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## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Clean Air Act Permit Program Procedures
- 2) Code Citation: 35 Ill. Adm. Code 270
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
270.603	Amendment
270.605	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 39.5 of the Illinois Environmental Protection Act [415 ILCS 5/39.5].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend Part 270 to allow electronic payment of Clean Air Act Permitting Program (CAAPP) air permitting fees and to update fee amounts for CAAPP permits based upon amendments to the Environmental Protection Act. The Illinois EPA does not expect its proposed revisions to have any substantive impact upon regulated sources.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These proposed amendments establish procedures for allowing electronic payment of CAAPP air permitting fees and update fee amounts for CAAPP permits based upon amendments to the Environmental Protection Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency 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 reference the Clean Air Act Permit Program Procedures and be addressed to:

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: These amendments will allow all sources which would include small businesses, municipalities, or not-for-profit corporations subject to CAAPP air permitting requirements to pay their CAAPP fees electronically. The rule further updates fee amounts for CAAPP permits based upon amendments to the Environmental Protection Act. Therefore, no impact on municipalities or small businesses is anticipated.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Agency did not prepare a small business impact analysis as this rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 270  
CLEAN AIR ACT PERMIT PROGRAM PROCEDURES

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270.603	Amount of Fee
270.604	Billing Procedures
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270.606	Refund and Underpayment of Fees
270.607	Requests for Reconsideration of Fee Amount
270.608	Agency Response to Requests for Reconsideration
270.609	Appeal of Agency Response

AUTHORITY: Implementing and authorized by Section 39.5 of the Environmental Protection Act (see P.A. 87-1213, effective September 26, 1992, and P.A. 88-464, effective August 20,

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1993) [415 ILCS 5/39.5].

SOURCE: Adopted at 18 Ill. Reg. 9425, effective June 14, 1994; emergency amendment at 19 Ill. Reg. 7976, effective June 7, 1995, for a maximum of 150 days; emergency expired November 6, 1995; amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART F: FEES

**Section 270.603 Amount of Fee**

- a) For each ~~12~~twelve-month period beginning after the date on which USEPA approves or conditionally approves the CAAPP, but in no event prior to January 1, 1994, an owner or operator of a source subject to the CAAPP or excluded pursuant to Section 39.5(1.1) or 39.5(3)(c) of the Act shall pay a fee in accordance with the following:
  - 1) The fee for a source allowed to emit less than 100 tons per year of any combination of regulated air pollutants shall be the dollar amount set forth within Section 39.5(18) of the Act~~shall be \$1,000 per year~~; and
  - 2) The fee for a source allowed to emit 100 tons or more per year of any combination of regulated air pollutants shall be the dollar per ton amount set forth within Section 39.5(18) of the Act for each ton of allowable emissions of regulated air pollutants at that source.
- b) The amount of the fee shall be based on the allowable emissions information submitted by the applicant in the fee calculation portion of its CAAPP application, not including emissions of insignificant levels or from insignificant activities, pursuant to 35 Ill. Adm. Code 201.
- c) No owner or operator of a source shall be required to pay an annual fee in excess of the maximum fee specified in Section 39.5(18) of the Act~~\$100,000~~.
- d) Following the first year of the CAAPP, a fee in excess of \$5,000 may be paid annually or semiannually.
- e) In the event that an owner or operator of a source has paid a fee pursuant to Section 9.6 of the Act during the ~~12~~twelve-month period that includes the date on which the source's initial complete CAAPP application was received by the

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Agency, the portion of the fee for the months remaining in the ~~12~~twelve-month period subsequent to the date the initial complete CAAPP application was received shall be credited to the owner or operator of the source.

- f) No owner or operator of a source shall be required to pay more than a single dollar-per-ton fee during any billing period for any ton of pollutant emitted (i.e., lead is a particulate (PM-10) and a separate criteria pollutant but will only be subject to a single dollar-per-ton fee).

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 270.605 Payment Procedures**

- a) Fee payment shall be made through the Illinois E-Pay System or by check or money order payable to either the "Treasurer, State of Illinois;" or the "Illinois Environmental Protection Agency". ~~The check or money order and~~ shall be accompanied by the billing statement that will include the source name and identification number assigned by the Bureau of Air.
- b) If paying by check or money order, payment~~Payment~~ shall be mailed to:
- Illinois Environmental Protection Agency  
Fiscal Services Section, ~~Title V Fee Program~~  
1021 North Grand Avenue East  
~~2200 Churchill Road~~  
P.O. Box 19276  
Springfield, Illinois 62794-9276
- c) Payment shall not include any fees, penalties or other monies due to the Agency for any purposes other than payment of the fee required under this Subpart.
- d) Fees shall be paid no later than ~~forty-five (45)~~ days after the billing date indicated on the billing statement.
- e) An owner or operator of a source shall remain liable for payment of the fee specified in the billing statement for the source unless a written request for withdrawal of the permit for the source is submitted in writing to the Agency prior to the payment due date indicated on the billing statement.

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(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)