plans to call Rory Davis in the Air Quality Planning Section (“AQPS”), Division of Air Pollution Control, Bureau of Air (“BOA”). Mr. Davis will testify about the amendments to the rule. Written testimony will be submitted prior to hearing in accordance with the Board’s procedural rules. Mr. Davis will be available for questions, as will David Bloomberg, Manager of AQPS, BOA; and Jackie Sims, Regulatory Unit Manager, AQPS, BOA.

VIII. SECTION-BY-SECTION

35 Ill. Adm. Code Section 201.103 Abbreviations and Units

The Illinois EPA is proposing to amend Section 201.103 to add abbreviations that are used in the amendments for PBRs.

35 Ill. Adm. Code Section 201.104 Incorporations by Reference

The Illinois EPA is proposing to amend Section 201.104 to include references to the federal NSR program, applicable federal New Source Performance Standards (“NSPS”) and National Emission Standards for Hazardous Air Pollutants (“NESHAPs”) for source categories that are included in the proposed PBR amendments.

35 Ill. Adm. Code Section 201.146 Exemptions from State Permit Requirements

The Illinois EPA is proposing to amend Section 201.146 by adding a new subsection (mmm) to be consistent with the provisions of Section 201.175 that exempt owners and operators of ROSS sources from having to obtain a permit.

35 Ill. Adm. Code Subpart M: Permit By Rule (PBR)

The Illinois EPA is proposing to add Subpart M, which contains the general requirements for all PBRs.

Section 201.500 states the purpose and provides that obtaining a PBR exempts an owner

or operator of the source from the requirement to obtain a construction permit for the emission unit. Section 201.505 states the applicability criteria.

Section 201.510 provides the contents of the Notification that the owner or operator must submit.

Section 201.515 indicates when an owner or operator may commence construction or modification.

Section 201.520 states when a modification or a change of an emission unit covered by a PBR requires a change in the PBR Notification or a submittal of a different type of permit application.

Section 201.525 provides the standard conditions for an emission unit covered by a PBR.

Section 201.530 provides the recordkeeping and reporting requirements for a PBR emission unit.

Section 201.535 explains the authority under which the emission unit covered by a PBR may be operated.

Section 201.540 provides a roadmap for enforcement. The PBR does not limit the federal government or the State's authority to seek penalties and injunctive relief for any violation of any applicable State or federal law or regulation, as otherwise provided in the Act. An owner or operator of a source who either fails to submit a Notification or submits an incomplete Notification prior to commencing construction or modification of an emission unit is deemed to have constructed without the benefit of a permit. A violation exists even if it is determined that the Notification was incomplete after construction or modification has already occurred. The same requirements pertain to submittal of a minor modification prior to operation.

This Section also specifies that an owner or operator of an emission unit covered by a

PBR that violates any condition of its PBR, including the general provisions Subpart or the applicable PBR Subpart, will be deemed to be in violation of Sections 39.12(e) and 9(b) of the Act, as well as any other applicable State or federal regulation or portion of the Act. If such a violation occurs after the emission unit has commenced operation, the owner or operator is also deemed to have violated specific provisions of the CAAPP, namely Section 39.5(6)(a) of the Act. This roadmap does not expand the Agency's existing authority under the Act, it is only meant to provide clarification.

35 Ill. Adm. Code Subpart N: Permit By Rule (PBR) –

Boilers Less Than or Equal to 100 mmBtu/hr

The Illinois EPA is proposing to add Subpart N, which contains the specific requirements for small boilers, the first type of PBR being proposed pursuant to Section 39.12.

Section 201.600 states the applicability criteria for the emission unit, in this case a small boiler.

Section 201.605 states additional information that must be included in the Notification.

Section 201.610 provides the NSPS and NESHAP requirements that apply.

Section 201.615 states the opacity requirements.

Section 201.620 states the requirements for boilers that use diesel or refinery fuel gas.

Section 201.625 states the requirements for CO emissions.

Section 201.630 states the NOx emission requirements.

Section 201.635 states the specific recordkeeping requirements for boilers.

35 Ill. Adm. Code Section 211.4720 Pipeline Natural Gas

The Illinois EPA is proposing to add a definition for “pipeline natural gas.” This definition is consistent with the federal Acid Rain Program under the CAA.

IX. CONCLUSION

For the reasons stated above, the Illinois EPA hereby submits this regulatory proposal and respectfully requests that the Board expeditiously adopt these rules for the State of Illinois.

Respectfully submitted,
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: _____/s/_____

Rachel L. Doctors
Assistant Counsel
Division of Legal Counsel

DATED: August 23, 2016
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ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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
201.175	Registration of Smaller Sources (ROSS)

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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: PERMIT BY RULE (PBR)-
GENERAL PROVISIONS

<u>Section</u>	
<u>201.500</u>	<u>Purpose</u>
<u>201.505</u>	<u>Applicability</u>
<u>201.510</u>	<u>Notice of Intent to Be Covered By a PBR (Notification)</u>
<u>201.515</u>	<u>Commencing Construction or Modification</u>
<u>201.520</u>	<u>Modification or Change in Status of an Emission Unit Covered by a PBR</u>
<u>201.525</u>	<u>Standard Conditions for PBR</u>
<u>201.530</u>	<u>Recordkeeping and Reporting</u>
<u>201.535</u>	<u>Authority to Operate</u>
<u>201.540</u>	<u>Enforcement Authority</u>

SUBPART N: PERMIT BY RULE (PBR) –
BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

<u>Section</u>	
<u>201.600</u>	<u>Applicability</u>
<u>201.605</u>	<u>Boiler Notice of Intent to Be Covered by a PBR (Notification)</u>
<u>201.610</u>	<u>Federal NSPS and NESHAP Requirements</u>
<u>201.615</u>	<u>Opacity Requirements</u>
<u>201.620</u>	<u>Requirements for Use of Diesel Fuel and Refinery Fuel Gas</u>
<u>201.625</u>	<u>Carbon Monoxide (CO) Requirements</u>
<u>201.630</u>	<u>Nitrogen Oxide (NO_x) Requirements</u>
<u>201.635</u>	<u>PBR Boiler Reporting Requirements</u>

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, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 39, 39.5, and 39.12].

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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 33 Ill. Reg. 11999, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013; amended in R____ at ____ Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 201.103 Abbreviations and Units

- a) The following abbreviations have been used in this Part:

<u>Act</u>	<u>Illinois Environmental Protection Act</u>
<u>AER</u>	<u>Annual Emissions Report</u>
btu or Btu	British thermal units
<u>CAA</u>	<u>Clean Air Act</u>
<u>CAAPP</u>	<u>Clean Air Act Permit Program</u>
<u>CO</u>	<u>Carbon monoxide</u>
<u>CO₂e</u>	<u>Carbon dioxide equivalent</u>
gal	gallons
<u>HAPs</u>	<u>hazardous air pollutants</u>
hp	horsepower
hr	hour
gal/mo	gallons per month
gal/yr	gallons per year
kPa	kilopascals
kPa absolute	kilopascals absolute
kW	kilowatts
l	liters
Mg	megagrams
m ³	cubic meters
mm or M	million
MW	megawatts; one million watts
<u>NESHAP</u>	<u>National Emission Standards for Hazardous Air Pollutants</u>
NMOC	nonmethane organic compounds
<u>NO_x</u>	<u>Nitrogen oxide</u>
<u>NSPS</u>	<u>New Source Performance Standards</u>
<u>NSR</u>	<u>New Source Review</u>
<u>PBR</u>	<u>permit by rule</u>
<u>PM</u>	<u>Particulate matter</u>
<u>PM₁₀</u>	<u>Particulate matter with an aerodynamic diameter less than or equal to 10 micrometers</u>

ILLINOIS REGISTER
 POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

<u>PM_{2.5}</u>	<u>Particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers</u>
<u>PSD</u>	<u>Prevention of Significant Deterioration</u>
psi	pounds per square inch
psia	pounds per square inch absolute
<u>ROSS</u>	<u>Registration of Smaller Sources</u>
<u>SO₂</u>	<u>Sulfur dioxide</u>
<u>TPY</u>	<u>tons per year</u>
<u>USEPA</u>	<u>United States Environmental Protection Agency</u>
<u>VOM</u>	<u>Volatile organic material</u>
yr	year

- b) The following conversion factors have been used in this Part:

English	Metric
1 gal	3.785 l
1000 gal	3.785 m ³
1 hp	0.7452 kW
1 mmBtu/hr	0.293 MW
1 psi	6.897 kPa

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

Section 201.104 Incorporations by Reference

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

- a) Standard Industrial Classification Manual (1972), Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- b) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.
- c) Prevention of Significant Deterioration of Air Quality, 40 CFR Section 52.21(2015).
- d) Standards of Performance for New Stationary Sources, 40 CFR Part 60:
 - 1) Subpart A – General Provisions (2015);
 - 2) Standards of Performance for Small Industrial – Commercial-Institutional Steam Generating Units, Subpart Dc (2015);

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) Appendix A-4, Reference Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources (2015); and
- 4) Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 (2015).
- e) National Emission Standards for Hazardous Air Pollutants for Source Categories 40 CFR Part 63:
 - 1) Subpart A – General Provisions (2015);
 - 2) Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants For Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. (2015); and
 - 3) Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters Area Sources (2015).

(Source: Amended at ___ 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 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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 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, lifttrucks 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) 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 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 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;

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- l) Storage tanks and fuel dispensing equipment that are both used for the dispensing of fuel to mobile sources, including on-road and off-road vehicles, for use in such mobile sources;
- 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 amount of material or mixture of any material listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act;
 - 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 (including kerosene and diesel fuel), 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,

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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) (Reserved);
- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 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;

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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;
- 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:

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 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 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 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 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 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;

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under 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;

mmm) Sources required to comply with Section 201.175 Registration of Smaller Sources (ROSS).

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

SUBPART M: PERMIT BY RULE ("PBR") -
GENERAL PROVISIONS

Section 201.500 Purpose

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The purpose of this Subpart is to implement the PBR program provided for in Section 39.12 of the Act for classes of emission units described in this and following Subparts. By fulfilling all the applicable requirements of this Subpart and the applicable Subpart for the specific type of emission unit, an owner or operator of a source seeking a PBR for an emission unit is considered to have met the requirement to submit an application for a construction permit and obtain such a construction permit pursuant to Section 9(b) of the Act and 35 Ill. Adm. Code Sections 201.142, 201.152, and 201.160(a).

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

Section 201.505 **Applicability**

- a) An owner or operator of a source is eligible to obtain a PBR for a proposed new or modified emission unit if:
- 1) The proposed emission unit will be located at a CAAPP source that has a CAAPP permit pursuant to Section 39.5 of the Act;
 - 2) There is a PBR that has been adopted and become effective within Part 201 that is applicable to the proposed emission unit;
 - 3) The proposed emission unit, either alone or as part of a larger project, is not subject to any pre-construction permitting requirements for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act; and
 - 4) The proposed emission unit is not an element in a larger project that otherwise requires a construction permit pursuant to this Part or the Act.
- b) A PBR does not:
- 1) Exempt any owner or operator from the requirements of the CAA or the Act, including a determination whether construction or modification of an emission unit, by itself or as part of a project, constitutes a major modification or major source;
 - 2) Exempt any owner or operator from any requirement to notify the Agency or list insignificant activities and emissions levels for CAAPP permit purposes;
 - 3) Relieve the owner or operator of a source from the requirement of including the emissions associated with the emission unit into any pre-

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

construction permitting application for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act;

- 4) Relieve the owner or operator of the emission unit from any applicable requirements of Section 39.5 of the Act for the emission unit, including any requirement to submit a timely application for a new or modified CAAPP permit that addresses the emission unit; or
- 5) Relieve the owner or operator of the source from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances, and regulations.

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

Section 201.510 Notice of Intent to Be Covered by a PBR (Notification)

- a) An owner or operator of a source seeking to construct or modify an emission unit pursuant to Subpart M and the applicable PBR Subpart must submit a complete Notification, including fees, prior to commencing construction or modification of the emission unit. A complete Notification containing the following information and fees must be submitted to the Permit Section at the address provided in Section 201.530(f)(1):
 - 1) The owner or operator's name(s), the name of the source, and the applicable Bureau of Air Identification Number;
 - 2) Name, site address, mailing address (if different from site address), e-mail address, and telephone number of the source's contact;
 - 3) Statement noting whether the emission unit is a new emission unit or a modified emission unit (including a reconstructed emission unit);
 - 4) The location of the emission unit at the source;
 - 5) The identity of the new emission unit or the identity of the current emission unit prior to modification, applicable permit numbers, and the description of the modification or reconstruction of the emission unit;
 - 6) A statement that indicates which PBR applies to the emission unit;

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 7) A statement as to whether the proposed emission unit will be an element in a larger project; if it is, all of the following information must also be included:
 - A) A description of the larger project;
 - B) A statement describing why a construction permit will not be required for any element of that project; and
 - C) A demonstration that the potential emissions of each regulated NSR pollutant, as defined in 40 CFR Section 52.21, as incorporated by reference in Section 201.104, from the project will be less than 80 percent of the relevant significant emission rates under 40 CFR 52.21, 35 Ill. Adm. Code Part 203, and any other regulations adopted pursuant to Section 9.1(c) of the Act;
- 8) Identification of construction permits and PBRs received in the last two years and a demonstration that the requested PBR should not be aggregated with, and considered an element of, any of these projects that were addressed by the construction permits and PBRs identified;
- 9) The specific information required by the applicable PBR Subpart Notification requirement for this type of emission unit;
- 10) A statement noting whether the source is major or non-major for emissions of HAPs pursuant to Section 39.5(2)(c)(i) of the Act. If the source is non-major, the Notification must include documentation for the determination;
- 11) A certification signed by the responsible official that, under penalty of law, based on information and belief formed after reasonable inquiry, the statements and information contained in the Notification are true, accurate, and complete and that the emission unit is eligible for the PBR selected pursuant to subsection (a)(6) of this Section; and
- 12) Payment of the fee that applies to the owner or operator of the source pursuant to Section 9.12 of the Act for the proposed construction or modification of a single emission unit.

b) The Agency will acknowledge receipt of the Notification within 30 days.

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

Section 201.515 Commencing Construction or Modification

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- a) For the emission unit addressed by a complete Notification, the owner or operator of the source may commence construction or modification after submittal of a complete Notification in accordance with Section 201.510.
- b) If the submitted Notification is incomplete, the emission unit is not covered by a PBR and the owner or operator has not met the requirement to submit an application for a construction permit and to obtain such construction permit pursuant to Section 9(b) of the Act and 35 Ill. Adm. Code Sections 201.142, 201.152, and 201.160(a). The owner or operator of the source may not commence construction or modification of the emission unit until it has submitted a complete Notification to the Agency in accordance with Section 201.510 or received a construction permit issued by the Agency.

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

Section 201.520 **Modification or Change in Status of an Emission Unit Covered by a PBR**

- a) If the owner or operator proposes to modify an emission unit covered by a PBR, the owner or operator of the source must submit a new Notification for a PBR or obtain a construction permit for such modification pursuant to this Part and the Act, as applicable.
- b) If a proposed modification of the source at which an emission unit covered by a PBR is located will cause the source to become a major source of HAPs pursuant to Section 39.5(2)(c)(i) of the Act, the owner or operator must submit a new Notification for a PBR for the emission unit.

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

Section 201.525 **Standard Conditions for PBR**

- a) Duration. A PBR will expire one year from the date of submittal of the complete Notification unless a continuous program of construction on this project has commenced by such time.
- b) The construction covered by a PBR must be performed in compliance with applicable provisions of the PBR, the Act, and regulations adopted by the Board.
- c) The owner or operator of the emission unit must comply with all applicable requirements under Subpart M and the applicable PBR Subpart.
- d) The owner or operator of the emission unit must submit an updated Fee Determination for CAAPP Permit form prior to commencing operation of the

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

proposed emission unit if there is an increase in allowable emissions over the existing permitted allowable emissions for fee purposes as a result of the construction or modification of the emission unit.

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

Section 201.530 Recordkeeping and Reporting

The owner or operator of the emission unit must:

- a) Keep and maintain all records used to demonstrate initial compliance and ongoing compliance with the applicable requirements of Subpart M and the applicable PBR Subpart, as well as any additional records required by and reported pursuant to such Subparts, for at least five years from the date the document is created and make all records available to the Agency for inspection and copying upon request. Such records include any records required by State or federal laws or regulations and any materials submitted to the Agency or USEPA pertaining to the emission unit. Any record retained in an electronic format must be capable of being retrieved and printed on paper during normal source office hours.
- b) Notify the Agency of the emission unit's actual start-up date no later than thirty days after such date, unless an earlier date is specified in the applicable PBR.
- c) Except as otherwise provided in Subpart M or the applicable PBR Subpart, submit a written report of any deviations from the applicable emission standards, emission limitations, operational restrictions, qualifying criteria, work practice requirements, or control equipment operating parameter limitations set forth in Subpart M and the applicable PBR Subpart. The report must be submitted to the Agency within 30 days of the date the deviation occurred and must describe the deviation (including the date, time, and duration of the deviation), identify the specific requirement from which the deviation occurred and the total amount of excess emissions during the deviation, and describe the probable cause of such deviation and any corrective actions or preventive measures that have been or will be taken.
- d) If required to conduct a performance test:
 - 1) Submit a testing protocol as required by the applicable PBR Subpart at least 45 days prior to the scheduled performance test to the Agency. Upon written request directed to the Bureau of Air's Compliance Section, the Agency may waive the 45-day requirement. Such waiver is only effective if it is provided in writing by the Bureau of Air;

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) Notify the Agency in writing of the date of performance testing at least thirty days prior to testing and again 5 days prior to such testing, unless the emission unit is subject to other State or federal requirements that specify a longer notification period. Upon written request directed to the Bureau of Air's Compliance Section, the Agency may waive either or both of these requirements. Such waiver is only effective if it is provided in writing by the Bureau of Air;
- 3) If, after the 30-day notice for an initially scheduled performance test is sent, there is a delay (e.g., due to operational problems) in conducting the test as scheduled, the owner or operator of the emission unit must notify the Agency of the delay in the original test date, directed to the Bureau of Air's Compliance Section, as soon as practicable. This must be done either by providing at least a 7-day notice of the rescheduled date of the test or by arranging a new test date with the Agency by mutual agreement;
- 4) Not later than 60 days after the completion of the performance test, the owner or operator must submit the results of the test to the Agency.
- e) Submit any monitoring information required by the PBR as part of the Semi-Annual Monitoring Report required by the source's CAAPP permit.
- f) Provide copies of all required reports and Notifications as follows:
 - 1) One copy of the new or amended Notification must be sent to:
Illinois Environmental Protection Agency
Bureau of Air
Permit Section (#11)
P.O. Box 19506
Springfield, Illinois 62794-9506
 - 2) One copy of all other reports and notices must be sent to:
Illinois Environmental Protection Agency
Bureau of Air
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276; and

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

Section 201.535 Authority to Operate

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

For eligible emission units under Section 201.505 of this Subpart, the owner or operator of a proposed emission unit must submit a complete application to the Agency for a minor modification to the CAAPP permit for the source to address the emission unit, pursuant to Section 39.5(14) of the Act, before the emission unit begins operation. The application for minor permit modification must address all applicable requirements contained in this Subpart, the applicable PBR Subpart, and Section 39.5(14) of the Act. Pursuant to Section 39.5(14)(a)(vi) of the Act, the owner or operator may begin operating the emission unit immediately after it files such application. Until the Agency takes any of the actions specified in Section 39.5(14)(a)(v)(A) through (C) of the Act, the owner or operator must comply with both the applicable requirements governing the emission unit and the proposed terms and conditions of the suggested draft of the modified CAAPP permit in the application, pursuant to Section 39.5(14)(a)(iii)(B) of the Act.

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

Section 201.540 Enforcement Authority

Nothing in this Subpart limits the State's authority to seek penalties and injunctive relief for any violation of any applicable State law or regulation. Nothing in this Subpart limits the right of the federal government or any person to directly enforce against owners or operators due to actions or omissions which constitute violations of permits required by the CAA or applicable laws and regulations.

- a) Any owner or operator of a source that commences construction or modification of an emission unit and submits a Notification pursuant to Section 201.510 that is incomplete, or fails to submit any Notification, is deemed to have constructed without the benefit of a permit under Section 9(b) of the Act and 35 Ill. Adm. Code Sections 201.142, 201.152, and 201.160(a) unless the Agency has issued a construction permit other than a PBR for the emission unit pursuant to Section 9(b) of the Act. A violation exists even if it is determined that the Notification was incomplete after construction or modification has already occurred.
- b) Any owner or operator of a source that submits a Notification and commences operation of an emission unit covered by a PBR, but fails to submit a complete application for a minor modification to the CAAPP permit in accordance with Section 39.5(14) of the Act, is deemed to have operated without the benefit of a permit under Section 39.5(6)(b) of the Act. A violation exists even if it is determined that the application for a minor permit modification was incomplete after operation has already occurred.
- c) Any owner or operator of an emission unit covered by a PBR that violates any condition of this Subpart or the applicable PBR Subpart is deemed to have violated Sections 39.12(e) and 9(b) of the Act, as well as any other applicable

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

State or federal regulation or portion of the Act. If such a violation occurs after the emission unit has commenced operation, the owner or operator is also deemed to have violated Section 39.5(6)(a) of the Act.

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

SUBPART N: Permit by Rule (PBR) – Boilers
Less Than or Equal to 100 mmBtu/hr

Section 201.600 Applicability

An owner or operator of a source seeking a PBR for a new or modified boiler is eligible to obtain a PBR under this Subpart N if:

- a) The boiler has a maximum design heat input capacity of:
 - 1) Less than or equal to 50 mmBtu/hr; or
 - 2) Greater than 50 mmBtu/hr and less than or equal to 100 mmBtu/hr and is equipped with low-NOx burners designed to meet a NOx emission limit of not greater than 0.05 lb/mmBtu;
- b) The boiler primarily burns pipeline natural gas, butane, propane, or refinery fuel gas;
- c) The only backup or reserve fuel burned in the boiler is diesel fuel, butane, or propane. If diesel fuel is the backup fuel, the burning of diesel fuel in the boiler must be such that, as appropriate, the boiler is a “unit designed to burn gas 1 subcategory,” as defined by 40 CFR 63.7575, or a “gas-fired boiler,” as defined by 40 CFR 63.11237 as incorporated by reference in Section 201.104; and
- d) The emissions from the boiler consist entirely of the products of fuel combustion.

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

Section 201.605 Boiler Notice of Intent To Be Covered by a PBR (Notification)

The Notification for a PBR pursuant to this Subpart must also include the following information, in addition to the information specified by Section 201.510 of this Subpart:

- a) The primary fuel that will be burned by the boiler, along with the maximum rated heat input capacity of the boiler (mmBtu/hr) and a copy of the manufacturer’s specifications for the boiler.

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) Whether the boiler would be a temporary boiler as defined by 40 CFR 60.41c and 63.7575 or 63.11237 as incorporated by reference in Section 201.104, and, if it would be, a demonstration that the criteria for a temporary boiler are met, and the expected period or periods in which the boiler would be at a location or locations at the source.
- c) The potential emissions of individual pollutants from the boiler, including emissions of PM, PM₁₀ (including both filterable and condensable particulate), PM_{2.5} (including both filterable and condensable particulate), NO_x, CO, VOM, and SO₂, based on continuous operation of the boiler at its rated heat input capacity, with supporting documentation and calculations.
- d) Whether the boiler will have the capability to burn diesel fuel, butane, propane, or refinery fuel gas, and if so, the potential SO₂ emissions of the boiler from the use of such fuel.
- e) If the boiler or the source at which the boiler would be located does not meet the applicability criteria in 35 Ill. Adm. Code 217.150(a)(1)(A) or (a)(1)(B), an identification of the criteria that are not met, with explanation.

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

Section 201.610 Federal NSPS and NESHAP Requirements

The owner or operator must comply with the requirements of all applicable federal regulations for the PBR boiler, including limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements listed below:

- a) 40 CFR 60 Subpart A, Standards of Performance for New Stationary Sources: General Provisions, as incorporated by reference in Section 201.104.
- b) 40 CFR 60 Subpart Dc, Standards of Performance for New Stationary Source for Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, Subpart Dc, as incorporated by reference in Section 201.104.
- c) 40 CFR 63, National Emission Standards for Hazardous Air Pollutants for Source Categories: Subpart A, General Provisions, as incorporated by reference in Section 201.104.
- d) 40 CFR 63 Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Source Categories for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, as incorporated by reference in Section 201.104.

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- e) 40 CFR 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers Area Sources, as incorporated by reference in Section 201.104.

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

Section 201.615 Opacity Requirements

The owner or operator of the source must comply with the applicable provisions of 35 Ill. Adm. Code Part 212, Subpart B.

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

Section 201.620 Requirements for Use of Diesel Fuel and Refinery Fuel Gas

- a) For a PBR boiler to burn diesel fuel as a backup fuel, the owner or operator must:

- 1) Comply with the applicable provisions of 35 Ill. Adm. Code Part 214, Subpart B or D when burning diesel fuel;
- 2) Comply with the particulate emission standard in 35 Ill. Adm. Code 212.206 when diesel fuel is burned;
- 3) Maintain records that include the following information:
 - A) Date, time, and duration of any period when diesel fuel was fired in the boiler, the amount of such fuel that was fired, and reason such fuel was fired, e.g., gas curtailment, gas supply interruption, or periodic operational testing;
 - B) The total duration of periodic operational testing or other activity while firing diesel fuel (number of hours of operation per calendar year); and
 - C) The actual SO₂ emissions of the boiler from use of diesel fuel (tons/month and tons/year), with supporting calculations.

- b) For a PBR boiler to burn refinery fuel gas, the owner or operator must use fuel gas at a petroleum refinery from a fuel gas system that is subject to and meeting the requirements for compliance with the limits for H₂S content of fuel gas in 40 CFR Part 60, Subpart Ja, Section 60.102a(g)(1)(ii), as incorporated by reference in Section 201.104.

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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 201.625 Carbon Monoxide (CO) Requirements

Pursuant to 35 Ill. Adm. Code 216.121, no owner or operator of a PBR boiler may cause or allow the emission of CO into the atmosphere from any fuel combustion emission source with actual heat input greater than 2.9 MW (10 mmBtu/hr) to exceed 200 ppm, corrected to 50 percent excess air.

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

Section 201.630 Nitrogen Oxide Requirements

The owner or operator of the PBR boiler must:

- a) Comply with the applicable requirements of 35 Ill. Adm. Code Part 217, Subparts D and E;
- b) For a boiler with a maximum design heat input capacity greater than 50 mmBtu/hr, conduct combustion tuning for the boiler. This tuning must be conducted in each calendar year in which the boiler is operated excepting the calendar year in which the boiler first starts up and the calendar year in which the boiler is permanently removed from service. The combustion tuning must be performed by an employee of the owner or operator or a contractor who has successfully completed a training course on the combustion tuning of boilers firing the fuel or fuels that are fired in the boiler. The owner or operator must maintain the following records that must be made available to the Agency upon request:
 - 1) The date the combustion tuning was performed;
 - 2) The name, title, and affiliation of the person who performed the combustion tuning;
 - 3) Documentation demonstrating the provider of the combustion tuning training course, the dates the training course was taken, and proof of successful completion of the training course;
 - 4) Tune-up procedure followed and checklist of items (such as burners, flame conditions, air supply, scaling on heating surface, etc.) inspected prior to the actual tune-up; and
 - 5) Operating parameters recorded at the start and at conclusion of combustion tuning.

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Section 201.635 PBR Boiler Recordkeeping Requirements

The owner or operator of the PBR boiler must maintain records containing the following information in addition to the records required by the applicable requirements referenced in Subpart M:

- a) The maximum design heat input capacity of the boiler, in mmBtu/hr, with supporting documentation;
- b) An inspection, maintenance, and repair log with dates and the nature of such activities for the boiler;
- c) The quantity of each fuel used per month and per year;
- d) The hours of operation, in hours/month and hours/year;
- e) Emissions of PM, PM₁₀, PM_{2.5}, NO_x, CO, and VOM, in tons/month and tons/year, with supporting calculations; and
- f) SO₂ emissions, in tons/month and tons/year, with supporting calculations if the boiler has the capability to burn refinery fuel gas, butane, or propane.

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

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 211
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment
211.430	Air Suspension Coater/Dryer

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant
211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
211.1312	Combined Cycle System
211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
211.1710	Degreaser
211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO _x Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity
211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO _x Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating
211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
211.4720	<u>Pipeline Natural Gas</u>
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio (R_T)
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27].

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 R08-6 at 32 Ill. Reg. 1387, effective January

ILLINOIS REGISTER
POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg. 12876, effective June 9, 2014; amended in R14-16 at 39 Ill. Reg. 5410, effective March 24, 2015; amended in R ____ - ____ at ____ Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 211.4720 Pipeline Natural Gas

“Pipeline natural gas” means a naturally-occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions, and which is provided by a supplier through a pipeline. Pipeline natural gas contains 0.5 grains or less of total sulfur per 100 standard cubic feet. Additionally, pipeline natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 Btu per standard cubic foot.

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R17-
PERMIT BY RULE FOR)
BOILERS: PROPOSED) (Rulemaking-Air)
AMENDMENTS TO 35 Ill. ADM.)
Code Parts 201 and 211)

MOTION FOR WAIVER OF COPY REQUIREMENTS

NOW COMES the Proponent, the Illinois Environmental Protection Agency (“Illinois EPA”), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500, 102.110, 102.200, and 102.402, respectfully moves that the Illinois Pollution Control Board (“Board”) waive the requirement that the Illinois EPA provide copies of certain documents incorporated by reference.

In support of its Motion, the Illinois EPA states as follows:

1. Section 102.202 of the Board’s procedural rules requires that a proposal for a regulation of general applicability include “any material to be incorporated by reference within the proposed rule” pursuant to Section 5-75 of the Illinois Administrative Procedure Act (IAPA”). 35 Ill. Adm. Code 102.202. Section 27(a) of the Environmental Protection Act (“Act”) also requires that the Illinois EPA provide information supporting a regulatory proposal. 415 ILCS 5/27(a).
2. The Illinois EPA’s proposal incorporates by reference the following documents:
 - A) Prevention of Significant Deterioration of Air Quality, 40 CFR Section 52.21(2015).
 - B) Standards of Performance for New Stationary Sources, 40 CFR Part 60:
 - i) Subpart A – General Provisions (2015);

- ii) Standards of Performance for Small Industrial – Commercial-Institutional Steam Generating Units, Subpart Dc (2015);
 - iii) Appendix A-4, Reference Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources (2015); and
 - iv) Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 (2015).
- C) National Emission Standards for Hazardous Air Pollutants for Source Categories 40 CFR Part 63:
- i) Subpart A – General Provisions (2015);
 - ii) Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, (2015); and
 - iii) Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters Area Sources (2015).

3. The documents listed as items (A) through (C) above consist of several hundred pages. They are all part of the Code of Federal Regulations, are readily accessible to or are within the possession of the Board, and are publicly available on line. Given the volume and ease of accessibility of these documents, the Illinois EPA moves that the Board waive the requirement that the Illinois EPA provide copies of such documents.

4. Section 5-75 (a) of the IAPA provides that an agency may incorporate by reference the regulations, standards, and guidelines of an agency of the United States or a nationally recognized organization or association without publishing the incorporated material in full. 5 ILCS 100/5-75 (a). Section 5-75(c) of the IAPA provides, however, that such agency shall maintain a copy of the referenced material in at least one of its principal offices and shall make it available to the public upon request. 5 ILCS 100/5-75 (c).

TECHNICAL SUPPORT DOCUMENT

for

**PROPOSED RULE AMENDMENTS
FOR PERMIT BY RULE FOR SMALL BOILERS
PURSUANT TO SECTION 39.12 OF THE ILLINOIS
ENVIRONMENTAL PROTECTION ACT**

AQPSTR 16-06

May 2016

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
1021 NORTH GRAND AVENUE EAST
P.O. BOX 19276
SPRINGFIELD, IL 62794-9276**

Table of Contents

List of Abbreviations1
Executive Summary.....2
1.0 Permit by Rule4
2.0 Proposed Amendments and Regulations5
 2.1 Eligible Sources for Permit by Rule5
 2.2 Notice of Intent to be Covered by a Permit By Rule (“Notification”).....5
 2.3 Requirements for Subpart N PBR Units6
3.0 Description of Affected Sources for Permit by Rule and Technical Feasibility of
Proposed Amendments7
4.0 Environmental Impact8
 4.1 New Source Review and Major Modification Considerations8
5.0 Economic Reasonableness.....12
References.....13
Attachment A. Permit By Rule Noninterference with NAAQS / Section 110(l)
 Demonstration14

List of Abbreviations

Act	Illinois Environmental Protection Act
Agency	Illinois Environmental Protection Agency
CAAPP	Clean Air Act Permit Program
CFR	Code of Federal Regulations
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalent
GHG	greenhouse gas
Illinois EPA	Illinois Environmental Protection Agency
mmBtu/hr	million British thermal units per hour
NESHAP	National Emission Standards for Hazardous Air Pollutants
Notification	Notice of Intent to be Covered by a Permit By Rule
NO _x	nitrogen oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PBR	Permit by Rule
PM	particulate matter
PM _{2.5}	particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers
PM-10	particulate matter with an aerodynamic diameter less than or equal to 10 micrometers
PSD	Prevention of Significant Deterioration
SO ₂	sulfur dioxide
SIP	State Implementation Plan
TPY	tons per year
ULSD	ultra-low sulfur diesel or diesel fuel with a sulfur content not greater than 15 parts per million
VOM	volatile organic material

Executive Summary

The Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”) is proposing amendments to Title 35 of the Illinois Administrative Code (“35 IAC”) Parts 201 and 211 in order to allow owners or operators to construct certain categories of emission units pursuant to permit by rule (“PBR”) according to Section 39.12 of the Illinois Environmental Protection Act (“Act”). Under the proposed amendments, owners or operators eligible to construct units under a PBR would be authorized to do so pursuant to conditions in the proposed rules after submitting a complete Notice of Intent to be Covered by a PBR (“Notification”). The owner or operator would then be required to submit a complete application for a minor modification to their Clean Air Act Permit Program (“CAAPP”) operating permit before being authorized to operate the unit. This would differ from the current requirements for an owner or operator to apply for and obtain a construction permit for a new emission unit before commencing construction, and then applying for a minor modification to their CAAPP before operating it.

The proposed amendments would create two new Subparts to Part 201. Subpart M contains general requirements for PBR, and Subpart N contains specific PBR requirements for one unit type – boilers that primarily burn pipeline natural gas, butane, propane, or refinery fuel (“gas-fired”) with a heat input capacity of 100 million British thermal units per hour (“mmBtu/hr”) or less.

The proposed regulations in Part 201 Subpart M contain the general provisions for any PBR that an owner or operator may apply for regardless of unit type. While the proposed amendments for this rulemaking only allow for PBR for boilers that meet the above criteria, the general provisions of Subpart M would apply to other PBR unit categories that may be proposed in the future.

The proposed regulations in Part 201 Subpart N contain the PBR requirements for the construction and operation of gas-fired boilers with a heat input capacity of no more than 100 mmBtu/hr. These units are relatively common and have well-known emission characteristics. Specific PBR requirements ensure that emissions of any criteria pollutant from a PBR unit will not exceed the significant emissions threshold for New Source Review (“NSR”) or a major modification of a source pursuant to 35 IAC 203.209.

The Agency is proposing the additional Subparts M and N in response to legislative amendments made to the Act, specifically the addition of Section 39.12. The amendments to the Act were adopted in order to reduce administrative burden for eligible owners or operators of sources and for the Agency.

The proposed amendments to Part 211 add a single definition necessary for the amendments to Part 201. The proposed amendment to Section 201.146(mmm) includes a new exemption from permitting for sources required to comply with Registration of Smaller Sources (“ROSS”), and is included as a clarification not related to PBR.

The Agency’s proposal is both technically feasible and economically reasonable. Adoption of the proposed regulations and amendments would benefit the Agency and owners or operators of regulated sources, while streamlining the permitting process for a very common unit type.

Finally, if adopted, the Agency would be required to submit the amendments to the U.S. Environmental Protection Agency (“USEPA”) as a revision to its State Implementation Plan (“SIP”). According to Section 110(l) of the Clean Air Act, no SIP revision can be approved by USEPA if it would interfere with any applicable requirement concerning attainment of a National Ambient Air Quality Standard or reasonable further progress toward attainment. The Agency has included, as Attachment A to this Technical Support Document, a demonstration that the proposed amendments are approvable as a SIP revision.

1.0 Permit by Rule

Owners or operators would be eligible to construct units according to PBR requirements as identified in the proposed 35 IAC Part 201 Subpart M. Specific PBR requirements for gas-fired boilers are proposed in Subpart N. Owners or operators wishing to construct a unit under a PBR would be required to submit a complete Notification, including much of the same general information that would be included in a construction permit for such a unit. Owners or operators of units constructed under a PBR would be required to submit a complete application for a minor permit modification to the Agency pursuant to Section 39.5(14) of the Act. The owner or operator of the unit would then be authorized to operate the unit in accordance with conditions explicitly stated or cited in Subparts M and N of Part 201, and in accordance with the conditions of the minor modification application, until a subsequent operating permit is issued for that source, at which time the PBR unit would be included in the source's CAAPP operating permit. Information required for a complete Notification is stated or cited in Subparts M and N of Part 201. The conditions of a PBR found in the proposed amendments to Part 201 are consistent with conditions that would be found in a construction permit for a given unit type, and consistent with state and federal regulations pertaining to that unit type.

For owners or operators constructing a unit under a PBR pursuant to Section 39.12 of the Act, the proposed regulations would represent a departure from current permitting procedure in that the owner or operator of the emission unit would not be issued an actual paper copy of a construction permit by the Agency for the unit. Rather, the owner or operator would submit the complete Notification to the Agency with all the information required by the proposed PBR rules, and the owner or operator would then construct the unit in accordance with the conditions contained in the PBR rule for that unit type. Eligible PBR units are allowed to be constructed at existing sources already operating under a CAAPP operating permit.

The boiler type that would be eligible for a PBR in the proposed amendments is a common unit type with relatively consistent emission characteristics, and the conditions of the PBR would be consistent with those that would be included in an individual construction permit issued by the Agency for that type of boiler.

The benefit of the proposed amendments to eligible owners or operators would be to reduce administrative burden in preparing permit applications, and to provide a shorter time period before construction or modification can begin. The proposed amendments would also allow the Agency to reduce resources directed toward review of permit applications for these relatively common unit types with consistent pollution emissions characteristics.

The Agency does not anticipate any increase in pollutant emissions from the proposed regulations. Units constructed under a PBR would be required to operate pursuant to the same limitations as are required under current rules, and without these proposed regulations, would simply be constructed and operated under current rules for construction permits.

2.0 Proposed Amendments and Regulations

The Agency is proposing amendments and additions to 35 IAC Part 201. This Part of the administrative code contains the rules for permit applications and the review process for permits by the Agency. The proposed PBR regulations consist of the addition of new Subparts M and N. The proposed Subpart M contains general provisions for PBR for any source category that becomes eligible for such permitting. The proposed Subpart N contains PBR requirements for the one unit type that the Agency is proposing to cover under PBR at this time, gas-fired boilers with a heat input capacity less than or equal to 100 mmBtu/hr. It is anticipated that additional subparts could be proposed in the future to allow additional unit types to be permitted under a PBR.

The proposed amendments for Part 201 also include 201.146(mmm) for the exclusion of sources subject to ROSS from permitting requirements. The proposed amendments to 35 IAC Part 211 consist of the addition of the definition for "Pipeline Natural Gas" needed for the term in Part 201 Subpart N.

2.1 Eligible Sources for Permit by Rule

The general provisions for PBR proposed for the new Part 201 Subpart M would allow only owners or operators of sources with CAAPP permits to construct a unit under PBR. The unit to be constructed cannot by itself, or as part of any project, be subject to NSR provisions under Section 9.1 of the Act. Those provisions include NSR for sources in a nonattainment area and Prevention of Significant Deterioration ("PSD") for sources not located in a nonattainment area. Finally, a unit to be constructed under a PBR must be of a unit type addressed in Subpart N or in a subsequently promulgated Subpart of Part 201. The new unit would be authorized to operate once a complete application for a minor modification to the CAAPP permit is filed. It is anticipated that a Notification for PBR and a minor modification application could be submitted to the Agency simultaneously.

The proposed Subpart N would allow construction, at eligible sources, of boilers with a heat input capacity of no more than 100 mmBtu/hr that are primarily fired with pipeline natural gas, butane, propane, or refinery fuel gas. Boilers eligible for PBR could not serve as control devices for organic vapors, so the emissions from these units would not include anything other than the products of fuel combustion. Due to the applicability provisions of Section 201.600(c), liquid fuels could be only used as a backup fuel for more than 48 hours in a calendar year in the event of natural gas curtailment or supply interruption.

2.2 Notice of Intent to be Covered by a Permit By Rule ("Notification")

A Notification for a PBR for an eligible boiler in the proposed Subpart N must include:

- All information required under the general provisions under Subpart M for Notifications;
- The primary fuel that will be burned by the unit;
- The maximum rated heat input capacity of the boiler (mmBtu/hr);
- Whether the boiler would be a temporary boiler as defined by Title 40 of the Code of Federal Regulations ("40 CFR") 60.41c and 63.7575 or 63.11237, and, if it would be, a

demonstration that the criteria for a temporary boiler are met, and the expected period or periods in which the boiler would be at a location or locations at the source;

- The potential emissions of individual pollutants from the boiler, including emissions of PM, PM-10, PM_{2.5}, NO_x, sulfur dioxide (“SO₂”), carbon monoxide (“CO”), volatile organic material (“VOM”), and greenhouse gases (“GHG”) (as CO₂e), based on continuous operation of the boiler at its rated heat input capacity, with supporting documentation and calculations;
- Whether the PBR boiler will have the capability to burn diesel fuel, butane, propane, or refinery fuel gas;
- Payment of applicable fees; and
- A statement as to whether the boiler will be an element in a larger project and, if it is, a description of that project, as well as a statement whether a construction permit will be required for an element of that project, and the following information:
 - If a construction permit will not be required for the project, a demonstration that the potential emissions of different regulated NSR pollutants from that project will be less than 80 percent of the relevant significant emission rates.

2.3 Requirements for Subpart N PBR Units

The proposed Subpart N of Part 201 contains the conditions with which a PBR boiler must comply at an eligible source. Use of PBR does not remove the responsibility for owners or operators to operate a boiler in compliance with all current Illinois and federal regulations. Subpart N Sections 201.610 through 201.635 have been included in the proposed amendments to reference or explicitly codify requirements that are applicable to Subpart N boilers. These requirements are consistent with the conditions that would otherwise be contained in a construction permit for boilers of the type prescribed by the proposed Subpart N. These include requirements to meet all applicable federal New Source Performance Standards (“NSPS”) and National Emission Standards for Hazardous Air Pollutants (“NESHAP”), as well as the Pollution Control Board’s requirements for opacity, CO emissions, NO_x emissions, and recordkeeping and reporting that are applicable to boilers of this type and size.

Below are the additional requirements for Subpart N PBR boilers.

- The boiler has a maximum design heat input capacity of no greater than 100 mmBtu/hr.
- The primary fuel for the boiler must be pipeline natural gas, butane, propane, or refinery fuel gas.
- Diesel fuel, butane, and propane are the only allowable backup or reserve fuels.
- Diesel fuel, as a backup fuel, may only be used for a maximum of 48 hours in any calendar year, except for in times of natural gas curtailment or supply interruption.
- Emissions from the boiler must consist entirely of the products of fuel combustion.
- Boilers with maximum design heat input capacities greater than 50 mmBtu/hr must be equipped with low-NO_x burners designed to meet a NO_x emission limit of 0.05 lb/mmBtu.
- Annual combustion tuning is required for boilers larger than 50 mmBtu/hr.
- Owners or operators must keep records sufficient to ensure compliance with all above provisions.

3.0 Description of Affected Sources for Permit by Rule and Technical Feasibility of Proposed Amendments

The units prescribed by the proposed Subpart N are gas-fired indirect boilers with a capacity of less than 100 mmBtu/hr. In some cases, these boilers are “skid-mounted” and relatively portable. These units are quite common across a range of industries, and are manufactured to be additional boilers or permanent or temporary replacements for older boilers for a number of reasons, including: to improve efficiency, to use while an existing boiler is under repair, to facilitate a change of fuel in order to reduce emissions, to provide additional capacity to a process, or to replace older boilers that are at the end of their useful life.

An indirect boiler is one in which heated combustion gases do not directly contact the matter to be heated. This means that emissions from this type of boiler consist entirely of the products of the fuel combustion. The proposed amendments allow for the combustion of relatively clean-burning fuels with well-known emission characteristics. These fuels are pipeline natural gas, propane, butane, and refinery fuel gas. If the PBR boiler is capable of utilizing liquid fuel, diesel fuel is permitted only as a backup or reserve fuel.

While it is not possible to predict with certainty the number of owners or operators that might utilize a PBR for this type of unit, the Agency estimates that it has processed an average of eight to twelve applications per year for units of this type.

The proposed amendments are technically feasible for regulated sources. Because the current permitting avenues for gas-fired boilers of this capacity are still available to owners or operators wishing to construct and operate them, the technical feasibility of the requirements of Subpart N is not a significant issue for this rulemaking. However, boilers of the type eligible for Subpart N PBRs are commercially available to owners or operators, and indeed are the most common. The requirements of Subpart N for units of this type are also quite common in the construction and operating permitting process.

4.0 Environmental Impact

The adoption of the proposed amendments should not result in either increases or decreases of pollutant emissions in Illinois. Owners or operators eligible for Subpart N PBR will need to construct eligible boilers while covered by a PBR subject to conditions that are comparable to those that would appear in an individual source permit. For boilers larger than 50 mmBtu/hr, there is an additional PBR requirement for the use of low-NOx burners that is not required for standard construction permits. This requirement exists to ensure PBR boilers will not cause a significant increase (for NSR purposes) in NOx emissions under any circumstances, as described below. Low-NOx burners are readily available and most boilers of this size likely already use them. If a source, for some reason, does not want to use low-NOx burners in their boiler, the standard construction permit path is still open to them.

The use of a PBR does not reduce the responsibility of the owner or operator to remain in compliance with their CAAPP permit or applicable rules, nor does it limit the Agency's abilities to inspect a source or issue violation notices for noncompliance with the source's permit or other regulations.

The proposed amendments ensure that emissions of all criteria pollutants from a PBR boiler will not exceed the significant emissions threshold for NSR or for a major modification of a source. However, an owner or operator seeking a construction permit for a boiler in the standard permitting process would also likely seek to avoid exceeding those thresholds, so the proposed requirements of PBR are very similar to what an owner or operator would be expected to do in a standard construction permit.

The proposed amendments require PBR boilers of a certain size to be equipped with low-NOx burners and meet an emission limit of 0.05 lb/mmBtu of NOx. This NOx limit is based on USEPA's AP-42 (USEPA, 1995) emission factor for NOx emissions from a boiler of less than 100 mmBtu/hr that is equipped with low-NOx burners. This is more stringent than would be necessary to avoid triggering the aforementioned NSR threshold for NOx emissions. A more detailed discussion of these considerations for all criteria pollutants follows.

4.1 New Source Review and Major Modification Considerations

35 IAC 203.209 defines a net emission increase at a source as significant if it is equal to or in excess of 100 tons per year ("TPY") of CO, 40 TPY of NOx, 40 TPY of SO₂, 15 TPY of particulate matter measured as PM-10 ("PM-10"), 40 TPY of VOM, or 0.6 TPY of lead.

For boilers of the type and capacity in these proposed PBR regulations, it is easily demonstrated that there will be no exceedances of the thresholds for CO, PM-10, VOM, or lead. Additional demonstrations below, show that there will be no exceedances of the thresholds for NOx and SO₂, and involve assumptions based on restrictions included in the proposed PBR rules. In all cases, conservative estimates have been used to ensure that thresholds will not be exceeded.

In all example calculations below, an assumption of 8,760 hours of operation (24 hours for 365 days) has been used as an annual figure for full potential utilization of the unit. Likewise, the capacity of a unit has been assumed to be 100 mmBtu/hr, the maximum capacity allowed for a boiler in the proposed regulations, except where otherwise noted. All emission factors are from

USEPA's AP-42 (USEPA, 1995) for uncontrolled boilers of the capacity in the PBR proposal, except where otherwise noted.

CO

The emission factor for CO for natural gas boilers is 0.0824 lb/mmBtu. The threshold for a significant increase in CO emissions is 100 TPY.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.082 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 36.1 \text{ TPY}$$

PM-10

The emission factor for total PM for natural gas boilers is 0.00745 lb/mmBtu. This emission factor is conservative because PM-10 is a component of total PM, and so would be less than the total. The threshold for a significant increase in PM-10 emissions is 15 TPY.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.0075 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 3.3 \text{ TPY}$$

VOM

The emission factor for VOM for natural gas boilers is 0.00539 lb/mmBtu. The threshold for a significant increase in VOM emissions is 40 TPY.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.0054 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 2.4 \text{ TPY}$$

Lead

The emission factor for lead for natural gas boilers is 4.9×10^{-7} lb/mmBtu. The threshold for a significant increase in lead emissions is 0.6 TPY.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{4.9 \times 10^{-7} \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 0.0002 \text{ TPY}$$

NOx

The following demonstration for NOx emissions assumes that the boiler is equipped with low-NOx burners as required by the proposed Section 201.600(b). This requires boilers with design heat input capacity of greater than 50 mmBtu/hr to be equipped with low-NOx burners designed to meet a NOx emission limit of 0.05 lb/mmBtu. This requirement, along with the requirement for annual combustion tuning in Section 201.630(c), the maximum number of hours of operation, and the maximum capacity allowed by the proposed amendments provides an adequate margin of safety that the threshold for a significant increase in NOx emissions will not be exceeded. That threshold for NOx emissions is 40 TPY.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.05 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 21.9 \text{ TPY}$$

In a case where diesel fuel may be used as a backup fuel for a PBR boiler, the emission factor for a boiler with low-NOx burners burning diesel fuel is 0.07 lb/mmBtu. The applicability provisions in the proposed amendments at Section 201.600(c) prevent PBR boilers from using diesel as a backup fuel for more than 48 hours during a calendar year, except during times of gas curtailment or supply interruptions. As such, the assumption of 8,760 hours of operation is extremely unlikely, but still the threshold for a significant increase in NOx emissions would not be exceeded.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.07 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 30.7 \text{ TPY}$$

For boilers with heat input capacities of less than 50 mmBtu/hr, low-NOx burners are not required. The NOx emission factor for boilers of that size that are uncontrolled for NOx emissions is 0.10 lb/mmBtu. Again, the threshold for a significant increase in NOx emissions will not be exceeded.

$$\frac{50 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.10 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 21.9 \text{ TPY}$$

SO₂

The emission factor for SO₂ for natural gas boilers is 5.9x10⁻⁴ lb/mmBtu. The threshold for a significant increase in SO₂ emissions is 40 TPY.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{5.9 \times 10^{-4} \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 0.26 \text{ TPY}$$

In a case where diesel fuel may be used as a backup fuel for a PBR boiler, the fuel would be restricted to diesel fuel with a maximum fuel sulfur content of 15 ppm pursuant to 35 IAC 214. The emission factor for SO₂ for a boiler burning such fuel is 0.0015 lb/mmBtu.

$$\frac{100 \text{ mmBtu}}{\text{hr}} \times \frac{8,760 \text{ hr}}{\text{yr}} \times \frac{0.0015 \text{ lb}}{\text{mmBtu}} \times \frac{1 \text{ ton}}{2,000 \text{ lb}} = 0.66 \text{ TPY}$$

Emissions from Butane, Propane, and Refinery Fuel Gas

Butane and propane emission factors for CO, PM, and VOM are assumed to be the same by AP-42 as natural gas emission factors on a heat input basis. AP-42 emission factors for NOx emissions from butane and propane combustion are calculated by multiplying natural gas emission factors by a factor of 1.5. While butane and propane sulfur content varies it is assumed to be very low and on the order of natural gas sulfur content. The requirements of the proposed regulations and the conservative assumptions from above ensure that the threshold for a significant increase in emissions for any criteria pollutant emissions will not be exceeded.

Emissions from refinery fuel gas are assumed to be similar to natural gas for all pollutants other than SO₂. The sulfur content of refinery fuel gas is limited by federal NSPS requirements. While, SO₂ emissions on a lb/mmBtu basis vary due to the variable heat content of the fuel, a conservative estimate for SO₂ emissions on a heat input basis is 0.04 lb/mmBtu. This ensures that the threshold for a significant increase in SO₂ emissions will not be exceeded for a boiler with a heat input capacity of 100 mmBtu/hr.

5.0 Economic Reasonableness

The proposed amendments are economically reasonable and, indeed, advantageous. Because the current permitting avenues for Subpart N boilers will still be available to owners or operators wishing to construct and operate boilers of this type, the economic reasonableness of the requirements of Subpart N is not a significant issue for this rulemaking. However, boilers of the type eligible for Subpart N PBRs are commercially available to owners or operators and indeed are the most common. The requirements of Subpart N for units of this type are also quite common in the construction and operating permitting process, and do not impose any undue economic impact.

The proposed amendments, if adopted, would provide economic benefits to both owners and operators of regulated sources and the Agency. Owners and operators will be able to construct units sooner and with fewer delays due to permitting issues. Owners and operators may also be able to avoid additional fees associated with expedited review of permits by the Agency. The proposed amendments will reduce administrative burden in the current permit application and review process. The Agency will also be able to reduce resources devoted to the permitting process of some relatively small sources of emissions and be better able to focus administrative resources on more significant activities.

References

USEPA, Office of Air Quality Planning and Standards. (1995). *AP-42 Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume I*. Research Triangle Park, NC. <https://www3.epa.gov/ttn/chief/ap42/ch01/index.html>

Attachment A. Permit By Rule Noninterference with NAAQS / Section 110(l) Demonstration

The purpose of this document is to demonstrate that the adoption of Permit by Rule (“PBR”) provisions in 35 Ill. Adm. Code 201 Subparts M and N into the State Implementation Plan (“SIP”) is consistent with the requirements of Section 110(l) of the Clean Air Act (“CAA”). The use of the PBR process in lieu of the existing construction permitting process is only a procedural change to the manner in which sources obtain authorization to construct. The adoption of PBR provisions by Illinois does not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement, as required by Section 110(l) of the CAA. The PBR process is only administrative and procedural in nature, and therefore will not affect emission levels within the State, and will not interfere with the National Ambient Air Quality Standards (“NAAQS”) for any criteria pollutants or any requirements of the CAA.

The PBR provisions are intended to reduce the administrative permitting burden, both for the State and for regulated entities, and will not change the emissions from the permitted emission units; hence, adoption of PBR has no negative air quality impacts. This new regulation will enable Illinois EPA to better focus its permitting resources on those sources with the greatest potential to impact air quality.

The PBR provisions do not interfere with any applicable requirement concerning NAAQS, prevention of significant deterioration (“PSD”), nonattainment new source review (“NSR”), or reasonable further progress (“RFP”), and are not in violation of Section 193 of the CAA “General Savings Clause” or any other applicable requirement of the CAA.

A PBR is a specific new type of permit, in which conditions that would normally be contained in a separately issued permit are now codified in a rule, which applies only to a specific type of low-emitting unit. A source making use of the PBR process is relieved of the requirement to obtain a construction permit for that emission unit. Each PBR contains qualifying criteria, emission limitations, conditions for operation, requirements for recordkeeping and reporting, and standard permitting conditions. The PBR requirements are similar to those found in standard air pollution construction permits for this type of unit. The PBR does not exempt an emission unit from air pollution emission and/or control requirements.

The general requirements for all sources seeking a PBR are in 35 Ill. Adm. Code 201 Subpart M; only emission units that will be constructed at a major source that has a Title V permit are eligible to obtain a PBR. Requirements specific to gas-fired boilers equal to or less than 100 mmBtu/hr are set forth in Subpart N. The use of a PBR will reduce workload for permitting staff, and also save owners and operators of eligible emission units time and money. Owner and operators are still required to submit a minor modification application for the applicable Title V permit before operation of the unit can commence.

The proposed PBR rules are protective of the NAAQS, PSD, nonattainment NSR, and RFP demonstrations, and will not cause a violation of Section 193 of the CAA “General Savings Clause” because the rules only change the process for obtaining authorization to construct the unit. Below is further detail regarding how the above requirements are met.

- The PBR regulations are based on conditions in existing construction permits for this type of emission unit. The PBR not only contains emission limits, but also contains operational restrictions, work practice standards, and recordkeeping requirements. The PBR regulations either enumerate the applicable requirements or point to the appropriate regulation(s) that are incorporated by reference instead of generated on a case-by-case basis as with construction permits for larger emission units or complex sources.
- The PBR requires low-nitrogen oxide (“NO_x”) burners for boilers over 50 mmBtu/hr, which ensures that all potential PBR boilers will emit NO_x in amounts well below the level that would trigger a major modification subject to PSD or nonattainment NSR. The maximum NO_x emissions from a 100 mmBtu/hr boiler with a low-NO_x burner rate of 0.05 lb/mmBtu operating at 8760 hours per year would be $((100 \text{ mmBtu/hr})(0.05 \text{ lb/mmBtu})(8760 \text{ hr/yr}))/2000 \text{ lb/ton} = 21.9 \text{ tons/year}$. Further discussion concerning potential emissions with the PBR unit can be found in Section 4.1 of the Technical Support Document for the regulation.
- The PBR clearly defines in Subpart M that if a source, alone or as part of a project, is subject to PSD or nonattainment NSR, then the source cannot obtain a PBR.
- The PBR requires the owner or operator of the proposed emission unit to submit a complete notification prior to construction, certifying that the unit meets all the requirements for the PBR, and pay construction fees as well. The owner or operator of the proposed emission unit is also required to submit a Title V permit minor modification for the unit prior to operation of the unit.
- Codification of permit conditions in a PBR does not diminish any enforcement authority. If a PBR unit is found to be in violation of any applicable State or federal rules, Illinois EPA or USEPA can pursue enforcement regardless of whether the source has a construction permit or a PBR.
- The PBR regulations do not cause a violation of Section 193 of the CAA “General Savings Clause” since the regulations are administrative and do not impact any control measures for the State.

Therefore, Illinois EPA has determined that the use of PBR in lieu of the traditional construction permitting process is administrative or procedural in nature, will not affect emission levels within the State, and will not interfere with the requirements of the CAA related to such administrative or procedural provisions.

