

ILLINOIS POLLUTION CONTROL BOARD  
March 23, 2017

IN THE MATTER OF: )  
)  
PERMIT BY RULE FOR BOILERS: ) R17-9  
AMENDMENTS TO: 35 ILL. ADM. CODE ) (Rulemaking – Air)  
PARTS 201 AND 211 )

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by G.M. Keenan):

In this order, the Board adopts final amendments to its rules on air pollution, Parts 201 and 211.<sup>1</sup> The full text of the amendments are located in an appendix to this order. There are no substantive changes to these rules from those proposed in the Board’s January 19, 2017 second-notice opinion and order. The adopted amendments will become final upon filing with the Secretary of State.

The Illinois Environmental Protection Agency (the Agency) proposed these amendments on August 23, 2016. On September 8, 2016, the Board adopted a first-notice proposal and invited public comment on it.<sup>2</sup> On January 19, 2017, the Board proposed the rules for second-notice review by the Joint Committee on Administrative Rules (JCAR), making limited changes to the first-notice proposal.<sup>3</sup>

The Board’s first-notice opinion includes a review of the relevant statutory and regulatory background and summarizes the Agency’s proposal. The Board’s second-notice opinion summarizes the first-notice comments and changes to the first-notice proposal. The Board does not repeat those summaries here.

At its February 15, 2017 meeting, JCAR issued certificates of no objection to the Board’s proposed amendments to Parts 201 and 211, subject to agreed non-substantive modifications.<sup>4</sup> Below, the Board addresses the agreed non-substantive changes and the adopted rules’ technical feasibility and economic reasonableness.

**DISCUSSION**

**Agreed Non-Substantive Changes**

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<sup>1</sup> 35 Ill. Adm. Code 201, 211.

<sup>2</sup> Permit by Rule for Boilers: Amendments to 35 Ill. Adm. Code Parts 201 and 211, R17-9 (Sept. 8, 2016) (First Notice).

<sup>3</sup> Permit by Rule, R17-9 (Jan 19, 2017) (Second Notice).

<sup>4</sup> JCAR Certificate of No Objection (Feb. 15, 2017, docketed Mar. 1, 2017). *See also* Email exchange between JCAR and Board (Feb. 8, 2017) (describing agreed non-substantive changes).

At second notice, JCAR proposed minor changes to the rules addressing non-substantive issues such as typographical errors, organization, and technical corrections. The Board made these changes to Sections 201.510(a), 201.605(c), 201.610, 201.615, 201.620(a) and (b), 201.630, and 201.630 in the adopted rules.

In its first-notice comments, the Agency proposed modifications to Section 201.630 to clarify that provision's requirements. The Board incorporated all of the Agency's proposed modifications in its second-notice proposal, except for one passage in Section 201.630(c) due to oversight. This passage, as agreed to by JCAR, is now included in the adopted rules.

### **Technical Feasibility and Economic Reasonableness**

At second notice, the Board found that the Agency's proposal, with limited changes made during this proceeding, amends the Board's air pollution rules in a manner that is technically feasible and economically reasonable.<sup>5</sup> No change made in the adopted rules affects this finding, so the Board maintains it here.

### **ORDER**

The Board directs the Clerk to submit the adopted amendments to Parts 201 and 211 found in the appendix to this order to the Secretary of State for publication in the *Illinois Register*. Additions are underlined and deletions appear stricken.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order.<sup>6</sup> Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders.<sup>7</sup> The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received.<sup>8</sup>

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 23, 2017 by a vote of 5-0.



Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board

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<sup>5</sup> Second Notice at 3.

<sup>6</sup> 415 ILCS 5/41(a) (2014); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706.

<sup>7</sup> 172 Ill. 2d R. 335.

<sup>8</sup> 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.