

January 12, 2012

Status Report on General Permits

The Illinois Environmental Protection Act was amended on July 12, 2011 to include a new Section on General permits as follow:

Sec. 39.10. General permits.

(a) Except as otherwise prohibited by federal law or regulation, the Agency may issue general permits for the construction, installation, or operation of categories of facilities for which permits are required under this Act or Board regulation, provided that such general permits are consistent with federal and State laws and regulations. Such general permits shall include, but shall not be limited to, provisions requiring the following as prerequisites to obtaining coverage under a general permit: (i) the submittal of a notice of intent to be covered by the general permit and (ii) the payment of applicable permitting fees. The Agency may include conditions in such general permits as may be necessary to accomplish the intent of this Act and rules adopted under this Act.

(b) Within 6 months after the effective date of this amendatory Act of the 97th General Assembly, the Agency shall, in consultation with the regulated community, identify types of permits for which general permits would be appropriate and consistent with State and federal law and regulations. The types of permits may include, but shall not be limited to, permits for nonhazardous solid waste activities, discharge of storm water from landfills, and discharge of hydrostatic test waters. Within 18 months after the effective date of this amendatory Act of the 97th General Assembly, the Agency shall, in consultation with the regulated community, develop general permits for the types of permits identified pursuant to this subsection (b).

(c) Persons obtaining coverage under a general permit shall be subject to the same permitting fees that apply to persons obtaining individual permits.

(d) No person obtaining coverage under a general permit shall violate this Act, rules adopted under this Act, or the terms or conditions of the general permit.

(e) This Section does not apply to sources subject to Section 39.5 of this Act.
(Source: P.A. 97-95, eff. 7-12-11.)

The Agency and Bureaus within the Agency conducted meetings with the Illinois Environmental Regulatory Group (IERG) representing the regulated community to fulfill its responsibility under this law. A summary of each Bureau's action as of January 12, 2012 (within six months) is provided below:

Bureau of Air

The Bureau of Air permit staff met with IERG on July 14, 2011, November 1, 2011 and December 6, 2011 to identify types of permits that could be issued for air emissions sources. The categories that have been identified that are in development:

- Concrete Batch Plants (stationary & portable)
- Petroleum Dry Cleaners

- Material (non-waste) crushers (portable only)
- Soil vapor extraction/Air strippers (alone or at true minor sources)

Bureau of Water

The Bureau of Water (BOW) permit staff met with IERG representatives on November 1, 2011 and December 6, 2011 to discuss streamlining efforts and identify what types of permits could be considered for general permits or what other BOW reviews/approval processes could be streamlined. The following permits and review processes were discussed:

- Chemical additives modifications reviews
- General permit for stormwater discharge from landfills
- General permit for hydrostatic test water discharge
- General permit for stormwater discharge from CCDD sites
- Look at Subtitle C Part 309 “clean-up”(lifetime operating permits for pretreatment facilities, permit by rule for package type treatment works, remediation work, permit by rule for oil water separators and cooling towers)
- General permit for cooling water only discharges

Bureau of Land

On November 1st, the Bureau of Land Permit Section met with IERG representatives and identified two potential candidates for possible development of general permits. The two categories are indoor garbage transfer stations and smaller low volume compost facilities. In developing a general permit for these activities it may be possible to develop a streamlined registration process where an applicant could submit an application and seek coverage under a generalized permit, where both standardized conditions and general language have been established under the general permit for the predetermined categories.

Based on discussions with IERG, the consensus was that development of general permits for indoor garbage transfer stations and smaller low volume compost facilities are not immediate priorities and could be developed in the future as necessary.