



OFFICE OF THE SECRETARY OF STATE

ALEXI GIANNOULIAS • Secretary of State

August 8, 2023

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 47, Issue 32 of the Illinois Register, dated 8/11/2023.

ADOPTED RULES

Permits and General Provisions 35 Ill. Adm. Code 201 Point of Contact: Shannon Bilbruck	12089
Alternative Control Strategies 35 Ill. Adm. Code 202 Point of Contact: Shannon Bilbruck	12101
Visible and Particulate Matter Emissions 35 Ill. Adm. Code 212 Point of Contact: Shannon Bilbruck	12107

AGENCY REFUSAL IN RESPONSE TO A STATEMENT OF OBJECTION

Permits and General Provisions 35 Ill. Adm. Code 201 Point of Contact: Shannon Bilbruck	12147
Alternative Control Strategies 35 Ill. Adm. Code 202 Point of Contact: Shannon Bilbruck	12150
Visible and Particulate Matter Emissions 35 Ill. Adm. Code 212 Point of Contact: Shannon Bilbruck	12152



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If you have any questions, you may contact the Administrative Code Division at
(217) 782 - 7017.

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NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
201.149	Amendment
201.157	Amendment
201.261	Repealed
201.262	Repealed
201.263	Repealed
201.264	Repealed
201.265	Repealed
201.301	Amendment
- 4) Statutory Authority: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.5, 39, 39.5, and 39.12].
- 5) Effective Date of Rule: JUL 25 2023
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and are also on file and available for public inspection in the Board's Chicago office at the 60 E. Van Buren St., Suite 630, Chicago, Illinois 60605.
- 9) Notice of Proposal Published in Illinois Register: 46 Ill. Reg. 20627, December 30, 2022
- 10) Has JCARR issued a Statement of Objections to this rulemaking? Yes
- 11) Differences between proposal and final version: Grammatical changes were made in sections 201.149, 201.157 and 201.301.

201.149, strike "set forth" and add "stated". strike "of this Chapter", strike "set forth" and add "stated", after "in" strike "that", after "Subchapter" add "c".

201.157, strike ", as a minimum,", strike "pursuant to" and add "in compliance with", strike "pursuant to" and add "in compliance with", strike "; provided, however, that" and

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add ", but", omit "If emissions of an emission unit during startup would be higher than during normal operation of the emission, unit an" and reinstate "An", strike "set forth" and add "specify".

201.301, strike "pursuant to" and add "under", strike "pursuant to" and add "in compliance with", strike "pursuant to" and add "in compliance with", strike "such".

201.301 b), strike "APA Act" and add "Illinois Administrative Procedure Act [5 ILCS 100]".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This proposal amends 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings of deficiencies in the Illinois State Implementation Plan under the Clean Air Act (CAA) 42 U.S.C. §4701, et seq.

This proposal is intended to meet obligations of the State of Illinois under CAA and was filed pursuant to Section 28.5 of the Act (415 ILCS 5/28.5(2020)). Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

312-814-3620

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request

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copies of the Board's opinions and orders from the Clerk at the address listed above or by calling 312-814-3620. Please refer to docket number R23-18 in your request.

The full text of the adopted amendments begins on the next page:

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- 1) Heading of the Part: Alternative Control Strategies
- 2) Code Citation: 35 Ill. Adm. Code 202
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
202.107	Amendment
202.211	Amendment
- 4) Statutory Authority: Implementing Section 9.3 and authorized by Sections 5, 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/5, 9.3, 27 and 28.5].
- 5) Effective Date of Rule: JUL 25 2023
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and are also on file and available for public inspection in the Board's Chicago office at the 60 E. Van Buren St., Suite 630, Chicago, Illinois 60605.
- 9) Notice of Proposal Published in Illinois Register: 46 Ill. Reg. 20638, December 30, 2022
- 10) Has JCAR issued a Statement of Objections to this rulemaking? Yes
- 11) Differences between proposal and final version:
202.107 a), strike "which" and add "that".

202.107 a) 2), after "condition" add a comma.

202.211 a), strike "which" and add "that".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This proposal amends 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings of deficiencies in the Illinois State Implementation Plan under the Clean Air Act (CAA) 42 U.S.C. §4701, et seq.

This proposal is intended to meet obligations of the State of Illinois under CAA and was filed pursuant to Section 28.5 of the Act (415 ILCS 5/28.5(2020)). Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines.

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- 1) Heading of the Part: Visible and Particulate Matter Emissions
- 2) Code Citation: 35 Ill. Adm. Code 212
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
212.124	Amendment
212.324	Amendment
- 4) Statutory Authority: Implementing Section 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].
- 5) Effective Date of Rule: JUL 25 2023
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and are also on file and available for public inspection in the Board's Chicago office at the 60 E. Van Buren St., Suite 630, Chicago, Illinois 60605.
- 9) Notice of Proposal Published in Illinois Register: 46 Ill. Reg. 20644, December 30, 2022
- 10) Has JCAR issued a Statement of Objections to this rulemaking? Yes
- 11) Differences between proposal and final version:
Strike "BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994."

212.124 b), strike "which" and add "that", strike "pursuant to" and add "in compliance with", strike "of this Subpart".

212.124 c) 2) A), strike "part", strike "of this Part".

212.124 c) 2) B), strike "of this Part".

212.324 b), strike the comma, strike "one hour" and add "one-hour".

212.324 c), strike "of this Section".

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212.324 d), strike "of this Section" twice.

212.324 e), strike "lbs/ mmbtu" and add "lbs/MMBtu", strike "of this Section".

212.324 f), strike "of this Section", delete "must" and add "will".

212.324 g), strike the period.

212.324 g) 1), strike "of this Section".

212.324 g) 4), strike "(10)".

212.324 g) 5), "(3)", add "must" before "be available".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This proposal amends 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings of deficiencies in the Illinois State Implementation Plan under the Clean Air Act (CAA) 42 U.S.C. §4701, et seq.

This proposal is intended to meet obligations of the State of Illinois under CAA and was filed pursuant to Section 28.5 of the Act (415 ILCS 5/28.5(2020)). Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines.

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