

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
201.169	Amendment
201.175	Amendment
- 4) Statutory Authority: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, 39.5, and 39.12].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 201, 202, 203, 204, and 232 to make the Board's Non-Attainment New Source Review consistent with the federal Clean Air Act and underlying NA NSR program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R22-17 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [pcb.illinois.gov](http://pcb.illinois.gov). Public comments may be addressed to:

Clerk's Office  
Illinois Pollution Control Board

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

60 E. Van Buren, Suite 630  
Chicago, IL 60605

Don.brown@illinois.gov

Interested persons may download copies of the Board's opinions and orders in R22-17 from the Board's Web site at [pcb.illinois.gov](http://pcb.illinois.gov) and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in the previous two regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

Comparing:  
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

JCAR350201-2406554r01

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201  
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units
201.175	Registration of Smaller Sources (ROSS)

SUBPART E: SPECIAL PROVISIONS FOR OPERATING  
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants
201.210	Categories of Insignificant Activities or Emission Levels
201.211	Application for Classification as an Insignificant Activity
201.212	Revisions to Lists of Insignificant Activities or Emission Levels

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~  
SUBPART G: EXPERIMENTAL PERMITS  
(Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND  
PROJECT COMPLETION SCHEDULES

Section	
201.241	Contents of Compliance Program
201.242	Contents of Project Completion Schedule
201.243	Standards for Approval
201.244	Revisions
201.245	Effects of Approval
201.246	Records and Reports
201.247	Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section	
201.261	Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)
201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)
201.263	Records and Reports (Repealed)
201.264	Continued Operation or Startup Prior to Granting of Operating Permit (Repealed)
201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup (Repealed)

SUBPART J: MONITORING AND TESTING

Section	
201.281	Permit Monitoring Equipment Requirements
201.282	Testing
201.283	Records and Reports

SUBPART K: RECORDS AND REPORTS

Section	
201.301	Records
201.302	Reports

SUBPART L: CONTINUOUS MONITORING

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

Section	
201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction
201.407	Retention of Information
201.408	Compliance Schedules

SUBPART M: PERMIT BY RULE (PBR) ~~--~~  
GENERAL PROVISIONS

Section	
201.500	Purpose
201.505	Applicability
201.510	Notice of Intent to Be Covered By a PBR (Notification)
201.515	Commencing Construction or Modification
201.520	Modification or Change in Status of an Emission Unit Covered by a PBR
201.525	Standard Conditions for PBR
201.530	Recordkeeping and Reporting
201.535	Authority to Operate
201.540	Enforcement Authority

SUBPART N: PERMIT BY RULE (PBR) ~~--~~  
BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

Section	
201.600	Applicability
201.605	Boiler Notice of Intent to Be Covered by a PBR (Notification)
201.610	Federal NSPS and NESHAP Requirements
201.615	Opacity Requirements
201.620	Requirements for Use of Diesel Fuel and Refinery Fuel Gas
201.625	Carbon Monoxide (CO) Requirements
201.630	Nitrogen Oxide (NO <sub>x</sub> ) Requirements
201.635	PBR Boiler Reporting Requirements

201.APPENDIX A	Rule into Section Table
201.APPENDIX B	Section into Rule Table
201.APPENDIX C	Past Compliance Dates

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, 39.5, and 39.12].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013; amended in R17-9 at 41 Ill. Reg. 4140, effective March 24, 2017; amended in R23-18 at 47 Ill. Reg. 12089, effective July 25, 2023; amended in R22-17 at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

**Section 201.169 Special Provisions for Certain Operating Permits**

- a) Applicability:
- 1) Operating permits issued under Section 39 of the Act for sources of air pollution that are not subject to the requirements of Section 39.5 of the Act and are not required to have a federally enforceable State operating permit are subject to the provisions of this Section.
  - 2) This Section only applies to sources that meet the requirements of subsection (a)(1) and whose permit has not expired for a renewal request under subsection (b)(2). If this Section no longer applies to a source and its permit has not expired under subsection (b)(2), the terms and conditions of the permit must remain in effect until the permit is superseded by a new or revised permit or is withdrawn.

**POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS**

- 3) ~~This Subpart~~This Subpart must not be construed as exempting persons with permits issued under this Section from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 or Part 204 procedures for new and modified emission units.
- b) Expiration and Renewal:
- 1) The Agency may request the renewal of an operating permit subject to this Section for reasons including, but not limited to, a change in the requirements applicable to the source; an indication that the information on the ~~source's~~source's application is inaccurate; or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.
  - 2) Despite Section 201.162 of this Subpart, an operating permit subject to this Section will expire 180 days after the Agency sends a written request for renewal of the permit. A permit will terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.
  - 3) In its request for renewal under subsection (b)(2)~~above~~, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Section or the ability of the source to comply with any requirement.
  - 4) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.168 of this Subpart, or a determination that a permit application is incomplete based upon insufficiencies like, a failure to submit information requested under subsection (b)(3) or Section 201.158.
- c) Requirement for a Revised Permit:
- 1) Persons with operating permits subject to this Section must obtain a revised permit prior to any of the following changes at the source:
    - A) An increase in emissions above the amount the emission unit or the source is permitted to emit;
    - B) A modification;

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

- C) A change in operations that will result in the source's noncompliance with a condition in the existing permit; or
  - D) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.
- 2) If changes in the ~~source's~~source's emission units or control equipment remove a source from the applicability of this Section, an owner or operator must apply for a construction permit under Section 201.152 of this Subpart, if applicable, and either a federally enforceable State operating permit or a Clean Air Act Permit Program (CAAPP) permit under Section 39.5 of the Act.

(Source: Amended at 48 Ill. Reg.                     , effective                     )

**Section 201.175 Registration of Smaller Sources (ROSS)**

- a) An owner or operator of an eligible source must annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act or complying with a permit issued under Section 201.169. The owner and operator of a ROSS source is still subject to all applicable environmental statutes and regulations. The source must meet all of the following criteria to be an eligible source:
  - 1) Under Section 9.14 of the Act:
    - A) *The source must not be required to obtain a permit pursuant to the Clean Air Act Permit Program, or federally enforceable State operating permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;*
    - B) *USEPA has not otherwise determined that a permit is required;*
    - C) *The source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;*
    - D) *The source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;*

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

- E) *The source emits less than an actual 0.05 tons per year of lead air emissions;*
  - F) *The source emits less than an actual 0.05 tons per year of mercury air emissions; and*
  - G) *The source does not have an emission unit or source subject to a standard pursuant to 40 CFR 61 (Maximum Achievable Control Technology) or 40 CFR 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that USEPA has categorized as "area source".*
- 2) Emission units at the source are not used as thermal desorption systems under 35 Adm. Code 728. Table F or as incinerator systems.
  - 3) The source or its emission units must not be subject to local siting under Section 39.2 of the Act.
- b) For determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F), the owner or operator of a source must only use emissions from units that are not exempt from the requirement to obtain a permit under Section 201.146, as follows:
- 1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year. If the source is new, or has been operating less than one calendar year, projected estimated emissions may be used for all of the remaining months in the prior calendar year, respectively.
  - 2) Annual renewal of registration:
    - A) For determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must:
      - i) Verify that the source still meets the eligibility criteria in subsection (a)(1)(C); or
      - ii) Calculate emissions by summing all actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

pollutant emissions from all units associated with the source for the prior calendar year. The total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year must be less than or equal to 7 tons, or the total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from the prior two calendar years must be less than or equal to 10 tons.

- B) For determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F), the owner or operator must:
  - i) Verify that the source still meets the eligibility criteria in subsections (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section; or
  - ii) Calculate emissions by summing all actual emissions from all units at the source for the prior calendar year. Summed emissions of HAPs, mercury or lead must be less than or equal to 0.5 tons per year, 0.05 tons per year, or 0.05 tons per year, for the prior calendar year, respectively.
- c) The following must be included in each initial registration and each re-entry registration:
  - 1) The name, address, and telephone number of the source and of the person responsible for submitting and retaining copies of the registration information and the records;
  - 2) A statement that the source meets the requirements of this Section;
  - 3) A certification that the information submitted in subsections (c)(1) and (c)(2) is correct or a correction of the information; and
  - 4) The applicable fee under Section 9.14 of the Act.
- d) The owner or operator of an eligible source must submit the registration required by subsection (c) of this Section as follows:

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

- 1) Initial registration:
  - A) The owner or operator of a source holding a permit may register after the effective date of this Section and no later than their annual fee payment date in fiscal year 2013 (July 1, 2012 through June 30, 2013). The terms and conditions of a permit issued under Section 201.169 do not apply during the period the source is registered. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations.
  - B) The owner or operator of an operating source not holding a permit must register no later than July 1, 2012.
  - C) The owner or operator of a new source must register at least 10 days before commencing construction or operation and may commence construction or operation 10 days after submittal to the Agency.
- 2) Annual registration. The owner or operator of a ROSS source must pay an annual fee on or before their annual fee payment date. Annual payment of the fee is verification by the owner or operator that the source continues to meet the criteria in subsection (a), as determined by subsection (b)(2), as applicable.
- 3) Re-entry into ROSS under subsection (h). The owner or operator of a source that re-enters ROSS based on the criteria in subsection (a), as determined by subsection (b)(1), must register and pay an annual fee on or before their annual fee payment date.
- e) The owner or operator must keep the following records and make them available for inspection by the Agency:
  - 1) A description of the emission units associated with the source and their associated control devices;
  - 2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsection (a), as determined by subsection (b)(1) or (b)(2), as applicable;

~~POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS~~

- 3) Documentation of the ~~source's~~source's actual emissions and calculations demonstrating that the source is eligible for ROSS under the criteria in subsection (a), as determined by subsection (b)(1) or (b)(2), as applicable. This documentation may include, annual material usage or emission rates;
  - 4) A copy of the ~~source's~~source's initial registration; and
  - 5) A copy of the ~~owner's or operator's~~owner's or operator's annual fee payment for at least the most recent 5 calendar years.
- f) Changes to a ROSS source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days after the change to the source, if the information provided in subsection (c)(1) changes.
- g) Changes requiring a new or modified construction or operating permit, or compliance with conditions in an existing permit issued under Section 201.169:
- 1) The owner or operator must apply for a permit by the date required by the new regulation or statute if there is a change in a regulation or statutory requirement or a new regulation or statutory requirement that makes a source ineligible for ROSS under the criteria in subsection (a), as determined in subsection (b)(2), as applicable.
  - 2) If the source no longer meets the criteria in subsection (a), as determined by subsection (b)(2), as applicable:
    - A) The owner or operator of a source that did not have a permit under Section 201.169 prior to registration must apply and comply with the applicable requirements of the Act and 35 Ill. Adm. Code Parts 201, 203, and 204 as follows:
      - i) If the source is eligible for a permit under Section 201.169, the owner or operator must apply for a permit within 90 days of the ~~source's~~source's annual fee payment date.
      - ii) If the source is not eligible under Section 201.169, the owner or operator must apply for a permit as provided for under the Act and 35 Ill. Adm. Code Parts 201, 203, and 204.



<b>Summary report:</b>	
<b>Litera Compare for Word 11.4.0.111 Document comparison done on 5/2/2024 2:12:04 PM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> 35-201RG-P Agency.docx	
<b>Modified filename:</b> 35-201RG-P r01 (48-18).docx	
<b>Changes:</b>	
<u>Add</u>	22
<del>Delete</del>	24
<del>Move From</del>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<del>Table moves from</del>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>46</b>

# First Notice

JCAR350201-2406554r01

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE B: AIR POLLUTION  
3 CHAPTER I: POLLUTION CONTROL BOARD  
4 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS  
5

6 PART 201  
7 PERMITS AND GENERAL PROVISIONS  
8

9 SUBPART A: DEFINITIONS  
10

11	Section	
12	201.101	Other Definitions
13	201.102	Definitions
14	201.103	Abbreviations and Units
15	201.104	Incorporations by Reference
16		

17 SUBPART B: GENERAL PROVISIONS  
18

19	Section	
20	201.121	Existence of Permit No Defense
21	201.122	Proof of Emissions
22	201.123	Burden of Persuasion Regarding Exceptions
23	201.124	Annual Report
24	201.125	Severability
25	201.126	Repealer
26		

27 SUBPART C: PROHIBITIONS  
28

29	Section	
30	201.141	Prohibition of Air Pollution
31	201.142	Construction Permit Required
32	201.143	Operating Permits for New Sources
33	201.144	Operating Permits for Existing Sources
34	201.146	Exemptions from State Permit Requirements
35	201.147	Former Permits
36	201.148	Operation Without Compliance Program and Project Completion Schedule
37	201.149	Operation During Malfunction, Breakdown or Startups
38	201.150	Circumvention
39	201.151	Design of Effluent Exhaust Systems
40		

41 SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS  
42

43 Section

44	201.152	Contents of Application for Construction Permit
45	201.153	Incomplete Applications (Repealed)
46	201.154	Signatures (Repealed)
47	201.155	Standards for Issuance (Repealed)
48	201.156	Conditions
49	201.157	Contents of Application for Operating Permit
50	201.158	Incomplete Applications
51	201.159	Signatures
52	201.160	Standards for Issuance
53	201.161	Conditions
54	201.162	Duration
55	201.163	Joint Construction and Operating Permits
56	201.164	Design Criteria
57	201.165	Hearings
58	201.166	Revocation
59	201.167	Revisions to Permits
60	201.168	Appeals from Conditions
61	201.169	Special Provisions for Certain Operating Permits
62	201.170	Portable Emission Units
63	201.175	Registration of Smaller Sources (ROSS)

64

65                   SUBPART E: SPECIAL PROVISIONS FOR OPERATING  
66                   PERMITS FOR CERTAIN SMALLER SOURCES

67

68   Section

69	201.180	Applicability (Repealed)
70	201.181	Expiration and Renewal (Repealed)
71	201.187	Requirement for a Revised Permit (Repealed)

72

73                   SUBPART F: CAAPP PERMITS

74

75   Section

76	201.207	Applicability
77	201.208	Supplemental Information
78	201.209	Emissions of Hazardous Air Pollutants
79	201.210	Categories of Insignificant Activities or Emission Levels
80	201.211	Application for Classification as an Insignificant Activity
81	201.212	Revisions to Lists of Insignificant Activities or Emission Levels

82

83                   SUBPART G: EXPERIMENTAL PERMITS (Reserved)

84

85                   SUBPART H: COMPLIANCE PROGRAMS AND  
86                   PROJECT COMPLETION SCHEDULES

87  
88 Section  
89 201.241 Contents of Compliance Program  
90 201.242 Contents of Project Completion Schedule  
91 201.243 Standards for Approval  
92 201.244 Revisions  
93 201.245 Effects of Approval  
94 201.246 Records and Reports  
95 201.247 Submission and Approval Dates

96  
97 **SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS**

98  
99 Section  
100 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown  
101 or Startup (Repealed)  
102 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown  
103 or Startup (Repealed)  
104 201.263 Records and Reports (Repealed)  
105 201.264 Continued Operation or Startup Prior to Granting of Operating Permit (Repealed)  
106 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or  
107 Startup (Repealed)

108  
109 **SUBPART J: MONITORING AND TESTING**

110  
111 Section  
112 201.281 Permit Monitoring Equipment Requirements  
113 201.282 Testing  
114 201.283 Records and Reports

115  
116 **SUBPART K: RECORDS AND REPORTS**

117  
118 Section  
119 201.301 Records  
120 201.302 Reports

121  
122 **SUBPART L: CONTINUOUS MONITORING**

123  
124 Section  
125 201.401 Continuous Monitoring Requirements  
126 201.402 Alternative Monitoring  
127 201.403 Exempt Sources  
128 201.404 Monitoring System Malfunction  
129 201.405 Excess Emission Reporting

130 201.406 Data Reduction  
131 201.407 Retention of Information  
132 201.408 Compliance Schedules

133

134 SUBPART M: PERMIT BY RULE (PBR) –  
135 GENERAL PROVISIONS

136

137	Section	Purpose
138	201.500	Purpose
139	201.505	Applicability
140	201.510	Notice of Intent to Be Covered By a PBR (Notification)
141	201.515	Commencing Construction or Modification
142	201.520	Modification or Change in Status of an Emission Unit Covered by a PBR
143	201.525	Standard Conditions for PBR
144	201.530	Recordkeeping and Reporting
145	201.535	Authority to Operate
146	201.540	Enforcement Authority

147

148 SUBPART N: PERMIT BY RULE (PBR) –  
149 BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

150

151	Section	Purpose
152	201.600	Applicability
153	201.605	Boiler Notice of Intent to Be Covered by a PBR (Notification)
154	201.610	Federal NSPS and NESHAP Requirements
155	201.615	Opacity Requirements
156	201.620	Requirements for Use of Diesel Fuel and Refinery Fuel Gas
157	201.625	Carbon Monoxide (CO) Requirements
158	201.630	Nitrogen Oxide (NO <sub>x</sub> ) Requirements
159	201.635	PBR Boiler Reporting Requirements

160

161	201.APPENDIX A	Rule into Section Table
162	201.APPENDIX B	Section into Rule Table
163	201.APPENDIX C	Past Compliance Dates

164

165 AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of  
166 the Environmental Protection Act [415 ILCS 5/10, 27, 39, 39.5, and 39.12].

167

168 SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB  
169 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill.  
170 Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January  
171 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628,  
172 effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989;

173 amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B)  
 174 at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483,  
 175 effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21,  
 176 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17  
 177 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective  
 178 June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in  
 179 R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill.  
 180 Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August  
 181 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-  
 182 10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005,  
 183 effective December 23, 2013; amended in R17-9 at 41 Ill. Reg. 4140, effective March 24, 2017;  
 184 amended in R23-18 at 47 Ill. Reg. 12089, effective July 25, 2023; amended in R22-17 at 48 Ill.  
 185 Reg. \_\_\_\_\_, effective \_\_\_\_\_.

187 SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

188  
 189 **Section 201.169 Special Provisions for Certain Operating Permits**

190  
 191 a) Applicability:

- 192  
 193 1) Operating permits issued ~~underpursuant to~~ Section 39 of the Act for  
 194 sources of air pollution that are not subject to the requirements of Section  
 195 39.5 of the Act and are not required to have a federally enforceable State  
 196 operating permit are subject to the provisions of this Section.  
 197  
 198 2) This Section only applies to sources that meet the requirements of  
 199 subsection (a)(1)~~above~~ and whose permit has not expired ~~for a~~~~pursuant to~~  
 200 ~~a~~ renewal request under subsection (b)(2)~~of this Section~~. If this Section  
 201 no longer applies to a source and its permit has not expired ~~pursuant to a~~  
 202 ~~renewal request~~ under subsection (b)(2)~~of this Section~~, the terms and  
 203 conditions of the permit ~~must~~~~shall~~ remain in effect until the permit is  
 204 superseded by a new or revised permit or is withdrawn.  
 205  
 206 3) ~~This Nothing in this~~ Subpart ~~must not~~~~shall~~ be construed as exempting  
 207 persons with permits issued ~~underpursuant to~~ this Section from the  
 208 requirements of Section 201.142 of this Part requiring a construction  
 209 permit or from review under Part 203 ~~or Part 204~~ procedures for new and  
 210 modified emission units.

211  
 212 b) Expiration and Renewal:

- 213  
 214 1) The Agency may request the renewal of an operating permit subject to this  
 215 Section for reasons including, but not limited to, a change in the

216 requirements applicable to the source; an indication that the information  
 217 on the source's application is inaccurate; or information that the source  
 218 may not be in compliance with the Act, a Board regulation or an existing  
 219 permit condition.

220  
 221 2) ~~Despite~~~~Notwithstanding~~ Section 201.162 of this Subpart, an operating  
 222 permit subject to this Section ~~will~~~~shall~~ expire 180 days after the Agency  
 223 sends a written request for renewal of the permit. A permit ~~will~~~~shall~~  
 224 terminate if it is withdrawn upon written request by the permittee or is  
 225 superseded by a revised permit issued for the source.

226  
 227 3) In its request for renewal ~~underpursuant to~~ subsection (b)(2) ~~above~~, the  
 228 Agency may include a request for any supplemental information that the  
 229 Agency may need to determine the continued applicability of this Section  
 230 or the ability of the source to comply with any requirement.

231  
 232 4) An owner or operator may appeal to the Board only a final determination  
 233 by the Agency to deny a permit or to include conditions as provided by  
 234 Section 40 of the Act and Section 201.168 of this Subpart, or a  
 235 determination that a permit application is incomplete based upon  
 236 insufficiencies ~~like such as, but not limited to~~, a failure to submit  
 237 information requested under subsection (b)(3) ~~above~~ or Section 201.158 ~~of~~  
 238 ~~this Subpart.~~

239  
 240 c) Requirement for a Revised Permit:

241  
 242 1) Persons with operating permits subject to this Section must obtain a  
 243 revised permit prior to any of the following changes at the source:

244  
 245 A) An increase in emissions above the amount the emission unit or the  
 246 source is permitted to emit; ~~or~~

247  
 248 B) A modification; ~~or~~

249  
 250 C) A change in operations that will result in the source's  
 251 noncompliance with a condition in the existing permit; or

252  
 253 D) A change in ownership, company name, or address, so that the  
 254 application or existing permit is no longer accurate.

255  
 256 2) If changes in the source's emission units or control equipment remove a  
 257 source from the applicability of this Section, an owner or operator  
 258 ~~must~~~~shall~~ apply for a construction permit under Section 201.152 of this

259 Subpart, if applicable, and either a federally enforceable State operating  
260 permit or a Clean Air Act Permit Program (CAAPP) permit ~~under~~pursuant  
261 ~~to~~ Section 39.5 of the Act.  
262

263 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
264

265 **Section 201.175 Registration of Smaller Sources (ROSS)**  
266

267 a) An owner or operator of an eligible source ~~must~~shall annually register with the  
268 Agency instead of complying with the requirement to obtain an air pollution  
269 construction or operating permit under the Act or complying with a permit issued  
270 under Section 201.169. The owner and operator of a ROSS source ~~is~~are still  
271 subject to all applicable environmental statutes and regulations. The source must  
272 meet all of the following criteria to be an eligible source:  
273

274 1) ~~Under~~Pursuant to Section 9.14 of the Act:  
275

276 A) *The source must not be required to obtain a permit pursuant to the*  
277 *Clean Air Act Permit Program, or federally enforceable State*  
278 *operating permit program, or under regulations promulgated*  
279 *pursuant to Section 111 or 112 of the Clean Air Act;*  
280

281 B) *USEPA has not otherwise determined that a permit is required;*  
282

283 C) *The source emits less than an actual 5 tons per year of combined*  
284 *particulate matter, carbon monoxide, nitrogen oxides, sulfur*  
285 *dioxide, and volatile organic material air pollutant emissions;*  
286

287 D) *The source emits less than an actual 0.5 tons per year of combined*  
288 *hazardous air pollutant emissions;*  
289

290 E) *The source emits less than an actual 0.05 tons per year of lead air*  
291 *emissions;*  
292

293 F) *The source emits less than an actual 0.05 tons per year of mercury*  
294 *air emissions; and*  
295

296 G) *The source does not have an emission unit or source subject to a*  
297 *standard pursuant to 40 CFR 61 (Maximum Achievable Control*  
298 *Technology) or 40 CFR 63 (National Emissions Standards for*  
299 *Hazardous Air Pollutants), other than those regulations that*  
300 *USEPA has categorized as "area source"."*  
301

- 302                   2)       Emission units at the source are not used as thermal desorption systems  
303                   underpursuant to 35 Adm. Code 728.Table F or as incinerator systems.  
304  
305                   3)       The source or its emission units must not be subject to local siting under  
306                   Section 39.2 of the Act.  
307  
308       b)       For ~~the purposes of~~ determining whether the actual emissions from the source  
309       meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) ~~of this~~  
310       ~~Section~~, the owner or operator of a source ~~must~~shall only use emissions from  
311       units that are not exempt from the requirement to obtain a permit underpursuant to  
312       Section 201.146, as follows:  
313  
314                   1)       Initial registration or reentry into ROSS: the owner or operator must sum  
315                   the actual emissions from all units associated with the source for the prior  
316                   calendar year. If the source is new, or has been operating less than one  
317                   calendar year, projected estimated emissions may be used for all of the  
318                   remaining months in the prior calendar year, respectively.  
319  
320                   2)       Annual renewal of registration:  
321  
322                   A)       For ~~the purposes of~~ determining compliance with subsection  
323                   (a)(1)(C) of this Section, the owner or operator must:  
324  
325                               i)       Verify that the source still meets the eligibility criteria in  
326                               subsection (a)(1)(C); or  
327  
328                               ii)       Calculate emissions by summing all actual emissions of  
329                               combined particulate matter, carbon monoxide, nitrogen  
330                               oxides, sulfur dioxide, and volatile organic material air  
331                               pollutant emissions from all units associated with the  
332                               source for the prior calendar year. The total sum of actual  
333                               emissions of combined particulate matter, carbon  
334                               monoxide, nitrogen oxides, sulfur dioxide, and volatile  
335                               organic material air pollutant emissions for the prior  
336                               calendar year must be less than or equal to 7 tons, or the  
337                               total sum of actual emissions of combined particulate  
338                               matter, carbon monoxide, nitrogen oxides, sulfur dioxide,  
339                               and volatile organic material air pollutant emissions from  
340                               the prior two calendar years must be less than or equal to  
341                               10 tons.  
342

- 343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385
- B) For ~~the purposes of~~ determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) ~~of this Section~~, the owner or operator must:
    - i) Verify that the source still meets the eligibility criteria in subsections (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section; or
    - ii) Calculate emissions by summing all actual emissions from all units at the source for the prior calendar year. Summed emissions of HAPs, mercury or lead must be less than or equal to 0.5 tons per year, 0.05 tons per year, or 0.05 tons per year, for the prior calendar year, respectively.
  - c) The following must be included in each initial registration and each re-entry registration:
    - 1) The name, address, and telephone number of the source and of the person responsible for submitting and retaining copies of the registration information and the records;
    - 2) A statement that the source meets the requirements of this Section;
    - 3) A certification that the information submitted in subsections (c)(1) and (c)(2) ~~of this Section~~ is correct or a correction of the information; and
    - 4) The applicable fee ~~underpursuant to~~ Section 9.14 of the Act.
  - d) The owner or operator of an eligible source ~~mustshall~~ submit the registration required by subsection (c) of this Section as follows:
    - 1) Initial registration:
      - A) The owner or operator of a source holding a permit may register after the effective date of this Section and no later than their annual fee payment date in fiscal year 2013 (July 1, 2012 through June 30, 2013). The terms and conditions of a permit issued ~~underpursuant to~~ Section 201.169 do not apply during the period the source is registered. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations.
      - B) The owner or operator of an operating source not holding a permit ~~mustshall~~ register no later than July 1, 2012.

386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427

- C) The owner or operator of a new source ~~must~~shall register at least 10 days before commencing construction or operation and may commence construction or operation 10 days after submittal to the Agency.
  
- 2) Annual registration. The owner or operator of a ROSS source must pay an annual fee on or before their annual fee payment date. Annual payment of the fee is verification by the owner or operator that the source continues to meet the criteria in subsection (a), as determined by subsection (b)(2), as applicable.
  
- 3) Re-entry into ROSS under subsection (h). The owner or operator of a source that re-enters ROSS based on the criteria in subsection (a), as determined by subsection (b)(1), must register and pay an annual fee on or before their annual fee payment date.
  
- e) The owner or operator ~~must~~shall keep the following records and make them available for inspection by the Agency:
  - 1) A description of the emission units associated with the source and their associated control devices;
  - 2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsection (a), as determined by subsection (b)(1) or (b)(2), as applicable;
  - 3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS ~~under~~pursuant to the criteria in ~~subsection~~subsections (a), as determined by subsection (b)(1) or (b)(2), as applicable. This documentation may include, ~~but is not limited to,~~ annual material usage or emission rates;
  - 4) A copy of the source's initial registration; and
  - 5) A copy of the owner's or operator's annual fee payment for at least the most recent 5 calendar years.
  
- f) Changes to a ROSS source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days after the change to the source, if the information provided in subsection (c)(1) ~~of this Section~~ changes.

- 428 g) Changes requiring a new or modified construction or operating permit, or  
429 compliance with conditions in an existing permit issued ~~under~~pursuant to Section  
430 201.169:  
431
- 432 1) The owner or operator must apply for a permit by the date required by the  
433 new regulation or statute if there is a change in a regulation or statutory  
434 requirement or a new regulation or statutory requirement that makes a  
435 source ineligible for ROSS under the criteria in subsection (a), as  
436 determined in subsection (b)(2), as applicable.  
437
- 438 2) If the source no longer meets the criteria in subsection (a), as determined  
439 by subsection (b)(2), as applicable:  
440
- 441 A) The owner or operator of a source that did not have a permit under  
442 Section 201.169 prior to registration must apply and comply with  
443 the applicable requirements of the Act and 35 Ill. Adm. Code Parts  
444 201, ~~and~~ 203, and 204 as follows:  
445
- 446 i) If the source is eligible for a permit under Section 201.169,  
447 the owner or operator must apply for a permit within 90  
448 days of the source's annual fee payment date.  
449
- 450 ii) If the source is not eligible under Section 201.169, the  
451 owner or operator must apply for a permit as provided for  
452 under the Act and 35 Ill. Adm. Code Parts 201, ~~and~~ 203,  
453 and 204.  
454
- 455 iii) If the source was not constructed or operated at the time of  
456 initial registration and has actual emissions in excess of the  
457 eligibility levels during the first or second year of  
458 operations as determined in subsection (b)(2), the owner or  
459 operator must apply for an operating permit and pay  
460 construction permit application fees.  
461
- 462 B) The owner or operator of a source that had a permit under Section  
463 201.169 prior to registration:  
464
- 465 i) If the source is in compliance with the terms and conditions  
466 of the permit, the owner or operator ~~must~~shall notify the  
467 Agency no later than the source's annual fee payment date  
468 of the calendar year following the change in status from a  
469 ROSS eligible source to a permitted source.  
470

- 471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487
- ii) If the source is not in compliance with the terms and conditions of the permit, but is still eligible for a permit ~~underpursuant to~~ Section 201.169, the owner or operator must apply for a new or revised permit within 90 days of the source's annual fee payment date.
  - iii) If the source is not eligible for a permit ~~underpursuant to~~ Section 201.169, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Code Parts 201, ~~and 203,~~ and 204.
  - h) Reentry into ROSS: the owner or operator of a source that changed status to become a permitted source ~~underpursuant to~~ subsection (g) ~~must of this Section shall~~ submit a registration for ROSS if the source meets the criteria in subsections (a), as determined in subsection (b)(1), in the prior calendar year.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)