

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE**

TO: Don Brown  
Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph St., Suite 11-500  
Chicago, IL 60601-3218

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Pollution Control Board the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S MOTION TO CLARIFY** a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: *Sally A. Carter*  
Sally Carter  
Assistant Counsel  
Division of Legal Counsel

DATED: April 30, 2025

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approved as part of Illinois' SIP.<sup>2</sup> See, 42 U.S.C. §§ 7407(a), 7410(a)(1) & (2), (l), 7502(c)(5) &

(6). Section 3.298 of the Act, 415 ILCS 5/3.298 (2022), states as follows:

*“Nonattainment New Source Review (NA NSR) permit” or “NA NSR permit” means a permit or a portion of a permit for a new major source or major modification that is issued by the Illinois Environmental Protection Agency under the construction permit program pursuant to subsection (c) of Section 9.1 that has been approved by the United States Environmental Protection Agency and incorporated into the Illinois State Implementation Plan to implement the requirements of Section 173 of the Clean Air Act and 40 CFR 51.165.*

*(emphasis added)*. This definition comports with the mandate of the Clean Air Act (CAA) that requires states to develop and submit for USEPA approval state implementation plans (SIPs).

The CAA's NA NSR requirements are among the requirements that must be addressed in a state SIP. 42 U.S.C. § 7410(a)(2)(C) & (I).

3. Consistent with this statutory definition, a later effective date was also specified in the rulemaking in Section 203.100, Effective Dates, which provides as follows:

- a) Subparts I through R of this Part do not apply until the effective date of the full approval of all of those Subparts by the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan.

4. The Act provides a similar definition of “Prevention of Significant Deterioration (PSD) permit” stating that a PSD permit may only be issued once the state PSD permit program has been approved as part of Illinois' SIP. See, 42 U.S.C. §§ 7407(a), 7410(a)(1) & (2), (l),

7475(a)(3). Section 3.363 of the Act, 415 ILCS 5/3.363 (2022), states as follows:

*“Prevention of Significant Deterioration (PSD) permit” or “PSD permit” means a permit or a portion of a permit for a new major source or major modification that is issued by the Illinois Environmental Protection Agency under the construction permit program pursuant to subsection (c) of Section 9.1 that has been approved*

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<sup>2</sup> The practical effect of Illinois' definition of “NA NSR permit” is that the proposed revisions to Part 203 would not replace existing Part 203 until these new rules have been SIP-approved by the USEPA. In the interim, NA NSR permitting in Illinois would continue to be administered by the Illinois EPA pursuant to existing Part 203 as it has been historically done.

*by the United States Environmental Protection Agency and incorporated into the Illinois State Implementation Plan to implement the requirements of Section 165 of the Clean Air Act and 40 CFR 51.166.*

*(emphasis added).*<sup>3</sup>

WHEREFORE, for the reasons set forth above, the Illinois Environmental Protection Agency respectfully requests that the Board clarify that the amendments to Parts 203 and 204 would only take effect upon their full SIP approval by USEPA.

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<sup>3</sup> This definition, as well, comports with the mandate of the CAA that requires states to develop and submit for USEPA approval SIPs that contain emission limitations and other control measures to ensure that each of the relevant NAAQS is achieved and maintained. The CAA's PSD requirements are among those that must be addressed in a state SIP. 42 U.S.C. §7410(a)(2)(C), (D).



The e-mail transmission and depositing said document in the United States Mail took place before 5:00 p.m. on April 30, 2025.

ILLINOIS ENVIRONMENTAL  
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