

2009

# ILLINOIS

## REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 33, Issue 46  
November 13, 2009  
Pages 15300-15925

Index Department  
Administrative Code Division  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3) Section Number: 217.751                      Adopted Action:  
New
- 4) Statutory Authority: 415 ILCS 5/27 and 28
- 5) Effective Date of Amendment: November 2, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 8880; June 26, 2009.
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The text of the added 35 Ill. Adm. Code 217.751 contains no substantive changes from the first notice proposal. However, the table of contents of Part 217 has been revised to include Subparts D through M, due to the recent completion of other air rulemakings. See, Section 27 Proposed Rules for Nitrogen Oxide (NO<sub>x</sub>) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217, R07-19 (July 23, 2009) and Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217, R08-19 (Aug. 20, 2009).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: The Board's May 7, 2009 first notice opinion and order in In the Matter of: Nitrogen Oxide (NO<sub>x</sub>) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751, R09-20 discusses in detail the amendments to Part 217.Subpart W proposed in this rulemaking.

On May 7, 2009, the Illinois Pollution Control Board authorized first notice publication, without comment on the merits, of an Illinois Environmental Protection Agency (IEPA) proposal that would sunset the provisions of the Nitrogen Oxides (NO<sub>x</sub>) Trading Program rules for electrical generating units (EGUs). IEPA filed this proposal with the Board on April 21, 2009, seeking to add a single new section, 35 Ill. Adm. Code 217.751 to 35 Ill. Adm. Code 217.Subpart W. The Board has expedited this proceeding as requested by the IEPA.

In its statement of reasons, the IEPA states that Illinois adopted both the NO<sub>x</sub> rules at 35 Ill. Adm. Code 217 and the Clean Air Interstate Rule (CAIR) at 35 Ill. Adm. Code 225 after adoption of similar rules by the United States Environmental Protection Agency (USEPA). USEPA has approved both sets of rules for inclusion in the State Implementation Plan (SIP) for ozone attainment. As do the USEPA rules, the CAIR provisions, as set forth in 35 Ill. Code 225.Subpart E, include a trading program for control of NO<sub>x</sub> emissions during the ozone season that replaces the provisions in Part 217.Subpart W for EGUs beginning with the 2009 control period (May 1 through September 30) and thereafter. To address this duplication, the proposal would "sunset" the provisions of the NO<sub>x</sub> Trading Program by adding a new Part 217.751.

The Board adopted its second notice opinion and order on September 17, 2009, adopting the first notice proposal without substantive change. The Joint Committee on Administrative Rules voted a Certificate of No Objection at its October 14, 2009 meeting. The Board adopted its final opinion and order on October 15, 2009.

For the above reasons, the Board adopted as a final rule R09-20.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Kathleen Crowley  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

312/814-6929

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R09-20 in your request. The Board's opinions and orders are also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)).

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 217  
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

- Section 217.100 Scope and Organization
- 217.101 Measurement Methods
- 217.102 Abbreviations and Units
- 217.103 Definitions
- 217.104 Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

- Section 217.121 New Emission Sources (Repealed)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

- Section 217.141 Existing Emission Units in Major Metropolitan Areas

SUBPART D: NO<sub>x</sub> GENERAL REQUIREMENTS

- Section 217.150 Applicability
- 217.152 Compliance Date
- 217.154 Performance Testing
- 217.155 Initial Compliance Certification
- 217.156 Recordkeeping and Reporting
- 217.157 Testing and Monitoring
- 217.158 Emissions Averaging Plans

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART E: INDUSTRIAL BOILERS

- Section
- 217.160 Applicability
- 217.162 Exemptions
- 217.164 Emissions Limitations
- 217.165 Combination of Fuels
- 217.166 Methods and Procedures for Combustion Tuning

SUBPART F: PROCESS HEATERS

- Section
- 217.180 Applicability
- 217.182 Exemptions
- 217.184 Emissions Limitations
- 217.185 Combination of Fuels
- 217.186 Methods and Procedures for Combustion Tuning

SUBPART G: GLASS MELTING FURNANCES

- Section
- 217.200 Applicability
- 217.202 Exemptions
- 217.204 Emissions Limitations

SUBPART H: CEMENT AND LIME KILNS

- Section
- 217.220 Applicability
- 217.222 Exemptions
- 217.224 Emissions Limitations

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

- Section
- 217.240 Applicability
- 217.242 Exemptions
- 217.244 Emissions Limitations

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART K: PROCESS EMISSION SOURCES

Section  
217.301 Industrial Processes

SUBPART M: ELECTRICAL GENERATING UNITS

Section  
217.340 Applicability  
217.342 Exemptions  
217.344 Emissions Limitations  
217.345 Combination of Fuels

SUBPART O: CHEMICAL MANUFACTURE

Section  
217.381 Nitric Acid Manufacturing Processes

SUBPART Q: STATIONARY RECIPROCATING  
INTERNAL COMBUSTION ENGINES AND TURBINES

Section  
217.386 Applicability  
217.388 Control and Maintenance Requirements  
217.390 Emissions Averaging Plans  
217.392 Compliance  
217.394 Testing and Monitoring  
217.396 Recordkeeping and Reporting

SUBPART T: CEMENT KILNS

Section  
217.400 Applicability  
217.402 Control Requirements  
217.404 Testing  
217.406 Monitoring  
217.408 Reporting  
217.410 Recordkeeping

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

~~SUBPART U: NO<sub>x</sub> CONTROL AND TRADING PROGRAM FOR  
SPECIFIED NO<sub>x</sub> GENERATING UNITS~~

Section	
<del>217.450</del>	<del>Purpose</del>
<del>217.452</del>	<del>Severability</del>
<del>217.454</del>	<del>Applicability</del>
<del>217.456</del>	<del>Compliance Requirements</del>
<del>217.458</del>	<del>Permitting Requirements</del>
<del>217.460</del>	<del>Subpart U NO<sub>x</sub> Trading Budget</del>
<del>217.462</del>	<del>Methodology for Obtaining NO<sub>x</sub> Allocations</del>
<del>217.464</del>	<del>Methodology for Determining NO<sub>x</sub> Allowances from the New Source Set-Aside</del>
<del>217.466</del>	<del>NO<sub>x</sub> Allocations Procedure for Subpart U Budget Units</del>
<del>217.468</del>	<del>New Source Set-Asides for "New" Budget Units</del>
<del>217.470</del>	<del>Early Reduction Credits (ERCs) for Budget Units</del>
<del>217.472</del>	<del>Low-Emitter Requirements</del>
<del>217.474</del>	<del>Opt-In Units</del>
<del>217.476</del>	<del>Opt-In Process</del>
<del>217.478</del>	<del>Opt-In Budget Units: Withdrawal from NO<sub>x</sub> Trading Program</del>
<del>217.480</del>	<del>Opt-In Units: Change in Regulatory Status</del>
<del>217.482</del>	<del>Allowance Allocations to Opt-In Budget Units</del>

~~SUBPART V: ELECTRIC POWER GENERATION~~

Section	
<del>217.521</del>	<del>Lake of Egypt Power Plant</del>
<del>217.700</del>	<del>Purpose</del>
<del>217.702</del>	<del>Severability</del>
<del>217.704</del>	<del>Applicability</del>
<del>217.706</del>	<del>Emission Limitations</del>
<del>217.708</del>	<del>NO<sub>x</sub> Averaging</del>
<del>217.710</del>	<del>Monitoring</del>
<del>217.712</del>	<del>Reporting and Recordkeeping</del>

~~SUBPART W: NO<sub>x</sub> TRADING PROGRAM FOR  
ELECTRICAL GENERATING UNITS~~

Section	
<del>217.750</del>	<del>Purpose</del>
<u>217.751</u>	<u>Sunset Provisions</u>

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

217.752	Severability
217.754	Applicability
217.756	Compliance Requirements
217.758	Permitting Requirements
217.760	NO <sub>x</sub> Trading Budget
217.762	Methodology for Calculating NO <sub>x</sub> Allocations for Budget Electrical Generating Units (EGUs)
217.764	NO <sub>x</sub> Allocations for Budget EGUs
217.768	New Source Set-Asides for "New" Budget EGUs
217.770	Early Reduction Credits for Budget EGUs
217.774	Opt-In Units
217.776	Opt-In Process
217.778	Budget Opt-In Units: Withdrawal from NO <sub>x</sub> Trading Program
217.780	Opt-In Units: Change in Regulatory Status
217.782	Allowance Allocations to Budget Opt-In Units

SUBPART X: VOLUNTARY NO<sub>x</sub> EMISSIONS REDUCTION PROGRAM

Section	
217.800	Purpose
217.805	Emission Unit Eligibility
217.810	Participation Requirements
217.815	NO <sub>x</sub> Emission Reductions and the Subpart X NO <sub>x</sub> Trading Budget
217.820	Baseline Emissions Determination
217.825	Calculation of Creditable NO <sub>x</sub> Emission Reductions
217.830	Limitations on NO <sub>x</sub> Emission Reductions
217.835	NO <sub>x</sub> Emission Reduction Proposal
217.840	Agency Action
217.845	Emissions Determination Methods
217.850	Emissions Monitoring
217.855	Reporting
217.860	Recordkeeping
217.865	Enforcement
217.APPENDIX A	Rule into Section Table
217.APPENDIX B	Section into Rule Table
217.APPENDIX C	Compliance Dates
217.APPENDIX D	Non-Electrical Generating Units
217.APPENDIX E	Large Non-Electrical Generating Units

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- ~~217.APPENDIX F Allowances for Electrical Generating Units  
217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO<sub>x</sub>  
SIP Call  
217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries~~

~~AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].~~

~~SOURCE: Adopted as Chapter 2, Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended at 33 Ill. Reg. 15754, effective November 2, 2009.~~

SUBPART W: NO<sub>x</sub> TRADING PROGRAM FOR  
ELECTRICAL GENERATING UNITS

**Section 217.751 Sunset Provisions**

The provisions of this Subpart W shall not apply for any control period in 2009 or thereafter. Noncompliance with the provisions of this Subpart that occurred prior to 2009 is subject to the applicable provisions of this Subpart.

(Source: Added at 33 Ill. Reg. 15754, effective November 2, 2009)