**Section 106.704 Termination Under Section 52.3-4(b) or (b-5) of the Act**

a) To terminate an EMSA under Section 52.3-4(b) of the Act, the Agency must determine that the sponsor's performance under the EMSA has failed to:

1) *Achieve emissions reductions or reductions in discharges of wastes beyond the otherwise applicable statutory and regulatory requirements through pollution prevention or other suitable means; or*

2) *Achieve real environmental risk reduction or foster environmental compliance by other persons regulated under the Act in a manner that is clearly superior to the existing regulatory system.* [415 ILCS 5/52.3-1(b)]

b) To terminate an EMSA under Section 52.3-4(b-5) of the Act, the Agency must determine that the sponsor's *participation in the Federal Performance Track Program has ceased*. [415 ILCS 5/52.3-4(b-5)]

c) If the Agency terminates an EMSA under Section 52.3-4(b) or (b-5) of the Act, the sponsor may file an appeal with the Board. Appeals to the Board will be under 35 Ill. Adm. Code 105.Subparts A and B.

(Source: Amended at 41 Ill. Reg. 10104, effective July 5, 2017)