

Board Agrees to Expedited Review of Alternative Standards During SSM Events

On June 12, 2023, the American Petroleum Institute (API) filed a motion requesting that the Board (1) delay, until the sub-docket rulemaking (R23-18(A)) concludes, the effective date of the air pollution control amendments being considered in the main docket rulemaking (R23-18) for those seeking alternative standards in the sub-docket; (2) clarify that the effective date of the R23-18 final amendments would be stayed for anyone filing for an adjusted standard within 20 days after their effective date; (3) clarify that the effective date of the R23-18 final amendments would be stayed for anyone filing for a variance within 20 days after their effective date; and (4) expeditiously review, in the sub-docket, proposed alternative standards for startup, shutdown, and malfunction (SSM) events so that any sub-docket final rules would have the same effective date as the R23-18 final amendments.

On July 6, 2023, the Board issued an order denying API's request to delay the effective date of the R23-18 final amendments, denying API's two requests for clarification, and granting in part and denying in part API's request for expedited review. Consistent with expedited review, the Board directed that anyone who wished to file a rulemaking proposal for alternative standards during SSM events do so by August 7, 2023. Further, by August 14, 2023, anyone, regardless of whether they filed a proposal, could request that one or more hearings be held on any proposal filed in the sub-docket. The Board also stated that at its August 17, 2023 meeting, the Board would issue an order directing its Clerk to publish a single first-notice proposal in the *Illinois Register*. The Board explained it would do so without commenting on the proposal's substantive merits. Finally, the Board noted that in the August 17, 2023 order, the Board would also direct the hearing officer to expeditiously schedule one or more public hearings on the proposal as specified by the Board.

At its July 20, 2023 meeting, the Board adopted final amendments in the main docket, [R23-18](#). Those amendments became effective on July 25, 2023. They removed provisions that had allowed the Illinois Environmental Protection Agency to grant emission sources advance permission to continue operating during a malfunction or breakdown or violate emission standards during startup. The United States Environment Protection Agency found those provisions inconsistent with the Clean Air Act.

This sub-docket rulemaking is captioned Amendments to 35 Ill. Adm. Code Parts 201, 202, and 212, docket R23-18(A). Here is a link to the Board's July 6, 2023 [order](#). For more information, please contact Chloe Salk at chloe.salk@illinois.gov.