**Section 201.175 Registration of Smaller Sources (ROSS)**

a) An owner or operator of an eligible source shall annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under the Act or complying with a permit issued under Section 201.169. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations. The source must meet all of the following criteria to be an eligible source:

1) Pursuant to Section 9.14 of the Act:

A) *The source must not be required to obtain a permit pursuant to the Clean Air Act Permit Program, or federally enforceable State operating permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act;*

B) *USEPA has not otherwise determined that a permit is required;*

C) *The source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;*

D) *The source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;*

E) *The source emits less than an actual 0.05 tons per year of lead air emissions;*

F) *The source emits less than an actual 0.05 tons per year of mercury air emissions; and*

G) *The source does not have an emission unit* or source *subject to a standard pursuant to 40 CFR 61 (Maximum Achievable Control Technology) or 40 CFR 63 (National Emissions Standards for Hazardous Air Pollutants), other than those regulations that USEPA has categorized as "area source."*

2) Emission units at the source are not used as thermal desorption systems pursuant to 35 Adm. Code 728.Table F or as incinerator systems.

3) The source or its emission units must not be subject to local siting under Section 39.2 of the Act.

b) For the purposes of determining whether the actual emissions from the source meet the criteria of subsections (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section, the owner or operator of a source shall only use emissions from units that are not exempt from the requirement to obtain a permit pursuant to Section 201.146, as follows:

1) Initial registration or reentry into ROSS: the owner or operator must sum the actual emissions from all units associated with the source for the prior calendar year. If the source is new, or has been operating less than one calendar year, projected estimated emissions may be used for all of the remaining months in the prior calendar year, respectively.

2) Annual renewal of registration:

A) For the purposes of determining compliance with subsection (a)(1)(C) of this Section, the owner or operator must:

i) Verify that the source still meets the eligibility criteria in subsection (a)(1)(C); or

ii) Calculate emissions by summing all actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from all units associated with the source for the prior calendar year. The total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions for the prior calendar year must be less than or equal to 7 tons, or the total sum of actual emissions of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions from the prior two calendar years must be less than or equal to 10 tons.

B) For the purposes of determining compliance with subsections (a)(1)(D), (a)(1)(E) and (a)(1)(F) of this Section, the owner or operator must:

i) Verify that the source still meets the eligibility criteria in subsections (a)(1)(D), (a)(1)(E), and (a)(1)(F) of this Section; or

ii) Calculate emissions by summing all actual emissions from all units at the source for the prior calendar year. Summed emissions of HAPs, mercury or lead must be less than or equal to 0.5 tons per year, 0.05 tons per year, or 0.05 tons per year, for the prior calendar year, respectively.

c) The following must be included in each initial registration and each re-entry registration:

1) The name, address, and telephone number of the source and of the person responsible for submitting and retaining copies of the registration information and the records;

2) A statement that the source meets the requirements of this Section;

3) A certification that the information submitted in subsections (c)(1) and (c)(2) of this Section is correct or a correction of the information; and

4) The applicable fee pursuant to Section 9.14 of the Act.

d) The owner or operator of an eligible source shall submit the registration required by subsection (c) of this Section as follows:

1) Initial registration:

A) The owner or operator of a source holding a permit may register after the effective date of this Section and no later than their annual fee payment date in fiscal year 2013 (July 1, 2012 through June 30, 2013). The terms and conditions of a permit issued pursuant to Section 201.169 do not apply during the period the source is registered. The owner and operator of a ROSS source are still subject to all applicable environmental statutes and regulations.

B) The owner or operator of an operating source not holding a permit shall register no later than July 1, 2012.

C) 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.

2) Annual registration. The owner or operator of a ROSS source must pay an annual fee on or before their annual fee payment date. Annual payment of the fee is verification by the owner or operator that the source continues to meet the criteria in subsection (a), as determined by subsection (b)(2), as applicable.

3) Re-entry into ROSS under subsection (h). The owner or operator of a source that re-enters ROSS based on the criteria in subsection (a), as determined by subsection (b)(1), must register and pay an annual fee on or before their annual fee payment date.

e) The owner or operator shall keep the following records and make them available for inspection by the Agency:

1) A description of the emission units associated with the source and their associated control devices;

2) A description of control efficiency or emission rates of any control devices that are relied upon to meet the criteria for ROSS in subsection (a), as determined by subsection (b)(1) or (b)(2), as applicable;

3) Documentation of the source's actual emissions and calculations demonstrating that the source is eligible for ROSS pursuant to the criteria in subsections (a), as determined by subsection (b)(1) or (b)(2), as applicable. This documentation may include, but is not limited to, annual material usage or emission rates;

4) A copy of the source's initial registration; and

5) A copy of the owner's or operator's annual fee payment for at least the most recent 5 calendar years.

f) Changes to a ROSS source requiring notification: The owner or operator of the source must notify the Agency in writing within 45 days after the change to the source, if the information provided in subsection (c)(1) of this Section changes.

g) Changes requiring a new or modified construction or operating permit, or compliance with conditions in an existing permit issued pursuant to Section 201.169:

1) The owner or operator must apply for a permit by the date required by the new regulation or statute if there is a change in a regulation or statutory requirement or a new regulation or statutory requirement that makes a source ineligible for ROSS under the criteria in subsection (a), as determined in subsection (b)(2), as applicable.

2) If the source no longer meets the criteria in subsection (a), as determined by subsection (b)(2), as applicable:

A) The owner or operator of a source that did not have a permit under Section 201.169 prior to registration must apply and comply with the applicable requirements of the Act and 35 Ill. Adm. Code Parts 201 and 203, as follows:

i) If the source is eligible for a permit under Section 201.169, the owner or operator must apply for a permit within 90 days of the source's annual fee payment date.

ii) If the source is not eligible under Section 201.169, the owner or operator must apply for a permit as provided for under the Act and 35 Ill. Adm. Code Parts 201 and 203.

iii) 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 as determined in subsection (b)(2), the owner or operator must apply for an operating permit and pay construction permit application fees.

B) The owner or operator of a source that had a permit under Section 201.169 prior to registration:

i) If the source is in compliance with the terms and conditions of the permit, the owner or operator shall notify the Agency no later than the source's annual fee payment date of the calendar year following the change in status from a ROSS eligible source to a permitted source.

ii) If the source is not in compliance with the terms and conditions of the permit, but is still eligible for a permit pursuant to Section 201.169, the owner or operator must apply for a new or revised permit within 90 days of the source's annual fee payment date.

iii) If the source is not eligible for a permit pursuant to Section 201.169, the owner or operator must comply with the applicable permitting requirements under the Act and 35 Ill. Adm. Code Parts 201 and 203.

h) Reentry into ROSS: the owner or operator of a source that changed status to become a permitted source pursuant to subsection (g) of this Section shall submit a registration for ROSS if the source meets the criteria in subsections (a), as determined in subsection (b)(1), in the prior calendar year.

(Source: Added at 36 Ill. Reg. 19790, effective December 5, 2011)