

Board Proposes First-Notice Amendments to Adopt State PSD Permitting Program

On March 5, 2020, the Board proposed new and amended rules for first-notice publication in the *Illinois Register*. Specifically, the Board proposed a new Part 204 of its air pollution regulations to create a Prevention of Significant Deterioration (PSD) permitting program that would apply in Illinois instead of the federal PSD program. To accommodate PSD permit appeals, the proposal also would amend existing Parts 101 and 105 of the Board's procedural rules. In addition, to conform to the new Part 204, the proposal would amend existing Parts 203, 211, and 215 of the Board's air pollution regulations. *See* 44 Ill. Reg. 4316 (Mar. 20, 2020).

With its rulemaking proposal to the Board, the Illinois Environmental Protection Agency (IEPA) intended to satisfy the requirements of Section 9.1 of the Environmental Protection Act (Act) (415 ILCS 5/9.1(c) (2018); *see* Public Act 99-463, eff. Jan. 1, 2016), which calls for the establishment of a State PSD program meeting the requirements of the federal Clean Air Act. As proposed, instead of IEPA making PSD permit determinations under federal PSD regulations (by delegation agreement with the United States Environmental Protection Agency (USEPA)), IEPA would make PSD permit determinations under Board PSD regulations. And IEPA's PSD permit determinations would be appealable to the Board rather than to USEPA's Environmental Appeals Board.

The Board held two public hearings in this rulemaking and no additional hearings are currently scheduled. The Board is accepting public comments on all aspects of its first-notice opinion and order, including the Board's decision on the role of environmental justice in the proposed PSD permit program.

This rulemaking is captioned Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, and Amendments to 35 Ill. Adm. Code 101, 105, 203, 211, and 215, docket R19-1. Here is a link to the Board's [first-notice opinion and order](#), which includes the proposed rule text. For more information, please contact Tim Fox at 312-814-6085 or tim.fox@illinois.gov.