

Board Adopts New and Amended Rules to Establish State PSD Permitting Program

On August 27, 2020, the Board adopted new and amended rules to establish Illinois' Prevention of Significant Deterioration (PSD) permitting program. The rulemaking began with the Illinois Environmental Protection Agency (IEPA) filing its proposal as required by Section 9.1 of the Environmental Protection Act (415 ILCS 5/9.1(c) (2018); *see* Public Act 99-463, eff. Jan. 1, 2016). Having a State PSD program will effectuate two main changes. First, for PSD permitting, IEPA will assume responsibility from the United States Environmental Protection Agency (USEPA). Second, for hearing PSD permit appeals, the Board will assume responsibility from USEPA's Environmental Appeals Board.

Illinois' new PSD rules appear across five Parts of the Illinois Administrative Code's Title 35. Specifically, the Board adopted a new Part 204 of its air pollution control rules, amended Parts 101 and 105 of its procedural rules to accommodate PSD permit appeals, and amended Parts 203, 211, and 215 of its air pollution control rules to conform to the new Part 204. The rules became effective on September 4, 2020.

During the rulemaking, the Board received public comment, held public hearings, and received Certifications of No Objection from the Joint Committee of Administrative Rules. The 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 [final opinion and order](#), which includes the text of the new and amended rules. For more information, please contact Tim Fox at 312-814-6085 or tim.fox@illinois.gov.