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# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DIRECTOR

217-782-5544

April 13, 2012

Christine Works  
Office of the Secretary of State  
Index Department  
Administrative Code Division  
111 East Monroe Street  
Springfield, Illinois 62756

RE: Filing and Publication of Adopted Amendments; 35 Ill. Adm. Code Part 254 (Annual Emissions Report)

Dear Ms. Works:

Enclosed please find one original and two copies of the following documents:

1. Notice of Adopted Amendments, for publication in the *Illinois Register*;
2. Adopted amendments to 35 Ill. Adm. Code 254, for publication in the *Illinois Register*;
3. Code version of adopted amendments to 35 Ill. Adm. Code 254;
4. Agency Certificate of Amended Part; and
5. JCAR's Certification of No Objection.

Also enclosed please find a computer disk containing the Notice of Adopted Amendments, *Illinois Register* version of the adopted amendments, and Code version of the adopted amendments in Microsoft Word format.

If you have any questions, please contact me at 217-782-5544.

Sincerely,

Charles E Matoesian  
Assistant Counsel  
Division of Legal Counsel

Enc.

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ENVIRONMENTAL PROTECTION AGENCY

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:
- 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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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Charles Matoesian, Assistant Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield, Illinois 62794-9276

217-782-5544

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

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ENVIRONMENTAL PROTECTION AGENCY

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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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

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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ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

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<sub>x</sub> 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 \_\_\_\_\_)

## SUBTITLE B

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 254  
ANNUAL EMISSIONS REPORT

## SUBPART A: GENERAL PROVISIONS

## Section

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)
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254.138	Issuance of Source Inventory Report

## SUBPART B: REPORTING REQUIREMENTS FOR LARGE SOURCES

## Section

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

## SUBPART C: REPORTING REQUIREMENTS FOR OTHER SOURCES

## Section

254.301	Annual Emissions Report (Repealed)
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## SUBTITLE B

- 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 \_\_\_\_\_.



## SUBTITLE B

**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 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<sub>x</sub> 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 \_\_\_\_\_)

CERTIFICATE OF AMENDED PART

The Illinois Environmental Protection Agency certifies that the attached hereto is a true and correct copy of:

Heading of Part: Annual Emissions Report

Code Citation: 35 Ill. Adm. Code 254

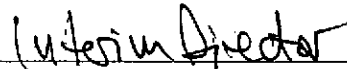
Sections Involved: 254.102

which was duly adopted by this agency.

Statutory Authority: 415 ILCS 5/4(b)



Signature of Officer



Title of Officer

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
ILLINOIS GENERAL ASSEMBLY

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SEN. MAGGIE CROTTY

CO-CHAIR:  
REP. ANGELO "SKIP" SAVIANO

EXECUTIVE DIRECTOR:  
VICKI THOMAS



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JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION  
TO PROPOSED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its 3/6/12 meeting, considered Annual Emissions Report (35 Ill. Adm. Code 254), proposed by the Environmental Protection Agency and published in the 10/14/11 issue of the Illinois Register. After consideration, and based upon the Agreements, if any, for modification of the rulemaking made by the agency and attached to this document, the Committee determined that no Objection will be issued to the above-mentioned rulemaking.

March 6, 2012

  
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Vicki Thomas  
Executive Director

Attachments: None