**Section 212.126 Adjusted Opacity Standards Procedures**

a) Pursuant to Section 28.1 of the Environmental Protection Act (Act) [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code 106, Subpart E, provisions for adjusted standards for visible emissions for emission units subject to Sections 212.201, 212.202, 212.203, or 212.204 of this Part shall be granted by the Board to the extent consistent with federal law based upon a demonstration by such owner or operator that the results of a performance test conducted pursuant to this Section, Section 212.110 of this Part, and Methods 5 and 9 of 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, show that the emission unit meets the applicable particulate emission limitations at the same time that the visible emissions exceed the otherwise applicable standards of Sections 212.121 through 212.125 of this Subpart. Such adjusted opacity limitations:

1) Shall be specified as a condition in operating permits issued pursuant to 35 Ill. Adm. Code 201 and Section 39.5 of the Act;

2) Shall substitute for that limitation otherwise applicable;

3) Shall not allow an opacity greater than 60 percent at any time; and

4) Shall allow opacity for one six-minute averaging period in any 60 minute period to exceed the adjusted opacity standard.

b) For the purpose of establishing an adjusted opacity standard, any owner or operator of an emission unit which meets the requirements of subsection (a) of this Section, may request the Agency to determine the average opacity of the emissions from the emission unit during any performance tests conducted pursuant to Section 212.110 of this Part and Methods 5 and 9 of 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part. The Agency shall refuse to accept the results of emissions tests if not conducted pursuant to this Section.

c) Any request for the determination of the average opacity of emissions shall be made in writing, shall include the time and place of the performance test and test specifications and procedures, and shall be submitted to the Agency at least thirty (30) days before the proposed test date.

d) The Agency will advise the owner or operator of an emission unit which has requested an opacity determination of any deficiencies in the proposed test specifications and procedures as expeditiously as practicable but no later than ten (10) days prior to the proposed test date so as to minimize any disruption of the proposed testing schedule.

e) The owner or operator shall allow Agency personnel to be present during the performance test.

f) The method for determining an adjusted opacity standard is as follows:

1) A minimum of 60 consecutive minutes of opacity readings obtained in accordance with Test Method 9, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, shall be taken during each sampling run. Therefore, for each performance test (which normally consists of three sampling runs), a total of three sets of opacity readings totaling three hours or more shall be obtained. Concurrently, the particulate emissions data from three sampling runs obtained in accordance with Test Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, shall also be obtained.

2) After the results of the performance tests are received from the emission unit, the status of compliance with the applicable particulate emissions limitation shall be determined by the Agency. In accordance with Test Method 5, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, the average of the results of the three sampling runs must be less than the allowable particulate emission rate in order for the emission unit to be considered in compliance. If compliance is demonstrated, then only those test runs with results which are less than the allowable particulate emission rate shall be considered as acceptable test runs for the purpose of establishing an adjusted opacity standard.

3) The opacity readings for each acceptable sampling run shall be divided into sets of 24 consecutive readings. The six (6)minute average opacity for each set shall be determined by dividing the sum of the 24 readings within each set by 24.

4) The second highest six (6) minute average opacity obtained in subsection (f)(3) of this Section shall be selected as the adjusted opacity standard.

g) The owner or operator shall submit a written report of the results of the performance test to the Agency at least thirty (30) days prior to filing a petition for an adjusted standard with the Board.

h) If, upon review of such owner's or operator's written report of the results of the performance tests, the Agency determines that the emission unit is in compliance with all applicable emission limitations for which the performance tests were conducted, but fails to comply with the requirements of Section 212.122 or 212.123 of this Subpart, the Agency shall notify the owner or operator as expeditiously as practicable, but no later than twenty (20) days after receiving the written report of any deficiencies in the results of the performance tests.

i) The owner or operator may petition the Board for an adjusted visible emission standard pursuant to 35 Ill. Adm. Code 106.Subpart E. In addition to the requirements of 35 Ill. Adm. Code 106.Subpart E, the petition shall include the following information:

1) A description of the business or activity of the petitioner, including its location and relevant pollution control equipment;

2) The quantity and type of materials discharged from the emission unit or control equipment for which the adjusted standard is requested;

3) A copy of any correspondence between the petitioner and the Agency regarding the performance tests which form the basis of the adjusted standard request;

4) A copy of the written report submitted to the Agency pursuant to subsection (g) of this Section;

5) A statement that the performance tests were conducted in accordance with this Section and the conditions and procedures accepted by the Agency pursuant to Section 212.110 of this Part;

6) A statement regarding the specific limitation requested; and

7) A statement as to whether the Agency has sent notice of deficiencies in the results of the performance test pursuant to subsection (h) of this Section and a copy of said notice.

j) In order to qualify for an adjusted standard the owner or operator must justify as follows:

1) That the performance tests were conducted in accordance with Test Methods 5 and 9, 40 CFR part 60, Appendix A, incorporated by reference in Section 212.113 of this Part, and the conditions and procedures accepted by the Agency pursuant to Section 212.110 of this Part;

2) That the emission unit and associated air pollution control equipment were operated and maintained in a manner so as to minimize the opacity of the emissions during the performance tests; and

3) That the proposed adjusted opacity standard was determined in accordance with subsection (f) of this Section.

k) Nothing in this Section shall prevent any person from initiating or participating in a rulemaking, variance, or permit appeal proceeding before the Board.

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