



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

September 30, 2011

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

Re: Initiation of First Notice for the Amendments to Annual Emissions Report, 35 Ill. Adm. Code 254 and Procedures for Collection of Air Pollution Fees, 35 Ill. Adm. Code 251

Dear Ms. Works:

Enclosed are the original and two (2) copies of the Notice of Proposed Rules, one original and two (2) copies of a complete table of contents with source and authority notes, the text of the rulemaking showing the way the Illinois EPA wishes the rule to read and a CD Rom containing electronic copies of the documents.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Matoesian".

Charles E. Matoesian
Assistant Counsel
Division of Legal Counsel

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Annual Emissions Report
- 2) Code Citation: 35 Ill. Adm. Code 254
- 3) Section Numbers: 254.102 Proposed Action:
Amended
- 4) Statutory Authority: Implementing and authorized by Section 4(b) of the Illinois Environmental Protection Act. [415 ILCS 5/4/(b)]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will amend 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.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rule replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed amendment contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules amends the procedures for submitting annual emission reports.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Charles E. Matoesian
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726

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NOTICE OF PROPOSED AMENDMENTS

Springfield, Illinois 62794-9276
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is expected to impact small businesses and not for profit corporations to the extent they must file annual emission reports for pollutants. However, the Illinois EPA anticipates that these amendments will generally benefit such entities as the amendments clarify the reporting burden.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

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

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

PART 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)
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	
254.201	Annual Emissions Report (Repealed)
254.202	Reporting Schedule (Repealed)
254.203	Contents of Subpart B Annual Emissions Report

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254.204 Complete Reports

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 35 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

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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[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 35 Ill. Reg. _____, effective _____)