



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?

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:
<http://www.epa.gov/ttn/atw/188polls.html>

- 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 estimated 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.

Note: Permitted sources that reported emission levels on their Annual Emission Reports consistent with the ROSS eligibility criteria will be sent information regarding the ROSS program the first year of the program.

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 in state fiscal year 2013 (July 1, 2012 through June 30, 2013). The registration fee is due by this date also.
- The owner or operator of an operating source not holding a permit shall register no later than July 1, 2012 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 APCxxx 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 State Fiscal Year 2013.

For your convenience, the Illinois EPA offers online registration and fee payment. Electronic payment methods include: electronic check, Mastercard 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.ienconnect.com

What are my regulatory requirements under ROSS?

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 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 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.ienconnect.com/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.ienconnect.com/enviro for additional guidance materials.

What happens to my existing state lifetime operating permit if I meet the ROSS 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.ienconnect.com/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](http://www.ienconnect.com/enviro) at 800-252-3998 or visit www.ienconnect.com/enviro.