

## **CASE 967-S-19**

*SUPPLEMENTAL MEMORANDUM #1*  
*February 20, 2020*

**Petitioners:** Bruce and Brody Block, d.b.a., Block Field Tiling, LLC

**Request:** Authorize a Contractor's Facility with Outdoor Storage and Outdoor Operations as a Special Use in the AG-1 Agriculture Zoning District.

**Location:** A 35-acre tract in the South Half of the Southeast Quarter of Section 7, Township 17 North, Range 11 East of the Third Principal Meridian in Ayers Township with an address of 2460 CR 400N, Broadlands.

**Site Area:** Special Use Permit Area is five acres

**Time Schedule for Development:** Already in use

**Prepared by:** **Susan Burgstrom**, Senior Planner  
**John Hall**, Zoning Administrator

### **STATUS**

Petitioner Bruce Block registered Block Field Tiling LLC with the Illinois Environmental Protection Agency under the Registration of Smaller Sources (ROSS) Program. Attachment A is a letter of confirmation from IEPA dated January 29, 2020 and received February 20, 2020. Attachment B is a ROSS Program Fact Sheet from IEPA.

### **ATTACHMENTS**

- A ROSS Program registration confirmation letter dated January 29, 2020 and received February 20, 2020
- B ROSS Program Fact Sheet



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-785-1705

## REGISTRATION CONFIRMATION

January 29, 2020

Block Field Tiling LLC  
Attn: Bruce Block  
PO Box 80  
Broadlands, IL 61816

RE: ROSS Program  
ID #: 019800AAA  
Application #: 20010013  
Location: 2460 CR 400 N, Broadlands

**RECEIVED**

**FEB 20, 2020**  
**CHAMPAIGN COUNTY**  
**PLANNING & ZONING**

Dear Bruce Block,

The Illinois EPA hereby acknowledges receipt of your registration and confirms that your source has been registered in the Registration of Smaller Sources (ROSS) Program. The ROSS Program regulations can be found at 35 Ill. Adm. Code 201.175. Although the source is not required to have an air permit during the period it is registered as a ROSS eligible source, please be advised that the source must still comply with all applicable laws and regulations.

If you have changed or intend to change this source in a way that it will no longer be eligible for the ROSS Program, you must notify the Illinois Environmental Protection Agency, Division of Air Pollution Control, Air Permit Section, 1021 N. Grand Avenue East, Springfield, Illinois 62702 in writing as required by 35 Ill. Adm. Code 201.175(g). If you have changed or intend to change this source such that it now or will include activities, equipment or emissions that are not consistent with the eligibility criteria of the ROSS Program, you may be required to obtain construction and/or operating permits from the Air Permit Section as required by 35 Ill. Adm. Code 201.175(g).

As a ROSS participant, the annual payment of your Air Pollution Control Site Fee will verify your source's renewed eligibility for the ROSS Program and maintain your registration. For further information on the ROSS Program please visit the website at [www.ienconnect.com/enviro](http://www.ienconnect.com/enviro).

If you have any questions concerning this, please contact Kunj Patel at 217/78 1705.

Raymond E. Pilapil  
Manager, Permit Section  
Bureau of Air

REP:KMP:mlm

cc: Permit File



# Registration of Smaller Sources (ROSS) Program

## What is the Registration of Smaller Sources Program?

As required by [Public Act 097-0095](#), the Illinois Environmental Protection Agency (Agency) has created a new ROSS Program that is believed to apply to more than 3,000 permitted sources which combined produce less than 1% of the air pollution in the State of Illinois.

The program is intended to simplify air regulatory requirements by requiring sources with low emissions to register with the Agency rather than acquiring an air permit. It is important to note that although the source may no longer be subject to permitting requirements, the source must still comply with all applicable environmental laws and regulations. The ROSS regulation can be found at [35 Ill. Adm. Code 201.175](#).

Under the ROSS program, smaller sources eligible for registration will avoid several potentially burdensome regulatory obligations and their associated costs. For example, qualifying small air emission sources will no longer be required to:

- Apply for air construction or annual air operating permits;
- Wait for the Illinois EPA to complete an air application review and issue an air permit before commencement of construction of a project;
- Pay both air construction permit application and air operating permit fees;
- Submit Annual Emission Reports.

## How do I determine if I am ROSS eligible and must register with the Agency under the ROSS Program?

Sources meeting the following ROSS eligibility criteria must register:

- Not required to get a Title V or Clean Air Act Permit Program (CAAPP) permit
- Not required to get a Federally Enforceable State Operating Permit (FESOP)
- Not required to get a permit under the New Source Performance Standards (NSPS) or under the National Emission Standards for Hazardous Air Pollutants (NESHAP) or by USEPA.
- Actual emissions from the source's emission units are less than the following limits for the prior calendar year\*:
  - 5.0 Tons/yr of combined pollutants (particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide and volatile organic material)
  - 0.50 Tons/yr of combined Hazardous Air Pollutants (HAPs)\*\*

- 0.05 Tons/yr of mercury air emissions
- 0.05 Tons/yr of lead air emissions

\* Do not include emission units that are exempt from the permitting requirements by [35 Ill. Adm. Code 201.146](#) in your actual emissions calculations (a list of these exemptions can also be found in the publication "[Does My Business Need An Air Pollution Control Permit?](#)")

\*\* A list of HAPs can be found at:

<https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications>

- If a new source, the sum of the anticipated estimated actual annual emissions from all non-exempt emission units associated with the source must meet the limits as stated above. If the source has been operating less than one calendar year, projected emissions may be used for all of the remaining months in the prior calendar year.
- Emission units or source is not subject to maximum achievable control technology under 40 CFR Part 61 or the NESHAP under 40 CFR Part 63 unless it is categorized as an area source.
- Emission units at the source are not used as thermal desorption systems pursuant to [35 Ill. Adm. Code 728 Table F](#) or as an incinerator system.
- The source is not subject to local siting review under [Section 39.2 of the Act](#).

## Is there a fee and is there a deadline to register?

Yes, the annual registration fee is \$235 and there are registration deadlines. Payment of the annual air pollution control site fee will serve as the owner or operator's verification that the source continues to meet the eligibility criteria each year. The registration deadlines are as follows:

- Sources holding a permit must register no later than their annual fee payment date. The registration fee is due by this date also.
- The owner or operator of a qualifying small air emission source not holding a permit shall register immediately and payment of the fee is due at the time of registration.
- The owner or operator of a new source shall register at least 10 days before commencing construction or operation and may commence construction or operation 10 days after submittal to the Agency. Fee payment is due at the time of registration.

## How do I register under the ROSS Program?

If your source meets the above eligibility criteria, complete the [ROSS Registration Form](#) and return it to the Illinois EPA Bureau of Air address on the form. Currently, permitted sources may submit the registration form without fee payment, however, ROSS registration fees must be paid by your annual site fee due date.

For your convenience, the Illinois EPA offers online registration and fee payment. Electronic payment methods include: electronic check, Mastercard, VISA, Discover, and American Express. Credit card payments will incur a convenience fee to cover expenses relating to this payment option. There is no fee for electronic check transactions.

For links to the ROSS Registration form, online registration and fee payment visit: [www.ildceo.net/enviro](http://www.ildceo.net/enviro)

## What are my regulatory requirements under the ROSS Program?

ROSS sources are required to keep the following records and make them available for inspection by the Agency:

- A description of the emission units associated with the source and their associated control devices;
- A description of the control efficiency or emission rates of any control devices that are relied upon to meet the ROSS eligibility criteria;
- Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS. This documentation may include, but is not limited to, annual material usage, emission factors, operating time or emission rates;
- A copy of the source's initial registration; and
- A copy of the source's annual fee payment for at least the most recent 5 calendar years.

The Illinois EPA must also be notified in writing within 45 days if there is a change in the name, address, or telephone number of the source or if the person responsible for submitting and retaining copies of the registration information and the records has changed per [35 Ill. Adm. Code 201.175\(f\)](#). Visit [www.ildceo.net/enviro](http://www.ildceo.net/enviro) for additional information.

Payment of the annual fee will serve as the owner or operator's verification that the source continues to meet the eligibility criteria and will automatically renew the source's registration under ROSS.

Many state and federal environmental requirements may apply to sources regardless of permit status. Many times these requirements are reinforced as permit terms or conditions. It is important to note that sources must still comply with all applicable environmental laws and regulations regardless if they are a permitted or registered ROSS source. These requirements may include but are not limited to best management practices, use of certain materials or equipment, record keeping, reporting and monitoring requirements. If you

have questions regarding your compliance requirements, you may contact the Small Business Environmental Assistance Program at 800/252-3998 or visit [www.ildceo.net/enviro](http://www.ildceo.net/enviro) for additional guidance materials.

## What happens to my existing state lifetime operating permit if I meet the ROSS Program eligibility criteria and have to register?

Existing state lifetime operating permits for ROSS eligible sources will be kept in the source's file at the Illinois EPA. While the source is registered under ROSS, the source no longer has to comply with the terms and conditions of the permit. Should the source's eligibility for the ROSS program change, the source must notify the Agency within 90 days of the source's annual fee payment date that it will comply with the terms of its permit and the source's status will be changed from a ROSS eligible source to a permitted source. Visit [www.ildceo.net/enviro](http://www.ildceo.net/enviro) for more information. If your operation has changed since the issuance of the lifetime operating permit and now includes activities, equipment or emissions that are not consistent with the terms of your permit, you may be required to obtain a new or revised permit per [35 Ill. Adm. Code 201.175\(g\)](#).

If the source was not constructed or operated at the time of initial registration and has actual emissions in excess of the eligibility levels during the first or second year of operations, the owner or operator must apply for an operating permit and pay applicable construction permit application fees per [35 Ill. Adm. Code 201.175\(g\)](#).

The owner or operator of a source that did not have a permit prior to registration must apply for a permit within 90 days of the source's annual fee payment date if they fail to meet the eligibility criteria per [35 Ill. Adm. Code 201.175\(g\)](#).

## Am I required to re-enter the ROSS Program after I triggered permit requirements the previous calendar year but emissions from the current calendar year again meet ROSS eligibility criteria?

Yes, re-entry into the ROSS program is required if a source determines that the sum of the actual emissions associated with the source meet the ROSS eligibility criteria for the prior calendar year per [35 Ill. Adm. Code 201.175\(h\)](#).

## For More Information:

The State of Illinois provides free assistance to Illinois small businesses in understanding and complying with their environmental requirements. If you have questions or would like more information regarding the ROSS Program or other state or federal environmental requirements, contact the [Illinois Small Business Environmental Assistance Program](#) at [800-252-3998](tel:800-252-3998), visit [www.ildceo.net/enviro](http://www.ildceo.net/enviro), or email [dceo.sbeap@illinois.gov](mailto:dceo.sbeap@illinois.gov)