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January 21, 2014
Mr. John Therriault, Clerk
Illinois Pollution Control Board
100 West Randolph St., Suite 11-500
James R. Thompson Center
Chicago, IL 60601

RE: R2014-020. Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals; 35 Ill. Adm. Code Part 213

Dear Mr. Therriault:

On behalf of the Illinois Coal Association, thank you for the opportunity to comment on the proposed emergency regulations filed last Thursday by the Illinois Environmental Protection Agency captioned above. The Illinois Coal Association is a professional trade organization created in 1878 to promote the Illinois coal industry. ICA members produce the majority of coal mined in Illinois, which in 2013 totaled over 50 million tons, contributing over \$2 billion to the state's economy, employing over 4,000 workers and responsible for 28,000 indirect jobs.

The underlying event that gave rise to the emergency rules occurred in August 2013 and involved a petcoke bulk terminal site in the City of Chicago. Despite the fact that petcoke and coal are completely different commodities, the emergency rules seek to regulate collectively, and without distinction, "coke and coal bulk terminals." While the emergency rules except from the definition of "coke and coal bulk terminals" the "source, site, or facility that produces or consumes the coke or coal," in many cases bulk terminals are used in the transport of Illinois coal as 85% of our production is used out of state. Accordingly, the nature and scope of the proposed emergency rules will have a significant - and wholly unwarranted - negative impact on the Illinois coal industry by imposing substantial costs in getting our product to the market.

Coal bulk terminals in Illinois are already subject to comprehensive state and federal laws, regulations and permit requirements. These requirements regulate operations and impose monitoring requirements in connection with the storage and transloading of coal. Appendix A to these comments is a listing of these requirements, and they include comprehensive requirements for the regulation,

monitoring and control of fugitive dust. We are not aware of any current violations of these standards related to the storage or transloading of coal at bulk terminals.

Section 27(c) of the Illinois Environmental Protection Act clearly and unequivocally states that the Illinois Pollution Control Board may only permit administrative emergency rule making when one or more of the following conditions exists:

- a) "...a disaster emergency"
- b) "... a severe public health emergency " or
- c) " a situation which reasonably constitutes a threat to the public interest, safety or welfare."

The Illinois Environmental Protection Agency has failed to provide any evidence in its filing that any of these conditions exist. Moreover, it belies the contentions in the IEPA's filing that an "emergency" exists when 6 months passed between the incident involving the Cook County petcoke bulk terminal and IEPA's proposed emergency rulemaking. With respect to the application of the proposed rule to coal bulk terminals, where there has been no factually grounded allegation of non-compliance with the pre-existing, comprehensive regulatory scheme, the IEPA's contention is wholly meritless.

It is fundamental to sound public policy that regulations of the nature proposed in the instant case be thoughtfully considered, benefits and burdens carefully analyzed, and all affected parties afforded the opportunity for meaningful notice and comment. It is precisely for this reason that the burden that must be met for emergency rulemaking to occur is so high, a burden that has not been met by IEPA in this filing. Accordingly, the Illinois Coal Association respectfully requests that the Pollution Control Board reject these emergency rules. It is clear that IEPA has failed to meet the conditions for an emergency determination. We request that the Board allow this proposal to go through the normal rulemaking process so all parties have adequate time to respond and participate.

Sincerely,



Phillip M. Gonet,
President

APPENDIX A

COMMENTS OF THE ILLINOIS COAL ASSOCIATION

Regulatory Requirements

The list of regulations that can apply to facilities which are the subject of the Illinois proposed emergency rulemaking include but are not limited to:

- Federal
 - 40 CFR 60, Subparts A and Y
 - 40 CFR 60.250(b)
 - 40 CFR 60.251
 - 40 CFR 60.252(a)
 - 40 CFR 60.253(a)
 - 40 CFR 60.254(a)
 - 40 CFR 60.255(a)
 - 40 CFR 60.256(a)
 - 40 CFR 60.8
 - 40 CFR 60.251(h)
 - 40 CFR 60.251(m)
 - 40 CFR 60.254(c)
 - 40 CFR 60.11(c)
 - 40 CFR 60.11(d)
 - 40 CFR 60.8(a)
 - 40 CFR 60.8(b)
 - 40 CFR 60.8(c)
 - 40 CFR 60.8(d)
 - 40 CFR 60.8(e)
 - 40 CFR 60.8(f)
 - 40 CFR 60.11(e)(2)
 - 40 CFR 60.257(a)
 - 40 CFR 60.7(b)
 - 40 CFR 60.7(f)
 - 40 CFR 60.258(b)
- State:
 - 35 Ill. Adm. Code 212.123(a)
 - 35 Ill. Adm. Code 212.123(b)
 - 35 Ill. Adm. Code 212.301
 - 35 Ill. Adm. Code 212.304(a)
 - 35 Ill. Adm. Code 212.305
 - 35 Ill. Adm. Code 212.306
 - 35 Ill. Adm. Code 212.308

- 35 Ill. Adm. Code 212.309(a)
- 35 Ill. Adm. Code 212.310
- 35 Ill. Adm. Code 212.312
- 35 Ill. Adm. Code 212.316(b)
- 35 Ill. Adm. Code 212.316(c)
- 35 Ill. Adm. Code 212.316(d)
- 35 Ill. Adm. Code 212.316(f)
- 35 Ill. Adm. Code 212.321(a)
- 35 Ill. Adm. Code 212.321(b)
- 35 Ill. Adm. Code 212.322
- 35 Ill. Adm. Code 212.322(b)
- 35 Ill. Adm. Code 212.700(a)
- 35 Ill. Adm. Code 214.122(b)(2)
- 35 Ill. Adm. Code 214.301
- 35 Ill. Adm. Code 214.304
- 35 Ill. Adm. Code 212.304(b)
- 35 Ill. Adm. Code 212.314
- 35 Ill. Adm. Code 212.323
- 35 Ill. Adm. Code 212.324(d)
- 35 Ill. Adm. Code 212.324(f)
- 35 Ill. Adm. Code 212.701(a)
- 35 Ill. Adm. Code 212.703(a)
- 35 Ill. Adm. Code 212.703(b)
- 35 Ill. Adm. Code 212.704(b)
- 35 Ill. Adm. Code 212.704(e)
- 35 Ill. Adm. Code 201.282
- 35 Ill. Adm. Code 212.110(c)
- 35 Ill. Adm. Code 212.110(e)
- 35 Ill. Adm. Code 212.316(g)(1)
- 35 Ill. Adm. Code 212.316(g)(2)
- 35 Ill. Adm. Code 212.316(g)(4)
- 35 Ill. Adm. Code 212.324(g)(1)
- 35 Ill. Adm. Code 212.324(g)(2)
- 35 Ill. Adm. Code 212.324(g)(4)
- 35 Ill. Adm. Code 212.324(g)(5)
- 35 Ill. Adm. Code 212.110(d)
- 35 Ill. Adm. Code 212.316(g)(5)
- 35 Ill. Adm. Code 212.324(g)(6)

These citations have been taken directly out of a permit for a facility that is listed on a document titled "Sources Potentially subject to Coke or Coal Bulk Terminals Emergency Rulemaking." This document was released parallel to the proposed emergency rulemaking.

All of 40 CFR 60 Subpart A is not set forth here. The relevant language from the Code of Federal Regulations cited to above is set forth as follows:

Title 40: Protection of Environment

Subpart A – General Provisions

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§ 60.7 Notification and recordkeeping.

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(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

...

(f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:

(1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

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[36 FR 24877, Dec. 28, 1971, as amended at 40 FR 46254, Oct. 6, 1975; 40 FR 58418, Dec. 16, 1975; 45 FR 5617, Jan. 23, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 52 FR 9781, Mar. 26, 1987; 55 FR 51382, Dec. 13, 1990; 59 FR 12428, Mar. 16, 1994; 59 FR 47265, Sep. 15, 1994; 64 FR 7463, Feb. 12, 1999]

§60.8 Performance tests.

(a) Except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(1) If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the Administrator, in writing as soon as practicable following the date the owner or operator first knew, or through due diligence should have known that the event may cause or caused a delay in testing beyond the regulatory deadline, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

(2) The owner or operator shall provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the performance test. The performance test shall be conducted as soon as practicable after the force majeure occurs.

(3) The decision as to whether or not to grant an extension to the performance test deadline is solely within the discretion of the Administrator. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practicable.

(4) Until an extension of the performance test deadline has been approved by the Administrator under paragraphs (a)(1), (2), and (3) of this section, the owner or operator of the affected facility remains strictly subject to the requirements of this part.

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(2) Safe sampling platform(s).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

(f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

(g) The performance testing shall include a test method performance audit (PA) during the performance test. The PAs consist of blind audit samples supplied by an accredited audit sample provider and analyzed during the performance test in order to provide a measure of test data bias. Gaseous audit samples are designed to audit the performance of the sampling system as well as the analytical system and must be collected by the sampling system during the compliance test just as the compliance samples are collected. If a liquid or solid audit sample is designed to audit the sampling system, it must also be collected by the sampling system during the compliance test. If multiple sampling systems or sampling

trains are used during the compliance test for any of the test methods, the tester is only required to use one of the sampling systems per method to collect the audit sample. The audit sample must be analyzed by the same analyst using the same analytical reagents and analytical system and at the same time as the compliance samples. Retests are required when there is a failure to produce acceptable results for an audit sample. However, if the audit results do not affect the compliance or noncompliance status of the affected facility, the compliance authority may waive the reanalysis requirement, further audits, or retests and accept the results of the compliance test. Acceptance of the test results shall constitute a waiver of the reanalysis requirement, further audits, or retests. The compliance authority may also use the audit sample failure and the compliance test results as evidence to determine the compliance or noncompliance status of the affected facility. A blind audit sample is a sample whose value is known only to the sample provider and is not revealed to the tested facility until after they report the measured value of the audit sample. For pollutants that exist in the gas phase at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in air or nitrogen that can be introduced into the sampling system of the test method at or near the same entry point as a sample from the emission source. If no gas phase audit samples are available, an acceptable alternative is a sample of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. For samples that exist only in a liquid or solid form at ambient temperature, the audit sample shall consist of an appropriate concentration of the pollutant in the same matrix that would be produced when the sample is recovered from the sampling system as required by the test method. An accredited audit sample provider (AASP) is an organization that has been accredited to prepare audit samples by an independent, third party accrediting body.

(1) The source owner, operator, or representative of the tested facility shall obtain an audit sample, if commercially available, from an AASP for each test method used for regulatory compliance purposes. No audit samples are required for the following test methods: Methods 3C of Appendix A-3 of Part 60, Methods 6C, 7E, 9, and 10 of Appendix A-4 of Part 60, Method 18 of Appendix A-6 of Part 60, Methods 20, 22, and 25A of Appendix A-7 of Part 60, and Methods 303, 318, 320, and 321 of Appendix A of Part 63. If multiple sources at a single facility are tested during a compliance test event, only one audit sample is required for each method used during a compliance test. The compliance authority responsible for the compliance test may waive the requirement to include an audit sample if they believe that an audit sample is not necessary. "Commercially available" means that two or more independent AASPs have blind audit samples available for purchase. If the source owner, operator, or representative cannot find an audit sample for a specific method, the owner, operator, or representative shall consult the EPA Web site at the following URL, <http://www.epa.gov/ttn/emc>, to confirm whether there is a source that can supply an audit sample for that method. If the EPA Web site does not list an available audit sample at least 60 days prior to the beginning of the compliance test, the source owner, operator, or representative shall not be required to include an audit sample as part of the quality assurance program for the compliance test. When ordering an audit sample, the source, operator, or representative shall give the sample provider an estimate for the concentration of each pollutant that is emitted by the source or the estimated concentration of each pollutant based on the permitted level and the name, address, and phone number of the compliance authority. The source owner, operator, or representative shall report the results for the audit sample along with a summary of the emission test results for the audited pollutant to the compliance authority and shall report the results of the audit sample to the AASP. The source owner, operator, or representative shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the AASP. If the method being audited is a method that allows the samples to be analyzed in the field and the tester plans to analyze the samples in the field, the tester may analyze the audit samples prior to collecting the emission samples provided a representative of the compliance authority is present at the testing site. The tester may request and the compliance authority may grant a waiver to the requirement that a representative of the compliance authority must be present at the testing site during the field analysis of an audit sample. The source owner, operator, or representative may report the results of the audit sample to the compliance authority and report the results of the audit

sample to the AASP prior to collecting any emission samples. The test protocol and final test report shall document whether an audit sample was ordered and utilized and the pass/fail results as applicable.

(2) An AASP shall have and shall prepare, analyze, and report the true value of audit samples in accordance with a written technical criteria document that describes how audit samples will be prepared and distributed in a manner that will ensure the integrity of the audit sample program. An acceptable technical criteria document shall contain standard operating procedures for all of the following operations:

(i) Preparing the sample;

(ii) Confirming the true concentration of the sample;

(iii) Defining the acceptance limits for the results from a well qualified tester. This procedure must use well established statistical methods to analyze historical results from well qualified testers. The acceptance limits shall be set so that there is 95 percent confidence that 90 percent of well qualified labs will produce future results that are within the acceptance limit range.

(iv) Providing the opportunity for the compliance authority to comment on the selected concentration level for an audit sample;

(v) Distributing the sample to the user in a manner that guarantees that the true value of the sample is unknown to the user;

(vi) Recording the measured concentration reported by the user and determining if the measured value is within acceptable limits;

(vii) The AASP shall report the results from each audit sample in a timely manner to the compliance authority and then to the source owner, operator, or representative. The AASP shall make both reports at the same time and in the same manner or shall report to the compliance authority first and then report to the source owner, operator, or representative. The results shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, and whether the testing company passed or failed the audit. The AASP shall report the true value of the audit sample to the compliance authority. The AASP may report the true value to the source owner, operator, or representative if the AASP's operating plan ensures that no laboratory will receive the same audit sample twice.

(viii) Evaluating the acceptance limits of samples at least once every two years to determine in cooperation with the voluntary consensus standard body if they should be changed;

(ix) Maintaining a database, accessible to the compliance authorities, of results from the audit that shall include the name of the facility tested, the date on which the compliance test was conducted, the name of the company performing the sample collection, the name of the company that analyzed the compliance samples including the audit sample, the measured result for the audit sample, the true value of the audit sample, the acceptance range for the measured value, and whether the testing company passed or failed the audit.

(3) The accrediting body shall have a written technical criteria document that describes how it will ensure that the AASP is operating in accordance with the AASP technical criteria document that describes

how audit samples are to be prepared and distributed. This document shall contain standard operating procedures for all of the following operations:

- (i) Checking audit samples to confirm their true value as reported by the AASP;
- (ii) Performing technical systems audits of the AASP's facilities and operating procedures at least once every two years;
- (iii) Providing standards for use by the voluntary consensus standard body to approve the accrediting body that will accredit the audit sample providers.

(4) The technical criteria documents for the accredited sample providers and the accrediting body shall be developed through a public process guided by a voluntary consensus standards body (VCSB). The VCSB shall operate in accordance with the procedures and requirements in the Office of Management and Budget Circular A-119. A copy of Circular A-119 is available upon request by writing the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, by calling (202) 395-6880 or downloading online at http://standards.gov/standards_gov/a119.cfm. The VCSB shall approve all accrediting bodies. The Administrator will review all technical criteria documents. If the technical criteria documents do not meet the minimum technical requirements in paragraphs (g)(2) through (4) of this section, the technical criteria documents are not acceptable and the proposed audit sample program is not capable of producing audit samples of sufficient quality to be used in a compliance test. All acceptable technical criteria documents shall be posted on the EPA Web site at the following URL, <http://www.epa.gov/ttn/emc>.

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974; 42 FR 57126, Nov. 1, 1977; 44 FR 33612, June 11, 1979; 54 FR 6662, Feb. 14, 1989; 54 FR 21344, May 17, 1989; 64 FR 7463, Feb. 12, 1999; 72 FR 27442, May 16, 2007; 75 FR 55646, Sept. 13, 2010]

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§60.11 Compliance with standards and maintenance requirements.

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e)(1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in §60.8 unless one of the following conditions apply. If no performance test under §60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under §60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial

performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in §60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under §60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in §60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply.

(4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by §60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and §60.8 performance test results.

(5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under §60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under §60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under §60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under §60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute

continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under §60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in §60.13(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

(6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by §60.8, the opacity observation results and observer certification required by §60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by §60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with §60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the FEDERAL REGISTER.

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[38 FR 28565, Oct. 15, 1973, as amended at 39 FR 39873, Nov. 12, 1974; 43 FR 8800, Mar. 3, 1978; 45 FR 23379, Apr. 4, 1980; 48 FR 48335, Oct. 18, 1983; 50 FR 53113, Dec. 27, 1985; 51 FR 1790, Jan. 15, 1986; 52 FR 9781, Mar. 26, 1987; 62 FR 8328, Feb. 24, 1997; 65 FR 61749, Oct. 17, 2000]

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Subpart Y – Standards of Performance for Coal Preparation and Processing Plants

§60.250 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to affected facilities in coal preparation and processing plants that process more than 181 megagrams (Mg) (200 tons) of coal per day.

(b) The provisions in §60.251, §60.252(a), §60.253(a), §60.254(a), §60.255(a), and §60.256(a) of this subpart are applicable to any of the following affected facilities that commenced construction,

reconstruction or modification after October 27, 1974, and on or before April 28, 2008: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), and coal storage systems, transfer and loading systems.

(c) The provisions in §60.251, §60.252(b)(1) and (c), §60.253(b), §60.254(b), §60.255(b) through (h), §60.256(b) and (c), §60.257, and §60.258 of this subpart are applicable to any of the following affected facilities that commenced construction, reconstruction or modification after April 28, 2008, and on or before May 27, 2009: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), and coal storage systems, transfer and loading systems.

(d) The provisions in §60.251, §60.252(b)(1) through (3), and (c), §60.253(b), §60.254(b) and (c), §60.255(b) through (h), §60.256(b) and (c), §60.257, and §60.258 of this subpart are applicable to any of the following affected facilities that commenced construction, reconstruction or modification after May 27, 2009: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, transfer and loading systems, and open storage piles.

§60.251 Definitions.

As used in this subpart, all terms not defined herein have the meaning given them in the Clean Air Act (Act) and in subpart A of this part.

(a) *Anthracite* means coal that is classified as anthracite according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, *see* §60.17).

(b) *Bag leak detection system* means a system that is capable of continuously monitoring relative particulate matter (dust loadings) in the exhaust of a fabric filter to detect bag leaks and other upset conditions. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

(c) *Bituminous coal* means solid fossil fuel classified as bituminous coal by ASTM D388 (incorporated by reference—*see* §60.17).

(d) *Coal* means:

(1) For units constructed, reconstructed, or modified on or before May 27, 2009, all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D388 (incorporated by reference—*see* §60.17).

(2) For units constructed, reconstructed, or modified after May 27, 2009, all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM D388 (incorporated by reference—*see* §60.17), and coal refuse.

(e) *Coal preparation and processing plant* means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

(f) *Coal processing and conveying equipment* means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts. Equipment located at the mine face is not considered to be part of the coal preparation and processing plant.

(g) *Coal refuse* means waste products of coal mining, physical coal cleaning, and coal preparation operations (e.g. culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material.

(h) *Coal storage system* means any facility used to store coal except for open storage piles.

(i) *Design controlled potential PM emissions rate* means the theoretical particulate matter (PM) emissions (Mg) that would result from the operation of a control device at its design emissions rate (grams per dry standard cubic meter (g/dscm)), multiplied by the maximum design flow rate (dry standard cubic meter per minute (dscm/min)), multiplied by 60 (minutes per hour (min/hr)), multiplied by 8,760 (hours per year (hr/yr)), divided by 1,000,000 (megagrams per gram (Mg/g)).

(j) *Indirect thermal dryer* means a thermal dryer that reduces the moisture content of coal through indirect heating of the coal through contact with a heat transfer medium. If the source of heat (the source of combustion or furnace) is subject to another subpart of this part, then the furnace and the associated emissions are not part of the affected facility. However, if the source of heat is not subject to another subpart of this part, then the furnace and the associated emissions are part of the affected facility.

(k) *Lignite* means coal that is classified as lignite A or B according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see §60.17).

(l) *Mechanical vent* means any vent that uses a powered mechanical drive (machine) to induce air flow.

(m) *Open storage pile* means any facility, including storage area, that is not enclosed that is used to store coal, including the equipment used in the loading, unloading, and conveying operations of the facility.

(n) *Operating day* means a 24-hour period between 12 midnight and the following midnight during which coal is prepared or processed at any time by the affected facility. It is not necessary that coal be prepared or processed the entire 24-hour period.

(o) *Pneumatic coal-cleaning equipment* means:

(1) For units constructed, reconstructed, or modified on or before May 27, 2009, any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).

(2) For units constructed, reconstructed, or modified after May 27, 2009, any facility which classifies coal by size or separates coal from refuse by application of air stream(s).

(p) *Potential combustion concentration* means the theoretical emissions (nanograms per joule (ng/J) or pounds per million British thermal units (lb/MMBtu) heat input) that would result from combustion of

a fuel in an uncleaned state without emission control systems, as determined using Method 19 of appendix A-7 of this part.

(q) *Subbituminous coal* means coal that is classified as subbituminous A, B, or C according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, *see* §60.17).

(r) *Thermal dryer* means:

(1) For units constructed, reconstructed, or modified on or before May 27, 2009, any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

(2) For units constructed, reconstructed, or modified after May 27, 2009, any facility in which the moisture content of coal is reduced by either contact with a heated gas stream which is exhausted to the atmosphere or through indirect heating of the coal through contact with a heated heat transfer medium.

(s) *Transfer and loading system* means any facility used to transfer and load coal for shipment.

§60.252 Standards for thermal dryers.

(a) On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified on or before April 28, 2008, subject to the provisions of this subpart must meet the requirements in paragraphs (a)(1) and (a)(2) of this section.

(1) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which contain PM in excess of 0.070 g/dscm (0.031 grains per dry standard cubic feet (gr/dscf)); and

(2) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which exhibit 20 percent opacity or greater.

(b) Except as provided in paragraph (c) of this section, on and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified after April 28, 2008, subject to the provisions of this subpart must meet the applicable standards for PM and opacity, as specified in paragraph (b)(1) of this section. In addition, and except as provided in paragraph (c) of this section, on and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified after May 29, 2009, subject to the provisions of this subpart must also meet the applicable standards for sulfur dioxide (SO₂), and combined nitrogen oxides (NO_x) and carbon monoxide (CO) as specified in paragraphs (b)(2) and (b)(3) of this section.

(1) The owner or operator must meet the requirements for PM emissions in paragraphs (b)(1)(i) through (iii) of this section, as applicable to the affected facility.

(i) For each thermal dryer constructed or reconstructed after April 28, 2008, the owner or operator must meet the requirements of (b)(1)(i)(A) and (b)(1)(i)(B).

(A) The owner or operator must not cause to be discharged into the atmosphere from the thermal dryer any gases that contain PM in excess of 0.023 g/dscm (0.010 grains per dry standard cubic feet (gr/dscf)); and

(B) The owner or operator must not cause to be discharged into the atmosphere from the thermal dryer any gases that exhibit 10 percent opacity or greater.

(ii) For each thermal dryer modified after April 28, 2008, the owner or operator must meet the requirements of paragraphs (b)(1)(ii)(A) and (b)(1)(ii)(B) of this section.

(A) The owner or operator must not cause to be discharged to the atmosphere from the affected facility any gases which contain PM in excess of 0.070 g/dscm (0.031 gr/dscf); and

(B) The owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 20 percent opacity or greater.

(2) Except as provided in paragraph (b)(2)(iii) of this section, for each thermal dryer constructed, reconstructed, or modified after May 27, 2009, the owner or operator must meet the requirements for SO₂ emissions in either paragraph (b)(2)(i) or (b)(2)(ii) of this section.

(i) The owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases that contain SO₂ in excess of 85 ng/J (0.20 lb/MMBtu) heat input; or

(ii) The owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases that either contain SO₂ in excess of 520 ng/J (1.20 lb/MMBtu) heat input or contain SO₂ in excess of 10 percent of the potential combustion concentration (*i.e.*, the facility must achieve at least a 90 percent reduction of the potential combustion concentration and may not exceed a maximum emissions rate of 1.2 lb/MMBtu (520 ng/J)).

(iii) Thermal dryers that receive all of their thermal input from a source other than coal or residual oil, that receive all of their thermal input from a source subject to an SO₂ limit under another subpart of this part, or that use waste heat or residual from the combustion of coal or residual oil as their only thermal input are not subject to the SO₂ limits of this section.

(3) Except as provided in paragraph (b)(3)(iii) of this section, the owner or operator must meet the requirements for combined NO_x and CO emissions in paragraph (b)(3)(i) or (b)(3)(ii) of this section, as applicable to the affected facility.

(i) For each thermal dryer constructed after May 27, 2009, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which contain a combined concentration of NO_x and CO in excess of 280 ng/J (0.65 lb/MMBtu) heat input.

(ii) For each thermal dryer reconstructed or modified after May 27, 2009, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which contain combined concentration of NO_x and CO in excess of 430 ng/J (1.0 lb/MMBtu) heat input.

(iii) Thermal dryers that receive all of their thermal input from a source other than coal or residual oil, that receive all of their thermal input from a source subject to a NO_x limit and/or CO limit under

another subpart of this part, or that use waste heat or residual from the combustion of coal or residual oil as their only thermal input, are not subject to the combined NO_x and CO limits of this section.

(c) Thermal dryers receiving all of their thermal input from an affected facility covered under another 40 CFR Part 60 subpart must meet the applicable requirements in that subpart but are not subject to the requirements in this subpart.

§60.253 Standards for pneumatic coal-cleaning equipment.

(a) On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of pneumatic coal-cleaning equipment constructed, reconstructed, or modified on or before April 28, 2008, must meet the requirements of paragraphs (a)(1) and (a)(2) of this section.

(1) The owner or operator must not cause to be discharged into the atmosphere from the pneumatic coal-cleaning equipment any gases that contain PM in excess of 0.040 g/dscm (0.017 gr/dscf); and

(2) The owner or operator must not cause to be discharged into the atmosphere from the pneumatic coal-cleaning equipment any gases that exhibit 10 percent opacity or greater.

(b) On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of pneumatic coal-cleaning equipment constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) and (b)(2) of this section.

(1) The owner or operator must not cause to be discharged into the atmosphere from the pneumatic coal-cleaning equipment any gases that contain PM in excess of 0.023 g/dscm (0.010 gr/dscf); and

(2) The owner or operator must not cause to be discharged into the atmosphere from the pneumatic coal-cleaning equipment any gases that exhibit greater than 5 percent opacity.

§60.254 Standards for coal processing and conveying equipment, coal storage systems, transfer and loading systems, and open storage piles.

(a) On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.

(b) On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of this section, as applicable to the affected facility.

(1) Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.

(2) The owner or operator must not cause to be discharged into the atmosphere from any mechanical vent on an affected facility gases which contain particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf).

(3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of this section.

(c) The owner or operator of an open storage pile, which includes the equipment used in the loading, unloading, and conveying operations of the affected facility, constructed, reconstructed, or modified after May 27, 2009, must prepare and operate in accordance with a submitted fugitive coal dust emissions control plan that is appropriate for the site conditions as specified in paragraphs (c)(1) through (6) of this section.

(1) The fugitive coal dust emissions control plan must identify and describe the control measures the owner or operator will use to minimize fugitive coal dust emissions from each open storage pile.

(2) For open coal storage piles, the fugitive coal dust emissions control plan must require that one or more of the following control measures be used to minimize to the greatest extent practicable fugitive coal dust: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents on the source (when the provisions of paragraph (c)(6) of this section are met), use of a wind barrier, compaction, or use of a vegetative cover. The owner or operator must select, for inclusion in the fugitive coal dust emissions control plan, the control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measure or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source.

(3) Any owner or operator of an affected facility that is required to have a fugitive coal dust emissions control plan may petition the Administrator to approve, for inclusion in the plan for the affected facility, alternative control measures other than those specified in paragraph (c)(2) of this section as specified in paragraphs (c)(3)(i) through (iv) of this section.

(i) The petition must include a description of the alternative control measures, a copy of the fugitive coal dust emissions control plan for the affected facility that includes the alternative control measures, and information sufficient for EPA to evaluate the demonstrations required by paragraph (c)(3)(ii) of this section.

(ii) The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternate control measures will provide equivalent overall environmental protection or demonstrate that it is either economically or technically infeasible for the affected facility to use the control measures specifically identified in paragraph (c)(2).

(iii) While the petition is pending, the owner or operator must comply with the fugitive coal dust emissions control plan including the alternative control measures submitted with the petition. Operation in accordance with the plan submitted with the petition shall be deemed to constitute compliance with the requirement to operate in accordance with a fugitive coal dust emissions control plan that contains one of the control measures specifically identified in paragraph (c)(2) of this section while the petition is pending.

(iv) If the petition is approved by the Administrator, the alternative control measures will be approved for inclusion in the fugitive coal dust emissions control plan for the affected facility. In lieu of amending this subpart, a letter will be sent to the facility describing the specific control measures approved. The facility shall make any such letters and the applicable fugitive coal dust emissions control plan available to the public. If the Administrator determines it is appropriate, the conditions and requirements of the letter can be reviewed and changed at any point.

(4) The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority as specified in paragraphs (c)(4)(i) and (c)(4)(ii) of this section.

(i) The plan must be submitted to the Administrator or delegated authority prior to startup of the new, reconstructed, or modified affected facility, or 30 days after the effective date of this rule, whichever is later.

(ii) The plan must be revised as needed to reflect any changing conditions at the source. Such revisions must be dated and submitted to the Administrator or delegated authority before a source can operate pursuant to these revisions. The Administrator or delegated authority may also object to such revisions as specified in paragraph (c)(5) of this section.

(5) The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in paragraphs (c)(5)(i) and (c)(5)(ii) of this section.

(i) The Administrator or delegated authority may object to any fugitive coal dust emissions control plan that it has determined does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.

(ii) If an objection is raised, the owner or operator, within 30 days from receipt of the objection, must submit a revised fugitive coal dust emissions control plan to the Administrator or delegated authority. The owner or operator must operate in accordance with the revised fugitive coal dust emissions control plan. The Administrator or delegated authority retain the right, under paragraph (c)(5) of this section, to object to the revised control plan if it determines the plan does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.

(6) Where appropriate chemical dust suppression agents are selected by the owner or operator as a control measure to minimize fugitive coal dust emissions, (1) only chemical dust suppressants with Occupational Safety and Health Administration (OSHA)-compliant material safety data sheets (MSDS) are to be allowed; (2) the MSDS must be included in the fugitive coal dust emissions control plan; and (3) the owner or operator must consider and document in the fugitive coal dust emissions control plan the site-specific impacts associated with the use of such chemical dust suppressants.

§60.255 Performance tests and other compliance requirements.

(a) An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in §60.257.

(b) An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emissions standards in this subpart as specified in paragraphs (b)(1) and (2) of this section.

(1) For each affected facility subject to a PM, SO₂, or combined NO_x and CO emissions standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according the requirements in paragraphs (b)(1)(i) through (iii) of this section, as applicable.

(i) If the results of the most recent performance test demonstrate that emissions from the affected facility are greater than 50 percent of the applicable emissions standard, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.

(ii) If the results of the most recent performance test demonstrate that emissions from the affected facility are 50 percent or less of the applicable emissions standard, a new performance test must be conducted within 24 calendar months of the date that the previous performance test was required to be completed.

(iii) An owner or operator of an affected facility that has not operated for the 60 calendar days prior to the due date of a performance test is not required to perform the subsequent performance test until 30 calendar days after the next operating day.

(2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of this section.

(i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.

(ii) If all 6-minute average opacity readings in the most recent performance test are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.

(iii) An owner or operator of an affected facility continuously monitoring scrubber parameters as specified in §60.256(b)(2) is exempt from the requirements in paragraphs (b)(2)(i) and (ii) if opacity performance tests are conducted concurrently with (or within a 60-minute period of) PM performance tests.

(c) If any affected coal processing and conveying equipment (*e.g.*, breakers, crushers, screens, conveying systems), coal storage systems, or coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building, and emissions from the building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.

(d) An owner or operator of an affected facility (other than a thermal dryer) that commenced construction, reconstruction, or modification after April 28, 2008, is subject to a PM emission standard and uses a control device with a design controlled potential PM emissions rate of 1.0 Mg (1.1 tons) per year or less is exempted from the requirements of paragraphs (b)(1)(i) and (ii) of this section provided that the owner or operator meets all of the conditions specified in paragraphs (d)(1) through (3) of this section. This exemption does not apply to thermal dryers.

(1) PM emissions, as determined by the most recent performance test, are less than or equal to the applicable limit,

(2) The control device manufacturer's recommended maintenance procedures are followed, and

(3) All 6-minute average opacity readings from the most recent performance test are equal to or less than half the applicable opacity limit or the monitoring requirements in paragraphs (e) or (f) of this section are followed.

(e) For an owner or operator of a group of up to five of the same type of affected facilities that commenced construction, reconstruction, or modification after April 28, 2008, that are subject to PM emissions standards and use identical control devices, the Administrator or delegated authority may allow the owner or operator to use a single PM performance test for one of the affected control devices to demonstrate that the group of affected facilities is in compliance with the applicable emissions standards provided that the owner or operator meets all of the conditions specified in paragraphs (e)(1) through (3) of this section.

(1) PM emissions from the most recent performance test for each individual affected facility are 90 percent or less of the applicable PM standard;

(2) The manufacturer's recommended maintenance procedures are followed for each control device; and

(3) A performance test is conducted on each affected facility at least once every 5 calendar years.

(f) As an alternative to meeting the requirements in paragraph (b)(2) of this section, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.

(1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.

(i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.

(ii) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

(iii) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.

(2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administrator or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS "Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems." This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator or delegated authority shall be implemented by the owner or operator.

(g) As an alternative to meeting the requirements in paragraph (b)(2) of this section, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of this section.

(1) The COMS must meet Performance Specification 1 in 40 CFR part 60, appendix B.

(2) The COMS must comply with the quality assurance requirements in paragraphs (g)(2)(i) through (v) of this section.

(i) The owner or operator must automatically (intrinsic to the opacity monitor) check the zero and upscale (span) calibration drifts at least once daily. For particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of Performance Specification 1 in 40 CFR part 60, appendix B.

(ii) The owner or operator must adjust the zero and span whenever the 24-hour zero drift or 24-hour span drift exceeds 4 percent opacity. The COMS must allow for the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified. The optical surfaces exposed to the effluent gases must be cleaned prior to performing the zero and span drift adjustments, except for systems using automatic zero adjustments. For systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(iii) The owner or operator must apply a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. All procedures applied must provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

(iv) Except during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments, the COMS must be in continuous operation and must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(v) The owner or operator must reduce all data from the COMS to 6-minute averages. Six-minute opacity averages must be calculated from 36 or more data points equally spaced over each 6-minute

period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages. An arithmetic or integrated average of all data may be used.

(h) The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through (3) of this section.

(1) Conduct an initial performance test using Method 9 of appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and(ii).

(i) Opacity readings shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.

(ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.

(2) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.

§60.256 Continuous monitoring requirements.

(a) The owner or operator of each affected facility constructed, reconstructed, or modified on or before April 28, 2008, must meet the monitoring requirements specified in paragraphs (a)(1) and (2) of this section, as applicable to the affected facility.

(1) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

(i) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within ± 1.7 °C (± 3 °F).

(ii) For affected facilities that use wet scrubber emission control equipment:

(A) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.

(B) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator shall have discretion to grant requests for approval of alternative monitoring locations.

(2) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under §60.13(b).

(b) The owner or operator of each affected facility constructed, reconstructed, or modified after April 28, 2008, that has one or more mechanical vents must install, calibrate, maintain, and continuously operate the monitoring devices specified in paragraphs (b)(1) through (3) of this section, as applicable to the mechanical vent and any control device installed on the vent.

(1) For mechanical vents with fabric filters (baghouses) with design controlled potential PM emissions rates of 25 Mg (28 tons) per year or more, a bag leak detection system according to the requirements in paragraph (c) of this section.

(2) For mechanical vents with wet scrubbers, monitoring devices according to the requirements in paragraphs (b)(2)(i) through (iv) of this section.

(i) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.

(ii) A monitoring device for the continuous measurement of the water supply flow rate to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply flow rate.

(iii) A monitoring device for the continuous measurement of the pH of the wet scrubber liquid. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design pH.

(iv) An average value for each monitoring parameter must be determined during each performance test. Each monitoring parameter must then be maintained within 10 percent of the value established during the most recent performance test on an operating day average basis.

(3) For mechanical vents with control equipment other than wet scrubbers, a monitoring device for the continuous measurement of the reagent injection flow rate to the control equipment, as applicable. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design injection flow rate. An average reagent injection flow rate value must be determined during each performance test. The reagent injection flow rate must then be maintained within 10 percent of the value established during the most recent performance test on an operating day average basis.

(c) Each bag leak detection system used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (c)(1) through (3) of this section.

(1) The bag leak detection system must meet the specifications and requirements in paragraphs (c)(1)(i) through (viii) of this section.

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (mg/dscm) (0.00044 grains per actual cubic foot (gr/acf)) or less.

(ii) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (e.g., using a strip chart recorder or a data logger).

(iii) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (c)(1)(iv) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(iv) In the initial adjustment of the bag leak detection system, the owner or operator must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

(v) Following initial adjustment, the owner or operator must not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided in paragraph (c)(2)(vi) of this section.

(vi) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph (c)(2) of this section.

(vii) The owner or operator must install the bag leak detection sensor downstream of the fabric filter.

(viii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(2) The owner or operator must develop and submit to the Administrator or delegated authority for approval a site-specific monitoring plan for each bag leak detection system. This plan must be submitted to the Administrator or delegated authority 30 days prior to startup of the affected facility. The owner or operator must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in paragraphs (c)(2)(i) through (vi) of this section.

(i) Installation of the bag leak detection system;

(ii) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system, including quality assurance procedures;

(iv) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;

(v) How the bag leak detection system output will be recorded and stored; and

(vi) Corrective action procedures as specified in paragraph (c)(3) of this section. In approving the site-specific monitoring plan, the Administrator or delegated authority may allow the owner and operator more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why

it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.

(3) For each bag leak detection system, the owner or operator must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in paragraph (c)(2)(vi) of this section, the owner or operator must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:

- (i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;
- (ii) Sealing off defective bags or filter media;
- (iii) Replacing defective bags or filter media or otherwise repairing the control device;
- (iv) Sealing off a defective fabric filter compartment;
- (v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or
- (vi) Shutting down the process producing the PM emissions.

§60.257 Test methods and procedures.

(a) The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of this section.

(1) Method 9 of appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).

(i) The duration of the Method 9 of appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).

(ii) If, during the initial 30 minutes of the observation of a Method 9 of appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.

(2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (a)(3)(i) through (iii) of this section are met.

(i) No more than three emissions points may be read concurrently.

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.

(iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.

(b) The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.

(1) Method 1 or 1A of appendix A-4 of this part shall be used to select sampling port locations and the number of traverse points in each stack or duct. Sampling sites must be located at the outlet of the control device (or at the outlet of the emissions source if no control device is present) prior to any releases to the atmosphere.

(2) Method 2, 2A, 2C, 2D, 2F, or 2G of appendix A-4 of this part shall be used to determine the volumetric flow rate of the stack gas.

(3) Method 3, 3A, or 3B of appendix A-4 of this part shall be used to determine the dry molecular weight of the stack gas. The owner or operator may use ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses (incorporated by reference—see §60.17) as an alternative to Method 3B of appendix A-2 of this part.

(4) Method 4 of appendix A-4 of this part shall be used to determine the moisture content of the stack gas.

(5) Method 5, 5B or 5D of appendix A-4 of this part or Method 17 of appendix A-7 of this part shall be used to determine the PM concentration as follows:

(i) The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin. A minimum of three valid test runs are needed to comprise a PM performance test.

(ii) Method 5 of appendix A of this part shall be used only to test emissions from affected facilities without wet flue gas desulfurization (FGD) systems.

(iii) Method 5B of appendix A of this part is to be used only after wet FGD systems.

(iv) Method 5D of appendix A-4 of this part shall be used for positive pressure fabric filters and other similar applications (*e.g.*, stub stacks and roof vents).

(v) Method 17 of appendix A-6 of this part may be used at facilities with or without wet scrubber systems provided the stack gas temperature does not exceed a temperature of 160 °C (320 °F). The procedures of sections 8.1 and 11.1 of Method 5B of appendix A-3 of this part may be used in Method 17 of appendix A-6 of this part only if it is used after a wet FGD system. Do not use Method 17 of appendix A-6 of this part after wet FGD systems if the effluent is saturated or laden with water droplets.

(6) Method 6, 6A, or 6C of appendix A-4 of this part shall be used to determine the SO₂ concentration. A minimum of three valid test runs are needed to comprise an SO₂ performance test.

(7) Method 7 or 7E of appendix A-4 of this part shall be used to determine the NO_x concentration. A minimum of three valid test runs are needed to comprise an NO_x performance test.

(8) Method 10 of appendix A-4 of this part shall be used to determine the CO concentration. A minimum of three valid test runs are needed to comprise a CO performance test. CO performance tests are conducted concurrently (or within a 60-minute period) with NO_x performance tests.

§60.258 Reporting and recordkeeping.

(a) The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain in a logbook (written or electronic) on-site and make it available upon request. The logbook shall record the following:

(1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection activities and the results of those activities. Any variance from manufacturer recommendation, if any, shall be noted.

(2) The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.

(3) The amount and type of coal processed each calendar month.

(4) The amount of chemical stabilizer or water purchased for use in the coal preparation and processing plant.

(5) Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from the manufacturer's recommendations, if any, shall be noted.

(6) Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, *e.g.* objections, to the plan and any actions relative to the alternative control measures, *e.g.* approvals, shall be noted in the logbook as well.

(7) For each bag leak detection system, the owner or operator must keep the records specified in paragraphs (a)(7)(i) through (iii) of this section.

(i) Records of the bag leak detection system output;

(ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection settings; and

(iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.

(8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.

(9) During a performance test of a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the scrubber pressure loss, water supply flow rate, and pH of the wet scrubber liquid.

(10) During a performance test of control equipment other than a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the reagent injection flow rate, as applicable.

(b) For the purpose of reports required under section 60.7(c), any owner operator subject to the provisions of this subpart also shall report semiannually periods of excess emissions as follow:

(1) The owner or operator of an affected facility with a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the scrubber pressure loss, water supply flow rate, or pH of the wet scrubber liquid vary by more than 10 percent from the average determined during the most recent performance test.

(2) The owner or operator of an affected facility with control equipment other than a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the reagent injection flow rate, as applicable, vary by more than 10 percent from the average determined during the most recent performance test.

(3) All 6-minute average opacities that exceed the applicable standard.

(c) The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.

(d) After July 1, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test data to EPA by successfully entering the data electronically into EPA's WebFIRE data

base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (*i.e.*, Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code: D243-01; RTP, NC 27711.

The relevant language from the Illinois Administration Code, Title 35, Subtitle B, Chapter I, Part 201 – Permits and General Provisions cited to above is set forth below.

AUTHORITY: Implementing by Sections 9.14, 10, 39 and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/9.14, 10, 27, 39 and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, 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.

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Subpart J: Monitoring and Testing

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201.282. Testing

Every emission source or air pollution control equipment shall be subject to the following testing requirements for the purpose of determining the nature and quantities of specified air contaminant emissions and for the purpose of determining ground level and ambient air concentrations of such air contaminants:

a) Testing by Owner or Operator. The Agency may require the owner or operator of the emission source or air pollution control equipment to conduct such tests in accordance with procedures adopted by the Agency, at such reasonable times as may be specified by the Agency and at the expense of the owner or operator of the emission source or air pollution control equipment. The Agency may adopt procedures detailing methods of testing and formats for reporting results of testing. Such procedures, and revisions

thereto, shall not become effective until filed with the Secretary of State, as required by the APA Act. All such tests shall be made by or under the direction of a person qualified by training and/or experience in the field of air pollution testing. The Agency shall have the right to observe all aspects of such tests.

b) Testing by the Agency. The Agency shall have the right to conduct such tests at any time at its own expense. Upon request of the Agency, the owner or operator of the emission source or air pollution control equipment shall provide, without charge to the Agency, necessary holes in stacks or ducts and other safe and proper testing facilities, including scaffolding, but excluding instruments and sensing devices, as may be necessary.

The relevant language from the Illinois Administration Code, Title 35, Subtitle B, Chapter I, Part 212 – Visible and Particulate Matter Emissions sections cited to above is set forth as follows in bold (certain unbolded language is included as background):

AUTHORITY: Implementing Section 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [[415 ILCS 5/10](#), [27](#) and 28.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rules 202 and 203: Visual and Particulate Emission Standards and Limitations, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R77-15, 32 PCB 403, at 3 Ill. Reg. 5, p. 798, effective February 3, 1979; amended in R78-10, 35 PCB 347, at 3 Ill. Reg. 39, p. 184, effective September 28, 1979; amended in R78-11, 35 PCB 505, at 3 Ill. Reg. 45, p. 100, effective October 26, 1979; amended in R78-9, 38 PCB 411, at 4 Ill. Reg. 24, p. 514, effective June 4, 1980; amended in R79-11, 43 PCB 481, at 5 Ill. Reg. 11590, effective October 19, 1981; codified at 7 Ill. Reg. 13591; amended in R82-1 (Docket A) at 10 Ill. Reg. 12637, effective July 9, 1986; amended in R85-33 at 10 Ill. Reg. 18030, effective October 7, 1986; amended in R84-48 at 11 Ill. Reg. 691, effective December 18, 1986; amended in R84-42 at 11 Ill. Reg. 1410, effective December 30, 1986; amended in R82-1 (Docket B) at 12 Ill. Reg. 12492, effective July 13, 1988; amended in R91-6 at 15 Ill. Reg. 15708, effective October 4, 1991; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R91-22 at 16 Ill. Reg. 7880, effective May 11, 1992; amended in R91-35 at 16 Ill. Reg. 8204, effective May 15, 1992; amended in R93-30 at 18 Ill. Reg. 11587, effective July 11, 1994; amended in R96-5 at 20 Ill. Reg. 7605, effective May 22, 1996.

SUBPART A: GENERAL

Section 212.100 Scope and Organization

a) This Part contains standards and limitations for visible and particulate matter emissions from stationary emission units.

b) Permits for sources subject to this Part may be required pursuant to [35 Ill. Adm. Code 201](#).

c) Notwithstanding the provisions of this Part, the air quality standards contained in

243 may not be violated.

d) This Part includes Subparts which are arranged as follows:

- 1) Subpart A: General Provisions;
- 2) Subpart B: Visible Emissions;
- 3) Subparts C-J: Incinerators and Fuel Combustion Emission Units;
- 4) Subparts K-M: Fugitive and Process Emission Units;
- 5) Subparts N-T: Site specific and industry specific rules; and
- 6) Subpart U: Additional control measures.

e) Rules have been grouped for the convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

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Section 212.110 Measurement Methods For Particulate Matter

a) Measurement of particulate matter emissions from stationary emission units subject to this Part shall be conducted in accordance with [40 CFR part 60](#), Appendix A, Methods 5, 5A, 5D, or 5E, as incorporated by reference in [Section 212.113](#) of this Subpart.

b) The volumetric flow rate and gas velocity shall be determined in accordance with [40 CFR part 60](#), Appendix A, Methods 1, 1A, 2, 2A, 2C, 2D, 3, and 4, incorporated by reference in [Section 212.113](#) of this Subpart.

c) Upon a written notification by the Agency, the owner or operator of a particulate matter emission unit subject to this Part shall conduct the applicable testing for particulate matter emissions, opacity, or visible emissions at such person's own expense, to demonstrate compliance. Such test results shall be submitted to the Agency within thirty (30) days after conducting the test unless an alternative time for submittal is agreed to by the Agency.

d) A person planning to conduct testing for particulate matter emissions to demonstrate compliance shall give written notice to the Agency of that intent. Such notification shall be given at least thirty (30) days prior to the initiation of the test unless a shorter period is agreed to by the Agency. Such notification shall state the specific test methods from this Section that will be used.

e) The owner or operator of an emission unit subject to this Part shall retain records of all tests which are performed. These records shall be retained for at least three (3) years after the date a test is performed.

f) This Section shall not affect the authority of the USEPA under Section 114 of the CAA.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

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SUBPART B: VISUAL EMISSIONS

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Section 212.123 Visible Emissions Limitations for All Other Emission Units

a) No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to [Section 212.122](#) of this Subpart.

b) The emission of smoke or other particulate matter from any such emission unit may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period provided that such opaque emissions permitted during any 60 minute period shall occur from only one such emission unit located within a 305 m (1000 ft) radius from the center point of any other such emission unit owned or operated by such person, and provided further that such opaque emissions permitted from each such emission unit shall be limited to 3 times in any 24 hour period.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

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SUBPART K: FUGITIVE PARTICULATE MATTER

Section 212.301 Fugitive Particulate Matter

No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the source.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

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Section 212.304 Storage Piles

a) All storage piles of materials with uncontrolled emissions of fugitive particulate matter in excess of 45.4 Mg per year (50 T/yr) which are located within a source whose potential particulate emissions from all emission units exceed 90.8 Mg/yr (100 T/yr) shall be protected by a cover or sprayed with a surfactant solution or water on a regular basis, as needed, or treated by an equivalent method, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

b) Subsection (a) of this Section shall not apply to a specific storage pile if the owner or operator of that pile proves to the Agency that fugitive particulate emissions from that pile do not cross the property line either by direct wind action or reentrainment.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.305 Conveyor Loading Operations

All conveyor loading operations to storage piles specified in [Section 212.304](#) of this Subpart shall utilize spray systems, telescopic chutes, stone ladders or other equivalent methods in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.306 Traffic Areas

All normal traffic pattern access areas surrounding storage piles specified in [Section 212.304](#) of this Subpart and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Sections 212.309, 212.310 and 212.312 of this Subpart.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.307 Materials Collected by Pollution Control Equipment

All unloading and transporting operations of materials collected by pollution control equipment shall be enclosed or shall utilize spraying, pelletizing, screw conveying or other equivalent methods.

(Source: Amended at 3 Ill. Reg. 45, p. 100, effective October 26, 1979)

Section 212.308 Spraying or Choke-Feeding Required

Crushers, grinding mills, screening operations, bucket elevators, conveyor transfer points, conveyors, bagging operations, storage bins and fine product truck and railcar loading operations shall be sprayed with water or a surfactant solution, utilize choke-feeding or be treated by an equivalent method in accordance with an operating program.

(Source: Amended at 3 Ill. Reg. 45, p. 100, effective October 26, 1979)

Section 212.309 Operating Program

a) The emission units described in Sections 212.304 through 212.308 and [Section 212.316](#) of this Subpart shall be operated under the provisions of an operating program, consistent with the requirements set forth in Sections 212.310 and 212.312 of this Subpart, and prepared by the owner or operator and submitted to the Agency for its review. Such operating program shall be designed to significantly reduce fugitive particulate matter emissions.

b) The amendment to this Section incorporating the applicability of [Section 212.316](#) shall apply by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.310 Minimum Operating Program

As a minimum the operating program shall include the following:

- a) The name and address of the source;
- b) The name and address of the owner or operator responsible for execution of the operating program;
- c) A map or diagram of the source showing approximate locations of storage piles, conveyor loading operations, normal traffic pattern access areas surrounding storage piles and all normal traffic patterns within the source;
- d) Location of unloading and transporting operations with pollution control equipment;
- e) A detailed description of the best management practices utilized to achieve compliance with this Subpart, including an engineering specification of particulate collection equipment, application systems for water, oil chemicals and dust suppressants utilized and equivalent methods utilized;
- f) Estimated frequency of application of dust suppressants by location of materials; and
- g) Such other information as may be necessary to facilitate the Agency's review of the operating program.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.312 Amendment to Operating Program

The operating program shall be amended from time to time by the owner or operator so that the operating program is current. Such amendments shall be consistent with this Subpart and shall be submitted to the Agency for its review.

(Source: Amended at 3 Ill. Reg. 45, p. 100, effective October 26, 1979)

Section 212.313 Emission Standard for Particulate Collection Equipment

If particulate collection equipment is operated pursuant to Sections 212.304 through 212.310 and 212.312 of this Subpart, emissions from such equipment shall not exceed 68 mg/dscm (0.03 gr/dscf).

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.314 Exception for Excess Wind Speed

Section 212.301 of this Subpart shall not apply and spraying pursuant to Sections 212.304 through 212.310 and 212.312 of this Subpart shall not be required when the wind speed is greater than 40.2

km/hr (25 mph). Determination of wind speed for the purposes of this rule shall be by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site. In cases where the duration of operations subject to this rule is less than one hour, wind speed may be averaged over the duration of the operations on the basis of on-site wind speed instrument measurements.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.315 Covering for Vehicles

No person shall cause or allow the operation of a vehicle of the second division as defined by [625 ILCS 5/1-217](#) or a semi-trailer as defined by [625 ILCS 5/1-187](#) without a covering sufficient to prevent the release of particulate matter onto the atmosphere, provided that this rule shall not pertain to automotive exhaust emissions.

(Board Note: Pursuant to Section 10(E) of the Act, Section 212.315 cannot be more strict than Section 15-109.1 of the Vehicle Code [[625 ILCS 5/15-109.1](#)].)

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.316 Emission Limitations for Emission Units in Certain Areas

a) Applicability. This Section shall apply to those operations specified in [Section 212.302](#) of this Subpart and that are located in areas defined in [Section 212.324\(a\)\(1\) of this Part](#).

b) Emission Limitation for Crushing and Screening Operations. No person shall cause or allow fugitive particulate matter emissions generated by the crushing or screening of slag, stone, coke or coal to exceed an opacity of 10 percent.

c) Emission Limitations for Roadways or Parking Areas. No person shall cause or allow fugitive particulate matter emissions from any roadway or parking area to exceed an opacity of 10 percent, except that the opacity shall not exceed 5 percent at quarries with a capacity to produce more than 1 million T/yr of aggregate.

d) Emission Limitations for Storage Piles. No person shall cause or allow fugitive particulate matter emissions from any storage pile to exceed an opacity of 10 percent, to be measured four ft from the pile surface.

e) Additional Emissions Limitations for the Granite City Vicinity as Defined in [Section 212.324\(a\)\(1\)\(C\) of this Part](#).

1) Emissions Limitations for Roadways or Parking Areas Located at Slag Processing Facilities or Integrated Iron and Steel Manufacturing Plants. No person shall cause or allow fugitive particulate matter emissions from any roadway or parking area located at a slag processing facility or integrated iron and steel manufacturing plant to exceed an opacity of 5 percent.

2) Emissions Limitations for Marine Terminals:

A) No person shall cause or allow fugitive particulate matter emissions from any loading spouts for truck or railcar to exceed an opacity of 10 percent; and

B) No person shall cause or allow fugitive particulate matter emissions generated at barge unloading, dump pits, or conveyor transfer points including, but not limited to, transfer onto and off of a conveyor to exceed an opacity of 5 percent.

f) Emission Limitation for All Other Emission Units. Unless an emission unit has been assigned a particulate matter, PM-10, or fugitive particulate matter emissions limitation elsewhere in this Section or in Subparts R or S of this Part, no person shall cause or allow fugitive particulate matter emissions from any emission unit to exceed an opacity of 20 percent.

g) Recordkeeping and Reporting

1) The owner or operator of any fugitive particulate matter emission unit subject to this Section shall keep written records of the application of control measures as may be needed for compliance with the opacity limitations of this Section and shall submit to the Agency an annual report containing a summary of such information.

2) The records required under this subsection shall include at least the following:

A) The name and address of the source;

B) The name and address of the owner and/or operator of the source;

C) A map or diagram showing the location of all emission units controlled, including the location, identification, length, and width of roadways;

D) For each application of water or chemical solution to roadways by truck: the name and location of the roadway controlled, application rate of each truck, frequency of each application, width of each application, identification of each truck used, total quantity of water or chemical used for each application and, for each application of chemical solution, the concentration and identity of the chemical;

E) For application of physical or chemical control agents: the name of the agent, application rate and frequency, and total quantity of agent, and, if diluted, percent of concentration, used each day; and

F) A log recording incidents when control measures were not used and a statement of explanation.

3) Copies of all records required by this Section shall be submitted to the Agency within ten (10) working days after a written request by the Agency and shall be transmitted to the Agency by a company-designated person with authority to release such records.

4) The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.

5) A quarterly report shall be submitted to the Agency stating the following: the dates any necessary control measures were not implemented, a listing of those control measures, the reasons that the control measures were not implemented, and any corrective actions taken. This information includes, but is not limited to, those dates when controls were not applied based on a belief that application of such control measures would have been unreasonable given prevailing atmospheric conditions, which shall constitute a defense to the requirements of this Section. This report shall be submitted to the Agency thirty (30) calendar days from the end of a quarter. Quarters end March 31, June 30, September 30, and December 31.

h) Compliance Date. Emission units shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

SUBPART L: PARTICULATE MATTER EMISSIONS FROM PROCESS EMISSION UNITS

Section 212.321 Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972

a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of this Section.

b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = A(P^B)$$

where:

P = Process weight rate; and

E = Allowable emission rate; and,

1) Up to process weight rates of 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.214	2.54
B	0.534	0.534

2) For process weight rate greater than or equal to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	11.42	24.8
B	0.16	0.16

c) Limits for Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.20	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.	3.9	10.00	8.70
13.	4.8	15.00	10.80
18.	5.7	20.00	12.50
23.	6.5	25.00	14.00
27.	7.1	30.00	15.60
32.	7.7	35.00	17.00
36.	8.2	40.00	18.20
41.	8.8	45.00	19.20
45.	9.3	50.00	20.50
90.	13.4	100.00	29.50
140.	17.0	150.00	37.00
180.	19.4	200.00	43.00
230.	22.	250.00	48.50
270.	24.	300.00	53.00
320.	26.	350.00	58.00
360.	28.	400.00	62.00
408.	30.1	450.00	66.00

454. 30.4 500.00 67.00

where:

P = Process weight rate in metric or T/hr, and

E = Allowable emission rate in kg/hr or lbs/hr.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.322 Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any process emission unit for which construction or modification commenced prior to April 14, 1972, which, either alone or in combination with the emission of particulate matter from all other similar process emission units at a source or premises, exceeds the allowable emission rates specified in subsection (c) of this Section.

b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = C + A(P)^B$$

where:

P = process weight rate; and

E = allowable emission rate; and,

1) For process weight rates up to 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.985	4.10
B	0.67	0.67
C	0	0

2) For process weight rates in excess of 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr

E	kg/hr	lbs/hr
A	25.21	55.0
B	0.11	0.11
C	-18.4	-40.0

c) Limits for Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.27	0.05	0.55
0.1	0.42	0.10	0.87
0.2	0.68	0.20	1.40
0.3	0.89	0.30	1.83
0.4	1.07	0.40	2.22
0.5	1.25	0.50	2.58
0.7	1.56	0.75	3.38
0.9	1.85	1.00	4.10
1.8	2.9	2.00	6.52
2.7	3.9	3.00	8.56
3.6	4.7	4.00	10.40
4.5	5.4	5.00	12.00
9.	8.7	10.00	19.20
13.	11.1	15.00	25.20
18.	13.8	20.00	30.50
23.	16.2	25.00	35.40
27.2	18.15	30.00	40.00
32.0	18.8	35.00	41.30
36.0	19.3	40.00	42.50
41.0	19.8	45.00	43.60
45.0	20.2	50.00	44.60
90.0	23.2	100.00	51.20
140.0	25.3	150.00	55.40

180.0	26.5	200.00	58.60
230.0	27.7	250.00	61.00
270.0	28.5	300.00	63.10
320.0	29.4	350.00	64.90
360.0	30.0	400.00	66.20
400.0	30.6	450.00	67.70
454.0	31.3	500.00	69.00

where:

P = Process weight rate in Mg/hr or T/hr, and

E = Allowable emission rate in kg/hr or lbs/hr.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.323 Stock Piles

Sections 212.321 and 212.322 of this Subpart shall not apply to emission units, such as stock piles of particulate matter, to which, because of the disperse nature of such emission units, such rules cannot reasonably be applied.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

Section 212.324 Process Emission Units in Certain Areas

a) Applicability.

1) This Section shall apply to any process emission unit located in any of the following areas:

A) That area bounded by lines from Universal Transmercator (UTM) coordinate 428000mE, 4631000mN, east to 435000mE, 4631000mN, south to 435000mE, 4623000mN, west to 428000mE, 4623000mN, north to 428000mE, 4631000mN, in the vicinity of McCook in Cook County, as shown in Illustration D of this Part;

B) That area bounded by lines from Universal Transmercator (UTM) coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000mE, 4622180mN, in the vicinity of Lake Calumet in Cook County, as shown in Illustration E of this Part;

C) That area bounded by lines from Universal Transmercator (UTM) coordinate 744000mE, 4290000mN, east to 753000mE, 4290000mN, south to 753000mE, 4283000mN, west to 744000mE, 4283000mN, north to 744000mE, 4290000mN, in the vicinity of Granite City in Madison County, as shown in Illustration F of this Part.

2) This Section shall not alter the applicability of Sections 212.321 and 212.322 of this Subpart.

3) The emission limitations of this Section are not applicable to any emission unit subject to a specific emissions standard or limitation contained in any of the following Subparts of this Part:

- A) Subpart N, Food Manufacturing;
- B) Subpart Q, Stone, Clay, Glass, and Concrete Manufacturing;
- C) Subpart R, Primary and Fabricated Metal Products, and Machinery Manufacture; and
- D) Subpart S, Agriculture.

b) General Emission Limitation. Except as otherwise provided in this Section, no person shall cause or allow the emission into the atmosphere, of PM-10 from any process emission unit to exceed 68.7 mg/scm (0.03 gr/scf) during any one hour period.

c) Alternative Emission Limitation. In lieu of the emission limit of 68.7 mg/scm (0.03 gr/scf) contained in subsection (b) of this Section, no person shall cause or allow the emissions from the following emission units to exceed the corresponding limitations in the following table:

Emission Units	Emissions Limit	
	Metric	English
1) Shotblasting emissions units in the Village of McCook equipped with fabric filters as of June 1, 1991	22.9 mg/scm	0.01 gr/scf
2) All process emission units at manufacturers of steel wool with soap pads located in the Village of McCook	5% opacity	5% opacity

d) Exceptions. The mass emission limits contained in subsections (b) and (c) of this Section shall not apply to those emission units with no visible emissions other than fugitive particulate matter; however, if a stack test is performed, this subsection is not a defense to a finding of a violation of the mass emission limits contained in subsections (b) and (c) of this Section.

e) Special Emissions Limitation for Fuel-Burning Process Emission Units in the Vicinity of Granite City. No person shall cause or allow emissions of PM-10 into the atmosphere to exceed 12.9 ng/J (0.03 lbs/mmbtu) of heat input from the burning of fuel other than natural gas at any process emission unit located in the vicinity of Granite City as defined in subsection (a)(1)(C) of this Section.

f) Maintenance and Repair. For any process emission unit subject to subsection (a) of this Section, the owner or operator shall maintain and repair all air pollution control equipment in a manner that assures that the emission limits and standards in this Section shall be met at all times. This Section shall not affect the applicability of 35 Ill. Adm. Code 201.149. Proper maintenance shall include the following minimum requirements:

- 1) Visual inspections of air pollution control equipment;
- 2) Maintenance of an adequate inventory of spare parts; and
- 3) Expeditious repairs, unless the emission unit is shutdown.

g) Recordkeeping of Maintenance and Repair.

- 1) Written records of inventory and documentation of inspections, maintenance, and repairs of all air pollution control equipment shall be kept in accordance with subsection (f) of this Section.
- 2) The owner or operator shall document any period during which any process emission unit was in operation when the air pollution control equipment was not in operation or was malfunctioning so as to cause an emissions level in excess of the emissions limitation. These records shall include documentation of causes for pollution control equipment not

operating or such malfunction and shall state what corrective actions were taken and what repairs were made.

3) A written record of the inventory of all spare parts not readily available from local suppliers shall be kept and updated.

4) **Copies of all records required by this Section shall be submitted to the Agency within ten (10) working days after a written request by the Agency.**

5) **The records required under this Section shall be kept and maintained for at least three (3) years and shall be available for inspection and copying by Agency representatives during working hours.**

6) **Upon written request by the Agency, a report shall be submitted to the Agency for any period specified in the request stating the following: the dates during which any process emission unit was in operation when the air pollution control equipment was not in operation or was not operating properly, documentation of causes for pollution control equipment not operating or not operating properly, and a statement of what corrective actions were taken and what repairs were made.**

h) Compliance Date. Emission units shall comply with the emissions limitations and recordkeeping and reporting requirements of this Section by May 11, 1993, or upon initial start-up, whichever occurs later.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)

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SUBPART U: ADDITIONAL CONTROL MEASURES

Section 212.700 Applicability

a) **This Subpart shall apply to those sources in the areas designated in and subject to Sections 212.324(a)(1) or 212.423(a) and that have actual annual source-wide emissions of PM-10 of at least fifteen (15) tons per year.**

b) A source's actual annual source-wide emissions of PM-10 shall be the total of its fugitive emissions and its stack emissions from process emission units and fuel combustion emission units and as set forth in the source's Annual Emissions Report submitted pursuant to [35 Ill. Adm. Code 254](#) or, for a newly-constructed source or emission unit, the estimated emissions included in the permit application.

(Source: Added at 18 Ill. Reg. 11587, effective July 11, 1994)

Section 212.701 Contingency Measure Plans, Submittal and Compliance Date

a) **Those sources subject to this Subpart shall prepare contingency measure plans reflecting the PM-10 emission reductions set forth in [Section 212.703](#) of this Subpart. These plans shall become federally enforceable permit conditions. Such plans shall be submitted to the Agency by November 15, 1994. Notwithstanding the foregoing, sources that become subject to the provisions of this Subpart after July 1, 1994, shall submit a contingency measure plan to the Agency for review and approval within ninety (90) days after the date such source or sources became subject to the provisions of this Subpart or by November 15, 1994, whichever is later. The Agency shall notify those sources requiring contingency measure plans, based on the Agency's current information;**

however, the Agency's failure to notify any source of its requirement to submit contingency measure plans shall not be a defense to a violation of this Subpart and shall not relieve the source of its obligation to timely submit a contingency measure plan.

b) If the Agency disapproves the initial submittal of a contingency measure plan or a source fails to revise a plan so that it is approvable, the Agency shall so notify the source in writing and the source may treat such notice as a permit denial.

c) Sources having operational changes subject to Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 which require either a new permit or a revision to an existing permit shall, within 30 days after such changes, submit a request to modify its permit in order to include a new, appropriate contingency measure plan. Such new plan shall be subject to the requirements of this Subpart.

d) A source may, consistent with the requirements of this Subpart and any applicable permitting requirements, propose revisions to its contingency measure plan.

(Source: Added at 18 Ill. Reg. 11587, effective July 11, 1994)

Section 212.702 Determination of Contributing Sources

a) If the review of monitoring data reveals an exceedence of the 24-hour ambient air quality standard for PM-10 found at [35 Ill. Adm. Code 243.120](#), the Agency shall attempt to determine the source or sources causing or contributing to the exceedence.

b) In determining whether a source has caused or contributed to an exceedence of the 24-hour ambient air quality standard for PM-10, the Agency may take whatever steps are necessary to determine which source or sources are culpable for the exceedence, including, but not limited to:

- 1) Evaluating whether the exceedence can be classified as an "exceptional event" pursuant to the "Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events," incorporated by reference in [Section 212.113](#) of this Part;
- 2) Reviewing operating records of the source or sources identified pursuant to subsections (b)(3) and (b)(4) below to determine whether any source or sources so identified experienced a malfunction or breakdown or violated any term or condition of its operating permit which contributed to the exceedence;
- 3) Evaluating the monitoring equipment filter evidencing the exceedence to determine the types of sources that contributed to the exceedence; and
- 4) Evaluating meteorological data and conducting dispersion analyses pursuant to the "Guideline on Air Quality Models (Revised)," incorporated by reference in [Section 212.113](#) of this Part, to determine which source or sources caused or contributed to the exceedence.

c) If the Agency determines that the exceedence can be classified as an exceptional event, the Agency shall make a written request to USEPA to void the exceedence. If the exceedence has been caused by an "exceptional event," the Agency shall make no requests upon any source for Level I or Level II controls pursuant to [Section 212.704\(a\)](#) or (b) of this Subpart until such time as USEPA has denied the Agency's request to void the exceedence or until an additional exceedence of the 24-hour ambient air quality standard which is not due to an exceptional event, as determined by the Agency, has been monitored for the same area.

d) If the Agency determines that the exceedence was due to a malfunction or breakdown or violation of

any term or condition of a source's operating permit, the Agency shall contact such source and may pursue appropriate action under [35 Ill. Adm. Code 103](#).

e) The Agency's determination of culpability of a source is appealable to the Board pursuant to the procedures set forth at [35 Ill. Adm. Code 106](#), Subpart J.

(Source: Added at 18 Ill. Reg. 11587, effective July 11, 1994.)

Section 212.703 Contingency Measure Plan Elements

a) All sources subject to this Subpart shall submit a contingency measure plan. The contingency measure plan shall contain two levels of control measures:

1) Level I measures are measures that will reduce total actual annual source-wide fugitive emissions of PM-10 subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 by at least 15%.

2) Level II measures are measures that will reduce total actual annual source-wide fugitive emissions of PM-10 subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 by at least 25%.

b) A source may comply with this Subpart through an alternative compliance plan that provides for reductions in emissions equal to the level of reduction of fugitive emissions as required at subsection (a) above and which has been approved by the Agency and USEPA as federally enforceable permit conditions. If a source elects to include controls on process emission units, fuel combustion emission units, or other fugitive emissions of PM-10 not subject to Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 at the source in its alternative control plan, the plan must include a reasonable schedule for implementation of such controls, not to exceed two (2) years. This implementation schedule is subject to Agency review and approval.

(Source: Added at 18 Ill. Reg. 11587, effective July 11, 1994)

Section 212.704 Implementation

a) Following any exceedence of the 24-hour ambient air quality standard for PM-10, the Agency shall notify the source or sources the Agency has identified as likely to be causing or contributing to an exceedence detected by monitoring. Within ninety (90) days after receipt of such notification, each source so notified may implement Level I or Level II measures, as determined pursuant to subsection (d) below.

b) If there is a violation of the ambient air quality standard for PM-10 as determined in accordance with [40 CFR Part 50](#), Appendix K, incorporated by reference in [Section 212.113](#) of this Part, the Agency shall notify the source or sources the Agency has identified as likely to be causing or contributing to one or more of the exceedences leading to such violation, and such source or sources shall implement Level I or Level II measures, as determined pursuant to subsection (e) below. The source or sources so identified shall implement such measures corresponding to fugitive emissions within ninety (90) days after receipt of such notification and shall implement such measures corresponding to any nonfugitive emissions according to the approved schedule set forth in such source's alternative control plan. Any source identified as causing or contributing to a violation of the ambient air quality standard for PM-10 may appeal any finding of culpability by the Agency to the Board pursuant to [35 Ill. Adm. Code 106](#), Subpart J.

c) Upon the finding of a failure to attain by the Administrator of USEPA, the Agency shall notify all sources in the applicable area required to submit contingency measure plans pursuant to [Section 212.700](#) of this Subpart of such finding by the Administrator; however, the Agency's failure to notify a source of its requirement to implement its contingency measure plan because of the Administrator's finding of a failure to attain shall not be a defense to a violation of this Subpart and shall not relieve the source of its obligation to timely comply with this Section. All such sources subject to this Subpart shall, within sixty (60) days after receipt of such notification, implement any Level II measures corresponding to fugitive emissions subject to control under Sections 212.304, 212.305, 212.306, 212.308, 212.316(a) through (e), 212.424 or 212.464 and shall implement any Level II measures corresponding to any nonfugitive emissions of PM-10 according to the approved schedule set forth in such source's alternative control plan, unless such corresponding Level II controls have been previously implemented by such source or sources pursuant to subsection (a) or (b) above.

d) The Agency shall request that sources comply with the Level I or Level II measures of their contingency measure plans, pursuant to subsection (a) above, as follows:

- 1) Level I measures shall be requested when the magnitude of the monitored exceedance at a given air quality monitor is less than or equal to $170 \mu\text{g}/\text{m}^3$.
- 2) Level II measures shall be requested when the magnitude of the monitored exceedance at a given air quality monitor exceeds $170 \mu\text{g}/\text{m}^3$.

e) **The Agency shall require that sources comply with the Level I or Level II measures of their contingency measure plans, pursuant to subsection (b) above, as follows:**

- 1) Level I measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to [40 CFR 50, Appendix K, incorporated by reference in Section 212.113](#) of this Part, is less than or equal to $170 \mu\text{g}/\text{m}^3$.**
- 2) Level II measures shall be required when the design value of a violation of the 24-hour ambient air quality standard, as computed pursuant to [40 CFR 50, Appendix K, incorporated by reference in Section 212.113](#) of this Part, exceeds $170 \mu\text{g}/\text{m}^3$.**

(Source: Added at 18 Ill. Reg. 11587, effective July 11, 1994)

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The relevant language from the Illinois Administration Code, Title 35, Subtitle B, Chapter I, Part 214 – Sulfur Limitations cited to above is set forth below.

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act [[415 ILCS 5/10](#) and [27](#)].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 204: Sulfur Emission Standards and Limitations, 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 R74-2, R75-5, 38 PCB 129, at 4 Ill. Reg. 28, p. 417, effective June 26, 1980; amended in R78-17, 40 PCB 291, at 5 Ill. Reg. 1892, effective February 17, 1981; amended in R77-15, 44 PCB 267, at 6 Ill. Reg. 2146, effective January 28, 1982; amended and renumbered in R80-22(A) at 7 Ill. Reg. 4220, effective March 28, 1983; codified at 7 Ill. Reg. 13597; amended in R80-22(B) at 8 Ill. Reg. 6172, effective April 24, 1984; amended in R84-28 at 10 Ill. Reg. 9806, effective May 20, 1986; amended in R86-31 at 12 Ill. Reg. 17387, effective October 14, 1988; amended in R86-30 at 12

Ill. Reg. 20778, effective December 5, 1988; amended in R87-31 at 15 Ill. Reg. 1017, effective January 15, 1991; amended in R02-21 at [27 Ill. Reg. 12101](#), effective July 11, 2003; amended in R04-12 at [30 Ill. Reg. 9671](#), effective May 15, 2006.

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Subpart B: New Fuel Combustion Emission Sources

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214.122 Small Sources

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(b) Liquid Fuel Burned Exclusively. No person shall cause or allow the emission of sulfur dioxide into the atmosphere in any one hour period from any new fuel combustion source with actual heat input smaller than, or equal to, 73.2 MW (250 mmbtu/hr), burning liquid fuel exclusively:

(2) To exceed 0.46 kg of sulfur dioxide per MW-hr of actual heat input when distillate fuel oil is burned (0.3 lbs/mmbtu).

(Source: Amended at 7 Ill. Reg. 4219, effective March 28, 1983)

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Subpart K: Process Emission Sources

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214.301 General Limitations

Except as further provided by this Part, no person shall cause or allow the emission of sulfur dioxide into the atmosphere from any process emission source to excess 2000 ppm.

(Source: Amended at 7 Ill. Reg. 4219, effective March 28, 1983)

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214.304 Fuel Burning Process Emission Source

The emissions from the burning of fuel at process emission sources located in the Chicago or St. Louis (Illinois) major metropolitan areas shall comply with applicable Subparts B through F, except as follows: No person shall cause or allow the emissions of sulfur into the atmosphere in any one hour period from burning tea leaves as fuel to exceed 0.70 pounds of sulfur dioxide per mmbtu of actual heat input.

(Source: Added at 7 Ill. Reg. 4219, effective March 28, 1983)

Example Permit Conditions

Permit conditions which are an outgrowth of the applicable regulations are needed to enforce and implement the administrative regulations.

Permit conditions typically contain the following language: “Prior to issuance, a draft of this permit has undergone a public notice and comment period.”

Other examples of relevant permit conditions taken directly out of a permit for a facility included in a document titled “Sources Potentially subject to Coke or Coal Bulk Terminals Emergency Rulemaking,” released parallel to the proposed emergency rulemaking, are as follows:

Example Condition 1:

- a. Except as provided in Condition (b), the moisture content of the bulk solid material handled by the source shall be at least ___% by weight. The Permittee shall show compliance with this requirement by recording the moisture content of each lot of bulk solid material received at the source as provided by the supplier of the bulk solid material. If the moisture content of a bulk solid material received at the source is below ___% by weight as documented by the supplier, then the Permittee shall:
 - i. Utilize wet suppression on the material handling operations (e.g., material transfer and screening) associated with bulk solid materials having a moisture content below ___% by weight to reduce particulate matter emissions and to maintain compliance with the applicable visible emissions standards for each affected material handling operation; or
 - ii. Follow the testing requirements of Condition (d).
- b. Notwithstanding the requirements in Condition (a), the Permittee may receive and off-load bulk solid material with a moisture content of less than ___% by weight (i.e., low-moisture material), so long as the Permittee:
 - i. Receives the low-moisture material by rail car and off-loads the low-moisture material in the Shaker Building;
 - ii. Applies water or dust suppressant to the low-moisture material during non-freezing conditions before the material is stockpiled or discharged from the initial receiving conveyor; and
 - iii. Blends the low-moisture material with a higher-moisture bulk solid material before the material is stockpiled or discharged from the initial receiving conveyor.
- c. If the Permittee relies on Condition (a)(i) to demonstrate compliance with Condition (a) with regard to bulk solid material with a moisture content below ___% by weight as documented by the supplier, the Permittee shall monitor the equipment used for wet suppression as follows during non-freezing conditions:

- i. The water supply to the equipment used for wet suppression shall be equipped with a master metering device used to determine water usage for the control of particulate matter emissions.
 - ii. The equipment used for wet suppression shall be inspected at least once per week for proper operation (i.e., maintaining adequate flow, clogging of flow lines, etc.) when this equipment is being utilized.
- d. If the Permittee relies on Condition (a)(ii) to demonstrate compliance with Condition (a) with regard to bulk solid material with a moisture content below ___% by weight as documented by the supplier or by testing conducted by the Permittee, the Permittee shall measure the moisture content of a representative sample of such bulk solid material at least once per week using ASTM Procedure D 3302 for coal and ASTM Procedure D 3172 and D 4931 for petroleum coke. Samples shall be collected when wet suppression systems covering the affected bulk solid material are not active. The Permittee may utilize wet suppression on such bulk solid material as needed until three consecutive tests at the source, taken at least 24 hours apart, show moisture contents of ___% or greater by weight, after which this testing shall no longer be required for the subject bulk solid material.
- e. The Permittee may test the moisture content of any lot of bulk solid material at any time. For purposes of calculating monthly PM and PM10 emissions using the formula in Condition ____, the moisture content from the most recent analysis of each bulk solid material, either as documented by the supplier or as determined from testing by the Permittee, shall be used to calculate the monthly average moisture content, except as provided in Condition (f).
- f. The Permittee shall separately calculate the PM and PM10 emissions from receiving bulk solid material with a moisture content below ___ percent by weight as documented by the supplier, for the initial transfer (material drop) associated with off-loading. Such separately calculated emissions shall be added to the monthly PM and PM10 emissions calculated using the formula of Condition ____.
- g. The above limitations contain revisions to previously issued Construction permit 07100090. The source has requested that the Illinois EPA establish conditions in this permit that allow various refinements from the conditions of the aforementioned permit.
- h. The engines, generators and heaters shall only be operated with distillate fuel oil, gasoline or kerosene as the fuel. The use of any other fuel in the engines, generators or heaters requires that the Permittee first obtain a construction permit from the Illinois EPA and then perform stack testing to verify compliance with all applicable requirements.
- i. The Permittee shall not keep, store or use distillate fuel oil (Grades No. 1 and 2) at this source with a sulfur content greater than the larger of the following two values:
 - i. ___ weight percent, or
 - ii. The wt. percent given by the formula: Maximum wt. percent sulfur = $(0.00015) \times (\text{Gross heating value of oil, Btu/lb})$.
- j. Organic liquid by-products or waste materials shall not be used in any emission unit at this source without written approval from the Illinois EPA.
- k. The Illinois EPA shall be allowed to sample all fuels stored at the source.

Example Condition 2:

a. The emissions from and operation of all activities at source shall not exceed the following limits:

[PM₁₀ emissions in Tons/Month and Tons/Year, as well as PM emissions in Tons/Month and Tons/Year.]

These limits are based on the amount of bulk solid material transferred and screened; operation of generators, engine and heaters; and standard emission factors (Tables 1.3-1 and 1.3-3, AP-42, Fifth Edition, Volume I, Supplement E September 1999, corrected May 2010; Table 3.3-1, AP-42, Fifth Edition, Volume I, Supplement B, October 1996; Table 3.4-1, AP 42, Fifth Edition, Volume I, Supplement B, October 1996; Table 11.9-1, AP-42, Volume I, Fifth Edition, Supplement E, October 1998; Table 11.19.2-2, AP-42, Volume I, Fifth Edition, Update 2004, August 2004; Section 13.2.2, AP-42, Volume I, Fifth Edition, November 2006; and Section 13.2.4, AP-42, Volume I, Fifth Edition, November 2006).

i. PM₁₀ and PM emissions shall be calculated and recorded using the equation:

$$E = [(Tu \times Fu) + (Te \times Ne \times Fe) + (S \times Fs) + (Ap \times Fp) + (Tv \times Dv \times Fv) + \sum(Hd \times Zd \times Fd) + \sum(R \times Ff)]/2000$$

Where:

E = Total PM₁₀ or PM emissions, (tons);

Tu = Amount of bulk solid material transferred in unenclosed area, (tons);

Fu = $(k * 0.0032 * Nu) * [(U/5)^{1.3} / ((M/2)^{1.4})]$;

Where:

k = 0.35 for PM₁₀;

= 0.74 for PM;

Nu = Number of bulk solid material transfers (drop points);

U = mean wind speed, (miles/hour);

M = material moisture content, (%);

Te = Amount of bulk solid material transferred in enclosed areas, (tons);

Fe = 0.00055 lb PM₁₀/Ton for bulk solid material with < 1.3% moisture;

= 0.000023 lb PM₁₀/Ton for bulk solid material with > 1.3% moisture;

= 0.0015 lb PM/Ton for bulk solid material with < 1.3% moisture;

= 0.00007 lb PM/Ton for bulk solid material with > 1.3%

moisture;

The above emission factors are reduced by 50% due to enclosures.

Ne = Number of enclosed bulk solid material transfers (drop points);

S = Amount of bulk solid material screened, (tons);

Fs = 0.0022 lb PM/ton;

= 0.00074 lb PM10/ton;

Ap = Area of Screening Active Storage Pile (Acres);

Fp = 2,201 lb PM/acre – month;

= 1,041 lb PM10/acre – month;

Tv = Number of Vehicle Trips Associated with Screening;

Dv = Trip Distance Associated with Screening (mile/trip);

Fv = 3.7 lb PM/VMT;

= 1.0 lb PM10/VMT;

Hd = Hours of operation of each engine > 600 hp, (hours);

Zd = Size of each engine > 600 hp operated (hp);

Fd = 0.0007 lb/(hp-hour) for diesel engines > 600 hp;

R = Diesel, gasoline or kerosene usage in heaters and engines < 600 hp (gallons); and

Ff = 0.002 lb PM or PM10/gallon for diesel and kerosene;

= 0.0013 lb PM or PM10/gallon for gasoline.

...

- b. Emissions and operation of two diesel-powered generators, and miscellaneous diesel-powered engines at the source shall not exceed the following limits:

[Pollutants and Emissions in Tons/Month and Tons/Year are set forth for CO, NO_x, SO₂, and VOM.]

These emission limits are based on standard emission factors (Tables 1.3-1 and 1.3-3, AP-42, Fifth Edition, Volume I, Supplement E, September 1999, corrected May 2010 (for the heaters), Tables 3.3-1 AP-42, Fifth Edition, Volume I, Supplement B, October 1996 (for the small gasoline and diesel-powered engines < 600 hp), and Table 3.4-1, AP 42, Fifth Edition, Volume I, Supplement B, October 1996 (for the diesel-powered generators > 600 hp) Emissions from the generators shall be calculated as follows:

$$E = [(H_i \times Z_i \times F) + (R \times F)]/2,000$$

Where:

- E = Total emissions of pollutant, (tons);
- Hi = Hours of operation of each generator > 600 hp (hours);
- Zi = Size of each generator > 600 hp (hp);
- R = Diesel, gasoline or kerosene usage in heaters and engines < 600 hp (gallons); and
- F = Emission Factor as follows:

Emission Factors
Gasoline Engines
< 250 Hp
(lbs/gal)

Heaters
Kerosene Diesel
(lbs/gal) (lbs/gal)

Diesel Engines
< 600 hp Engines > 600 hp
(lbs/gal) (lbs/Hp-Hr)

Carbon Monoxide (CO)
Nitrogen Oxides (NOx)
Sulfur Dioxide (SO2)
Volatile Organic
Material (VOM)

- c. Compliance with the annual limits of this permit shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total).