



# 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

217/782-5544

January 31, 2012

Vicki Thomas, Executive Director  
Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706

RE: Second Notice – Proposed Amendments to 35 Ill. Adm. Code Part 254 (Annual Emissions Report)

Dear Ms. Thomas:

Pursuant to 1 Ill. Adm. Code 220.600 and Section 5-40(c) of the Illinois Administrative Procedure Act, the Illinois Environmental Protection Agency hereby submits Second Notice for the proposed rulemaking involving 35 Ill. Admin. Code 254: Annual Emissions Report. Enclosed is the Second Notice form, a Second Notice version of the proposed amendments to 35 Ill. Adm. Code 254, and a CD-ROM containing a word version of the Second Notice form and proposed amendments. An Analysis of Economic and Budgetary Effects was previously submitted. The proposed rulemaking was published at 35 Ill. Reg. 16178 on October 14, 2011.

If you have any questions or need any additional information, please contact me at 782-5544.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Matoesian", written over a horizontal line.

Charles Matoesian, Assistant Counsel  
Division of Legal Counsel

Enc.

ENVIRONMENTAL PROTECTION AGENCY

SECOND NOTICE OF PROPOSED AMENDMENTS

- 1) Name of agency: Illinois Environmental Protection Agency
- 2) Title and citation of the proposed Rules: Annual Emissions Report (35 Ill. Admin. Code 254).
- 3) Date, issue and page number of the Illinois Register in which the First Notice was published: October 14, 2011, Issue 35, Page 16178
- 4) Text and location of changes made during the First Notice period: None.
- 5) Response to any recommendations made by the Administrative Code Division: The Illinois EPA did not receive any substantive recommendations from the Administrative Code Division. The Illinois EPA and JCAR agreed to a non-substantive technical change.
- 6) Whether the rulemaking includes an incorporation by reference, the location in the rulemaking of the incorporation, and a copy of the cover page of the material and the specific material incorporated: The rulemaking does not include incorporations by reference.
- 7) Final Regulatory Flexibility Analysis:
  - a) Summary of the issues raised by small businesses during the First Notice period: None.
  - b) A description of actions taken on any alternatives suggested by small business during the First Notice period: No alternatives were suggested.
- 8) Methods used to comply with the small business, not for profit corporation and small municipality requirements of 5 ILCS 100/5-30 and 1 IAC 220.285: This rulemaking is expected to impact small businesses, small municipalities, and not for profit corporations to the extent that they have to file Annual Emission Reports. This amendment declares that the type of Annual Emission Report that a source files will not be based upon greenhouse gas emissions. Instead, criteria pollutant emissions will continue to control whether the entity files the long or short form. The Illinois EPA believes these entities will be positively affected as the amendment clarifies the reporting burden. A statement to that effect was included in the Notice of Proposed Amendments that initiated the First Notice period.
- 9) Evaluation of comments received during First Notice:
  - a) A list of all persons and organizations making comments on the proposed rulemaking: The Illinois EPA did not receive any comments during First Notice.

ENVIRONMENTAL PROTECTION AGENCY  
SECOND NOTICE OF PROPOSED AMENDMENTS

- b) A list of specific criticisms, suggestions and comments raised by interested persons, and the Agency's analysis of each of these criticisms, suggestions and comments: None.
  - c) Any changes made to the rules by the Agency as a result of criticisms, suggestions and comments made by interested persons: None.
  - d) The names of all persons or organizations requesting a public hearing and the date of any public hearings held on the proposed rulemaking: The Illinois EPA did not receive any requests for a public hearing, and did not hold public hearings regarding the proposed rulemaking.
- 10) Justification and rationale for the rulemaking:
- a) Citations to changes in Illinois law that require the rulemaking: This rulemaking reflects amendments to Sections 35 of the Environmental Protection Act (415 ILCS 5/35, P.A. 97-95, effective July 1, 2011).
  - b) An explanation of changes in agency policies and procedures that require the rulemaking: Amendments to the Act change the emissions required to be reported on the Annual Emission Report. This amendment declares that the type of Annual Emission Report that a source files will not be based upon greenhouse gas emissions. Instead, criteria pollutant emissions will continue to control whether the entity files the long or short form.
  - c) Citations to federal laws, rules or regulations, or to funding requirements, that require the rulemaking: None.
  - d) Citations and copies of court orders or decisions that require the rulemaking: None.
  - e) A complete explanation of any other reasons for the proposed rulemaking: None.
- 11) Name, address, phone and fax numbers of Agency's representative who will respond to Joint Committee questions:

Charles Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

ENVIRONMENTAL PROTECTION AGENCY  
SECOND NOTICE OF PROPOSED AMENDMENTS

Tel: 217/782-5544  
Fax: 217/782-9807

- 12) If requested by the Joint Committee, a State Mandate Act Questionnaire: Not requested.
- 13) If requested by the Joint Committee, an analysis of the economic and budgetary effects of the proposed rulemaking: Previously Submitted.
- 14) Any new or revised forms referenced in the proposed rulemaking if the forms are not included within the rulemaking: None.

1 TITLE 35: ENVIRONMENTAL PROTECTION  
2 SUBTITLE B: AIR POLLUTION  
3 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY  
4

5 PART 254  
6 ANNUAL EMISSIONS REPORT  
7

8 SUBPART A: GENERAL PROVISIONS  
9

10	Section	
11	254.101	Purpose
12	254.102	Applicability
13	254.103	Definitions
14	254.104	Actual Emissions (Repealed)
15	254.105	Annual Process Rate (Repealed)
16	254.106	Certifying Individual (Repealed)
17	254.107	Emission Determination Method (Repealed)
18	254.108	Emissions Summary (Repealed)
19	254.109	Inventory Edit Summary (Repealed)
20	254.110	Peak Ozone Season (Repealed)
21	254.111	Source Inventory Report (Repealed)
22	254.112	Typical Ozone Season Day (Repealed)
23	254.120	Applicable Pollutants for Annual Emissions Reporting
24	254.130	Minimum Contents of Annual Emissions Report (Repealed)
25	254.131	Methods of Filing Annual Emissions Report (Repealed)
26	254.132	Failure to File a Complete Report
27	254.133	Voluntary Submittal of Data
28	254.134	Retention of Records
29	254.135	Reporting of Errors
30	254.136	Confidentiality and Trade Secret Protection
31	254.137	Reporting Schedule
32	254.138	Issuance of Source Inventory Report

33  
34 SUBPART B: REPORTING REQUIREMENTS FOR LARGE SOURCES

35	Section	
36	254.201	Annual Emissions Report (Repealed)
37	254.202	Reporting Schedule (Repealed)
38	254.203	Contents of Subpart B Annual Emissions Report
39	254.204	Complete Reports

40  
41 SUBPART C: REPORTING REQUIREMENTS FOR OTHER SOURCES

42	Section	
43	254.301	Annual Emissions Report (Repealed)

- 44 254.302 Reporting Schedule (Repealed)
- 45 254.303 Contents of Subpart C Annual Emissions Report
- 46 254.304 Transition to Full Reporting by Large Sources (Repealed)
- 47 254.305 Continuing Requirements for Other Sources (Repealed)
- 48 254.306 Complete Reports

49

50 SUBPART D: REPORTING REQUIREMENTS FOR SMALL SOURCES

51 Section

- 52 254.401 Annual Emissions Report (Repealed)
- 53 254.402 Reporting Schedule (Repealed)
- 54 254.403 Contents of Subpart D Annual Emissions Report (Repealed)
- 55 254.404 Complete Reports (Repealed)

56

57 SUBPART E: SEASONAL EMISSIONS REPORT UNDER ERMS

58

59 Section

- 60 254.501 Contents of a Seasonal Emissions Report

61

62 AUTHORITY: Authorized by Section 4(b) of the Environmental Protection Act [415 ILCS  
63 5/4(b)].

64

65 SOURCE: Adopted at 17 Ill. Reg. 7782, effective May 14, 1993; amended at 25 Ill. Reg. 9856,  
66 effective July 17, 2001; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

67

68 SUBPART A: GENERAL PROVISIONS

69

70 Section 254.102 Applicability

71

72 a) Subpart B of this Part applies to:

73

74 1) Owners or operators of any source required to have an operating permit in  
75 accordance with 35 Ill. Adm. Code 201 that is permitted to emit 25 tons  
76 per year or more of any combination of regulated air pollutants, excluding  
77 greenhouse gases;

Formatted: No underline

78

79 2) Owners or operators of any source required to have an operating permit in  
80 accordance with Section 39.5 of the Environmental Protection Act [415  
81 ILCS 5/39.5]; and

82

83 3) Owners or operators of sources in ozone nonattainment areas that have a  
84 potential to emit 25 tons per year or more of either VOM or NO<sub>x</sub> from all  
85 emission units.

86

87           b)     Subpart C of this Part applies to the owner or operator of any source of regulated  
88                     air pollutants required to have an operating permit in accordance with 35 Ill.  
89                     Adm. Code 201 that is not subject to subsection (a) of this Section.

90  
91           c)     The provisions of Subpart E of this Part apply to the owner or operator of any  
92                     source that is subject to the seasonal reporting requirements for ERMS required  
93                     by 35 Ill. Adm. Code 205.300, as specified under Section 254.501 of Subpart E.

94  
95           (Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)