**Section 252.104 Applicability**

a) This Part applies to all applications filed with the Agency for:

1) Permits for the construction of a new major stationary source or a major modification of a major stationary source pursuant to the NANSR rules (35 Ill. Adm. Code 203);

2) Permits for the construction of a new major stationary source or a major modification of a major stationary source pursuant to the PSD rules (35 Ill. Adm. Code 204);

3) Permits for the construction of a source or a modification of a source that would constitute a new major stationary source or a major modification of a major stationary source, subject to public participation pursuant to subsections (a)(1) or (2), if they were not accompanied by contemporaneous emissions decreases or if federally enforceable significant restrictions were not placed on the source or modification by the permit;

4) Permits for the use of ACS pursuant to 35 Ill. Adm. Code 202;

5) Permits to operate sources pursuant to CAAPP, Section 39.5 of the Act, and significant modifications of any permit issued thereunder;

6) Permits to operate sources that contain federally enforceable conditions, including permits that exclude sources from the applicability of the permitting requirements described in subsection (a)(1), (a)(2) or (a)(5);

7) Permits for the construction or reconstruction of major sources of HAPs that require a determination of case-by-case MACT, pursuant to Sections 9.1(d) and 39(f) of the Act and CAA section 112(g) (42 USC 7412(g));

8) Permits for the construction of a source of public interest or emission units of public interest at a source, the criteria for which are outlined in subsection (b);

9) Revisions to permits described in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6) and (a)(7) as specified by applicable regulations. This Part shall apply to all revisions that: revise any standard established on a case-by-case basis; alter conditions imposed to meet requirements for emissions offsets; or relax testing, monitoring, recordkeeping or reporting requirements.

b) The Director of the Agency shall determine whether a source or emission units are of public interest. In making this decision, the Director of the Agency shall consider:

1) The type of permit for which the application is made;

2) The nature and amount of pollutants that will be emitted by the source;

3) Possible effects of the emissions on health and the environment;

4) The location of the source;

5) The interest in the source exhibited by the public, based on comments and inquiries received by the Agency;

6) Other factors that are distinctive to the source; and

7) The proposed action by the Agency.

(Source: Former Section 252.104 renumbered to Section 252.103 and new Section 252.104 renumbered from Section 252.102 and amended at 44 Ill. Reg. 10873, effective June 10, 2020)