

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

PART 201  
PERMITS AND GENERAL PROVISIONS

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**AUTHORITY:** Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 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. 11999, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg.19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011, amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013.

## **SUBPART A: DEFINITIONS**

### **Section 201.102 Definitions**

"Ambient Air": that portion of the atmosphere external to buildings comprising emission sources.

"Ambient Air Quality Standard": those standards promulgated from time to time by the Pollution Control Board (Board) pursuant to authority contained in the Act, or by the United States Environmental Protection Agency (USEPA) pursuant to authority contained in Public Law 91-604, as amended from time to time.

"Air Contaminant": any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.

"Air Pollution Control Equipment": any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

"Air Pollution": the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

"Commence": the act of entering into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modifications.

"Construction": commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.

"Emission Source": any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"Existing Air Pollution Control Equipment": any air pollution control equipment, the construction or modification which has commenced prior to the effective date of this Chapter [April 14, 1972].

"Existing Emission Source": any emission source, the construction or modification of which has commenced prior to the effective date of this Chapter [April 14, 1972].

"New Air Pollution Control Equipment": any air pollution control equipment, the construction or modification of which is commenced on or after the effective date of this Chapter [April 14, 1972].

"New Emission Source": any emission source, the construction or modification of which is commenced on or after the effective date of this Chapter [April 14, 1972].

"Modification": any physical change in, or change in the method of operations, of an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted. Notwithstanding any other provisions of this definition, for purposes of permits issued pursuant to Subpart D, the Illinois Environmental Protection Agency (Agency) may specify conditions under which an emission source or air pollution control equipment may be operated without causing a modification as herein defined, and normal cyclical variations, before the date operating permits are required, shall not be considered modifications.

"Owner or Operator": any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

"Person": any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

"Specified Air Contaminant": any air contaminant as to which this Chapter [Subtitle] contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

"Standard Industrial Classification Manual": the United States Office of Statistical Standards, Standard Industrial Classification Manual (1967), as revised from time to time.

### Section 201.103 Abbreviations and Units

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

Act	Illinois Environmental Protection Act
AER	Annual Emissions Report
Agency	Illinois Environmental Protection Agency
btu or Btu	British thermal units
CAA	Clean Air Act
CAAPP	Clean Air Act Permit Program
CO	Carbon monoxide
CO <sub>2</sub> e	Carbon dioxide equivalent
gal	gallons
HAPs	hazardous air pollutants
hp	horsepower
hr	hour
gal/mo	gallons per month
gal/yr	gallons per year
kPa	kilopascals
kPa absolute	kilopascals absolute
kW	kilowatts
l	liters
Mg	megagrams
m <sup>3</sup>	cubic meters
MM	million
MW	megawatts; one million watts
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMOC	nonmethane organic compounds
NO <sub>x</sub>	nitrogen oxide
NSPS	New Source Performance Standards
NSR	New Source Review
PBR	permit by rule
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to 10 micrometers
PM <sub>2.5</sub>	particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers
PSD	Prevention of Significant Deterioration
psi	pounds per square inch
psia	pounds per square inch absolute
ROSS	Registration of Smaller Sources
SO <sub>2</sub>	sulfur dioxide
TPY	tons per year

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USEPA	United States Environmental Protection Agency	
VOM	volatile organic material	
yr	year	

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

English	Metric
1 gal	3.785 l
1,000 gal	3.785 m <sup>3</sup>
1 hp	0.7452 kW
1MMBtu/hr	0.293 MW
1 psi	6.897 kPa

(Source: Amended at 41 Ill. Reg. 4140, effective March 24, 2017)

### Section 201.104 Incorporations by Reference

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

- a) Standard Industrial Classification Manual (1972), Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402.
- b) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.
- c) Prevention of Significant Deterioration of Air Quality, 40 CFR 52.21 (2015).
- d) Standards of Performance for New Stationary Sources, 40 CFR 60:
  - 1) Subpart A – General Provisions (2015);
  - 2) Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, Subpart Dc (2015);
  - 3) Appendix A-4, Reference Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources (2015); and
  - 4) Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 (2015).
- e) National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63:
  - 1) Subpart A – General Provisions (2015);

- 2) Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (2015); and
- 3) Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources (2015).

(Source: Amended at 41 Ill. Reg. 4140, effective March 24, 2017)

## **SUBPART B: GENERAL PROVISIONS**

### **Section 201.121 Existence of Permit No Defense**

The existence of a permit under this Rule 103 [Part 201] shall not constitute a defense to a violation of the Act or any rule or regulation of this Chapter, except for construction or operation without a permit.

### **Section 201.122 Proof of Emissions**

Notwithstanding other provisions of this Chapter, evidence that specified air contaminant emissions, as calculated on the basis of standard emission factors or other factors generally accepted as true by those persons engaged in the field of air pollution control, exceed the limitations prescribed by this Chapter shall constitute adequate proof of a violation, in the absence of a showing that actual emissions are in compliance.

### **Section 201.123 Burden of Persuasion Regarding Exceptions**

In any proceeding pursuant to this Chapter, if an exception stated in this Chapter would limit an obligation, limit a liability or eliminate either an obligation or a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

### **Section 201.124 Annual Report**

The Agency shall annually prepare and submit to the Board an Air Contaminant Emission Report which lists the emission sources in the State for which an operating permit is required under Rule 103 [this Part], describes the type, quantity and concentrations of the various specified contaminants being emitted and describes the existing and planned controls and the scheduled dates for completion of improvements.

### **Section 201.125 Severability**

If any provision of these rules or regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this Chapter as a whole or of any part, subpart, sentence or clause thereof not adjudged invalid.

**Section 201.126 Repealer**

Each provision of the Rules and Regulations Governing the control of Air Pollution, as amended August 19, 1969, applying to an emission source shall remain in full force and effect unless and until such source is required to comply with a corresponding provision of this Chapter.

**SUBPART C: PROHIBITIONS****Section 201.141 Prohibition of Air Pollution**

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

**Section 201.142 Construction Permit Required**

No person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Agency, except as provided in paragraph (i) of this Rule 103 [Section 201.146].

**Section 201.143 Operating Permits for New Sources**

No person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by paragraph (a) of this Rule 103 [Section 201.142] without first obtaining an operating permit from the Agency, except for such testing operations as may be authorized by the construction permit. Applications for operating permits shall be made at such times and contain such information (in addition to the information required by paragraph (b)(3) of this Rule 103 [Section 201.157]) as shall be specified in the construction permit.

**Section 201.144 Operating Permits for Existing Sources**

Prohibition. No person shall cause or allow the operation of any existing emission source or any existing air pollution control equipment without first obtaining an operating permit from the Agency no later than the dates shown in the following schedule:

(A) Source Classification:

SOURCE CLASSIFICATION	DATE OPERATING PERMIT REQUIRED
Primary Metal Industry Operations as defined by code 33 of the "Standard Industrial Classification Manual	By November 1, 1972



Rubber and Plastics Products Industry Operations as defined by code 30 of the "Standard Industry Classification Manual"	By November 1, 1972
Chemicals and Allied Products Industry Operations as defined by code 28 of the "Standard Industry Classification Manual"	By December 1, 1972
Food and Kindred Products Industry Operations as defined by code 20 and Printing and Publishing Industry Operations as defined by code 27 of the "Standard Industry Classification Manual"	By January 1, 1973
Petroleum and Coal Products Industry Operations as defined by code 29 of the "Standard Industry Classification Manual" and bituminous cement (asphalt) plants	By January 1, 1973
Stone, Clay, and Glass Products and Allied Products Industry Operations as defined by code 32 and 26 of the "Standard Industry Classification Manual" and all painting operations using in excess of 5,000 gallons of paint (including thinner) per year	By February 1, 1973
Incinerators	By March 1, 1973
Electric, Gas, and Sanitary Services as defined by code 49 of the "Standard Industry Classification Manual" and coal fired boilers	By April 1, 1973
Gas and Oil fired boilers and all other emission sources or air pollution control equipment not listed previously in this paragraph except equipment excluded under paragraph (i) of this Rule	By May 31, 1973

(B) All applications for operating permits shall be submitted to the Agency at least 90 days prior to the date on which an operating permit is required. Provided, however, the Agency may waive this 90 day requirement when appropriate. If necessary, to prevent an unmanageable workload as may be deemed appropriate, the agency may extend the dates by which Operating Permits are required under Section 103(b)(2)(A) for a period not to exceed four months. The Agency shall notify the persons affected and the Board in writing of the extension at least four months before the dates set forth in Section 103(b)(2)(A).

(C) Nothing in this Rule shall preclude any person from applying for an Operating Permit earlier than the dates specified in part (b)(2)(A) of this Rule 103.

### **Section 201.146 Exemptions from State Permit Requirements**

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

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;

- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 MMBtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 MMBtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, subpart D;
- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 MMBtu/hr);
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;
- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 MMBtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than 1118 kW (1500 bhp) or stationary turbine, except that a permit shall be required for the following:
  - 1) Any internal combustion engine with a rating at equal to or greater than 500 bhp output that is subject to the control requirements of 35 Ill. Adm. Code 217.388(a) or (b); or
  - 2) Any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 MMBtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, subpart GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;

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

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

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

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- pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;
- qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
- 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;
  - 2) Located at a commercial laundry; or
  - 3) Coin operated;
- rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
- ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
- vv) Water treatment or storage systems, as follows:
- 1) Systems for potable water or boiler feedwater;
  - 2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to section 112(b) of the Clean Air Act;
- ww) Lawn care, landscape maintenance and grounds keeping activities;
- xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;
- yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 USC 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;

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- zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;
- aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;
- ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;
- ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;
- eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;
- fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:
- 1) Dryers with a rated heat input capacity of 2930 kW (10 MMBtu/hr) or more; and
  - 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line;
- ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m<sup>3</sup> that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act;
- hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:
- 1) The existing emission unit is permitted and has operated in compliance for the past year;
  - 2) The new control equipment will provide equal or better control of the target pollutants;

- 3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;
- 4) Different State or federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; and

BOARD NOTE: All sources must comply with underlying federal regulations and future State regulations.

- 5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of that type.

BOARD NOTE: For major sources subject to Section 39.5 of the Act, where the new air pollution control equipment will require a different compliance determination method in the facility's CAAPP permit, the facility may need a permit modification to address the changed compliance determination method;

- iii) Replacement, addition, or modification of emission units at facilities with federally enforceable State operating permits limiting their potential to emit in circumstances where:
  - 1) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit, is less than 0.1 pound per hour or 0.44 tons per year;
  - 2) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not contain equal to or greater than 0.01 percent by weight of any hazardous air pollutant as defined under section 112(b) of the federal Clean Air Act;
  - 3) The emission unit or modification is not subject to an emission standard or other regulatory requirement pursuant to section 111 of the federal Clean Air Act;
  - 4) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under section 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable State operating permit limiting the source's potential to emit; and
  - 5) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation,



Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;

- jjj) Replacement, addition, or modification of emission units at permitted sources that are not major sources subject to Section 39.5 of the Act and that do not have a federally enforceable State operating permit limiting their potential to emit, in circumstances where:
- 1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit is either:
    - A) Less than 0.1 pound per hour or 0.44 tons per year; or
    - B) Less than 0.5 pound per hour, and the permittee provides prior notification to the Agency of the intent to construct or install the unit. The unit may be constructed, installed or modified immediately after the notification is filed;
  - 2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under section 111 or 112 of the federal Clean Air Act;
  - 3) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 of the Act or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and
  - 4) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;
- kkk) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Section 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be followed, as applicable. Other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for the emission units or activities, nothing in this subsection shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to the emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified or located at the source;
- lll) Plastic injection molding equipment with an annual through-put not exceeding 5,000 tons of plastic resin in the aggregate from all plastic injection molding

equipment at the source, and all associated plastic resin loading, unloading, conveying, mixing, storage, grinding, and drying equipment and associated mold release and mold cleaning agents;

(Source: Amended at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.147 Former Permits**

Former Permits. Any permit issued by the Agency, or any predecessor, is subject to the requirements of this Rule 103 [Sections 201.121, 201.142 through 201.146 and Subparts D through F], and shall be revised or revoked as necessary to conform to this Rule [Chapter].

### **Section 201.148 Operation Without Compliance Program and Project Completion Schedule**

- (a) Prohibition. No person shall cause or allow the operation of an emission source which is not in compliance with the standards or limitations set forth in Part 2 of this Chapter (after the date by which such emission source is required to have an Operating Permit pursuant to Rule 103) without a Compliance Program and a Project Completion Schedule approved by the Agency.

### **Section 201.149 Operation During Malfunction, Breakdown or Startups**

- (a) Prohibition. No person shall cause or allow the continued operation of an emission source during malfunction or breakdown of the emission source or related air pollution control equipment if such operation would cause a violation of the standards or limitations set forth in Part 2 of this Chapter [Subchapter c of this Chapter], unless the current operating permit granted by the Agency provides for operation during a malfunction or breakdown. No person shall cause or allow violation of the standards or limitations set forth in Part 2 of this Chapter [that Subchapter] during startup unless the current operating permit granted by the Agency provides for violation of such standards or limitations during startup.

### **Section 201.150 Circumvention**

Except as provided in paragraphs 203(g)(3), 204(d), and 204(e) of Part 2 of this Chapter [35 Ill. Adm. Code 212.207, 214.162 and 214.182 through 214.185], and except as further provided by Rule 110 of this Chapter [Section 201.151], no person shall cause or allow the construction or operation of any device or any means, including the creation or use of any corporations or other business entities having interlocking directorships or substantially identical ownerships which, without resulting in a reduction in the total amount of any air contaminant emitted, conceals, dilutes or permits air contaminant emissions which would otherwise violate these regulations.

### **Section 201.151 Design of Effluent Exhaust Systems**

- a) No person shall cause or allow the operation of an emission source or of air pollution control equipment without providing one or more stacks or vents that are designed to prevent the concentration of any air contaminant from:

- 1) Exceeding any applicable ambient air quality standard, either alone or in combination with air contaminants from other sources; or,
  - 2) Causing or tending to cause air pollution, either alone or in combination with air contaminants from other sources; or,
  - 3) Exceeding the emission standards and limitations of subchapter (c) of this Chapter.
- b) Exception. This rule shall not apply to emission sources, such as stock piles of particulate matter which, because of the disperse nature of such emission sources, cannot reasonably be expected to be emitted through a stack.

#### **SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS**

##### **Section 201.152      Contents of Application for Construction Permit**

An application for a construction permit shall contain, as a minimum, the following data and information: the nature of the emission unit and air pollution control equipment, including the expected life and deterioration rate; information concerning processes to which the emission unit or air pollution control equipment is related; the quantities and types of raw materials to be used in the emission unit or air pollution control equipment; the nature, specific points of emission and quantities of uncontrolled and controlled air contaminant emissions at the source that includes the emission unit or air pollution control equipment; the type, size, efficiency and specifications (including engineering drawings, plans and specifications certified to by a registered Illinois professional engineer) of the proposed emission unit or air pollution control equipment; maps, statistics and other data reasonably sufficient to describe the location of the emission unit or air pollution control equipment. The Agency may waive the submission by the applicant of such engineering drawings, plans, specifications or such other portions of the above data or information as it shall deem inappropriate or unnecessary to the construction permit application. The Agency may adopt procedures that require data and information in addition to and in amplification of the matters specified in the first sentence of this Section, that are reasonably designed to determine compliance with this Chapter and ambient air quality standards, or that set forth the format by which all data and information shall be submitted.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

##### **Section 201.156 Conditions**

Conditions. The Agency may impose such conditions in a construction permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board thereunder. Except as herein specified, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. Such conditions may include conditions specifying any testing operations that may be conducted under the construction permit.

##### **Section 201.157      Contents of Application for Operating Permit**

An application for an operating permit shall contain, as a minimum, the data and information specified in Section 201.152. Each application shall list all individual emission units and air pollution equipment for which a permit is sought. Any applicant may seek to obtain from the Agency a permit for each emission unit, or such emission units as are similar in design or principle of operation or function, or for all emission units encompassed in an identifiable operating unit, unless subject to the provisions of Section 201.169 of this Subpart or required to obtain an operating permit with federal enforceable conditions pursuant to Section 39.5 of the Act. To the extent that the above specified data and information has previously been submitted to the Agency pursuant to this Subpart, the data and information need not be resubmitted; provided, however, that the applicant must certify that the data and information previously submitted remains true, correct and current. An application for an operating permit shall contain a description of the startup procedure for each emission unit, the duration and frequency of startups, the types and quantities of emissions during startup, and the applicant's efforts to minimize any such startup emissions, duration of individual startups, and frequency of startups. If applicable, pursuant to the requirements of Subpart I of this Part, an application for a permit shall contain a description of the startup procedure for each emission unit, the duration and frequency of startups and quantities of emissions during startup in excess of emissions during operations, and the applicant's efforts to minimize any such startup emissions. The Agency may adopt procedures that require data and information in addition to and in amplification of the matters specified in the first sentence of this Section, that are reasonably designed to determine compliance with this Chapter, and ambient air quality standards, and that set forth the format by which all data and information shall be submitted.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

### **Section 201.158      Incomplete Applications**

An application shall not be deemed to be filed until the applicant has submitted all information and completed application forms required by Section 201.152 or 201.157 of this Subpart, whichever is applicable, and procedures adopted and effective pursuant hereto. Provided, however, that if the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and of the reasons the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for purposes of review, pursuant to Section 40 of the Act [415 ILCS 5/40].

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

### **Section 201.159      Signatures**

All applications and supplements thereto shall be signed by the owner and operator of the source, or their authorized agent, and shall be accompanied by evidence of authority to sign the application.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

### **Section 201.160      Standards for Issuance**

- a) No construction permit shall be granted unless the applicant submits proof to the

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Agency that:

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- 1) The emission unit or air pollution control equipment will be constructed or modified to operate so as not to cause a violation of the Act or of this Chapter; and
  - 2) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H of this Part.
- b) No operating permit shall be granted unless the applicant submits proof to the Agency that:
- 1) The emission unit or air pollution control equipment has been constructed or modified to operate so as not to cause a violation of the Act or of this Chapter, or has been granted a variance therefrom by the Board and is in full compliance with such variance; and
  - 2) The emission unit or air pollution control equipment has been constructed or modified in accordance with all conditions in the construction permit, where applicable; and
  - 3) The emission unit or air pollution control equipment has been shown by tests in accordance with the provisions of Subpart J of this Part, applicable regulations, and permit conditions to operate in accordance with the emission limitations set forth in this Chapter, provided that the Agency may waive the requirement for actual tests where sufficient standard testing information is available; and
  - 4) The applicant has taken all technically feasible measures, including changes in work rules, to minimize the duration and frequency of startups and to reduce the quantity of emissions during startup; and
  - 5) If subject to a future compliance date, the applicant has an approved compliance program and project completion schedule in accordance with the provisions of Subpart H of this Subpart; and
  - 6) If required, the applicant has an approved episode action plan in effect in accordance with the provisions of 35 Ill. Adm. Code 244.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

### **Section 201.161 Conditions**

Conditions. The Agency may impose such conditions in an operating permit as may be necessary to accomplish the purposes of the Act, and as are not inconsistent with the regulations promulgated by the Board thereunder. Except as herein specified, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. When deemed appropriate as a condition to the issuance of an operating permit, the Agency may require that the permittee

adequately maintain the air pollution control equipment covered by the permit. To assure that such a maintenance program is planned, the Agency may require that the permittee have a maintenance program and keep such maintenance records as are necessary to demonstrate compliance with this rule; provided, however, the Agency shall not have the authority to approve the maintenance programs required thereunder.

### **Section 201.162 Duration**

No operating permit shall be valid longer than five years or such shorter period as the Agency may specify in the operating permit as necessary to accomplish the purposes of the Act and this Chapter unless the source is subject to Section 201.169 of this Subpart. Applications for renewal of an operating permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of operating permits shall be as set forth in Section 201.160.

- a) No operating permit shall be valid longer than ten years or such shorter period as the Agency may specify in the operating permit as necessary to accomplish the purposes of the Act and this Chapter, unless the source is subject to:
  - 1) Section 201.169 of this Subpart; or
  - 2) Section 39.5 of the Act, except for sources exempt pursuant to Section 39.5(1.1).
- b) Applications for renewal of an operating permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of operating permits shall be as set forth in Section 201.160.

(Source: Amended at 34 Ill. Reg.19575, effective December 1, 2010)

### **Section 201.163 Joint Construction and Operating Permits**

In cases where the Agency determines that an emission unit or air pollution control equipment is sufficiently standard so as to obviate the need for separate construction and operating permits, the Agency may issue a joint construction and operating permit. The Agency may adopt procedures that: set forth the circumstances under which joint construction and operating permits may be issued; require data and information designed to determine compliance with this Chapter, and ambient air quality standards; and set forth the format by which all data and information shall be submitted. The standards for issuance of joint construction and operating permits shall be as set forth in Section 201.160. Except as herein provided, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. The term "operating permit" as used elsewhere in this Chapter shall be deemed to include a joint construction and operating permit.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

### **Section 201.164 Design Criteria**

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- a) The Agency may adopt procedures that set forth criteria for the design, operation or maintenance of emission units and air pollution control equipment. These procedures shall be revised from time to time to reflect current engineering judgment and advances in the state of the art.
- b) Before adopting new criteria or making substantive changes to any criteria adopted by the Agency, the Agency shall:
  - 1) Publish a summary of the proposed changes in the Environmental Register or a comparable publication at the Agency's expense; and
  - 2) Provide a copy of the full text of the proposed changes to any person who in writing so requests; and
  - 3) Defer adoption of the changes for 45 days from the date of publication to allow submission and consideration of written comments on the proposed changes.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

### **Section 201.165 Hearings**

- a) The Agency may conduct hearings, prior to issuing a permit pursuant to this Chapter, to determine whether an applicant has submitted proof that the emission source or air pollution control equipment is or will be in compliance with every rule of this Chapter.
- b) The Agency shall adopt procedural regulations for the conduct of such hearings. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Index Division of the Office of the Secretary of State as required by "An Act concerning administrative rules," approved June 14, 1951 as amended.

### **Section 201.166 Revocation**

Revocation. Violation of any of the conditions of a Permit, or the failure to comply with any rule or regulation of this Chapter, shall be grounds for revocation of the Permit, as well as for other sanctions provided in the Act. Such sanctions shall be sought by filing a complaint with the Board.

(Source: Renumbered from Section 201.207 at 18 Ill. Reg. 15760, effective October 17, 1994)

### **Section 201.167 Revisions to Permits**

The Agency may revise any permit issued pursuant to this Rule 103 [Subpart D] or any condition contained in such Permit, as follows:

- (1) Upon reapplication by the Permittee; or
- (2) Upon the revision of the Act or this Chapter.

(Source: Renumbered from Section 201.209 at 18 Ill. Reg. 15760, effective October 17, 1994)

### **Section 201.168 Appeals from Conditions**

Appeals from Conditions in Permits. An applicant may consider any condition imposed by the Agency in a permit as a refusal by the Agency to grant a permit, which shall entitle the applicant to appeal the Agency's decision to the Board pursuant to Section 40 of the Act.

(Source: Renumbered from Section 201.210 and amended at 18 Ill. Reg. 15760, effective October 17, 1994)

## **SUBPART F: CAAPP PERMITS**

### **Section 201.207 Applicability**

This Subpart shall apply only to sources subject to Section 39.5 of the Act. The requirements of Sections 201.143 through 201.148 of Subpart C, Sections 201.157 through 201.165 and 201.169 of Subpart D, and Subparts G and H of this Part shall not apply to a source subject to the requirements of Section 39.5 of the Act.

(Source: Amended at 22 Ill. Reg. 11451, effective June 23, 1998)

## **SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES**

### **Section 201.241 Contents of Compliance Program**

A Compliance Program shall contain, as a minimum, the following data and information: the nature and/or type of the proposed air pollution control equipment or proposed air pollution control technique which has been chosen to achieve compliance; the cost, availability and technical reasonableness of the proposed air pollution control equipment or proposed air pollution control technique, including detailed cost analyses and copies of engineering reports or studies sufficient to prove to the Agency that the Compliance Program will result in compliance with applicable standards and limitations of Part 2 [Subchapter c] of this Chapter.

### **Section 201.242 Contents of Project Completion Schedule**

- a) [Rule 104(b)(2) Contents of Project Completion Schedule]  
A project completion schedule shall contain, as a minimum, the following data and information: a final compliance date, which date shall be no later than the applicable date prescribed in Part 2 [Subchapter c] of this Chapter; and reasonable interim dates by which various increments of the proposed compliance program shall be completed, such as dates when contracts will be awarded, dates for equipment delivery and dates for construction of preliminary structural work.
- b) [Rule 104(b)(3) Further Criteria for Schedule Submittals]



The Agency may adopt procedures which require data and information in addition to and in amplification of the matters specified in paragraph (b)(2) of this Rule 104 [subsection (a)], and which set forth the format by which all data and information shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Index Division of the Office of the Secretary of State as required by "An Act concerning administrative rules," approved June 14, 1951 as amended.

### **Section 201.243 Standards for Approval**

Standards for Approval. No compliance program and project completion schedule shall be approved unless the applicant submits proof to the Agency that:

- (1) The compliance program will result in timely compliance with applicable standards and limitations of Part 2 [Subchapter c] of this Chapter; and
- (2) The owner or operator has provided adequate proof that it is committed to the Compliance Program or Project Completion Schedule, including, in the case of a corporation, certification by a duly authorized officer of such corporation that such corporation approves each and every provision of such program and of such schedule.

### **Section 201.244 Revisions**

Revisions. The owner or operator of an emission source or air pollution control equipment subject to an approved Compliance Program and Project Completion Schedule may request a revision of such program or schedule at any time. In addition, the Agency may require a revision upon any change in the Act or this Chapter. The Agency shall not approve any revision which contains a final compliance date later than the applicable date prescribed in Part 2 [Subchapter c] of this Chapter.

### **Section 201.245 Effects of Approval**

Effects of Approval. The approval of a Compliance Program and Project Completion Schedule shall be a condition precedent to the issuance and effectiveness of a Permit pursuant to Rule 103 [Subpart D]. An Approved Compliance Program and Project Completion Schedule, and full compliance therewith, and a current Operating Permit, shall be a prima facie defense to any enforcement action alleging a violation of the standards or limitations set forth in Part 2 [Subchapter c] of this Chapter with respect to any air contaminant included in such Program and Schedule during the period of the program. Failure to adhere to an approved compliance schedule shall constitute a violation of this Part for which appropriate sanctions may be sought in accordance with the Act.

### **Section 201.246 Records and Reports**

Records and Reports. Any person subject to this Rule [Subpart] shall maintain such records and make such reports as may be required in procedures adopted by the Agency pursuant to Rule 107 [Subpart K].

**SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS****Section 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup**

- (1) A request for permission to continue to operate during a malfunction or breakdown, if desired, shall be included as an integral part of the application for an Operating Permit pursuant to Rule 103 [Subpart D], and shall include as a minimum: a full and detailed explanation of why such continued operation is necessary; the anticipated nature, sources and quantities of emissions which will occur during such continued operation; the anticipated length of time during which such operation will continue; all measures, such as use of off-shift labor or equipment which will be taken to minimize the quantity of air contaminant emissions and length of time during which such operation will continue. When the standards or limitations of Part 2 [Subchapter c] of this Chapter will be violated during startup, a request for permission to violate such standards or limitations shall be an integral part of the application for an Operating Permit pursuant to Rule 103 [Subpart D], and shall include, as a minimum: a description of the startup procedure for each emission source, the duration and frequencies of such startups, the types and quantities of emissions during such startups and the applicant's efforts to minimize any such startup emissions, duration of individual startups and frequency of startups.
- (2) The Agency may adopt procedures which require data and information in addition to or in amplification of the matters set forth in paragraph (B)(1) [subsection (a)], and which set forth the format in which all data and information shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Index Division of the Office of the Secretary of State as Required by "An Act concerning administrative rules," approved June 14, 1951, as amended.

**Section 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup**

Permission shall not be granted to allow continued operation during a malfunction or breakdown unless the applicant submits proof to the Agency that: such continued operation is necessary to prevent injury to persons or severe damage to equipment; or that such continued operation is required to provide essential services; provided, however, that continued operation solely for the economic benefit of the owner or operator shall not be a sufficient reason for granting of permission. Permission shall not be granted to allow violation of the standards or limitations of Part 2 [Subchapter c] of this Chapter during startup unless the applicant has affirmatively demonstrated that all reasonable efforts have been made to minimize startup emissions, duration of individual startups and frequency of startups.

**Section 201.263 Records and Reports**

Records and Reports. Any person who causes or allows the continued operation of an emission source during a malfunction or breakdown of the emission source or related air pollution control equipment when such continued operation would cause a violation of the standards or limitations

set forth in Part 2 [Subchapter c] of this Chapter shall immediately report such incident to the Agency by telephone, telegraph or such other method as constitutes the fastest available alternative, except if otherwise provided in the Operating Permit. Thereafter, any such person shall comply with all reasonable directives of the Agency with respect to the incident. In addition, any person subject to this Rule [Subpart] shall maintain such records and make such reports as may be required in procedures adopted by the Agency pursuant to Rule 107 [Subpart K].

#### **Section 201.264 Continued Operation or Startup Prior to Granting of Operating Permit**

[Rule 105(e) Continued Operation or Startup Prior to Granting of Operating Permit.]

Any person desiring to continue to operate, or to startup in accordance with paragraph (a) of this Rule [Section 201.149] prior to the date when an Operating Permit is required pursuant to Rule 103 [Section 201.143 or 201.144] shall make immediate application for Permission to Operate during a Malfunction, Breakdown or Startup in accordance with paragraph (b) of this Rule 105 [Section 201.261].

#### **Section 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup**

[Rule 105(f) Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup.]

The granting of permission to operate during a malfunction or breakdown, or to violate the standards or limitations of Part 2 [Subchapter c] of this Chapter during startup, and full compliance with any terms and conditions connected therewith, shall be a prima facie defense to an enforcement action alleging a violation of paragraph (a) of this Rule 105 [Section 201.149], of the emission and air quality standards of this Chapter, and of the prohibition of air pollution during the time of such malfunction, breakdown or startup.

### **SUBPART J: MONITORING AND TESTING**

#### **Section 201.281 Permit Monitoring Equipment Requirements**

Except as otherwise provided at Subpart L of this Part, every emission source or air pollution control equipment shall be equipped with such monitoring instruments as may be required as a condition to a permit issued by the Agency. The permit may require that such monitoring instruments be continuous or intermittent. Such monitoring instruments shall be installed, maintained and operated at the expense of the owner or operator of the emission source or air pollution control equipment. A permit condition to monitor is appealable to the Board pursuant to Section 40 of the Act.

(Source: Amended at 13 Ill. Reg. 2066, effective February 3, 1989)

#### **Section 201.282 Testing**

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:

- (1) 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 formats, and revisions thereto, shall not become effective until filed with the Index Division of the Office of the Secretary of State as Required by "An Act concerning administrative rules," approved June 14, 1951, as amended. 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.
- (2) 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.

### **Section 201.283      Records and Reports**

Records and Reports. Any person subject to this Rule [Subpart] shall maintain such records and make such reports as may be required in Procedures adopted by the Agency pursuant to Rule 107 [Subpart K].

## **SUBPART K: RECORDS AND REPORTS**

### **Section 201.301      Records**

- (1) The owner or operator of any emission source or air pollution control equipment shall maintain, as a minimum: records detailing all activities pursuant to any Compliance Program and Project Completion Schedule pursuant to Rule 104 [Subpart H]; records detailing all Malfunctions, Breakdowns or Startups pursuant to Rule 105 [Subpart I]; and records of all Monitoring and Testing conducted pursuant to Rule 106 [Subpart J], plus records of all Monitoring and Testing of any type whatsoever conducted with respect to specified air contaminants. All such records shall be made available to the Agency at any reasonable time.
- (2) The Agency may adopt procedures which:
  - (A) require additional records be maintained consistent with these regulations; and
  - (B) set forth the format in which all records shall be maintained.

Such procedures and formats, and revisions thereto, shall not become effective until filed with the Index Division of the Office of the Secretary of State as Required by "An Act concerning administrative rules," approved June 14, 1951, as amended.

### **Section 201.302      Reports**

- a) The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102 shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports when necessary to accomplish the purposes of the Act and this Chapter.
- b) The Agency may adopt procedures which require that additional reports be submitted, and which set forth the format in which all reports shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the Illinois Administrative Procedure Act.
- c) All emission data received by the Agency, shall be available for public inspection at reasonable times and upon reasonable notice.

(Source: Amended at 38 Ill. Reg. 1005, effective December 23, 2013)

## **SUBPART L: CONTINUOUS MONITORING**

### **Section 201.401      Continuous Monitoring Requirements**

- a) Except as otherwise provided at Section 201.402 and Section 201.403, the owners and operators of the following emission sources shall install, operate, calibrate and maintain continuous monitoring equipment for the indicated pollutants.
  - 1) Fossil fuel-fired steam generators with an annual average capacity factor greater than 30%, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency through the use of annual production data and equipment rating information representative of the facility's operations, shall monitor for:
    - A) Opacity, when the steam generator is greater than 250 million Btu per hour heat input unless:
      - i) Gas is the only fuel burned; or
      - ii) Oil or a mixture of gas and oil are the only fuels burned and the source can comply with the limitations applicable to that source for particulate matter and opacity without use of collection equipment for particulate matter and the source has never been found to be in violation of an applicable

visible or particulate emission standard through any administrative or judicial proceedings.

- B) Nitrogen oxides, when:
- i) The steam generator is greater than 1000 million Btu per hour heat input;
  - ii) The facility is located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act (42 U.S.C. 7407) that a control strategy for nitrogen dioxide is necessary to attain the national standards; and
  - iii) The owner or operator has not demonstrated during compliance tests performed pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act that the source emits nitrogen oxides at levels less than 30% or more below the emissions standards applicable to that source.
- C) Sulfur dioxide, when the steam generator is greater than 250 million Btu per hour heat input and which has installed and operates sulfur dioxide pollution control equipment.
- D) Percent oxygen or carbon dioxide, when measurements of oxygen or carbon dioxide in the flue gas are required pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act, or 40 CFR 51, Appendix P (this incorporation includes no later amendments or editions.) to convert sulfur dioxide or nitrogen oxide continuous emissions data to units of the applicable emission standard applicable to that source.
- 2) Sulfuric acid plants of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall monitor for sulfur dioxide at each point of sulfur dioxide emission.
  - 3) Nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act that a control strategy for nitrogen dioxide is necessary to attain the national standard, shall monitor for nitrogen oxides at each point of nitrogen oxide emission.

- 4) Petroleum refineries shall monitor for opacity at each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity.
- b) Except for sources permitted to use alternative monitoring pursuant to Section 201.402, compliance with the Illinois emissions limitations by the owners and operators of emission sources required to monitor continuously shall be determined by the use of equipment which meets the performance specifications set forth in paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987) (this incorporation includes no later amendments or editions), and relevant portions of 35 Ill. Adm. Code 230. Appendix A and B.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

### **Section 201.402      Alternative Monitoring**

Alternative monitoring requirements for sources subject to Section 201.401(a) shall be prescribed by permit upon a demonstration by the owner or operator that continuous monitoring is technically unreasonable or infeasible due to physical plant limitations or would impose an extreme economic burden. It shall be demonstrated that the installation, location or operation of a continuous monitoring system or device:

- a) Would not provide accurate determinations of nitrogen dioxide, sulfur dioxide, carbon dioxide, percent oxygen, or opacity; or
- b) Cannot be installed due to the facility's physical constraints such as size, space or strength of materials, or due to safety considerations; or
- c) Would impose an extreme economic burden in proportion to the significance of the monitoring information which would be provided, in that the cost of monitoring would exceed the norm for similar sources and those costs would have a significant adverse effect on the profitability of the operations.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

### **Section 201.403      Exempt Sources**

The following emission sources are exempt from the requirements of this Subpart:

- a) Any source subject to monitoring requirements which are part of a new source performance standard adopted by USEPA pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act; or
- b) Any source not subject to either the generally applicable emission limitation established pursuant to the Act or Board regulation or an alternative, adjusted or site specific standard approved by the Board.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

**Section 201.404 Monitoring System Malfunction**

The monitoring and recording requirements of this Subpart shall not be applicable during any period of a monitoring system or device malfunction if demonstrated by the owner or operator of the source that the malfunction was unavoidable and is being repaired as expeditiously as practicable. This demonstration may include, but is not limited to, evidence that the device has been properly calibrated and maintained, adequate spare parts are on hand, and trained technicians are available to make repairs.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

**Section 201.405 Excess Emission Reporting**

Owners and operators of sources subject to the continuous monitoring requirements of this Subpart shall report the following information:

- a) For periods of emissions in excess of any emission limitation adopted by the Board:
  - 1) The starting date and time of the excess emissions;
  - 2) The duration of the excess emissions;
  - 3) The magnitude of excess emissions;
  - 4) The cause of the excess emissions, if known;
  - 5) Corrective actions and actions taken to lessen the emissions;
  - 6) The operating status of the monitoring system, including the dates and times of any periods during which it was inoperative; and
  - 7) Other information, including but not limited to, monitoring location, monitoring maintenance records and source operating hours, which the Agency may require by permit.
- b) For gaseous sulfur dioxide, percent oxygen, or carbon dioxide measurements, the averaging period used for data reporting shall correspond to the averaging period used to determine compliance with the emission limitation applicable to the source. The report shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded.
- c) For opacity measurements, the report shall be based on six minute averages of opacity and contain:
  - 1) The percent opacity for each continuous opacity excess period; and
  - 2) The start and stop time in six minute increments of any opacity measurements in excess of the limitation.



- d) If there were no excess emissions during the reporting period, the report shall so state and include information about the operating status of the monitoring equipment during that period.
- e) Reports shall be submitted within 45 days of the end of every calendar quarter.

(Source: Amended at 13 Ill. Reg. 2066, effective February 3, 1989)

#### **Section 201.406 Data Reduction**

To convert monitoring data to the units of the emission limitation, owners and operators of sources subject to this Subpart shall use:

- a) The procedures specified in 35 Ill. Adm. Code 230 or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act; or where necessary
- b) The procedures specified in 40 CFR 51, Appendix P, paragraph 5 (1987). This incorporation includes no later amendments or editions; or
- c) Alternative measurement and data reduction methods may be utilized if demonstrated by the owner or operator of the affected source by means including, but not limited to, instrument accuracy tests that such alternative methods will provide information equivalent to the information which would be provided by the above methods.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

#### **Section 201.407 Retention of Information**

Owners and operators of sources which are subject to the monitoring and recording requirements of this Subpart shall maintain files of emission information at the facility and make the information available to the Agency upon request. This information shall be retained for at least two years from the date of collection, and shall include:

- a) Emission measurements;
- b) Continuous monitoring system performance testing measurements;
- c) Performance evaluations;
- d) Calibration checks;
- e) Maintenance and adjustments performed;
- f) Quarterly reports submitted pursuant to Section 201.405; and

- g) Data reduction information used pursuant to Section 201.406.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

### **Section 201.408 Compliance Schedules**

Owners and operators of sources subject to Section 201.401 shall install all necessary equipment and monitor in accordance with the compliance schedule contained in the permit issued by the Agency. This schedule shall provide that monitoring and recording begin within 18 months of this Subpart being approved by the USEPA pursuant to Section 110(a)(3)(A) of the Clean Air Act as a revision to the State Implementation Plan, unless the owner or operator has been granted a variance pursuant to Section 35(a) of the Act allowing a longer compliance schedule.

(Source: Added at 13 Ill. Reg. 2066, effective February 3, 1989)

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

### **Section 201.500 Purpose**

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.505 Applicability**

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

- 1) Exempt any owner or operator from the requirements of the CAA or the Act, including determining whether construction or modification of an emission unit, by itself or as part of a project, constitutes a major modification or major source;
- 2) Exempt any owner or operator from any requirement to notify the Agency or list insignificant activities and emissions levels for CAAPP permit purposes;
- 3) Relieve the owner or operator of a source from the requirement of including the emissions associated with the emission unit in any pre-construction permitting application for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act;
- 4) Relieve the owner or operator of the emission unit from any applicable requirements of Section 39.5 of the Act for the emission unit, including any requirement to submit a timely application for a new or modified CAAPP permit that addresses the emission unit; or
- 5) Relieve the owner or operator of the source from compliance with other applicable statutes and regulations of the United States, or the State of Illinois, or with applicable local laws, ordinances, and regulations.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

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

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

- 7) A statement as to whether the proposed emission unit will be an element in a larger project; if it is, all of the following information must also be included:
- A) A description of the larger project;
  - B) A statement describing why a construction permit will not be required for any element of that project; and
  - C) A demonstration that the potential emissions of each regulated NSR pollutant, as defined in 40 CFR 52.21, as incorporated by reference in Section 201.104, from the project will be less than 80 percent of the relevant significant emission rates under 40 CFR 52.21, 35 Ill. Adm. Code 203, and any other regulations adopted pursuant to Section 9.1(c) of the Act;
- 8) Identification of construction permits and PBRs received in the last two years and a demonstration that the requested PBR should not be aggregated with, and considered an element of, any of these projects that were addressed by the construction permits and PBRs identified;
- 9) The specific information required by the applicable PBR Subpart Notification requirement for this type of emission unit;
- 10) A statement noting whether the source is major or non-major for emissions of HAPs pursuant to Section 39.5(2)(c)(i) of the Act. If the source is non-major, the Notification must include documentation for the determination;
- 11) A certification signed by the responsible official, as defined in Section 39.5 of the Act, that, under penalty of law, based on information and belief formed after reasonable inquiry, the statements and information contained in the Notification are true, accurate, and complete and that the emission unit is eligible for the PBR selected pursuant to subsection (a)(6); and
- 12) Payment of the fee that applies to the owner or operator of the source pursuant to Section 9.12 of the Act for the proposed construction or modification of a single emission unit.
- b) The Agency will acknowledge receipt of the Notification within 30 days.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.515 Commencing Construction or Modification**

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

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

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.525 Standard Conditions for PBR**

- a) **Duration.** A PBR will expire one year from the date of submittal of the complete Notification unless a continuous program of construction on this project has commenced by that time.
- b) The construction covered by a PBR must be performed in compliance with applicable provisions of the PBR, the Act, and regulations adopted by the Board.
- c) The owner or operator of the emission unit must comply with all applicable requirements of Subpart M and the applicable PBR Subpart.
- d) The owner or operator of the emission unit must submit an updated Fee Determination for CAAPP Permit form prior to commencing operation of the proposed emission unit if there is an increase in allowable emissions over the existing permitted allowable emissions for fee purposes as a result of the construction or modification of the emission unit.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.530 Recordkeeping and Reporting**

The owner or operator of the emission unit must:

- a) Keep and maintain all records used to demonstrate initial compliance and ongoing compliance with the applicable requirements of Subpart M and the applicable PBR Subpart, as well as any additional records required by and reported pursuant to those Subparts, for at least five years from the date the document is created and make all records available to the Agency for inspection and copying upon request. These records include any records required by State or federal laws or regulations and any materials submitted to the Agency or USEPA pertaining to the emission unit. Any record retained in an electronic format must be capable of being retrieved and printed on paper during normal source office hours.

- b) Notify the Agency of the emission unit's actual start-up date no later than 30 days after that date, unless an earlier date is specified in the applicable PBR.
- c) Except as otherwise provided in this Subpart M or the applicable PBR Subpart, submit a written report of any deviations from the applicable emission standards, emission limitations, operational restrictions, qualifying criteria, work practice requirements, or control equipment operating parameter limitations set forth in this Subpart M and the applicable PBR Subpart. The report must be submitted to the Agency within 30 days after the date the deviation occurred and must describe the deviation (including the date, time, and duration of the deviation), identify the specific requirement from which the deviation occurred and the total amount of excess emissions during the deviation, and describe the probable cause of the deviation and any corrective actions or preventive measures that have been or will be taken.
- d) If required to conduct a performance test:
- 1) Submit to the Agency a testing protocol as required by the applicable PBR Subpart at least 45 days prior to the scheduled performance test. Upon written request directed to the Bureau of Air's Compliance Section, the Agency may waive the 45-day requirement. A waiver is only effective if it is provided in writing by the Bureau of Air;
  - 2) Notify the Agency in writing of the date of performance testing at least 30 days prior to testing and again 5 days prior to the testing, unless the emission unit is subject to other State or federal requirements that specify a longer notification period. Upon written request directed to the Bureau of Air's Compliance Section, the Agency may waive either or both of these requirements. Such waiver is only effective if it is provided in writing by the Bureau of Air;
  - 3) If, after the 30-day notice for an initially scheduled performance test is sent, there is a delay (e.g., due to operational problems) in conducting the test as scheduled, notify the Agency of the delay in the original test date, directed to the Bureau of Air's Compliance Section, as soon as practicable. This must be done either by providing at least a 7-day notice of the rescheduled date of the test or by arranging a new test date with the Agency by mutual agreement;
  - 4) Not later than 60 days after the completion of the performance test, submit the results of the test to the Agency.
- e) Submit any monitoring information required by the PBR as part of the Semi-Annual Monitoring Report required by the source's CAAPP permit.
- f) Provide copies of all required reports and Notifications as follows:
- 1) One copy of the new or amended Notification must be sent to:

Illinois Environmental Protection Agency  
Bureau of Air  
Permit Section (#11)  
P.O. Box 19506  
Springfield, Illinois 62794-9506

- 2) One copy of all other reports and notices must be sent to:

Illinois Environmental Protection Agency  
Bureau of Air  
Compliance Section (#40)  
P.O. Box 19276  
Springfield, Illinois 62794-9276

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.535 Authority to Operate**

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.540 Enforcement Authority**

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

a) Any owner or operator of a source that commences construction or modification of an emission unit and submits a Notification pursuant to Section 201.510 that is incomplete, or fails to submit any Notification, is deemed to have constructed without the benefit of a permit under Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a) unless the Agency has issued a construction permit other than a PBR for the emission unit pursuant to Section 9(b) of the Act. A violation exists even if it is determined that the Notification was incomplete after construction or modification has already occurred.

b) Any owner or operator of a source that submits a Notification and commences operation of an emission unit covered by a PBR, but fails to submit a complete application for a minor modification to the CAAPP permit in accordance with Section 39.5(14) of the Act, is deemed to have operated without the benefit of a permit under Section 39.5(6)(b) of the Act. A violation exists even if it is determined that the application for a minor permit modification was incomplete after operation has already occurred.

c) Any owner or operator of an emission unit covered by a PBR that violates any condition of this Subpart or the applicable PBR Subpart is deemed to have violated Sections 39.12(e) and 9(b) of the Act, as well as any other applicable State or federal regulation or portion of the Act. If such a violation occurs after the emission unit has commenced operation, the owner or operator is also deemed to have violated Section 39.5(6)(a) of the Act.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

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

### **Section 201.600 Applicability**

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

- a) The boiler has a maximum design heat input capacity of:
  - 1) Less than or equal to 50 MMBtu/hr; or
  - 2) Greater than 50 MMBtu/hr and less than or equal to 100 MMBtu/hr and is equipped with low-NO<sub>x</sub> burners designed by the manufacturer to meet a NO<sub>x</sub> emission limit of not greater than 0.05 lb/MMBtu;
- b) The boiler primarily burns pipeline natural gas, butane, propane, or refinery fuel gas;
- c) The only backup or reserve fuel burned in the boiler is diesel fuel, butane, or propane. If diesel fuel is the backup fuel, the burning of diesel fuel in the boiler must be such that, as appropriate, the boiler is a "unit designed to burn gas 1 subcategory," as defined by 40 CFR 63.7575, or a "gas-fired boiler," as defined by 40 CFR 63.11237 as incorporated by reference in Section 201.104; and
- d) The emissions from the boiler consist entirely of the products of fuel combustion.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.605 Boiler Notice of Intent to Be Covered by a PBR (Notification)**

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

- a) The primary fuel that will be burned by the boiler, along with the maximum rated heat input capacity of the boiler (MMBtu/hr) and a copy of the manufacturer's specifications for the boiler.
- b) Whether the boiler would be a temporary boiler as defined by 40 CFR 60.41c and 63.7575 or 63.11237 as incorporated by reference in Section 201.104, and, if it would be, a



demonstration that the criteria set forth in the definition of a temporary boiler are met, and the expected period or periods in which the boiler would be at a location or locations at the source.

- c) The potential emissions of individual pollutants from the boiler in lb/hr, tons/month and tons/year, including emissions of PM, PM<sub>10</sub> (including both filterable and condensable particulate), PM<sub>2.5</sub> (including both filterable and condensable particulate), NO<sub>x</sub>, CO, VOM, and SO<sub>2</sub>, based on continuous operation of the boiler at its rated heat input capacity combusting its primary fuel, with supporting documentation and calculations.
- d) Whether the boiler will have the capability to burn diesel fuel, butane, propane, or refinery fuel gas, and if so, the potential SO<sub>2</sub> emissions of the boiler from the use of such fuel.
- e) If the boiler or the source at which the boiler would be located does not meet the applicability criteria in 35 Ill. Adm. Code 217.150(a)(1)(A) or (a)(1)(B), an identification of the criteria that are not met, with explanation.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.610 Federal NSPS and NESHAP Requirements**

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

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.615 Opacity Requirements**

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

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

- a) For a PBR boiler to burn diesel fuel as a backup fuel, the owner or operator must:
- 1) Comply with the applicable provisions of 35 Ill. Adm. Code 214.Subpart B or D when burning diesel fuel;
  - 2) Comply with the particulate emission standard in 35 Ill. Adm. Code 212.206 when diesel fuel is burned;
  - 3) Maintain records that include the following information:
    - A) Date, time, and duration of any period when diesel fuel was fired in the boiler, the amount of diesel fuel that was fired, and the reason diesel fuel was fired, e.g., gas curtailment, gas supply interruption, or periodic operational testing;
    - B) The total duration of periodic operational testing or other activity while firing diesel fuel (number of hours of operation per calendar year); and
    - C) The actual SO<sub>2</sub> emissions of the boiler from use of diesel fuel (tons/month and tons/year), with supporting calculations.
- b) For a PBR boiler to burn refinery fuel gas, the owner or operator must use fuel gas at a petroleum refinery from a fuel gas system that is subject to and meeting the requirements for compliance with the limits for H<sub>2</sub>S content of fuel gas in 40 CFR 60.102a(g)(1)(ii) as incorporated by reference in Section 201.104.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

**Section 201.625 Carbon Monoxide (CO) Requirements**

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

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

**Section 201.630 Nitrogen Oxide (NO<sub>x</sub>) Requirements**

The owner or operator of the PBR boiler must comply with the following, as applicable:

- a) If the PBR boiler is subject to the requirements of 35 Ill. Adm. Code 217.Subpart D, comply with all the applicable requirements of 35 Ill. Adm. Code 217.Subparts D and E;
- b) If the PBR boiler is subject to the requirements of 40 CFR 63 subpart DDDDD, comply with all applicable requirements, including the combustion tuning work practice requirements of 40 CFR 63.7440(a)(10), as incorporated by reference in Section 201.104; and

c) For a boiler with a maximum design heat input capacity greater than 50 MMBtu/hr, and not subject to either 35 Ill. Adm. Code 217.Subpart D or 40 CFR 63, subpart DDDDD, conduct combustion tuning for the boiler. This tuning must be conducted in each calendar year in which the boiler is operated, except for the calendar year in which the boiler first starts up and the calendar year in which the boiler is permanently removed from service. The combustion tuning must be conducted as specified by 40 CFR 63.7540(a)(10)(i) through (vi), as incorporated by reference in Section 201.104, and be conducted while burning the type of fuel that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)

### **Section 201.635 PBR Boiler Recordkeeping Requirements**

The owner or operator of the PBR boiler must maintain records containing the following information, in addition to the records required by Section 201.530:

- a) The maximum design heat input capacity of the boiler, in MMBtu/hr, with supporting documentation;
- b) An inspection, maintenance, and repair log with dates and the nature of those activities for the boiler;
- c) The quantity of each fuel used per month and per year;
- d) The hours of operation, in hours/month and hours/year;
- e) Emissions of PM, PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, CO, and VOM, in tons/month and tons/year, with supporting calculations; and
- f) SO<sub>2</sub> emissions, in tons/month and tons/year, with supporting calculations if the boiler has the capability to burn refinery fuel gas, butane, or propane.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)