

Board Proposes Clean Air Act “Fast-Track” Amendments for First Notice

On December 15, 2022, the Board accepted for hearing a rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA) under the “fast-track” provisions of Section 28.5 of the Environmental Protection Act. Section 28.5 requires the Board to meet expedited rulemaking deadlines when considering rules required by the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (CAAA). Without commenting on the substantive merits of IEPA’s proposal, the Board directed the Clerk to submit the proposal for first-notice publication in the *Illinois Register*. That publication took place on December 30, 2022.

IEPA seeks to amend air pollution rules of the Board at 35 Ill. Adm. Code 201, 202, and 212 by removing provisions that, according to IEPA, allow for advance permission to continue operating during a malfunction or violate emission limitations during start-up. The proposal is intended to meet the State’s obligations under the CAAA. If the Board adopts the rules, IEPA will submit them to the United States Environmental Protection Agency as a State Implementation Plan or “SIP” revision.

The rulemaking is captioned Amendments to 35 Ill. Adm. Code Parts 201, 202, and 121, docket R23-18. Here is the link to the Board’s [first-notice opinion and order](#), which includes the text of the proposed amendments. For more information, please contact Chloe Salk at chloe.salk@illinois.gov.