

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number: 201.175 Proposed Action: New
- 4) Statutory Authority: Implementing and authorized by Section 9.14 of the Environmental Protection Act [415 ILCS 5/9.14].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Environmental Protection Agency proposes to add a program allowing qualifying smaller sources to register as an alternative to permitting obligations. Owners and operators of qualifying sources would no longer be required to apply for construction or operating permits, await review of permit applications and issuance of a permit, pay construction and operating permit fees, or submit annual emissions report. Instead, qualifying owners or operators would pay an annual fee of \$235, submit initial and annual certification that the source continues to meet program criteria, and keep records supporting the certification.
- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments do 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 45 days after the date of publication in the *Illinois Register*. Comments should refer to docket R12-10 and be addressed to:

R12-10

RECEIVED
CLERK'S OFFICE

AUG 31 2011

STATE OF ILLINOIS
Pollution Control Board

John Therriault

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R12-10 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact hearing officer Tim Fox at 312/814-6085 or e-mail foxt@ipcb.state.il.us.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipalities, or not-for-profit corporations that own or operate a qualifying source could be affected by the proposed amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: Owner or operators of qualifying sources will have the same or fewer requirements for reporting, bookkeeping, or recordkeeping.
 - C) Types of Professional skills necessary for compliance: It is not anticipated that any additional skills will be necessary for compliance, as the goal of small source registration is to reduce the administrative requirements for owners or operators of qualifying units, while maintaining environmental effectiveness of substantive emissions requirements for these sources.
- 14) Regulatory Agenda in which these amendments were summarized: January 2011

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

JCAR350201-1114616r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS
5

6 PART 201
7 PERMITS AND GENERAL PROVISIONS
8

9 SUBPART A: DEFINITIONS
10

11	Section	
12	201.101	Other Definitions
13	201.102	Definitions
14	201.103	Abbreviations and Units
15	201.104	Incorporations by Reference
16		

17 SUBPART B: GENERAL PROVISIONS
18

19	Section	
20	201.121	Existence of Permit No Defense
21	201.122	Proof of Emissions
22	201.123	Burden of Persuasion Regarding Exceptions
23	201.124	Annual Report
24	201.125	Severability
25	201.126	Repealer
26		

27 SUBPART C: PROHIBITIONS
28

29	Section	
30	201.141	Prohibition of Air Pollution
31	201.142	Construction Permit Required
32	201.143	Operating Permits for New Sources
33	201.144	Operating Permits for Existing Sources
34	201.146	Exemptions from State Permit Requirements
35	201.147	Former Permits
36	201.148	Operation Without Compliance Program and Project Completion Schedule
37	201.149	Operation During Malfunction, Breakdown or Startups
38	201.150	Circumvention
39	201.151	Design of Effluent Exhaust Systems
40		

41 SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS
42

43	Section	
----	---------	--

44	201.152	Contents of Application for Construction Permit
45	201.153	Incomplete Applications (Repealed)
46	201.154	Signatures (Repealed)
47	201.155	Standards for Issuance (Repealed)
48	201.156	Conditions
49	201.157	Contents of Application for Operating Permit
50	201.158	Incomplete Applications
51	201.159	Signatures
52	201.160	Standards for Issuance
53	201.161	Conditions
54	201.162	Duration
55	201.163	Joint Construction and Operating Permits
56	201.164	Design Criteria
57	201.165	Hearings
58	201.166	Revocation
59	201.167	Revisions to Permits
60	201.168	Appeals from Conditions
61	201.169	Special Provisions for Certain Operating Permits
62	201.170	Portable Emission Units
63	<u>201.175</u>	<u>Registration of Smaller Sources (ROSS)</u>

64
65 SUBPART E: SPECIAL PROVISIONS FOR OPERATING
66 PERMITS FOR CERTAIN SMALLER SOURCES
67

68	Section	
69	201.180	Applicability (Repealed)
70	201.181	Expiration and Renewal (Repealed)
71	201.187	Requirement for a Revised Permit (Repealed)

72
73 SUBPART F: CAAPP PERMITS
74

75	Section	
76	201.207	Applicability
77	201.208	Supplemental Information
78	201.209	Emissions of Hazardous Air Pollutants
79	201.210	Categories of Insignificant Activities or Emission Levels
80	201.211	Application for Classification as an Insignificant Activity
81	201.212	Revisions to Lists of Insignificant Activities or Emission Levels

82
83 SUBPART G: EXPERIMENTAL PERMITS (Reserved)
84

85 SUBPART H: COMPLIANCE PROGRAMS AND
86 PROJECT COMPLETION SCHEDULES

87		
88	Section	
89	201.241	Contents of Compliance Program
90	201.242	Contents of Project Completion Schedule
91	201.243	Standards for Approval
92	201.244	Revisions
93	201.245	Effects of Approval
94	201.246	Records and Reports
95	201.247	Submission and Approval Dates
96		
97		SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS
98		
99	Section	
100	201.261	Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
101		
102	201.262	Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
103		
104	201.263	Records and Reports
105	201.264	Continued Operation or Startup Prior to Granting of Operating Permit
106	201.265	Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup
107		
108		
109		SUBPART J: MONITORING AND TESTING
110		
111	Section	
112	201.281	Permit Monitoring Equipment Requirements
113	201.282	Testing
114	201.283	Records and Reports
115		
116		SUBPART K: RECORDS AND REPORTS
117		
118	Section	
119	201.301	Records
120	201.302	Reports
121		
122		SUBPART L: CONTINUOUS MONITORING
123		
124	Section	
125	201.401	Continuous Monitoring Requirements
126	201.402	Alternative Monitoring
127	201.403	Exempt Sources
128	201.404	Monitoring System Malfunction
129	201.405	Excess Emission Reporting

- 130 201.406 Data Reduction
- 131 201.407 Retention of Information
- 132 201.408 Compliance Schedules
- 133
- 134 201.APPENDIX A Rule into Section Table
- 135 201.APPENDIX B Section into Rule Table
- 136 201.APPENDIX C Past Compliance Dates
- 137

138 AUTHORITY: Implementing by Sections 9.14, 10, 39 and 39.5 and authorized by Section 27 of
 139 the Environmental Protection Act [415 ILCS 5/9.14, 10, 27, 39 and 39.5].

140

141 SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB
 142 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill.
 143 Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January
 144 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628,
 145 effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989;
 146 amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B)
 147 at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483,
 148 effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21,
 149 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17
 150 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective
 151 June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in
 152 R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill.
 153 Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August
 154 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-
 155 10 at 35 Ill. Reg. _____, effective _____.

156

157 SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

158

159 **Section 201.175 Registration of Smaller Sources (ROSS)**

- 160
- 161 a) An owner or operator of an eligible source may annually register with the Agency
 162 instead of complying with the requirement to obtain an air pollution construction
 163 or operating permit under the Act. The source must meet all of the following
 164 criteria to be an eligible source:
 - 165
 - 166 1) Pursuant to Section 9.14 of the Act:
 - 167
 - 168 A) The source must not be required to obtain a permit pursuant to the
 169 Clean Air Act Permit program, or federally enforceable State
 170 operating permit, or under regulations promulgated pursuant to
 171 Section 111 or 112 of the Clean Air Act;
 - 172

- 173 B) USEPA has not otherwise determined that a permit is required;
- 174
- 175 C) The source emits less than an actual 5 TPY of combined
- 176 particulate matter, carbon monoxide, nitrogen oxides, sulfur
- 177 dioxide, and volatile organic material air pollutant emissions;
- 178
- 179 D) The source emits less than an actual 0.5 TPY of combined
- 180 hazardous air pollutant emissions;
- 181
- 182 E) The source emits less than an actual 0.05 TPY of mercury air
- 183 emissions;
- 184
- 185 F) The source emits less than an actual 0.05 TPY of lead air
- 186 emissions; and
- 187
- 188 G) The source does not have an emission unit or source subject to a
- 189 standard pursuant to 40 CFR 61 (Maximum Achievable Control
- 190 Technology) or 40 CFR 63 (National Emissions Standards for
- 191 Hazardous Air Pollutants), other than those regulations that
- 192 USEPA has categorized as "area source".
- 193

194 2) Emission units at the source are not used as thermal desorption systems

195 pursuant to 35 Adm. Code 728.Table F or as incinerator systems.

196

197 b) For the purposes of determining whether the actual emissions from the source

198 meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this

199 Section, the owner or operator of a source shall only use emissions from units that

200 are not exempt from the requirement to obtain a permit pursuant to Section

201 201.146, as follows:

202

203 1) Initial registration or reentry into ROSS: the owner or operator must sum

204 the actual emissions from all units associated with the source for any 12

205 consecutive months within the most recent 24 months. If the source is

206 new, or has been operating less than 12 months, projected estimated

207 emissions may be used for all or the remaining months, respectively.

208

209 2) Annual renewal of registration:

210

211 A) For the purposes of determining compliance with subsection

212 (a)(1)(C) of this Section, the owner or operator must sum the actual

213 emissions from all units associated with the source for the prior

214 calendar year and, if the summed actual emissions of combined

215 particulate matter, carbon monoxide, nitrogen oxides, sulfur

216 dioxide, and volatile organic material air pollutant emissions for
217 the prior calendar year are greater than 7 tons, or if the total sum of
218 actual emissions of combined particulate matter, carbon monoxide,
219 nitrogen oxides, sulfur dioxide, and volatile organic material air
220 pollutant emissions from the prior two calendar years are greater
221 than 10 tons, the owner or operator must apply for the applicable
222 operating permit under the Act pursuant to subsection (g) of this
223 Section.
224

225 B) For the purposes of determining compliance with subsections
226 (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or
227 operator must sum the actual emissions from all units at the source
228 for the prior calendar year and, if the summed emissions of HAPs,
229 mercury or lead are equal to or exceed the 0.5 or 0.05 TPY for the
230 prior calendar year, respectively, the owner or operator must apply
231 for the applicable operating permit under the Act pursuant to
232 subsection (g) of this Section.
233

234 c) The following must be included in each registration and each renewal of
235 registration:
236

237 1) The name, address, and telephone number of the source and of the person
238 responsible for submitting and retaining copies of the registration
239 information and the records;
240

241 2) A statement that the source meets the requirements of this Section;
242

243 3) A certification that the information submitted in subsections (c)(1) and
244 (c)(2) of this Section is correct or a correction of the information; and
245

246 4) Fees:
247

248 A) Initial registration by owners and operators of permitted sources is
249 not required to include a fee unless the submittal of registration
250 coincides with the source's annual billing date.
251

252 B) Initial registration by owners and operators of new sources must
253 include the applicable fee required by Section 9.14 of the Act.
254

255 C) Renewal of registration must include the applicable fee pursuant to
256 Section 9.14 of the Act.
257

258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300

- d) The owner or operator of an eligible source shall submit the registration required by subsection (c) of this Section as follows:
 - 1) Initial registration:
 - A) Owners and operators of sources holding permits may register after the effective date of this Section.
 - B) Owners and operators of new sources shall register 90 days before commencing operation.
 - 2) Renewal of registration. Owners and operators must renew registration annually on or before the source's billing date.
- e) The following records shall be kept and made available for inspection by the Agency for at least 5 calendar years:
 - 1) A description of the emission units associated with the source and their associated control devices;
 - 2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsections (a) and (b) of this Section;
 - 3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS pursuant to the criteria in subsections (a) and (b) of this Section; and
 - 4) A copy of the source's initial registration and annual renewal of registration.
- f) Changes to an eligible source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days after the change to the source, if the information provided in subsection (c)(1) of this Section changes.
- g) Changes to the source requiring a permit:
 - 1) If the source fails to meet the criteria in subsections (a) and (b) of this Section due to a change in operation, the owner or operator must apply for a permit within 90 days prior to the source's annual registration date.
 - 2) If the owner or operator modifies the equipment or constructs new equipment associated with the source, so that the source is no longer

301 eligible for ROSS pursuant to the requirements in subsections (a) and (b)
302 of this Section, the owner or operator must comply with the applicable
303 permitting requirements under the Act and 35 Ill. Adm. Code 201 and 203.
304

305 3) If the source fails to meet the criteria in subsection (a) of this Section
306 because of a change in a regulation or statutory requirement or a new
307 regulation or statutory requirement, the owner or operator must apply for a
308 permit within 90 days prior to the source's annual registration date or the
309 date required by new regulation or statute, whichever is earlier.
310

311 h) Reentry into ROSS: the owner or operator of a source that obtained an operating
312 permit pursuant to subsection (g) of this Section may register for ROSS if the
313 source meets the criteria in subsections (a) and (b)(1) of this Section in the prior
314 calendar year.
315

316 (Source: Added at 35 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section
201.101 Other Definitions
201.102 Definitions
201.103 Abbreviations and Units
201.104 Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121 Existence of Permit No Defense
201.122 Proof of Emissions
201.123 Burden of Persuasion Regarding Exceptions
201.124 Annual Report
201.125 Severability
201.126 Repealer

SUBPART C: PROHIBITIONS

Section
201.141 Prohibition of Air Pollution
201.142 Construction Permit Required
201.143 Operating Permits for New Sources
201.144 Operating Permits for Existing Sources
201.146 Exemptions from State Permit Requirements
201.147 Former Permits
201.148 Operation Without Compliance Program and Project Completion Schedule
201.149 Operation During Malfunction, Breakdown or Startups
201.150 Circumvention
201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section
201.152 Contents of Application for Construction Permit
201.153 Incomplete Applications (Repealed)
201.154 Signatures (Repealed)
201.155 Standards for Issuance (Repealed)
201.156 Conditions
201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
201.162 Duration
201.163 Joint Construction and Operating Permits
201.164 Design Criteria
201.165 Hearings

201.166 Revocation
201.167 Revisions to Permits
201.168 Appeals from Conditions
201.169 Special Provisions for Certain Operating Permits
201.170 Portable Emission Units
201.175 Registration of Smaller Sources (ROSS)

SUBPART E: SPECIAL PROVISIONS FOR OPERATING
PERMITS FOR CERTAIN SMALLER SOURCES

Section
201.180 Applicability (Repealed)
201.181 Expiration and Renewal (Repealed)
201.187 Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section
201.207 Applicability
201.208 Supplemental Information
201.209 Emissions of Hazardous Air Pollutants
201.210 Categories of Insignificant Activities or Emission Levels
201.211 Application for Classification as an Insignificant Activity
201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section
201.241 Contents of Compliance Program
201.242 Contents of Project Completion Schedule
201.243 Standards for Approval
201.244 Revisions
201.245 Effects of Approval
201.246 Records and Reports
201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section
201.261 Contents of Request for Permission to Operate During a Malfunction,
Breakdown or Startup
201.262 Standards for Granting Permission to Operate During a Malfunction,
Breakdown or Startup
201.263 Records and Reports
201.264 Continued Operation or Startup Prior to Granting of Operating Permit
201.265 Effect of Granting of Permission to Operate During a Malfunction,
Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section

201.301 Records
201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section

201.401 Continuous Monitoring Requirements
201.402 Alternative Monitoring
201.403 Exempt Sources
201.404 Monitoring System Malfunction
201.405 Excess Emission Reporting
201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

201.APPENDIX A Rule into Section Table
201.APPENDIX B Section into Rule Table
201.APPENDIX C Past Compliance Dates

AUTHORITY: Implementing by Sections 9.14, 10, 39 and 39.5 and authorized by Section 9.1427 of the Environmental Protection Act [415 ILCS 5/9.149.14, 10, 27, 39 and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. ~~11999, 11965~~, effective August 6, 2009; amended in R10-21 at 34 Ill. ~~Reg.~~ Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. ~~Reg.~~ Reg., effective _____.

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.175 Registration of Smaller Sources (ROSS)

a) An owner or operator of an eligible source may annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act. The source must meet all of the following criteria to be an eligible source:

1) Pursuant to Section 9.14 of the Act:

A) The source must not be required to obtain a permit pursuant to the Clean Air Act Permit program, or federally enforceable State operating permit, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;

B) ~~The~~ USEPA has not otherwise determined that a permit is required;

C) The source emits less than an actual 5 TPY of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;

D) The source emits less than an actual 0.5 TPY of combined hazardous air pollutant emissions;

E) The source emits less than an actual 0.05 TPY of mercury air emissions;

F) The source emits less than an actual 0.05 TPY of lead air emissions; and

G) The source does not have an emission unit or source subject to a standard pursuant to 40 CFR ~~Part~~ 61 (Maximum Achievable Control Technology) or 40 CFR ~~Part~~ 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that ~~the~~ USEPA has categorized as "area source" ~~and~~.

2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728. Table F or as incinerator systems.

b) For the purposes of determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section, the owner or operator of a source shall only use emissions from units that are not exempt from the requirement to obtain a permit pursuant to Section 201.146, as follows:

1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for any 12 consecutive months within the most recent 24 months. If the source is new, or has been operating less than 12 months, projected estimated emissions may be used for all or the remaining months, respectively.

2) Annual renewal of registration:

A) For the purposes of determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year, and, if the summed actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year are greater than 7 tons, or if the total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from the prior two calendar years are greater than 10 tons, the owner or operator must apply for the applicable operating permit under the Act pursuant to subsection (g) of this Section.

B) For the purposes of determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or operator must sum the actual emissions from all units at the source for the prior calendar year, and, if the summed emissions of HAPs, mercury or lead are equal to or exceed the ~~0.5-TPY, 0.05-TPY,~~ or 0.05 TPY for the prior calendar year, respectively, the owner

or operator must apply for the applicable operating permit under the Act pursuant to subsection (g) of this Section.

c) The following must be included in each registration and each renewal of registration:

1) The name, address, and telephone number of the source, and of the person responsible for submitting and retaining copies of the registration information and the records;

2) A statement that the source meets the requirements of this Section;

3) A certification that the information submitted in subsections (c)(1) and (c)(2) of this Section is correct or ~~submit corrected~~ a correction of the information; and

4) Fees:

A) Initial registration by owners and operators of permitted sources is not required to include a fee, unless the submittal of registration coincides with the source's annual billing date.

B) Initial registration by owners and operators of new sources must include the applicable fee ~~pursuant to~~ required by Section 9.14 of the Act.

C) Renewal of registration must include the applicable fee pursuant to Section 9.14 of the Act.

d) The owner or operator of an eligible source shall submit the registration ~~as~~ required by subsection (c) of this Section as follows:

1) Initial ~~Registration~~ registration:

A) Owners and operators of sources holding permits may register after the effective date of this Section.

B) Owners and operators of new sources shall register 90 days before commencing operation.

2) Renewal of registration. Owners and operators must renew registration annually on or before the source's billing date.

e) The following records shall be kept and made available for inspection by the Agency for at least 5 calendar years:

1) A description of the emission units associated with the source and their associated control devices;

2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsections (a) and (b) of this Section;

3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS pursuant to the criteria in subsections (a) and (b) of this Section; and

4) A copy of the source's initial registration and annual renewal of registration.

f) Changes to an eligible source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days ~~of~~after the change to the source, if the information provided in subsection (c)(1) of this Section changes.

g) Changes to the source requiring a permit:

1) If the source fails to meet the criteria in subsections (a) and (b) of this Section due to a change in operation, the owner or operator must apply for a permit within 90 days ~~of~~prior to the source's annual registration date.

2) If the owner or operator modifies the equipment or constructs new equipment associated with the source, ~~such~~so that the source is no longer eligible for ROSS pursuant to the requirements in subsections (a) and (b) of this Section, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Code ~~Parts~~-201 and 203.

3) If the source fails to meet the criteria in subsection (a) of this Section, ~~because~~ of a change in a regulation or statutory requirement or a new regulation or statutory requirement, the owner or operator must apply for a permit within 90 days ~~of~~prior to the source's annual registration date or the date required by new regulation or statute, whichever is earlier.

h) Reentry into ROSS: the owner or operator of a source that obtained an operating permit pursuant to subsection (g) of this Section may register for ROSS, ~~if~~ if the source meets the criteria in subsections (a) and (b)(1) of this Section in the prior calendar year.

(Source: Added at 35 Ill. Reg. _____, effective _____)

JCAR350201-1114616r01

~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE PROPOSED AMENDMENT~~

Document comparison done by DeltaView on Friday, August 26, 2011 11:05:14 AM

Input:	
Document 1	file:///I:/Input/35-201-Agency(issue36).doc
Document 2	file:///I:/Input/35-201-r01(issue 36).doc
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
<u>Moved from</u>	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	24
Deletions	30
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	54