

From: [Carter, Sally](#)
To: [Brown, Don](#)
Subject: FW: 35 IAC 204
Date: Monday, August 10, 2020 5:41:44 PM

As a FYI, please find below recent correspondence with JCAR in the above rulemaking.

Sally Carter
Assistant Counsel

From: Carter, Sally
Sent: Monday, August 10, 2020 5:40 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: 35 IAC 204

Jonathan,

Section 204.850, Relaxation of a Source-Specific Limitation, provides that at such time that a source of modification becomes a major stationary source or major modification solely due to a relaxation of any enforceable limitation established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, then the requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 shall apply to the source or modification as though construction had not yet commenced on the source or modification. The Agency is concerned about making any such change given the PSD provision for relaxation of limits is sensitive. In addition, the Agency is concerned over the apparent difference in meaning. "At such time" connotes a specific time for a change in status. "If" would not provide the same connotation.

The Agency recommends that Section 204.850 be kept consistent with the underlying federal PSD rules.

Sally

From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Monday, August 10, 2020 3:43 PM
To: Carter, Sally <Sally.Carter@Illinois.gov>
Subject: [External] RE: 35 IAC 204

One quick question: what would you think of the following change?:

In line 1626, change "At such time as" to "If".

Thanks in advance for your consideration.

Jonathan

From: Eastvold, Jonathan C.
Sent: Thursday, August 6, 2020 2:33 PM
To: Carter, Sally <Sally.Carter@Illinois.gov>
Subject: RE: 35 IAC 204

Thank you for your swift response!

From: Carter, Sally [<mailto:Sally.Carter@Illinois.gov>]
Sent: Thursday, August 6, 2020 2:18 PM
To: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Subject: RE: 35 IAC 204

Jonathan,

Please see the attached responding to JCAR's listing of proposed changes identified below. The Agency's responses are provided in yellow in the attached document.

Sally

From: Eastvold, Jonathan C. <JonathanE@ilga.gov>
Sent: Wednesday, August 5, 2020 11:56 AM
To: Carter, Sally <Sally.Carter@Illinois.gov>
Subject: [External] 35 IAC 204

Could you please give me a call at 816-9481 when you get a chance? I'm trying to figure out precisely how stringent the requirement to mirror federal language in style rather than simply in substance has to be.

In particular, we're asking PCB for the following 2nd notice amendments (keyed to line numbers in our second notice version at <https://www.ilga.gov/commission/jcar/SecondNotices/350204-2004375r02.pdf>), and are wondering whether EPA would look favorably on any/all of the following—which we think are necessary to make the Part more readable for the general public:

Changes:

1. Delete lines 247-249.
2. In lines 251-277, change "jj" through "ww" to "hh" through "uu".
3. Delete lines 279-280.

4. In line 281, change "yy" to "vv".
5. In line 528, change "increase(s)" to "increase or increases".
6. In line 684, change "such" to "the".
7. Change lines 773-779 to "including those requirements developed:
 - a) Under 40 CFR 60, 61, 62 and 63 (incorporated by reference in Section 204.100), requirements within the SIP, any permit requirements established under 40 CFR 52.21 (incorporated by reference in Section 204.100) or this Part; or
 - b) Under regulations approved under 40 CFR 51, subpart I (incorporated by reference in Section 204.100), including operating permits issued under a USEPA-approved program that:
 - 1) Is incorporated into the SIP; and
 - 2) Expressly requires adherence to any permit issued under that program."
8. In lines 815 and 819, change "structure(s)" to "structure or structures".
9. In line 913, change "The source was" to "Was".
10. In line 919, change "The source is" to "Is".
11. In line 939, delete "of".
12. In line 1115, change "construct" to "be constructed".
13. In line 1229, change "*Section*" to lower case.
14. In line 1283, change "a" to "an".
15. In lines 1299-1300, change "a" to "an" and add commas after "Precursors" and "Part".
16. In lines 1349 and 1361, change "parameter(s)" to "parameter or parameters".
17. In lines 1369 and 1374, change "parameter(s)" to " parameter or parameters".
18. In line 1370, change "is" to "are".
19. In line 1372, change "parameter(s)" to " parameter or parameters", and change "unit(s)" to "unit or units".
20. In lines 1375 and 1376, change "such" to "those" and "parameter(s)" to " parameter or parameters".

21. In lines 1381 and 1384, change "parameter(s)" to "parameter or parameters".
22. In line 1447, change ", that would construct" to "that would be constructed".
23. In line 1523, change "type(s)" to "type or types".
24. In line 1541, change "Unit(s)" to "Unit or Units".
25. In line 1550, change "Unit(s)" to "Unit or Units".
26. In line 1626, change "At such time as" to "When".
27. In line 1820, delete "or Indian Governing Bodies".
28. In line 1848, change "such" to "the".
29. In line 1882, after "practicable" add a comma.
30. Delete lines 1885-1895.
31. In lines 1897 and 1904, change the subsection labels to "d)" and "e)".
32. In lines 1904-1905, delete "or Indian Governing Body, as appropriate,".
33. In line 1915, change "So much" to "Any".
34. In line 1973, change "where" to "when".
35. In line 1998, change "a" to "an".
36. In line 2110, change "to such" to "for the".
37. In lines 2185 and 2197, change "unit(s)" to "unit or units".
38. Change lines 2212-2219 to:
 - "c) The owner or operator shall:
 - 1) Monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subsection (a)(2); and
 - 2) Calculate and maintain a record of the annual emissions, in tons per year, on a calendar year basis:
 - A) For a period of 5 years following resumption of regular operations after the change; or
 - B) For a period of 10 years following resumption of regular operations

after the change, if the project increases the design capacity or potential to emit that regulated NSR pollutant at the emissions unit.".

39. In line 2323, change "(c)" to "(a)".
40. In line 2255, change "increase," to "increase",
41. In line 2260, change "(b) through (e)" to "(a) through (d)".
42. In lines 2337 and 2338, delete the comma.
43. In line 2389, change "value(s)" to "value or values".
44. In line 2546, after "level" delete the comma.
45. In line 2547, change "must" to "shall".
46. In line 2552, change "level(s)" to "level or levels".
47. In line 2553, change "date(s)" to "date or dates".
48. In line 2554, change "requirement(s)" to "requirement or requirements".
49. In line 2559, change "unit(s)" to "unit or units".
50. In line 2576, after "that" add a comma.
51. In line 2634, delete the comma.
52. In line 2639, change "a" to "an".
53. In line 2675, change "unit(s)" to "unit or units".
54. In line 2739, delete "as".
55. In lines 2772, 2774, 2782 and 2784, change "unit(s)" to "unit or units".
56. In line 2851, after "fuel" delete the comma.
57. In line 2852, after "unit" delete the comma.
58. In line 2872, change "parameter(s)" to "parameter or parameters".
59. In lines 2903 and 2911, change "parameter(s)" to " parameter or parameters".

Thanks in advance for your time and consideration. I look forward to your response.

Sincerely,

Jonathan Eastvold

Jonathan C. Eastvold, Ph.D.
Rules Analyst III

Illinois General Assembly
Joint Committee on Administrative Rules
700 Stratton Building
Springfield IL 62706

During the COVID-19 emergency, please call or text my mobile at 217-816-9481

JonathanE@ilga.gov

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