

The Board Adopts Amendments to Its Air Rules Regarding FESOP Duration

The Pollution Control Board, on November 18, 2010, adopted amendments to the air rules extending the maximum term that the Illinois Environmental Protection Agency (IEPA) can issue a Federal Enforceable State Operating Permit (FESOP) from five years to ten. On April 20, 2010, the IEPA filed the proposal which is docketed as In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code 201.162 (R10-21). The sole provision of the air rules to be amended is Section 201.162.

During hearing, the IEPA presented testimony that extending the maximum term that IEPA could issue a FESOP from five to ten years would result in an expected reduction of administrative resources and costs to both the affected sources with a five percent decrease in workload of FESOP renewals within five years of adoption of the proposal. The Board found that IEPA's granting FESOPs for a longer term will not affect the implementation of air pollution control programs or enforcement of air quality standards in the State of Illinois and is compliant with all applicable federal standards.

In its October 7, 2010 second notice opinion and order, the Board made no changes to the rule as proposed. The Joint Committee on Administrative Rules reviewed the rules and voted a certificate of no objection at its November 16, 2010 meeting, and suggested no changes. Accordingly the Board adopted as a final rule, without change, the amendments as proposed at second notice.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office

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