

## **Board Sends PSD Permitting Rules to Second Notice**

On June 18, 2020, the Board issued a second-notice opinion and order proposing a new Part 204 of its air pollution rules. As proposed, Part 204 would create Illinois' Prevention of Significant Deterioration (PSD) permitting program. To conform its other rules to the proposed new program, the Board also proposed amending its air pollution rules at Parts 203, 211, and 215, as well as its procedural rules at Parts 101 and 105. In doing so, the Board addressed each of the public comments received during the first-notice period and submitted the proposal to the Joint Committee on Administrative Rules for second-notice review.

On July 2, 2018, the Illinois Environmental Protection Agency (IEPA) initiated this rulemaking by submitting a proposal to the Board. Procedurally, the proposal has two main objectives: Illinois will have its own PSD program rather than IEPA implementing the federal PSD program on behalf of the United States Environmental Protection Agency (USEPA); and the Board, instead of USEPA's Environmental Appeals Board, will hear appeals of IEPA's PSD permitting determinations. In addition, IEPA stated that its proposal meets the Illinois Environmental Protection Act's requirements for establishing a State PSD program (415 ILCS 5/9.1(c); Public Act 99-463, eff. Jan. 1, 2016).

This rulemaking is captioned [Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments to 35 Ill. Adm. Code Parts 101,105, 203, 211, and 215, docket R19-1](#). Here is a link to the Board's [second-notice opinion and order](#), which includes the text of the proposed rules. For more information, please contact Tim Fox at 312-814-6085 or [tim.fox@illinois.gov](mailto:tim.fox@illinois.gov).