



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

August 25, 2011

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

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CLERK'S OFFICE
SEP 01 2011
STATE OF ILLINOIS
Pollution Control Board

Dear JOHN THERRIAULT ASSISTANT CLERK

Your rules Listed below met our codification standards and have been published in Volume 35, Issue 36 of the Illinois Register, dated 9/2/2011.

ADOPTED RULES

Nitrogen Oxides Emissions	
35 Ill. Adm. Code 217	14627
Point of Contact: Nancy Miller	

PROPOSED RULES

Permits and General Provisions	
35 Ill. Adm. Code 201	14616
Point of Contact: Nancy Miller	

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers: Proposed Action:
201.175 New
- 4) Statutory Authority: Implementing and authorized by Section 9.14 of the Environmental Protection Act [415 ILCS 5/9.14].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency proposes to add a program allowing qualifying smaller sources to register as an alternative to permitting obligations. Owners and operators of qualifying sources would no longer be required to apply for construction or operating permits, await review of permit applications and issuance of a permit, pay construction and operating permit fees, or submit annual emissions report. Instead, qualifying owners or operators would pay an annual fee of \$235, submit initial and annual certification that the source continues to meet program criteria, and keep records supporting the certification.
- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None.
- 7) Will these proposed amendments replace an emergency rule currently in effect? No.
- 8) Do these amendments contain an automatic repeal date? No.
- 9) Do these proposed amendments contain incorporations by reference? No.
- 10) Are there any other proposed amendments pending on this Part? No.
- 11) 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].
- 12) 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 45 days after the date of publication in the Illinois Register. Comments should refer to docket R12-10 and be addressed to:

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

Interested persons may request copies of the Board's opinion and order in R12-10 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Tim Fox at 312/814-6085 or e-mail foxt@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, 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 for compliance, as the goal of small source registration is to reduce the administrative requirements for owners or operators of qualifying units, while maintaining environmental effectiveness of substantive emissions requirements for these sources.
- 14) Regulatory Agenda in which these amendments were summarized: January 2011.

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

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

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

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

SUBPART B: GENERAL PROVISIONS

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

SUBPART C: PROHIBITIONS

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

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SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units
<u>201.175</u>	<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

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201.212 Revisions to Lists of Insignificant Activities or Emission Levels

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 and authorized by Section 9.14 of the Environmental Protection Act [415 ILCS 5/9.14].

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 R12-10 at 35 Ill. Reg. _____, effective _____.

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.175 Registration of Smaller Sources (ROSS)

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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.
- 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

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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.

- 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;

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- 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.
 - 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

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(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 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.

(Source: Added at 35 Ill. Reg. _____, effective _____)