

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

PART 254
ANNUAL EMISSIONS REPORT

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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. 6809, effective April 20, 2012.

SUBPART A: GENERAL PROVISIONS

Section 254.101 Purpose

This Part establishes uniform procedures for the reporting of air pollution emissions data from sources of regulated air pollutants and the reporting of seasonal emissions from sources participating in the Emissions Reduction Market System (ERMS). These reports will be used to update the Agency's emissions inventory, to enable the State to comply with the inventory and

reporting requirements of Section 182(a) of the Clean Air Act (42 USC 7401 et seq.), and to fulfill the requirements for the ERMS seasonal allotment period reporting required by 35 Ill. Adm. Code 205.300 and 205.760. The procedures presented in this Part implement the provisions of 35 Ill. Adm. Code 201.302(a), 201.302(b), 205.300 and 205.760.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

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 36 Ill. Reg. 6809, effective April 20, 2012)

Section 254.103 Definitions

Except as otherwise defined in this Part, definitions of terms used in this Part shall be those used in the Environmental Protection Act [415 ILCS 5] and in 35 Ill. Adm. Code: Subtitle B.

"Actual emissions" means the rate of emission of a regulated air pollutant from a source or an emission unit for the calendar year, seasonal period, day or other period of time, as specified, based on the best information available to the owner or operator of that emission unit. Actual emission rates include startup, shutdown or malfunction emissions. The calculation of actual emissions must follow an "emission determination method". Where, for any reason, a source has measured any of its emissions, the source must report the measured total as its "actual emissions" for those pollutants rather than using an estimation method to derive

the total for that period of time during which the measurements were taken.

“Annual Emissions Report” means the information and certifications required by Subparts B and C of this Part, as applicable under Section 254.102(a) or (b) of this Subpart, and any additional requirements for submission with the Annual Emissions Report specifically imposed by the source’s permit.

“Annual process rate” means the actual or estimated annual fuel operating rate, process operating rate, or waste operating rate.

“Certifying individual” means the individual responsible for the certification of the accuracy of the Annual Emissions Report and who will take legal responsibility for the information verified or reported in the Annual Emissions Report.

“Emission determination method” means the method generally accepted and used by those persons engaged in the field of air pollution control to derive actual emissions, whether measured or estimated. A permit condition may specify the emission determination method to be used.

“Peak ozone season” means the months of June, July and August.

“Seasonal Emissions Report” means the seasonal report required under ERMS at 35 Ill. Adm. Code 205.300 and the information and certifications required by Subpart E of this Part, as applicable under Section 254.102(c) of this Subpart.

“Source Inventory Report” means the report that the Agency provides to a source that lists data fields for the information required in the Annual Emissions Report, and contains the information, if any, that previously has been reported to the Agency by the source for those data fields.

“Typical peak ozone season day” means any day representative of source operations during the peak ozone season.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.120 Applicable Pollutants for Annual Emissions Reporting

Each Annual Emissions Report shall include applicable information for all regulated air pollutants, as defined in Section 39.5 of the Act [415 ILCS 5/39.5], except for the following pollutants:

- a) A pollutant emitted from an emission unit that is considered an insignificant activity under the source’s Clean Air Act Permit Program (CAAPP) permit or, if the initial CAAPP permit for the source has not been issued, proposed as an insignificant activity in the source’s CAAPP application, or is exempt from permitting requirements under 35 Ill. Adm. Code 201.146; or
- b) A hazardous air pollutant emitted by an emission unit that is not subject to a

National Emissions Standard for Hazardous Air Pollutants (NESHAP) or maximum achievable control technology (MACT). For purposes of this subsection (b), emission units that are not required to control or limit emissions but are required to monitor, keep records, or undertake other specific activities are considered subject to such regulation or requirement.

(Source: Added at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.132 Failure to File a Complete Report

- a) Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).
- b) Failure to file a complete Seasonal Emissions Report by the applicable deadlines prescribed in Section 254.137(b) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 205.300.
- c) Failure to receive the Source Inventory Report from the Agency does not relieve an owner or operator from the obligation to file a complete Annual Emissions Report. Any owner or operator who does not receive the Source Inventory Report at least 90 days before the applicable reporting deadline may contact the Agency to request the Source Inventory Report.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.133 Voluntary Submittal Of Data

In addition to any information required to be submitted in the Annual Emissions Report, the owner or operator may submit any data on a voluntary basis. The Agency may not require the source to perform any monitoring which is not otherwise required by applicable rule or a permit condition.

Section 254.134 Retention of Records

The Agency may require information from the owner or operator to substantiate the contents of the Annual Emissions Report or the Seasonal Emissions Report filed. All records and calculations upon which the verified and reported data are based must be retained by the source for a minimum of 3 years following the filing of a complete report, unless a longer period is specified in the source's permit. A request for such information may be made up to 3 years following the filing of a complete report, unless a longer period for the record retention is specified in the source's permit. The source shall provide the requested information in a format acceptable to the Agency within 30 days after the receipt of the request. Nothing in this Section shall be interpreted to impose any additional monitoring that is not otherwise required by applicable rules or permit conditions.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.135 Reporting of Errors

If, after submitting any Annual Emissions Report required by this Part, the owner or operator discovers an error in the data reported, the owner or operator shall notify the Agency of the error in writing and shall provide the Agency with the correct data. The notification and correction shall be conveyed to the Agency within 30 days after the owner's or operator's discovery of the error. The corrected data shall be certified in accordance with Section 254.203(c) or 254.303(c) of this Part, as applicable.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.136 Confidentiality and Trade Secret Protection

Information reported in any Annual Emissions Report or Seasonal Emissions Report and claimed to be confidential or a trade secret shall be subject to the procedures for submitting, identifying and protecting such information that are set forth in 415 ILCS 5/7 and 35 Ill. Adm. Code 130.

Section 254.137 Reporting Schedule

- a) All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.
- b) Seasonal Emissions Reports must be submitted for the preceding seasonal allotment period in accordance with the following schedule:
 - 1) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year; or
 - 2) For each participating source or new participating source that generates VOM emissions from 10 or more emissions units, by November 30 of each year.

(Source: Added at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.138 Issuance of Source Inventory Report

At least 90 days prior to a source's deadline for filing an Annual Emissions Report, the Agency shall provide to such source the applicable Source Inventory Report. The Source Inventory Report shall contain all data fields for the information required under Section 254.203 or 254.303 of this Part, as applicable. Where the information requested in the data fields has previously been provided to the Agency, the Agency shall provide this data on the Source Inventory Report for verification or modification by the owner or operator. Where the required information has not been previously provided by the owner or operator and is applicable to the activities, equipment or emissions of the source, it must be provided by the owner or operator. The information on emissions shall be based on the best information available to the owner or operator of that source or emission unit.

(Source: Added at 25 Ill. Reg. 9856, effective July 17, 2001)

SUBPART B: REPORTING REQUIREMENTS FOR LARGE SOURCES**Section 254.203 Contents of Subpart B Annual Emissions Report**

The Annual Emissions Report filed pursuant to this Subpart shall be limited to information requested by the Agency and required in the application for permits or renewals, including source identification information, emissions information, operating data, control device information, and exhaust point information for each regulated air pollutant emitted at the source. The information shall be provided for an individual emission unit or operation if this is also required in the application for permits or renewals. The Annual Emissions Report to be filed pursuant to this Subpart shall contain the following information, as applicable:

- a) Source identification information:
 - 1) Source name, physical location and mailing address;
 - 2) SIC code;
 - 3) Source contact; and
 - 4) Source contact telephone number.
- b) Source-wide totals of actual emissions for all regulated air pollutants emitted by the source.
- c) The following certification statement, unless another statement is required to be submitted pursuant to the source's permit: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete." The certification statement shall be signed and dated by the certifying individual and accompanied by the printed full name, title, and a telephone number of the certifying individual.
- d) Emissions information for each emission unit producing or capable of producing any regulated air pollutant, including:
 - 1) Annual actual emissions of each regulated air pollutant;
 - 2) Actual VOM and/or NO[x] emissions for a typical peak ozone season day;
 - 3) Startup, shutdown and malfunction emissions of each regulated air pollutant in excess of typical emissions;
 - 4) Emission determination method for each of the actual emission figures reported; and
 - 5) Emission factors, where applicable.
- e) Operating data for each emission unit producing or capable of producing any regulated air pollutant, including:
 - 1) Percent annual throughput by season;
 - 2) Annual process rate;
 - 3) Peak ozone season daily process rate for VOM and/or NO[x];
 - 4) Fuel data, such as heat content and other fuel characteristics;
 - 5) Physical characteristics of tanks, such as height and diameter;
 - 6) Tank data, such as throughput and material stored;
 - 7) Normal operating schedule, consisting of the following:
 - A) Hours per day;

- B) Days per week
 - C) Weeks per year; and
 - D) Hours per year;
- 8) Peak ozone season operating schedule for emission units that emit VOM or NO[x], consisting of the following:
 - A) Hours per day;
 - B) Days per week
 - C) Weeks per year; and
 - D) Hours per season.
- f) Control device information, if any changes have occurred from the Annual Emissions Report for the prior year, including:
 - 1) Description of the control method(s);
 - 2) Capture efficiency in percent; and
 - 3) Current control efficiency in percent for each regulated air pollutant.
- g) Exhaust point parameters, if any changes have occurred from the Annual Emissions Report for the prior year, including:
 - 1) Height;
 - 2) Diameter;
 - 3) Flow rate; and
 - 4) Exit temperature.
- h) Any additional data required to be reported as specified in permit conditions(s) for the source.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.204 Complete Reports

The Annual Emissions Report shall be considered complete if it contains the information required by Section 254.203 of this Subpart for all regulated air pollutants emitted by the source to the extent that information is applicable to the activities, equipment or emissions of the source during the year for which the report is submitted. Information required by Section 254.203 of this Subpart and provided by the Agency in the Source Inventory Report must be either verified as accurate or modified by the owner or operator, to the extent the Source Inventory Report is relied upon by the owner or operator to compile the Annual Emissions Report. Information required by Section 254.203 of this Subpart but not provided by the Agency must be provided by the owner or operator, unless the information has been previously provided to the Agency.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

SUBPART C: REPORTING REQUIREMENTS FOR SOURCES

Section 254.303 Contents of Subpart C Annual Emissions Report

The Annual Emissions Report to be filed pursuant to this Subpart shall contain the following information:

- a) Source identification information:
 - 1) Source name, physical location and mailing address;

- 2) SIC code;
 - 3) Source contact; and
 - 4) Source contact telephone number.
- b) Source-wide totals of actual emissions for all regulated air pollutants emitted by the source.
- c) The following certification statement, unless another statement is required to be submitted pursuant to the source's permit: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete." The certification statement shall be signed and dated by the certifying individual and accompanied by the printed full name, title, and a telephone number of the certifying individual.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

Section 254.306 Complete Reports

The Annual Emissions Report under this Subpart shall be considered complete if it contains the information required by Section 254.303 of this Subpart and any additional data required to be reported as specified in permit condition(s), to the extent that the information is applicable to the activities, equipment or emissions of the source during the year for which the report is submitted. Information required by Section 254.303 of this Subpart and provided by the Agency in the Source Inventory Report must be either verified as accurate or modified by the owner or operator, to the extent the Source Inventory Report is relied upon by the owner or operator to compile their Annual Emissions Report. Information listed in Section 254.303 of this Subpart, but not provided by the Agency in the Source Inventory Report, must be provided by the owner or operator, unless the information has been previously provided to the Agency.

(Source: Amended at 25 Ill. Reg. 9856, effective July 17, 2001)

SUBPART E: SEASONAL EMISSIONS REPORT UNDER ERMS

Section 254.501 Contents of a Seasonal Emissions Report

- a) The owner or operator of a source subject to the seasonal emissions reporting requirements for ERMS required by 35 Ill. Adm. Code 205.300 must provide the following information:
 - 1) Source identification information:
 - A) Source name, physical location and mailing address;
 - B) Name of Responsible Official; and
 - C) Source contact telephone number.
 - 2) The following certification statement, unless another statement is required to be submitted pursuant to the source's permit: "I certify under penalty of law that this document and all attachments were prepared under my

- direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete.” The certification statement shall be signed and dated by the responsible official and accompanied by her or his printed full name, title, and a telephone number.
- 3) Total actual seasonal VOM emissions, excluding emission units exempt under 35 Ill. Adm. Code 205.220, and including identification of the following:
- A) Emissions from units included in the ERMS baseline determination;
 - B) Emissions from units permitted prior to January 1, 1998, but not yet included in the ERMS baseline;
 - C) Emissions attributable to major modifications;
 - D) Emissions from emergency conditions approved in accordance with 35 Ill. Adm. Code 205.750(c); and
 - E) Excess emissions allowed by variance, consent order or CAAPP permit compliance schedule.
- 4) The following information must be provided for each emission unit addressed in subsection (a)(3) of this Section:
- A) Name of each emission unit;
 - B) Actual seasonal production or material usage;
 - C) Method of emissions calculation; and
 - D) Actual seasonal VOM emissions.
- b) The owner or operator of a participating source or new participating source under 35 Ill. Adm. Code 205 must provide total seasonal actual emissions of hazardous air pollutants (HAPs) that are also VOM for the following HAPs:
- 1) Each VOM HAP that is regulated at the source by MACT or a NESHAP;
 - 2) Each VOM HAP for which the source is considered a major source based on emissions of a single HAP or combination of HAPs under section 112 of the Clean Air Act (42 USC 7412); and
 - 3) Each VOM HAP reported as an air emission on the Toxic Chemical Release Inventory Reporting Form (42 USC 1123) (Form B), unless the owner or operator certifies that seasonal emissions of each such VOM HAP are approximately 5/12 of annual emissions and are estimated to be no more than 10 percent different from air releases of such VOM HAPs reported in the previous Form R.
- c) The owner or operator of each participating source or new participating source under 35 Ill. Adm. Code 205 must provide responses to the following questions regarding VOM HAPs for the seasonal allotment period addressed in the Seasonal Emissions Report:
- 1) To your knowledge, did emissions of any HAP increase at your source due to receipt or expected receipt of additional Allotment Trading Units (ATUs)?
 - 2) Based on information for determining if your source emitted a HAP that

- must be reported pursuant to subsection (b) of this Section, or information that you otherwise obtained, did your source emit any VOM HAP in an amount of 1,000 pounds per year or more that is not subject to the reporting requirements in subsection (b) of this Section?
- 3) Since the due date of the last Seasonal Emissions Report required to be submitted, has the source replaced a VOM with a HAP that is not a VOM?
- d) HAP Information Request Letter
- 1) If a participating source or new participating source has answered at least one of the questions in subsection (c) of this Section affirmatively, the Agency may send a HAP Information Request Letter to that source to obtain additional information to evaluate trends and spatial distribution of HAP emissions if the Agency deems such information is needed to further evaluate HAP emissions during the seasonal allotment period. The Agency must consider the following factors in determining whether to send a HAP Information Request Letter:
- A) Information on emissions amounts previously submitted in Annual Emissions Reports or Form R;
- B) Information obtained during inspections of the facility by the Agency or pursuant to the Clean Air Act;
- C) Affirmative responses to the questions in subsection (c) of this Section; and
- D) The type or location of industrial activity.
- 2) Each source that receives a HAP Information Request Letter from the Agency must submit the requested information to the Agency within 30 days after the date of the letter.

(Source: Added at 25 Ill. Reg. 9856, effective July 17, 2001)