

Board Sends to First Notice Amendments to Air Regulations Regarding Prevention of Significant Deterioration of Air Quality Permits

During a special meeting on June 22, 2006, the Illinois Pollution Control Board adopted for first notice, without commenting on the merits of the proposal, the rulemaking proposal docketed as In the Matter of: Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits) (R06-27). This proposal, filed by the Illinois Environmental Protection Agency (IEPA) on June 20, 2006, would add a section to the air regulations that eliminates an automatic 30-day stay of the effectiveness of prevention of significant deterioration of air quality (PSD) permits. Additionally the Board granted the IEPA's motion for expedited consideration.

The PSD program applies in areas in the country that are deemed to be attainment or unclassifiable with respect to national ambient air quality standards (NAAQS). The program involves a preconstruction permitting process in which an applicant for a major new source or modification must submit a permit application prior to commencing construction that demonstrates that emissions from the proposed facility will not cause or contribute to an exceedance of any applicable NAAQS or air quality increment, and that the proposed facility will employ the Best Available Control Technology for all pollutants for which the source is major.

The IEPA asserts that an appeal of the PSD permit issued in Illinois is subject to the procedural requirements of the federal regulations at 40 CFR Part 124, providing that final permit decisions are automatically stayed for 30 days after issuance. The IEPA notes that in a number of other states, the United States Environmental Protection Agency has approved state programs that do not provide for an automatic 30-day stay. The IEPA is proposing to eliminate the automatic 30-day stay, thereby "leveling the playing field" in Illinois while not causing any adverse impact on the environment.

At least two hearings will be held on the matter. Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629, or by writing to the Clerk's office:

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