

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Alternative Control Strategies
- 2) Code Citation: 35 Ill. Adm. Code 202
- 3) Section Number: 202.306 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 9.3 and authorized by Sections 5 and 27 of the Environmental Protection Act [415 ILCS 5/5, 9.3 and 27].
- 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. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
60 E. Van Buren, Suite 630

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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 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 Amendment begins on the next page:

Comparing:
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

JCAR350202-2406569r01

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

PART 202
ALTERNATIVE CONTROL STRATEGIES

SUBPART A: GENERAL PROVISIONS

Section	
202.101	Definitions
202.104	Actual Emissions
202.107	Allowable Emissions
202.110	Alternative Control Strategy (ACS)
202.113	Chapter
202.116	Emission Baseline
202.119	Multi-person ACS
202.122	Potential to Emit
202.125	Abbreviations
202.140	Scope
202.142	Severability

SUBPART B: PERMIT APPLICATION

Section	
202.201	Emission Baseline for Alternative Control Strategies
202.210	Permit Application Information
202.211	Analysis of Emissions
202.212	Analysis of Environmental Quality
202.213	Analysis of Methods of Assuring Compliance

SUBPART C: PERMIT CONDITIONS AND ISSUANCE

Section	
202.301	Permit Conditions
202.302	Records and Reports
202.303	Monitoring and Testing
202.304	Compliance Dates
202.305	Public Participation
202.306	Standards for Issuance

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202.307 Notification to USEPA

SUBPART D: PERMIT DURATION, REVISION AND RENEWAL

Section

202.401 Duration
202.402 Revision
202.403 Renewal

SUBPART E: ALTERNATIVE CONTROL STRATEGIES
INVOLVING MORE THAN ONE PERSON

Section

202.501 Applicability
202.502 Permit Application
202.503 Duration
202.504 Permit Conditions
202.505 Records and Reports
202.506 Revocation
202.507 Termination

202.APPENDIX A Pre-Codification into Codified
202.APPENDIX B Codified into Pre-Codification

AUTHORITY: Implementing Section 9.3 and authorized by Sections 5 and 27 of the Environmental Protection Act [415 ILCS 5/5, 9.3 and 27].

SOURCE: 35 Ill. Adm. Code 212 adopted in R81-20 (Interim) at 6 Ill. Reg. 6703, effective May 20, 1982; renumbered to 35 Ill. Adm. Code 202 and amended in R81-20(A) at 7 Ill. Reg. 8091, effective June 27, 1983; codified at 7 Ill. Reg. 13584; corrected at 7 Ill. Reg. 14561; amended in R81-20(B) at 8 Ill. Reg. 4171, effective March 16, 1984; amended in R23-18 at 47 Ill. Reg. 12101, effective July 25, 2023; amended in R22-17 at 48 Ill. Reg. _____, effective _____.

SUBPART C: PERMIT CONDITIONS AND ISSUANCE

Section 202.306 Standards for Issuance

The Agency must issue a permit containing an ACS if, and only if, the permit applicant demonstrates that:

Summary report:	
Litera Compare for Word 11.4.0.111 Document comparison done on 5/2/2024 2:13:20 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: 35-202RG-P Agency.docx	
Modified filename: 35-202RG-P r01 (48-18).docx	
Changes:	
Add	4
Delete	5
Move From	0
Move To	0
Table Insert	0
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	9

First Notice

JCAR350202-2406569r01

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2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

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6 PART 202
7 ALTERNATIVE CONTROL STRATEGIES

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9 SUBPART A: GENERAL PROVISIONS

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14 202.107 Allowable Emissions
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16 202.113 Chapter
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29 202.211 Analysis of Emissions
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74 _____.

75
76 SUBPART C: PERMIT CONDITIONS AND ISSUANCE

77
78 **Section 202.306 Standards for Issuance**

79
80 The Agency ~~must~~shall issue a permit containing an ACS if, and only if, the permit applicant
81 demonstrates that:

- 82
- 83 a) The ACS provides, in the aggregate ~~for~~with respect to each regulated pollutant,
84 equivalent or less total emissions than would otherwise be required.
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- 86 b) The impact of the ACS is environmentally equivalent to that which would

87 otherwise be achieved and maintained under existing requirements.

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- 90 c) The methods for assuring compliance with the conditions and requirements of the
91 permit under the ACS are equivalent to those that are associated with otherwise
92 applicable requirements.

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- 95 d) The ACS complies with any applicable requirements contained in 35 Ill. Adm.
96 Code 203, 204, 230 or 231.

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- 99 e) USEPA has not disapproved the proposed ACS or any compliance schedule it
100 may contain due to the existence of a federal enforcement action pending against
101 a participant in the ACS.

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- 104 f) The ACS does not permit an increase in emissions of any pollutant which is listed
or regulated ~~under~~pursuant to Section 112 of the Clean Air Act (42 U.S.C. 7412 et
seq.).

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