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January 3, 2019

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POLLUTION CONTROL BOARD
DON BROWN
100 W RANDOLPH ST
STE 11-500
CHICAGO, IL 60601

STATE OF ILLINOIS
Pollution Control Board

Dear DON BROWN

Your rules Listed below met our codification standards and have been published in Volume 43, Issue 1 of the Illinois Register, dated 1/4/2019.

ADOPTED RULES

Emissions Reduction Market System 35 Ill. Adm. Code 205 Point of Contact: Nancy Hoepfner	441
Hazardous Waste Management System: General 35 Ill. Adm. Code 720 Point of Contact: Mike McCambridge	446
Identification and Listing of Hazardous Waste 35 Ill. Adm. Code 721 Point of Contact: Mike McCambridge	496
Standards Applicable to Generators of Hazardous Waste 35 Ill. Adm. Code 722 Point of Contact: Mike McCambridge	563
Standards Applicable to Transporters of Hazardous Waste 35 Ill. Adm. Code 723 Point of Contact: Mike McCambridge	585
Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities 35 Ill. Adm. Code 724 Point of Contact: Mike McCambridge	601
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal	

Index Department - Administrative Code Division - 111 East Monroe Springfield, IL 62756



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Facilities		
35 Ill. Adm. Code 725		634
Point of Contact: Mike McCambridge		
Standards for the Management of Used Oil		
35 Ill. Adm. Code 739		667
Point of Contact: Mike McCambridge		
AGENCY REFUSAL IN RESPONSE TO A STATEMENT OF OBJECTION		
Emissions Reduction Market System		
35 Ill. Adm. Code 205		818
Point of Contact: Nancy Hoepfner		
REGULATORY AGENDA		
Definitions and General Provisions		
35 Ill. Adm. Code 211		870
Point of Contact: Nancy Hoepfner		

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

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Emissions Reduction Market System
- 2) Code Citation: 35 Ill. Adm. Code 205
- 3) Section Number: 205.115 Adopted Action:
New section
- 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, 28].
- 5) Effective Date of Rule: DEC 26 2018
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) The adopted amendments are available on the Board's website (<https://pcb.illinois.gov>) and are also on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500, and are available there for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 42 Ill. Reg. 6572; April 13, 2018.
- 10) Has JCAR issued a Statement of Objections to this rulemaking? Yes.
- 11) Differences between proposal and final version: The Board made a limited number of non-substantive clarifying changes to the rule.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes.
- 13) Will this rulemaking replace an emergency rule currently in effect? No.
- 14) Are there any other rulemakings pending on this Part? No.
- 15) Summary and Purpose of Rulemaking: The Emissions Reduction Market System (ERMS) is a cap-and-trade program in which sources must hold allowances for actual emissions of volatile organic material (VOM). ERMS was intended to help attain the 1979 ozone National Ambient Air Quality Standards by reducing VOM emissions in the Chicago non-attainment area. Since IEPA began implementing ERMS in 2000, emissions from ERMS sources have decreased. IEPA reports that ERMS no longer

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provides any emission reductions beyond those already provided by other federal and State requirements. The Board proposed a Section 205.115, establishing a “sunset” date of April 30, 2018 for Part 205.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Tim Fox
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312-814-6085
Tim.Fox@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R18-22 in your request. The Board order is also available at the Board's web site (<https://pcb.illinois.gov>).

The full text of the adopted amendment begins on the next page:

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

PART 205
EMISSIONS REDUCTION MARKET SYSTEM

SUBPART A: GENERAL PROVISIONS

Section	
205.100	Severability
205.110	Purpose
<u>205.115</u>	<u>Sunset Provision</u>
205.120	Abbreviations and Acronyms
205.130	Definitions
205.150	Emissions Management Periods

SUBPART B: APPLICABILITY

Section	
205.200	Participating Source
205.205	Exempt Source
205.210	New Participating Source
205.220	Insignificant Emission Units
205.225	Startup, Malfunction or Breakdown

SUBPART C: OPERATIONAL IMPLEMENTATION

Section	
205.300	Seasonal Emissions Component of the Annual Emissions Report
205.310	ERMS Applications
205.315	CAAPP Permits for ERMS Sources
205.316	Federally Enforceable State Operating Permits for ERMS Sources
205.318	Certification for Exempt CAAPP Sources
205.320	Baseline Emissions
205.330	Emissions Determination Methods
205.335	Sampling, Testing, Monitoring and Recordkeeping Practices
205.337	Changes in Emissions Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

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SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section	
205.400	Seasonal Emissions Allotment
205.405	Exclusions from Further Reductions
205.410	Participating Source Shutdowns

SUBPART E: ALTERNATIVE ATU GENERATION

Section	
205.500	Emissions Reduction Generator
205.510	Inter-Sector Transaction

SUBPART F: MARKET TRANSACTIONS

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

SUBPART G: PERFORMANCE ACCOUNTABILITY

Section	
205.700	Compliance Accounting
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 in R97-13 at 21 Ill. Reg. 15777, effective November 25, 1997; amended in R05-11 at 29 Ill. Reg. 8848, effective June 13, 2005; amended in R18-22 at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 205.115 Sunset Provision

This Part does not apply after April 29, 2018. Subject sources must comply with this Part before April 30, 2018.

(Source: Added at 43 Ill. Reg. _____, effective _____)