

US EPA Updates

National Emission Standards Hazardous Air Pollutants August Update Methyl Ethyl Ketone (MEK) to be delisted...?

The EPA is proposing to amend the list of hazardous air pollutants (HAP) contained in section 112(b)(1) of the Clean Air Act (CAA) by removing the compound methyl ethyl ketone (MEK) (2-Butanone) (CAS No. 78-93-3). This action is being taken in response to a petition submitted by the Ketones Panel of the American Chemistry Council (formerly the Chemical Manufacturers Association) on behalf of MEK producers and consumers to delete MEK from the HAP list. Petitions to remove a substance from the HAP list are permitted under section 112(b)(3) of the CAA.

The proposed rule is based on EPA's evaluation of the available information concerning the potential hazards and projected exposures to MEK. US EPA has made an initial determination that there is adequate data on the health and environmental effects of MEK to determine that emissions, ambient concentrations, bioaccumulation, or deposition of the compound may not reasonably be anticipated to cause adverse human health or environmental effects. This action includes a detailed rationale for delisting MEK, and US EPA has requested comment on the proposal. Written comments on the proposed rule must be received by August 28, 2003.

For more information or a copy of the complete proposal, visit the US EPA's Web site at: www.epa.gov/ttn/atw/pollutants/fr30my03.html or contact the Small Business Environmental Assistance Helpline at 800/252-3998 if in-state; if out-of-state, call 217/785-6192 (TDD: 800/785-6055).

DCEO RIM Program Produces Results

In completing the first five years of operation, the DCEO Recycling Industry Modernization (RIM) Program produced measurable results that confirmed a solid return on the state's investment. The RIM Program proved that the goals of business and the environment can be compatible as Illinois manufacturers, their employees, and the environment, each benefited from RIM activities. The RIM Program assisted Illinois firms to more efficiently use our natural resources, both raw "virgin" materials, as well as discarded, yet reusable, materials. As a result, RIM projects produced environmental benefits by decreasing the solid waste stream and diverting materials from landfills. On the business side of the ledger, the RIM Program had a significant positive impact on the competitiveness and profitability of participating firms. Companies that implemented environmentally-friendly practices through RIM projects confirmed strategic business advantages and bottom-line improvements.

The RIM Program provided 23 grants of up to \$150,000 each directly to Illinois manufacturing firms for plant modernization

projects. Projects were focused on either increasing the use of recycled materials as feedstock, or improving a firm's solid waste management practices. RIM grant funds were used by manufacturers for consulting/technical services and/or capital equipment. For more information on DCEO's RIM Program, contact Mike Motor, Program Manager, at 217/785-2638, or by e-mail at michael_motor@commerce.state.il.us.

SUMMER 2003

Illinois Updates

New and Expanded Environmental Program Fees

The Illinois General Assembly has approved Governor Rod R. Blagojevich's proposal for new and increased fees for several types of environmental programs operated by the Illinois Environmental Protection Agency to implement federal and state regulations.

These fees are authorized under Senate Bill 1903 (Public Act 93-32, signed into law on June 20, 2003). The fee increases for the Bureau of Water and Bureau of Air were effective July 1, 2003. Bureau of Land fee increases were also effective July 1, 2003, with the exception of Hazardous Waste Permit and Inspection fees changes, which are effective Jan. 1, 2004.

The fees will impact a wide range of facilities, including publicly owned and industrial wastewater treatment facilities, combined sewer overflow communities, stormwater systems, sewer and water main construction, landfills, medical facilities generating potentially infectious medical waste; construction and operation of facilities required to have air pollution control permits and asbestos contractors.

There are five new fees: National Pollution Discharge Elimination System permits issued by the Bureau of Water; Construction permits for Industrial treatment, pretreatment, or wastewater sources issued by the Bureau of Water; Water Quality Certifications issued by the Bureau of Water; Clean Air Construction permits issued by the Bureau of Air; and Asbestos fees to the Bureau of Air.

In addition, the fees are increased for the following:

- **Bureau of Water: Sewer Permits; Water Main Permits.**
- **Bureau of Land: Hazardous Waste Permit and Inspection Fees; Solid Waste Management Fees; Subtitle D Management Fees; Manifest Fees; Potentially Infectious Medical Waste Fees; Tire Sales Fees.**
- **Bureau of Air: Non-Title V Operating Permit Fees; Clean Air Title V Permit Fees.**

Notices were sent by Illinois EPA to current permit-holders specifying their obligations under the new fee schedule and when new or increased fee payments are due.

Permit-holders should be aware that failure to pay fees when they are due could result in a referral to the Attorney General's Office and potential penalties, pursuant to statute. For more information about land and water fees mentioned above, visit the Illinois EPA Web site at www.epa.state.il.us or contact them at 217/785-1888. You may also contact the Small Business Environmental Assistance Helpline at 800-252-3998 or 217-785-1692 if out-of-state (TDD: 800/785-6055).

The back side of this issue outlines in detail the air permitting fee schedule for non-major sources.

NEW AIR FEES

Following is a summary of the Illinois EPA Bureau of Air fees for non-major sources. For more complete information on the fees mentioned, visit the [Illinois EPA Web site at <www.epa.state.il.us/fees/index.html>](http://www.epa.state.il.us/fees/index.html) or call the DCEO's Small Business Environmental Assistance Program at 800/252-3998.

CONSTRUCTION PERMIT FEES

Anyone that applies for an air pollution construction permit must pay a construction permit fee. In addition, anyone that undertakes construction without a construction permit that should have applied for an air pollution construction permit and paid construction permit is subject to these fees. The fee is to be paid to the Agency at the time the construction permit application is submitted. The fee is effective for those applications submitted on or after July 1, 2003, and is determined from the following schedule.

NON-MAJOR SOURCE FEE SCHEDULE

Base Fees	<u>Amount</u>
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Small project - No more than one new emission unit or no more than two modified emission units or no more than one new emission unit and one modified emission unit	\$500
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Other project - More than one new emission unit or more than two modified units	\$1,000
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Supplemental Fees

New State source ("entry fee")	\$500
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New source or emission unit subject to local siting review (i.e., a new landfill), a commercial incinerator or other municipal waste, hazardous waste, or waste tire incinerator, a commercial power generator, or one or more other emission units designated as a complex source by Agency rulemaking.	\$15,000
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Transition from Major Source to Non-Major Source	\$4,000
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Public Hearing Fee	\$10,000
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Types of Applications Subject Only To A Filing Fee

If an application only involves the following, only a filing fee applies

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| <ul style="list-style-type: none"> · Addition or replacement of control devices on permitted units · Pilot projects/trial burns by a permitted unit · Land remediation projects · Applications only involving insignificant activities · Revisions related to methodology or timing for emission testing · Administrative-type modifications to a permit | \$500 |
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No fee will be assessed for a request to correct an issued permit that involves only an Illinois EPA error, provided the request is received within any deadline for a permit appeal to the Pollution Control Board.

How does the applicant determine the fee to be paid?

Applicants for a new or revised air pollution construction permit are required to submit a **certification of the fees** estimated to be due, accompanied by payment of such estimated permit fee, with each construction permit application submitted to the Illinois EPA. A Construction Permit Fee Form for applicants has been prepared to use in calculating the proper fee, available from the Illinois EPA Web site. If it is determined that a construction permit application is subject to an additional fee, the Illinois EPA will notify the applicant in writing of the amount due and the applicant has sixty (60) days to remit the assessed fees.

The fee schedule for construction permits for major sources can be found at the Illinois EPA Web site at: www.epa.state.il.us/fees/index.html

ASBESTOS FEES

Owners or operators filing the notifications required by the federal asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) are required to send a fee. These notifications are required to be filed 10 working days in advance of asbestos demolition or renovation projects subject to the federal NESHAP. The Illinois EPA has been delegated the authority to implement and enforce the asbestos NESHAP by the US EPA, and currently receives all "10-day notifications," inspects work sites for compliance with the asbestos NESHAP, responds to complaints regarding failure to comply with the asbestos NESHAP, and ensures proper remediation. Under the new law, a fee of \$150 per 10-day notification will be collected effective July 1, 2003.

NON-TITLE V OPERATING PERMIT FEES

This permit program covers sources in Illinois that are required by the federally approved State Implementation Plan to have operating permits but are not large enough to be required to obtain a permit under Title V of the federal Clean Air Act, known as the "Clean Air Act Permit Program" or "CAAPP" permit. This fee increase impacts approximately 5,985 sources that have State air operating permits. Approximately 5,300 of these sources currently pay the minimum fee of \$100. These sources typically include concrete batch plants, quarries, dry cleaners, grain elevators and small printing and coating operations.

If an owner or operator of a site was required, but failed, to timely obtain an air pollution operating permit, and as a result avoided the payment of site fees, the Agency will collect double the amount that would have been owed had a permit been timely obtained.

The Agency may revoke a permit for failure to pay the site fees.

The new legislation raises the site fees based on the amount of emissions of any combination of regulated air pollutants as indicated below:

Allowable Emissions/Year	New Fee (July 1, 2003)
< 25 tons	\$200
25 tons to <100 tons	\$1,800
100 tons or more	\$3,500

The owners or operators of a portable emission unit (e.g., an emission unit on a chassis or skids and designed to be moveable, like a concrete mixing unit), as defined in the regulations of the Pollution Control Board at 35 Ill. Adm. Code 201.170, are not required to pay an additional site fee each time the unit is moved.

CLEAN AIR TITLE V FEES

Sources that are subject to Illinois' Title V permit program or CAPP under Section 39.5 of the Environmental Protection Act are required to pay the increased fees. The new legislation raises the site fees based on the amount of emissions of any combination of regulated air pollutants as indicated below:

Allowable Emissions/Year	New Fee (July 1, 2003)
< 100 tons	\$1,800
100 tons to <13,888 tons	\$18.00/ton
> 13,888 tons	\$250,000

Do I have to pay the increased fee if I have already paid my annual fee?

Yes, if your fee is for a period beginning on or after July 1, 2003. Those sources that have paid fees for any time period after July 1, 2003, will receive an updated bill from the Agency reflecting the fee increase. Those who have paid a fee for a 12-month period that begins prior to July 1, 2003, will not owe the increased fee until their next billing date.

Questions????? If you have any questions concerning the Air fees, please contact **Kathryn Hanlon at 217/785-1888 or call the DCEO's Small Business Environmental Assistance Program at 800/252-3998.**

NEW PUBLICATIONS AVAILABLE...!

CAN I BURN USED OIL IN MY SPACE HEATER? - A one page fact sheet which provides a general understanding of the statutory and regulatory requirements governing used oil.

OPEN FOR BUSINESS - A DISASTER PLANNING TOOLKIT FOR THE SMALL BUSINESS OWNER - A 39 page document developed by the Small Business Administration (SBA) and the Institute for Business & Home Safety to provide businesses with the information to assist them in increasing their protection from natural hazards. This publication can be downloaded from www.ibhs.org/business_protection/

For your free copy of either publication mentioned above, contact the Small Business Environmental Assistance Helpline at 800/252-3998 or 217/785-6192, if out -of-state.

Would you prefer to receive *Clean Air Clips* quarterly publication via e-mail....??? If so, contact the Small Business Environmental Assistance Helpline at 800/252-3998 or 217/785-6192 or e-mail us at sbeap@illinoisbiz.biz and asked to be included on the *Clean Air Clips* e-mail list.

Environmental Justice Office in Illinois

On 2/11/1994, President Clinton signed Executive Order 12898 "Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-income Populations". EJ is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and of environmental laws, regulations, and policies. Fair treatment means that no group of people shall bear disproportionately high and adverse human health or environmental effects from agency programs, policies, and activities. Meaningful involvement means that potentially affected community

residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health.

The Illinois EPA is committed to protecting the health of the citizens of Illinois and its environment, and to promoting EJ in the administration of its programs to the greatest extent it may do so legally and practicably. In an effort to identify and properly address EJ issues, the Illinois EPA has appointed an EJ Officer-Ken Page. The agency has also developed an EJ webpage on the Agency's Web site. This Web site includes the Agency's draft Interim EJ Policy as well as planned EJ outreach. The Agency is planning Spring EJ community meetings to allow the public an opportunity to comment on the draft interim EJ Policy.

For more information about Environmental Justice, please contact Ken Page of the Illinois EPA's Office of Small Business at 800/372-1996 or visit the Web site at: www.epa.state.il.us.

- Wondering how to get control of all the environmental issues at your business once and for all, without sinking too much time and money into it? This guide will help you get a handle on these questions and maximize the cost savings and other benefits associated with good environmental questions.

⇒ A BRIEF GUIDE TO MOLD, MOISTURE, AND YOUR HOME

- This 16 page guide provides information and guidance for homeowners and renters on how to clean up residential mold problems and how to prevent mold growth. It is also available on the Internet at: www.epa.gov/iaq/molds/moldguide.html

⇒ MOLD REMEDIATION IN SCHOOLS AND COMMERCIAL

BUILDINGS - This 47 page document presents guidelines for the remediation/cleanup of mold and moisture problems in schools and commercial buildings; these guidelines include measures designed to protect the health of the building occupants and remediators. It is also available on the Internet at: www.epa.gov/iaq/pubs/molds.html .

For your FREE copy of any of the publications mentioned, contact the Small Business Environmental Assistance Helpline at 800/252-3998. (TDD: 800/785-6055).

MARK YOUR CALENDARS. . .

May 20 - 21	Brownfield's Conference Springfield, IL For more information, contact the EPA at 217/785-9407
Illinois	
May 23	Environmental Management Systems Workshop Chicago State University Chicago, IL For more information, contact the Small Business Environmental Assistance at 800/252-3998.
helpline	
June 1 -7	Small Business Week

For more information on the service DCEO provides small businesses, contact the First Stop Business Information Center at 800/252-2923.

(If no TDD number is listed, the hearing impaired may call the Illinois Relay Center at 800/526-0844.)

