

b) Emissions of water and water vapor. Sections 212.122 and 212.123 shall not apply to emissions of water or water vapor from an emission source.

c) Adjusted standards. An emission source which has obtained an adjusted opacity standard pursuant to Section 212.126 shall be subject to that standard rather than the limitations of Section 212.122 or 212.123.

d) Compliance with the particulate regulations of this Part shall constitute a defense.

- 1) For all emission sources which are not subject to Chapters 111 or 112 of the Clean Air Act (42 U.S.C.A. 7401 et seq.) and Sections 212.201, 212.202, 212.203 or 212.204 but which are subject to Sections 212.122 or 212.123:

The opacity limitations of Sections 212.122 and 212.123 shall not apply if it is shown that the emission source was, at the time of such emission, in compliance with the applicable particulate emissions limitations of Subparts D-F of this Part.

- 2) For all emission sources which are not subject to Chapters 111 or 112 of the Clean Air Act but which are subject to Sections 212.201, 212.202, 212.203 or 212.204 and either Section 212.122 or 212.123:

A) An exceedance of the limitations of Section 212.122 or 212.123 shall constitute a violation of the applicable particulate limitations of Subparts D-F of this Part. It shall 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 source and the control device(s), and in accordance with Method 5, 40 CFR 60, incorporated by reference in Section 212.113, the owner or operator shows that the source is in compliance with the particulate emission limitations.

B) It shall 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 source and the control device(s), and in accordance with Method 5, 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, the owner or operator shows that the source 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.

(Source: Amended at 12 Ill. Reg. 12492, effective July 13, 1988)

Section 212.125. Determination of Violations

Violations of Sections 212.122 and 212.123 shall be determined:

- a) By visual observations; or
b) By the use of a calibrated smoke evaluation device approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201; or
c) By the use of a smoke monitor located in the stack and approved by the Agency as specified in Subpart J of 35 Ill. Adm. Code 201.

Section 212.126. Adjusted Opacity Standards Procedures

a) Pursuant to Section 28.1 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987 ch. 111 1/2 pars. 1028.1), and in accordance with 35 Ill. Adm. Code 106 Subpart E, adjusted visible emissions standards for emission sources subject to Sections 212.201, 212.202, 212.203, or 212.204 and either Section 212.122 or 212.123 shall be granted by the Board to the extent consistent with federal law based upon a demonstration by such a source that the results of a performance test conducted pursuant to this Section, Section 212.110, and Methods 5 and 9 of 40 CFR 60, Appendix A, incorporated by reference in Section 212.113, show that the source meets the applicable particulate emission limitations at the same time that the visible emissions exceed the otherwise applicable standards of Sections 212.121-212.125. Such adjusted opacity limitations:

- 1) Shall be specified as a condition in operating permits issued pursuant to 35 Ill. Adm. Code 201;
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 source which meets the requirements of subsection (a), above, may request the Agency to determine the average opacity of the emissions from the emission source during any performance test(s) conducted pursuant to Section 212.110 and Methods 5 and 9 of 40 CFR 60, Appendix A, incorporated by reference in Section 212.113. 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