Changes:

1.   Delete lines 247-249. ==Sections 204.100(hh), (ii) and (xx) were reserved in the same manner that USEPA reserved 40 CFR Part 83, 40 CFR Part 84 and 40 CFR Part 99 in the Code of Federal Regulations. The proposed changes would lose the organization of the federal Code of Federal Regulations.==

2.   In lines 251-277, change "jj" through "ww" to "hh" through "uu". ==See IEPA's response to Item 1.==

3.   Delete lines 279-280. ==See IEPA's response to Item 1.==

4.   In line 281, change "yy" to "vv". ==See IEPA's response to Item 1.==

5.   In line 528, change "increase(s)" to "increase or increases". ==Acceptable.==

6.   In line 684, change "such" to "the". ==Consistent with the federal PSD rules, "such" was proposed for use in Part 204 to emphasize the same nouns or phrases emphasized in the federal PSD rules. The IEPA recommends that "such" be used for both clarity and consistency with the federal PSD rules.==

7.   Change lines 773-779 to "including those requirements developed:

   a)   Under 40 CFR 60, 61, 62 and 63 (incorporated by reference in Section 204.100), requirements within the SIP, any permit requirements established under 40 CFR 52.21 (incorporated by reference in Section 204.100) or this Part; or

   b)   Under regulations approved under 40 CFR 51, subpart I (incorporated by reference in Section 204.100), including operating permits issued under a USEPA-approved program that:

      1)   Is incorporated into the SIP; and

      2)   Expressly requires adherence to any permit issued under that program.".

==Section 204.400 provides the definition of "Federally enforceable" consistent with the federal PSD rules. "Federally enforceable" means all limitations and conditions that are enforceable by USEPA including those requirements developed under set programs, *i.e.,* federal regulations, within the SIP, and certain permit programs. The proposed change would split this definition into subsections, presumably to provide further clarity to the definition. Unfortunately, these changes would create unnecessary ambiguity in a critical definition borrowed from the federal PSD rules. The proposed change would create inappropriate groupings in the definition and would further emphasize "federally enforceable" limitations developed under certain programs over other programs. The IEPA recommends that the definition of "Federally enforceable" be consistent with the meaning of this term in the federal PSD rules.==

8.   In lines 815 and 819, change "structure(s)" to "structure or structures". ==Acceptable.==

9.   In line 913, change "The source was" to "Was".

Section 204.490 provides the definition of "Major modification" consistent with the federal PSD rules. In subsection (c), nine activities are specified that are not considered a physical change or change in the method of operation. In subsection (c)(5)(A) and (B), changes are proposed to the introductory phrase "[t]he source" in each subsection. While these nine activities are addressing a modification in the present, subsection (c)(5)(A) is discussing a source's ability to accommodate in the past. The removal of the phrase "[t]he source" in subsection (c)(5)(A) of would eliminate this distinction as has been historically made in the federal PSD rules. The IEPA recommends that subsection (c)(5) in the definition of "Major modification" be consistent with the federal PSD rules.

10.   In line 919, change "The source is" to "Is".

The removal of the phrase "[t]he source" in subsection (c)(5)(B) would also eliminate the distinction between a permit issued to the particular source and any issued permit. The IEPA recommends that subsection (c)(5) in the definition of "Major modification" be consistent with the federal PSD rules.

11.   In line 939, delete "of". The removal of the word "of" would in effect, change the phrase "potential to emit" from a noun in the federal PSD rules to a verb in Section 204.490(c)(9). The IEPA recommends that subsection (c)(9) be consistent with the federal PSD rules.

12.   In line 1115, change "construct" to "be constructed". This change would personify the "proposed source or modification" whereas the federal PSD rules have historically personified the applicant or application. The IEPA recommends that subsection (b)(1) be consistent with the underlying federal PSD rule.

13.   In line 1229, change "*Section*" to lower case. This change would not be consistent with the same definition in the relevant statute, 415 ILCS 5/3.363.

14.   In line 1283, change "a" to "an". Changing the "a" to "an" would mistake "NAAQS" as an initialism. While initialisms that begin with the letter "N" require "an" because they begin with a vowel sound, acronyms differ. NAAQS is an acronym, *i.e.*, NAAQS is pronounceable word. An "a" precedes an acronym rather than "an" and is appropriate in this instance. The IEPA recommends that "a" be used before "NAAQS".

15.   In lines 1299-1300, change "a" to "an" and add commas after "Precursors" and "Part". Concerning first proposed change, see the IEPA's response to item 14

The insertion of commas will separate words or phrases to create a pause in sentence structure, giving the appearance that the words or phrases are modifying a preceding word, phrase or clause (noun or object) instead of being given their independent meaning. Such revisions will hinder achievement of the General Assembly's mandate in Section 9.1(c) of the Act. Given the General Assembly's directive to meet the requirements of the congressional enactment and the inherent complexities of the federal PSD program, it is more prudent to mirror the language of the federal PSD rules rather than risk contradictions or ambiguities in this rulemaking.

16.   In lines 1349 and 1361, change "parameter(s)" to "parameter or parameters". Acceptable.

17.   In lines 1369 and 1374, change "parameter(s)" to " parameter or parameters". Acceptable.

18.   In line 1370, change "is" to "are". Acceptable.

19.   In line 1372, change "parameter(s)" to " parameter or parameters", and change "unit(s)" to "unit or units". Acceptable.

20.   In lines 1375 and 1376, change "such" to "those" and "parameter(s)" to " parameter or parameters". Concerning first proposed change, see the IEPA's response to Item 6. The second change acceptable.

21.   In lines 1381 and 1384, change "parameter(s)" to "parameter or parameters". Acceptable.

22.   In line 1447, change ", that would construct" to "that would be constructed". The deletion of the comma is acceptable. In the proposed change, the major stationary source or major modification would be the object of the sentence whereas in the federal PSD rules, major stationary source or major modification have historically been the subject of the sentence. The IEPA recommends that the remainder of 204.660(c) be consistent with the underlying federal PSD rules.

23.   In line 1523, change "type(s)" to "type or types". Acceptable.

24.   In line 1541, change "Unit(s)" to "Unit or Units". Acceptable.

25.   In line 1550, change "Unit(s)" to "Unit or Units". Acceptable.

26.   In line 1626, change "At such time as" to "When". Such a change would be inconsistent with the federal PSD rules as it would suggests that a source-specific limitation will inevitably be relaxed, *i.e.,* a particular source or modification will inevitably become a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation. The federal PSD rules makes no such suggestion in the regulatory language providing that "[a]t such time . . ." The IEPA recommends that Section 204.850 be consistent with the underlying federal PSD rules.

27.   In line 1820, delete "or Indian Governing Bodies".

       Section 204.930 would mirror the applicable federal PSD rules providing that any redesignation requests may be proposed by the State or Indian Governing Bodies. However, the proposed change would not include Indian Governing Bodies as an entity that may make a redesignation request to USEPA for approval. This approach is not only inconsistent with the applicable federal PSD rules but is inconsistent with the General Assembly's directive to act consistent with the federal PSD rules. In those instances where the General Assembly did not intend that the State rules include the requirements of the federal PSD rules, the General Assembly expressly identified those requirements. 415 ILCS 5/9.1(c). The requirements included within 204.930 were not expressly carved out of the legislative mandate by the General Assembly. IEPA recommends that Indian Governing Bodies be included for consistency with 40 CFR 52.21 and the Section 9.1(c) of the Act.

28.   In line 1848, change "such" to "the". See the IEPA's response to Item 6.

29.   In line 1882, after "practicable" add a comma. See the IEPA's response to Item 15.

30.   Delete lines 1885-1895. See the IEPA's response to Item 27.

31.   In lines 1897 and 1904, change the subsection labels to "d)" and "e)". See the IEPA's response to Item 27.

32.   In lines 1904-1905, delete "or Indian Governing Body, as appropriate,". See the IEPA's response to Item 27.

33.   In line 1915, change "So much" to "Any".

        The relevant provision in the federal PSD rules provide that the degree of emission limitation "shall not be affected in any manner by . . . *so much of* the stack height of any source that exceeds good engineering practice . . ." (*emphasis added*). The proposed change would deviate not be consistent with the federal PSD rules, and for consistency with the federal PSD rules, the IEPA recommends that "so much of" be used.

34.   In line 1973, change "where" to "when". The deviation from the language in the federal PSD rules as suggested would create ambiguity. For clarity, the IEPA recommends that subsection (b) be made consistent with the federal PSD rules.

35.   In line 1998, change "a" to "an". See the IEPA's response to Item 14.

36.   In line 2110, change "to such" to "for the". See the IEPA's response to Item 6.

37.   In lines 2185 and 2197, change "unit(s)" to "unit or units". Acceptable.

38.   Change lines 2212-2219 to:

        "c)   The owner or operator shall:

                1)   Monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subsection (a)(2); and

                2)   Calculate and maintain a record of the annual emissions, in tons per year, on a calendar year basis:

                        A)   For a period of 5 years following resumption of regular operations after the change; or

                        B)   For a period of 10 years following resumption of regular operations after the change, if the project increases the design capacity or potential to emit that regulated NSR pollutant at the emissions unit.".

The relevant provisions of the federal PSD rules have been and continue to be the subject of judicial review. Any deviation from this language as would occur by the reformatting of this subsection would create ambiguity and potential confusion. The IEPA recommends that the formatting of Section 204.1400 be made consistent with the federal PSD rules.

39.   In line 2323, change "(c)" to "(a)". The correct reference is to "(c)".

40.   In line 2255, change "increase,"" to "increase",". Acceptable.

41.   In line 2260, change "(b) through (e)" to "(a) through (d)". The correct reference is to "(b) through (e)".

42.   In lines 2337 and 2338, delete the comma.

The removal of commas will eliminate a pause in sentence structure that was meant only for illustrative purposes, resulting in a new or different meaning being given to mere modifying terms. Such revisions will hinder achievement of the General Assembly's mandate in Section 9.1(c) of the Act. Given the General Assembly's directive to meet the requirements of the congressional enactment and the inherent complexities of the federal PSD program, it is more prudent to mirror the language of the federal PSD rules, commas and all, rather than risk contradictions or ambiguities in this rulemaking. The IEPA recommends the commas be deleted to be consistent with the language taken from the federal PSD program.

43.   In line 2389, change "value(s)" to "value or values". Acceptable.

44.   In line 2546, after "level" delete the comma. See the IEPA's response to Item 42.

45.   In line 2547, change "must" to "shall". In most instances, the federal PSD rules use the word "shall" rather than "must". However, in a few instances, the federal PSD rules make use of the word "must".   This is one of those instances. The proposed change to 204.1820 would deviate from the federal PSD rules as it would use a word other than "must." To achieve consistency with the federal PSD rules as required by the Act, the IEPA recommends that "must" be used in this instance.

46.   In line 2552, change "level(s)" to "level or levels". Acceptable.

47.   In line 2553, change "date(s)" to "date or dates". Acceptable.

48.   In line 2554, change "requirement(s)" to "requirement or requirements". Acceptable.

49.   In line 2559, change "unit(s)" to "unit or units". Acceptable.

50.   In line 2576, after "that" add a comma. See the IEPA's response to Item 15.

51.   In line 2634, delete the comma. See the IEPA's response to Item 42.

52.   In line 2639, change "a" to "an". See the IEPA's response to item 14.

53.   In line 2675, change "unit(s)" to "unit or units". Acceptable.

54.   In line 2739, delete "as". For consistency with the federal PSD rules, the IEPA recommends that "as" be used.

55.   In lines 2772, 2774, 2782 and 2784, change "unit(s)" to "unit or units". Acceptable.

56.   In line 2851, after "fuel" delete the comma. See the IEPA's response to Item 42.

57.   In line 2852, after "unit" delete the comma. See the IEPA's response to Item 42.

58.   In line 2872, change "parameter(s)" to "parameter or parameters". Acceptable.

59.   In lines 2903 and 2911, change "parameter(s)" to " parameter or parameters". Acceptable.