

ILLINOIS POLLUTION CONTROL BOARD
September 9, 2021

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R22-17
PART 203: MAJOR STATIONARY) (Rulemaking - Air)
SOURCES CONSTRUCTION AND)
MODIFICATION, 35 ILL. ADM. CODE)
PART 204: PREVENTION OF)
SIGNIFICANT DETERIORATION, AND)
PART 232: TOXIC AIR CONTAMINANTS)

ORDER OF THE BOARD (by A. Palivos):

On August 16, 2021, the Illinois Environmental Regulatory Group (IERG) proposed that the Board amend Parts 203 (Major Stationary Sources Construction and Modification), 204 (Prevention of Significant Deterioration), and 232 (Toxic Air Contaminants) of its air pollution regulations. *See* 35 Ill. Adm. Code 203, 204, 232. Accompanying the proposal were IERG’s Statement of Reasons (SR), a Motion to Waive Requirement to Submit 200 Signatures (Mot. Waive), and other documents. *See* 35 Ill. Adm. Code 102.202(b), 102.202(g).

Section 9.1(c) of the Act states that the Board shall adopt regulations establishing permit programs for Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NA NSR) that meet the respective federal requirements in Sections 165 and 173 of the Clean Air Act. SR at 2. In response, the Board adopted a final order in R19-1 which created a new PSD program for the State of Illinois. *Id.* at 2-3. Conversely, the State of Illinois already has a program dedicated to NA NSRs. *Id.* IERG argues that the proposed amendments to Parts 203, 204, and 232 would allow the “NA NSR regulations to be up-to-date and consistent with the Clean Air Act” and would implement relevant federal regulations. *Id.* at 2.

The Act and the Board’s procedural rules require a proponent other than the Agency or the Department of Natural Resources to submit “a petition signed by at least 200 persons.” 415 ILCS 5/28(a) (2020); 35 Ill. Adm. Code 102.202(g). With its rulemaking proposal IERG filed a Motion to Waive Requirement to Submit 200 Signatures. IERG notes the Board has waived signature requirements in other rulemakings in the past. *See In the Matter of: Proposed Amendments to the Board’s Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 739, 808, 809, PCB R 06-20(A) (Jan. 5, 2006); see In the Matter of: Proposed Amendments to Dissolved Oxygen Standard, 35 Ill. Adm. Code 302.206, PCB R 04-25 (May 6, 2004); see In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards, 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122, PCB R 02-19 (Jan. 24, 2002).* IERG argues that it is a member organization, representing forty-seven organizations, and requiring it to obtain the signatures would present an added expense and burden that is duplicative and unnecessary in light of its status. Mot. to Waive at 1, 4.

The Board finds that IERG's proposal satisfies the content requirements (35 Ill. Adm. Code 102.202), grants the unopposed motion to waive the 200-person signature requirement, and accepts the proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act and the Board's procedural rules (415 ICLS 5/27, 28 (2020); 35 Ill. Adm. Code 102). After conducting hearings on IERG's proposal, the Board will determine whether to proceed to first notice.

IT IS SO ORDERED.

I, Tim Fox, Acting Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on September 9, 2021, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Tim Fox", written in a cursive style.

Tim Fox, Acting Clerk
Illinois Pollution Control Board