

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
REGISTRATION OF SMALLER) **R12-10**
SOURCES(ROSS): NEW SECTION:) **(Rulemaking - Air)**
35 ILL. ADM. CODE PART 201,)
SECTION 201.175)

MOTION TO FILE ILLINOIS EPA'S
POST 2nd HEARING COMMENTS INSTANTER

NOW COMES, Proponent in this rulemaking, the Illinois EPA, by and through its attorney, Rachel L. Doctors, and pursuant to 35 Ill. Adm. Code Sections 101.500 and 101.522, requests that the Pollution Control Board ("Board") allow it to file the attached Post 2nd Hearing Comments of the Illinois EPA Instanter. In support of this Motion, the Illinois EPA states as follows:

1. On October 28, 2011, the Hearing Officer issued an order requiring that Post-Hearing comments be filed in the above matter by November 15, 2011.
2. The Illinois EPA has been diligently working with Representatives of affected sources.
3. The Illinois EPA was still in discussions and receiving comments as late as Tuesday, November 15, 2011, the day the comments were due.
4. After receiving comments, it took the Illinois EPA several hours to redraft the rule and the accompanying comments and comply with administrative requirements for filing.
5. Allowing for an additional day for submittal of the Illinois EPA, has enabled it to submit amendments that contain agreed upon regulatory language.

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POST 2nd HEARING COMMENTS

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Rachel L. Doctors, and hereby submits comments in the above rulemaking proceeding. The Illinois EPA indicated in the hearing held on October 27, 2011, that it would address several questions raised concerning the proposal in post-hearing comments. Since the hearing on October 27, 2011, the Illinois EPA received comments on its October 24, 2011, comments reviewed these comments and, either met with or spoke directly to representatives of the following organizations: the Grain and Feed Association, the Illinois Association of Aggregate Producers, National Federation of Independent Business, Illinois Environmental Regulatory Group, and Graphic Arts Association.

The Illinois EPA has incorporated the content of these comments to the extent possible or noted the issues where agreement was not reached. The three issues where agreement was not reached are whether the criteria for determining compliance with pollutants other than criteria pollutants should mirror the criteria pollutant criteria, whether the trigger for obtaining a permit because of a change or adoption of a new laws and regulations should be notification by the Illinois EPA, and whether the payment of registration fee could be credited toward the fee for a construction permit. These issues will be discussed in greater detail below. Rather than incorporate by reference the comments

submitted by the Illinois EPA on October 24, 2011, the comments below discuss all of the changes proposed to the Illinois EPA's initial proposal filed on August 15, 2011. It has also attached an underlined strike out copy with line numbers delineating the proposed changes. See Attachment A.

**RESPONSE TO QUESTIONS RAISED DURING THE
OCTOBER 27, 2011 HEARING AND IN DISCUSSIONS
WITH THE ILLINOIS EPA**

1) On October 24, 2011, the Illinois EPA filed its first set of comments that the language in Section 201.175(a) is inconsistent with the language in Section 9.14(a) of the Illinois Environmental Protection Act ("Act"). 415 ILCS 5/9.14 (2011). Subsection (a) states that owners and operators "may" register with the Agency, while Section 9.14 of the Act states that owners and operators "shall" register with the Agency. The word "may" in subsection (a), line 5, and subsection (h), line 259, has been changed to "shall."

2) In the Illinois EPA's October 24th comments, it indicated that in order prevent owners and operators from entering the program only to have to exist shortly afterward, it proposed to give owners and operators the flexibility to consider whether emissions from the ROSS eligible source would remain under the emissions thresholds over a period of 60 months. This approach, in discussions with representatives of some of the affected entities was rejected. In previous comments, at the 1st hearing, Representatives of sources requested that the Illinois EPA reinstate previously issued lifetime operating permits when the source was no longer eligible for the registration program and again required to operate under a permit. The reinstatement of such previous permits was also rejected, in favor of a approach that would allow owners and operators of sources holding lifetime permits, permits issued under

35 Ill. Adm. Code 201.169, to retain the permit but not comply with particular conditions, e.g. the requirement to submit an annual emissions report, while being a ROSS source. This approach will better execute the intent of Section 9.14 of the Act to reduce the administrative burden of permitting transaction for both owners and operators of smaller sources and the Illinois EPA. Owners and operators of existing smaller sources (approximately 3,200) will retain the lifetime permits for those sources, as well as, maintaining the registration for these sources. This means that if these sources become ineligible for the ROSS, but will be able to comply with the terms of their lifetime permit, no new permitting transactions would be required, only notification of the Illinois EPA. This approach is thought to be consistent with the provisions Section 39(a) of the Act and 35 Ill. Adm. Code Section 201.169(b)(2) that provide that a lifetime permit only terminates if the owner or operator withdraws the permit or the permit is superseded by a new permit.

This new approach for owners and operators of smaller sources holding lifetime permits is proposed in subsection (a), lines 7 and 8: “An owner or operator of an eligible source shall ~~may~~ annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act or complying with a permit issued under Section 201.169.” Similar language is proposed for subsection (d)(1)(A), lines 131-134.

Owners and operators of new sources and of sources not currently holding lifetime permits will also benefit from this approach. If such a source becomes ineligible for ROSS, but is eligible for a lifetime permit under Section 201.169, and then becomes eligible for ROSS in a succeeding period, these owners and operators would also be subject to the provisions for owners and operators of existing sources.

3) In order to avoid possible confusion that the phrase “complying with a permit issued under Section 201.169,” implies that the owner or operator is no longer required to comply with the statutes and regulations that underlie the terms and conditions in the lifetime permits, the Illinois EPA is proposing language that specifically states that owners and operators must continue to comply with all applicable environmental statutes and regulations at subsection (a), lines 8 and 9, and subsection (d)(1)(A), lines 134-136: “The owner and operator of a ROSS source is still subject to all applicable environmental statute and regulations.”

4) As stated in the Illinois EPA’s October 24th comments: “It is the Illinois EPA’s intent to exclude any source that could be controversial from ROSS. Consistent with the intent in Section 9.12(b)(2)(B) of the Act. Sources subject to Section 39.2 of the Act (local siting) are recognized as controversial and should not be exempt from obtaining applicable permits. Section 39.2 of the Act is Illinois’ siting law for pollution control facilities that manage waste. It is common for air permit requirements, in addition to land pollution permits, at waste management facilities to be a concern during the siting application process with the local governing body. If these facilities were to be exempt from air permits then, it would circumvent the need for them to obtain any local siting approval in the air permit context, because the Illinois EPA is only precluded from issuing a permit for development or construction when they do not submit proof of approval of local siting pursuant to Section 39(c) of the Act. A ROSS source that is eligible for the ROSS program without ever seeking a construction permit and avoid obtaining the local siting approval. This is clearly a potential

unintended consequence of the ROSS program and does not appear to be consistent with the intent of the law. The Illinois EPA recommends that Section 201.175 (a) be amended to add new subsection (3) at lines 44-45.

5) As currently written in subsection (b)(1), it appears that a source is required to calculate emissions each month to determine if it is exceeding criteria on a rolling 12 month basis. This procedure was appropriate under a voluntary program, but creates confusion and administrative issues under a mandatory program. The Illinois EPA seeks to minimize the number of borderline sources that are forced into the program due to any 12 month combination of emissions exceeding the criteria and reduce the administrative burden in calculating eligibility of a source by only requiring a source to determine if its emissions have increased above ROSS applicability criteria once at the end of the calendar year. See subsection (b)(1), lines 55 through 58.

6) The proposal originally contained the requirement that a source calculates its emissions for each year and then certify that emissions levels allow the source to continue to meet the eligibility for ROSS. A suggestion was made to allow for verification in scenarios where there have been no changes in operation or equipment that resulted in an increase in emissions. Such an amendment would reduce administrative tasks for both the Illinois EPA and for owners and operators. While the Illinois EPA needs assurance that emission levels have not increased beyond those that keep the source eligible for the ROSS, an alternate to calculating emissions will suffice. The Illinois EPA is proposing amendments to subsections (b)(2) and (d) (2). Subsection (b)(2) has been reordered by adding new

subsection (b)(2)(A)(i), lines 64 and 65, and subsection (b)(2)(B)(i), lines 88-90, that allow for verification in lieu of calculation.

The Illinois EPA is proposing new language for subsection (d)(2), lines 145 through 150 concerning annual registration consistent with and which includes the verification approach and streamlines the renewal process. Once a year the Illinois EPA sends out a bill to owners and operators of existing sources in advance of a source's fee payment date. Payment of the ROSS fee is considered to be verification by the owner or operator that the source continues to meet the criteria for ROSS.

7) The Illinois EPA is proposing amendments to subsections (b)(2)(A)(ii), and (b)(2)(A)(ii) to clarify the intent. The wording is being amended to emphasize that emissions must be below certain thresholds for sources to remain in the ROSS program. The proposal used "if, then" language, which can be confusing.

8) The Illinois EPA received a number of comments requesting that subsection (b)(2) be modified to increase the ceiling for emissions of lead, mercury and hazardous air pollutants ("HAPs") for determining compliance. Flexibility was not provided for HAP emissions due to their nature, including the higher risk associated with local impacts as compared to criteria pollutants. Small increases in HAP emissions can have a disproportional risk increase to public health and the environment. The Illinois EPA requests that this change not be made and would note that it will continue discussions with the commenters on this issue.

9) The Illinois EPA is proposing amendments to subsection (c), lines 100 and 101, to limit its applicability to initial and re-entry of registrants.

10) The Illinois EPA is proposing to amend subsection (c)(4), lines 112 through 122, to be consistent with the new registration timelines that coincide either with the submittal of a registration for a new source, or the fee payment date for an existing source.

11) As ROSS is now mandatory and emissions are being calculated on a calendar year basis, the Illinois EPA is proposing having a date certain for initial registration of sources. These are set forth (d)(1)(A) & (B). The Illinois EPA is proposing that owners and operators of existing sources register no later than their annual fee payment date in fiscal year 2013. This will provide the Illinois EPA ample time to notify possibly affected owners and operators, as well as providing owners and operators ample time after the end of the calendar year to determine whether their source is a ROSS source. The Illinois EPA is proposing to notify potentially affected owners and operators with their next billing statement. Note that a new subsection (d)(1)(B) has been added, to provide a registration time line for owners and operators who should have obtained permits under Section 201.169, but failed to do so, and are now required to register under ROSS.

12) Subsection (d)(1)(C), lines 140 through 143, addresses the timeline for an owner or operator of a new source submitting a registration. The Illinois EPA is proposing that an owner or operator of a new source be allowed to commence construction and/or operation of the source 10 days after registration is submitted to the Agency.

13) The Illinois EPA is proposing to add a new subsection (d)(3), lines 152 through 155, to address the timeline for an owner or operator of a source reentering the ROSS program.

Re-entry will also be tied to a sources annual fee payment date.

14) The Illinois EPA is proposing to clarify subsection (e) concerning which records need be retained as long as the source is in the ROSS program, and which records need to be retained for five years. Records concerning a description of the source, control efficiency or emissions rates, documentation of actual emissions and calculations, and initial registration need to be retained as long as the source is a ROSS source. See subsections (e)(1) through (e)(4), lines 160 through 175. Records concerning fee payment and annual verification only need to be retained for five years. See subsection (e)(5), lines 177 and 178.

15) In its comments of October 24, 2011, the Illinois EPA proposed to streamline the recordkeeping and reporting in subsection (e)(3), lines 170 through 172, by including a list of possible-that included annual material usage, annual throughput, purchase records, or emission rates. However, it has come to the Illinois EPA's attention that while owners and operators keep records of annual throughput and purchases, they may view this information as proprietary. Hence, these examples have been stricken.

16) The Illinois EPA notes that there is some confusion concerning the criteria in subsection (a) and the purpose of subsections (b)(1) and (b)(2). Subsection (a) sets forth the criteria for eligibility for the ROSS program, including emissions limitations. Subsection (b) sets forth the criteria for whether a source has met the emissions limitations. Subsection (b)(1) applies to determinations made by the owner or operator at the time a source is entering ROSS or reentering ROSS. Owners and operators are required to sum all emissions

from the prior calendar year that are not otherwise exempt in determining whether their source meets the emissions thresholds in subsection (a). Subsection (b)(2) applies to the owner or operator when they are determining whether or not their source continues to meet the emissions limitations in subsection (a). Hence, when the proposal in subsections (b)(2) in line 149, (b)(3) in line 154, (e)(2) in line 165, (e)(3) in line 170, (g)(2) in line 196 , and (g)(2)(A)(iii) in line 214, require that an owner or operator meet the criteria in subsection (a), the Illinois EPA is proposing to clarify the requirement by specifying whether the provisions of (b)(1) or (b)(2) should be used when making the determination.

17) Subsection (g) in the Illinois EPA's initial proposal addressed what happens to sources that become ineligible for ROSS due to increase of emissions with or without new construction. Issues include obtaining a permit and what fees that would be owed. Numerous questions were asked about this subsection. The Illinois EPA is proposing the following amendments that address the issues raised. No line numbers have been provided because all the language has been reconfigured.

Subsection (g)(1) contains the provision concerning a change in law or regulation that would require an owner or operator to obtain a permit. Such permit must be applied for on the schedule provided by the applicable law or regulation. Representatives asked that this particular requirement be moved from number 4 in the list of changes requiring a permit to the number 1 position. The Illinois EPA is proposing this change at subsection (g)(1), lines 189 through 193. A comment was made that an owner or operator should not be required to obtain a permit until notified by the Illinois EPA. The Illinois EPA, while it attempts to conduct outreach to owners and operators of all types of sources by going to numerous trade meetings and updating its website, cannot know all the activities and nuances of the

operation of the thousands of emissions sources located in Illinois. The Illinois EPA cannot agree that the trigger for the applicability of permitting requirements be notification by the Agency. It will continue to discuss this issue with representatives.

Subsection (g)(2)(A) applies to changes at a sources that did not have a lifetime permit. If a source is eligible for a lifetime permit, it must apply within 90 days of its annual fee payment date. See new subsection (g)(2)(A)(i). If a source is not eligible for a lifetime permit, this means either the requirements of federally enforceable State operating permit (“FESOP”), New Source Review (“NSR”), or the Clean Air Permit Program (“CAAPP”) apply. Deadlines for these programs are set forth in the Act, or 35 Ill. Adm. Code Part 201 or 203. The Illinois EPA cannot offer an adjustment to the applicable permitting deadlines because they have a statutory or a federal implication. See (g)(2)(A)(ii). Finally, the Illinois EPA has included a provision that reiterates that there can be no avoidance of construction fees by new sources. See (g)(2)(A)(iii).

Subsection (g)(2)(B) applies to owners and operators of sources that were previously permitted under Section 201.169. Subsection (g)(2)(B)(i) provides that sources that fail to meet the criteria for ROSS but are in compliance with the terms and conditions of their lifetime permit, merely notify the Illinois EPA that they are now operating under the terms and conditions of the permit. Such notification must be given no later than the source’s annual fee payment date of the calendar year following the change in status.

Subsection (g)(2)(B)(ii) applies to situations where the source is still eligible for a permit under Section 201.169, but not in compliance with its current permit. The owner or operator must apply for a new or revised construction or operating permit within 90 days of the source’s annual fee payment date.

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Attachment "A"

Section 201.175 Registration of Smaller Sources (ROSS)

- a) An owner or operator of an eligible source shall ~~may~~ annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act or complying with a permit issued under Section 201.169. The owner and operator of a ROSS source is still subject to all applicable environmental statutes and regulations. The source must meet all of the following criteria to be an eligible source:
- 1) Pursuant to Section 9.14 of the Act:
 - A) *The source must not be required to obtain a permit pursuant to the Clean Air Act Permit program, or federally enforceable State operating permit, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;*
 - B) *The USEPA has not otherwise determined that a permit is required;*
 - C) *The source emits less than an actual 5 TPY of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;*
 - D) *The source emits less than an actual 0.5 TPY of combined hazardous air pollutant emissions;*
 - E) *The source emits less than an actual 0.05 TPY of mercury air emissions;*
 - F) *The source emits less than an actual 0.05 TPY of lead air emissions; and*
 - G) *The source does not have an emission unit or source subject to a standard pursuant to 40 CFR Part 61 Maximum Achievable Control Technology, or 40 CFR Part 63 National Emissions Standards for Hazardous Air Pollutants, other than those regulations that the USEPA has categorized as "area source."*
 - 2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728. Table F or as incinerator systems.

- 3) The source or its emission units must not be subject to local siting under Section 39.2 of the Act.
- b) For the purposes of determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or operator of a source shall only use emissions from units that are not exempt from the requirement to obtain a permit pursuant to Section 201.146, as follows:
- 1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year ~~any 12 consecutive months within the most recent 24 months~~. If the source is new, or has been operating less one calendar year ~~than 12 months~~, projected estimated emissions may be used for all of the remaining months in the prior calendar year, respectively.
 - 2) Annual renewal of registration:
 - A) For the purposes of determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must:
 - i) Verify that the source still meets the eligibility criteria in subsection (a)(1)(C); or
 - ii) Calculate emissions by summing all ~~sum the~~ actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from all units associated with the source for the prior calendar year, ~~and if the summed~~ The total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year must be less than or equal to ~~are greater~~ 7 tons, or if the total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from the prior two calendar years must be less than or equal to ~~are greater~~ 10 tons, the owner or operator must apply for the applicable operating permit under the Act pursuant to subsection (g) of this Section.

- B) For the purposes of determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or operator must:
- i) Verify that the source still meets the eligibility criteria in subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section; or
 - ii) Calculate emissions by summing all ~~sum~~ the actual emissions from all units at the source for the prior calendar year, ~~and if the~~ summed emissions of HAPs, mercury or lead must be less than or equal to ~~are equal to or exceed the~~ 0.5 TPY, 0.05 TPY, or 0.05 TPY for the prior calendar year, respectively, ~~the owner or operator must apply for the applicable operating permit under the Act pursuant to subsection (g) of this Section.~~
- c) The following must be included in each initial registration and each re-entry ~~renewal~~ of registration:
- 1) The name, address, and telephone number of the source, and of the person responsible for submitting and retaining copies of the registration information and the records;
 - 2) A statement that the source meets the requirements of this Section;
 - 3) A certification that the information submitted in subsections (c)(1) and (c)(2) of this Section is correct or submit corrected information; and
 - 4) The Fees:
 - A) ~~Initial registration by owners and operators of permitted sources is not required to include a fee, unless the submittal of registration coincides with the source's annual billing date.~~
 - B) ~~Initial registration by owners and operators of new sources must include the applicable fee pursuant to Section 9.14 of the Act.~~
 - C) ~~Renewal of registration must include the applicable fee pursuant to Section 9.14 of the Act.~~

- d) The owner or operator of an eligible source shall submit the registration as required by subsection (c) of this Section as follows:
- 1) Initial Registration:
 - A) The Owners or and operators of a sources holding a permits may register after the effective date of this Section and no later than their annual fee payment date in fiscal year 2013 (July 1, 2012 through June 30, 2013). The terms and conditions of a permit issued pursuant to Section 201.169 do not apply during the period the source is registered. The owner and operator of a ROSS source is still subject to all applicable environmental statutes and regulations.
 - B) The owner or operator of an operating source not holding a permit shall register no later than July 1, 2012.
 - C) The Owners or and operators of a new sources shall register at least 10 90 days before commencing construction or operation and may commence construction or operation 10 days after submittal to the Agency.
 - 2) Annual Renewal of registration. The Owners or and operators of a ROSS source must pay an annual fee on or before their annual fee payment date. Annual payment of the fee is verification by the owner or operator that the source continues to meet the criteria in subsection (a), as determined by subsection (b)(2), as applicable. renew registration annually on or before the source's billing date.
 - 3) Re-entry into ROSS under subsection (h). The owner or operator of a source that re-enters ROSS based on the criteria in subsection (a), as determined in subsection (b)(1), must register and pay an annual fee on or before their annual fee payment date.
- e) The owner or operator shall keep the following records shall be kept and make them available for inspection by the Agency for at least 5 calendar years:
- 1) A description of the emission units associated with the source and their associated control devices;

- 2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsections (a), ~~and~~ as determined by subsection (b)(1), or (b)(2), as applicable of this Section;
 - 3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS pursuant to the criteria in subsections (a), as determined by subsection (b)(1) or (b)(2), as applicable, this may include, but is not limited to annual material usage or emission rates; ~~and~~
 - 4) A copy of the source's initial registration; ~~and annual renewal of registration.~~
 - 5) A copy of the owners or operator's annual fee payment for at least the most recent 5 calendar years.
- f) Changes to a ROSS an-eligible source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days of the change to the source, if the information provided in subsection (c)(1) of this Section changes.
- g) Changes requiring a new or modified construction or operating permit, or compliance with conditions in an existing permit issued pursuant to Section 201.169:
- 1) The owner or operator must apply for a permit by the date required by the new regulation or statute if there is a change in a regulation or statutory requirement or a new regulation or statutory requirement that makes a source ineligible for ROSS under the criteria in subsection (a), as determined in subsection (b)(2), as applicable.
 - 2) If the source no longer meets the criteria in subsection (a), as determined by subsection (b)(2), as applicable:
 - A) The owner or operator of a source that did not have a permit under Section 201.169 prior to registration must apply and comply with the applicable requirements of the Act and 35 Ill. Adm. Code Parts 201 and 203, as follows:
 - i) If the source is eligible for a permit under Section 201.169, the owner or operator must apply for a permit within 90 days of the source's annual fee payment date.

ii) If the source is not eligible under Section 201.169, the owner or operator must apply for a permit as provided for under the Act, and 35 Ill. Adm. Code Parts 201 and 203.

iii) If the source was not constructed or operated at the time of initial registration and has actual emissions in excess of the eligibility levels during the first or second year of operations as determined in subsection (b)(2), the owner or operator must apply for an operating permit and pay construction permit application fees.

B) The owner or operator of a source that had a permit under Section 201.169 prior to registration:

i) If the source is in compliance with the terms and conditions of the permit, the owner or operator shall notify the Agency no later than the source's annual fee payment date of the calendar year following the change in status from a ROSS eligible source to a permitted source.

ii) If the source is not in compliance with the terms and conditions of the permit, but is still eligible for a permit pursuant to Section 201.169, the owner or operator must apply for a new or revised permit within 90 days of the source's annual fee payment date.

iii) If the source is not eligible for a permit pursuant to Section 201.169, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Parts 201 and 203.

g) to the source requiring a permit:

1) If the source fails to meet the criteria in subsections (a) and (b) of this Section due to a change in operation, the owner or operator must apply for a permit within 90 days of the source's annual registration date.

2) If the owner or operator modifies the equipment or constructs new equipment associated with the source, such that the source is no longer eligible for ROSS pursuant to the requirements in subsections (a) and (b) of this Section, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Code Parts 201 and 203.

- 3) ~~If the source fails to meet the criteria in subsection (a) of this Section, because of a change in a regulation or statutory requirement or a new regulation or statutory requirement, the owner or operator must apply for a permit within 90 days of the source's annual registration date or the date required by new regulation or statute, whichever is earlier.~~
- h) Reentry into ROSS: The owner or operator of a source that changed status to become a permitted source ~~obtained an operating permit~~ pursuant to subsection (g) of this Section shall submit a registration ~~may register~~ for ROSS, if the source meets the criteria in subsections (a), as determined in subsection ~~and (b)(1) of this Section~~ in the prior calendar year.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS
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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached POST 2nd HEARING COMMENTS, and MOTION TO FILE INSTANTER of the Illinois Environmental Protection Agency upon the following persons:

John Therriault, Assistant Clerk
Illinois Pollution Control Board
State of Illinois Center
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John Henrickson - Executive Director
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Jeffrey Adkisson – Executive Vice President
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ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

/s/

Rachel L. Doctors
Assistant Counsel
Division of Legal Counsel

Dated: November 16, 2011

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