

## **Board Sends To Second-Notice Proposed Rulemaking To Amend Exemptions From State Permitting Requirements**

On January 5, 2006, the Illinois Pollution Control Board sent to second-notice a proposed rulemaking to revise the Board's air construction and operating permit regulations. This rulemaking, docketed as In the Matter of: Proposed Amendments To Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-19), was jointly filed on February 22, 2005 by the Illinois Environmental Protection Agency and the Illinois Environmental Regulatory Group. The proponents state the proposal is designed to eliminate permitting delays for minor projects having little environmental or regulatory impact.

This rulemaking seeks to add four categories to the existing list of permit exemptions in Section 201.146 that will generally be available for compliant facilities with a low potential to emit, or that are incorporating new equipment that maintains or improves air pollution control. The four categories are:

1. The Replacement or Addition of Air Pollution Control Equipment for Existing Emissions Units;
2. New Emission Units and Modifications to Existing Emissions Units at Facilities with Federally Enforceable State Operating Permits (FESOPs);
3. New Emission Units or Modifications to Existing Emission Units at Permitted Sources That Are Not Major Sources or FESOPs, and;
4. Insignificant Activities at Clean Air Act Permit Program Sources

The Board has held two public hearings in this rulemaking. The first hearing was April 12, 2005, in Chicago. The second hearing was June 14, 2005, in Springfield. The Board received testimony at the first two hearings, but received no public comments during the 45-day first-notice public comment period, which ended November 21, 2005. The proposal is substantively unchanged from that adopted by the Board in September 2005.

During the 45-day second-notice period, the Board will accept comments only from the Joint Committee on Administrative Review.

Opinions and orders of the Board, hearing transcripts, and other documents in this rulemaking record 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 at 312-814-3629, or by writing to the Clerk's office.

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