



RECEIVED
CLERK'S OFFICE
JUN 28 2010
STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

June 24, 2010

R10-21

POLLUTION CONTROL BOARD
JOHN THERRIAULT ASSISTANT CLERK
100 W RANDOLPH ST, STE 11-500
CHICAGO, IL 60601

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 34, Issue 27 of the Illinois Register, dated 7/2/2010.

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

Notice of Public Information
Point of Contact: Carol Webb 8773

PROPOSED RULES

General Provisions
35 Ill. Adm. Code 101 8500 R10-22
Point of Contact: Nancy Miller

Permits and General Provisions
35 Ill. Adm. Code 201 8508 R10-21
Point of Contact: Nancy Miller

REGULATORY AGENDA

General Rules
Point of Contact: Carol Webb 8679

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

COPY

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers: 201.162 Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal will amend the Board's regulations that affect the permitting of synthetic minor sources and non-major sources. The proposal extends the duration of federally enforceable state operating permits (FESOPs) from 5 to 10 years unless the source is required to obtain a Clean Air Act Permit Program permit pursuant to Section 39.5 of the Illinois Environmental Protection Act ("Act") and not exempt pursuant to subsection 1.1 of Section 39.5 of the Act. 415 ILCS 5/39.5(1.1).
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 11) 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 forty-five (45) days after the date of publication in the Illinois Register. Comments should reference Docket R10-21 and be addressed to:

RECEIVED
CLERK'S OFFICE
JUN 28 2010
STATE OF ILLINOIS
Pollution Control Board

RECEIVED
JUN 21 2010
SOS-CODE DIV

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R10-19 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact hearing officer Kathleen Crowley at 312/814-6929 or e-mail at crowlek@ipcb.state.il.us.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small businesses, small municipalities, or not-for-profit corporations that are required or decide to obtain a FESOP or synthetic minor operating permit could be affected by the proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None

13) This rulemaking was included on the most recent regulatory agenda: 34 Ill. Reg. 358, January 4, 2010.

14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

The full text of the Proposed Amendment begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

| | |
|---------|-----------------------------|
| Section | |
| 201.101 | Other Definitions |
| 201.102 | Definitions |
| 201.103 | Abbreviations and Units |
| 201.104 | Incorporations by Reference |

SUBPART B: GENERAL PROVISIONS

| | |
|---------|---|
| Section | |
| 201.121 | Existence of Permit No Defense |
| 201.122 | Proof of Emissions |
| 201.123 | Burden of Persuasion Regarding Exceptions |
| 201.124 | Annual Report |
| 201.125 | Severability |
| 201.126 | Repealer |

SUBPART C: PROHIBITIONS

| | |
|---------|--|
| Section | |
| 201.141 | Prohibition of Air Pollution |
| 201.142 | Construction Permit Required |
| 201.143 | Operating Permits for New Sources |
| 201.144 | Operating Permits for Existing Sources |
| 201.146 | Exemptions from State Permit Requirements |
| 201.147 | Former Permits |
| 201.148 | Operation Without Compliance Program and Project Completion Schedule |
| 201.149 | Operation During Malfunction, Breakdown or Startups |
| 201.150 | Circumvention |
| 201.151 | Design of Effluent Exhaust Systems |

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

| | |
|---------|--|
| Section | |
| 201.152 | Contents of Application for Construction Permit |
| 201.153 | Incomplete Applications (Repealed) |
| 201.154 | Signatures (Repealed) |
| 201.155 | Standards for Issuance (Repealed) |
| 201.156 | Conditions |
| 201.157 | Contents of Application for Operating Permit |
| 201.158 | Incomplete Applications |
| 201.159 | Signatures |
| 201.160 | Standards for Issuance |
| 201.161 | Conditions |
| 201.162 | Duration |
| 201.163 | Joint Construction and Operating Permits |
| 201.164 | Design Criteria |
| 201.165 | Hearings |
| 201.166 | Revocation |
| 201.167 | Revisions to Permits |
| 201.168 | Appeals from Conditions |
| 201.169 | Special Provisions for Certain Operating Permits |
| 201.170 | Portable Emission Units |

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN
SMALLER SOURCES

| | |
|---------|---|
| Section | |
| 201.180 | Applicability (Repealed) |
| 201.181 | Expiration and Renewal (Repealed) |
| 201.187 | Requirement for a Revised Permit (Repealed) |

SUBPART F: CAAPP PERMITS

| | |
|---------|---|
| Section | |
| 201.207 | Applicability |
| 201.208 | Supplemental Information |
| 201.209 | Emissions of Hazardous Air Pollutants |
| 201.210 | Categories of Insignificant Activities or Emission Levels |
| 201.211 | Application for Classification as an Insignificant Activity |
| 201.212 | Revisions to Lists of Insignificant Activities or Emission Levels |

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART G: EXPERIMENTAL PERMITS
(Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

| | |
|---------|---|
| Section | |
| 201.241 | Contents of Compliance Program |
| 201.242 | Contents of Project Completion Schedule |
| 201.243 | Standards for Approval |
| 201.244 | Revisions |
| 201.245 | Effects of Approval |
| 201.246 | Records and Reports |
| 201.247 | Submission and Approval Dates |

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

| | |
|---------|--|
| Section | |
| 201.261 | Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup |
| 201.262 | Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup |
| 201.263 | Records and Reports |
| 201.264 | Continued Operation or Startup Prior to Granting of Operating Permit |
| 201.265 | Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup |

SUBPART J: MONITORING AND TESTING

| | |
|---------|--|
| Section | |
| 201.281 | Permit Monitoring Equipment Requirements |
| 201.282 | Testing |
| 201.283 | Records and Reports |

SUBPART K: RECORDS AND REPORTS

| | |
|---------|---------|
| Section | |
| 201.301 | Records |
| 201.302 | Reports |

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART L: CONTINUOUS MONITORING

| | |
|----------------|------------------------------------|
| Section | |
| 201.401 | Continuous Monitoring Requirements |
| 201.402 | Alternative Monitoring |
| 201.403 | Exempt Sources |
| 201.404 | Monitoring System Malfunction |
| 201.405 | Excess Emission Reporting |
| 201.406 | Data Reduction |
| 201.407 | Retention of Information |
| 201.408 | Compliance Schedules |
| 201.APPENDIX A | Rule into Section Table |
| 201.APPENDIX B | Section into Rule Table |
| 201.APPENDIX C | Past Compliance Dates |

AUTHORITY: Implementing Sections 10, 39, and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39, and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. _____, effective _____.

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.162 Duration

- a) No operating permit shall be valid longer than ~~ten~~ five years or such shorter period as the Agency may specify in the operating permit as necessary to

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

accomplish the purposes of the Act and this Chapter, unless the source is subject to:

- 1) Section 201.169 of this Subpart; or
 - 2) Section 39.5 of the Act, except for sources exempt pursuant to subsection 1.1 of Section 39.5.
- b) Applications for renewal of an operating permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of operating permits shall be as set forth in Section 201.160.

(Source: Amended at 34 Ill. Reg._____, effective _____)