

Illinois Air Permitting in 2025

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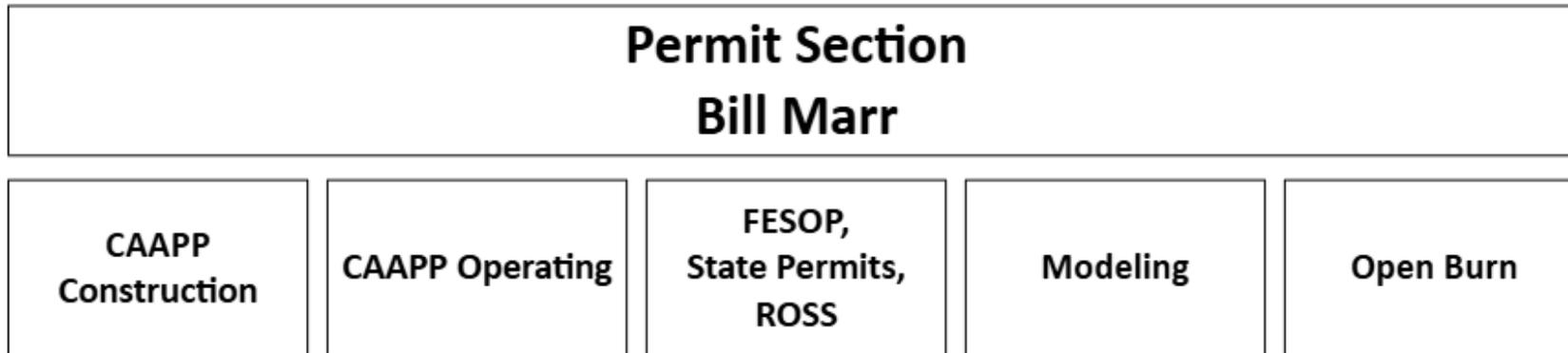


Topics

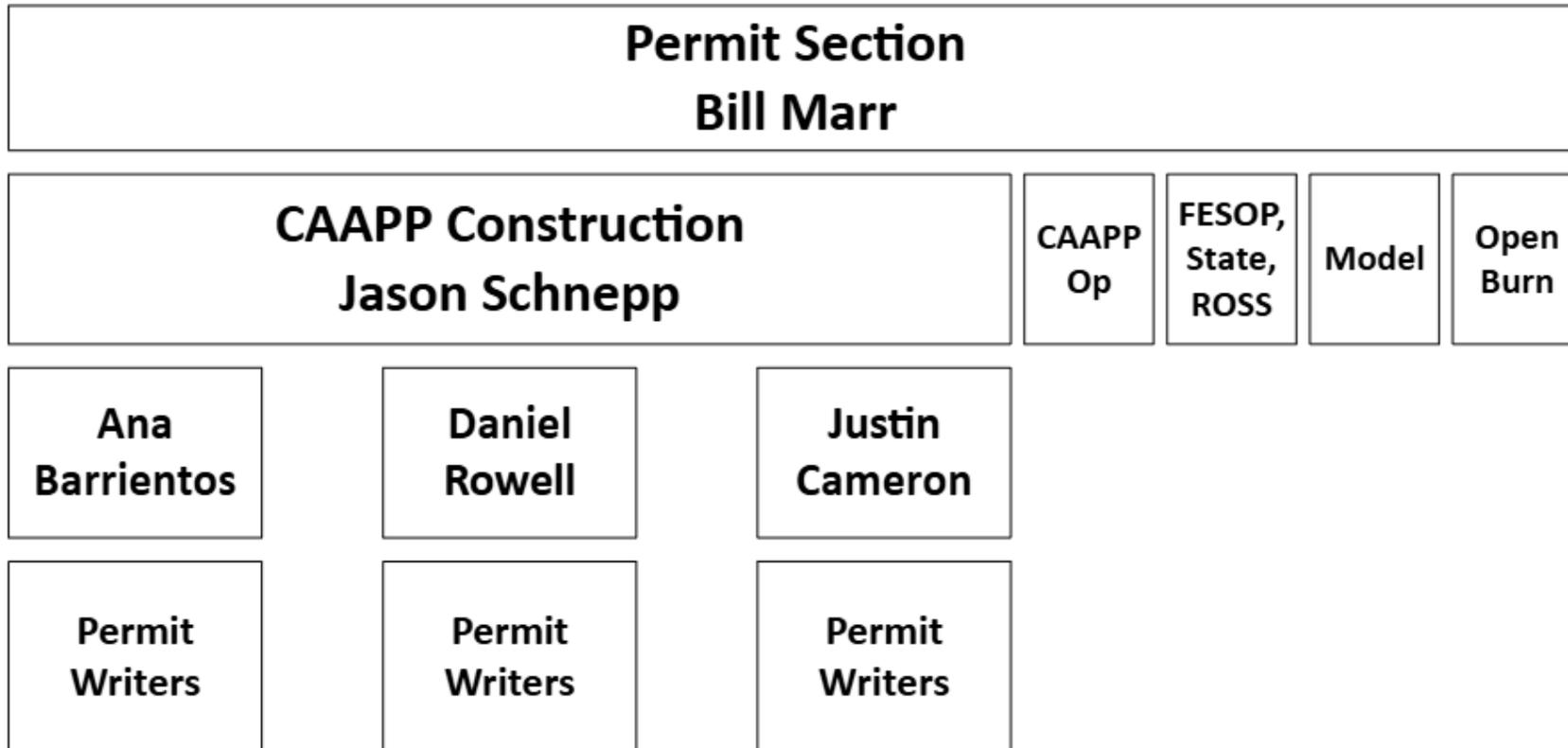
▶ **The Permit Section**

- ▶ Permitting
- ▶ Regulatory Developments
- ▶ Permit Management
- ▶ Best Practices

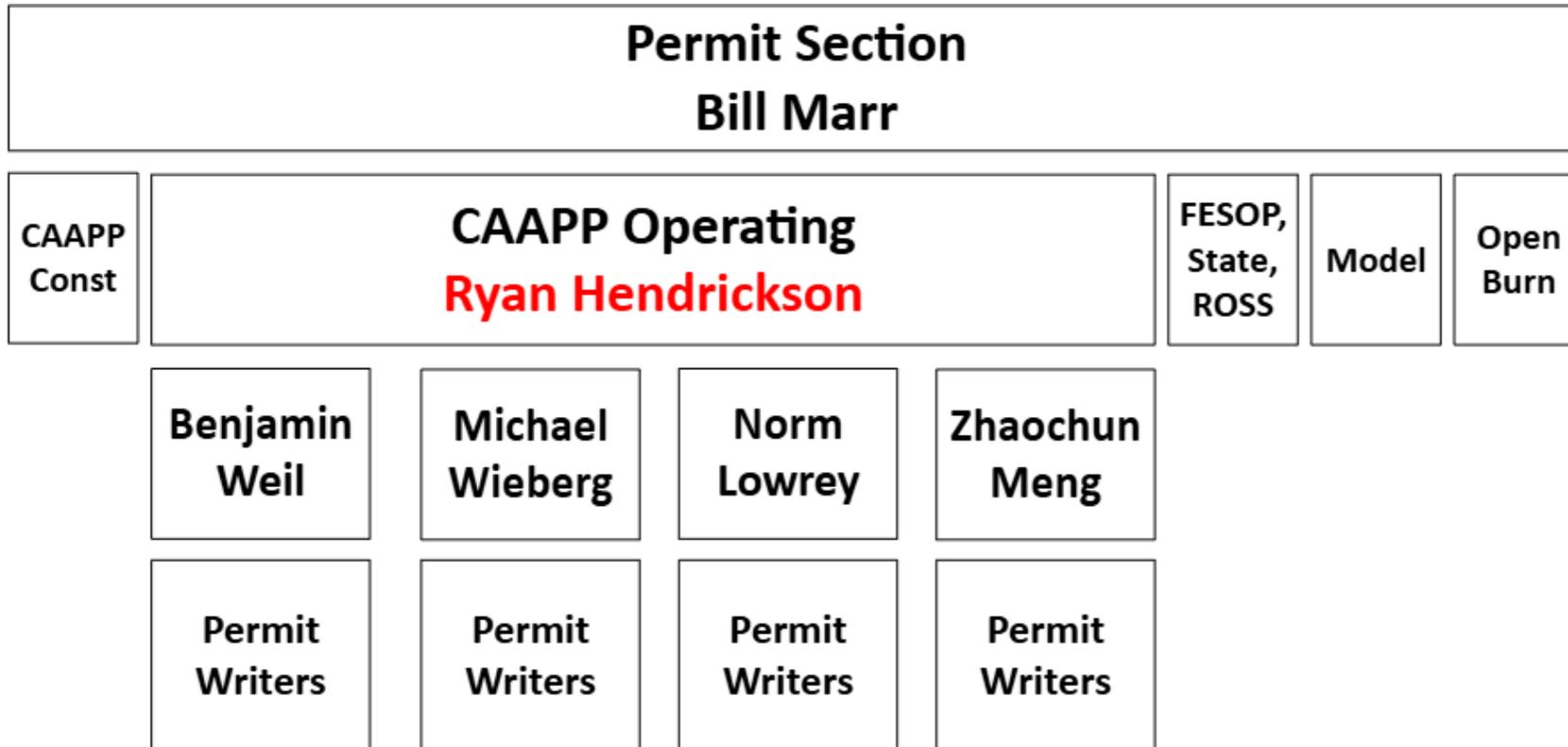
The Permit Section



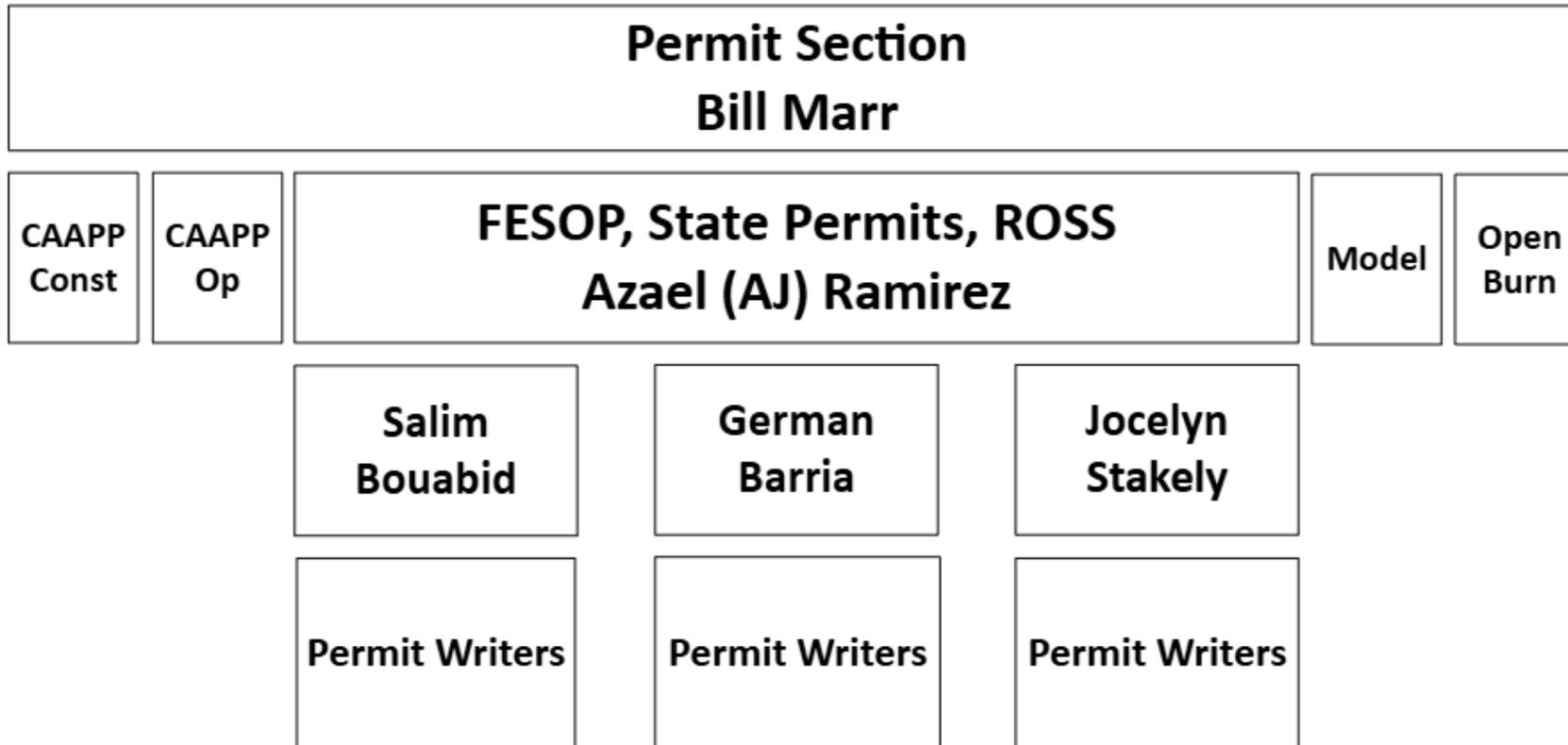
The Permit Section



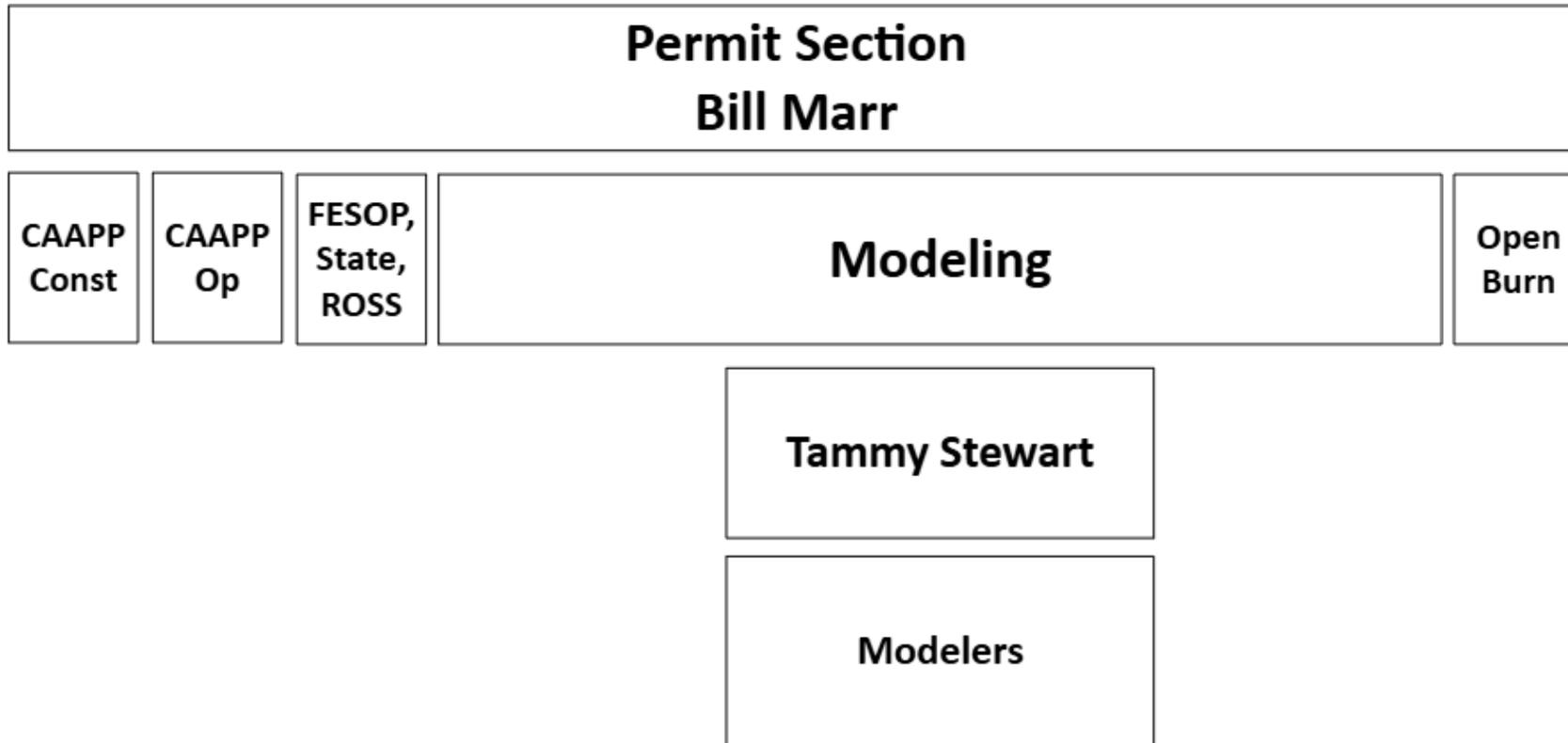
The Permit Section



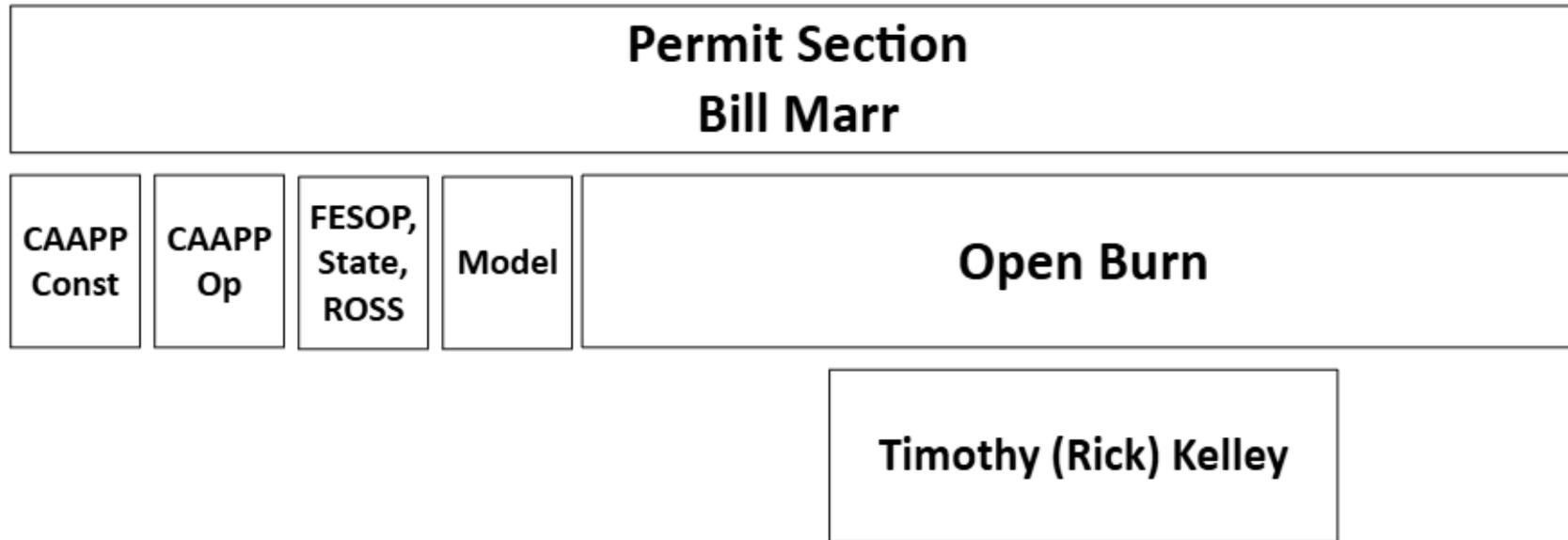
The Permit Section



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The Permit Section



The Permit Section

Permit Section
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Division of Legal Counsel
Andrew Armstrong

Topics

- ▶ The Permit Section
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Permitting – CAAPP vs FESOP

Clean Air Act Permit Program (CAAPP) Permit	Federally Enforceable State Operating Permit (FESOP)
Annual Compliance Certifications	No such requirement
Semi-Annual Reports	No such requirement
Deviation Reports	Deviation Reports
Fewer or Lesser Operational Restrictions	<u>Must</u> Take Operational Restrictions
More Stringent Compliance Methods	Less Stringent Compliance Methods
Generally Higher Fees	Generally Lower Fees
Nonattainment Status Affects Construction Permitting	Nonattainment Status (May) Affects Source Status

Permitting – CAAPP Fees

- ▶ No fees for Title V permitting actions; just normal annual fee
- ▶ Annual fee of \$21.50/ton allowed of listed pollutants
 - ▶ Lower limit of \$2,150
 - ▶ Upper limit of \$294,000
 - ▶ If >\$5,000, a source may split into two payments

Permitting – CAAPP Renewals

- ▶ As part of Renewal process, State and Federal regulations are verified
 - ▶ Applicability determinations are evaluated
 - ▶ Revised requirements in regulations are transferred to permit
 - ▶ New applicable rules are added to permit
- ▶ Check Federal Register and Illinois Register for updates

Permitting – CAAPP

- ▶ Per 40 CFR 70.6(a)(3)(i)(B) and Section 39.5(7)(d)(ii) of the Act:
 - ▶ **Periodic monitoring** is a monitoring requirement(s) (which may include just recordkeeping) sufficient to yield reliable data for the relevant time period added when an applicable requirement does not require periodic testing or monitoring.
- ▶ The requirement left a gap; it is our responsibility to fill it (“gap-filling”)

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Regulatory Developments – Ozone NA

- ▶ Effective January 2025, the Chicago and Metro East Areas were designated as nonattainment for 2015 Ozone Standard (0.070 ppm)
 - ▶ Areas affected: Cook, DuPage, Kane, Lake, McHenry, Will, Madison, Monroe, St. Clair, as well as Aux Sable and Goose Lake townships in Grundy and Oswego township in Kendall
- ▶ Major Source thresholds for VOM and NO_x decreased from 100 tpy to 50 tpy
 - ▶ CAM applicability: “...100% of the amount... to be classified as a major source.”
- ▶ Notification letters were sent to 186 sources that may change source status
 - ▶ Deadline of January 2026 to stay as Lifetime/FESOP or submit CAAPP application

Regulatory Developments – SSM

- ▶ 35 IAC 201.149 (and other related sections) was revised in 2023
 - ▶ The revision removed the Permit Section's ability to grant Startup, Shutdown, and Malfunction provisions
 - ▶ 201.149 references are being removed from Renewal CAAPP permits

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Permit Management – Timelines

- ▶ The Illinois Environmental Protection Act (the Act) requires final action:
 - ▶ Within 18 months for Renewal permit applications
 - ▶ Within 24 months for New permit applications
- ▶ Generally, shorter/simpler permits issued quicker than longer/complex permits
- ▶ Generally, permits in common industry types issued quicker than uncommon

Permit Management – Timelines

- ▶ Renewal timelines act as a conveyor belt; application every 5 years
 - ▶ Short-term pushes are not the answer
 - ▶ Need sustainable improvements
- ▶ My goal is to issue a permit prior to the previous permit expiring
 - ▶ Otherwise, we are slower than we were 5 years ago
 - ▶ Find bottlenecks and inefficiencies, then address
 - ▶ “Does this add value?”

Permit Management – Initiatives

- ▶ Get CAAPP permits to be more consistent among each other
- ▶ “Refreshed” Statement of Basis (SOB) completed and in use
 - ▶ Most content unchanged, but shorter and more focused
 - ▶ First Public Notice in July; a couple more since
 - ▶ SOBs will use this new formatting for foreseeable future
- ▶ Working on an internal tool to automate federal rule applicability by subsection

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Best Practices – Applications

- ▶ Guidance docs on CAAPP Forms webpage (updated this year)
 - ▶ <https://epa.illinois.gov/topics/forms/air-forms/caapp.html>

Administrative Permit Amendments:

When to submit an application and make associated changes:

- Submit the application prior to making the change.
- The source may implement the change after submitting the application.

What to submit:

- **273-CAAPP form**, signed by Responsible Official. Other forms may be required depending on changes requested (see examples below).
- A redline of the CAAPP permit is not required but is helpful.

Best Practices – Source Participation

- ▶ Submit a timely renewal application
 - ▶ Otherwise, source is at risk of penalty for operating without a permit
- ▶ Respond timely for source draft review and questions
- ▶ Respond completely
 - ▶ Any additional communication needed causes delays
 - ▶ Details and citations are key
 - ▶ Phone calls/meetings are welcome to resolve concerns

Best Practices – Other

- ▶ Including a redlined permit in application is appreciated
 - ▶ Agency can supply Word versions of issued permit
- ▶ Providing electronic version of application is appreciated
- ▶ Semi-Annual Monitoring Report form created (402-CAAPP)
 - ▶ Not required to use, but should be beneficial for source and Agency

Best Practices – Other

- ▶ I welcome any and all suggestions to make the CAAPP Unit more effective
 - ▶ If I don't know about problems, I can't help with them
 - ▶ But please keep in mind – I don't have a magic wand
 - ▶ I emphasize similar feedback within the CAAPP Unit too

Questions?

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