



**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

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\*Copies of documents with an asterisk beside the letter have not been provided.



### Budgetary Effects of Proposed Rulemaking

Agency: Illinois Pollution Control Board

Part/Title: Registration of Smaller Sources (35 Ill. Adm. Code 201.175)

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant explanation.

1. Anticipated effect on State expenditures and revenues.
  - (a) Current cost to the agency for this program/activity. This is new program under HB 1297. There are no current costs for the ROSS program.
  - (b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. This rule will take effect in SFY 2012. The costs to regulate sources in the ROSS program will decrease since these sources were previously required to obtain permits and submit annual emission reports will no longer be required to do so. The maximum potential decrease in revenue is estimated at less than several hundred thousand dollars due to sources participating in this program paying lower annual fees. This loss in fees is expected to be offset by higher fees paid by larger sources as established in the legislation.
  - (c) Indicate the funding source, including Fund and appropriation lines, for this program/activity.  
The funding of this program is through registration fees paid by sources in the program.
  - (d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect.  
There are no expected costs to other state agencies.
  - (e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? No
2. Economic effect on persons affected by the rulemaking:
  - (a) Indicate the economic effect and specify the persons affected:  
Positive X Negative \_\_\_\_\_ No effect \_\_\_\_\_

Persons affected: Owners and operators of certain smaller emission sources.

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TESTIMONY OF JIM ROSS

**Qualifications**

My name is Jim Ross and I am here today representing the Illinois Environmental Protection Agency (Illinois EPA) where I am the Division of Air Pollution Control Manager in the Bureau of Air.

I have a Bachelors of Science Degree in Mechanical Engineering from Southern Illinois University at Carbondale. I have completed numerous environmental courses over the years including the study of emissions and controls of each of the criteria air pollutants, many hazardous air pollutants, as well as several courses on the background and implementation of environmental regulations. I have also provided training on air pollution permitting and regulations to Illinois EPA and United States Environmental Protection Agency (U. S. EPA) staff, and persons from industry, environmental consulting firms, environmental organizations, and the general public.

I joined the Illinois EPA in May of 1988 as a permit engineer in the Permit Section of the Division of Air Pollution Control. I became manager of the Clean Air Act Permit Program (CAAPP) Unit in May of 1997, after about a year and a half as acting CAAPP Unit manager. The CAAPP is Illinois' version of the federal mandated Title V program of the Clean Air Act that requires permits for all major sources of air pollution. In January of 2003 I became acting manager of the Permit Section and remained so until March of 2004. A short time after this I transferred over to the Illinois EPA's Office of

Emergency Response where I was manager of the Emergency Operations Unit. I remained in this position until October of 2005 when I returned to the Bureau of Air in my current position.

In addition to currently being the Division of Air Pollution Control Manager, I am also an Illinois EPA Duty Officer which requires me to be on call 24 hours a day, seven days a week during several periods throughout the year. In this capacity, I am responsible for ensuring Illinois EPA's response to emergencies incidents anywhere in the State, especially those involving hazardous materials, oil spills, disasters, and issues of homeland security.

In my 23 years with the Illinois EPA I have been involved with detailed review of Illinois' industrial processes and their emissions of air pollutants and the measures and controls used to mitigate these emissions. This review has included on-site visits to a wide-variety of processes, including steel mills, large chemical plants, refineries, and several coal-fired power plants. I have helped develop and implement several major programs and rules since their inception including the CAAPP and Illinois' volatile organic material trading program for the greater Chicago area, i.e., the Emissions Reduction Market System. As Permit Section Manager I oversaw the permitting of over 6,000 facilities in the State.

In my current position as Division Manager, I supervise a large staff of over 150 engineers, specialists, and administrative support personnel in developing, monitoring, and enforcing the State and Federal air pollution control requirements.

My testimony will provide background information and a broad overview of the development of Illinois' proposed Registration of Smaller Sources (ROSS) rule.

Section 9.14 of the IL Act requires the Illinois EPA to propose rules to implement the ROSS program, and the Board to adopt such rules within 120 days after their proposal.

This proposed rule is designed to implement the ROSS program in accordance with Section 9.14 of the Illinois Environmental Protection Act (IL Act).

The Illinois EPA Division of Air Pollution Control (DAPC) reviewed its operations and found that a disproportionate share of resources are being directed toward the permitting of a large number of small sources whose aggregate emissions are small in comparison to the emissions from a small number of large sources. In explanation, the DAPC currently permits more than 6,400 sources in Illinois. Of these permitted sources, around 179 sources are responsible for approximately 90% of the emissions of criteria pollutants in Illinois. The largest 2,756 sources are responsible for 99% of these emissions. The DAPC currently issues air operating permits to 3,701 sources that together account for only 1% of the air pollution in the State. This number represents more than half of the permits issued by the DAPC. The permitting of these smaller sources requires that a significant amount of Agency resources.

After recognition that a disproportionate share of its limited resources are directed toward permitting relatively small sources of air emissions in Illinois whose aggregate emissions are less than 1% of total statewide emissions, the DAPC conducted a more detailed internal review in search of mechanisms to reprioritize permitting needs to allow for a reorganization of workflow. In lieu of outright permit exemptions, the concept of a registration program was proposed. The ROSS program eliminates the need for around 3,250 smaller sources to obtain and hold a permit yet will allow the Agency to maintain a robust database of emissions sources in the state.

Smaller sources eligible for registration can avoid several potentially burdensome regulatory obligations and associated costs. For example, qualifying small air emission sources would no longer be required to:

- apply for construction or annual operating permits from the DAPC;
- wait for the DAPC to complete an application review and issue a permit before commencement of construction of a project;

- pay both construction permit application and operating permit fees;
- submit Annual Emission Reports.

Importantly, the registration program would in no way authorize noncompliance with an otherwise applicable requirement. The DAPC would maintain the ability to inspect and enforce against a source, as needed, to ensure compliance with all applicable statutes and regulations. The DAPC would continue to maintain its databases of emission sources that will continue to include sources in the ROSS program. Furthermore, the Illinois Small Business Environmental Assistance Program will be able to shift resources from currently guiding sources through the permit process to dedicating more resources to assisting sources in the ROSS in regards to their compliance obligations, which could result in improved source recognition and compliance with such obligations over the existing lifetime operating permit process. Consequently, it is believed there will be no loss in environmental protection, and instead there exists the potential for enhanced protection, due to implementation of the ROSS.

The primary beneficiary of the ROSS program will be small business as many such operations will no longer be required to obtain permits. Larger businesses can expect to benefit as smaller sources owned by larger companies may also qualify for the ROSS.

After implementation of the ROSS the Illinois EPA will be able to redirect staff and resources toward the larger emission sources requiring air permits. Devoting more Agency resources toward fewer permits is anticipated to reduce the timeframe to acquire a permit and to allow the Agency to be more responsive to the needs of the permit applicant, public, and consequently, the environment.

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TESTIMONY OF EDWIN C. BAKOWSKI

**Qualifications**

My name is Edwin C. Bakowski and I am here today representing the Illinois Environmental Protection Agency (Illinois EPA) where I am the Permit Section Manager in the Division of Air Pollution Control in the Bureau of Air.

I have a Bachelors of Science Degree in General Engineering from Southern Illinois University at Carbondale. I have completed numerous environmental courses over the years including the study of air emissions and controls of regulated air pollutants, as well as many years of experience in permitting and developing the implementation of environmental regulations. I have also provided training and presentations on permitting and regulations to Illinois EPA and United States Environmental Protection Agency (U. S. EPA) staff, and persons from industry, environmental consulting firms, environmental organizations, and the general public.

I joined the Illinois EPA in August of 1978 as a permit engineer and held several positions in the Illinois EPA. My biographical information is attached. In December 2006 I became acting manager of the Permit Section and accepted the permanent appointment in November 2008.

In my 33 years with the Illinois EPA I have been involved with testifying on several rulemakings, most recently the extension of permitting terms from 5 to 10 year for Federally Enforceable Operating Permits (FESOP). I have helped develop and implement several major programs and rules since their inception including the landscape waste composing, non-hazardous landfill design, Permit streamlining for minor construction permits in air pollution and the afore mentioned FESOP rule. As BOA, Permit Section Manager I oversee the permitting of over 6,000 sources in the State.

I supervise a staff of over 30 engineers in administering the State and Federal air pollution control requirements.

My testimony will provide general support and background information related to the development and implementation of Illinois' proposed Registration of Smaller Sources (ROSS) rule.

Section 9.14 of the IL Act requires the Illinois EPA to propose rules to implement the ROSS program, and the Board to adopt such rules within 120 days after their proposal. This proposed rule is designed to implement the ROSS program in accordance with Section 9.14 of the Illinois Environmental Protection Act (IL Act).

My Section currently permits more than 6,400 sources in Illinois. A disproportionate share of its limited resources are directed toward permitting relatively small sources of air emissions in Illinois. The ROSS program eliminates the need for around 3,250 smaller sources to obtain and hold a permit. Portions of six analysts and one Unit Managers time is devoted to permitting these "ROSS" sources. By re-directing these resources to larger emitters, we will be able to process other construction and operating permits quicker and more accurately.

I am available to answer question concerning the implementation of the new law and proposed regulations.

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**STATEMENT OF REASONS**

The Illinois Environmental Protection Agency ("Illinois EPA" or "Agency") hereby submits this Statement of Reasons to the Illinois Pollution Control Board ("Board") pursuant to Sections 9.14 and 27 of the Environmental Protection Act ("Act") (415 ILCS 5/9.14 and 27) and 35 Ill. Adm. Code 102.202(b)) in support of the attached proposed amendments. Included in this proposal is new Section 201.175 of 35 Ill. Adm. Code Part 201. This proposal amends the most recent version of Part 201.Subpart A as found on the Board's website.

**I. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S PROPOSAL**

**a. Background**

The Illinois EPA recognizes that it must find ways to most effectively use its resources. Analysis of the Division of Air Pollution, Bureau of Air operations shows that a disproportionate share of resources are being directed toward the permitting and processing of annual emission reports of a large number of small sources whose aggregate emissions are small in comparison to the emissions from a small number of large sources. The Bureau of Air permits more than 6,400 air emission sources in Illinois. Of these permitted sources, around 179 sources are responsible for approximately 90% of the emissions of criteria pollutants in Illinois. The smallest sources, which number 3,701, account for only 1% of the air pollution in the State. This number represents more than half of the permits issued by the Permit Section in the Bureau of Air. (TSD

at 6) The permitting of these smaller sources requires significant resources to be expended, resources that could otherwise be directed toward permitting larger emissions sources. In order to minimize the number of sources that will require permitting actions while still upholding the Illinois EPA's mission of protecting the environment, the concept of registration for smaller sources ("ROSS") was developed. The Illinois EPA estimates that multiple source categories will benefit from the ROSS, including grain handling operations, ready-mix concrete plants, mining and quarrying of nonmetallic minerals, bulk terminals, and dry cleaners. (TSD at 9)

On July 12, 2011, the Governor signed P.A. 097-095 adopting provisions for a ROSS program in Section 9.14 of the Act. Section 9.14 of the Act sets forth the eligibility requirements for ROSS and provides that the Illinois EPA will propose to the Board regulations implementing ROSS, and that the Board will adopt such proposal within 120 days.

**b. Proposal**

The Illinois EPA's Proposal is described below. Section 9.14 of the Act (415 ILCS 5/9.14) provides the following eligibility criteria for the ROSS program:

- (1) The source must not be required to obtain a permit pursuant to the Illinois Clean Air Act Permit Program or Federally Enforceable State Operating Permit program, or under regulations promulgated pursuant to Sections 111 or 112 of the Clean Air Act;
- (2) The United States Environmental Protection Agency ("USEPA") has not otherwise determined that a permit is required;
- (3) The source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;
- (4) The source emits less than an actual 0.5 tons per year combined hazardous air pollutant emissions;
- (5) The source emits less than an actual 0.05 tons per year of lead air emissions;
- (6) The source emits less than an actual 0.05 tons per year of mercury air emissions; and

- (7) The source does not have an emission unit 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.” 415 ILCS 5/9.14 (2011).

In addition, the Illinois EPA is proposing that owners and operators of units used for thermal adsorption or incineration not be eligible for ROSS. This criteria is consistent with the criteria used for portable units in Section 201.170.

To enter the ROSS program, sources will certify their eligibility, rather than submit a lengthy application with supporting documentation as is usually required with an operating or construction permit application. New sources with no air emission records will estimate their anticipated actual emissions. Existing sources with air emission records will evaluate their air emissions data over a 24 month period because the emission thresholds for ROSS program eligibility are relatively small, and sources have variability year to year in their emissions due to product demand, the economy, and other factors. Owners and operators of new sources will need to submit a fee with their initial registration and owners and operators of existing sources will need to pay the registration fee on their next billing date.

To remain in the ROSS program, the sources will need to annually certify that they meet the eligibility criteria and pay an annual fee. Sources will become ineligible for the ROSS program and need to apply for an air permit if their latest single calendar year emission totals exceed 7.0 tons/year for criteria pollutants, the sum of the last two calendar years data equals or exceeds 10.0 tons/year for the such pollutants, emissions equal or exceed or fail to meet the other emissions thresholds, or the sources fails to meet the non-emissions ROSS eligibility criteria listed above. A source can re-enter the ROSS program, if after being out of the program they have one calendar year of emissions that meet the eligibility criteria. Owners and operators of

sources will also be required to report certain changes at the sources and maintain documentation to demonstrate eligibility for ROSS.

## **II. GEOGRAPHIC REGIONS AND SOURCES AFFECTED**

The entire State of Illinois will be affected. The Bureau of Air of Illinois EPA currently permits more than 6,400 emission sources in Illinois. The Illinois EPA estimates of the smallest sources, which number 3,701, approximately 3,250 small emission sources in Illinois will qualify for the ROSS program. The Illinois EPA estimates that multiple emission source categories will benefit from the ROSS. They include grain handling operations, ready-mix concrete plants, mining and quarrying of nonmetallic minerals, bulk terminals, and dry cleaners.

## **III. PURPOSE AND EFFECT OF THE PROPOSAL**

The ROSS program is similar to a permit exemption in many respects. Most importantly, owner and operators of ROSS sources no longer need to obtain and hold a permit. Under the criteria included in the proposal, an estimated 3,250 small emission sources, or roughly 50% of the currently permitted emission sources, will no longer have direct permitting obligations to the Illinois EPA. Additional benefits of the ROSS program include avoiding certain potentially burdensome regulatory obligations. For example, qualifying emission sources will no longer be required to:

- apply for construction or operating permits from the Illinois EPA's Division of Air Pollution Control ("DAPC");
- wait for the DAPC to complete an application review and issue a permit before commencement of construction of a project;
- pay both construction permit application and operating permit fees; and
- submit Annual Emission Reports. (TSD at5)

It is important note that the registration program will in no way authorize noncompliance with an otherwise applicable requirement. The Illinois EPA will maintain the ability to inspect

and enforce against a source, as needed, to ensure compliance with all applicable regulations.

The Illinois EPA will continue to maintain its databases of emission sources that will continue to include sources in the ROSS program. Furthermore, the Illinois Small Business Environmental Assistance Program will dedicate resources to assisting sources in the ROSS in regards to their compliance obligations, which could result in improved source recognition and compliance with such obligations over the existing lifetime operating permit process. Consequently, it is believed there will be no loss in environmental protection, and the potential for enhanced protection, due to implementation of the ROSS.

#### **IV. TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS**

The Illinois EPA considers the ROSS program to be technically feasible and economically reasonable because ROSS is intended to reduce the administrative burdens and associated costs for small air emission sources. (TSD at 14,15)

#### **V. COMMUNICATION WITH INTERESTED PARTIES**

The Illinois EPA has engaged in numerous outreach activities with respect to ROSS. The Illinois EPA first announced possible ROSS to industrial stakeholders in an Illinois Environmental Regulatory Group (“IERG”) seminar in August 2010. In December of 2010, Bureau of Air Chief Laurel Kroack informed Cheryl Newton of USEPA that Illinois EPA was developing the ROSS program. The Illinois EPA also informed representatives from environmental groups consisting of the Environmental Law and Policy Center (“ELPC”) and the Respiratory Health Association of Metropolitan Chicago of the intent to pursue the ROSS in December 2010. In addition, the Illinois EPA had several meetings beginning in January 2011 through May 2011 where the ROSS program was discussed with approximately 30 members of IERG, the Illinois Manufacturers Association (“IMA”), and the Illinois State Chamber of

Commerce. In February 2011, the Illinois EPA met with IMA representatives and had a conference call with IMA members. Finally, in May 2011, the Illinois EPA representatives discussed the ROSS with the following environmental groups: ELPC, Environment Illinois, Sierra Club, American Council of Engineering Companies of Illinois, and the Illinois Environmental Council.

**VI. SYNOPSIS OF TESTIMONY**

Currently, the Illinois EPA plans to call James Ross, Manager, Division Air Pollution Control, Bureau of Air, and Edwin Bakowski, Manager, Permit Section, Bureau of Air. They will testify about the amendments to the rules and will assist in answering question. Written testimony has been included with the Illinois EPA's proposal.

**VII. THE ILLINOIS EPA'S PROPOSAL**

**35 Ill. Adm. Code 201, Section 210.175: Registration of Smaller Sources**

The Illinois EPA is proposing to add new Section 201.175 – Registration of Smaller Sources. Subsection (a) provides the applicability criteria. Subsection (b) provides the emissions determination criteria. Subsection (c) provides the information that an owner must submit for initial registration and annual renewal of registration. Subsection (d) provides when the owner or operator must submit such registration. Subsection (e) requires the owner or operator to maintain certain records. Subsection (f) provides when an owner or operator must notify the Illinois EPA about a change at the source. Subsection (g) provides when a change at the source will require the owner or operator to obtain a construction or operating permit. Subsection (h) provides the reentry criteria for owners or operators required to obtain permits.

**VIII. CONCLUSION**

For the reasons stated above, the Illinois EPA hereby submits this regulatory proposal

and respectfully requests that the Board expeditiously adopts these rules for the State of Illinois.

Respectfully submitted,  
ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: \_\_\_\_\_/s/\_\_\_\_\_

Rachel L. Doctors  
Assistant Counsel  
Division of Legal Counsel

DATED: August 15, 2011

1021 North Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
PROPOSAL OF REGULATIONS

The Illinois Environmental Protection Agency moves that the Illinois Pollution Control Board adopt the attached regulations.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: 

Lisa Bonnett  
Interim Director, IEPA

DATED: August 12, 2011

**TECHNICAL SUPPORT DOCUMENT**

**for**

**REVISIONS TO TITLE 35 IAC PART 201:  
REGISTRATION OF SMALLER SOURCES (ROSS)**

**June 2011**

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
1021 NORTH GRAND AVENUE EAST  
P.O. BOX 19276  
SPRINGFIELD, ILLINOIS 62794-9276**

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**List of Acronyms**

BOA	Bureau of Air
DAPC	Division of Air Pollution Control
IAC	Illinois Administrative Code
Illinois EPA	Illinois Environmental Protection Agency
ROSS	Registration of Small Sources
USEPA	United States Environmental Protection Agency

## **Executive Summary**

In this rulemaking, Illinois EPA is proposing amendments to 35 Illinois Administrative Code (IAC) Part 201 to implement the Registration of Small Sources (ROSS) program in accordance with Section 9.14 of the Illinois Environmental Protection Act (IL Act). Section 9.14 of the IL Act requires the Illinois EPA to propose rules to implement the ROSS program, and the Board to adopt such rules within 120 days after their proposal.

The Illinois EPA Division of Air Pollution Control (DAPC) recognizes that it must routinely find ways to most effectively utilize its resources. In the course of analyzing DAPC operations it became evident that a disproportionate share of resources are being directed toward the permitting of a large number of small sources whose aggregate emissions are small in comparison to the emissions from a small number of large sources. The DAPC currently permits more than 6,400 sources in Illinois. Of these permitted sources, around 179 sources are responsible for approximately 90% of the emissions of criteria pollutants in Illinois. The largest 2,756 sources are responsible for 99% of these emissions. The DAPC currently issues air operating permits to 3,701 sources that together account for only 1% of the air pollution in the State. This number represents more than half of the permits issued by the DAPC. The permitting of these smaller sources requires that a significant amount of Agency resources be expended.

After recognition that a disproportionate share of its limited resources are directed toward permitting relatively small sources of air emissions in Illinois, the DAPC conducted a more detailed internal review in search of mechanisms to reprioritize permitting needs to allow for a reorganization of workflow. In lieu of outright permit exemptions, the concept of a registration program was proposed. The ROSS program eliminates the need for certain smaller sources to obtain and hold a permit. The DAPC estimates that approximately 3,250 sources in Illinois would qualify for the ROSS program.

The registration approach allows eligible sources to avoid certain potentially burdensome regulatory obligations and associated costs. For example, qualifying small air emission sources would no longer be required to:

- apply for construction or operating permits from the DAPC;
- wait for the DAPC to complete an application review and issue a permit before commencement of construction of a project;
- pay both construction permit application and annual operating permit fees;
- submit Annual Emission Reports.

Importantly, the registration program would in no way authorize noncompliance with an otherwise applicable requirement. The DAPC would maintain the ability to inspect and enforce against a source, as needed, to ensure compliance with all applicable statutes and regulations. The DAPC would continue to maintain its databases of emission sources that will continue to include sources in the ROSS program. Furthermore, the Illinois Small Business Environmental Assistance Program will be able to shift resources from currently guiding sources through the permit process to dedicating more resources to assisting sources in the ROSS in regards to their compliance obligations, which could result in improved source recognition and compliance with such obligations over the existing lifetime operating permit process. Consequently, it is believed there will be no loss in environmental protection, and the potential for enhanced protection, due to implementation of the ROSS.

The primary beneficiary of the ROSS program will be small business because they may be exempted from permitting altogether. Larger businesses can expect to benefit, as smaller sources owned by larger companies may also qualify for the ROSS.

Currently, the processing of these permits and annual emission reports consumes a disproportionate amount of DAPC staff resources relative to emissions. Going forward, the Illinois EPA will be able to redirect staff and resources toward the larger emission sources requiring air permits. Devoting more Agency resources toward fewer permits is anticipated to reduce the timeframe to acquire a permit and to allow the Agency to be more responsive to the needs of the permit applicant, public, and others.

The Illinois EPA has drafted this Technical Support Document in support of the proposed amendments to 35 IAC Part 201, and has found the proposed amendments to be both administratively feasible and economically reasonable.

## **1.0 Introduction**

In the course of analyzing DAPC operations it became evident that a disproportionate share of resources are being directed toward the permitting and processing annual emission reports of a large number of small sources whose aggregate emissions are small in comparison to the emissions from a small number of large sources. The DAPC currently permits more than 6,400 sources in Illinois. Of these permitted sources, around 179 sources are responsible for approximately 90% of the emissions of criteria pollutants in Illinois. The largest 2,756 sources are responsible for 99% of these emissions. The Illinois EPA currently issues air operating permits to 3,701 sources that together account for only 1% of the air pollution in the state. This number represents more than half of the permits issued by the DAPC. The permitting of these smaller sources requires that a significant amount of Agency resources be expended. Any resource expenditure on the permitting of these smaller sources represents a loss in resources that could have otherwise been directed toward permitting actions related to the larger sources. Consequently, it is believed that the Agency could provide greater service and maintain or improve air quality protection by focusing resources toward permitting actions related to the larger emission sources.

After recognition that a disproportionate share of its limited resources are directed toward permitting relatively small sources of air emissions in Illinois, the DAPC conducted a more detailed internal review in search of mechanisms to reprioritize permitting needs to allow for a reorganization of workflow. Several scenarios were contemplated for expanding the State's current exemption listing, however those options each fell short of the goal to maximize the number of sources who would see decreased permitting actions and maintain the Agency's mission of protecting the environment. In lieu of outright permit exemptions, the concept of the ROSS program was developed.

The ROSS program is similar to an exemption in most respects - most notably eliminating the need for certain smaller sources to obtain and hold a permit. For the proposed criteria described below in Section 2.0, an estimated 3,250 small emission sources, or roughly 50% of the currently permitted emission sources, would no longer have direct permitting obligations to the Illinois EPA.

Benefits of the ROSS program include avoiding certain potentially burdensome regulatory obligations. For example, qualifying emission sources would no longer be required to:

- apply for construction or operating permits from the DAPC;
- wait for the DAPC to complete an application review and issue a permit before commencement of construction of a project;
- pay both construction permit application and annual operating permit fees;
- submit Annual Emission Reports.

Qualifying small emission sources would also experience the indirect benefits of reduced regulatory compliance administrative costs. Those benefits would likely come in the form of lower staffing needs, and lower or eliminated consulting and legal fees.

Importantly, the registration program would in no way authorize noncompliance with an otherwise applicable requirement. As such, the DAPC would maintain the ability to inspect and enforce against a source, as needed, to ensure compliance with all applicable regulations. The DAPC would continue to maintain its databases of emission sources that will continue to include sources in the ROSS program. Furthermore, the Illinois Small Business Environmental Assistance Program will be able to shift resources from currently guiding sources through the permit process to dedicating more resources to assisting sources in the ROSS in regards to their compliance obligations, which could result in improved source recognition and compliance with such obligations over the existing lifetime operating permit process. Consequently, it is believed there will be no loss in environmental protection, and the potential for enhanced protection due to implementation of the ROSS.

It is the position of the Illinois EPA that the proposed amendments to 35 IAC Part 201 are both administratively feasible and economically reasonable for small emission sources in Illinois that will be covered under the ROSS program.

## **2.0 Sources Eligible for ROSS**

The eligibility criteria for determining an eligible source for the ROSS program includes the following:

- (1) The source must not be required to obtain a permit pursuant to the Illinois Clean Air Act Permit Program or Federally Enforceable State Operating Permit program, or under regulations promulgated pursuant to Sections 111 or 112 of the Clean Air Act;
- (2) The USEPA has not otherwise determined that a permit is required;
- (3) The source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;
- (4) The source emits less than an actual 0.5 tons per year combined hazardous air pollutant emissions;
- (5) The source emits less than an actual 0.05 tons per year of lead air emissions;
- (6) The source emits less than an actual 0.05 tons per year of mercury air emissions; and
- (7) The source does not have an emission unit 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."

The Illinois EPA estimates that multiple source categories will benefit from the ROSS including grain handling operations, ready-mix concrete plants, mining and quarrying of nonmetallic minerals, bulk terminals, and dry cleaners.

In order to enter the ROSS program, sources will have to certify their eligibility. New sources with no air emission records will need to certify that their anticipated estimated actual emissions will meet the ROSS eligibility criteria. Existing sources, however, with air emission records will need to evaluate their air emission data. The DAPC recognizes that the emission thresholds for ROSS program eligibility are relatively small and that smaller sources can have inherent variability from year to year in their emissions due to product demand, the economy, and other factors. To account for this variability in order to avoid having significant numbers of small sources annually bouncing in and out of the ROSS program, DAPC proposes a two year review

of emissions for the pollutants listed in criteria (3) above along with an upper bound cap of 7 tons on the maximum emissions in one calendar year of those pollutants listed in criteria (3) for the two calendar years of data used in the eligibility determination. By using this two year review and one year cap approach, the DAPC believes that sources with relatively minor variability in emissions will be able to maintain ROSS program eligibility while sources with more significant emission increases will be ferreted out of the program and required to obtain an air permit. Moreover, this approach ensures that on average, a source's emissions will maintain the levels required for ROSS program eligibility.

For existing sources without one calendar year of air emission data, if any available up to 12 consecutive month sum of the emissions data meets the eligibility criteria the source will be able to enter the ROSS. For existing sources with only one calendar year of data, the source may enter the ROSS if the data meets the eligibility criteria. For existing sources with two or more calendar years of data, the source may enter the ROSS if they have any 12 consecutive months out of the most recent 24 months that meet the eligibility criteria for the pollutants in (3) as well as the other ROSS eligibility criteria listed above. To remain in the ROSS program, the sources will need to annually certify that they meet the eligibility criteria including no single calendar year in the last two calendar years of data exceeds 7.0 tons per year for the pollutants in (3) above, and the sum of the last two calendar years data does not equal or exceed 10.0 tons/year for the pollutants in (3) above. Sources will become ineligible for the ROSS program and need to apply for an air permit if their latest single calendar year emission totals exceed 7.0 tons/year for the pollutants in (3) above, the sum of the last two calendar years data equals or exceeds 10.0 tons/year for the pollutants in (3) above, or they equal or exceed or fail to meet the other ROSS eligibility criteria listed above. A source can re-enter the ROSS program if after being out of the program they have one calendar year of emissions that meet the eligibility criteria.

### **3.0 Emissions from Sources Eligible for ROSS**

The DAPC currently permits more than 6,400 emission sources in Illinois. Of these permitted emission sources, around 179 large sources are responsible for approximately 90% of the emissions of criteria pollutants in Illinois. The largest 2,756 sources are responsible for 99% of these emissions. The DAPC currently issues air operating permits to 3,701 sources that together account for only 1% of the air pollution in the state. This number of permits for smaller sources represents more than half of the approximately 6,400 permits issued by the DAPC.

The DAPC estimates that approximately 3,250 small emission sources in Illinois would qualify for the ROSS program pursuant to the eligibility criteria described in Section 2.0. Even with such a large number of smaller sources exempted from the permit program via the ROSS program, approximately 99% of air emissions in Illinois will still remain subject to permitting and emission reporting requirements and DAPC oversight to ensure adequate protection of the environment. The DAPC estimates that multiple emission source categories will benefit from the ROSS. They include grain handling operations, ready-mix concrete plants, mining and quarrying of nonmetallic minerals, bulk terminals, and dry cleaners.

#### **4.0 Administrative Feasibility of ROSS**

The DAPC has been responsible for developing and implementing Illinois' air pollution control programs for stationary emission sources since the early 1970's. From its inception to the present, the DAPC has a history of success that can readily be measured by the vast improvement in air quality that has occurred over this period.

Over the last decade the Illinois EPA has experienced an overall decrease in personnel from a high of 1,290 in 1999 down to a March 2011 level of 898, a decrease of approximately 30%. Since 2002, the DAPC headcount has likewise decreased by over 30 full-time employees, while the entire Bureau of Air (BOA) overall has seen a reduction in staff of nearly 25%. Additionally, the BOA has recently seen a reduction in man-hours of work performed due to employee furloughs and significant restrictions on overtime. These reductions have occurred during a period of increasing responsibilities for the Agency and growing backlog of work.

In the course of analyzing DAPC operations it became evident that a disproportionate share of resources are being directed toward the permitting of a large number of smaller sources whose aggregate emissions are small in comparison to the emissions from a small number of large sources. The permitting of these smaller sources requires that a significant amount of Agency resources be expended. Any resource expenditure on the permitting of these smaller sources represents a loss in resources that could have otherwise been directed toward permitting actions related to the larger sources. Consequently, it is believed that the Agency could provide greater service and maintain or improve air quality protection by directing more resources toward permitting actions related to the larger emission sources.

Benefits of the ROSS program include avoiding certain potentially burdensome regulatory obligations. For example, qualifying emission sources would no longer be required to:

- apply for construction or operating permits from the DAPC;
- wait for the DAPC to complete an application review and issue a permit before commencement of construction of a project;

- pay both construction permit application and annual operating permit fees;
- submit Annual Emission Reports.

Qualifying small emission sources would also experience the indirect benefits of reduced regulatory compliance administrative costs. Those benefits would likely come in the form of lower staffing needs, and lower or eliminated consulting and legal fees.

Importantly, the registration program would in no way authorize noncompliance with an otherwise applicable requirement. As such, the DAPC would maintain the ability to inspect and enforce against a source, as needed, to ensure compliance with all applicable regulations. The DAPC would continue to maintain its databases of emission sources that will continue to include sources in the ROSS program. Furthermore, the Illinois Small Business Environmental Assistance Program will be able to shift resources from currently guiding sources through the permit process to dedicating more resources to assisting sources in the ROSS in regards to their compliance obligations, which could result in improved source recognition and compliance with such obligations over the existing lifetime operating permit process. Consequently, it is believed there will be no loss in environmental protection, and the potential for enhanced protection due to implementation of the ROSS.

The primary beneficiary of the ROSS program will be small business because they may be exempted from permitting altogether. Larger businesses can expect to benefit, as smaller sources owned by larger companies may also qualify for the ROSS. The ROSS program was designed by the Illinois EPA to eliminate many of the most common types of small emission sources, which creates an indirect co-benefit for large business. Currently, the processing of these permits consumes a disproportionate amount of permitting staff resources relative to emissions. Going forward, the Illinois EPA will be able to redirect staff and resources toward the remaining emission sources requiring air permits. Devoting more Agency resources toward fewer remaining permits is anticipated to reduce the timeframe to acquire a permit and to allow the Agency to be more responsive to the needs of the permit applicant, public, and others.

Illinois EPA believes that the ROSS program is administratively feasible for the DAPC and affected emission sources since the end result of the program is reduced administrative duties and costs for all involved.

## **5.0 Economic Reasonableness of ROSS**

The legislature, in adopting the law to establish the ROSS program, recognized the imbalance of resources under existing requirements versus actual emissions and established a new fee structure for all regulated air emissions in Illinois. This ROSS rulemaking is required pursuant to that overall fee structure and takes into account the reasonableness established in the law for all operating fees for all air emissions sources in Illinois.

To administer the ROSS program, the DAPC would collect an annual \$235 registration fee. This fee is in some cases much lower than the current annual operating permit fee being paid. The DAPC estimates that approximately 150 sources will have registration fees lower than their current annual operating permit fee bills. While some sources will receive a lower annual fee bill, none of the registered sources will be required to obtain a construction permit, which also carries a fee. A review of construction permit application fees paid for the last several years shows that registered sources would further save on average \$1,000 per construction project in avoided construction permit application fees.

Illinois EPA considers the ROSS program to be a cost effective measure for the reduction of administrative burdens and associated costs for small air emission sources eligible for the ROSS program, as well as being cost effective for the DAPC by reducing the number of air emission sources that require an air permit.

## **6.0 ROSS Impact on Emissions from Eligible Sources**

It is estimated that the ROSS program will have a negligible impact on emissions from eligible emission sources. However, there might be a possible slight reduction in emissions from small sources that are initially not eligible for the ROSS program that realize if they reduce their emissions they would become eligible for the ROSS program. Once those emission reductions are realized they would become eligible for the ROSS program and enjoy the benefits of not having to obtain and maintain an air permit, and not having to submit Annual Emission Reports. In addition, for emission sources registered in the ROSS program that plan to expand their business, the desire to maintain ROSS program eligibility could result in the business installing pollution control equipment on the new production equipment in order to keep actual total emissions for the source below the ROSS eligibility criteria thresholds.

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POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: Amendments to 35 Ill. Adm. Code Part 201
- 3) Section Numbers:                      Proposed Action:  
201.175    Add
- 4) Statutory Authority: Implementing and authorized by Sections 9.14 of the Illinois Environmental Protection Act [415 ILCS 5/9.14].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal will add a provision allowing qualifying smaller sources to register and avoid certain direct regulator obligations and permit fees. Owners and operators of qualifying small air emissions sources would no longer be required to apply for construction or operating permits from the Bureau of Air, wait for review of permit applications and issuance of a permit before commencement of construction of a project, pay both construction and operating permit fees, or submit annual emissions report. Instead, owners or operators of qualifying sources would pay an annual fee of \$235, submit an initial and annual certification that the source continued to meet the criteria of the program, and keep records supporting the certification.
- 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 R11-    and be addressed to:

Clerk's Office  
Illinois Pollution Control Board

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NOTICE OF PROPOSED AMENDMENTS

100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

and

Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217-782-5544

- 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 own or operate a qualifying source could be affected by the proposed amendments.
  - B) Reporting, bookkeeping or other procedures required for compliance: Owner or operators of qualifying sources will have the same or fewer requirements for reporting, bookkeeping, or recordkeeping.
  - C) Types of Professional skills necessary for compliance: It is not anticipated that any additional skills will be necessary of compliance, as the goal of the ROSS is to reduce the administrative requirements for owners or operators of qualifying units , while maintaining environmental effectiveness of substantive emissions requirements for these sources.
- 13) This rulemaking was included on either of the two most recent regulatory agendas: 34 Ill. Reg. 19629 (December 17, 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(s) begins on the next page:

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

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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
201.175	<u>Registration of Smaller Sources (ROSS)</u>

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

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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

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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. 11999, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12- at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS**

**Section 201.175 Registration of Smaller Sources (ROSS)**

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POLLUTION CONTROL BOARD

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- a) An owner or operator of an eligible source may annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act. 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.

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- 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 any 12 consecutive months within the most recent 24 months. If the source is new, or has been operating less than 12 months, projected estimated emissions may be used for all or the remaining months, 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 sum the actual emissions from all units associated with the source for the prior calendar year, and if the summed actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year are greater than 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 are greater than 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 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 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.

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- c) The following must be included in each registration and each 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) 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) Owners and operators of sources holding permits may register after the effective date of this Section.
    - B) Owners and operators of new sources shall register 90 days before commencing operation.

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- 2) Renewal of registration. Owners and operators must renew registration annually on or before the source's billing date.
  
- e) The following records shall be kept and 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 (b) 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) and (b) of this Section; and
  - 4) A copy of the source's initial registration and annual renewal of registration.
  
- f) Changes to 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 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

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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 obtained an operating permit pursuant to subsection (g) of this Section may register for ROSS, if the source meets the criteria in subsections (a) and (b)(1) of this Section in the prior calendar year.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF SANGAMON )  
 )

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached REGULATORY PROPOSAL FOR REGISTRATION OF SMALLER SOURCES: NEW SECTION: 35 ILL. ADM. CODE, PART 201, SECTION 201.175, and APPEARANCE of the Illinois Environmental Protection Agency upon the following persons:

John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

Matthew Dunn, Chief  
Attorney General's Office  
James R. Thompson Center  
100 West Randolph, 12th Floor  
Chicago, Illinois 60601

Virginia Yang  
Deputy Legal Counsel  
Illinois Dept. of Natural Resources  
524 South Second Street  
Springfield, Illinois 62701-1787

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

\_\_\_\_\_  
/s/

Rachel L. Doctors  
Assistant Counsel  
Air Regulatory Unit  
Division of Legal Counsel

Dated: August 15, 2011

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