



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

April 26, 2012

IL ENVIRONMENTAL PROTECTION AGENCY
KYLE ROMINGER DEPUTY CHIEF LEGAL COUNSEL
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SPRINGFIELD, IL 62794

RECEIVED
Division of Legal Counsel
APR 30 2012
Environmental Protection
Agency

Dear KYLE ROMINGER DEPUTY CHIEF LEGAL COUNSEL

Your rules Listed below met our codification standards and have been published in Volume 36, Issue 18 of the Illinois Register, dated 5/4/2012.

ADOPTED RULES

Procedures For Collection Of Air Pollution Site Fees 35 Ill. Adm. Code 251 Point of Contact: Charles Matoesian	6803
Annual Emissions Report 35 Ill. Adm. Code 254 Point of Contact: Charles Matoesian	6809

If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

XOIPY

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Annual Emissions Report
- 2) Code Citation: 35 Ill. Adm. Code 254
- 3) Section Numbers: Adopted Action:
254.102 Amended
- 4) Statutory Authority: Implementing and authorized by Section 4(b) of the Illinois Environmental Protection Act. [415 ILCS 5/4/(b)].
- 5) Effective Date of Amendments: APR 20 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted amendments is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: October 14, 2011; 35 Ill. Reg. 16178.
- 10) Has JCAR issued a Statement of Objections to these Amendments? No.
- 11) Differences between proposal and final version:
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking amends the regulations to declare that the type of Annual Emission Report an entity files will not be based upon the entity's greenhouse gas emissions. Instead, the criteria pollutant emissions will continue to control whether the entity files the long or short form.
- 16) Information and questions regarding these adopted amendments shall be directed

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Charles Matoesian, Assistant Legal Counsel
Illinois Environmental Protection Agency
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217-782-5544

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 254
ANNUAL EMISSIONS REPORT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
254.101	Purpose
254.102	Applicability
254.103	Definitions
254.104	Actual Emissions (Repealed)
254.105	Annual Process Rate (Repealed)
254.106	Certifying Individual (Repealed)
254.107	Emission Determination Method (Repealed)
254.108	Emissions Summary (Repealed)
254.109	Inventory Edit Summary (Repealed)
254.110	Peak Ozone Season (Repealed)
254.111	Source Inventory Report (Repealed)
254.112	Typical Ozone Season Day (Repealed)
254.120	Applicable Pollutants for Annual Emissions Reporting
254.130	Minimum Contents of Annual Emissions Report (Repealed)
254.131	Methods of Filing Annual Emissions Report (Repealed)
254.132	Failure to File a Complete Report
254.133	Voluntary Submittal of Data
254.134	Retention of Records
254.135	Reporting of Errors
254.136	Confidentiality and Trade Secret Protection
254.137	Reporting Schedule
254.138	Issuance of Source Inventory Report

SUBPART B: REPORTING REQUIREMENTS FOR LARGE SOURCES

Section	Purpose
254.201	Annual Emissions Report (Repealed)
254.202	Reporting Schedule (Repealed)
254.203	Contents of Subpart B Annual Emissions Report
254.204	Complete Reports

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SUBPART C: REPORTING REQUIREMENTS FOR OTHER SOURCES

Section

- 254.301 Annual Emissions Report (Repealed)
- 254.302 Reporting Schedule (Repealed)
- 254.303 Contents of Subpart C Annual Emissions Report
- 254.304 Transition to Full Reporting by Large Sources (Repealed)
- 254.305 Continuing Requirements for Other Sources (Repealed)
- 254.306 Complete Reports

SUBPART D: REPORTING REQUIREMENTS FOR SMALL SOURCES

Section

- 254.401 Annual Emissions Report (Repealed)
- 254.402 Reporting Schedule (Repealed)
- 254.403 Contents of Subpart D Annual Emissions Report (Repealed)
- 254.404 Complete Reports (Repealed)

SUBPART E: SEASONAL EMISSIONS REPORT UNDER ERMS

Section

- 254.501 Contents of a Seasonal Emissions Report

AUTHORITY: Authorized by Section 4(b) of the Environmental Protection Act [415 ILCS 5/4(b)].

SOURCE: Adopted at 17 Ill. Reg. 7782, effective May 14, 1993; amended at 25 Ill. Reg. 9856, effective July 17, 2001; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 254.102 Applicability

- a) Subpart B of this Part applies to:
 - 1) Owners or operators of any source required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is permitted to emit 25 tons per year or more of any combination of regulated air pollutants, excluding greenhouse gases;
 - 2) Owners or operators of any source required to have an operating permit in accordance with Section 39.5 of the Environmental Protection Act [415

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ILCS 5/39.5]; and

- 3) Owners or operators of sources in ozone nonattainment areas that have a potential to emit 25 tons per year or more of either VOM or NO_x from all emission units.
- b) Subpart C of this Part applies to the owner or operator of any source of regulated air pollutants required to have an operating permit in accordance with 35 Ill. Adm. Code 201 that is not subject to subsection (a) of this Section.
- c) The provisions of Subpart E of this Part apply to the owner or operator of any source that is subject to the seasonal reporting requirements for ERMS required by 35 Ill. Adm. Code 205.300, as specified under Section 254.501 of Subpart E.

(Source: Amended at 36 Ill. Reg. _____, effective _____)