



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

December 29, 2022

POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 46, Issue 53 of the Illinois Register, dated 12/30/2022.

PROPOSED RULES

| | |
|---|-------|
| Permits and General Provisions 35 Ill. Adm. Code 201 Point of Contact: Shannon Bilbruck | 20627 |
| Alternative Control Strategies 35 Ill. Adm. Code 202 Point of Contact: Shannon Bilbruck | 20638 |
| Visible and Particulate Matter Emissions 35 Ill. Adm. Code 212 Point of Contact: Shannon Bilbruck | 20644 |

REGULATORY AGENDA

| | |
|---|-------|
| Definitions and General Provisions 35 Ill. Adm. Code 211 Point of Contact: Shannon Bilbruck | 20999 |
|---|-------|

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

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3)

| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
|-------------------------|--------------------------|
| 201.149 | Amendment |
| 201.157 | Amendment |
| 201.261 | Repealed |
| 201.262 | Repealed |
| 201.263 | Repealed |
| 201.264 | Repealed |
| 201.265 | Repealed |
| 201.301 | Amendment |
- 4) Statutory Authority: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28.5, 39, 39.5, and 39.12].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings of deficiencies in the Illinois State Implementation Plan under the Clean Air Act (CAA) 42 U.S.C. §4701, et seq.

This proposal is intended to meet obligations of the State of Illinois under CAA and was filed pursuant to Section 28.5 of the Act (415 ILCS 5/28.5(2020)). Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No

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NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This proposed amendment does 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 at least 45 days after the date of publication in the Illinois Register. Public comments should refer to Docket R23-18 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:

Clerk's Office
Illinois Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, IL 60605

Interested persons may download copies of the Board's opinions and orders in R23-18 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at 312-814-3620.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that holds an air permit allowing emissions from equipment that malfunctions or that may start-up.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in a regulatory agenda.

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

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Alternative Control Strategies
- 2) Code Citation: 35 Ill. Adm. Code 202
- 3)

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|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 202.107 | Amendment |
| 202.211 | Amendment |
- 4) Statutory Authority: Implementing Section 9.3 and authorized by Sections 5, 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/5, 9.3, 27 and 28.5].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings of deficiencies in the Illinois State Implementation Plan under the Clean Air Act (CAA) 42 U.S.C. §4701, et seq.

This proposal is intended to meet obligations of the State of Illinois under CAA and was filed pursuant to Section 28.5 of the Act (415 ILCS 5/28.5(2020)). Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This proposed amendment does 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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Visible and Particulate Matter Emissions
- 2) Code Citation: 35 Ill. Adm. Code 212
- 3)

| | |
|-------------------------|--------------------------|
| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 212.124 | Amendment |
| 212.324 | Amendment |
- 4) Statutory Authority: Implementing Section 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28.5].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 201, 202, and 212 to remove provisions allowing for advance permission to continue operating during a malfunction or to violate emission limitations during start-up. The removal of the provisions is required to comply with the United States Environmental Protection Agency (USEPA) findings of deficiencies in the Illinois State Implementation Plan under the Clean Air Act (CAA) 42 U.S.C. §4701, et seq.

This proposal is intended to meet obligations of the State of Illinois under CAA and was filed pursuant to Section 28.5 of the Act (415 ILCS 5/28.5(2020)). Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines.

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