OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

October 7, 2011

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Division of Legal Counsel
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Environmental Protection Agency

IL ENVIRONMENTAL PROTECTION AGENCY
KYLE ROMINGER DEPUTY CHIEF LEGAL COUNSEL
1021 N GRAND AVE E
PO BOX 19276 MAIL CODE 21
SPRINGFIELD, IL 62794

Dear KYLE ROMINGER DEPUTY CHIEF LEGAL COUNSEL

Your rules Listed below met our codification standards and have been published in Volume 35, Issue 42 of the Illinois Register, dated 10/14/2011.

PROPOSED RULES

Procedures For Collection of Air Pollution Site Fees
35 Ill. Adm. Code 251 — 16172
Point of Contact: Charles Matoesian

Annual Emissions Report
35 Ill. Adm. Code 254 — 16178
Point of Contact: Charles Matoesian

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

COPY

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Annual Emissions Report

2) Code Citation: 35 Ill. Adm. Code 254

3)

Section Numbers:	Proposed 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) 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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SOS-CODE DIV.

Springfield, Illinois 62794-9276
217/782-5544
charles.matoesian@illinois.gov

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:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENT

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

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 _____)