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STATE OF ILLINOIS
Pollution Control Board

705-11

**IDENTICAL FIRST NOTICE
LINE NUMBERED VERSION**

This line-numbered copy of the agency's rulemaking is for use in creating the 1st Notice Changes document.

This version should be identical to the submission made by the agency, with the exceptions that errors in Source or Authority Notes may have been corrected; the format used is that of the electronic Illinois Administrative Code database, so formatting discrepancies will be corrected; incorrect depictions of existing language may have been corrected to conform with the IAPA; statutory citations will be handled correctly; any obvious misspellings revealed by an electronic spell check may have been corrected; and simple technical corrections may have been made. If any such changes have been made, they will be highlighted on the attached copy. If there is any problem, contact JCAR.

On this mark-up, any word or punctuation that has been altered will be highlighted. You will need to compare this to your hard copy or your database to determine how the original text read. If a white space is highlighted, you will know that text has been omitted at that location.

As always, if you would like an adopted rulemaking or any Illinois Administrative Code database materials on disk or through e-mail for purposes of upload, contact Terra Lamb at 785-2254.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Emissions Reduction Market System
- 2) Code citation: 35 Ill. Adm. Code 205
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
205.120	Amend
205.130	Amend
205.150	Amend
205.200	Amend
205.205	Amend
205.210	Amend
205.220	Amend
205.300	Amend
205.310	Amend
205.315	Amend
205.316	Add
205.318	Amend
205.320	Amend
205.330	Amend
205.335	Amend
205.337	Amend
205.400	Amend
205.405	Amend
205.410	Amend
205.500	Amend
205.510	Amend
205.610	Amend
205.700	Amend
205.730	Amend
205.750	Amend
205.760	Amend
- 4) Statutory authority: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28]
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of December 2, 2004, in Board docket R05-11. This rulemaking, based on a proposal filed by the Illinois

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Environmental Protection Agency (Agency) on November 19, 2004, amends the Board's Emission reduction market system regulations (ERMS). The ERMS system is a cap and trade program that involves volatile organic material (VOM) emissions in the Chicago area. The program is designed to reduce VOM emission in the Chicago non-attainment area below the levels required by reasonably available control technology and other emission standards. The amendments in this rulemaking affect sources in the Chicago ozone non-attainment area.

The current rules are based on federal regulations that have been amended. USEPA is revoking the 1-hour ozone national ambient air quality standard (NAAQS) effective on June 15, 2005. The revocation of the 1-hour NAAQS affects applicability thresholds - currently sources subject to the Clean Air Act Permit Program (CAAPP) are those with potential to emit 25 tons of VOM, but once the 1-hour ozone NAAQS is revoked, the applicability threshold raises to 100 tons. To ensure that the ERMS program remains in place in its current form so as to maintain the required volatile organic material emissions reductions in the Chicago area, the proposed rule would modify the applicability provisions and clarify other related provisions as a result of the implementation of the 8-Hour Ozone National Ambient Air Quality Standard and the revocation of the 1-Hour Ozone National Ambient Air Quality Standard.

- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R05-11 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact John Knittle at 217/278-3111 or email at nittlej@ipcb.state.il.us.

12) Initial regulatory flexibility analysis:

- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses and not-for-profit corporations that are located within the Chicago area and that emit, or have the potential to emit, 25 tons per year or more of VOM or is required to obtain a CAAPP permit, and that has baseline or seasonal emissions of at least 10 tons per year.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments require that any participating or new participating source in the ERMS program must operate with either a CAAPP permit or a federally enforceable state operating permit (FESOP).
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.

13) Regulatory agenda on which this rulemaking was summarized: July 2004

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

1ST NOTICE VERSION

JCAR350205-0416137r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER b: ALTERNATIVE REDUCTION PROGRAM

5
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7 EMISSIONS REDUCTION MARKET SYSTEM

8
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SUBPART E: ALTERNATIVE ATU GENERATION

- Section
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- 205.510 Inter-Sector Transaction

SUBPART F: MARKET TRANSACTIONS

- Section
- 205.600 ERMS Database
- 205.610 Application for Transaction Account
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- 205.630 ATU Transaction Procedures

SUBPART G: PERFORMANCE ACCOUNTABILITY

- Section
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- 205.710 Alternative Compliance Market Account (ACMA)
- 205.720 Emissions Excursion Compensation
- 205.730 Excursion Reporting
- 205.740 Enforcement Authority
- 205.750 Emergency Conditions
- 205.760 Market System Review Procedures

AUTHORITY: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28].

SOURCE: Adopted at 21 Ill. Reg. 15777, effective November 25, 1997; amended in R05-11 at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 205.120 Abbreviations and Acronyms

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

- ACMA Alternative Compliance Market Account
- Act Environmental Protection Act [415 ILCS 5]
- ATU Allotment Trading Unit

BAT	Best Available Technology
CAA	Clean Air Act as amended in 1990 [42 U.S.C. 7401 through 7671q]
CAAPP	Clean Air Act Permit Program
ERMS	Emissions Reduction Market System
FESOP	<u>Federally Enforceable State Operating Permit</u>
LAER	Lowest Achievable Emission Rate
MACT	Maximum Achievable Control Technology
NAAQS	National Ambient Air Quality Standard
NESHAP	National Emission Standards for Hazardous Air Pollutants
RFP	Reasonable Further Progress
ROP	Rate of Progress
USEPA	United States Environmental Protection Agency
VOM	Volatile Organic Material

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.130 Definitions

Unless otherwise specified within this Part, the definitions for the terms used in this Part shall be the same as those found in Section 39.5 of the Act [415 ILCS 5/39.5] and in 35 Ill. Adm. Code 211.

"Account officer" means a natural person who has been approved by the Agency, as specified in Section 205.620 of this Part, and is subsequently responsible for one or more Transaction Accounts to which he or she is designated.

"Allotment" means the number of allotment trading units (ATUs) allotted to a source by the Agency, as established in the source's CAAPP permit or FESOP.

"Allotment Trading Unit (ATU)" means a tradable unit that represents 200 lbs of VOM emissions and is a limited authorization to emit 200 lbs of VOM emissions during the seasonal allotment period.

"Annual Emissions Report" means the report submitted to the Agency annually pursuant to 35 Ill. Adm. Code 254.

"Baseline emissions" means a participating source's VOM emissions for the seasonal allotment period based on historical operations as determined under Subpart C of this Part. Baseline emissions shall be the basis of the allotment for each participating source.

"Best Available Technology (BAT)" means an emission level based on the maximum degree of reduction of VOM emitted from or which results from any

114 emission unit, which the Agency, on a case-by-case basis, taking into account
 115 energy, environmental and economic impacts, determines is achievable for such
 116 unit through application of production processes and available methods, systems,
 117 and techniques for control of VOM, considering the features and production
 118 process and control methods, systems and techniques already used for the unit.
 119 BAT for an emission unit shall not be more stringent than Best Available Control
 120 Technology (BACT) as would be determined contemporaneously for such unit
 121 under the federal rules for Prevention of Significant Deterioration of Air Quality
 122 (PSD), 40 CFR 52.21 (1996). In no event shall application of "best available
 123 technology" result in emissions of VOM which exceed the emissions allowed by
 124 any standard established pursuant to Section 111 of the Clean Air Act, if such a
 125 standard is applicable to the category of emission unit.

126
 127 "CAAPP" means the Clean Air Act Permit Program, pursuant to Section 39.5 of
 128 the Act [415 ILCS 5/39.5].

129
 130 "~~Chicago ozone nonattainment area~~" means the area composed of Cook, DuPage,
 131 Kane, Lake, McHenry, and Will Counties and Aux Sable Township and Goose
 132 Lake Township in Grundy County and Oswego Township in Kendall County.

133
 134 "Emergency" means any situation arising from sudden and reasonably
 135 unforeseeable events beyond the control of the source, such as an act of God, that
 136 requires immediate corrective action to restore normal operation.

137
 138 "Emissions excursion" refers to the event that occurs when a participating source
 139 or new participating source does not hold sufficient ATUs at the end of a
 140 reconciliation period to account for its VOM emissions from the preceding
 141 seasonal allotment period, in accordance with Section 205.150(c) or (d) of this
 142 Subpart.

143
 144 "Excursion Compensation Notice" means an administrative notice issued by the
 145 Agency, pursuant to Section 205.720 of this Part, that notifies the owner or
 146 operator of a participating source or new participating source that the Agency has
 147 determined that the source has had an emissions excursion.

148
 149 "General participant" means any person, other than a participating source or new
 150 participating source, that obtains a Transaction Account and is allowed to buy and
 151 sell ATUs.

152
 153 "New participating source" means a source not operating prior to May 1, 1999,
 154 located in the ~~Chicago ozone nonattainment area~~, that emits or has the potential to
 155 emit 25 tons per year or more of VOM or is required to obtain a CAAPP permit
 156 and has or will have seasonal emissions of at least 10 tons of VOM.

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"Participating source" means a source operating prior to May 1, 1999, located in the Chicago ~~ozone nonattainment~~ area, that emits or has the potential to emit 25 tons per year or more of VOM or is required to obtain a CAAPP permit; and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.

"Reconciliation period" means the period from October 1 through December 31 of each year during which the owner or operator of a participating source or new participating source must compile actual VOM emissions for the previous seasonal allotment period and may also buy or sell ATUs so that sufficient ATUs are held by the source by the conclusion of the reconciliation period.

"Seasonal allotment period" means the period from May 1 through September 30 of each year.

"Seasonal emissions" means actual VOM emissions at a source that occur during a seasonal allotment period.

"Sell" means to transfer ATUs to another person through sale, lease, trade or other means of transfer.

"Special participant" means any person that registers with the Agency and may purchase and retire ATUs but not sell ATUs, as specified in Section 205.610 of this Part.

"Throughput" means the activity of an emission unit during a particular period relevant to its generation of VOM emissions, including, but not limited to, the amount of material transferred for a liquid storage operation, the amount of material processed through or produced by the emission unit, fuel usage, or the weight or volume of coatings or inks.

"Transaction Account" means an account authorized by the Agency or its designee that allows an account officer to buy or sell ATUs.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.150 Emissions Management Periods

- a) The VOM emissions control period is the seasonal allotment period, which is from May 1 through September 30, annually.

- 200 b) The reconciliation period is from October 1 to December 31, annually. During
 201 each reconciliation period, participating sources and new participating sources
 202 shall:
- 203
- 204 1) Compile data of actual VOM emissions during the immediately preceding
 205 seasonal allotment period; and
- 206
- 207 2) Submit its seasonal emissions component of its Annual Emissions Report,
 208 in accordance with Section 205.300 of this Part.
- 209
- 210 c) At the end of each reconciliation period, on and after the dates specified in
 211 Section 205.200 of this Part, each participating source shall:
- 212
- 213 1) Hold ATUs in an amount not less than its VOM emissions during the
 214 preceding seasonal allotment period, except as provided in Sections
 215 205.220, 205.225, 205.315, 205.316, 205.320(e)(3) or (f) and 205.750 of
 216 this Part; or
- 217
- 218 2) Except as provided in subsection (f) of this Section, hold Hold ATUs in an
 219 amount not less than 1.3 times its ~~seasonal emissions during the preceding~~
 220 seasonal allotment period that are attributable to a major modification
 221 during the preceding seasonal allotment period, if a participating source
 222 commences operation of a major modification pursuant to 35 Ill. Adm.
 223 Code 203 on or after May 1, 1999. Additionally, such source must hold
 224 ATUs in accordance with subsection (c)(1) of this Section for VOM
 225 emissions ~~not attributable to this major modification during the preceding~~
 226 seasonal allotment period that are not attributable to this major
 227 modification.
- 228
- 229 d) At the end of each reconciliation period, on and after the date on which the source
 230 commences operation, as specified in Section 205.210 of this Part, each new
 231 participating source shall:
- 232
- 233 1) Except as provided in subsection (f) of this Section, if If the new
 234 participating source is a new major source pursuant to 35 Ill. Adm. Code
 235 203, hold ATUs in an amount not less than 1.3 times its VOM emissions
 236 during the preceding seasonal allotment period; or
- 237
- 238 2) If the new participating source is not a new major source pursuant to 35
 239 Ill. Adm. 203, hold ATUs in an amount not less than its VOM emissions
 240 during the preceding seasonal allotment period, except as provided in
 241 Sections 205.220, 205.225 and 205.750 of this Part.
- 242

243 e) Except as provided in subsection (f) of this Section, anyAny participating source
244 that commences operation of a major modification on or after May 1, 1999, or any
245 new participating source that is a new major source, which, at the end of each
246 reconciliation period, holds ATUs in an amount not less than 1.3 times the VOM
247 emissions during the preceding seasonal allotment period, in accordance with
248 subsection (c)(2) or (d)(1) of this Section, as applicable, shall be deemed to have
249 satisfied the VOM offset requirements of 35 Ill. Adm. Code 203.302(a), 203.602
250 and 203.701.

251
252 f) Chicago area classification

253
254 1) If the nonattainment classification of the Chicago area for ozone is
255 changed such that the required offset ratio is no longer 1.3 to 1 and a new
256 offset ratio applies, as specified in 35 Ill. Adm. Code 203.302, that ratio
257 shall then apply in lieu of the 1.3 to 1 ratio set forth in subsections (c)(2),
258 (d)(1), and (e) of this Section. Such new ratio shall not apply to any part
259 of a source or any modification already subject to the 1.3 to 1 ratio or
260 other new offset ratio prior to the effective date of the new ratio.

261
262 2) If the Chicago area is designated to attainment for ozone, the 1.3 to 1 ratio
263 set forth in subsections (c)(2), (d)(1), and (e) of this Section or any new
264 ratio established pursuant to subsection (f)(1) of this Section shall cease to
265 apply. However, such ratio shall continue to apply to any part of a source
266 or any modification that is already subject to the ratio prior to such
267 designation.

268
269 (Source: Amended at 29 Ill. Reg. _____, effective _____)

270
271 SUBPART B: APPLICABILITY

272
273 **Section 205.200 Participating Source**

274
275 a) The requirements of this Part shall apply to any source operating prior to May 1,
276 1999, located in the Chicago ~~ozone nonattainment~~-area, that:

277
278 1) emits or has the potential to emit 25 tons per year or more of VOM or is
279 required to obtain a CAAPP permit; and

280
281 2) has baseline emissions of at least 10 tons, as specified in Section
282 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any
283 seasonal allotment period beginning in 1999.

284
285 b) Each participating source shall hold ATUs, as specified in Section 205.150(c) of

286 this Part, in accordance with the following schedule:
287

- 288 1)a) For any participating source that has baseline emissions of at least 10 tons
289 of VOM, as determined in accordance with Section 205.320(a) of this
290 Part, beginning with the 1999 seasonal allotment period;
- 291
- 292 2)b) For any source that first becomes a participating source because its VOM
293 emissions increase to 10 tons per season or more in any seasonal allotment
294 period beginning with 1999 and this emissions increase is not a major
295 modification pursuant to 35 Ill. Adm. Code 203, beginning with the first
296 seasonal allotment period after such increased emissions occurred; or
- 297
- 298 3)e) For any source that will first be subject to the requirements of this Part
299 because of a VOM emissions increase at any time on or after May 1, 1999
300 that constitutes a major modification pursuant to 35 Ill. Adm. Code 203,
301 upon commencing operation of this modification.
- 302

303 (Source: Amended at 29 Ill. Reg. _____, effective _____)
304

305 **Section 205.205 Exempt Source**
306

- 307 a) Any source that otherwise meets the criteria for participating sources shall be
308 exempt from the requirements of this Part, except that any such source shall be
309 required to submit the seasonal emissions component of the Annual Emissions
310 Report as specified in Section 205.300 of this Part, if the source accepts a 15 tons
311 per seasonal allotment period limit on its VOM emissions in its CAAPP permit or
312 FESOP for each seasonal allotment period in which the source would be required
313 to participate in the ERMS in accordance with the following:
- 314
- 315 1) If the source would be required to participate in the ERMS beginning with
316 the 1999 seasonal allotment period in accordance with Section
317 205.200(b)(1)(a) of this Subpart, such source shall apply for the applicable
318 permit limitation by March 1, 1998; or
- 319
- 320 2) If the source is required to participate in the ERMS in any seasonal
321 allotment period after 1999 because its VOM emissions increase to 10
322 tons or more in any seasonal allotment period beginning with 1999 in
323 accordance with Section 205.200(b)(2) of this Subpart, such source shall
324 apply for the applicable permit limitation by December 1 of the first year
325 in which its seasonal emissions are at least 10 tons.
- 326
- 327 b) Any source that otherwise meets the criteria for participating sources shall be
328 exempt from the requirements of this Part, except that any such source shall be

329 required to submit the seasonal emissions component of the Annual Emissions
 330 Report and an ERMS application as specified in Sections 205.300 and 205.310(d)
 331 of this Part, respectively, if such source reduces its seasonal emissions by at least
 332 18 percent beginning in 1999. Any such source shall accept conditions in its
 333 CAAPP permit or FESOP limiting its seasonal emissions to at least 18 percent
 334 less than its baseline emissions, as determined in accordance with Section
 335 205.320 of this Part. Any such source shall apply for the applicable permit
 336 limitation(s) by March 1, 1998. ATUs equivalent to any amount of VOM
 337 emissions reductions achieved by the source beyond 12 percent (at least six
 338 percent) shall be issued by the Agency to the ACMA.

339
 340 (Source: Amended at 29 Ill. Reg. _____, effective _____)
 341

342 **Section 205.210 New Participating Source**
 343

344 a) The requirements of this Part shall apply to any new participating source, a source
 345 not operating prior to May 1, 1999, located in the Chicago ozone nonattainment
 346 area, that:

347
 348 1) emits or has the potential to emit 25 tons per year or more of VOM or is
 349 required to obtain a CAAPP permit; and

350
 351 2) has or will have seasonal emissions of at least 10 tons of VOM.
 352

353 b) Each new participating source shall hold ATUs, as specified in Section
 354 205.150(d) of this Part, upon commencing operation.
 355

356 (Source: Amended at 29 Ill. Reg. _____, effective _____)
 357

358 **Section 205.220 Insignificant Emission Units**
 359

360 a) Emission units identified as insignificant activities pursuant to the CAAPP permit
 361 for ~~each~~ participating or new participating source are exempt from the
 362 requirements of this Part.
 363

364 b) Emission units that the Agency determines would qualify as insignificant
 365 activities under 35 Ill. Adm. Code 201.Subpart F if the source were a CAAPP
 366 source and for which a statement to this effect is contained in the FESOP for a
 367 participating or new participating source are exempt from the requirements of this
 368 Part.
 369

370 (Source: Amended at 29 Ill. Reg. _____, effective _____)
 371

SUBPART C: OPERATIONAL IMPLEMENTATION

Section 205.300 Seasonal Emissions Component of the Annual Emissions Report

- a) For each year in which the source is operational, the owner or operator of each participating source and new participating source shall submit, as a component of its Annual Emissions Report, seasonal emissions information to the Agency for each seasonal allotment period after the effective date of this Part 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; and
 - 2) For each participating source or new participating source that generates VOM emissions from 10 or more emission units, by November 30 of each year.

- b) In addition to any information required pursuant to 35 Ill. Adm. Code 254, the seasonal emissions component of the Annual Emissions Report shall contain the following information for the preceding seasonal allotment period for each emission unit emitting or capable of emitting VOM, except that such information is not required for emission units excluded pursuant to Section 205.220 of this Part or for VOM emissions attributable to startup, malfunction or breakdown, as specified in Section 205.225 of this Part:
 - 1) Actual seasonal emissions of VOM from the source;
 - 2) A description of the methods and practices used to determine VOM emissions, as required by the source's CAAPP permit or FESOP, including any supporting documentation and calculations;
 - 3) A detailed description of any monitoring methods that differ from the methods specified in the CAAPP permit or FESOP for the source, as provided in Section 205.337 of this Subpart;
 - 4) If a source has experienced an emergency, as provided in Section 205.750 of this Part, it shall reference the associated emergency conditions report that has been approved by the Agency;
 - 5) If a source's baseline emissions have been adjusted because of a variance, consent order or CAAPP permit compliance schedule, as provided for in Section 205.320(e)(3) of this Subpart, it shall provide documentation

415 quantifying the adjusted VOM emissions amount; and

- 416
417 6) If a source is operating a new or modified emission unit for which three
418 years of operational data is not yet available, as specified in Section
419 205.320(f) of this Subpart, it shall specify seasonal emissions attributable
420 to the new emission unit or the modification of the emission unit.

421
422 (Source: Amended at 29 Ill. Reg. _____, effective _____)

423
424 **Section 205.310 ERMS Applications**

- 425
426 a) The owner or operator of each participating source or new participating source
427 shall submit to the Agency an ERMS application in accordance with the following
428 schedule:

- 429
430 1) For a participating source with baseline emissions of at least 10 tons of
431 VOM, as determined in accordance with Section 205.320(a) of this
432 Subpart, by March 1, 1998;
- 433
434 2) For any source that first becomes a participating source because its VOM
435 emissions increase to 10 tons or greater during any seasonal allotment
436 period beginning with 1999, on or before December 1 of the year of the
437 first seasonal allotment period in which its VOM emissions are at least 10
438 tons, provided that this emissions increase is not a major modification
439 pursuant to 35 Ill. Adm. Code 203; or
- 440
441 3) For a new participating source or for a ~~major~~ modification of any source
442 existing prior to May 1, 1999, that is a major new source or a major
443 modification subject to 35 Ill. Adm. Code 203 based on VOM emissions,
444 at the time a construction permit application is submitted or due for the
445 source or modification, whichever occurs first.

- 446
447 b) Except as provided in subsection (d) of this Section, each ERMS application for
448 participating sources shall contain all information required by the Agency
449 pursuant to Section 39.5 of the Act [415 ILCS 5/39.5] or reference such
450 information if previously submitted to the Agency, including the following
451 information:

- 452
453 1) Data sufficient to establish the appropriate baseline emissions for the
454 source in accordance with Section 205.320 of this Subpart, including but
455 not limited to the following:

- 456
457 A) VOM emissions data and production types and levels from the

- 458 baseline emissions year(s), as specified in Section 205.320(a)(1),
 459 (b) or (c) of this Subpart, as appropriate;
 460
 461 B) If the source is proposing a substitute baseline emissions year(s),
 462 as provided in Section 205.320(a)(2) of this Subpart, a justification
 463 that the year is more representative than 1994, 1995 or 1996,
 464 including data on production types and levels from the proposed
 465 substitute year(s) and historical production data, as needed to
 466 justify that the proposed substitute year(s) is representative; and
 467
 468 C) If the source is proposing a baseline emissions adjustment based on
 469 voluntary over-compliance, as provided in Section 205.320(d) of
 470 this Subpart, sufficient information for the Agency to determine
 471 the appropriate adjustment;
 472
 473 2) A description of methods and practices used to determine baseline
 474 emissions and that will be used to determine seasonal emissions for
 475 purposes of demonstrating compliance with this Part, in accordance with
 476 Sections 205.330 and 205.335 of this Subpart;
 477
 478 3) Identification of any emission unit for which exclusion from further
 479 reductions is sought pursuant to Section 205.405(b) of this Part and
 480 including all of the information required pursuant to Section 205.405(b) of
 481 this Part;
 482
 483 4) Identification of any emission unit excluded from further reductions
 484 pursuant to Section 205.405(a) of this Part; and
 485
 486 5) Identification of any new or modified emission unit for which a
 487 construction permit was issued prior to January 1, 1998, but for which
 488 three years of operational data is not available, and the permitted VOM
 489 emissions or the permitted increase in VOM emissions from such emission
 490 unit(s), adjusted for the seasonal allotment period.
 491
 492 c) Except as provided in subsection (h) of this Section, the ERMS application
 493 submitted by each participating source shall also be an application for a
 494 significant modification of its CAAPP permit or a revision to its FESOP, or a
 495 revision to its CAAPP or FESOP application if a CAAPP permit or FESOP has
 496 not yet been issued for the source.
 497
 498 d) The ERMS application for any source that elects to reduce its seasonal emissions
 499 by at least 18 percent from its baseline emissions, as provided in Section
 500 205.205(b) of this Part, shall include:

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- 1) VOM emissions data sufficient to establish the appropriate baseline emissions for the source in accordance with Section 205.320 of this Subpart; and
 - 2) A description of methods and practices used to determine baseline emissions and that will be used to demonstrate that its seasonal emissions will be at least 18 percent less than its baseline emissions, in accordance with Sections 205.330 and 205.335 of this Subpart.
- e) Within 120 days after receipt of an ERMS application, the Agency shall provide written notification to the source of a preliminary baseline emissions determination. Public notice of a draft CAAPP permit in accordance with Section 39.5(8) of the Act [415 ILCS 5/39.5(8)] shall fulfill this requirement for a preliminary baseline emissions determination if issued within 120 days.
- f) The ERMS application for each source applying for a major modification, as provided in subsection (a)(3) of this Section, shall include the information specified in subsection (b) of this Section and a certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(c)(2) of this Part, and provide a plan explaining the means by which it will obtain ATUs for the VOM emissions attributable to the major modification for the first three seasonal allotment periods in which this major modification is operational.
- g) The ERMS application for each new participating source shall include:
- 1) A description of methods and practices that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Sections 205.330 and 205.335 of this Subpart;
 - 2) A certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(d) of this Part for each seasonal allotment period in which it is operational; and
 - 3) If the source is a new major source subject to 35 Ill. Adm. Code 203, a plan explaining means by which it will obtain such ATUs for the first three seasonal allotment periods in which it is operational.
- h) The owner or operator of any participating source that has identified a new or modified emission unit, as specified in subsection (b)(5) of this Section, shall submit a written request for, or an application for, a revised emissions baseline

and allotment. Such written request or application shall be submitted by December 1 of the year of the third complete seasonal allotment period in which such newly constructed emission unit is operational, which submittal shall include information on the seasonal emissions for these first three seasonal allotment periods.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.315 CAAPP Permits for ERMS Sources

- a) Except as provided in Section 205.316(c) of this Subpart, theThe Agency shall determine the baseline emissions for each participating source in accordance with Section 205.320 of this Subpart, through its final permit action on a new or modified CAAPP permit for ~~the each such~~ source. The Agency's baseline emissions determination may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing a source's baseline emissions are appealed, the baseline emissions for the source shall be as proposed in the source's ERMS application during the pendency of the appeal. During the pendency of the appeal, ATUs shall be allotted to the source pursuant to the part of the source's proposed baseline emissions that is not disputed in the appeal. If such source's seasonal VOM emissions exceed the ATUs it holds at the end of reconciliation periods during the pendency of the appeal, the source will not be deemed to have had an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount it proposed as its baseline in its ERMS application, less reductions required pursuant to Section 205.400(c) or (e) of this Part, if applicable. Such source shall not be allowed to sell ATUs during the pendency of the appeal.

- b) Except as provided in Section 205.316(c) of this Subpart, theThe Agency shall determine, in accordance with Sections 205.330 and 205.335 of this Subpart, the methods and practices applicable to each participating source and new participating source to determine seasonal emissions through its final permit action on a new or modified CAAPP permit for ~~the each such~~ source. The Agency's determination of the methods and practices applicable may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2].

- c) Except as provided in Section 205.316(c) of this Subpart, theThe Agency shall determine, in accordance with Section 205.405(b) of this Part, if an emission unit qualifies for exclusion from further reductions in its final permit action on a new or modified CAAPP permit for each such source. The Agency's determination may be appealed in accordance with the CAAPP appeal procedures specified in

587 Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing
 588 the Agency's BAT determination are appealed, ATUs shall be allotted to the
 589 source for any emission unit for which the Agency's BAT determination is being
 590 appealed with the emissions reduction required by Section 205.400(c) or (e) of
 591 this Part during the pendency of the appeal. If the seasonal VOM emissions for
 592 the subject emission unit(s) exceed the ATUs that are attributed to the unit(s)
 593 during the pendency of the appeal, the source will not be deemed to have an
 594 emissions excursion to the extent that such seasonal VOM emissions do not
 595 exceed the amount of ATUs that would be attributed to this unit if the BAT
 596 exclusion was accepted. Such source shall not be allowed to sell ATUs during the
 597 pendency of the appeal.

- 598
- 599 d) The CAAPP permit for allotment for each participating source shall specify the
 600 allotment for each seasonal allotment period shall be specified in its CAAPP
 601 permit.
- 602
- 603 e) To the extent possible, the Agency shall initiate the procedures of 35 Ill. Adm.
 604 Code 252, as required by Section 39.5 of the Act [415 ILCS 5/39.5], by grouping
 605 the draft CAAPP permits and supporting documents for participating sources.
 606 Specifically, to the extent possible, the Agency shall issue a joint public notice
 607 and hold a joint hearing, as appropriate, addressing participating sources for
 608 which a hearing is requested.
- 609
- 610 f) When a CAAPP permit for a participating source is transferred from the current
 611 permittee to another person:
- 612
- 613 1) In the case of a name change of the participating source where ownership
 614 is not altered, appropriate documentation shall be submitted to revise the
 615 Transaction Account to reflect the name change; or
- 616
- 617 2) In the case of an ownership change of the participating source, the
 618 allotment shall also be transferred by the owner or operator of the
 619 permitted source to the new owner or operator, or the new owner or
 620 operator shall submit a statement to the Agency certifying that such
 621 transfer is not occurring and demonstrating that necessary ATUs are or
 622 will be available by other means for the intended operation of the source.
- 623
- 624 g) Upon reopening or renewal of the CAAPP permit for any participating source or
 625 new participating source, any multiple season transfer agreement, as provided in
 626 Section 205.630(a)(2)(B) of this Part, that has three or more years of transfers
 627 remaining shall be identified in the renewed or reissued CAAPP permit for each
 628 such source.
- 629

630 h) Upon reopening or renewal of the CAAPP permit for any participating source or
631 new participating source, any ATUs that will be issued by the Agency for three
632 years or more to any such source pursuant to Section 205.410, 205.500 or 205.510
633 of this Part shall be identified in the renewed or reissued CAAPP permit for each
634 such source.

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636 (Source: Amended at 29 Ill. Reg. _____, effective _____)
637

638 **Section 205.316 Federally Enforceable State Operating Permits for ERMS Sources**
639

640 a) Any participating or new participating source shall not operate without a CAAPP
641 permit or FESOP.

642
643 1) If a source has a CAAPP permit containing ERMS provisions and the
644 source elects to obtain a different permit in lieu of the CAAPP permit, the
645 source shall apply for and obtain a FESOP that contains ERMS provisions,
646 including, but not limited to, emissions calculation methodologies,
647 baseline emissions, and allotment for each seasonal allotment period, all of
648 which are identical to those provisions contained in its CAAPP permit.

649
650 2) If a participating or new participating source does not have a CAAPP
651 permit containing ERMS provisions and the source elects to obtain a
652 permit other than a CAAPP permit, the source shall apply for and obtain a
653 FESOP that contains, in addition to other necessary provisions, federally
654 enforceable ERMS provisions, including baseline emissions, allotment for
655 each seasonal allotment period, identification of any units deemed to be
656 insignificant activities for the purposes of the ERMS, emissions
657 calculation methodologies, and provisions addressing all other applicable
658 requirements of this Part.

659
660 b) When determining the baseline emissions and allotment for a participating source
661 as required under subsection (a)(2) of this Section:
662

663 1) The Agency shall determine baseline emissions in accordance with
664 Section 205.320 of this Subpart, through its final permit action on the new
665 or modified FESOP for the source. The Agency's baseline emissions
666 determination may be appealed in accordance with the appeal procedures
667 specified in Section 40 of the Act [415 ILCS 5/40]. If the permit
668 conditions establishing a source's baseline emissions are appealed, the
669 baseline emissions for the source shall be as proposed in the source's
670 ERMS application during the pendency of the appeal. During the
671 pendency of the appeal, ATUs shall be allotted to the source pursuant to
672 the part of the source's proposed baseline emissions that is not disputed in

673 the appeal. If such source's seasonal VOM emissions exceed the ATUs it
 674 holds at the end of reconciliation periods during the pendency of the
 675 appeal, the source will not be deemed to have had an emissions excursion
 676 to the extent that such seasonal VOM emissions do not exceed the amount
 677 it proposed as its baseline in its ERMS application, less reductions
 678 required pursuant to Section 205.400(c) or (e) of this Part, if applicable.
 679 Such source shall not be allowed to sell ATUs during the pendency of the
 680 appeal.

681
 682 2) The Agency shall determine, in accordance with Section 205.405(b) of
 683 this Part, if an emission unit qualifies for exclusion from further reductions
 684 in its final permit action on a new or modified FESOP for the source. The
 685 Agency's determination may be appealed in accordance with the appeal
 686 procedures specified in Section 40 of the Act [415 ILCS 5/40]. If the
 687 permit conditions establishing the Agency's BAT determination are
 688 appealed, ATUs shall be allotted to the source for any emission unit for
 689 which the Agency's BAT determination is being appealed with the
 690 emissions reduction required by Section 205.400(c) or (e) of this Part
 691 during the pendency of the appeal. If the seasonal VOM emissions for the
 692 subject emission unit(s) exceed the ATUs that are attributed to the unit(s)
 693 during the pendency of the appeal, the source will not be deemed to have
 694 an emissions excursion to the extent that such seasonal VOM emissions do
 695 not exceed the amount of ATUs that would be attributed to this unit if the
 696 BAT exclusion was accepted. Such source shall not be allowed to sell
 697 ATUs during the pendency of the appeal.

698
 699 c) The Agency shall determine, in accordance with Sections 205.330 and 205.335 of
 700 this Subpart, the methods and practices applicable to the participating source or
 701 new participating source to determine seasonal emissions through its final permit
 702 action on the new or modified FESOP for such source. The Agency's
 703 determination of the methods and practices applicable may be appealed in
 704 accordance with the appeal procedures specified in Section 40 of the Act [415
 705 ILCS 5/40].

706
 707 d) When a FESOP for a participating source is transferred from the current permittee
 708 to another person:

709
 710 1) In the case of a name change of the participating source where ownership
 711 is not altered, appropriate documentation shall be submitted to revise the
 712 Transaction Account to reflect the name change; or

713
 714 2) In the case of an ownership change of the participating source, the
 715 allotment shall also be transferred by the owner or operator of the

permitted source to the new owner or operator, or the new owner or operator shall submit a statement to the Agency certifying that such transfer is not occurring and demonstrating that necessary ATUs are or will be available by other means for the intended operation of the source.

- e) Upon reopening or renewal of the FESOP for any participating source or new participating source, any multiple season transfer agreement, as provided in Section 205.630(a)(2)(B) of this Part, that has three or more years of transfers remaining shall be identified in the renewed or reissued FESOP for such source.
- f) Upon reopening or renewal of the FESOP for any participating source or new participating source, any ATUs that will be issued by the Agency for three years or more to any such source pursuant to Section 205.410, 205.500 or 205.510 of this Part shall be identified in the renewed or reissued FESOP for such source.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 205.318 Certification for Exempt CAAPP Sources

The owner or operator of any source that is located in the Chicago ozone nonattainment area that is required to obtain a CAAPP permit, and has seasonal emissions, as determined in accordance with Section 205.320(a) of this Subpart, of less than 10 tons shall submit a written certification to the Agency by March 1, 1998, certifying that its VOM emissions are below 10 tons per season as specified in Section 205.320(a) of this Subpart. Such certification shall include the amount of VOM emissions at the source during the 1994, 1995, 1996 and 1997 seasonal allotment periods, and supporting calculations.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.320 Baseline Emissions

- a) Except as provided in subsection (b) or (c) of this Section, baseline emissions shall be determined by the Agency in accordance with the following, adjusted as specified in subsections (d), (e) and (f) of this Section:
 - 1) Baseline emissions shall be calculated using the average of the two seasonal allotment periods with the highest VOM emissions during 1994, 1995 or 1996.
 - 2) Any source may propose to substitute seasonal emissions on a year-for-year basis due to non-representative conditions in 1994, 1995 or 1996, but must stay within the period from 1990 through 1997, and must have accurate seasonal emissions data for the substitute year(s). When

759 considering whether to substitute a seasonal baseline emission year(s), the
 760 Agency must consider the information submitted by the source pursuant to
 761 Section 205.310(b)(1)(B) of this Subpart, as well as the accuracy of that
 762 data. For the purposes of this subsection (a)(2) "non-representative
 763 conditions" include, but are not limited to, events such as strikes, fires,
 764 floods and market conditions.
 765

766 b) Except as provided in subsection (c) of this Section, for For any source that has
 767 seasonal emissions of less than 10 tons, as determined in accordance with
 768 subsection (a) of this Section, but becomes a participating source because its
 769 seasonal emissions increase to 10 tons or more in any seasonal allotment period
 770 beginning with 1999, baseline emissions shall be determined by the Agency based
 771 on actual VOM emissions from the first seasonal allotment period in which the
 772 source's sources emissions equaled or exceeded 10 tons, adjusted as specified in
 773 subsections (d), (e) and (f) of this Section, provided such emissions increase is not
 774 a major modification pursuant to 35 Ill. Adm. Code 203.
 775

776 c) For any source that has seasonal emissions of less than 10 tons, as determined in
 777 accordance with subsection (a) of this Section, but becomes a participating source
 778 because its seasonal emissions increase to 10 tons or more in any seasonal
 779 allotment period beginning with 1999 and this emissions increase constitutes a
 780 major modification pursuant to 35 Ill. Adm. Code 203, baseline emissions shall be
 781 determined by the Agency based on the average of the actual seasonal emissions
 782 from the two seasonal periods prior to a timely submittal of its application for the
 783 major modification, adjusted as specified in subsections (d) and (e) of this
 784 Section. Any such source may substitute seasonal emissions on a year-for-year
 785 basis due to non-representative conditions in either of the two seasonal allotment
 786 periods prior to submittal of its application for the major modification but must
 787 stay within the five year period prior to submittal of such application. For the
 788 purposes of this subsection, "non-representative conditions" include, but are not
 789 limited to, conditions such as strikes, fires, floods and market conditions.
 790

791 d) The baseline emissions of any participating source shall be increased for
 792 voluntary over-compliance that occurred after October 31, 1990 and results in a
 793 VOM emissions level that is lower than the level required by applicable
 794 requirements effective in 1996, including limitations in the source's permit(s)
 795 based on such applicable requirements. Voluntary over-compliance shall be
 796 determined in accordance with the following:
 797

798 1) Determine the actual activity or production types and levels from the
 799 seasonal allotment period(s) selected for baseline emissions pursuant to
 800 subsection (a), (b) or (c) of this Section;
 801

- 802 2) Determine seasonal emissions for each emission unit as the product of the
803 amount of activity or production, as determined in accordance with
804 subsection (d)(1) of this Section, and the actual emissions level;
805
- 806 3) Determine seasonal emissions for each emission unit as the product of the
807 amount of activity or production, as determined in accordance with
808 subsection (d)(1) of this Section, and the allowable emissions level
809 pursuant to all applicable requirements effective through 1996, including
810 limitations in the source's permit(s) based on such applicable
811 requirements; and
812
- 813 4) Determine the appropriate adjustment to baseline emissions by subtracting
814 the seasonal emissions determined pursuant to subsection (d)(2) of this
815 Section from the seasonal emissions determined pursuant to subsection
816 (d)(3) of this Section.
817
- 818 e) The baseline emissions of any participating source shall be decreased if any of the
819 following circumstances exist:
820
- 821 1) If a source is out of compliance with any applicable requirements,
822 including limitations in the source's permit(s) based on such applicable
823 requirements, in any of the seasonal allotment periods used for baseline
824 emissions, its baseline emissions shall be lowered to reflect the amount of
825 VOM emissions that would be achieved if in compliance with such
826 requirements.
827
- 828 2) If any of the seasonal allotment periods selected for baseline emissions do
829 not reflect compliance with requirements effective through 1996 that
830 became applicable after any of the years selected as baseline years, the
831 source's baseline emissions shall be lowered to reflect the amount of VOM
832 emissions that would be achieved if in compliance with such
833 requirements.
834
- 835 3) If, in any of the years selected for baseline emissions, a source's VOM
836 emissions are in excess of the amount of VOM emissions allowed by
837 applicable rules because it has been granted a variance, has entered into a
838 consent order, or is operating pursuant to a CAAPP permit compliance
839 schedule, the baseline emissions for such source shall be lowered to reflect
840 the VOM emissions amount that would be achieved if in compliance with
841 such requirements, subject to the following:
842
- 843 A) Each such source shall be allowed to emit VOM emissions in
844 excess of the ATUs it holds at the end of the reconciliation period

- 845 each year until compliance with the applicable regulation is
846 achieved, or upon expiration of the relief allowed for in the
847 variance, consent order or CAAPP permit compliance schedule,
848 whichever occurs first;
- 849
- 850 B) Such excess VOM emissions shall be allowed to the extent allowed
851 in the variance, consent order or CAAPP permit compliance
852 schedule; and
- 853
- 854 C) The seasonal component of the Annual Emissions Report for each
855 such source shall be adjusted each year until compliance with the
856 applicable requirement(s) is achieved, or upon expiration of the
857 relief allowed for in the variance, consent order or CAAPP permit
858 compliance schedule, whichever occurs first, as specified in
859 subsection (e)(3)(B) of this Section.
- 860
- 861 4) For any participating source that operated with excess emissions during
862 startup, malfunction or breakdown during any year used to determine its
863 baseline emissions, whether or not such operation was authorized pursuant
864 to the source's permit, excess VOM emissions attributable to startup,
865 malfunction or breakdown shall be excluded from the baseline emissions.
- 866
- 867 f) For new or modified emission units at a source for which a construction permit
868 was issued prior to January 1, 1998, but for which three years of operational data
869 is not available, the baseline emissions determination for the source shall include
870 VOM emissions from such new emission unit or the increase in emissions from
871 the modification of such emission unit based on the two seasonal allotment
872 periods with the highest VOM emissions from the first three complete seasonal
873 allotment periods in which any such new or modified emission unit is operational.
874 ATUs shall only be issued in accordance with this subsection after the baseline
875 emissions has been determined. Any such source shall not be required to hold
876 ATUs for VOM emissions attributable to the new emission unit or the
877 modification of the existing emission unit for the first three complete seasonal
878 allotment periods in which it is operational.
- 879
- 880 g) For any source which acquired emission reduction credits pursuant to a written
881 agreement, entered into prior to January 1, 1998, and such emission reduction
882 credits were acquired for use as emissions offsets, in accordance with 35 Ill. Adm.
883 Code 203, such emission reduction credits, adjusted for the seasonal allotment
884 period, and reduced by 24 percent, shall be included in the baseline emissions
885 determination for the source, only to the extent that:
- 886
- 887 1) The Agency has issued a federally enforceable permit, prior to January 1,

888 1998, to the source from which the emission reduction credits were
 889 acquired, and such federally enforceable permit recognized the creation of
 890 the VOM emission reduction credits by the cessation of all VOM-emitting
 891 activities and the withdrawal of the operating permits for VOM-emitting
 892 activities at such other sources; and

893
 894 2) The Agency has not relied upon the emission reduction credits to
 895 demonstrate attainment or reasonable further progress.
 896

897 (Source: Amended at 29 Ill. Reg. _____, effective _____)
 898

899 **Section 205.330 Emissions Determination Methods**
 900

901 The owner or operator of a participating source or new participating source shall determine
 902 VOM emissions from the source during the seasonal allotment period using methods as
 903 necessary to demonstrate compliance with this Part. Such methods shall be, at a minimum, as
 904 stringent as those required by any applicable requirement and any permit condition. The Agency
 905 shall establish the emissions determination methods applicable to ~~each such source in the~~
 906 source's CAAPP permit or FESOP. The following methods, in conjunction with relevant source-
 907 specific throughput and operating data, are acceptable methods a source may use to determine
 908 seasonal emissions, depending on the type of emission unit:
 909

- 910 a) Material balance calculation, based on the VOM content of raw materials and
 911 recovered materials, as is typically used for degreasers, coating lines, and printing
 912 lines equipped with a carbon adsorption system (recovery-type control device) or
 913 without any control device;
- 914
 915 b) A standard engineering formula for estimation of emissions, as is typically used
 916 for storage and transfer of volatile organic liquids;
- 917
 918 c) A source-specific emission factor(s), based on representative testing and sampling
 919 data and appropriate analysis, as typically used for petroleum refining processes;
 920
- 921 d) A published USEPA emission factor(s), as is typically used for component leaks;
 922
- 923 e) A source-specific emission rate or VOM control efficiency, based on
 924 representative testing, as is typically used for chemical processes and afterburners
 925 (destruction-type control device), respectively;
- 926
 927 f) A method not listed above that is sufficient to demonstrate compliance with this
 928 Section; or
- 929
 930 g) An appropriate combination of the above methods, as typically used for a coating

931 or printing line equipped with a control device, where the available emissions are
932 determined by material balance and the control efficiency is determined by
933 representative testing.
934

935 (Source: Amended at 29 Ill. Reg. _____, effective _____)
936

937 **Section 205.335 Sampling, Testing, Monitoring and Recordkeeping Practices**
938

939 The owner or operator of a participating source or new participating source shall conduct
940 sampling, perform testing, conduct monitoring and maintain records as needed to support its
941 method for determining seasonal emissions in accordance with Section 205.330 of this Subpart
942 and to demonstrate compliance with this Part. Such sampling, testing, monitoring and
943 recordkeeping shall be, at a minimum, as stringent as that required by any applicable requirement
944 and any permit condition. The Agency shall establish the practices applicable to each such
945 source in the source's CAAPP permit or FESOP.
946

947 (Source: Amended at 29 Ill. Reg. _____, effective _____)
948

949 **Section 205.337 Changes in Emission Determination Methods and Sampling, Testing,**
950 **Monitoring and Recordkeeping Practices**
951

952 a) The methods used for determining seasonal emissions from a source shall
953 generally be consistent with the methods used to determine its baseline emissions
954 unless the source's permit accommodates the use of alternate methods to
955 determine VOM emissions.
956

957 b) Modification of Methods and Practices
958

959 1) If a source proposes new or revised methods to determine VOM emissions
960 or new or revised supporting practices for sampling, testing, monitoring or
961 recordkeeping that differ significantly from the methods and practices
962 specified by its current permit, the source shall obtain a revised CAAPP
963 permit in accordance with the procedures specified in Section 39.5 of the
964 Act [415 ILCS 5/39.5], or a revised FESOP, prior to relying on such
965 methods and practices.
966

967 2) The Agency shall issue a revised permit if it finds, based upon submission
968 of an appropriate permit application, that the proposed methods or
969 practices are needed or appropriate to address changes in the operation of
970 the source or emission units that were not considered when the current
971 permit was issued, that the proposed methods and procedures will not
972 significantly affect the determination of actual seasonal emissions, or that
973 the proposed methods and procedures incorporate new or improved

analytical techniques or estimation methods that will increase the accuracy with which actual seasonal emissions are determined, and other applicable requirements for issuance of a revised permit are met.

- 3) If the Agency approves the use of a modified method or practice, the Agency is authorized to determine a corrected baseline and thereafter issue ATUs in accordance with Section 205.400(c) of this Part pursuant to this corrected baseline.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section 205.400 Seasonal Emissions Allotment

- a) Each participating source shall receive an allotment which shall be issued by the Agency and distributed in ATUs.
- b) Except for ATUs issued pursuant to Sections 205.500 and 205.510 of this Part, ATUs issued for any seasonal allotment period are valid for use during the seasonal allotment period following issuance and the next succeeding seasonal allotment period. All ATUs shall be valid until such ATUs expire or are retired.
- c) The initial allotment for each participating source shall be based on the baseline emissions for such source, as determined in accordance with Section 205.320 of this Part, and shall be reduced by 12 percent in 1999 or in such other year that a source is issued its initial allotment, except as provided in Section 205.405 of this Subpart.
- d) Except as provided in Section 205.337(b)(3) of this Part and subsections (c) and (e) of this Section, allotments shall remain at 1999 or initial levels unless the Agency makes a demonstration to the Board, in accordance with the rulemaking provisions of Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28], that further reductions are needed. An allotment or a baseline under this Part does not constitute a property right. Nothing in this Part shall be construed to limit the authority of the Board to terminate or limit such allotment or baseline pursuant to its rulemaking authority under Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28].
- e) If the baseline emissions for any participating source are increased in accordance with Section 205.320(f) of this Part, the allotment shall be increased by the modified portion of the baseline emissions amount, reduced by 12 percent, except as provided in Section 205.405 of this Subpart.

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- f) Except as provided in subsection (h) of this Section, any new participating source shall not be issued ATUs by the Agency, but shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(d) of this Part for each seasonal allotment period in which it is operational.
- g) Any source existing as of May 1, 1999, which first becomes subject to the requirements of this Part because its seasonal emissions increase to 10 tons or more as a result of a major modification pursuant to 35 Ill. Adm. Code 203, in any seasonal allotment period beginning with 1999, shall not be allotted ATUs by the Agency for the VOM emissions attributable to this modification, except as provided in subsection (h) of this Section, but shall be allotted ATUs by the Agency based on its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such participating source shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(c) of this Part, for each seasonal allotment period in which it is subject to this Part.
- h) If a participating source or new participating source submits an ATU transfer agreement authorizing the transfer of ATUs for more than one year, as provided in Section 205.630(a)(2)(B) of this Part, the ATUs shall be automatically transferred by the Agency from the transferor's Transaction Account to the transferee's Transaction Account. Upon reopening or renewal of the CAAPP permit or FESOP for any such source, any multiple season transfer agreement that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit or FESOP for each such source.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 205.405 Exclusions from Further Reductions

- a) VOM emissions from the following emission units, if satisfying subsection(a)(1), (a)(2) or (a)(3) of this Section prior to May 1, 1999, shall be excluded from the VOM emissions reductions requirements specified in Section 205.400(c) and (e) of this Subpart as long as such emission units continue to satisfy subsection (a)(1), (a)(2) or (a)(3) of this Section:
 - 1) Emission units that comply with any NESHAP or MACT standard promulgated pursuant to the CAA;
 - 2) Direct combustion emission units designed and used for comfort heating purposes, fuel combustion emission units and internal combustion engines; and

- 1060 3) An emission unit for which a LAER demonstration has been approved by
1061 the Agency on or after November 15, 1990.
1062
- 1063 b) When it is determined that an emission unit is using, prior to May 1, 1999, BAT
1064 for controlling VOM emissions, VOM emissions from such emission unit shall
1065 not be subject to the VOM emissions reductions requirement specified in Section
1066 205.400(c) or (e) of this Subpart as long as such emission unit continues to use
1067 such BAT. The owner or operator of a source may request such exclusion from
1068 further reductions by providing the following information, in addition to the
1069 information required in Section 205.310 of this Part, in its ERMS application:
1070
- 1071 1) Identification of each emission unit for which exclusion is requested,
1072 including the year of initial operation of such emission unit;
1073
- 1074 2) Identification of all requirements applicable to the emission unit;
1075
- 1076 3) A demonstration that the emission unit is using BAT for controlling VOM
1077 emissions;
1078
- 1079 4) Identification of the permitted VOM emissions from the emission unit;
1080
- 1081 5) VOM emissions from the emission unit for each seasonal allotment period
1082 used in the baseline emissions determination for the source; and
1083
- 1084 6) A description and quantification of any reductions in VOM emissions that
1085 were achieved at the emission unit or source based on its use of BAT.
1086
- 1087 c) As part of its review of an ERMS application or application for a modified
1088 allotment, the Agency may determine that any such emission unit qualifies for
1089 exclusion from further reductions under subsection (a) or (b) of this Section. The
1090 Agency shall make its proposed determination in a draft CAAPP permit or
1091 FESOP subject to public notice and participation, accompanied by an explanation
1092 of its proposed action.
1093

1094 (Source: Amended at 29 Ill. Reg. _____, effective _____)
1095

1096 **Section 205.410 Participating Source Shutdowns**
1097

- 1098 a) If a participating source shuts down all operations at the source, and withdraws its
1099 permit or its permit is revoked or terminates, allotments issued to such a source
1100 for each seasonal allotment period after the shutdown occurred shall be subject to
1101 the following:
1102

- 1103 1) 80 percent of all such ATUs shall continue to be allotted to the owner or
1104 operator of such source or its duly authorized recipient; and
1105
1106 2) 20 percent of all such ATUs shall be issued to the ACMA.
1107
1108 b) Except as provided in subsection (c) of this Section, the owner or operator of any
1109 participating source that shuts down all operations, in accordance with subsection
1110 (a) of this Section, shall submit a written request to have its status changed to a
1111 general participant, upon withdrawal, revocation or termination of its permit.
1112
1113 c) The owner or operator of any participating source that shuts down all operations,
1114 in accordance with subsection (a) of this Section, may authorize the issuance of
1115 future ATUs to the Transaction Account of another participating source, new
1116 participating source or general participant by submitting a transfer agreement
1117 authorizing a permanent transfer of all future ATUs. The CAAPP permit or
1118 FESOP of any participating source or new participating source designated to
1119 receive future allotments of ATUs pursuant to such a transfer agreement shall be
1120 modified to reflect this transfer upon reopening or renewal. Any ATUs issued
1121 pursuant to a transfer agreement entered into under this subsection before shut
1122 down of all operations of the participating source shall not be subject to
1123 subsection (a) of this Section.
1124

1125 (Source: Amended at 29 Ill. Reg. _____, effective _____)
1126

1127 SUBPART E: ALTERNATIVE ATU GENERATION
1128

1129 **Section 205.500 Emissions Reduction Generator**
1130

1131 Any participating source, new participating source or general participant may submit a proposal
1132 for issuance of ATUs to it based on VOM emissions reductions, as specified in subsection (a) of
1133 this Section, achieved by any source or group of sources located in the Chicago ~~ozone non-~~
1134 ~~attainment~~ area with an operating permit(s) other than a participating source or new participating
1135 source. The owner or operator of each source from which the VOM emissions reductions have
1136 been or will be achieved shall certify its acceptance of the terms of the proposal and that it has
1137 achieved or will achieve the emissions reductions specified in the proposal. An emissions
1138 reduction generator may apply for a modification to its operating permit to incorporate
1139 limitations that make the VOM emissions reductions specified in the relevant proposal
1140 enforceable.
1141

- 1142 a) ATUs will only be issued pursuant to this Section if based on actual VOM
1143 emissions reductions that meet one or more of the following:
1144

- 1145 1) If, based on the same actual production rate, VOM emissions at the source

1146 for any seasonal allotment period beginning in 1999 are or will be lower
 1147 due to the use of technology or materials at the source than if operating at
 1148 the same production rate at the emissions level allowed by applicable
 1149 requirements effective in 1996 or any requirements included in the State
 1150 Implementation Plan, provided such reductions occurred after 1990;

1151
 1152 2) The source shuts down a portion or all of its operation(s) after 1996 and
 1153 withdraws the relevant operating permit(s), provided the VOM emissions
 1154 from the shut down activity or activities will not be distributed elsewhere
 1155 within the Chicago ~~ozone nonattainment~~-area;

1156
 1157 3) The source(s) curtails its seasonal production activity resulting in an actual
 1158 reduction in VOM emissions during any seasonal allotment period
 1159 beginning in 1999, provided the VOM emissions from the curtailment will
 1160 not be distributed elsewhere within the Chicago ~~nonattainment~~-area. Such
 1161 emissions reduction shall be based on the difference between the average
 1162 production level for the two seasonal allotment periods prior to the year of
 1163 curtailment and the curtailed production level, calculated at the VOM
 1164 emission rate allowed by applicable requirements effective in 1996; or

1165
 1166 4) The source shuts down operations or curtails seasonal production activity
 1167 as described in subsections (a)(2) and (a)(3) of this Section, respectively,
 1168 and the VOM emissions from the shut down activity or activities or
 1169 curtailment will be distributed to a participating or new participating
 1170 source or sources within the Chicago ~~ozone nonattainment~~-area, and the
 1171 proposal provides that all ATUs issued pursuant to this Section on account
 1172 of such shut down or curtailment are to be issued to the corresponding
 1173 participating or new participating source or sources.

1174
 1175 b) If any proposal is based on a shut down of operations, as specified in subsection
 1176 (a)(2) of this Section, that results in seasonal emissions reductions of 10 tons or
 1177 more, 20 percent of ATUs issued based on such an emissions reduction generator
 1178 proposal shall be allocated to the ACMA.

1179
 1180 c) Any proposal based on seasonal emissions reductions of 10 tons or more and the
 1181 Agency's approval thereof shall be subject to the public notice requirements in
 1182 accordance with the regulations governing CAAPP permits or FESOP issuance of
 1183 Section 39.5 of the Act [415 ILCS 5/39.5].

1184
 1185 d) Any proposal submitted shall include the following:

1186
 1187 1) Information identifying the source(s) from which the VOM emissions
 1188 reductions has been or will be achieved and its owner or operator;

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- 2) An explanation of the method used to achieve the VOM emissions reductions;
 - 3) Relevant information describing the nature of the underlying activity that generated the VOM emissions and the relationship of the units at which the VOM emissions reduction occurred to other units or sources performing the same or related activity in the Chicago ~~ozone~~ ~~nonattainment~~-area, if the VOM emissions reduction is attributable to a partial or complete source shutdown or a production curtailment, as specified in subsection (a)(2), (a)(3) or (a)(4) of this Section;
 - 4) The amount of VOM emissions for the two seasonal allotment periods prior to the year(s) of curtailment, including supporting calculations, if the VOM emissions reduction is attributable to a production curtailment as specified in subsection (a)(3) or (a)(4) of this Section;
 - 5) The amount of the VOM emissions reduction, including supporting calculations and documentation, such as material usage information;
 - 6) The name and address of the participating source(s), new participating source(s) or general participant(s) to which ATUs will be issued, including the name and telephone number of the account officer for such source or participant; and
 - 7) The owner or operator of each proposed emission reduction generator shall certify its acceptance of the terms of the proposal and certify that it has achieved or will achieve the emissions reductions specified in the proposal.
- e) The owner or operator of any emissions reduction generator may modify its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.
- f) If the emissions reduction generator does not modify its permit, as specified in subsection (e) of this Section, or experiences a shutdown, as specified in subsection (a)(2) or (a)(4) of this Section, and the proposal is submitted prior to the availability of actual VOM emissions data from the relevant seasonal allotment period, the Agency shall determine if the proposal is acceptable on a preliminary basis and provide notification of this determination. The Agency shall not issue final approval, in accordance with subsection (g) of this Section, of any such proposal until the actual VOM emissions data is submitted.

- 1232 g) The Agency shall notify the participating source, new participating source or
 1233 general participant in writing of its final decision with respect to the proposal
 1234 within 45 days after receipt of such proposal or receipt of VOM emissions data to
 1235 verify that the specified reductions occurred, whichever occurs later. If the
 1236 Agency denies or conditionally approves a proposal, this written notice shall
 1237 include a statement of the specific reasons for denying or modifying the proposal.
 1238 The Agency's determination as to the approvability of any proposal submitted
 1239 pursuant to this Section is subject to review by the Board as provided at 35 Ill.
 1240 Adm. Code 105.102, provided the proposed emissions reduction generator is not
 1241 requesting a permit revision. If such a permit revision is requested, the applicable
 1242 permit review and appeal procedures shall apply.
 1243
- 1244 h) If the Agency deems that the proposal is sufficient to receive final approval, the
 1245 Agency shall issue ATUs in accordance with the following:
 1246
- 1247 1) Any ATUs issued pursuant to this subsection shall be issued to the
 1248 participating source(s), new participating source(s) or general participant
 1249 identified in the proposal;
 1250
 - 1251 2) If the emissions reduction generator modifies its operating permit as
 1252 specified in subsection (e) of this Section, to incorporate limitations that
 1253 make the VOM emissions reductions specified in the relevant proposal
 1254 enforceable, ATUs shall be issued on the date such source is required to
 1255 comply with the limitations in the permit and for each seasonal allotment
 1256 period thereafter in which the VOM emissions reductions are required by
 1257 the source's permit;
 1258
 - 1259 3) If the proposal is based on a partial or complete shut down, as specified in
 1260 subsection (a)(2) or (a)(4) of this Section, ATUs shall be issued before the
 1261 seasonal allotment period for each year specified in the proposal;
 1262
 - 1263 4) If the emissions reduction generator does not modify its permit and the
 1264 proposal is submitted prior to the availability of actual VOM emissions
 1265 data from the relevant seasonal allotment period(s), the Agency shall issue
 1266 ATUs upon final approval which shall occur after actual VOM emissions
 1267 data is evaluated for the relevant seasonal allotment period;
 1268
 - 1269 5) If the emissions reduction generator includes information on actual VOM
 1270 emissions reductions during the seasonal allotment period for which ATUs
 1271 are sought, ATUs will be issued by the Agency upon final approval of the
 1272 proposal;
 1273
 - 1274 6) Except as provided in subsection (h)(7) of this Section, ATUs issued

1275 pursuant to this subsection shall only be valid for the seasonal allotment
1276 period in which the emissions reductions were achieved;

1277
1278 7) If the VOM emissions reductions specified in a proposal are incorporated
1279 into the emissions reduction generator's permit or, if the emissions
1280 reduction generator shuts down all or a portion of its operations and
1281 withdraws all relevant operating permits, ATUs issued pursuant to this
1282 subsection shall be valid for the seasonal allotment period following
1283 issuance and for the next seasonal allotment period; and

1284
1285 8) The number of ATUs issued pursuant to subsection (h)(2) or (h)(3) of this
1286 Section based on a proposal under subsection (a)(4) of this Section shall
1287 be equal to the number of ATUs otherwise issuable under this Section
1288 reduced by 12 percent.

1289
1290 (Source: Amended at 29 Ill. Reg. _____, effective _____)

1291
1292 **Section 205.510 Inter-Sector Transaction**

1293
1294 Any person may submit a proposal to the Agency to have ATUs issued to the Transaction
1295 Account of a participating source, new participating source or general participant equivalent to
1296 VOM emissions reductions from mobile sources or area sources in the Chicago area. Any such
1297 proposal for the VOM emissions reduction project is subject to Agency review and approval,
1298 shall be consistent with laws and regulations and shall include all supporting documentation.
1299 The Agency shall review all such proposals in accordance with the following:

1300
1301 a) Regulatory Based Proposal
1302 If the VOM emission reductions that have been generated or will be generated are
1303 pursuant to a regulation that provides the procedure to determine VOM emissions
1304 reductions and allows for such reductions to be converted to ATUs, the Agency
1305 shall approve the proposal if based on the provisions of the applicable regulation.
1306 The Agency shall approve, conditionally approve or deny any complete and
1307 adequately supported proposal within 45 days after the Agency's receipt thereof
1308 by sending written notification of its decision. If the Agency denies or
1309 conditionally approves a proposal, this written notice shall include a statement of
1310 the specific reasons for denying or modifying the proposal.

1311
1312 b) Other Proposals
1313 If the proposal is based on VOM emissions reductions that have been generated or
1314 will be generated which are beyond VOM emissions reductions required by any
1315 mandatory applicable rules, the proposal shall include an explanation of the
1316 method(s) used to achieve the VOM emissions reductions and the method(s) used
1317 to quantify the VOM emissions reductions, including supporting documentation

1318 and calculations. The Agency shall evaluate the validity of VOM emission
 1319 reductions that allegedly were generated or will be generated and approve,
 1320 conditionally approve or deny any complete proposal within 90 days after the
 1321 Agency's receipt by sending written notification of its decision to the source. If
 1322 the Agency denies or conditionally approves a proposal, this written notice shall
 1323 include a statement of the specific reasons for denying or modifying the proposal.
 1324

- 1325 c) No ATUs shall be issued based on mobile or area source VOM emissions
 1326 reductions unless a proposal, in accordance with this Section, has been approved
 1327 by the Agency.
 1328
- 1329 d) All ATUs issued pursuant to a proposal approved pursuant to this Section shall be
 1330 issued to the Transaction Account identified in the proposal. Such ATUs shall
 1331 only be valid for the seasonal allotment period in which the emissions reductions
 1332 were achieved, unless the Agency specifies in its approval that such ATUs shall
 1333 be valid for the seasonal allotment period following issuance and for the next
 1334 seasonal allotment period.
 1335
- 1336 e) The Agency's determination that a proposal submitted pursuant to this Section is
 1337 denied or conditionally approved is subject to review by the Board as provided at
 1338 35 Ill. Adm. Code 105.102.
 1339

1340 (Source: Amended at 29 Ill. Reg. _____, effective _____)
 1341

1342 **SUBPART F: MARKET TRANSACTIONS**

1343 **Section 205.610 Application for Transaction Account**

- 1344 a) Each participating source, new participating source and general participant shall
 1345 apply for and obtain authorization for a Transaction Account from the Agency
 1346 prior to conducting any market transactions. Each participating source shall
 1347 submit to the Agency its completed application for a Transaction Account no later
 1348 than 30 days prior to the beginning of the first seasonal allotment period in which
 1349 the source is required to participate. Each new participating source shall submit
 1350 to the Agency its completed application for a Transaction Account no later than
 1351 30 days prior to the beginning of the first seasonal allotment period in which it is
 1352 operational.
 1353
- 1354 b) Each Transaction Account application shall include the following information:
 1355

 - 1356 1) The name and address of the participating source, new participating source
 1357 or general participant, and the name and address of its owner or operator;
 1358
 1359
 1360

- 1361 2) The names and addresses of all designated account officers;
1362
1363 3) The certification specified in Section 205.620(a)(5) of this Subpart signed
1364 by each account officer; and
1365
1366 4) For a participating source or new participating source, identification of the
1367 CAAPP permit or FESOP number for the source.
1368
1369 c) Special Participants
1370 Any person may purchase ATUs to retire for air quality benefit only. Such person
1371 shall be a special participant and shall register with the Agency prior to its first
1372 ATU purchase. Special participants will not have Transaction Accounts in the
1373 Transaction Account database. All ATUs purchased by special participants will
1374 be retired effective on the date of purchase and will be listed as retired in the
1375 appropriate database.
1376
1377 d) Special participants will be given a registration number by the Agency so that
1378 their purchases of ATUs can be recorded.
1379

1380 (Source: Amended at 29 Ill. Reg. _____, effective _____)
1381

1382 SUBPART G: PERFORMANCE ACCOUNTABILITY
1383

1384 **Section 205.700 Compliance Accounting**
1385

- 1386 a) The owner or operator of each participating source or new participating source
1387 shall maintain and retain for five years at the source or at another location agreed
1388 to by the Agency, in conjunction with the records it maintains to demonstrate
1389 compliance with its CAAPP permit or FESOP, all of the following documents as
1390 its compliance master file:
1391
1392 1) A copy of its seasonal component of its Annual Emissions Report;
1393
1394 2) Information on actual VOM emissions, as recorded in accordance with
1395 Section 205.335 of this Part, and as required by the CAAPP permit or
1396 FESOP for the source; and
1397
1398 3) Copies of any transfer agreements for the purchase or sale of ATUs and
1399 other documentation associated with the transfer of ATUs.
1400
1401 b) Compliance Master File Review
1402
1403 1) The owner or operator of each participating source or new participating

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Definitions and General Provisions
- 2) Code citation: 35 Ill. Adm. Code 211
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
211.	3695
- 4) Statutory authority: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].
- 5) A complete description of the subjects and issues involved: A more complete description of this proposal may be found in the Board's opinion and order of December 2, 2004, in Board docket R05-11. This rulemaking, based on a proposal filed by the Illinois Environmental Protection Agency (Agency) on November 19, 2004, amends the Board's Emission reduction market system regulations (ERMS). The ERMS system is a cap and trade program that involves volatile organic material (VOM) emissions in the Chicago area. The program is designed to reduce VOM emission in the Chicago non-attainment area below the levels required by reasonably available control technology and other emission standards. The amendments in this rulemaking affect sources in the Chicago ozone non-attainment area.

Specifically, the amendments to Part 211 change the phrase "Chicago nonattainment area" to "Chicago area" to reflect the change in status for the Chicago area.
- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3 (2002)].
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*. Comments should reference Docket R05-11 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information contact John Knittle at 217/278-3111 or email at knittlej@ipcb.state.il.us.

- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses and not-for-profit corporations that are located within the Chicago area and that emit, or have the potential to emit, 25 tons per year or more of VOM or is required to obtain a CAAPP permit, and that has baseline or seasonal emissions of at least 10 tons per year.
 - B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments do not require extensive reporting, bookkeeping or other procedures.
 - C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may be aided by the services of an attorney.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2004

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

1ST NOTICE VERSION

JCAR350211-0416180r01

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS
5 FOR STATIONARY SOURCES
6

7 PART 211
8 DEFINITIONS AND GENERAL PROVISIONS
9

10 SUBPART A: GENERAL PROVISIONS
11

12	Section	
13	211.101	Incorporations by Reference
14	211.102	Abbreviations and Conversion Factors
15		

16 SUBPART B: DEFINITIONS
17

18	Section	
19	211.121	Other Definitions
20	211.122	Definitions (Repealed)
21	211.130	Accelacota
22	211.150	Accumulator
23	211.170	Acid Gases
24	211.210	Actual Heat Input
25	211.230	Adhesive
26	211.240	Adhesion Promoter
27	211.250	Aeration
28	211.270	Aerosol Can Filling Line
29	211.290	Afterburner
30	211.310	Air Contaminant
31	211.330	Air Dried Coatings
32	211.350	Air Oxidation Process
33	211.370	Air Pollutant
34	211.390	Air Pollution
35	211.410	Air Pollution Control Equipment
36	211.430	Air Suspension Coater/Dryer
37	211.450	Airless Spray
38	211.470	Air Assisted Airless Spray
39	211.474	Alcohol
40	211.479	Allowance
41	211.484	Animal
42	211.485	Animal Pathological Waste
43	211.490	Annual Grain Through-Put

44	211.495	Anti-Glare/Safety Coating
45	211.510	Application Area
46	211.530	Architectural Coating
47	211.550	As Applied
48	211.560	As-Applied Fountain Solution
49	211.570	Asphalt
50	211.590	Asphalt Prime Coat
51	211.610	Automobile
52	211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty
53		Truck Manufacturing Plant
54	211.650	Automobile or Light-Duty Truck Refinishing
55	211.660	Automotive/Transportation Plastic Parts
56	211.670	Baked Coatings
57	211.680	Bakery Oven
58	211.685	Basecoat/Clearcoat System
59	211.690	Batch Loading
60	211.695	Batch Operation
61	211.696	Batch Process Train
62	211.710	Bead-Dipping
63	211.730	Binders
64	211.750	British Thermal Unit
65	211.770	Brush or Wipe Coating
66	211.790	Bulk Gasoline Plant
67	211.810	Bulk Gasoline Terminal
68	211.820	Business Machine Plastic Parts
69	211.830	Can
70	211.850	Can Coating
71	211.870	Can Coating Line
72	211.890	Capture
73	211.910	Capture Device
74	211.930	Capture Efficiency
75	211.950	Capture System
76	211.955	Cement
77	211.960	Cement Kiln
78	211.970	Certified Investigation
79	211.980	Chemical Manufacturing Process Unit
80	211.990	Choke Loading
81	211.1010	Clean Air Act
82	211.1050	Cleaning and Separating Operation
83	211.1070	Cleaning Materials
84	211.1090	Clear Coating
85	211.1110	Clear Topcoat
86	211.1120	Clinker

87	211.1130	Closed Purge System
88	211.1150	Closed Vent System
89	211.1170	Coal Refuse
90	211.1190	Coating
91	211.1210	Coating Applicator
92	211.1230	Coating Line
93	211.1250	Coating Plant
94	211.1270	Coil Coating
95	211.1290	Coil Coating Line
96	211.1310	Cold Cleaning
97	211.1312	Combined Cycle System
98	211.1316	Combustion Turbine
99	211.1320	Commence Commercial Operation
100	211.1324	Commence Operation
101	211.1328	Common Stack
102	211.1330	Complete Combustion
103	211.1350	Component
104	211.1370	Concrete Curing Compounds
105	211.1390	Concentrated Nitric Acid Manufacturing Process
106	211.1410	Condensate
107	211.1430	Condensible PM-10
108	211.1465	Continuous Automatic Stoking
109	211.1467	Continuous Coater
110	211.1470	Continuous Process
111	211.1490	Control Device
112	211.1510	Control Device Efficiency
113	211.1515	Control Period
114	211.1520	Conventional Air Spray
115	211.1530	Conventional Soybean Crushing Source
116	211.1550	Conveyorized Degreasing
117	211.1570	Crude Oil
118	211.1590	Crude Oil Gathering
119	211.1610	Crushing
120	211.1630	Custody Transfer
121	211.1650	Cutback Asphalt
122	211.1670	Daily-Weighted Average VOM Content
123	211.1690	Day
124	211.1710	Degreaser
125	211.1730	Delivery Vessel
126	211.1750	Dip Coating
127	211.1770	Distillate Fuel Oil
128	211.1780	Distillation Unit
129	211.1790	Drum

130	211.1810	Dry Cleaning Operation or Dry Cleaning Facility
131	211.1830	Dump-Pit Area
132	211.1850	Effective Grate Area
133	211.1870	Effluent Water Separator
134	211.1875	Elastomeric Materials
135	211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding
136		Coatings
137	211.1885	Electronic Component
138	211.1890	Electrostatic Bell or Disc Spray
139	211.1900	Electrostatic Prep Coat
140	211.1910	Electrostatic Spray
141	211.1920	Emergency or Standby Unit
142	211.1930	Emission Rate
143	211.1950	Emission Unit
144	211.1970	Enamel
145	211.1990	Enclose
146	211.2010	End Sealing Compound Coat
147	211.2030	Enhanced Under-the-Cup Fill
148	211.2050	Ethanol Blend Gasoline
149	211.2070	Excess Air
150	211.2080	Excess Emissions
151	211.2090	Excessive Release
152	211.2110	Existing Grain-Drying Operation (Repealed)
153	211.2130	Existing Grain-Handling Operation (Repealed)
154	211.2150	Exterior Base Coat
155	211.2170	Exterior End Coat
156	211.2190	External Floating Roof
157	211.2210	Extreme Performance Coating
158	211.2230	Fabric Coating
159	211.2250	Fabric Coating Line
160	211.2270	Federally Enforceable Limitations and Conditions
161	211.2285	Feed Mill
162	211.2290	Fermentation Time
163	211.2300	Fill
164	211.2310	Final Repair Coat
165	211.2330	Firebox
166	211.2350	Fixed-Roof Tank
167	211.2360	Flexible Coating
168	211.2365	Flexible Operation Unit
169	211.2370	Flexographic Printing
170	211.2390	Flexographic Printing Line
171	211.2410	Floating Roof
172	211.2420	Fossil Fuel

173	211.2425	Fossil Fuel-Fired
174	211.2430	Fountain Solution
175	211.2450	Freeboard Height
176	211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
177	211.2490	Fugitive Particulate Matter
178	211.2510	Full Operating Flowrate
179	211.2530	Gas Service
180	211.2550	Gas/Gas Method
181	211.2570	Gasoline
182	211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
183	211.2610	Gel Coat
184	211.2620	Generator
185	211.2630	Gloss Reducers
186	211.2650	Grain
187	211.2670	Grain-Drying Operation
188	211.2690	Grain-Handling and Conditioning Operation
189	211.2710	Grain-Handling Operation
190	211.2730	Green-Tire Spraying
191	211.2750	Green Tires
192	211.2770	Gross Heating Value
193	211.2790	Gross Vehicle Weight Rating
194	211.2810	Heated Airless Spray
195	211.2815	Heat Input
196	211.2820	Heat Input Rate
197	211.2830	Heatset
198	211.2850	Heatset Web Offset Lithographic Printing Line
199	211.2870	Heavy Liquid
200	211.2890	Heavy Metals
201	211.2910	Heavy Off-Highway Vehicle Products
202	211.2930	Heavy Off-Highway Vehicle Products Coating
203	211.2950	Heavy Off-Highway Vehicle Products Coating Line
204	211.2970	High Temperature Aluminum Coating
205	211.2990	High Volume Low Pressure (HVLP) Spray
206	211.3010	Hood
207	211.3030	Hot Well
208	211.3050	Housekeeping Practices
209	211.3070	Incinerator
210	211.3090	Indirect Heat Transfer
211	211.3110	Ink
212	211.3130	In-Process Tank
213	211.3150	In-Situ Sampling Systems
214	211.3170	Interior Body Spray Coat
215	211.3190	Internal-Floating Roof

216	211.3210	Internal Transferring Area
217	211.3230	Lacquers
218	211.3250	Large Appliance
219	211.3270	Large Appliance Coating
220	211.3290	Large Appliance Coating Line
221	211.3310	Light Liquid
222	211.3330	Light-Duty Truck
223	211.3350	Light Oil
224	211.3370	Liquid/Gas Method
225	211.3390	Liquid-Mounted Seal
226	211.3410	Liquid Service
227	211.3430	Liquids Dripping
228	211.3450	Lithographic Printing Line
229	211.3470	Load-Out Area
230	211.3480	Loading Event
231	211.3483	Long Dry Kiln
232	211.3485	Long Wet Kiln
233	211.3487	Low-NO _x Burner
234	211.3490	Low Solvent Coating
235	211.3500	Lubricating Oil
236	211.3510	Magnet Wire
237	211.3530	Magnet Wire Coating
238	211.3550	Magnet Wire Coating Line
239	211.3570	Major Dump Pit
240	211.3590	Major Metropolitan Area (MMA)
241	211.3610	Major Population Area (MPA)
242	211.3620	Manually Operated Equipment
243	211.3630	Manufacturing Process
244	211.3650	Marine Terminal
245	211.3660	Marine Vessel
246	211.3670	Material Recovery Section
247	211.3690	Maximum Theoretical Emissions
248	211.3695	Maximum True Vapor Pressure
249	211.3710	Metal Furniture
250	211.3730	Metal Furniture Coating
251	211.3750	Metal Furniture Coating Line
252	211.3770	Metallic Shoe-Type Seal
253	211.3780	Mid-Kiln Firing
254	211.3790	Miscellaneous Fabricated Product Manufacturing Process
255	211.3810	Miscellaneous Formulation Manufacturing Process
256	211.3830	Miscellaneous Metal Parts and Products
257	211.3850	Miscellaneous Metal Parts and Products Coating
258	211.3870	Miscellaneous Metal Parts or Products Coating Line

259	211.3890	Miscellaneous Organic Chemical Manufacturing Process
260	211.3910	Mixing Operation
261	211.3915	Mobile Equipment
262	211.3930	Monitor
263	211.3950	Monomer
264	211.3960	Motor Vehicles
265	211.3965	Motor Vehicle Refinishing
266	211.3970	Multiple Package Coating
267	211.3980	Nameplate Capacity
268	211.3990	New Grain-Drying Operation (Repealed)
269	211.4010	New Grain-Handling Operation (Repealed)
270	211.4030	No Detectable Volatile Organic Material Emissions
271	211.4050	Non-Contact Process Water Cooling Tower
272	211.4055	Non-Flexible Coating
273	211.4065	Non-Heatset
274	211.4067	NO _x Trading Program
275	211.4070	Offset
276	211.4090	One Hundred Percent Acid
277	211.4110	One-Turn Storage Space
278	211.4130	Opacity
279	211.4150	Opaque Stains
280	211.4170	Open Top Vapor Degreasing
281	211.4190	Open-Ended Valve
282	211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline
283		Dispensing Facility
284	211.4230	Organic Compound
285	211.4250	Organic Material and Organic Materials
286	211.4260	Organic Solvent
287	211.4270	Organic Vapor
288	211.4290	Oven
289	211.4310	Overall Control
290	211.4330	Overvarnish
291	211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing
292		Facility
293	211.4370	Owner or Operator
294	211.4390	Packaging Rotogravure Printing
295	211.4410	Packaging Rotogravure Printing Line
296	211.4430	Pail
297	211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
298	211.4470	Paper Coating
299	211.4490	Paper Coating Line
300	211.4510	Particulate Matter
301	211.4530	Parts Per Million (Volume) or PPM (Vol)

302	211.4550	Person
303	211.4590	Petroleum
304	211.4610	Petroleum Liquid
305	211.4630	Petroleum Refinery
306	211.4650	Pharmaceutical
307	211.4670	Pharmaceutical Coating Operation
308	211.4690	Photochemically Reactive Material
309	211.4710	Pigmented Coatings
310	211.4730	Plant
311	211.4740	Plastic Part
312	211.4750	Plasticizers
313	211.4770	PM-10
314	211.4790	Pneumatic Rubber Tire Manufacture
315	211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
316	211.4830	Polyester Resin Material(s)
317	211.4850	Polyester Resin Products Manufacturing Process
318	211.4870	Polystyrene Plant
319	211.4890	Polystyrene Resin
320	211.4910	Portable Grain-Handling Equipment
321	211.4930	Portland Cement Manufacturing Process Emission Source
322	211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
323	211.4960	Potential Electrical Output Capacity
324	211.4970	Potential to Emit
325	211.4990	Power Driven Fastener Coating
326	211.5010	Precoat
327	211.5015	Preheater Kiln
328	211.5020	Preheater/Precalciner Kiln
329	211.5030	Pressure Release
330	211.5050	Pressure Tank
331	211.5060	Pressure/Vacuum Relief Valve
332	211.5061	Pretreatment Wash Primer
333	211.5065	Primary Product
334	211.5070	Prime Coat
335	211.5080	Primer Sealer
336	211.5090	Primer Surfacer Coat
337	211.5110	Primer Surfacer Operation
338	211.5130	Primers
339	211.5150	Printing
340	211.5170	Printing Line
341	211.5185	Process Emission Source
342	211.5190	Process Emission Unit
343	211.5210	Process Unit
344	211.5230	Process Unit Shutdown

345	211.5245	Process Vent
346	211.5250	Process Weight Rate
347	211.5270	Production Equipment Exhaust System
348	211.5310	Publication Rotogravure Printing Line
349	211.5330	Purged Process Fluid
350	211.5340	Rated Heat Input Capacity
351	211.5350	Reactor
352	211.5370	Reasonably Available Control Technology (RACT)
353	211.5390	Reclamation System
354	211.5410	Refiner
355	211.5430	Refinery Fuel Gas
356	211.5450	Refinery Fuel Gas System
357	211.5470	Refinery Unit or Refinery Process Unit
358	211.5480	Reflective Argent Coating
359	211.5490	Refrigerated Condenser
360	211.5500	Regulated Air Pollutant
361	211.5510	Reid Vapor Pressure
362	211.5530	Repair
363	211.5550	Repair Coat
364	211.5570	Repaired
365	211.5580	Repowering
366	211.5590	Residual Fuel Oil
367	211.5600	Resist Coat
368	211.5610	Restricted Area
369	211.5630	Retail Outlet
370	211.5650	Ringelmann Chart
371	211.5670	Roadway
372	211.5690	Roll Coater
373	211.5710	Roll Coating
374	211.5730	Roll Printer
375	211.5750	Roll Printing
376	211.5770	Rotogravure Printing
377	211.5790	Rotogravure Printing Line
378	211.5810	Safety Relief Valve
379	211.5830	Sandblasting
380	211.5850	Sanding Sealers
381	211.5870	Screening
382	211.5890	Sealer
383	211.5910	Semi-Transparent Stains
384	211.5930	Sensor
385	211.5950	Set of Safety Relief Valves
386	211.5970	Sheet Basecoat
387	211.5980	Sheet-Fed

388	211.5990	Shotblasting
389	211.6010	Side-Seam Spray Coat
390	211.6025	Single Unit Operation
391	211.6030	Smoke
392	211.6050	Smokeless Flare
393	211.6060	Soft Coat
394	211.6070	Solvent
395	211.6090	Solvent Cleaning
396	211.6110	Solvent Recovery System
397	211.6130	Source
398	211.6140	Specialty Coatings
399	211.6145	Specialty Coatings for Motor Vehicles
400	211.6150	Specialty High Gloss Catalyzed Coating
401	211.6170	Specialty Leather
402	211.6190	Specialty Soybean Crushing Source
403	211.6210	Splash Loading
404	211.6230	Stack
405	211.6250	Stain Coating
406	211.6270	Standard Conditions
407	211.6290	Standard Cubic Foot (scf)
408	211.6310	Start-Up
409	211.6330	Stationary Emission Source
410	211.6350	Stationary Emission Unit
411	211.6355	Stationary Gas Turbine
412	211.6360	Stationary Reciprocating Internal Combustion Engine
413	211.6370	Stationary Source
414	211.6390	Stationary Storage Tank
415	211.6400	Stencil Coat
416	211.6410	Storage Tank or Storage Vessel
417	211.6420	Strippable Spray Booth Coating
418	211.6430	Styrene Devolatilizer Unit
419	211.6450	Styrene Recovery Unit
420	211.6470	Submerged Loading Pipe
421	211.6490	Substrate
422	211.6510	Sulfuric Acid Mist
423	211.6530	Surface Condenser
424	211.6540	Surface Preparation Materials
425	211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
426	211.6570	Tablet Coating Operation
427	211.6580	Texture Coat
428	211.6590	Thirty-Day Rolling Average
429	211.6610	Three-Piece Can
430	211.6620	Three or Four Stage Coating System

431	211.6630	Through-the-Valve Fill
432	211.6650	Tooling Resin
433	211.6670	Topcoat
434	211.6690	Topcoat Operation
435	211.6695	Topcoat System
436	211.6710	Touch-Up
437	211.6720	Touch-Up Coating
438	211.6730	Transfer Efficiency
439	211.6750	Tread End Cementing
440	211.6770	True Vapor Pressure
441	211.6790	Turnaround
442	211.6810	Two-Piece Can
443	211.6830	Under-the-Cup Fill
444	211.6850	Undertread Cementing
445	211.6860	Uniform Finish Blender
446	211.6870	Unregulated Safety Relief Valve
447	211.6880	Vacuum Metallizing
448	211.6890	Vacuum Producing System
449	211.6910	Vacuum Service
450	211.6930	Valves Not Externally Regulated
451	211.6950	Vapor Balance System
452	211.6970	Vapor Collection System
453	211.6990	Vapor Control System
454	211.7010	Vapor-Mounted Primary Seal
455	211.7030	Vapor Recovery System
456	211.7050	Vapor-Suppressed Polyester Resin
457	211.7070	Vinyl Coating
458	211.7090	Vinyl Coating Line
459	211.7110	Volatile Organic Liquid (VOL)
460	211.7130	Volatile Organic Material Content (VOMC)
461	211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
462	211.7170	Volatile Petroleum Liquid
463	211.7190	Wash Coat
464	211.7200	Washoff Operations
465	211.7210	Wastewater (Oil/Water) Separator
466	211.7230	Weak Nitric Acid Manufacturing Process
467	211.7250	Web
468	211.7270	Wholesale Purchase – Consumer
469	211.7290	Wood Furniture
470	211.7310	Wood Furniture Coating
471	211.7330	Wood Furniture Coating Line
472	211.7350	Woodworking
473	211.7400	Yeast Percentage

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475 211.APPENDIX A Rule into Section Table

476 211.APPENDIX B Section into Rule Table

477

478 AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and
 479 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

480

481 SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191,
 482 filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p.
 483 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30,
 484 p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21,
 485 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective
 486 July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in
 487 R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804,
 488 effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective
 489 December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended
 490 in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg.
 491 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1,
 492 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-
 493 30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901,
 494 effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991;
 495 amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16
 496 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August
 497 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in
 498 R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg.
 499 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September
 500 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in
 501 R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg.
 502 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg.
 503 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995;
 504 amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill.
 505 Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May
 506 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-
 507 17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695,
 508 effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997;
 509 amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill.
 510 Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December
 511 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17
 512 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-11 at 29 Ill. Reg. _____,
 513 effective _____.

514

515 BOARD NOTE: This Part implement the Illinois Environmental Protection Act as of July 1,
 516 1994.

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SUBPART B: DEFINITIONS

Section 211.3695 Maximum True Vapor Pressure

"Maximum true vapor pressure" means the equilibrium partial pressure exerted by stored VOL at the temperature equal to the highest calendar-month average of the VOL storage temperature for VOLs stored above or below the ambient temperature or at the local maximum monthly average temperature of 75 degrees fahrenheit for the Chicago nonattainment area as defined at 35 Ill. Adm. Code 218.100 or 79 degrees fahrenheit for the Metro-East nonattainment area as defined at 35 Ill. Adm. Code 219.100 for VOLs stored at the ambient temperature, as determined:

- a) In accordance with methods described in American Petroleum Institute bulletin 2517, Evaporation Loss from External Floating Roof Tanks, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or
- b) By ASTM Method D2879-83, incorporated by reference at 35 Ill. Adm. Code 218.112(a)(1) and 219.112(a)(1).

(Source: Amended at 29 Ill. Reg. _____, effective _____)