**Section 212.124 Exceptions**

a) Sections 212.122 and 212.123 will not apply to emissions of water or water vapor from an emission unit.

b) An emission unit that has obtained an adjusted opacity standard in compliance with Section 212.126 will be subject to that standard rather than the limitations of Section 212.122 or 212.123.

c) Compliance with Particulate Emissions Limitations as a Defense.

1) For all emission units that are not subject to Section 111 or 112 of the CAA and Section 212.201, 212.202, 212.203, or 212.204 but are subject to Section 212.122 or 212.123: the opacity limitations of Sections 212.122 and 212.123 will not apply if it is shown that the emission unit was, at the time of emission, in compliance with the applicable particulate emissions limitations of Subparts D through T.

2) For all emission units that are not subject to Section 111 or 112 of the CAA but are subject to Section 212.201, 212.202, 212.203, or 212.204:

A) An exceedance of the limitations of Section 212.122 or 212.123 will constitute a violation of the applicable particulate limitations of Subparts D through T. It will be a defense to a violation of the applicable particulate limitations if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions for the unit and the control devices, and in accordance with Method 5, 40 CFR 60, incorporated by reference in Section 212.113, the owner or operator shows that the emission unit is in compliance with the particulate emission limitations.

B) It will be a defense to an exceedance of the opacity limit if, during a subsequent performance test conducted within a reasonable time not to exceed 60 days, under the same operating conditions of the emission unit and the control devices, and in accordance with Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113, the owner or operator shows that the emission unit is in compliance with the allowable particulate emissions limitation while, simultaneously, having visible emissions equal to or greater than the opacity exceedance as originally observed.

d) During startup of coal-fired boiler 1 or 2 at the Baldwin Energy Complex, coal-fired boiler 1 or 2 at the Kincaid Power Station, coal-fired boiler 1 at Newton Power Station, or coal-fired boiler 51, 52, 61, or 62 at the Powerton Generating Station, or malfunction or breakdown of these boilers or the air pollution control equipment serving these boilers, when a six-minute average opacity exceeds the applicable limitation in Section 212.122(a) or 212.123(a), compliance with the limitation may alternatively be demonstrated as follows:

1) Alternative Averaging Period.

A) For Baldwin Energy Complex coal-fired boilers 1 and 2, compliance for that six-minute period may be determined based on opacity readings averaged over a period of up to one hour beginning with the six-minute period in excess of the applicable standard.

B) For Kincaid Power Station coal-fired boilers 1 and 2, Newton Power Station coal-fired boiler 1, and Powerton Generating Station coal-fired boilers 51, 52, 61, and 62, compliance for that six-minute period may be determined based on opacity readings averaged over a period of up to three hours beginning with the six-minute period in excess of the applicable standard.

2) Recordkeeping and Reporting.

A) Any owner or operator complying with the alternative averaging period in subsection (d)(1) must maintain records of these average opacity calculations and report these calculations to the Agency as part of the next quarterly excess emissions report for the source.

B) For each startup, the report must include:

i) The date, time, and duration of the startup.

ii) A description of the startup.

iii) The reasons for the startup.

iv) An indication of whether written startup procedures were followed. If any were not, the report must describe all departures from established procedures and all reasons the procedures could not be followed.

v) A description of all actions taken to minimize the magnitude or duration of opacity requiring the use of the alternative averaging period in subsection (d)(1).

vi) An explanation of whether similar incidents could be prevented in the future and, if so, a description of the actions taken or to be taken to prevent similar incidents in the future.

vii) Confirmation that the requirements of subsection (d)(3) have been fulfilled.

C) For each malfunction and breakdown, the report must include:

i) The date, time, and duration (i.e., the length of time during which operation continued with opacity exceeding the applicable limitation in Section 212.122(a) or 212.123(a) on a six-minute average basis) until corrective actions were taken or the boiler was taken out of service.

ii) A description of the incident.

iii) Any corrective actions used to reduce the magnitude or duration of opacity requiring the use of the alternative averaging period in subsection (d)(1).

iv) Confirmation that the requirements of subsections (d)(2)(D) and (d)(3) have been fulfilled.

D) Any person who causes or allows the continued operation of a coal-fired boiler during a malfunction or breakdown of the coal-fired boiler or related air pollution control equipment when that continued operation would require compliance with the alternative averaging period in subsection (d)(1) must immediately report the incident to the Agency by telephone at 217-782-3397 and as otherwise provided in the operating permit. After that, this person must comply with all lawful directives of the Agency regarding the incident.

3) Work Practices. Any person relying on the alternative averaging period in subsection (d)(1) must comply with the following work practices.

A) Operate the coal-fired boiler and related air pollution control equipment in a manner consistent with good engineering practice for minimizing opacity during startup, malfunction, or breakdown.

B) Use good engineering practices and best efforts to minimize the frequency and duration of operation in startup, malfunction, and breakdown.

e) During startup of the emission unit designated Kiln 1 or Kiln 2 at the petroleum coke calcining facility located in Robinson, Illinois, when average opacity exceeds 30 percent for a six-minute period, under Section 212.123(a), compliance with Section 212.123(a) may alternatively be determined based on the average of opacity readings taken during a one-hour period using Test Method 9 (40 CFR 60, Appendix A-4, incorporated by reference in Section 212.113). However, compliance may be based on the average of up to three one-hour average periods if compliance is not demonstrated during the preceding hours. For this subsection (e), "startup" means the time from when green coke feed is introduced into the kiln until the temperature at the pyroscrubber inlet servicing the kiln achieves a minimum operating temperature of 1800 °F (based on a three-hour rolling average).

f) Section 212.123 will not apply to emission units subject to 35 Ill. Adm. Code 217.381(a).

(Source: Amended at 48 Ill. Reg. 13711, effective August 30, 2024)