

ILLINOIS POLLUTION CONTROL BOARD
April 4, 2022

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R 22-17
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)

NOTICE OF HEARING

On August 16, 2021, the Illinois Environmental Regulatory Group (IERG) proposed updates to Board rules with the intention of updating the rules to make them consistent and current with the Clean Air Act and federal Non-Attainment New Source Review program.

The Board and Staff have reviewed the post hearing comments, including IEPA's comments filed March 21, 2022, and submit with this order questions to IEPA, included as Attachment A. Anyone may file a comment, and anyone may respond to the attached questions, as well as any other pre-filed questions in the record.

All filings in this proceeding will be available on the Board's website at <https://pcb.illinois.gov/> in the rulemaking docket R22-17. Unless the Board, hearing officer, Clerk, or procedural rules provide otherwise, all documents in this proceeding must be filed electronically through the Clerk's Office On-Line (COOL). 35 Ill. Adm. Code 101.302(h), 101.1000(c), 101.Subpart J.

IT IS SO ORDERED.



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Attachment A to Hearing Officer Order of April 4, 2022

R22-17: IERG's Non-Attainment New Source Review Amendments
Questions for IEPA and IERG

Questions for the Agency on Public Comment 6

1. On page 3, the Agency proposes changes to Section 203.100 to ensure that permits historically issued by the Agency under existing Part 203, Subparts A through H, continue to be in effect.
 - a. Please clarify whether the renewal of historical permits issued under Part 203, Subparts A thru H would be done under the Subparts I thru R upon full approval of the proposed rules by USEPA.
 - b. If so, comment on whether Section 203.100 should be revised further to reflect the proposed intent.
 - c. If not, explain the rationale for requiring historical permits to be subject to Subparts A thru H rather than the amended rules under Subparts I thru R.
2. On pages 3-4, the Agency states that the proposed NANSR rules would generally relax the stringency of how emissions are calculated for purposes of applicability for proposed major modifications at major sources, and thus may reduce the number of construction projects at existing major sources that meet the definition of a major modification.
 - a. Please Identify the specific provisions of the proposed rules that changes the existing emissions calculation methodology.
 - b. Comment on the Agency's position regarding the proposed relaxation of the emissions calculation under IERG's proposal that may reduce the number of major modifications in the NAA.
 - c. If the Agency is amenable to the proposed rules, comment on why such relaxation of emissions calculation should not be extended to existing sources permitted under Subparts A thru H when permits are due for renewal after the full approval of the proposed rules.
3. Regarding the proposed definition of "net emissions increase" under Section 203.1260, please clarify whether the Agency is proposing any revisions or just providing an explanation of the definition.
4. Regarding the definition of "project" under Section 203.1300, please clarify whether any revisions to the proposed rules are necessary to reflect the Agency's concerns to address "debottlenecking" and "project netting". If not, comment on whether the Agency wants the Board to memorialize the Agency's concerns in the Board opinion.

5. Regarding the significant emissions rate for NO_x and VOM in serious or severe ozone nonattainment areas, the Agency states that the information in the TSD table (pg. 19-20) is inaccurate and incomplete. PC 6 at 23. Further, the Agency provides clarification of how “netting” must be applied to be consistent with the USEPA’s guidance. *Id.* at 24-25. Please comment on whether any rule language changes are necessary to maintain consistency with the USEPA guidance on the application of “netting” to determine significant emissions of NO_x and VOM. If so, propose the appropriate language changes.
6. On page 27, regarding the determination of significant emissions increase from a proposed NANSR project, the Agency clarifies that decreases in emissions at affected emissions units resulting from the project need not be addressed with a broader netting analysis for other contemporaneous changes in emissions. The Agency provides similar clarification regarding PSD project on pages 44-45. Please clarify whether the proposed rules under Sections 203.1410(c) and 204.800(d) must include a provision reflecting the Agency’s clarification to avoid any confusion with the interpretation of the proposed regulations.

Question for IERG

Please respond to the Agency’s comments (PC 6) on the proposed regulations by either agreeing or disagreeing with the Agency’s position. If IERG disagrees with the Agency on specific issues, provide detailed justification in support of the proposed rules.