From: McGill, Richard
To: Brown, Don
Subject: PC for R18-21 (Part 217)
Date: Friday, March 23, 2018 4:02:56 PM
Attachments: 35-217ProposedChanges.docx
35-217.docx

Good afternoon, Mr. Clerk:

Please add this email and two attachments to the R18-21 record as a PC from Jonathan Eastvold of JCAR staff.

Please indicate in the docket entry that this concerns Part 217.

If you have any questions, please let me know. Thank you.

From: Eastvold, Jonathan C. [mailto:JonathanE@ilga.gov]
Sent: Friday, March 23, 2018 3:58 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] 35 IAC 217

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	Line	Citation	Change
1.	58	TOC: Subpart G	"FURNANCES" to "FURNACES"
2.	1134	217.164(b), Btu_{NG}	"inpu" to "input"
3.	1342	217.244(a), 4th row	"furance" to "furnace"
4.	1342	217.244(a), 7th row	"furance" to "furnace"

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

PART 217
NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section

SUBPART D: NO_x GENERAL REQUIREMENTS

Section

SUBPART E: INDUSTRIAL BOILERS

Section

Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011; amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011; amended in R15-21 at 39 Ill. Reg. 16213, effective December 7, 2015.

SUBPART A: GENERAL PROVISIONS

Section 217.100 Scope and Organization

a) This Part sets standards and limitations for emission of oxides of nitrogen from stationary sources.

b) Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201 or Section 39.5 of the Act.

c) Notwithstanding the provisions of this Part the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.

d) These rules have been grouped for convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.101 Measurement Methods

Measurement of nitrogen oxides must be according to:

a) The phenol disulfonic acid procedures, 40 CFR 60, Appendix A, Method 7, as incorporated by reference in Section 217.104;

b) Continuous emissions monitoring pursuant to 40 CFR 75, as incorporated by reference in Section 217.104;

c) Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure), 40 CFR 60, Appendix A, Method 7E, as incorporated by reference in Section 217.104;

d) Monitoring with portable monitors pursuant to ASTM D6522-00, as incorporated by reference in Section 217.104; and

e) How do I conduct the initial and subsequent performance tests (for turbines), regarding NO_x pursuant to 40 CFR 60.4400, as incorporated by reference in Section 217.104.

(Source: Amended at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.102 Abbreviations and Units

a) The following abbreviations are used in this Part:

ASTM	American Society for Testing and Materials
Btu	British thermal unit
bhp	brake horsepower
CEMS	continuous emissions monitoring system
EGU	Electrical Generating Unit
dscf	dry standard cubic feet
g/bhp-hr	grams per brake horsepower-hour
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour
lb	pound
lbs/mmBtu	pounds per million Btu
Mg	megagram or metric ton

mm	million
mmBtu	million British thermal units
mmBtu/hr	million British thermal units per hour
MWe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt-hour
NATS	NO_x Allowance Tracking System
NO_2	nitrogen dioxide
NO_x	nitrogen oxides
O_2	oxygen
psia	pounds per square inch absolute
peoc	potential electrical output capacity
PTE	potential to emit
ppm	parts per million
ppmv	parts per million by volume
T	English ton
TPY	tons per year

b) The following conversion factors have been used in this Part:

English	Metric
2.205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg

(Source: Amended at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.103 Definitions

The definitions contained in 35 Ill. Adm. Code 201 and 211 apply to this Part.

Section 217.104 Incorporations by Reference

The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

a) The phenol disulfonic acid procedures, as published in 40 CFR 60, Appendix A, Method 7 (2000);

b) 40 CFR 96, subparts B, D, G, and H (1999);

c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) & (b), 96.56 and 96.57 (1999);

d) 40 CFR 60, 72, 75 & 76 (2006);

e) Alternative Control Techniques Document – NO_x Emissions from Cement Manufacturing, EPA-453/R94-004, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, March 1994;

f) Section 11.6, Portland Cement Manufacturing, AP-42 Compilation of Air Emission Factors, Volume 1: Stationary Point and Area Sources, U.S. Environmental Protection Agency-Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, revised January 1995;

g) 40 CFR 60.13 (2001);

h) 40 CFR 60, Appendix A, Methods 3A, 7, 7A, 7C, 7D, 7E, 19, and 20 (2000);

i) ASTM D6522-00, Standard Test Method for Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters Using Portable Analyzers (2000);

j) Standards of Performance for Stationary Combustion Turbines, 40 CFR 60, Subpart KKKK, 60.4400 (2006);

k) Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Area Sources (2000), USEPA;

l) 40 CFR 60, Appendix A, Methods 1, 2, 3, and 4 (2008);

m) Alternative Control Techniques Document − NO_x Emissions from Industrial/Commercial/Institutional (ICI) Boilers, EPA-453/R-94-022, U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, March 1994;

n) Alternative Control Techniques Document − NO_x Emissions from Process Heaters (Revised), EPA-453/R-93-034, U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, September 1993;

o) Alternative Control Techniques Document − NO_x Emissions from Glass Manufacturing, EPA-453/R-94-037, U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, June 1994;

p) Alternative Control Techniques Document − NO_x Emissions from Iron and Steel Mills, EPA-453/R-94-065, U.S. Environmental Protection Agency, Office of Air and Radiation, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, September 1994;

q) 40 CFR 60 and 75 (2008); and

r) 40 CFR 60, Appendix B, Performance Specification 16, 74 FR 12575 (March 25, 2009).

(Source: Amended at 33 Ill. Reg. 13345, effective August 31, 2009)

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section 217.121 New Emission Sources (Repealed)

(Source: Repealed at 33 Ill. Reg. 13345, effective August 31, 2009)

SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

Section 217.141 Existing Emission Units in Major Metropolitan Areas

No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one hour period from any existing fuel combustion emission unit with an actual heat input equal to or greater than 73.2 MW (250 mmbtu/hr), located in the Chicago or St. Louis (Illinois) major metropolitan areas to exceed the following limitations:

a) For gaseous and/or liquid fossil fuel firing, 0.46 kg/MW-hr (0.3 lbs/mmbtu) of actual heat input;

b) For solid fossil fuel firing, 1.39 kg/MW-hr (0.9 lbs/mmbtu) of actual heat input;

c) For fuel combustion emission units burning simultaneously any combination of solid, liquid and gaseous fuel, the allowable emission rate shall be determined by the following equation:

$$E = (AG + BL + CS)Q$$

Where:

E = allowable nitrogen oxides emissions rate

Q = actual heat input

G = percent of actual heat input derived from gaseous fossil fuel

L = percent of actual heat input derived from liquid fossil fuel

S = percent of actual heat input derived from solid fossil fuel

G + L + S = 100.0

	Metric	English
E	Kg/hr	1ls/hr
Q	MW	Mmbtu/hr
A	0.023	0.003
B	0.023	0.003
C	0.068	0.009

d) Exceptions: This Section shall not apply to the following:

1) Existing fuel combustion sources that are either cyclone fired boilers burning solid or liquid fuel, or horizontally opposed fired boilers burning solid fuel; or

2) Emission units that are subject to the emissions limitations of Subpart E, F, G, H, I, M, or Q of this Part.

(Source: Amended at 33 Ill. Reg. 13345, effective August 31, 2009)

SUBPART D: NO_x GENERAL REQUIREMENTS

Section 217.150 Applicability

a) Applicability

1) The provisions of this Subpart and Subparts E, F, G, H, I, and M of this Part apply to the following:

A) All sources that are located in either one of the following areas and that emit or have the potential to emit NO_x in an amount equal to or greater than 100 tons per year:

i) The area composed of the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County; or

ii) The area composed of the Metro East area counties of Jersey, Madison, Monroe, and St. Clair, and the Township of Baldwin in Randolph County; and

B) Any industrial boiler, process heater, glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, aluminum reverberatory or crucible furnace, or fossil fuel-fired stationary boiler at such sources described in subsection (a)(1)(A) of this Section that emits NO_x in an amount equal to or greater than 15 tons per year and equal to or greater than five tons per ozone season.

2) For purposes of this Section, "potential to emit" means the quantity of NO_x that potentially could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8,760 hours per year or the quantity of NO_x that potentially could be emitted by a stationary source as established in a federally enforceable permit.

b) If a source ceases to fulfill the emissions criteria of subsection (a) of this Section, the requirements of this Subpart and Subpart E, F, G, H, I, or M of this Part continue to apply to any emission unit that was ever subject to the provisions of any of those Subparts.

c) The provisions of this Subpart do not apply to afterburners, flares, and incinerators.

d) Where a construction permit, for which the application was submitted to the Agency prior to the adoption of this Subpart, is issued that relies on decreases in emissions of NO_x from existing emission units for purposes of netting or emission offsets, such NO_x decreases remain creditable notwithstanding any requirements that may apply to the existing emission units pursuant to this Subpart and Subpart E, F, G, H, I, or M of this Part.

e) The owner or operator of an emission unit that is subject to this Subpart and Subpart E, F, G, H, I, or M of this Part must operate such unit in a manner consistent with good air pollution control practice to minimize NO_x emissions.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.152 Compliance Date

a) Compliance with the requirements of Subparts E, F, G, H, I and M by an owner or operator of an emission unit that is subject to any of those Subparts is required beginning January 1, 2015.

b) Notwithstanding subsection (a) of this Section, compliance with the requirements of Subpart G of this Part by an owner or operator of an emission unit subject to Subpart G of this Part shall be extended until December 31, 2014, if the unit is required to meet emissions limitations for NO_x, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before May 7, 2010, whereby the emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204.

c) Notwithstanding subsection (a) of this Section, the owner or operator of emission units subject to Subpart E or F of this Part and located at a petroleum refinery must comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, for those emission units beginning January 1, 2015, except that the owner or operator of emission units listed in Appendix H must comply with the requirements of this Subpart, including the option of demonstrating compliance with the applicable Subpart through an emissions averaging plan under Section 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units beginning on the dates set forth in Appendix H. With Agency approval, the owner or operator of emission units listed in Appendix H may elect to comply with the requirements of this Subpart and Subpart E or F of this Part, as applicable, by reducing the emissions of emission units other than those listed in Appendix H, provided that the emissions limitations of such other emission units are equal to or more stringent than the applicable emissions limitations set forth in Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

Section 217.154 Performance Testing

a) Performance testing of NO_x emissions for emission units constructed on or before July 1, 2014, and subject to emissions limitations under Subpart E, F, G, H, or I of this Part must be conducted in accordance with Section 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and (e)(1). This subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system.

b) Performance testing of NO_x emissions for emission units for which construction or modification occurs after July 1, 2014, and that are subject to emissions limitations under Subpart E, F, G, H, or I of this Part must be conducted within 60 days after achieving maximum operating rate but no later than 180 days after initial startup of the new or modified emission unit, in accordance with Section 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and (e)(1), this subsection does not apply to owners and operators of emission units demonstrating compliance through a continuous emissions monitoring system, predictive emission monitoring system, or combustion tuning.

c) Notification of the initial startup of an emission unit subject to subsection (b) of this Section must be provided to the Agency no later than 30 days after initial startup.

d) The owner or operator of an emission unit subject to subsection (a) or (b) of this Section must notify the Agency of the scheduled date for the performance testing in writing at least 30 days before such date and five days before such date.

e) If demonstrating compliance through an emissions averaging plan, at least 30 days before changing the method of compliance, the owner or operator of an emission unit must submit a written notification to the Agency describing the new method of compliance, the reason for the change in the method of compliance, and the scheduled date for performance testing, if required. Upon changing the method of compliance, the owner or operator of an emission unit must submit to the Agency a revised compliance certification that meets the requirements of Section 217.155.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

Section 217.155 Initial Compliance Certification

a) By the applicable compliance date set forth under Section 217.152, an owner or operator of an emission unit subject to Subpart E, F, G, H, or I of this Part who is not demonstrating compliance through the use of a continuous emissions monitoring system must certify to the Agency that the emission unit will be in compliance with the applicable emissions limitation of Subpart E, F, G, H, or I of this Part beginning on such applicable compliance date. The performance testing certification must include the results of the performance testing performed in accordance with Section 217.154(a) and (b) and the calculations necessary to demonstrate that the subject emission unit will be in initial compliance.

b) By the applicable compliance date set forth under Section 217.152, an owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M of this Part who is demonstrating compliance through the use of a continuous emissions monitoring system must certify to the Agency that the affected emission units will be in compliance with the applicable emissions limitation of Subpart E, F, G, H, I, or M of this Part beginning on such applicable compliance date. The compliance certification must include a certification of the installation and operation of a continuous emissions monitoring system required under Section 217.157 and the monitoring data necessary to demonstrate that the subject emission unit will be in initial compliance.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.156 Recordkeeping and Reporting

a) The owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M of this Part must keep and maintain all records used to demonstrate initial compliance and ongoing compliance with the requirements of those Subparts.

1) Except as otherwise provided under this Subpart or Subpart E, F, G, H, I, or M of this Part, copies of such records must be submitted by the owner or operator of the source to the Agency within 30 days after receipt of a written request by the Agency.

2) Such records must be kept at the source and maintained for at least five years and must be available for immediate inspection and copying by the Agency.

b) The owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M of this Part must maintain records that demonstrate compliance with the requirements of those Subparts, as applicable, that include the following:

1) Identification, type (e.g., gas-fired), and location of each unit.

2) Calendar date of the record.

3) Monthly, seasonal, and annual operating hours.

4) Type and quantity of each fuel used monthly, seasonally, and annually.

5) Product and material throughput, as applicable.

6) Reports for all applicable emissions tests for NO_x conducted on the unit, including results.

7) The date, time, and duration of any startup, shutdown, or malfunction in the operation of any emission unit subject to Subpart E, F, G, H, I, or M of this Part or any emissions monitoring equipment. The records must include a description of the malfunction and corrective maintenance activity.

8) A log of all maintenance and inspections related to the unit's air pollution control equipment for NO_x that is performed on the unit.

9) A log for the NO_x monitoring device, if present, including periods when not in service and maintenance and inspection activities that are performed on the device.

10) Identification of time periods for which operating conditions and pollutant data were not obtained by the continuous emissions monitoring system,

including the reasons for not obtaining sufficient data and a description of corrective actions taken.

11) If complying with the emissions averaging plan provisions of Section 217.158, copies of the calculations used to demonstrate compliance with the ozone season and annual control period limitations, noncompliance reports for the ozone season, and ozone and annual control period compliance reports submitted to the Agency.

c) The owner or operator of an industrial boiler subject to Subpart E of this Part must maintain records in order to demonstrate compliance with the combustion tuning requirements under Section 217.166.

d) The owner or operator of a process heater subject to Subpart F of this Part must maintain records in order to demonstrate compliance with the combustion tuning requirements under Section 217.186.

e) The owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M of this Part must maintain records in order to demonstrate compliance with the testing and monitoring requirements under Section 217.157.

f) The owner or operator of an emission unit subject to Subpart E, F, G, H, or I of this Part must provide the following information with respect to performance testing pursuant to Section 217.157:

1) Submit a testing protocol to the Agency at least 60 days prior to testing;

2) Notify the Agency at least 30 days in writing prior to conducting performance testing for NO_x emissions and five days prior to such testing;

3) Not later than 60 days after the completion of the test, submit the results of the test to the Agency; and

4) If, after the 30-days' notice for an initially scheduled test is sent, there is a delay (e.g., due to operational problems) in conducting the test as scheduled, the owner or operator of the unit must notify the Agency as soon as practicable of the delay in the original test date, either by providing at least seven days' prior notice of the rescheduled date of the test or by arranging a new test date with the Agency by mutual agreement.

g) The owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M of this Part must notify the Agency of any exceedances of an applicable emissions limitation of Subpart E, F, G, H, I, or M of this Part by sending the applicable report with an explanation of the causes of such exceedances to the Agency within 30 days following the end of the applicable compliance period in which the emissions limitation was not met.

h) Within 30 days after the receipt of a written request by the Agency, the owner or operator of an emission unit that is exempt from the requirements of Subpart E, F, G, H, I, or M of this Part must submit records that document that the emission unit is exempt from those requirements to the Agency.

i) If demonstrating compliance through an emissions averaging plan, by March 1 following the applicable calendar year, the owner or operator must submit to the Agency a report that demonstrates the following:

1) For all units that are part of the emissions averaging plan, the total mass of allowable NO_x emissions for the ozone season and for the annual control period;

2) The total mass of actual NO_x emissions for the ozone season and annual control period for each unit included in the averaging plan;

3) The calculations that demonstrate that the total mass of actual NO_x emissions are less than the total mass of allowable NO_x emissions using equations in Section 217.158(f); and

4) The information required to determine the total mass of actual NO_x emissions.

j) The owner or operator of an emission unit subject to the requirements of Section 217.157 and demonstrating compliance through the use of a continuous emissions monitoring system must submit to the Agency a report within 30 days after the end of each calendar quarter. This report must include the following:

1) Information identifying and explaining the times and dates when continuous emissions monitoring for NO_x was not in operation, other than for purposes of calibrating or performing quality assurance or quality control activities for the monitoring equipment; and

2) An excess emissions and monitoring systems performance report in accordance with the requirements of 40 CFR 60.7(c) and (d) and 60.13, or 40 CFR 75, or an alternate procedure approved by the Agency and USEPA.

k) The owner or operator of an emission unit subject to Subpart M of this Part must comply with the compliance certification and recordkeeping and reporting requirements in accordance with 40 CFR 96, or an alternate procedure approved by the Agency and USEPA.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.157 Testing and Monitoring

a) Industrial Boilers and Process Heaters

1) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 75, as incorporated by reference in Section 217.104. However, the owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 250 mmBtu/hr that combusts blast furnace gas with up to 10% natural gas on an annual basis and located at a source that manufactures iron and steel is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on that industrial boiler, provided the heat input from natural gas does not exceed 10% on an annual basis and the owner or operator complies with the performance test requirements under this Section and demonstrates, during each performance test, that NO_x emissions from the industrial boiler are less than 70% of the applicable emissions limitation under Section 217.164. In the event the owner or operator is unable to meet the requirements of this exception, a continuous emissions monitoring system is required within 12 months after that event, or by January 1, 2015, whichever is later.

2) The owner or operator of an industrial boiler subject to Subpart E of this Part with a rated heat input capacity greater than 100 mmBtu/hr but less than or equal to 250 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.

3) The owner or operator of a process heater subject to Subpart F of this Part with a rated heat input capacity greater than 100 mmBtu/hr must install, calibrate, maintain, and operate a continuous emissions monitoring system on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.

4) If demonstrating compliance through an emissions averaging plan, the owner or operator of an industrial boiler subject to Subpart E of this Part, or a process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr and not demonstrating

compliance through a continuous emissions monitoring system must have an initial performance test conducted pursuant to subsection (a)(4)(B) of this Section and Section 217.154.

A) An owner or operator of an industrial boiler or process heater must have subsequent performance tests conducted pursuant to subsection (a)(4)(B) of this Section at least once every five years. When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.164 or 217.184, as applicable, the owner or operator of an industrial boiler or process heater must, at his or her own expense, have such test conducted in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

B) The owner or operator of an industrial boiler or process heater must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the industrial boiler is operating at maximum operating capacity or while the process heater is operating at normal maximum load. If the industrial boiler or process heater has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. If a combination of fuels is typically used, a performance test may be conducted, with Agency approval, on such combination of fuels typically used. Except as provided under subsection (e) of this Section, this subsection (a)(4)(B) does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (a)(1), (a)(2), (a)(3), or (a)(5) of this Section.

5) Instead of complying with the requirements of subsection (a)(4) of this Section, an owner or operator of an industrial boiler subject to Subpart E of this Part, or a process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr may install and operate a continuous emissions monitoring system on such emission unit in accordance with the applicable requirements of 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104. The continuous emissions monitoring system must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

6) Notwithstanding subsection (a)(2) of this Section, the owner or operator of an auxiliary boiler subject to Subpart E of this Part with a rated heat input capacity less than or equal to 250 mmBtu/hr and a capacity factor of less than or equal to 20% is not required to install, calibrate, maintain, and operate a continuous emissions monitoring system on such boiler for the measurement of NO_x emissions discharged into the atmosphere, but must comply with the performance test requirements under subsection (a)(4) of this Section.

b) Glass Melting Furnaces; Cement Kilns; Lime Kilns; Iron and Steel Reheat, Annealing, and Galvanizing Furnaces; and Aluminum Reverberatory and Crucible Furnaces

1) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount equal to or greater than one ton per day must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 60, subpart A and appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104.

2) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount less than one ton per day must have an initial performance test conducted pursuant to subsection (b)(4) of this Section and Section 217.154.

3) An owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount less than one ton per day must have subsequent performance tests conducted pursuant to subsection (b)(4) of this Section as follows:

A) For all glass melting furnaces subject to Subpart G of this Part, cement kilns or lime kilns subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnaces subject to Subpart I of this Part, including all such units

included in an emissions averaging plan, at least once every five years; and

B) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.204, 217.224, or 217.244 of this Part, as applicable, the owner or operator of a glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must, at his or her own expense, have such test conducted in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

4) The owner or operator of a glass melting furnace, cement kiln, or lime kiln must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Methods 1, 2, 3, 4, and 7E, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. The owner or operator of an iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace must have a performance test conducted using 40 CFR 60, subpart A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by reference in Section 217.104 of this Part, or other alternative USEPA methods approved by the Agency. Each performance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace is operating at maximum operating capacity. If the glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, or aluminum reverberatory or crucible furnace has combusted more than one type of fuel in the prior year, a separate performance test is required for each fuel. Except as provided under subsection (e) of this Section, this subsection (b)(4) does not apply if such owner or operator is demonstrating compliance with an emissions limitation through a continuous emissions monitoring system under subsection (b)(1) or (b)(5) of this Section.

5) Instead of complying with the requirements of subsections (b)(2), (b)(3), and (b)(4) of this Section, an owner or operator of a glass melting furnace subject to Subpart G of this Part, cement kiln or lime kiln subject to Subpart H of this Part, iron and steel reheat, annealing, or galvanizing furnace subject to Subpart I of this Part, or aluminum reverberatory or crucible furnace subject to Subpart I of this Part that has the potential to emit NO_x in an amount less than one ton per day may install and operate a continuous emissions monitoring system on such emission unit in accordance with the applicable requirements of 40 CFR 60, subpart A and

appendix B, Performance Specifications 2 and 3, and appendix F, Quality Assurance Procedures, as incorporated by reference in Section 217.104 of this Part. The continuous emissions monitoring system must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

c) Fossil Fuel-Fired Stationary Boilers. The owner or operator of a fossil fuel-fired stationary boiler subject to Subpart M of this Part must install, calibrate, maintain, and operate a continuous emissions monitoring system on such emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with 40 CFR 96, subpart H.

d) Common Stacks. If two or more emission units subject to Subpart E, F, G, H, I, M, or Q of this Part are served by a common stack and the owner or operator of such emission units is operating a continuous emissions monitoring system, the owner or operator may, with written approval from the Agency, utilize a single continuous emissions monitoring system for the combination of emission units subject to Subpart E, F, G, H, I, M, or Q of this Part that share the common stack, provided such emission units are subject to an emissions averaging plan under this Part.

e) Compliance with the continuous emissions monitoring system (CEMS) requirements by an owner or operator of an emission unit who is required to install, calibrate, maintain, and operate a CEMS on the emission unit under subsection (a)(1), (a)(2), (a)(3), or (b)(1) of this Section, or who has elected to comply with the CEMS requirements under subsection (a)(5) or (b)(5) of this Section, or who has elected to comply with the predictive emission monitoring system (PEMS) requirements under subsection (f) of this Section, is required by the applicable compliance date under Section 217.152 of this Subpart.

f) As an alternative to complying with the requirements of this Section, other than the requirements under subsections (a)(1) and (c) of this Section, the owner or operator of an emission unit who is not otherwise required by any other statute, regulation, or enforceable order to install, calibrate, maintain, and operate a CEMS on the emission unit may comply with the specifications and test procedures for a predictive emission monitoring system (PEMS) on the emission unit for the measurement of NO_x emissions discharged into the atmosphere in accordance with the requirements of 40 CFR 60, subpart A and appendix B, Performance Specification 16. The PEMS must be used to demonstrate compliance with the applicable emissions limitation or emissions averaging plan on an ozone season and annual basis.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

Section 217.158 Emissions Averaging Plans

a) Notwithstanding any other emissions averaging plan provisions under this Part, an owner or operator of a source with certain emission units subject to Subpart E, F, G, H, I, or M of this Part, or subject to Subpart Q of this Part that are located in either one of the areas set forth under Section 217.150(a)(1)(A)(i) or (ii), may demonstrate compliance with the applicable Subpart through an emissions averaging plan. An emissions averaging plan can only address emission units that are located at one source and each unit may only be covered by one emissions averaging plan. Such emission units at the source are affected units and are subject to the requirements of this Section.

1) The following units may be included in an emissions averaging plan:

A) Units that commenced operation on or before January 1, 2002.

B) Units that the owner or operator may claim as exempt pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable, but does not claim exempt. For as long as such a unit is included in an emissions averaging plan, it will be treated as an affected unit and subject to the applicable emissions limitations, and testing, monitoring, recordkeeping and reporting requirements.

C) Units that commence operation after January 1, 2002, if the unit replaces a unit that commenced operation on or before January 1, 2002, or it replaces a unit that replaced a unit that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO_x emissions on an annual basis than the actual NO_x emissions of the unit or units that are replaced. Within 90 days after permanently shutting down a unit that is replaced, the owner or operator of such unit must submit a written request to withdraw or amend the applicable permit to reflect that the unit is no longer in service before the replacement unit may be included in an emissions averaging plan.

2) The following types of units may not be included in an emissions averaging plan:

A) Units that commence operation after January 1, 2002, except as provided by subsection (a)(1)(C) of this Section.

B) Units that the owner or operator is claiming are exempt pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable.

C) Units that are required to meet emission limits or control requirements for NO_x as provided for in an enforceable order, unless the order allows for emissions averaging. In the case of petroleum refineries, this subsection (a)(2)(C) does not prohibit including industrial boilers or process heaters, or both, in an emissions averaging plan when an enforceable order does not prohibit the reductions made under the order from also being used for compliance with any rules or regulations designed to address regional haze or the non-attainment status of any area.

b) An owner or operator must submit an emissions averaging plan to the Agency by January 1, 2015. The plan must include, but is not limited to, the following:

1) The list of affected units included in the plan by unit identification number; and

2) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for the ozone season (May 1 through September 30) and calendar year (January 1 through December 31).

c) An owner or operator may amend an emissions averaging plan only once per calendar year. Such an amended plan must be submitted to the Agency by January 1 of the applicable calendar year. If an amended plan is not received by the Agency by January 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.

d) Notwithstanding subsection (c) of this Section:

1) If a unit that is listed in an emissions averaging plan is taken out of service, the owner or operator must submit to the Agency, within 30 days after such occurrence, an updated emissions averaging plan; or

2) If a unit that was exempt from the requirements of Subpart E, F, G, H, I, or M of this Part pursuant to Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342 of this Part, as applicable, no longer qualifies for an exemption, the owner or operator may amend its existing averaging plan to include such unit within 30 days after the unit no longer qualifies for the exemption.

e) An owner or operator must:

1) Demonstrate compliance for the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b) of this Section,

the monitoring data or test data determined pursuant to Section 217.157, and the actual hours of operation for the applicable averaging plan period; and

2) Submit to the Agency, by March 1 following each calendar year, a compliance report containing the information required by Section 217.156(i).

f) The total mass of actual NO_x emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO_x emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

$$N_{act} \leq N_{all}$$

Where:

$N_{act} = \sum_{i=1}^{n}\sum_{j=1}^{k} EM_{act(i,j)}$

$N_{all} = \sum_{i=1}^{n}\sum_{j=1}^{k} EM_{all(i,j)}$

N_{act} = Total sum of the actual NO_x mass emissions from units included in the averaging plan for each fuel used (tons per ozone season and year).

N_{all} = Total sum of the allowable NO_x mass emissions from units included in the averaging plan for each fuel used (tons per ozone season and year).

$EM_{act(i)}$ = Total mass of actual NO_x emissions in tons for a unit as determined in subsection (f)(1) of this Section.

i = Subscript denoting an individual unit.

j = Subscript denoting the fuel type used.

k = Number of different fuel types.

n = Number of different units in the averaging plan.

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in tons for a unit as determined in subsection (f)(2) of this Section.

For each unit in the averaging plan, and each fuel used by such unit, determine actual and allowable NO_x emissions using the following equations:

1) Actual emissions must be determined as follows:

When emission limits are prescribed in lb/mmBtu,

$$EM_{act(i)} = E_{act(i)} \times H_i / 2000$$

When emission limits are prescribed in lb/ton of processed product,

$$EM_{act(i)} = E_{act(i)} \times P_i / 2000$$

2) Allowable emissions must be determined as follows:

When emission limits are prescribed in lb/mmBtu,

$$EM_{all(i)} = E_{all(i)} \times H_i / 2000$$

When emission limits are prescribed in lb/ton of processed product,

$$EM_{all(i)} = E_{all(i)} \times P_i / 2000$$

Where:

$EM_{act(i)}$ = Total mass of actual NO_x emissions in tons for a unit.

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in tons for a unit.

E_{act} = Actual NO_x emission rate (lbs/mmBtu or lbs/ton of product) as determined by a performance test, a continuous emissions monitoring system, or an alternative method approved by the Agency.

E_{all} = Allowable NO_x emission rate (lbs/mmBtu or lbs/ton of product) as provided in Section 217.164, 217.184, 217.204, 217.224, 217.244, or 217.344, as applicable. For an affected industrial boiler subject to Subpart E of this Part, or process heater subject to Subpart F of this Part, with a rated heat input capacity less than or equal to 100 mmBtu/hr demonstrating compliance through an emissions averaging plan, the allowable NO_x emission rate is to be determined from a performance test after such boiler or heater has undergone combustion tuning. For all other units in an emissions averaging plan, an uncontrolled NO_x emission rate from USEPA's AP-42, as incorporated by reference in Section 217.104, or an uncontrolled NO_x emission rate as determined by an alternative method approved by the Agency, will be used.

H = Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.

P = weight in tons of processed product.

g) An owner or operator of an emission unit subject to Subpart Q of this Part that is located in either one of the areas set forth under Section 217.150(a)(1)(A)(i) or (ii) that is complying through an emissions averaging plan under this Section must comply with the applicable provisions for determining actual and allowable emissions under Section 217.390, the testing and monitoring requirements under Section 217.394, and the recordkeeping and reporting requirements under Section 217.396.

h) The owner or operator of an emission unit located at a petroleum refinery who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when an emission unit included in the emissions averaging plan is shut down for a maintenance turnaround, provided that such owner or operator notify the Agency in writing at least 30 days in advance of the shutdown of the emission unit for the maintenance turnaround and the shutdown of the emission unit does not exceed 45 days per ozone season or calendar year and NO_x pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance turnaround.

i) The owner or operator of an emission unit that combusts a combination of coke oven gas and other gaseous fuels and that is located at a source that manufactures iron and steel who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when the coke oven gas desulfurization unit included in the emissions averaging plan is shut down for maintenance, provided that such owner or operator notify the Agency in writing at least 30 days in advance of the shutdown of the coke oven gas desulfurization unit for maintenance and such shutdown does not exceed 35 days per ozone season or calendar year and NO_x pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance period.

j) The owner or operator of an emission unit located at a petroleum refinery who is demonstrating compliance with an applicable Subpart through an emissions averaging plan under this Section may exclude from the calculation demonstrating compliance those time periods when NO_x pollution control equipment that controls one or more emission units included in the emissions averaging plan is shut down for a maintenance turnaround, provided that:

1) the owner or operator notify the Agency in writing, at least 30 days in advance of the shutdown, of the NO_x pollution control equipment for the maintenance turnaround;

2) the shutdown of the NO_x pollution control equipment does not exceed 45 days per ozone season or calendar year; and

3) except for those emission units vented to the NO_x pollution control equipment undergoing the maintenance turnaround, NO_x pollution control equipment, if any, continues to operate on all other emission units operating during the maintenance turnaround.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

SUBPART E: INDUSTRIAL BOILERS

Section 217.160 Applicability

a) The provisions of Subpart D of this Part and this Subpart apply to all industrial boilers located at sources subject to this Subpart pursuant to Section 217.150, except as provided in subsections (b) and (c) of this Section.

b) The provisions of this Subpart do not apply to boilers serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, if such boilers meet the applicability criteria under Subpart M of this Part.

c) The provisions of this Subpart do not apply to fluidized catalytic cracking units, their regenerator and associated CO boiler or boilers and CO furnace or furnaces where present, if such units are located at a petroleum refinery and such units are required to meet emission limits or control requirements for NO_x as provided for in an enforceable order.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.162 Exemptions

Notwithstanding Section 217.160 of this Subpart, the provisions of this Subpart do not apply to an industrial boiler operating under a federally enforceable limit of NO_x emissions from such boiler to less than 15 tons per year and less than five tons per ozone season.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.164 Emissions Limitations

a) Except as provided for under Section 217.152, on and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any

industrial boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type and Rated Heat Input Capacity (mmBtu/hr)	No_x Emissions Limitation (lb/mmBtu) or Requirement
Natural Gas or Other Gaseous Fuels	Industrial boiler greater than 100	0.08
	Industrial boiler less than or equal to 100	Combustion tuning
Distillate Fuel Oil	Industrial boiler greater than 100	0.10
	Industrial boiler less than or equal to 100	Combustion tuning
Other Liquid Fuels	Industrial boiler greater than 100	0.15
	Industrial boiler less than or equal to 100	Combustion tuning
Solid Fuel	Industrial boiler greater than 100, circulating fluidized bed combustor	0.12
	Industrial boiler greater than 250	0.18
	Industrial boiler greater than 100 but less than or equal to 250	0.25
	Industrial boiler less than or equal to 100	Combustion tuning

b) For an industrial boiler combusting a combination of natural gas, coke oven gas, and blast furnace gas, the NO_x emissions limitation shall be calculated using the following equation:

$$\text{NO}_x \text{ emissions limitation for period in lb/mmBtu} = \frac{\left(NO_{x_{NG}} * Btu_{NG}\right) + \left(NO_{x_{COG}} * Btu_{COG}\right) + \left(NO_{x_{BFG}} * Btu_{BFG}\right)}{Btu_{NG} + Btu_{COG} + Btu_{BFG}}$$

Where:

$NO_{x_{NG}}$ = 0.084 lb/mmBtu for natural gas

Btu_{NG} = the heat input ~~inpu~~ of natural gas in Btu over that period

$NO_{x_{COG}}$ = 0.144 lb/mmBtu for coke oven gas

Btu_{COG} = the heat input of coke oven gas in Btu over that period

$NO_{x_{BFG}}$ = 0.0288 lb/mmBtu for blast furnace gas

Btu_{BFG} = the heat input of blast furnace gas in Btu over that period

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

Section 217.165 Combination of Fuels

The owner or operator of an industrial boiler subject to this Subpart and operated with any combination of fuels must comply with a heat input weighted average emissions limitation to demonstrate compliance with Section 217.164.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.166 Methods and Procedures for Combustion Tuning

The owner or operator of an industrial boiler subject to the combustion tuning requirements of Section 217.164 must have combustion tuning performed on the boiler at least annually. The combustion tuning must be performed by an employee of the owner or operator or a contractor who has successfully completed a training course on the combustion tuning of boilers firing the fuel or fuels that are fired in the boiler. The owner or operator must maintain the following records that must be made available to the Agency upon request:

a) The date the combustion tuning was performed;

b) The name, title, and affiliation of the person who performed the combustion tuning;

c) Documentation demonstrating the provider of the combustion tuning training course, the dates the training course was taken, and proof of successful completion of the training course;

d) Tune-up procedure followed and checklist of items (such as burners, flame conditions, air supply, scaling on heating surface, etc.) inspected prior to the actual tune-up; and

e) Operating parameters recorded at the start and at conclusion of combustion tuning.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

SUBPART F: PROCESS HEATERS

Section 217.180 Applicability

The provisions of Subpart D of this Part and this Subpart apply to all process heaters located at sources subject to this Subpart pursuant to Section 217.150.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.182 Exemptions

Notwithstanding Section 217.180, the provisions of this Subpart do not apply to a process heater operating under a federally enforceable limit of NO_x emissions from such heater to less than 15 tons per year and less than five tons per ozone season.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.184 Emissions Limitations

Except as provided for under Section 217.152, on or after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any process heater to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type and Rated Heat Input Capacity (mmBtu/hr)	No_x Emissions Limitation (lb/mmBtu) or Requirement
Natural Gas or Other Gaseous Fuels	Process heater greater than 100	0.08
	Process heater less than or equal to 100	Combustion tuning
Residual Fuel Oil	Process heater greater than 100, natural draft	0.10

	Process heater greater than 100, mechanical draft	0.15
	Process heater less than or equal to 100	Combustion tuning
Other Liquid Fuels	Process heater greater than 100, natural draft	0.05
	Process heater greater than 100, mechanical draft	0.08
	Process heater less than or equal to 100	Combustion tuning

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

Section 217.185 Combination of Fuels

The owner or operator of a process heater subject to this Subpart and operated with any combination of fuels must comply with a heat input weighted average emissions limitation to demonstrate compliance with Section 217.184.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.186 Methods and Procedures for Combustion Tuning

The owner or operator of a process heater subject to the combustion tuning requirements of Section 217.184 must have combustion tuning performed on the heater at least annually. The combustion tuning must be performed by an employee of the owner or operator or a contractor who has successfully completed a training course on the combustion tuning of heaters firing the fuel or fuels that are fired in the heater. The owner or operator must maintain the following records that must be made available to the Agency upon request:

a) The date the combustion tuning was performed;

b) The name, title, and affiliation of the person who performed the combustion tuning;

c) Documentation demonstrating the provider of the combustion tuning training course, the dates the training course was taken, and proof of successful completion of the training course;

d) Tune-up procedure followed and checklist of items (such as burners, flame conditions, air supply, scaling on heating surface, etc.) inspected prior to the actual tune-up; and

e) Operating parameters recorded at the start and at conclusion of combustion tuning.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

SUBPART G: GLASS MELTING FURNACES

Section 217.200 Applicability

The provisions of Subpart D of this Part and this Subpart apply to all glass melting furnaces located at sources subject to this Subpart pursuant to Section 217.150.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.202 Exemptions

Notwithstanding Section 217.200, the provisions of this Subpart do not apply to a glass melting furnace operating under a federally enforceable limit of NO_x emissions from such furnace to less than 15 tons per year and less than five tons per ozone season.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.204 Emissions Limitations

a) On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any glass melting furnace to exceed the following limitations. Compliance must be demonstrated with the emissions limitation on an ozone season and annual basis.

Product	Emission Unit Type	No_x Emissions Limitation (lb/ton glass produced)
Container Glass	Glass melting furnace	5.0
Flat Glass	Glass melting furnace	7.9
Other Glass	Glass melting furnace	11.0

b) The emissions during glass melting furnace startup (not to exceed 70 days) or furnace idling (operation at less than 35% of furnace capacity) shall be excluded from calculations for the purpose of demonstrating compliance with the seasonal and annual emissions limitations under this Section, provided that the owner or operator, at all times, including periods of startup and idling, to the extent practicable, maintain and operate any affected emission unit, including associated air pollution control equipment, in a manner consistent with good air pollution

control practice for minimizing emissions. The owner or operator of a glass melting furnace must maintain records that include the date, time, and duration of any startup or idling in the operation of the glass melting furnace.

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

SUBPART H: CEMENT AND LIME KILNS

Section 217.220 Applicability

a) Notwithstanding Subpart T of this Part, the provisions of Subpart D of this Part and this Subpart apply to all cement kilns located at sources subject to this Subpart pursuant to Section 217.150.

b) The provisions of Subpart D of this Part and this Subpart apply to all lime kilns located at sources subject to this Subpart pursuant to Section 217.150.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.222 Exemptions

Notwithstanding Section 217.220, the provisions of this Subpart do not apply to a cement kiln or lime kiln operating under a federally enforceable limit of NO_x emissions from such kiln to less than 15 tons per year and less than five tons per ozone season.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.224 Emissions Limitations

a) On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any cement kiln to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	No_x Emissions Limitation (lb/ton clinker produced)
Long dry kiln	5.1
Short dry kiln	5.1
Preheater kiln	3.8
Preheater/precalciner kiln	2.8

b) On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any lime kiln to exceed the following limitations.

Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type	NO_x Emissions Limitation (lb/ton lime produced)
Gas	Rotary kiln	2.2
Coal	Rotary kiln	2.5

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING

Section 217.240 Applicability

a) The provisions of Subpart D of this Part and this Subpart apply to all reheat furnaces, annealing furnaces, and galvanizing furnaces used in iron and steel making located at sources subject to this Subpart pursuant to Section 217.150.

b) The provisions of Subpart D of this Part and this Subpart apply to all reverberatory furnaces and crucible furnaces used in aluminum melting located at sources subject to this Subpart pursuant to Section 217.150.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.242 Exemptions

Notwithstanding Section 217.240, the provisions of this Subpart do not apply to an iron and steel reheat furnace, annealing furnace, or galvanizing furnace, or aluminum reverberatory furnace or crucible furnace operating under a federally enforceable limit of NO_x emissions from such furnace to less than 15 tons per year and less than five tons per ozone season.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.244 Emissions Limitations

a) On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any reheat furnace, annealing furnace, or galvanizing furnace used in iron and steel making to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	NO_x Emissions Limitation (lb/mmBtu)

Reheat furnace, regenerative	0.18
Reheat furnace, recuperative, combusting natural gas	0.09
Reheat furnace, recuperative, combusting a combination of natural gas and coke oven gas	0.142
Reheat ~~furance~~furnace, cold-air	0.03
Annealing furnace, regenerative	0.38
Annealing furnace, recuperative	0.16
Annealing ~~furance~~furnace, cold-air	0.07
Galvanizing furnace, regenerative	0.46
Galvanizing furnace, recuperative	0.16
Galvanizing furnace, cold air	0.06

b) On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any reverberatory furnace or crucible furnace used in aluminum melting to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Emission Unit Type	No_x Emissions Limitation (lb/mmBtu)
Reverberatory furnace	0.08
Crucible furnace	0.16

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

SUBPART K: PROCESS EMISSION SOURCES

Section 217.301 Industrial Processes

a) New Industrial Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new process producing products of organic nitrations and/or oxidations using nitric acid to exceed the following standards and limitations:

1) 2.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne

of nitric acid (100 percent acid basis) used in such new process (5.0 lbs/T).

2) Visible emissions in excess of 5 percent opacity.

b) Existing Industrial Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing process producing products of organic nitrations and/or oxidations using nitric acid to exceed 5.0 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of nitric acid (100 percent acid basis) used in such process (10.0 lbs/T).

c) Exemption. Subsections (a) and (b) of this rule shall not apply to any industrial process using less than 90.7 metric tonnes (100 tons) of nitric acid (100 percent acid basis) annually or which produces less than 907 kg (1 ton) of nitrogen oxides (expressed as nitrogen dioxide) per year.

SUBPART M: ELECTRICAL GENERATING UNITS

Section 217.340 Applicability

Notwithstanding Subpart V or W of this Part, the provisions of Subpart D of this Part and this Subpart apply to any fossil fuel-fired stationary boiler serving at any time a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding any units listed in Appendix D of this Part, located at sources subject to this Subpart pursuant to Section 217.150.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

Section 217.342 Exemptions

a) Notwithstanding Section 217.340, the provisions of this Subpart do not apply to a fossil fuel-fired stationary boiler operating under a federally enforceable limit of NO_x emissions from such boiler to less than 15 tons per year and less than five tons per ozone season.

b) Notwithstanding Section 217.340, the provisions of this Subpart do not apply to a coal-fired stationary boiler that commenced operation before January 1, 2008, that is complying with 35 Ill. Adm. Code 225.Subpart B through the multi-pollutant standard.

c) Notwithstanding Section 217.340, the provisions of this Subpart do not apply to a fossil fuel-fired stationary boiler that is subject to any of the requirements in the combined pollutant standard in 35 Ill. Adm. Code 225.Subpart B (Sections 225.291 through 225.299), regardless of the type of fossil fuel combusted.

(Source: Amended at 39 Ill. Reg. 16213, effective December 7, 2015)

Section 217.344 Emissions Limitations

On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the atmosphere from any fossil fuel-fired stationary boiler to exceed the following limitations. Compliance must be demonstrated with the applicable emissions limitation on an ozone season and annual basis.

Fuel	Emission Unit Type	No_x Emissions Limitation (lb/mmBtu)
Solid	Boiler	0.12
Natural gas	Boiler	0.06
Liquid	Boiler that commenced operation before January 1, 2008	0.10
	Boiler that commenced operation on or after January 1, 2008	0.08

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

Section 217.345 Combination of Fuels

The owner or operator of a fossil fuel-fired stationary boiler subject to this Subpart and operated with any combination of fuels must comply with a heat input weighted average emissions limitation to demonstrate compliance with Section 217.344.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

SUBPART O: CHEMICAL MANUFACTURE

Section 217.381 Nitric Acid Manufacturing Processes

a) New Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing process to exceed the following standards and limitations:

1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (3.0 lbs/T);

2) Visible emissions in excess of 5 percent opacity;

3) 0.05 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.1 lbs/T).

b) Existing Weak Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any existing weak nitric acid manufacturing process to exceed the following standards and limitations:

1) 2.75 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (5.5 lbs/T);

2) Visible emissions in excess of 5 percent opacity;

3) 0.1 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) from any acid storage tank vents (0.2 lbs/T).

c) Concentrated Nitric Acid Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any concentrated nitric acid manufacturing process to exceed the following standards and limitations:

1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis)(3.0 lbs/T);

2) 225 ppm of nitrogen oxides (expressed as nitrogen dioxide) in any effluent gas stream emitted into the atmosphere;

3) Visible emisisons in excess of 5 percent opacity.

d) Nitric Acid Concentrating Processes. No person shall cause or allow the emission of nitrogen oxides into the atmosphere from any nitric acid concentrating process to exceed the following limitations:

1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne of acid produced (100 percent acid basis) (3.0 lbs/T);

2) Visible emisisons in excess of 5 percent opacity.

SUBPART Q: STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES AND TURBINES

Section 217.386 Applicability

a) The provisions of this Subpart shall apply to all:

1) Stationary reciprocating internal combustion engines listed in Appendix G of this Part.

2) Stationary reciprocating internal combustion engines and turbines located at a source that emits or has the potential to emit NO_x in an amount equal

to or greater than 100 tons per year and is in either the area composed of the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County, or in the area composed of the Metro-East counties of Jersey, Madison, Monroe, and St. Clair, and the Township of Baldwin in Randolph County, where:

A) The engine at nameplate capacity is rated at equal to or greater than 500 bhp output; or

B) The turbine is rated at equal to or greater than 3.5 MW (4,694 bhp) output at 14.7 psia, 59°F and 60 percent relative humidity.

b) Notwithstanding subsection (a)(2) of this Section, an affected unit is not subject to the requirements of this Subpart Q if the engine or turbine is or has been:

1) Used as an emergency or standby unit as defined by 35 Ill. Adm. Code 211.1920;

2) Used for research or for the purposes of performance verification or testing;

3) Used to control emissions from landfills, where at least 50 percent of the heat input is gas collected from a landfill;

4) Used for agricultural purposes, including the raising of crops or livestock that are produced on site, but not for associated businesses like packing operations, sale of equipment or repair; or

5) An engine with nameplate capacity rated at less than 1,500 bhp (1,118 kW) output, mounted on a chassis or skids, designed to be moveable, and moved to a different source at least once every 12 months.

c) If an exempt unit ceases to fulfill the criteria specified in subsection (b) of this Section, the owner or operator must notify the Agency in writing within 30 days after becoming aware that the exemption no longer applies and comply with the control requirements of this Subpart Q.

d) The requirements of this Subpart Q will continue to apply to any engine or turbine that has ever been subject to the requirements of Section 217.388, even if the affected unit or source ceases to fulfill the rating requirements of subsection (a) of this Section or becomes eligible for an exemption pursuant to subsection (b) of this Section.

e) Where a construction permit, for which the application was submitted to the Agency prior to the adoption of this Subpart, is issued that relies on decreases in

emissions of NO_x from existing emission units for purposes of netting or emissions offsets, such NO_x decreases shall remain creditable notwithstanding any requirements that may apply to the existing emissions units pursuant to this Subpart.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.388 Control and Maintenance Requirements

a) On and after the applicable compliance date in Section 217.392, an owner or operator of an affected unit must inspect and maintain affected units as required by subsection (a)(4) of this Section and comply with one of the following: the applicable emissions concentration as set forth in subsection (a)(1) of this Section, the requirements for an emissions averaging plan as specified in subsection (a)(2) of this Section, or the requirements for operation as a low usage unit as specified in subsection (a)(3) of this Section.

1) Limits the discharge from an affected unit into the atmosphere of any gases that contain NO_x to no more than:

A) 150 ppmv (corrected to 15 percent O_2 on a dry basis) for spark-ignited rich-burn engines;

B) 210 ppmv (corrected to 15 percent O_2 on a dry basis) for spark-ignited lean-burn engines, except for existing spark-ignited Worthington engines that are not listed in Appendix G;

C) 365 ppmv (corrected to 15 percent O_2 on a dry basis) for existing spark-ignited Worthington engines that are not listed in Appendix G;

D) 660 ppmv (corrected to 15 percent O_2 on a dry basis) for diesel engines;

E) 42 ppmv (corrected to 15 percent O_2 on a dry basis) for gaseous fuel-fired turbines; and

F) 96 ppmv (corrected to 15 percent O_2 on a dry basis) for liquid fuel-fired turbines.

2) Complies with an emissions averaging plan as provided for in either subsection (a)(2)(A) or (a)(2)(B) of this Section:

A) For any affected unit identified by Section 217.386: The requirements of the applicable emissions averaging plan as set forth in Section 217.390; or

B) For units identified in Section 217.386(a)(2) The requirements of an emissions averaging plan adopted pursuant to any other Subpart of this Part. For such affected engines and turbines the applicable requirements of this Subpart apply, including, but not limited to, calculation of NO_x allowable and actual emissions rates, compliance dates, monitoring, testing, reporting, and recordkeeping.

3) Operates, for units not listed in Appendix G, the affected unit as a low usage unit pursuant to subsection (a)(3)(A) or (a)(3)(B) of this Section. Low usage units that are not part of an emissions averaging plan are not subject to the requirements of this Subpart Q except for the requirements to inspect and maintain the unit pursuant to subsection (a)(4) of this Section, test as required by Section 217.394(f), and retain records pursuant to Section 217.396(b) and (d). Either the limitation in subsection (a)(3)(A) or (a)(3)(B) may be utilized at a source, but not both:

A) The potential to emit (PTE) is no more than 100 TPY NO_x aggregated from all engines and turbines located at the source that are not otherwise exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, and the NO_x PTE limit is contained in a federally enforceable permit; or

B) The aggregate bhp-hrs/MW-hrs from all affected units located at the source that are not exempt pursuant to Section 217.386(b), and not complying with the requirements of subsection (a)(1) or (a)(2) of this Section, are less than or equal to the bhp-hrs and MW-hrs operation limit listed in subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section. The operation limits of subsections (a)(3)(B)(i) and (a)(3)(B)(ii) of this Section must be contained in a federally enforceable permit, except for units that drive a natural gas compressor located at a natural gas compressor station or storage facility. The operation limits are:

i) 8 mm bhp-hrs or less on an annual basis for engines; and

ii) 20,000 MW-hrs or less on an annual basis for turbines.

4) Inspects and performs periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:

A) For a unit not located at natural gas transmission compressor station or storage facility, either:

i) The manufacturer's recommended inspection and maintenance of the applicable air pollution control equipment, monitoring device, and affected unit; or

ii) If the original equipment manual is not available or substantial modifications have been made that require an alternative procedure for the applicable air pollution control device, monitoring device, or affected unit, the owner or operator must establish a plan for inspection and maintenance in accordance with what is customary for the type of air pollution control equipment, monitoring device, and affected unit.

B) For a unit located at a natural gas compressor station or storage facility, the operator's maintenance procedures for the applicable air pollution control device, monitoring device, and affected unit.

b) Owners and operators of affected units may change the method of compliance with this Subpart, as follows:

1) When changing the method of compliance from subsection (a)(3) of this Section to subsection (a)(1) or (a)(2) of this Section, the owner or operator must conduct testing and monitoring according to the requirements of Section 217.394(a) through (e), as applicable. For this purpose, references to the "applicable compliance date" in Section 217.394(a)(2) and (a)(3) shall mean the date by which compliance with subsection (a)(1) or (a)(2) of this Section is to begin.

2) An owner or operator of an affected unit that is changing the method of compliance from subsection (a)(1) or (a)(2) of this Section to subsection (a)(3) of this Section must:

A) Continue to operate the affected unit's control device, if that unit relied upon a NO_x emissions control device for compliance with the requirements of subsection (a)(1) or (a)(2) of this Section; and

B) Prior to changing the method of compliance to subsection (c) of this Section, complete any outstanding initial performance testing, subsequent performances testing or monitoring as required by Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the deadline for such testing or monitoring has not yet occurred (e.g., the five-year testing or monitoring sequence has not yet elapsed), the owner or operator must complete the test or monitoring prior to changing the method of compliance to subsection (a)(3) of this Section. After changing the method of compliance to subsection (a)(3) of this Section, no additional testing or monitoring will be

required for the affected unit while it is complying with subsection (a)(3) of this Section, except as provided for in Section 217.394(f).

(Source: Amended at 35 Ill. Reg. 18801, effective October 25, 2011)

Section 217.390 Emissions Averaging Plans

a) An owner or operator of certain affected units may comply through an emissions averaging plan.

1) A unit or units that commenced operation before January 1, 2002 may be included in only one emissions averaging plan, as follows:

A) Units:

i) Located at a single source or at multiple sources in Illinois to address compliance for units identified in Section 217.386(a)(1), so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations; or

ii) Located at a single source or at multiple sources in either the Chicago area counties or Metro-East area counties to address compliance for units identified in Section 217.386(a)(2), so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations;

B) Units that have a compliance date later than the control period for which the averaging plan is being used for compliance;

C) Units that are not otherwise subject to this Subpart (so long as the units are owned by the same company or parent company where the parent company has working control through stock ownership of its subsidiary corporations) or that the owner or operator may claim as exempt pursuant to Section 217.386(b) but does not claim as exempt. For as long as such unit is included in an emissions averaging plan, it will be treated as an affected unit and subject to the applicable emission concentration, limits, testing, monitoring, recordkeeping and reporting requirements; and

D) Units that comply with the requirements for low usage units set forth in Section 217.388(a)(3), so long as the unit or units operate NO_x emissions control technology. For as long as such unit is

included in an emissions averaging plan, it will be subject to the applicable emission concentration limits in subsection (g)(7) of this Section, the applicable testing and monitoring requirements for affected units in Section 217.394(a) through (e), and the applicable recordkeeping and reporting requirements for affected and low usage units in Section 217.396(a) through (d).

2) The following types of units may not be included in an emissions averaging plan:

A) Units that commence operation after January 1, 2002, unless the unit or units replace a unit or units described in subsection (a)(1) of this Section that commenced operation on or before January 1, 2002, or the unit or units replace a unit or units described in subsection (a)(1) of this Section that replaced a unit or units described in subsection (a)(1) of this Section that commenced operation on or before January 1, 2002. The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO_x emissions on annual basis than the actual NO_x emissions of the unit or units that are replaced. The owner or operator of a unit that is shut down and replaced must comply with the provisions of Section 217.396(c)(3) before the replacement unit may be included in an emissions averaging plan.

B) Units that the owner or operator is claiming are exempt pursuant to Section 217.386(b).

b) An owner or operator must submit an emissions averaging plan to the Agency by the applicable compliance date set forth in Section 217.392, or by May 1 of the year in which the owner or operator is using a new emissions averaging plan to comply.

1) The plan must include, but is not limited to:

A) The list of affected units included in the plan by unit identification number and permit number.

B) A sample calculation demonstrating compliance using the methodology provided in subsection (f) of this Section for both the ozone season and calendar year.

2) The plan will be effective as follows:

A) An initial plan for units required to comply by January 1, 2008 is effective January 1, 2008;

B) An initial plan for units required to comply by May 1, 2010 is effective May 1, 2010 for those units;

C) A new plan submitted pursuant to subsection (b) of this Section but not submitted by January 1, 2008 or May 1, 2010 is effective retroactively to January 1 of the applicable year;

D) An amended plan submitted pursuant to subsection (c) of this Section is effective retroactively to January 1 of the applicable year; or

E) An amended plan submitted pursuant to subsection (d) of this Section is effective on the date it is received by the Agency.

c) An owner or operator may amend an emissions averaging plan only once per calendar year. An amended plan must include the information from subsection (b)(1) and may change, but is not limited to changing, the group of affected units or reflecting changes in the operation of the affected units. An amended plan must be submitted to the Agency by May 1 of the applicable calendar year and is effective as set forth in subsection (b)(2) of this Section. If an amended plan is not received by the Agency by May 1 of the applicable calendar year, the previous year's plan will be the applicable emissions averaging plan.

d) Notwithstanding subsection (c) of this Section, an owner or operator, and the buyer or seller, if applicable:

1) Must submit an updated emissions averaging plan or plans to the Agency within 60 days if a unit that is listed in an emissions averaging plan is sold or taken out of service.

2) May amend its emissions averaging plan to include another unit within 30 days after discovering that the unit no longer qualifies as an exempt unit pursuant to Section 217.386(b) or as a low usage unit pursuant to Section 217.388(a)(3).

3) May submit an updated emissions averaging plan or plans to the Agency within 60 days after purchasing a new unit to include the new unit.

e) An owner or operator must:

1) Demonstrate compliance for both the ozone season (May 1 through September 30) and the calendar year (January 1 through December 31) by using the methodology and the units listed in the most recent emissions averaging plan submitted to the Agency pursuant to subsection (b), (c), or (d) of this Section; the higher of the monitoring or test data determined

pursuant to Section 217.394; and the actual hours of operation for the applicable control period;

2) Notify the Agency by October 31 following the ozone season, if compliance cannot be demonstrated for that ozone season; and

3) Submit to the Agency by January 31 following each calendar year, a compliance report containing the information required by Section 217.396(c)(4).

f) The total mass of actual NO_x emissions from the units listed in the emissions averaging plan must be equal to or less than the total mass of allowable NO_x emissions for those units for both the ozone season and calendar year. The following equation must be used to determine compliance:

$$N_{act} \leq N_{all}$$

Where:

$$N_{act} = \sum_{i=1}^{n} EM_{act(i)}$$

$$N_{all} = \sum_{i=1}^{n} EM_{all(i)}$$

N_{act} = Total sum of the actual NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

N_{all} = Total sum of the allowable NO_x mass emissions from units included in the averaging plan for each fuel used (lbs per ozone season and calendar year).

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in lbs for a unit as determined in subsection (g)(2) or (h)(2) of this Section.

$EM_{act(i)}$ = Total mass of actual NO_x emissions in lbs for a unit as determined in subsection (g)(1) or (h)(1) of this Section.

i = Subscript denoting an individual unit and fuel used.

n = Number of different units in the averaging plan.

g) For each unit in the averaging plan, and each fuel used by a unit, determine actual and allowable NO_x emissions using the following equations, except as provided for in subsection (h) of this Section:

1) Actual emissions must be determined as follows:

$$EM_{act(i)} = E_{act(i)} \times H_i$$

$$E_{act(i)} = \frac{\sum_{j=1}^{m} C_{d(act(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

2) Allowable emissions must be determined as follows:

$$EM_{all(i)} = E_{all(i)} \times H_i$$

$$E_{all(i)} = \frac{\sum_{j=1}^{m} C_{d(all(j))} \times F_d \times \left(\frac{20.9}{20.9 - \%O_{2d(j)}} \right)}{m}$$

Where:

$EM_{act(i)}$= Total mass of actual NO_x emissions in lbs for a unit, except as provided for in subsections (g)(3) and (g)(5) of this Section.

$EM_{all(i)}$= Total mass of allowable NO_x emissions in lbs for a unit, except as provided for in subsection (g)(3) of this Section.

E_{act} = Actual NO_x emission rate (lbs/mmBtu) calculated according to the above equation.

E_{all} = Allowable NO_x emission rate (lbs/mmBtu) calculated according to the above equation, as applicable.

H = Heat input (mmBtu/ozone season or mmBtu/year) calculated from fuel flow meter and the heating value of the fuel used.

$C_{d(act)}$ = Actual concentration of NO_x in lb/dscf (ppmv x 1.194 x10^{-7}) on a dry basis for the fuel used. Actual concentration is determined on each of the most recent test runs or monitoring passes performed pursuant to Section 217.394, whichever is higher.

$C_{d(all)}$ = Allowable concentration of NO_x in lb/dscf (allowable emission limit in ppmv specified in Section 217.388(a)(1), except as provided for in subsection (g)(4), (g)(5), (g)(6), or (g)(7) of this Section, if applicable, multiplied by 1.194 x 10^{-7}) on a dry basis for the fuel used.

F_d = The ratio of the gas volume of the products of combustion to the heat content of the fuel (dscf/mmBtu) as given in the table of F Factors included in 40 CFR 60, appendix A, Method 19 or as determined using 40 CFR 60, appendix A, Method 19.

$\%O_{2d}$ = Concentration of oxygen in effluent gas stream measured on a dry basis during each of the applicable tests or monitoring runs used for determining emissions, as represented by a whole number percent, e.g., for 18.7%O_{2d}, 18.7 would be used.

i = Subscript denoting an individual unit and the fuel used.

j = Subscript denoting each test run or monitoring pass for an affected unit for a given fuel.

m = The number of test runs or monitoring passes for an affected unit using a given fuel.

3) For a replacement unit that is electric-powered, the allowable NO_x emissions from the affected unit that was replaced should be used in the averaging calculations and the actual NO_x emissions for the electric-powered replacement unit ($EM_{act\ elec(i)}$) are zero. Allowable NO_x emissions for the electric-powered replacement are calculated using the actual total bhp-hrs generated by the electric-powered replacement unit on an ozone season and on an annual basis multiplied by the allowable NO_x emission rate in lb/bhp-hr of the replaced unit. The allowable mass of NO_x emissions from an electric-powered replacement unit ($EM_{all\ elec(i)}$) must be determined by multiplying the nameplate capacity of the unit by the hours operated during the ozone season or annually and the allowable NO_x emission rate of the replaced unit ($E_{all\ rep}$) in lb/mmBtu converted to lb/bhp-hr. For this calculation the following equation should be used:

$$EM_{all\ \ elec(i)} = bhp \times OP \times F \times E_{all\ rep(i)}$$

Where:

$EM_{all\ elec(i)}$ = Mass of allowable NO_x emissions from the electric-powered replacement unit in pounds per ozone season or calendar year.

bhp = Nameplate capacity of the electric-powered replacement unit in brake horsepower.

OP = Operating hours during the ozone season or calendar year.

F = Conversion factor of 0.0077 mmBtu/bhp-hr.

$E_{all\ rep(i)}$ = Allowable NO_X emission rate (lbs/mmBtu) of the replaced unit.

i = Subscript denoting an individual electric unit and the fuel used.

4) For a replacement unit that is not electric, the allowable NO_x emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104 for the unit that was replaced.

5) For a unit that is replaced with purchased power, the allowable NO_x emissions rate used in the equations set forth in subsection (g)(2) of this Section must be the emissions concentration set forth in Section 217.388(a)(1) or subsection (g)(6) of this Section, when applicable, for the type of unit that was replaced. For owners or operators replacing units with purchased power, the annual hours of operations that must be used are the calendar year hours of operation for the unit that was shut down, averaged over the three-year period prior to the shutdown. The actual NO_x emissions for the units replaced by purchased power ($EM_{(i)act}$) are zero. These units may be included in any emissions averaging plan for no more than five years beginning with the calendar year that the replaced unit is shut down.

6) For units that have a later compliance date, allowable emissions rate used in the equations set forth in subsection (g)(2) of this Section must be:

A) Prior to the applicable compliance date pursuant to Section 217.392, the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary Point and Areas Sources, as incorporated by reference in Section 217.104; or

B) On and after the unit's applicable compliance date pursuant to Section 217.392, the applicable emissions concentration for that type of unit pursuant to Section 217.388(a)(1).

7) For a low usage unit complying with the requirements of Section 217.388(a)(3) and used in an emissions averaging plan, the allowable NO_x emissions rate used in the above equations set forth in subsection (g)(2) of this Section must be the higher of the actual NO_x emissions as determined by testing or monitoring data or the applicable uncontrolled NO_x emissions factor from Compilation of Air Pollutant Emission Factors: AP-

42, Volume I: Stationary Point and Area Sources, as incorporated by reference in Section 217.104.

h) For units that use CEMS, the data must show that the total mass of actual NO_x emissions determined pursuant to subsection (h)(1) of this Section is less than or equal to the allowable NO_x emissions calculated in accordance with the equations in subsections (f) and (h)(2) of this Section for both the ozone season and calendar year. The equations in subsection (g) of this Section will not apply.

1) The total mass of actual NO_x emissions in lbs for a unit (EM_{act}) must be the sum of the total mass of actual NO_x emissions from each affected unit using CEMS data collected in accordance with 40 CFR 60 or 75, or alternate methodology that has been approved by the Agency or USEPA and included in a federally enforceable permit.

2) The allowable NO_x emissions must be determined as follows:

$$EM_{all(i)} = \sum_{j=1}^{m} (Cd_j \times flow_j \times 1.194 \times 10^{-7})$$

Where:

$EM_{all(i)}$ = Total mass of allowable NO_x emissions in lbs for a unit.

$flow_{ji}$ = Stack flow (dscf/hr) for a given stack.

Cd_j = Allowable concentration of NO_x (ppmv) specified in Section 217.388(a)(1) for a given stack (1.194×10^{-7} converts to lb/dscf).

j = subscript denoting each hour operation of a given unit.

m = Total number of hours of operation of a unit.

i = Subscript denoting an individual unit and the fuel used.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.392 Compliance

a) On and after January 1, 2008, an owner or operator of an affected engine listed in Appendix G may not operate the affected engine unless the requirements of this Subpart Q are met.

b) On and after May 1, 2010, an owner or operator of a unit identified by Section 217.386(a)(2), and that is not listed in Appendix G, may not operate the affected unit unless the requirements of this Subpart Q are met or the affected unit is exempt pursuant to Section 217.386(b).

c) Owners and operators of an affected unit may use NO_x allowances to meet the compliance requirements in Section 217.388 as specified in this subsection (c). A NO_x allowance is defined as an allowance used to meet the requirements of a NO_x trading program in which the State of Illinois participates where one allowance is equal to one ton of NO_x emissions.

1) NO_x allowances may be used only under the following circumstances:

A) An anomalous or unforeseen operating scenario inconsistent with historical operations for a particular ozone season or calendar year that causes an exceedance of an emissions or operating hour limitation;

B) To achieve compliance for no more than two events in any rolling five-year period;

C) If the anomalous or unforeseen operating scenario occurs during an ozone season, it counts as a single event for purposes of the calendar year even if there is an exceedance of both an ozone season emission limitation and an annual emissions limitation as a result of such operating scenario; and

D) For a unit that is not listed in Appendix G.

2) The owner or operator of the affected unit must surrender to the Agency a NO_x allowance for each ton or portion of a ton of NO_x by which actual emissions exceed allowed emissions, as follows:

A) Where a low usage limitation under Section 217.388(a)(3)(B) has been exceeded, the owner or operator of the affected unit must calculate the NO_x emissions resulting from the number of hours that exceeded the operating hour low usage limit and surrender to the Agency one NO_x allowance for each ton or portion of a ton of NO_x that was calculated.

B) For noncompliance with a limitation in an emissions averaging plan that includes low usage units, the owner or operator of the affected low usage unit must calculate the NO_x emissions using the applicable allowable emissions concentration from Section 217.388(a)(1).

C) For noncompliance with a seasonal limit in Section 217.388(a)(2), only a NO_x ozone season allowance must be used.

D) For noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2), only a NO_x annual allowance may be used.

E) Notwithstanding the provisions of subsections (c)(2)(C) and (c)(2)(D) of this Section, if a NO_x annual trading program does not exist, a NO_x ozone season allowance may be used for noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2).

3) The owner or operator must submit a report documenting the circumstances that required the use of NO_x allowances and identify what actions will be taken in subsequent years to address these circumstances and must transfer the NO_x allowances to the Agency's federal NO_x retirement account. The report and the transfer of allowances must be submitted by October 31 for exceedances during the ozone season and March 1 for exceedances of the emissions concentration limits, the annual emissions averaging plan limits, or low usage limitations. The report must contain the NATS serial numbers of the NO_x allowances.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

Section 217.394 Testing and Monitoring

a) An owner or operator must conduct an initial performance test pursuant to subsection (c)(1) or (c)(2) of this Section as follows:

1) By January 1, 2008, for affected engines listed in Appendix G. Performance tests must be conducted on units listed in Appendix G, even if the unit is included in an emissions averaging plan pursuant to Section 217.388(a)(2).

2) By the applicable compliance date set forth in Section 217.392, or within the first 876 hours of operation per calendar year, whichever is later:

A) For affected units not listed in Appendix G that operate more than 876 hours per calendar year; and

B) For units that are not affected units that are included in an emissions averaging plan and operate more than 876 hours per calendar year.

3) Once within the five-year period after the applicable compliance date as set forth in Section 217.392 or once within the five-year period following the date the unit commenced operation:

A) For affected units that operate fewer than 876 hours per calendar year; and

B) For units that are not affected units that are included in an emissions averaging plan and that operate fewer than 876 hours per calendar year.

b) An owner or operator of an engine or turbine must conduct subsequent performance tests pursuant to subsection (b)(1), (b)(2), and (b)(3) of this Section as follows:

1) For affected engines listed in Appendix G and all units included in an emissions averaging plan, once every five years. Testing must be performed in the calendar year by May 1 or within 60 days after starting operation, whichever is later;

2) If the monitored data shows that the unit is not in compliance with the applicable emissions concentration or emissions averaging plan, the owner or operator must report the deviation to the Agency in writing within 30 days and conduct a performance test pursuant to subsection (c) of this Section within 90 days of the determination of noncompliance; and

3) When, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

c) Testing Procedures:

1) For an engine: The owner or operator must conduct a performance test using Method 7 or 7E of 40 CFR 60, appendix A, as incorporated by reference in Section 217.104. Each compliance test must consist of three separate runs, each lasting a minimum of 60 minutes. NO_x emissions must be measured while the affected unit is operating at peak load. If the unit combusts more than one type of fuel (gaseous or liquid), including backup fuels, a separate performance test is required for each fuel.

2) For a turbine: The owner or operator must conduct a performance test using the applicable procedures and methods in 40 CFR 60.4400, as incorporated by reference in Section 217.104.

d) Monitoring: Except for those years in which a performance test is conducted pursuant to subsection (a) or (b) of this Section, the owner or operator of an affected unit or a unit included in an emissions averaging plan must monitor NO_x concentrations annually, once between January 1 and May 1 or within the first 876 hours of operation per calendar year, whichever is later. If annual operation is less than 876 hours per calendar year, each affected unit must be monitored at least once every five years. Monitoring must be performed as follows:

1) A portable NO_x monitor utilizing method ASTM D6522-00, as incorporated by reference in Section 217.104, or a method approved by the Agency must be used. If the engine or turbine combusts both liquid and gaseous fuels as primary or backup fuels, separate monitoring is required for each fuel.

2) NO_x and O_2 concentrations measurements must be taken three times for a duration of at least 20 minutes. Monitoring must be done at highest achievable load. The concentrations from the three monitoring runs must be averaged to determine whether the affected unit is in compliance with the applicable emissions concentration or emissions averaging plan, as specified in Section 217.388.

e) Instead of complying with the requirements of subsections (a), (b), (c) and (d) of this Section, an owner or operator may install and operate a CEMS on an affected unit that meets the applicable requirements of 40 CFR 60, subpart A and appendix B, or 40 CFR 75, incorporated by reference in Section 217.104, and complies with the quality assurance procedures specified in 40 CFR 60, appendix F or 40 CFR 75, as incorporated by reference in Section 217.104, or an alternate procedure as approved by the Agency or USEPA in a federally enforceable permit. The CEMS must be used to demonstrate compliance with the applicable emissions concentration or emissions averaging plan only on an ozone season and annual basis.

f) The testing and monitoring requirements of this Section do not apply to affected units in compliance with the requirements of the low usage limitations pursuant to Section 217.388(a)(3) or low usage units using NO_x allowances to comply with the requirements of this Subpart pursuant to Section 217.392(c), unless such units are included in an emissions averaging plan. Notwithstanding the above circumstances, when, in the opinion of the Agency or USEPA, it is necessary to conduct testing to demonstrate compliance with Section 217.388, the owner or operator of a unit must, at his or her own expense, conduct the test in accordance with the applicable test methods and procedures specified in this Section within 90 days after receipt of a notice to test from the Agency or USEPA.

(Source: Amended at 39 Ill. Reg. 16213, effective December 7, 2015)

Section 217.396 Recordkeeping and Reporting

a) Recordkeeping. The owner or operator of any unit included in an emissions averaging plan (e.g., affected units, nonsubject units, units that could be exempt pursuant to Section 217.386(b), and low usage units) or an affected unit that is not exempt pursuant to Section 217.386(b) and is not subject to the low usage exemption of Section 217.388(a)(3) must maintain records that demonstrate compliance with the requirements of this Subpart Q, which include, but are not limited to:

1) Identification, type (e.g., lean-burn, gas-fired), and location of each unit.

2) Calendar date of the record.

3) The number of hours the unit operated on a monthly basis and during each ozone season.

4) Type and quantity of the fuel used on a daily basis.

5) The results of all monitoring performed on the unit and reported deviations.

6) The results of all tests performed on the unit.

7) The plan for performing inspection and maintenance of the units, air pollution control equipment, and the applicable monitoring device pursuant to Section 217.388(a)(4).

8) A log of inspections and maintenance performed on the unit's air emissions, monitoring device, and air pollution control device. These records must include, at a minimum, date, load levels and any manual adjustments, along with the reason for the adjustment (e.g., air to fuel ratio, timing or other settings).

9) If complying with the emissions averaging plan provisions of Sections 217.388(a)(2) and 217.390, copies of the calculations used to demonstrate compliance with the ozone season and annual control period limits, noncompliance reports for the ozone season, and ozone and annual control period compliance reports submitted to the Agency.

10) Identification of time periods for which operating conditions and pollutant data were not obtained by either the CEMS or alternate monitoring procedures, including the reasons for not obtaining sufficient data and a description of corrective actions taken.

11) Any NO_x allowance reconciliation reports submitted pursuant to Section 217.392(c)(3).

b) The owner or operator of an affected unit or unit included in an emissions averaging plan must maintain the records required by subsection (a) or (d) of this Section, as applicable, for a period of five years at the source at which the unit is located. The records must be made available to the Agency and USEPA upon request.

c) Reporting Requirements

1) The owner or operator must notify the Agency in writing 30 days and five days prior to testing, pursuant to Section 217.394(a) and (b) and:

A) If, after the 30-days notice for an initially scheduled test is sent, there is a delay (e.g., due to operational problems) in conducting the performance test as scheduled, the owner or operator of the unit must notify the Agency as soon as possible of the delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test or by arranging a new test date with the Agency by mutual agreement;

B) Provide a testing protocol to the Agency 60 days prior to testing; and

C) Not later than 30 days after the completion of the test, submit the results of the test to the Agency.

2) Pursuant to the requirements for monitoring in Section 217.394(d), the owner or operator of the unit must report to the Agency any monitored exceedances of the applicable NO_x concentration from Section 217.388(a)(1) or (a)(2) within 30 days after performing the monitoring.

3) Within 90 days after permanently shutting down an affected unit or a unit included in an emissions averaging plan, the owner or operator of the unit must withdraw or amend the applicable permit to reflect that the unit is no longer in service.

4) If demonstrating compliance through an emissions averaging plan:

A) By October 31 following the applicable ozone season, the owner or operator must notify the Agency if he or she cannot demonstrate compliance for that ozone season; and

B) By January 31 following the applicable calendar year, the owner or operator must submit to the Agency a report that demonstrates the following:

i) For all units that are part of the emissions averaging plan, the total mass of allowable NO_x emissions for the ozone season and for the annual control period;

ii) The total mass of actual NO_x emissions for the ozone season and annual control period for each unit included in the averaging plan;

iii) The calculations that demonstrate that the total mass of actual NO_x emissions are less than the total mass of allowable NO_x emissions using equations in Sections 217.390(f) and (g); and

iv) The information required to determine the total mass of actual NO_x emissions and the calculations performed in subsection (c)(4)(B)(iii) of this Section.

5) If operating a CEMS, the owner or operator must submit an excess emissions and monitoring systems performance report in accordance with the requirements of 40 CFR 60.7(c) and 60.13 or 40 CFR 75, incorporated by reference in Section 217.104, or an alternate procedure approved by the Agency or USEPA and included in a federally enforceable permit.

6) If using NO_x allowances to comply with the requirements of Section 217.388, reconciliation reports as required by Section 217.392(c)(3).

d) The owner or operator of an affected unit that is complying with the low usage provisions of Section 217.388(a)(3) must:

1) For each unit complying with Section 217.388(a)(3)(A), maintain a record of the NO_x emissions for each calendar year;

2) For each unit complying with Section 217.388(a)(3)(B), maintain a record of bhp or MW-hours operated each calendar year; and

3) For each unit utilizing NO_x allowances for compliance pursuant to Section 217.392(c)(3), maintain and submit any NO_x allowance reconciliation reports.

e) Instead of complying with the requirements of subsection (a) of this Section, subsection (b) of this Section, subsections (c)(1) through (c)(4) of this Section, and subsection (d) of this Section, an owner or operator of an affected unit

complying with the requirements of Section 217.388(a)(1) and operating a CEMS on that unit may meet the applicable testing, monitoring, reporting and recordkeeping requirements for that CEMS of 40 CFR 75, as incorporated by reference in Section 217.107.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

SUBPART T: CEMENT KILNS

Section 217.400 Applicability

The requirements of this Subpart shall apply to the types of cement kilns listed below with process rates in tons per hour (TPH) of clinker produced that are greater than or equal to the following:

a) Long dry kilns – 12 TPH;

b) Long wet kilns – 10 TPH;

c) Preheater kilns – 16 TPH; and

d) Preheater/precalciner kilns – 22 TPH.

(Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

Section 217.402 Control Requirements

a) After May 30, 2004, an owner or operator of any cement kiln subject to the requirements of this Subpart shall not operate the kiln during the initial control period or any subsequent control period, unless the owner or operator complies with subsection (a)(1), (a)(2), (a)(3), (a)(5) or (a)(6) of this Section for kilns that commenced operation prior to January 1, 1996, or subsection (a)(4) or (a)(6) of this Section for kilns that commenced operation on or after January 1, 1996.

1) The kiln is operated with a low-NO_x burner or a mid-kiln firing system;

2) The kiln shall not exceed the applicable NO_x emission limitation in pounds per ton of clinker (lb/T), expressed in the rates listed below:

A) Long dry kilns – 5.1 lb NO_x/T of clinker;

B) Long wet kilns – 6.0 lb NO_x/T of clinker;

C) Preheater kilns – 3.8 lb NO_x/T of clinker; or

D) Preheater/precalciner kilns – 2.8 lb NOx/T of clinker.

3) The kiln achieves a 30 percent or greater reduction from its uncontrolled baseline, established as set forth in this subsection (a)(3), and complies with the following:

A) Uncontrolled baseline emissions shall be determined using the following equation:

$$UBE = \frac{[EF \times SPR]}{2000 \text{ lbs } NO_x/T}$$

Where:

UBE = Uncontrolled Baseline NO_x emissions expressed in tons of NO_x per control period;

EF = Emissions factor, expressed in lbs of NO_x per ton of linker produced per control period, based on one of the methods in subsection (a)(3)(B) of this Section; and

SPR = Seasonal production rate, expressed in tons of clinker produced per control period, using the average of the two highest control period operating rates from the previous three-year period at the time the application for the permit with federally enforceable conditions is submitted to the Agency pursuant to subsection (a)(3)(C) of this Section.

B) Emissions factors shall be determined using one of the following methods:

i) The average of the emission factors for the type of kiln from the Compilation of Air Pollutant Emission Factors (AP-42) and the Alternative Control Techniques Document – NO_x Emissions from Cement Manufacturing, as incorporated by reference in Section 217.104 of this Part;

ii) The site-specific emission factor developed from representative emissions testing, pursuant to 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, based on a range of typical operating conditions. The owner or operator must establish that these operating conditions are representative, subject to approval by the Agency, and must certify that the emissions testing is being conducted under representative conditions; or

iii) An alternate method for establishing the emissions factors, when submitted with supporting data to substantiate such emissions factors and approved by the Agency as set forth in subsection (a)(3)(C) of this Section.

C) The owner or operator must submit an emission reduction plan to the Agency and obtain approval of that plan by the Agency. Such plan shall be effective only when contained as federally enforceable conditions in a permit. Such plan shall include any alternate procedures for monitoring, testing, reporting, or recordkeeping approved by the Agency, or other provisions as appropriate.

4) Any kiln subject to this Subpart that commenced operation on or after January 1, 1996, must meet the more stringent of the requirements of this Subpart or other CAA requirements, or rules promulgated thereunder, applicable to kilns. If a kiln is required to comply with a more stringent requirement pursuant to the CAA, and chooses to do so in lieu of complying with this Subpart, the owner or operator must submit an emissions reduction plan that demonstrates that compliance with the CAA requirement results in emissions reductions that are equal to or exceed the requirements of this Section and obtain a permit containing federally enforceable conditions addressing such CAA requirement.

5) The owner or operator obtains an alternate emissions standard for operating the kiln pursuant to Section 28.1 of the Act [415 ILCS 5/28.1], and in accordance with 35 Ill. Adm. Code 104, Subpart D, provisions for adjusted standards. An adjusted standard or alternate emissions standard with an alternate compliance schedule shall be granted by the Board to the extent consistent with federal law. Such alternate shall be effective only when included as a federally enforceable condition in a permit approved by USEPA or approved as a SIP revision. The adjusted standard shall include any alternate procedures for control, compliance, monitoring, operation, testing, reporting, or recordkeeping that are appropriate. In addition, the owner or operator must demonstrate, as justification for the adjusted standard, that the control requirements contained in this Subpart, as they apply to cement kilns, meet one or more of the following criteria:

A) Unreasonable cost of control resulting from plant, age, location or basic process design;

B) Physical impossibility of installing necessary control equipment; or

C) Other factors specific to the cement kiln that support an alternate emissions standard.

6) The owner or operator obtains approval by the Agency and USEPA to allow the kiln to participate in the federal NO_x Trading Program. Such participation will be effective upon issuance of a permit containing all necessary federally enforceable permit conditions addressing the kiln's participation in the federal NO_x Trading Program pursuant to 40 CFR 96 and the Illinois NO_x Trading Program regulations at 35 Ill. Adm. Code 217. The owner or operator is not subject to the requirements of this Subpart for the duration of its participation in the NO_x Trading Program, except for the requirement to submit the initial compliance report pursuant to Section 217.408(a) of this Subpart.

b) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on *the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO_x SIP Call (63 Fed. Reg. 57,355 (October 27, 1998)) that are located in USEPA Region V or that are contiguous to Illinois have adopted regulations to implement NO_x Trading programs and other required reductions of NO_x emissions pursuant to the NO_x SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPS for ozone, or a final FIP for ozone promulgated by USEPA is effective for such other states.* [415 ILCS 5/9.9(f)]

(Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

Section 217.404 Testing

a) Any owner or operator of a kiln that commenced operation prior to May 1, 2003, and using a low-NO_x burner or mid-kiln firing system to demonstrate compliance pursuant to Section 217.402(a)(1) of this Subpart must maintain and operate the device according to the manufacturer's specifications as approved by the Agency.

b) Any owner or operator of a kiln that commenced operation prior to May 1, 2003, and demonstrating compliance pursuant to Section 217.402(a)(2), (a)(3)(C), or (a)(5) of this Subpart must complete an initial performance test between May 1, 2003, and May 30, 2004, and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the requirements of 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E, incorporated by reference in Section 217.104 of this Part, or such alternate test method that has been approved by the Agency pursuant to Section 217.402(a)(3)(C) of this Subpart or the Board pursuant to Section 217.402(a)(5) of this Subpart.

c) The owner or operator of a kiln that commences operation on or after May 1, 2003, must complete, as appropriate, an initial performance test within one year after initial startup and subsequent annual testing during each control period in which the kiln is operated. This testing must be consistent with the test methods

listed in subsection (b) of this Section.

(Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

Section 217.406 Monitoring

a) The owner or operator of a kiln subject to this Subpart must submit a complete monitoring plan addressing the applicable requirements of subsection (b) of this Section to the Agency and obtain approval of such plan by the Agency. The monitoring plan shall identify the operating conditions to be monitored and the records to be maintained under Section 217.410 of this Subpart. For any kiln that commences operation on or before August 31, 2003, such plan shall be submitted on or before August 31, 2003. For any other kiln subject to this Subpart, such plan shall be submitted with the construction permit application for such kiln. Such plan will be effective only when included as federally enforceable conditions in a permit issued by the Agency.

b) The plan must:

1) Identify the specific operating conditions to be monitored and the correlation between the operating conditions and NO_x emission rates;

2) Include the data and information that the owner or operator used to identify the correlation between NO_x emission rates and these operating conditions;

3) Identify how the owner or operator will monitor these operating conditions on an hourly or other basis, as approved by the Agency, the quality assurance procedures or practices that will be employed to ensure that the data generated by monitoring these operating conditions will be representative and accurate, and the type and format of the records of these operating conditions that will be maintained by the owner or operator under Section 217.410 of this Subpart;

4) If operating a low-NO_x burner or mid-kiln firing system, the plan must include only monitoring the parameters indicated in the manufacturer's specifications and recommendations for the low-NO_x burner or mid-kiln firing system as approved by the Agency; and

5) Notwithstanding the requirements of subsections (b)(1) and (b)(2) of this Section requiring the monitoring of operating parameters, if the owner or operator elects to monitor NO_x emissions using a continuous emissions monitoring system (CEMS), the owner or operator must submit a monitoring plan subject to approval by the Agency that contains the applicable provisions of 40 CFR 60.13 and of Method 7E in Appendix A contained in 40 CFR 60, as incorporated by reference in Section 217.104

of this Part, and additional provisions regarding accuracy, data capture, and monitoring frequency.

c) The owner or operator must monitor the operating parameters of the emission unit and predict NO_x emission rates in accordance with the plan specified in the applicable operating permit.

(Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

Section 217.408 Reporting

a) By May 31, 2004, or within one year after initial startup, whichever occurs later, the owner or operator of a kiln subject to the requirements of this Subpart must submit to the Agency an initial compliance certification for each kiln subject to the requirements of Section 217.402 of this Subpart. This certification must contain the following information as applicable:

1) The identity and type of each kiln subject to this Subpart, the name and address of the plant where the kiln is located, and the name and telephone number of the person responsible for demonstrating compliance with this Subpart;

2) A demonstration that each kiln is in compliance with Section 217.402 of this Subpart, identifying the provision with which it is complying and is accompanied by a summary of the approved compliance method, e.g., performance test for the kiln and other supporting data being relied upon by the owner or operator;

3) If demonstrating compliance by use of a low-NO_x burner or mid-kiln firing system pursuant to Section 217.402(a)(1) of this Subpart, a copy of the manufacturer's recommended maintenance and schedule for maintenance as approved by the Agency;

4) If demonstrating compliance pursuant to Section 217.402(a)(3)(C) or (a)(5) of this Subpart, the date on which the permit containing the emission reduction plan or SIP revision was received as federally enforceable conditions; and

5) If demonstrating compliance pursuant to Section 217.402(a)(6) of this Subpart, the date of issuance and the identification of the permit authorizing, through federally enforceable conditions, participation in the federal NO_x Trading Program.

b) Beginning in 2004, by December 31 of each year, owners and operators complying with this Subpart pursuant to Section 217.402(a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) must, as a seasonal component of its annual emission report

pursuant to 35 Ill. Adm. Code 254, report the total NO_x emissions of each subject kiln during the control period of each year to the Agency, if the kiln operated during this period.

(Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

Section 217.410 Recordkeeping

a) Any owner or operator of a cement kiln subject to this Subpart must produce and maintain records that include, but are not limited to:

1) Emissions in pounds of NO_x per ton of clinker produced from each kiln subject to the requirements of Section 217.402(a)(2), (a)(3)(C) or (a)(5) of this Subpart;

2) The date, time, and duration of any startup, shutdown, or malfunction in the operation of any cement kiln subject to this Subpart or any emissions monitoring equipment. The records shall include a description of the malfunction and maintenance activity;

3) If operating a low-NO_x burner or mid-kiln firing system: the date, time and duration of any regularly scheduled maintenance, with a description of the activity, and tons of clinker produced from each kiln;

4) The results of any required performance testing;

5) Daily cement kiln clinker production in tons per day; and

6) The records of monitoring required by Section 217.406 of this Subpart.

b) All records required to be produced or maintained shall be retained on site for a minimum of three years and be made available to the Agency upon request.

(Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR SPECIFIED NO_x GENERATING UNITS

Section 217.450 Purpose

The purpose of this Subpart is to cap the emissions of nitrogen oxides (NO_x) during the ozone control period from units subject to the provisions of this Subpart (budget units) by determining source allocations and by implementing the federal NO_x Trading Program, 40 CFR 96, consistent with the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.451 Sunset Provisions

Except for Sections 217.454(a) and (b) and 217.456(c), (e)(1)(B) through (D), and (e)(2), the provisions of this Subpart U shall not apply for any control period in 2009 or thereafter. Compliance for 2009 and after is required for these subsections. Noncompliance with the provisions of this Subpart that occurred prior to 2009 is subject to the applicable provisions of this Subpart.

(Source: Added at 35 Ill. Reg. 16600, effective September 27, 2011)

Section 217.452 Severability

If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.454 Applicability

a) This Subpart applies to any fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system, with a maximum design heat input greater than 250 mmbtu/hr and that is:

1) A unit listed in Appendix E of this Subpart, irrespective of any subsequent changes in ownership, unit designation, or name of the unit; or

2) A unit not listed in Appendix E of this Subpart that:

A) At no time serves a generator producing electricity for sale;

B) At any time serves a generator producing electricity for sale, if such generator has a nameplate capacity of 25 MWe or less and has the potential to use no more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is smaller than this calculated number, the unit is subject to the provisions of this Subpart, but if the size of the generator is greater than this calculated number, the unit is subject to the provisions of Subpart W of this Part;

C) Is part of any source, as that term is defined in 35 Ill. Adm. Code Section 211.6130, listed in Appendix E of this Part; or

D) Is a unit subject to Subpart W of this Part (excluding any unit listed

in Appendix F of this Part, regardless of any change in ownership or any change of operator), and the owner or operator makes a permanent election, at the time of applying for a budget permit pursuant to this Part, to subject the unit to the requirements of this Subpart rather than Subpart W of this Part. Any unit for which such an election is made will not receive an allocation from the Subpart U or Subpart W NO_x Trading Budget.

b) Those units that meet the above criteria are budget units.

c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget unit subject to the requirements of subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions that meet the requirements of Section 217.472(a). Starting with the effective date of such permit, the unit shall be subject only to the requirements of Section 217.472.

d) The owner or operator of any budget unit not listed in Appendix E of this Part but subject to this Subpart shall not receive an allocation of NO_x allowances from the Subpart U or Subpart W NO_x Trading Budget, except for any allowance from the new source set-aside in accordance with Section 217.468 of this Subpart. Such unit must acquire NO_x allowances in an amount not less than the NO_x emissions from such budget unit during the control period (rounded to the nearest whole ton) in accordance with the federal NO_x Trading Program, Subpart X of this Part or pursuant to a permanent transfer of NO_x allocations pursuant to Section 217.462(b) of this Subpart.

e) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on *the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO_x SIP Call* (63 Fed. Reg. 57355 (October 27, 1998)) *that are located in USEPA Region V or are that contiguous to Illinois have adopted regulations to implement NO_x trading programs and other required reductions of NO_x emissions pursuant to the NO_x SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective.* [415 ILCS 5/9.9(f)]

(Source: Amended at 35 Ill. Reg. 16600, effective September 27, 2011)

Section 217.456 Compliance Requirements

All budget units subject to the requirements of this Subpart must comply with the following:

a) The requirements of this Subpart and 40 CFR 96, excluding 40 CFR 96.4(b), 96.55(c) and subparts C, E, and I, as incorporated by reference in Section 217.104

of this Part. To the extent that this Subpart contains provisions which are inconsistent with any provisions of 40 CFR 96, the owner or operator of budget units subject to this Subpart shall comply with the provisions of this Subpart in lieu of those provisions which were incorporated by reference.

b) Budget permit requirements:

1) The owner or operator of each source with one or more budget units at the source subject to this Subpart must submit a complete permit application for a budget permit in accordance with the provisions of Section 217.458(a)(4), (a)(5) or (a)(6), as applicable, to be issued by the Agency with federally enforceable conditions covering the NO_x Trading Program (budget permit), and that complies with the requirements of Section 217.458 of this Subpart.

2) The owner or operator of one or more budget units subject to this Subpart must operate each such budget unit in compliance with such budget permit or complete budget permit application, as applicable.

3) The owner or operator of one or more budget units subject to this Subpart, at the time of filing an application for a permit under this Section, must submit a complete application for either a permit incorporating a source-wide overdraft account (as such term is defined in 40 CFR 96.2), or a permit incorporating unit specific compliance accounts for each budget unit at the source subject to this Subpart. Such election shall be at the sole discretion of the owner or operator of the source and the Agency shall incorporate such election into a permit issued to the source pursuant to this Subpart.

c) Monitoring requirements:

1) For budget units subject to the requirements of this Subpart, and which commence operation on and after January 1, 2000, the owner or operator of each such budget unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each such budget unit at the source shall comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.

2) The compliance of each budget unit subject to the requirements of subsection (c)(1) or subsection (c)(3)(A) of this Section with the control period NO_x emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.

3) For budget units which commenced operation prior to January 1, 2000:

A) The owner or operator of each such budget unit at the source must comply with the requirements of 40 CFR 96, subpart H; or

B) If the monitoring requirements of 40 CFR 96, subpart H, are demonstrated by the source to be technically infeasible as applied to a budget unit subject to the requirements of this Subpart, the owner or operator of such budget unit may monitor by an alternative monitoring procedure for the budget unit approved by the Agency and the Administrator of USEPA pursuant to the provisions of 40 CFR 75, subpart E. Such alternative monitoring procedures must be contained as federally enforceable conditions in the unit's permit.

4) The compliance of each budget unit subject to the requirements of subsection (c)(3)(B) of this Section shall be determined by the emissions measurements recorded and reported in accordance with the federally enforceable conditions in the budget unit's permit addressing monitoring as required by subsection (c)(3)(B) of this Section.

d) Allowance requirements:

1) As of November 30 of each year, the allowance transfer deadline, the account representative of each source subject to the requirements of this Subpart must hold allowances available for compliance deductions under 40 CFR 96.54 for each budget unit at the source subject to this Subpart in the budget unit's compliance accounts, or the source's overdraft account. The number of allowances held in these accounts shall not be less than the total NO_x emissions for the control period (rounded to the nearest whole ton), as determined in accordance with subsection (c) of this Section, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for all budget units at the source subject to this Subpart. Compliance with this provision shall be demonstrated if, as of the allowance transfer deadline, the sum of the allowances available for compliance deductions for all budget units at the source subject to this Subpart is equal to or greater than the total NO_x emissions (rounded to the nearest whole ton) from all budget units at the source subject to this Subpart.

2) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts F and G.

3) Each ton of NO_x emitted by a source with one or more budget units subject to this Subpart in any control period in excess of the NO_x allowances held by the owner or operator for each budget unit at the

source subject to this Subpart for each control period shall constitute a separate violation of this Subpart and the Act.

4) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance was allocated.

5) An allowance allocated by the Agency or USEPA under the NO_x Trading Program is a limited authorization to emit one ton of NO_x. No provision of the NO_x Trading Program, any permit issued or permit application submitted pursuant to this Subpart, or an exemption under 40 CFR 96.5 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.

6) An allowance allocated by the Agency or USEPA under the NO_x Trading Program or pursuant to this Subpart does not constitute a property right.

7) Upon recordation by USEPA under 40 CFR 96, subpart F or G, every allocation, transfer, or deduction of an allowance to or from a budget unit's compliance account or to or from the source's general or overdraft account where the budget unit is located is deemed to amend automatically and become a part of any budget permit of the budget unit. This automatic amendment of the budget permit shall occur by operation of law and will not require any further review.

e) Recordkeeping and reporting requirements:

1) Unless otherwise provided, the owner or operator of a source subject to the requirements of this Subpart must keep at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of 5 years from the date the document is created. This period may be extended for cause at any time prior to the end of 5 years in writing by the Agency or USEPA.

A) The account certificate of representation for the account representative for the source and each budget unit at the source subject to the requirements of this Subpart and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and such supporting documents must be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.

B) All emissions monitoring information, in accordance with subsection (c) of this Section, provided that to the extent that 40

CFR 96, subpart H, provides for a three-year period for recordkeeping, the three-year period shall apply.

C) Copies of all reports and other submissions and all records made or required under this Subpart or documents necessary to demonstrate compliance with the requirements of this Subpart.

D) Copies of all documents and any other submission under this Subpart.

2) The account representative of a source and each budget unit at the source subject to the requirements of this Subpart must submit to the Agency and USEPA the reports required under this Subpart, including those under 40 CFR 96, subpart H.

f) Liability:

1) No revision of a budget permit shall excuse any violation of the requirements of the NO_x Trading Program or this Subpart that occurs prior to the date that the revision under such budget permit takes effect.

2) Each budget source and each budget unit at the source shall meet the requirements of the NO_x Trading Program.

3) Any provision of this Subpart or the NO_x Trading Program that applies to a source subject to the requirements of this Subpart (including a provision applicable to the account representative of the source) shall also apply to the owner and operator of such source and to the owner and operator of the budget units subject to the requirements of this Subpart at the source.

4) Any provision of this Subpart or the NO_x Trading Program that applies to a budget unit subject to the requirements of this Subpart (including a provision applicable to the account representative of such budget unit) shall also apply to the owner and operator of such budget unit. Except with regard to the requirements applicable to budget units with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget unit shall not be liable for any violation by any other budget unit of which they are not an owner or operator or the account representative and that is located at a source of which they are not an owner or operator or the account representative.

5) Excess emissions requirements: The account representative of a source that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).

6) The owner or operator of a budget EGU that has excess emissions in any

control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.

g) Effect on other authorities: No provision of this Subpart, the NO_x Trading Program, a budget permit application, a budget permit, or a retired budget unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner or operator and, to the extent applicable, the account representative of a source or budget unit from compliance with any other regulations promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.

(Source: Amended at 35 Ill. Reg. 16600, effective September 27, 2011)

Section 217.458 Permitting Requirements

a) Budget permit requirements:

1) The owner or operator of each source with one or more budget units subject to this Subpart is required to timely submit, in accordance with subsection (a)(4), (a)(5), or (a)(6) of this Section, as applicable, a complete permit application addressing all requirements of this Subpart applicable to such budget units.

2) Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable requirements of the NO_x Trading Program and requirements of this Subpart and shall be a complete and segregable portion of the source's entire permit.

3) No budget permit will be issued, and no NO_x allowance account will be established for any budget unit subject to this Subpart, until the Agency and USEPA have received a complete account certificate of representation under 40 CFR 96, subpart B, for an account representative of the source and each budget unit at the source subject to this Subpart.

4) For any budget unit subject to this Subpart that commenced operation before November 1, 2003, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such budget unit must submit a budget permit application meeting the requirements of this Subpart on or before November 1, 2003.

5) For any budget unit subject to this Subpart that commenced operation before August 1, 2003, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such budget unit must submit a budget permit application meeting the requirements of this Subpart on or before August 1, 2003.

6) For any budget unit subject to this Subpart that is subject to Section 39.5 of the Act and that commences operation on or after August 1, 2003, and for any budget unit subject to this Subpart and not subject to Section 39.5 of the Act that commences operation on or after November 1, 2003, the owner or operator of such budget units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201 and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Subpart.

b) Budget permit applications:

1) Duty to apply: The owner or operator of any source with one or more budget units subject to this Subpart must submit to the Agency one or more complete budget permit applications under subsection (b)(2) of this Section for such budget units by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section. The owner or operator of any source with such budget units must reapply for a budget permit as required by this Subpart, and 35 Ill. Adm. Code 201 and Sections 39 and 39.5 of the Act.

2) Information requirements for budget permit applications: A complete budget permit application must include the following elements concerning the budget units for which the application is submitted:

A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration must also be included, if applicable;

B) Identification of each fossil fuel-fired combustion turbine, stationary boiler or combined cycle system budget unit at the source.

C) An explanation why each budget unit is subject to the requirements of Section 217.454 of this Subpart; and

D) The compliance requirements of Section 217.456 of this Subpart.

3) Federally enforceable status of budget permit: An application for a budget permit shall be treated as a modification of the source's existing federally enforceable permit, if such permit has been issued for the source, and shall be subject to the same procedural requirements as the original application. When the Agency issues a budget permit, it shall be incorporated into and become a segregable part of the source's existing federally enforceable

permit.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.460 Subpart U NO_x Trading Budget

a) The initial NO_x allowances available for allocation for each control period (the Subpart U NO_x trading budget) for budget units subject to the provisions of this Subpart shall be 4,882 tons per control period, subject to adjustment in accordance with subsections (b), (c) and (d) of this Section, and subject to the new source set-aside for budget units subject to this Subpart, as set forth in Sections 217.462 and 217.464 of this Subpart. The Subpart U NO_x Trading Budget shall be initially allocated as set forth in Appendix E of this Part.

b) The Agency may adjust the Subpart U NO_x Trading Budget available for allocations in subsection (a) of this Section by adding allowances for budget units subject to this Subpart opting to become subject to this Subpart pursuant to the requirements for opt-in units in Sections 217.474 and 217.476 of this Subpart.

c) The Agency shall adjust the Subpart U NO_x Trading Budget available for allocations in subsection (a) of this Section to remove allowances from units opting to become exempt pursuant to the requirements for low-emitters in Sections 217.454(c) and 217.472 of this Subpart.

d) Except as set forth in subsection (e) of this Section, if USEPA adjusts the base Subpart U NO_x Trading Budget of 4,882 allowances, the Agency will adjust the Subpart U NO_x Trading Budget pro-rata.

e) If USEPA adjusts the Subpart U NO_x Trading Budget as to any individual budget unit, the Subpart U NO_x Trading Budget shall not be adjusted pro-rata, and only the allowance allocation for that budget unit will be adjusted.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.462 Methodology for Obtaining NO_x Allocations

a) Appendix E of this Part identifies the sources with existing budget units subject to this subpart and the number of NO_x allowances allocations that each such budget unit is eligible to receive each control period, subject to adjustment in accordance with Section 217.460 of this Subpart and for transfers made in accordance with subsection (b) of this section. Each named budget unit's allocation will be adjusted proportionally based on the adjusted Subpart U NO_x Trading Budget as provided by Section 217.460 of this Subpart.

b) The owner or operator of budget units subject to this Subpart may permanently transfer all or part of their allocation of allowances pursuant to Column 5 of

Appendix E of this Part, subject to adjustment in accordance with this Subpart, to another budget unit subject to this Subpart, or to a budget unit subject to Subpart W of this Part. Such transfer will be effective by submitting a written request to the Agency that is signed by the account representative for the transferring budget unit and containing the account number for the recipient budget unit. The owner or operator of budget units subject to this Subpart may not permanently transfer all or part of the new source set aside indicated as the difference between Column 4 and Column 5 of Appendix E of this Part.

c) Subject to adjustment in accordance with this Subpart, or revocation or revision of the federal NO_x Trading Program or this Subpart, allocations pursuant to Appendix E of this Part exist for the life of the program, including all or a portion of any allocation transferred to another budget unit pursuant to the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.464 Methodology for Determining NO_x Allowances from the New Source Set-Aside

a) The methodology for calculating the allowances available to be allocated to new budget units subject to this Subpart from the new source set-aside is based on the more stringent emission rate of 0.15 lbs/mmbtu or the permitted NO_x emission rate, but not less than 0.055 lbs/mmbtu.

b) The general equation for determining allowances is:

$$A = HI \times ER\ 2000$$

Where HI = heat input (in mmbtu/control period) as determined in accordance with subsection © of this Section.

Where ER = The NO_x emission rate in lbs/mmbtu as determined in accordance with subsection (a) of this Section.

Where A = allowances of NO_x/control period.

c) The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:

1) For "new" budget units subject to this Subpart that have seasonal heat input from at least 3 control periods prior to the allocation year, the average of the budget unit's 2 highest seasonal heat inputs from the control periods 1 to 3 years prior to the allocation year;

2) For "new" budget units subject to this Subpart that have seasonal heat input from only 2 control periods prior to the allocation year, the average

of the budget unit's seasonal heat inputs from the control periods 1 and 2 years prior to the allocation year;

3) For "new" budget units subject to this Subpart that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or

4) For "new" budget units subject to this Subpart that have not operated for at least 77 days of the control period prior to the allocation year, the budget unit's maximum design heat input for the control period as designated in the construction permit.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.466 NO_x Allocations Procedure for Subpart U Budget Units

For each control period, the Agency will allocate the total number of NO_x allowances in the Subpart U NO_x Trading Budget apportioned to budget units under Section 217.460 of this Subpart, subject to adjustment as provided in this Subpart. These allocations will be issued as provided in subsections (a) and (b) of this Section, as follows:

a) The Agency will allocate to each budget unit that is listed in Appendix E of this Part the number of allowances listed in Column 5 of Appendix E of this Part for that budget unit for each 3-year period of the program. The Agency will report these allocations to USEPA by March 1 of 2004, and triennially thereafter.

b) The Agency will allocate allowances from the new source set-aside to "new" budget units as set forth in Section 217.468 of this Subpart.

c) The Agency will report allocations from the new source set-aside to USEPA by April 1 of each year for the following year.

d) To the extent that allowances remain in the new source set-aside after any allocation pursuant to subsection (b) of this Section, the Agency shall allocate any such remaining allowances pro-rata to the owner or operator of the budget units listed in Appendix E of this Part to the extent a whole allowance may be allocated to any such owner or operator. The Agency will make such allocation by April 15 of each year. If there are insufficient allowances to allocate a whole allowance to any such owner or operator of a budget unit listed in Appendix E of this Part, such allowances shall be retained by the Agency in the new source set-aside. Any such allowances retained in the new source set-aside shall be accumulated in the new source set-aside and may either:

1) Be available for allocation to new budget units for future control periods, subject to the provisions of Section 217.468 of this Subpart; or

2) If, after any annual allocation to new budget units, there are sufficient allowances accumulated in the new source set-aside to allocate one or more whole allowances to the owner or operator of existing budget units listed in Appendix E of this Part on a pro-rata basis, such accumulated whole allowances shall be allocated pro-rata to such owner or operators.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.468 New Source Set-Asides for "New" Budget Units

a) For the 2004, 2005 and 2006 control periods, a "new" budget unit is one that commenced commercial operation on or after January 1, 2000. For the 2007 and later control periods, a "new" budget unit is one that commenced commercial operation no more than 3 control periods prior to the year the allocation is requested pursuant to this Section. Those units that commenced commercial operation on or after January 1, 2000, but before May 31, 2004, become "existing" budget units on October 1, 2004. Those units that commenced commercial operation on or after May 31, 2004, become "existing" budget units the end of the third control period after they commenced commercial operation.

b) "New" budget units must have an allowance for every ton of NO_x emitted during the control period as provided in Section 217.456(d) of this Subpart.

c) The Agency will establish a new source set-aside for each control period from which "new" budget units may purchase NO_x allowances. Each new source set-aside will be allocated allowances equal to 3% of each source's initial total Subpart U NO_x Trading Budget allocation as reflected in Column 5 of Appendix E of this Part, which is 146 allowances, for each control period. The allocation for the new source set-aside from each source shall be based on 3% of the source's initial allocation, without regard to subsequent adjustment to any such source's current allocation, including permanent transfer of allowances to another source or revision of the Subpart U NO_x Trading Budget by USEPA.

d) A "new" budget unit may request to purchase from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in Section 217.464 of this Subpart, and subject to the provisions of this Section.

e) The account representative of a "new" budget unit under subsection (a) of this Section may purchase allowances from the new source set-aside by submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set-aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the "new" budget unit and before February 1 of the control period for which the allocation is requested.

f) The Agency will notify the account representative by March 1 of the applicable year of the number of allowances that are eligible for purchase for the "new" budget unit pursuant to the requirements of this Section. If the Agency does not receive payment by March 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the allowances offered. The Agency will make available for purchase those forfeited allowances on a pro-rata basis to "new" budget units requesting allocations pursuant to this Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (g) of this Section.

g) The price of allowances from the new source set-aside shall be:

1) For 2004 only, the price shall be the average price at which NO_x allowances were traded in 2003 in the Ozone Transport Region; and

2) For all years other than 2004, the average price at which NO_x allowances were traded in the interstate NO_x Trading Program for the preceding control period.

h) The fees collected by the Agency from the sale of allowances will be distributed pro-rata to budget units receiving allowances pursuant to Appendix E of this Part on the basis of allocated allowances, subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.470 Early Reduction Credits (ERCs) for Budget Units

If a budget unit reduces its NO_x emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001 or 2002 control period, or if approved by USEPA the 2003 control period, for use in 2004 control period, or later control periods authorized by USEPA, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget unit in accordance with the following:

a) Each budget unit for which the account representative requests any ERCs under subsection (d) of this Section must monitor NO_x emissions in accordance with 40 CFR 96, subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the control period for which ERCs will first be requested and for each control period for which ERCs will be requested. For example, if ERCs are requested for reductions made in the 2001 control period, the budget unit must have implemented the applicable monitoring for the 2000 control period. The budget unit's monitoring system availability must be at least 90% during the control period prior to the control period in which the NO_x

emissions reduction is made and the budget unit must be in compliance with any applicable State or federal emissions or emissions-related requirements.

b) The NO_x emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96, subpart H.

c) Each budget unit for which ERCs are requested under subsection (d) of this Section must have reduced its NO_x emission rate for each control period for which ERCs are requested by 30% or more below the actual NO_x emissions rate (lbs/mmbtu) for the first control period in which ERCs are requested.

d) The account representative of a budget unit that meets the requirements of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for the budget unit based on NO_x emission rate reductions made by the budget unit in control periods 2001, 2002 and 2003.

1) The number of ERCs that may be requested for any applicable control period shall be an amount equal to the budget unit's heat input for such control period multiplied by the difference between the budget unit's NO_x emission rate (meeting the requirements of subsection (c) of this Section for the applicable control period) and the budget unit's actual NO_x emission rate for the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton;

2) Upon request of the account representative, the ERC allowance allocation for a particular budget unit may be deposited in the source's overdraft account rather than in the budget unit's compliance account; and

3) The early reduction request must be submitted by November 1 for reductions made in the previous control period in a format specified by the Agency.

e) In the event that the May 31, 2004 date for implementing the NO_x SIP Call is delayed, the early reduction request must be submitted in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NO_x SIP Call, 63 Fed. Reg. 57356 (October 27, 1998).

f) The Agency will allocate ERCs to the budget units meeting the requirements of subsections (a) through (c) of this Section and covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:

1) The Agency shall allocate no more than 2,427 ERCs over three years, as follows:

A) Not more than one-half of the total ERC allowances for reductions

made in the control period in 2001;

B) Not less than one-half of the total ERC allowances for reductions made in the control period in 2002; and

C) If approved by USEPA, any ERC allowances not allocated pursuant to subsection (f)(1)(A) or (B) of this Section, for reductions made in the control period in 2003.

2) If the number of ERC allowances requested for a reduction achieved in any control period is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(1) of this Section, the Agency will allocate one allowance for each accepted ERC request; and

3) If the number of ERC allowances requested for a reduction achieved in any control period is greater than the number of ERC allowances designated for that control period in subsection (f)(1) of this Section, the Agency will allocate allowances for accepted requests on a pro-rata basis.

g) By April 1, the Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be allocated to each budget unit for that control period.

h) By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by the Agency under this Section. USEPA will record such allocations to the extent that they are consistent with the requirements of this Section.

i) ERC allowances recorded under subsection (h) of this Section may be deducted under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part, for the control period in 2004 or such control periods as may be specified by USEPA. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40 CFR 96.54 for the control period in 2004 or such control periods as may be specified by USEPA.

j) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.472 Low-Emitter Requirements

Starting with the effective date of the permit referred to in Section 217.454(c), the budget unit electing low-emitter status shall be subject only to the requirements of this Section.

a) For each control period the owner or operator elects low-emitter status, the

federally enforceable permit conditions must:

1) Restrict the unit to burning only natural gas, fuel oil, or natural gas and fuel oil;

2) Limit the unit's potential NO_x mass emissions for the control period to 25 tons or less;

3) Restrict the unit's operating hours to the number calculated by dividing 25 tons of potential NO_x mass emissions by the unit's maximum potential hourly NO_x mass emissions;

4) Require that the unit's potential NO_x mass emissions shall be calculated by using the monitoring provisions of 40 CFR 75, or if the unit does not rely on these monitoring provisions, as follows:

A) Select the applicable default NO_x emission rate: 0.7 lbs/mmbtu for combustion turbines burning natural gas exclusively during the control period; 1.2 lbs/mmbtu for combustion turbines burning any fuel oil during the control period; 1.5 lbs/mmbtu for boilers burning natural gas exclusively during the control period; or 2 lbs/mmbtu for boilers burning any fuel oil during the control period.

B) Multiply the default NO_x emission rate under subsection (a)(4)(A) of this Section by the unit's maximum rated hourly heat input which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input. The owner or operator of the unit may request in the permit application required by this subsection that the Agency use a lower value for the unit's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The owner or operator must demonstrate that such lower value is representative of the unit's current capabilities because modifications have been made to the unit that permanently limit the unit's capacity;

5) Require that for 5 years at the source that includes the unit, records demonstrating that the operating hours restriction, the fuel use restriction and the other requirements of the permit related to these restrictions were met; and

6) Require that the owner or operator of the unit report to the Agency for each control period the unit's hours of operation (treating any partial hour

of operation as a whole hour of operation), heat input and fuel use by type. This report shall be submitted by November 1 of each year the unit elects low-emitter status.

b) The Agency will notify the USEPA in writing of each unit electing low-emitter status pursuant to the requirements of subsection (a) of this Section and when any of the following occurs:

1) The permit with federally enforceable conditions that includes the restrictions in subsection (a) of this Section is issued by the Agency;

2) Such permit is revised to remove any such restriction;

3) Such permit includes any such restriction that is no longer applicable; or

4) The unit does not comply with any such restriction.

c) The unit shall become subject to the requirements of this Subpart if, for any control period under this Section, the fuel use restriction or the operating hours restriction under subsection (a) of this Section is removed from the unit's permit or otherwise is no longer applicable, or the unit does not comply with the fuel use restriction or the operating hours restriction under subsection (a) of this Section. Such unit shall be treated as commencing operation on September 30 of the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the unit does not comply with the fuel use restriction or the operating hours restriction.

d) The owner or operator of a unit to which the Agency has ever allocated allowances under Appendix E of this Part may elect low-emitter status. In that case, the Agency will reduce the Subpart U NO_x budget by the number of allowances equal to the amount of NO_x emissions the unit is permitted to emit during the control period, pursuant to a federally enforceable condition in the unit's permit. The owner or operator of a unit electing low-emitter status may demonstrate that it holds sufficient allowances to cover the unit's NO_x emissions by offsetting the emissions from such unit, not to exceed its permitted emission limit as included in its federally enforceable permit, with allowances issued for voluntary NO_x reductions meeting the requirements of Subpart X of this Part. The Agency will not reduce the Subpart U NO_x budget by the allowances issued for NO_x reductions obtained in accordance with Subpart X of this Part.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.474 Opt-In Units

a) Any operating fossil fuel-fired stationary boiler, combustion turbine, combined cycle system, cement kiln or stationary internal combustion engine in the State

may qualify under this Subpart to become an opt-in budget unit if it:

1) Is not a budget EGU under Subpart W of this Part;

2) Vents all of its emissions to a stack;

3) Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this Section;

4) Is not covered by a retired unit exemption under 40 CFR 96.5; and

5) Is not covered by the low-emitter exemption under Section 217.454(c) of this Subpart.

b) Except as otherwise provided in this Subpart, an opt-in budget unit shall be treated as a budget unit for purposes of applying this Subpart and 40 CFR 96.

c) Authorized Account Representative:

1) If an opt-in unit is located at the same source as one or more budget units, it shall have the same account representative as those budget units.

2) If the opt-in unit is not located at the same source as one or more budget units, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.

d) To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.478(f) of this Subpart, submit to the Agency:

1) A budget permit application for the unit that:

A) Meets the requirements under Section 217.458 of this Subpart; and

B) Contains provisions for a change in the regulatory status of the unit to an opt-in budget unit under Section 217.454 of this Subpart pursuant to the provisions of Section 217.480(b) of this Subpart.

2) A monitoring plan for the unit in accordance with 40 CFR 96, subpart H.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.476 Opt-In Process

The Agency will issue or deny a budget permit for an opt-in unit in accordance with Section

217.458 of this Subpart and the following:

a) The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NO_x emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A determination of sufficiency shall not be construed as acceptance or approval of that unit's monitoring plan.

b) If the Agency determines that the unit's monitoring plan is sufficient under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, subpart H, the NO_x emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart H, for one full control period during which the monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable State or federal emissions or emissions-related requirements.

c) Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmbtu) for the control period, and the unit's baseline NO_x emission rate shall be calculated as the unit's total NO_x emissions (in lbs) for the control period divided by the unit's baseline heat rate.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.478 Opt-In Budget Units: Withdrawal from the NO_x Trading Program

a) Requesting withdrawal: To withdraw from the NO_x Trading Program, the account representative of an opt-in budget unit shall submit to the Agency a request to withdraw from the NO_x Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

b) Conditions for withdrawal: Before an opt-in budget unit may withdraw from the NO_x Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:

1) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.

2) If the opt-in budget unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the opt-in budget unit's compliance account, or the

overdraft account of the NO_x budget source where the opt-in budget unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.

3) After the requirements for withdrawal under subsections (b)(1) and (2) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Subpart for the control period for which the withdrawal is to be effective and earlier control periods. USEPA will close the opt-in budget unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the opt-in budget unit shall become the account representative for the general account.

c) An opt-in budget unit that withdraws from the Subpart U NO_x Trading Program shall comply with all requirements under the NO_x Trading Program concerning all years for which such opt-in budget unit was an opt-in budget unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

d) Notification:

1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the opt-in budget unit that the opt-in unit's request to withdraw its budget permit is denied. If the opt-in budget unit's request to withdraw is denied, the opt-in budget unit shall remain subject to the requirements for an opt-in budget unit.

e) Reapplication upon failure to meet conditions of withdrawal: If the Agency denies the opt-in budget unit's request to withdraw, the account representative of the opt-in budget unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.

f) Ability to return to the NO_x Trading Program: Once an opt-in unit withdraws from the NO_x Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.474(d) of this Subpart for the unit prior to the

date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.480 Opt-In Units: Change in Regulatory Status

a) Notification: When an opt-in unit becomes an opt-in budget unit under Section 217.476 of this Subpart, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days of such change.

b) Any permit application that provides for a change in the regulatory status of a unit to an opt-in budget unit pursuant to Section 217.474(d)(1)(B) of this Subpart and included in a budget permit, is effective on the date on which such opt-in unit becomes an opt-in budget unit under Section 217.454 of this Subpart.

c) USEPA's action:

1) USEPA will deduct from the compliance account for the opt-in budget unit under this Section, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to and allocated for the same or a prior control period as:

A) Any allowances allocated to the budget unit (as an opt-in unit) under Section 217.482 of this Subpart for any control period after the last control period during which the unit's budget permit was effective; and

B) If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the opt-in budget unit (as an opt-in unit) under Section 217.482 of this Subpart for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

2) The account representative shall ensure that the compliance account of the opt-in budget unit under subsection (b) of this Section, or the overdraft account of the budget source where the opt-in budget unit is located, contains the allowances necessary for completion of the deduction under subsection (c)(1) of this Section. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

3) For every control period during which any budget permit under subsection (b) of this Section is effective, the opt-in budget unit under subsection (b) of this Section will be treated, solely for purposes of allowance allocations under Section 217.466 or 217.468 of this Subpart, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.466 or 217.468 of this Subpart.

4) Notwithstanding subsection (c)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will be allocated to the opt-in budget unit for the control period: the number of allowances otherwise allocated to the opt-in budget unit under Section 217.466 or 217.468 of this Subpart for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

d) When the owner or operator of an opt-in unit does not renew the budget permit for the opt-in budget unit issued pursuant to Section 217.474(d), USEPA will deduct from the opt-in budget unit's compliance account, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to and allocated for the same or a prior control period as any allowances allocated to the opt-in budget unit under Section 217.482 of this Subpart for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the opt-in budget unit's compliance account or the overdraft account of the budget source where the opt-in budget unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

e) After the deduction under subsection (d) of this Section is completed, USEPA will close the opt-in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt-in unit. The account representative for the opt-in unit shall become the account representative for the general account.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.482 Allowance Allocations to Opt-In Budget Units

a) Allowance allocations:

1) By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will allocate allowances to the opt-in budget unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.

2) By no later than the December 31 after the first control period for which the budget permit is in effect and December 31 of each year thereafter, the Agency will allocate allowances to the opt-in budget unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.

b) For the first control period, and for each subsequent control period for which the opt-in budget unit has a budget permit, the opt-in budget unit will be allocated allowances in accordance with the following procedures:

1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:

A) The opt-in unit's baseline heat input determined pursuant to Section 217.476(c) of this Subpart; or

B) The opt-in unit's heat input, for the control period in the year prior to the year of the first control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, subpart H.

2) The Agency will allocate allowances to the opt-in budget unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:

A) The unit's baseline NO_x emissions rate (in lbs/mmbtu) determined pursuant to Section 217.476(c) of this Subpart; or

B) The lowest NO_x emissions limitation (calculated in lbs/mmbtu) under State or federal law that is applicable to the budget opt-in unit for the year of the control period for which the allocations are being calculated, regardless of the averaging period to which the emissions limitation applies.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

SUBPART V: ELECTRIC POWER GENERATION

Section 217.521 Lake of Egypt Power Plant

a) The standard for nitrogen oxides of Section 217.121(d) does not apply when solid fossil fuel containing 25 percent by weight or more of coal refuse is burned in Southern Illinois Power Cooperative's Unit No. 4 at its Lake of Egypt Power Plant.

b) The standard for nitrogen oxides of Section 217.121(e) does not apply when solid fossil fuel containing 25 percent by weight or more of coal refuse is burned in combination with gaseous, liquid or other solid fossil fuel in Southern Illinois Power Cooperative's Unit No. 4 at its Lake of Egypt Power Plant.

(Source: Amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978)

Section 217.700 Purpose

The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) from electrical generating units (EGUs) during the ozone control period (for purposes of Subpart V, the ozone control period is May 1 through September 30 of each year, beginning in 2003), by limiting the emissions of NO_x from EGUs to no more than 0.25 lbs/mmbtu of actual heat input during each ozone control period.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.702 Severability

If any section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, subsection or clause not found invalid.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.704 Applicability

The following fossil fuel-fired stationary boilers, combustion turbines or combined cycle systems are electrical generating units (EGUs) and shall be subject to this Subpart on and after May 1, 2003:

a) Any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D of this Part and any new unit at a source listed in Appendix D of this Part.

b) Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less and has the potential to use more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is greater than this calculated number, the unit is an EGU subject to the

provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.706 Emission Limitations

a) On or after May 1, 2003, no owner or operator subject to this Subpart shall cause or allow the emissions of NO_x into the atmosphere from any EGU to exceed 0.25 lbs/mmbtu of actual heat input during each ozone control period, based on a control period average for that unit.

b) Notwithstanding the emission limitation in subsection (a) of this Section, any EGU subject to a more stringent NO_x emission limitation pursuant to any State or federal statute, including the Act, the Clean Air Act, or any regulations promulgated thereunder, shall comply with both the requirements of this Subpart and that more stringent emission limitation.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.708 NO_x Averaging

a) Notwithstanding Section 217.706(a) of this Subpart, the owners or operators of EGUs listed in Appendix F of this Part and the owner or operator of Soyland Power may elect to demonstrate compliance with this Subpart by averaging for the ozone control period the NO_x emission rates with any EGU listed in Appendix F or any EGU at Soyland Power's Alsey Illinois facility that commenced commercial operation on or before January 1, 2000.

b) The average NO_x emission rate for all EGUs being averaged pursuant to this Section must not exceed 0.25 lbs/mmbtu and shall be determined as follows:

$$ERavg = \frac{\sum_{i=1}^{n} (HI_i \times ER_i)}{\sum_{i=1}^{n} HI_i}$$

Where:

$ERavg$ = average emission rate in lbs/mmbtu of all EGUs in averaging demonstration

HI_i = heat input for the ozone control period of EGU i, in mmbtu, as specified in the NO_x averaging demonstration

ER_i = actual NO_x emission rate of EGU i, in lbs/mmbtu,

as specified in the NO_x averaging demonstration

n = number of EGUs that are averaging

c) Averaging under this Subpart must be authorized through federally enforceable permit conditions for such EGU.

d) An EGU may be included in only one NO_x averaging demonstration during an ozone control period.

e) Compliance by averaging for each ozone control period must be demonstrated by November 30 following each ozone control period.

f) If averaging is used to demonstrate compliance with this Subpart, the effect of a failure to demonstrate such compliance shall be that the compliance status of each EGU shall be determined pursuant to Section 217.706(a) as if the NO_x emission rates of such EGUs were not averaged.

g) The owner or operator of any EGU that elects to participate in an averaging demonstration to demonstrate compliance with this Subpart cannot average with any other EGU for which the owner or operator of such EGU does not maintain the required records, data, and reports, or does not submit copies of such records, data, or reports to the Agency upon request.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.710 Monitoring

a) The owner or operator of an EGU subject to this Subpart shall install, calibrate, maintain and operate continuous emissions monitoring systems (CEMS) for NO_x that meet the requirements of 40 CFR 75, subpart B.

b) Notwithstanding subsection (a), the owner or operator of a gas-fired peaking unit or oil-fired peaking unit as defined in 40 CFR 72.2 may determine NO_x emissions in accordance with the emissions estimation protocol of 40 CFR 75, subpart E.

c) Notwithstanding subsection (a), the owner or operator of a combustion turbine that operates less than 350 hour per ozone control period may determine the heat input and NO_x emissions of the turbine as follows:

1) Heat input shall be determined from the metered fuel usage to the turbine or the calculated heat input determined as the product of the turbine's maximum hourly heat input and hours of operation as recorded by operating instrumentation on the turbine;

2) NO_x emissions shall be determined as the product of the heat input, as determined above, and the appropriate default NO_x emission factors

below:

0.7 lbs/mmbtu – Natural gas
1.2 lbs/mmbtu – Fuel oil

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.712 Reporting and Recordkeeping

The owner or operator of an EGU subject to the requirements of this Subpart shall:

a) Comply with the recordkeeping and reporting requirements of 40 CFR 75 applicable to NO_x emissions during the ozone control period, including, but not limited to, 40 CFR 75.54(b) and (d), incorporated by reference in Section 217.104 of this Part.

b) Notwithstanding subsection (a), the owner or operator of a combustion turbine for which heat input and NO_x emissions are determined pursuant to subsection 217.710(c) of this Subpart shall comply with the following recordkeeping and reporting requirements:

1) Maintain records of the heat input and NO_x emissions of the turbine as determined in accordance with Section 217.710(c) of this Subpart, and records of metered fuel use or operating hours used to determine heat input; and

2) Annually report the heat input and NO_x emissions of the turbine as determined in accordance with Section 217.710(c) of this Subpart, for each ozone control period, by November 30 of each year.

c) Submit, with the report required under subsection (c) of this Section, the following certification statement, to be signed by a responsible official:

"I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief after due inquiry, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
Signature
Name
Official Title
Telephone No.

Date Signed

d) If demonstrating compliance through Section 217.706(a) of this Subpart, by November 30 of each year beginning in 2003, submit to the Agency a report that demonstrates each EGU has not exceeded a NO_x emission rate of 0.25 lbs/mmbtu during the ozone control period.

e) If demonstrating compliance through Section 217.708 of this Subpart, by November 30 of each year beginning in 2003, submit to the Agency a report that demonstrates the following:

1) For all EGUs participating in the averaging demonstration, the averaged ozone control period NO_x emission rate pursuant to the equation in Section 217.708(b) of this Subpart;

2) The average ozone control period NO_x emission rate of each EGU participating in the averaging demonstration; and

3) The information required to determine the averaged NO_x emission rate pursuant to Section 217.708(b) of this Subpart.

f) Keep and maintain, for 5 years, all records and data necessary to demonstrate compliance with the requirements of this Subpart, and upon request make such records and data available to Agency and USEPA representatives for inspection and copying during working hours.

g) Submit copies of any records and data required by this Section to the Agency within 30 days after receipt of a written request by the Agency.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

SUBPART W: NO_x TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

Section 217.750 Purpose (Repealed)

~~The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) during the ozone control period (May 1 through September 30 of each year, except that in 2004, "control period" means May 31 through September 30) from electrical generating units (EGUs) by determining source allocations and implementing the NO_x Trading Program pursuant to 40 CFR 96, as authorized by Section 9.9 of the Act [415 ILCS 5/9.9].~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.751 Sunset Provisions (Repealed)

~~The provisions of this Subpart W shall not apply for any control period in 2009 or thereafter. Noncompliance with the provisions of this Subpart that occurred prior to 2009 is subject to the applicable provisions of this Subpart.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 33 Ill. Reg. 15754, effective November 2, 2009)~~

Section 217.752 Severability (Repealed)

~~If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____) ~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.754 Applicability (Repealed)

~~a) The following fossil fuel-fired stationary boilers, combustion turbines or combined cycle systems are electrical generating units (EGUs) and are subject to this Subpart:~~

~~1) Any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D of this Part.~~

~~2) Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less and has the potential to use more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is greater than this calculated number, the unit is an EGU subject to the provisions of this Subpart.~~

~~b) Those units that meet the above criteria and are subject to the NOx Trading Program emissions limitations contained in this Subpart are budget EGUs.~~

~~c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget EGU under subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions meeting the requirements of subsection (c)(1) of this Section. Starting with the effective date of such permit, the EGU shall not be a budget EGU and shall be subject only to the requirements of this subsection (c).~~

~~1) For each control period under this subsection (c), the federally enforceable permit conditions must:~~

~~A) Restrict the EGU to burning only natural gas, fuel oil, or natural gas and fuel oil;~~

~~B) Limit the EGU's potential NO_x mass emissions for the control period to 25 tons or less;~~

~~C) Restrict the EGU's operating hours during the control period to the number calculated by dividing 25 tons of potential NO_x mass emissions by the EGU's maximum potential hourly NO_x mass emissions;~~

~~D) Require that the EGU's potential NO_x mass emissions be calculated by using the monitoring provisions of 40 CFR 75 or, if the EGU does not rely on these monitoring provisions, by using the applicable default rate, as follows:~~

~~i) Select the applicable default NO_x emission rate from one of the following: 0.7 lb/mmbtu for combustion turbines burning natural gas exclusively during the control period; 1.2 lbs/mmbtu for combustion turbines burning any fuel oil during the control period; 1.5 lbs/mmbtu for boilers burning natural gas exclusively during the control period; or 2 lbs/mmbtu for boilers burning any fuel oil during the control period.~~

~~ii) Multiply the default NO_x emission rate under subsection (c)(1)(D)(i) of this Section by the EGU's unit-specific maximum rated heat input (mmbtu), which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input. The owner or operator of the EGU may request in the permit application required by this subsection (c) that the Agency use a lower value for the EGU's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The owner or operator must also demonstrate that such lower value is representative of the EGU's current capabilities because modifications have been made to the EGU that permanently limit the EGU's capacity;~~

~~E) Require that the owner or operator of the EGU retain for five~~

~~years, at the source that includes the EGU, records demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of the permit related to these restrictions were met; and~~

~~F) Require that the owner or operator of the EGU report to the Agency the EGU's hours of operation (treating any partial hour of operation as a whole hour of operation), heat input, and fuel use by type during each control period. This report shall be submitted by November 1 of each year the EGU elects low-emitter status.~~

~~2) The Agency will notify USEPA in writing of each EGU electing low-emitter status pursuant to the requirements of subsection (c)(1) of this Section and when any of the following occurs:~~

~~A) The permit with federally enforceable conditions that includes the restrictions in subsection (c)(1) of this Section is issued by the Agency;~~

~~B) Such permit is revised to remove any such restriction;~~

~~C) Such permit includes any such restriction that is no longer applicable; or~~

~~D) The EGU does not comply with any such restriction.~~

~~3) The EGU shall become a budget EGU, subject to the requirements of this Subpart, if, for any control period under subsection (c) of this Section, the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section is removed from the EGU's permit or otherwise becomes no longer applicable, or the EGU does not comply with the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section. Such EGU shall be treated as commencing operation and, for a unit under subsection (a)(1) of this Section, commencing commercial operation, on September 30 of the year prior to the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the EGU does not comply with the fuel use restriction or the operating hours restriction.~~

~~4) The owner or operator of an EGU to which the Agency has ever allocated allowances may elect low-emitter status. In that case, the Agency will reduce the EGU trading budget by the number of allowances corresponding to the amount of NO_x emissions the EGU is permitted to emit during the control period as set forth in the EGU's federally enforceable state operating permit.~~

~~d) Notwithstanding the provisions in subsection (a) of this Section, sources may opt-in to the NO_x Trading Program and will receive allowance allocations consistent with applicable requirements, if they meet the requirements for a budget opt-in unit pursuant to Sections 217.774 through 217.782 of this Part.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.756 Compliance Requirements (Repealed)

~~All EGUs subject to the requirements of this Subpart must comply with the following:~~

~~a) The requirements of this Subpart and 40 CFR 96 (excluding 40 CFR 96.4(b) and 96.55(c), and excluding 40 CFR 96, Subparts C, E, and I) as incorporated by reference in Section 217.104 of this Part.~~

~~b) Permit requirements:~~

~~1) The owner or operator of each source with one or more budget EGUs at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the NO_x Trading Program ("budget permit") that complies with the requirements of Section 217.758 of this Part.~~

~~2) The owner or operator of each budget source and each budget EGU at the source must operate the budget EGU in compliance with such budget permit.~~

~~c) Monitoring requirements:~~

~~1) The owner or operator of each budget source and each budget EGU at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each budget source and each budget EGU at the source must comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.~~

~~2) The compliance of each budget EGU with the budget emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.~~

~~d) NO_x requirements:~~

~~1) By November 30 of each year, the allowance transfer deadline, the account representative of each budget source and each budget EGU at the~~

source shall hold allowances available for compliance deductions under 40 CFR 96.54 in the budget EGU's compliance account or the source's overdraft account. The number of allowances held shall not be less than the budget EGU's total tons of NO_x emissions for the control period, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart H, plus any number necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for the control period.

2) Each ton of NO_x emitted in excess of the number of NO_x allowances held by the owner or operator for each budget EGU for each control period shall constitute a separate violation of this Part and the Act.

3) A budget EGU shall be subject to the monitoring and NO_x requirementsof subsections (c)(1) and (d)(1) of this Section starting on the later of May 31, 2004, the date on which the EGU commences *or the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO_x Sip Call* (63 Fed. Reg. 57355 (October 27, 1998)) *that are located in USEPA Region V or that are contiguous to Illinois have adopted regulations to implement NO_x Trading Programs and other required reductions of NO_x emissions pursuant to the NO_x SIP Call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective)* [415 ILCS 5/9.9(f)].

4) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts F and G, and Sections 217.774 through 217.782 of this Part.

5) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance is allocated.

6) An allowance allocated by the Agency or USEPA under the NO_x Trading Program is a limited authorization to emit one ton of NO_x in accordance with the NO_x Trading Program. No provision of the NO_x Trading Program, the budget permit application, the budget permit, or a retired unit exemption under 40 CFR 96.5, and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.

7) An allowance allocated by the Agency or USEPA under the NO_x Trading Program does not constitute a property right.

8) Upon recordation by USEPA under 40 CFR 96, subpart F or G, or Section 217.782 of this Part, every allocation, transfer, or deduction of an

~~allowance to or from a budget EGU's compliance account or to or from the overdraft account of the budget source where the budget EGU is located is deemed to amend automatically, and become a part of, any budget permit of the budget EGU. This automatic amendment of the budget permit shall be deemed an operation of law and will not require any further review.~~

~~e) Recordkeeping and reporting requirements:~~

~~1) Unless otherwise provided, the owner or operator of the budget source and each budget EGU at the source shall keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.~~

~~A) The account certificate of representation of the account representative for the source and each budget EGU at the source, all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and documents must be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.~~

~~B) All emissions monitoring information, in accordance with 40 CFR 96, subpart H, provided that to the extent that 40 CFR 96, subpart H provides for a three-year period for recordkeeping, the three-year period shall apply.~~

~~C) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Trading Program or documents necessary to demonstrate compliance with the requirements of the NO_x Trading Program or with the requirements of this Subpart.~~

~~D) Copies of all documents used to complete a budget permit application and any other submission under the NO_x Trading Program.~~

~~2) The account representative of a budget source and each budget EGU at the source must submit to the Agency and USEPA the reports and compliance certifications required under the NO_x Trading Program, including those under 40 CFR 96, subparts D and H, and Section 217.774 of this Part.~~

~~f) Liability:~~

~~1) No revision of a permit for a budget EGU shall excuse any violation of the requirements of the NO_x Trading Program that occurs prior to the date that the revision to such budget permit takes effect.~~

~~2) Each budget source and each budget EGU shall meet the requirements of the NO_x Trading Program.~~

~~3) Any provision of the NO_x Trading Program that applies to a budget source (including any provision applicable to the account representative of a budget source) shall also apply to the owner and operator of such budget source and to the owner and operator of each budget EGU at the source.~~

~~4) Any provision of the NO_x Trading Program that applies to a budget EGU (including any provision applicable to the account representative of a budget EGU) shall also apply to the owner and operator of such budget EGU. Except with regard to the requirements applicable to budget EGUs with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget EGU shall not be liable for any violation by any other budget EGU of which they are not an owner or operator or the account representative.~~

~~5) The account representative of a budget EGU that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).~~

~~6) The owner or operator of a budget EGU that has excess emissions in any control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.~~

~~g) Effect on other authorities. No provision of the NO_x Trading Program, a budget permit application, a budget permit, a low-emitter exemption under Section 217.754(c) of this Subpart, or a retired unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner and operator and, to the extent applicable, the account representative of a budget source or budget EGU, from compliance with any other regulation promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.758 Permitting Requirements (Repealed)

~~a) Budget permit requirements:~~

~~1) Each source with a budget EGU is required to submit a complete permit~~

~~application addressing all applicable NO_x Trading Program requirements for a permit meeting the requirements of this Section, applicable to each budget EGU at the source. Each budget permit (including any draft or proposed budget permit, if applicable) will contain elements required for a complete budget permit application under subsection (b)(2) of this Section.~~

~~2) Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable NO_x Trading Program requirements and shall be a complete and segregable portion of the source's entire permit under subsection (a)(1) of this Section.~~

~~3) No budget permit shall be issued, and no NO_x allowance account shall be established for a budget EGU at a source, until the Agency and USEPA have received a complete account certificate of representation under 40 CFR 96, subpart B, for an account representative of the source and the budget EGU at the source.~~

~~4) For budget EGUs that commenced operation before November 1, 2003, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before November 1, 2003.~~

~~5) For budget EGUs that commenced operation before August 1, 2003, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before August 1, 2003.~~

~~6) For budget EGUs that are subject to Section 39.5 of the Act and that commence operation on or after August 1, 2003, and for budget EGUs not subject to Section 39.5 of the Act and that commence operation on or after November 1, 2003, the owner or operator of such units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201 and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Section.~~

~~b) Budget permit applications:~~

~~1) Duty to apply. The owner or operator of any source with one or more budget EGUs shall submit to the Agency a complete budget permit application for the source under subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section.~~

~~The owner or operator of any source with one or more budget EGUs shall reapply for a budget permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and Sections 39 and 39.5 of the Act.~~

~~2) Information requirements for budget permit applications. A complete budget permit application shall include the following elements concerning the source for which the application is submitted:~~

~~A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration shall also be included, if applicable;~~

~~B) Identification of each budget EGU at the source. An explanation of whether each EGU is a budget EGU under Section 217.754 or 217.774 of this Part;~~

~~C) The compliance requirements of Section 217.756 of this Part; and~~

~~D) For each opt-in unit at the source the following certification statements by the account representative:~~

~~i) "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part is not a budget EGU under Section 217.754 of this Part and is not covered by a retired unit exemption that is in effect under 40 CFR 96.5."~~

~~ii) If the application is for an initial budget permit, "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part, and has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under Section 217.774(d) of this Part."~~

~~3) An application for a budget permit shall be treated as a modification of the EGU's existing federally enforceable permit, if such a permit has been issued for that EGU, and shall be subject to the same procedural requirements. When the Agency issues a budget permit, it shall be incorporated into and become part of that EGU's existing federally enforceable permit.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.760 NO_x Trading Budget (Repealed)

~~The NO_x trading budget available for allowance allocations for each control period shall be determined as follows:~~

~~a) The total base EGU trading budget is 30,701 tons per control period subject, however, to the following:~~

~~1) In 2004 through 2006, 5% of this number shall be allocated to the new source set-aside under Section 217.768 of this Part, resulting in an EGU trading budget of 29,166 tons available for allocation per control period; and~~

~~2) In 2007 and thereafter, 2% of this amount shall be allocated to the new source set-aside, resulting in an EGU trading budget of 30,087 tons available for allocation per control period.~~

~~b) The Agency must adjust the total base EGU trading budget available for allocation in subsection (a) of this Section to remove allowances from budget EGUs opting to become exempt pursuant to the requirements for low-emitters in Section 217.754(c)(4) of this Part.~~

~~c) If USEPA adjusts the total base EGU trading budget for any reason, the Agency will adjust the budget pro rata.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.762 Methodology for Calculating NO_x Allocations for Budget Electrical Generating Units (EGUs) (Repealed)

~~The methodology for calculating the allowances to be allocated to budget EGUs is based on the following emission rates and heat inputs:~~

~~a) The applicable NO_x emission rates are as follows:~~

~~1) For budget EGUs listed in Appendix F: 0.15 lb/mmbtu.~~

~~2) For budget EGUs not listed in Appendix F: The more stringent of 0.15 lb/mmbtu or the permitted NO_x emission rate but not less than 0.055 lb/mmbtu.~~

~~b) Heat input (HI) (in mmbtu/control period) is determined as follows:~~

~~1) The budget EGU's two highest heat inputs from the control periods four to six years prior to the year for which the allocation is being made are~~

~~averaged. However, for a budget EGU that did not commence commercial operation at least six years prior to the control period for which the allocation is being made, the heat inputs for the following control periods shall be used:~~

~~A) If the budget EGU has heat input for the control period four years prior to the year for which the NO_x allocation is being made, but not for the control periods five and six years prior, the heat input for that control period four years prior shall be used; or~~

~~B) If the budget EGU has heat inputs for the control periods four and five years prior to the year for which the NO_x allocation is being made, but not for the control period six years prior, the heat input for the control periods four and five years prior shall be averaged.~~

~~2) The budget EGU's heat input in subsection (b)(1) of this Section for the control period in each year will be determined in accordance with:~~

~~A) 40 CFR 75, as incorporated by reference in Section 217.104 of this Part, if the budget EGU was otherwise subject to its requirements for the year; or~~

~~B) The best available data reported to the Agency for the budget EGU if the budget EGU was not subject to the requirements of 40 CFR 75, for the year.~~

~~c) The general equation for determining allowances is:~~

$$\text{A} = \frac{\text{HI x ER}}{2000}$$

~~Where:~~

~~HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.~~

~~ER = The NO_x emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.~~

~~A = allowances of NO_x/control period.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.764 NO_x Allocations for Budget EGUs (Repealed)

~~For each control period, the Agency will allocate the total number of NO_x allowances in the trading budget apportioned to budget EGUs under Section 217.760 of this Part. These allocations~~

~~will be issued as provided in subsections (a) through (f) of this Section and Section 217.768 for this Part of new sources. Specifically:~~

~~a) In 2004, 2005, and 2006 (or the first three years of the program):~~

~~1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 7 of Appendix F of this Part for that budget EGU, as well as any allowances that are not allocated from the new source set-aside to budget EGUs in subsection (a)(2) of this Section. Any such allowances from the new source set-aside will be allocated to budget EGUs listed in Appendix F of this Part pursuant to 217.768(j) of this Part.~~

~~2) The Agency will allocate allowances from the new source set-aside to budget EGUs that commenced commercial operation on or after January 1, 1995, pursuant to Section 217.768 of this Part.~~

~~3) The Agency will report these allocations to USEPA at the time it submits the SIP.~~

~~b) In 2007 (or the fourth year of the program):~~

~~1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.~~

~~2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2003, allowances as calculated in the following equation:~~

$$A = \frac{0.80 \times (HI \times ER)}{2000}$$

~~Where:~~

~~HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.~~

~~ER = the NO_x emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.~~

~~A = allowances of NO_x/control period.~~

~~3) Notwithstanding subsection (b)(2) of this Section, if the total number of allowances determined by subsection (b)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget~~

after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will prorate the number of NO_x allowances available to budget EGUs pursuant to the criteria in subsection (b)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.

4) If the total number of allowances allocated pursuant to subsection (b)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (b)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (b)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2003 and that have not operated for the full 2003 control period.

6) The Agency will report these allocations to USEPA by April 1, 2004, except for allocations from the new source set-aside, which the Agency will report by May 1, 2007.

c) In 2008 (or the fifth year of the program):

1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.

2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2004, allowances as calculated in the following equation:

$$A = \frac{0.80 \times (HI \times ER)}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.

A = allowances of NO_x/control period.

3) Notwithstanding subsection (c)(2) of this Section, if the total number of allowances determined by subsection (c)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will prorate the number of NO_x allowances available to budget EGUs pursuant to the criteria in subsection (c)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.

4) If the total number of allowances allocated pursuant to subsection (c)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (c)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (c)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2004 and that have not operated for the full 2004 control period.

6) The Agency will report these allocations to USEPA by April 1, 2005, except for allocations from the new source set-aside, which the Agency will report by May 1, 2008.

d) In 2009 (or the sixth year of the program):

1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 9 of Appendix F

for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (d)(2) of this Section will be allocated as provided in subsection (d)(4) of this Section.

2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2005, allowances calculated in the following equation:

$$A = \frac{0.50 \times (HI \times ER)}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.

A = allowances of NO_x/control period.

3) Notwithstanding subsection (d)(2) of this Section, if the total number of allowances determined by subsection (d)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will prorate the total number of NO_x allowances available to budget EGUs that received allowances pursuant to the criteria in subsection (d)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043.

4) If the total number of allowances allocated pursuant to subsection (d)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (d)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (d)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

5) The Agency will allocate allowances from the new source set-aside,

pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2005 and that have not operated for the full 2005 control period.

6) As of April 30, 2009, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (d).

7) The Agency will report these allocations to USEPA by April 1, 2006, except for allocations from the new source set-aside, which the Agency will report by May 1, 2009.

e) In 2010 (or the seventh year of the program):

1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (e)(2) of this Section as provided in subsection (e)(4) of this Section.

2) The Agency will assign to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2006, allowances as calculated in the following equation:

$$A = \frac{0.50 \times (HI \times ER)}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.

A = allowances of NO_x/control period.

3) Notwithstanding subsection (e)(2) of this Section, if the total number of allowances determined by subsection (e)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will prorate the total number of NOx allowances allocated to budget EGUs that received allowances pursuant to the criteria in subsection (e)(2) of this Section so that the total number of

allowances allocated to these budget EGUs does not exceed 15,043.

4) If the total number of allowances allocated pursuant to subsection (e)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:

A) For budget EGUs in subsection (e)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.

B) For budget EGUs in subsection (e)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.

5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2006 and that have not operated for the full 2006 control period.

6) As of April 30, 2010, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (e).

7) The Agency will report these allocations to USEPA by April 1, 2007, except for allocations from the new source set-aside, which the Agency will report by May 1, 2010.

f) In 2011 (or the eighth year) of the program and annually thereafter:

1) The Agency will apportion the available NO_x allowances to each budget EGU based on its heat input determined in Section 217.762(b) of this Part, multiplied by:

A) For budget EGUs that commenced commercial operation prior to January 1, 1995, the NO_x emission rate determined in Section 217.762(a)(1) of this Part.

B) For budget EGUs that commenced commercial operation on or after January 1, 1995, the NO_x emission rate determined in Section

~~217.762(a)(2) of this Part.~~

~~2) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after the control period four years prior to the year in which allocations are made and that have not operated for the full control period four years prior to the year in which the allocations are being made.~~

~~3) As of April 30, 2011, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(e) and (f) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (f).~~

~~4) The Agency will report these allocations to USEPA by April 1 of each year that is three years prior to the year in which the allocations are being made, except for allocations from the new source set-aside, which the Agency will report by May 1 of each year in which the allocations are being made.~~

~~BOARD NOTE: Because of litigation involving the NO_x SIP Call, Michigan v. EPA, No. 98-1497, 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, the dates set forth under each year will be considered to adjust correspondingly.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.768 New Source Set-Asides for "New" Budget EGUs (Repealed)

~~a) "New" budget EGUs~~

~~1) A "new" budget EGU is one that commenced commercial operation on or after January 1, 1995, and does not receive allowances pursuant to Section 217.764 of this Part.~~

~~2) "New" budget EGUs must have an allowance for every ton of NO_x emitted during the control period as provided in Section 217.756(d) of this Part.~~

~~3) A "new" budget EGU may request from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in subsection (e) of this Section.~~

~~b) The Agency shall apportion allowances from the new source set-aside as follows:~~

~~1) For 2004, 2005, and 2006, to budget EGUs that commenced commercial operation on or after January 1, 1995; and~~

~~2) For 2007 and thereafter, to budget EGUs that have not operated the full control period four years prior to the control period for which the allocation is being made.~~

~~c) The Agency will establish a new source set-aside for each control period. Each new source set-aside will be allocated allowances equal to:~~

~~1) 5% of the EGU trading budget in 2004, 2005, and 2006, which is 1,535 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget;~~

~~2) 2% of the EGU of the trading budget in 2007 and thereafter, which is 614 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget.~~

~~3) As of April 30 of the applicable year, beginning in 2009 and thereafter, if the number of allowances in the new source set-aside is greater than or equal to 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs, which is 921 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget, pursuant to subsections (i) and (j) of this Section, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to Section 217.764 of this Part. These allowances shall be allocated on a pro-rata basis.~~

~~d) The account representative of a "new" budget EGU under subsection (a) of this Section may obtain allowances from the new source set-aside by submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set-aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the budget EGU and before March 1 of the control period for which the allocation is requested.~~

~~e) In an allocation request under subsection (d) of this Section, the account representative may request allowances for a control period in a number that does not exceed the projected heat input in mmbtu during the applicable control period multiplied by the more stringent of 0.15 lb/mmbtu or the permitted emission rate, but no more stringent than 0.055 lb/mmbtu. The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:~~

~~1) For "new" budget EGUs that have heat input from at least three control periods prior to the allocation year, the average of the budget EGU's two~~

highest seasonal heat inputs from the control periods one to three years prior to the allocation year;

2) For "new" budget EGUs that have heat input from only two control periods prior to the allocation year, the average of the budget EGU's seasonal heat inputs from the control periods one and two years prior to the allocation year;

3) For "new" budget EGUs that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or

4) For "new" budget EGUs that have commenced commercial operation but have not operated for at least 77 days of the control period prior to the allocation year, the budget EGU's maximum design heat input for the control period as designated in the construction permit.

f) Beginning in 2007, the Agency will review and allocate allowances pursuant to each allocation request, contingent upon receiving payment pursuant to subsection (k) of this Section, by April 15 of the applicable year, as follows:

1) Upon receipt of the allocation request, the Agency will determine whether the request is consistent with the requirements of subsections (d) and (e) of this Section and will make any necessary adjustments to the request to ensure that the control period and the number of allowances requested are consistent with those requirements of subsections (d) and (e) of this Section.

2) If the new source set-aside for the control period for which allowances are requested has a number of allowances greater than or equal to the total number requested by all "new" budget EGUs, the Agency will allocate the number of allowances requested to the "new" budget EGUs.

3) If the new source set-aside for the control period for which allowances are requested has a number of allowances less than the total number of allowances requested by all "new" budget EGUs, the Agency will allocate the available allowances to the "new" budget EGUs on a pro-rata basis, based on the number of allowances requested.

g) For "new" budget EGUs that commenced commercial operation on or after January 1, 1995, but prior to January 1, 2004, the Agency will notify the account representative of the number of allowances that have been allocated to the "new" budget EGU by March 30 of the applicable year. There will be no charge for allowances received under this subsection.

h) For "new" budget EGUs that commenced commercial operation on or after

January 1, 2004, the Agency will notify by March 30 of the applicable year the account representative of the number of allowances that are eligible for purchase for the "new" budget EGU pursuant to the requirements of subsection (k) of this Section. If the Agency does not receive payment by April 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the allowances offered. The Agency will make available for purchase those forfeited allowances on a pro-rata basis to "new" budget EGUs that received allocations pursuant to subsection (f)(2) of this Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (k) of this Section, to the extent applicable.

i) For "new" budget EGUs that have commenced commercial operation but have operated for 76 or fewer days of the control period in 2003, USEPA will deduct allowances to account for the actual utilization of the EGU during the 2004 control period consistent with the provisions of 40 CFR 96.42(e). Any allowances allocated by the Agency for such "new" budget EGUs that are not used for compliance during the 2004 control period shall be returned to the Agency's new source set-aside account.

j) For the years 2004, 2005, and 2006, any allowances that are not allocated pursuant to subsections (g), (h) and (i) of this Section will be allocated on a pro-rata basis to the budget EGUs listed in Appendix F of this Part. There will be no charge for allowances received under this subsection.

k) Fees for new source set-aside allowances:

1) "New" budget EGUs that commence commercial operation on or after January 1, 2004, that obtain allowances allocated from the new source set-aside shall pay for such allocations pursuant to Section 9.9 of the Act.

2) The price of allowances from the new source set-aside shall be:

A) The average price at which NO_x allowances are traded in the interstate NO_x Trading Program for the preceding control period; and

B) For 2004 only, the price shall be the average price at which NO_x allowances were traded in 2003 in the Ozone Transport Region.

3) The fees collected by the Agency from the sale of allowances will be distributed pro-rata to budget EGUs receiving allowances pursuant to Section 217.764 of this Part on the basis of allocated allowances subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.

l) A "new" budget EGU will become an existing budget EGU and will receive

~~allowances pursuant to the requirements of Section 217.764 of this Part, as follows:~~

~~1) For a budget EGU that commences commercial operation between and including January 1, 1995, and April 30, 2003, the budget EGU will be allocated allowances in 2004 for the 2007 control period and will become an existing budget EGU on May 1, 2007.~~

~~2) For a budget EGU that commences commercial operation after April 30, 2003, the budget EGU will become an existing budget EGU in the control period for which it receives an allocation pursuant to Section 217.764 of this Part. It will be considered a "new" budget EGU and will receive its allowances from the new source set-aside in the intervening years from start-up until it receives allocations pursuant to Section 217.764 of this Part.~~

~~BOARD NOTE: Because of litigation involving the NO_x SIP Call, Michigan v. EPA, No. 98-1497 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, other dates in this Section will be considered to adjust as necessary.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.770 Early Reduction Credits for Budget EGUs (Repealed)

~~If a budget EGU reduces its NO_x emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001, 2002, or 2003 control period, for use in the 2004 control period, or later control periods authorized by USEPA, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget EGU in accordance with the following:~~

~~a) Each budget EGU for which the account representative requests any ERCs under subsection (d) of this Section shall monitor NO_x emissions in accordance with 40 CFR 96, subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the control period for which ERCs will first be requested and for each control period for which ERCs will be requested. For example, if ERCs are requested for reductions made in the 2001 control period, the budget EGU must have implemented the applicable monitoring for the 2000 control period. The unit's monitoring system availability shall be not less than 90% during the control period prior to the control period in which the NO_x emissions reduction is made and the unit must be in compliance with any applicable State or federal emissions or emissions-related requirements.~~

~~b) The NO_x emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96, subpart H.~~

c) Each budget EGU for which ERCs are requested under subsection (d) of this Section must have reduced its NO_x emission rate for each control period for which ERCs are requested, as follows:

1) For budget EGUs subject to the requirements of Title IV of the CAA and not included in a NO_x averaging plan pursuant to 40 CFR 72 and 76, as incorporated by reference in Section 217.104 of this Part, at least 30% less than the NO_x emission rate specified in the applicable Title IV permit or other applicable federally enforceable permit.

2) For budget EGUs subject to the requirements of Title IV of the CAA and included in a NO_x averaging plan pursuant to 40 CFR 72 and 76, at least 30% less than the annual emission rate required in the NO_x averaging plan in the applicable Title IV permit or other applicable federally enforceable permit.

3) For budget EGUs not subject to the requirements of Title IV of the CAA, at least 30% less than the actual NO_x emissions rate (lbs/mmbtu) for the 2000 control period.

d) The account representative of a budget EGU that meets the requirements of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for a EGU based on NOx emission rate reductions made by the EGU in control periods 2001, 2002, and 2003, in accordance with subsection (c) of this Section.

1) The number of ERCs for any applicable control period shall be an amount equal to the unit's heat input for such control period multiplied by the difference between the EGU's NO_x emission rate (meeting the requirements of subsection (c) of this Section for the applicable control period) and the EGU's actual NO_x emission rate for the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton.

2) Upon request of the account representative, the ERC allowance allocation for a particular EGU may be deposited in the source's general account rather than in the unit's compliance account.

3) The early reduction request must be submitted in a format specified by the Agency by:

A) November 1, 2001, for reductions made in the 2001 control period;

B) November 1, 2002, for reductions made in the 2002 control period; and

C) November 1, 2003, for reductions made in the 2003 control period.

e) In the event that the date for implementing the NO_x SIP Call, May 31, 2004, is delayed, the early reduction request must be submitted in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NO_x SIP Call (63 Fed. Reg. 57356).

f) The Agency will allocate ERCs to the budget EGUs meeting the requirements of subsections (a) through (c) of this Section and covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:

1) Upon receipt of each ERC request, the Agency will accept the request only if the requirements of subsections (a) through (d) of this Section are met and will make any necessary adjustment to the request to ensure that the amount of the ERCs requested meets the requirements of subsections (b) through (d) of this Section;

2) The Agency shall allocate at least 15,261 ERCs over three years, as follows:

A) If USEPA has approved this Subpart as a SIP revision, not more than one-half of the total ERC allowances for reductions made in the control period in 2001;

B) Not more than one-half of the total ERC allowances for reductions made in the control period in 2002; and

C) Any ERC allowances not allocated pursuant to subsection (f)(2)(A) or (B) of this Section, for reductions made in the control period in 2003.

3) If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate to each budget EGU one allowance for each accepted ERC request;

4) If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is greater than the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate to each budget EGU allowances for accepted requests on a pro-rata basis.

g) The Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be

~~allocated to each budget EGU for that control period as follows:~~

~~1) By March 1, 2002, for ERCs requested for and earned in the 2001 control period;~~

~~2) By March 1, 2003, for ERCs requested for and earned in the 2002 control period; and~~

~~3) By March 1, 2004, for ERCs requested for and earned in the 2003 control period.~~

~~h) By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by the Agency under this Section. USEPA will record such allocations to the extent that they are consistent with the requirements of this Section.~~

~~i) ERC allowances recorded under subsection (h) of this Section may be deducted for compliance under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part, for the control period in 2004 or such additional control periods as may be specified by USEPA. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40 CFR 96.54 for the control period in 2004.~~

~~j) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.774 Opt-In Units (Repealed)

~~a) Any operating fossil fuel-fired stationary boiler, combustion turbine, combined cycle system, cement kiln or stationary internal combustion engine in the State may qualify under this Subpart to become a budget opt-in unit if it:~~

~~1) Is not a budget EGU under Section 217.754 of this Part;~~

~~2) Vents all of its emissions to a stack;~~

~~3) Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this Section;~~

~~4) Is not covered by a retired unit exemption under 40 CFR 96.5;~~

~~5) Is not covered by the low-emitter exemption under Section 217.754(c) of this Part; and~~

~~6) Is not located at a source listed in Appendix D of this Part.~~

~~b) Except as otherwise provided in this Part, a budget opt-in unit shall be treated as a budget EGU for purposes of applying this Subpart and 40 CFR 96.~~

~~c) Authorized account representative:~~

~~1) If an opt-in unit is located at the same source as one or more budget EGUs, it shall have the same account representative as those budget EGUs.~~

~~2) If the opt-in unit is not located at the same source as one or more budget EGUs, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.~~

~~d) To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.778(f) of this Part, submit to the Agency:~~

~~1) A budget permit application for the unit that:~~

~~A) Meets the requirements under Section 217.758 of this Part; and~~

~~B) Contains provisions for a change in the regulatory status of the unit to a budget opt-in unit under Section 217.754 of this Part pursuant to the provisions of Section 217.780(b) of this Part.~~

~~2) A monitoring plan for the unit in accordance with 40 CFR 96, subpart H.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.776 Opt-In Process (Repealed)

~~The owner or operator of a unit meeting the qualifications of Section 217.774(a) of this Part may submit an application for a budget permit for a budget opt-in unit under Section 217.774(d) of this Part. The Agency will issue or deny a budget permit for such opt-in unit in accordance with Section 217.758 of this Part and the following:~~

~~a) The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NO_x emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A determination of sufficiency shall not be construed as acceptance or approval of~~

~~that unit's monitoring plan.~~

~~b) If the Agency determines that the unit's monitoring plan is sufficient under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, subpart H, the NO_x emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart H, for one full control period during which the monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable State or federal emissions or emissions-related requirements.~~

~~c) Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmbtu) for the control period and the unit's baseline NO_x emission rate shall be calculated as the unit's total NO_x emissions (in lbs) for the control period divided by the unit's baseline heat rate.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.778 Budget Opt-In Units: Withdrawal from NO_x Trading Program (Repealed)

~~a) Requesting withdrawal. To withdraw from the NO_x Trading Program the account representative of a budget opt-in unit shall submit to the Agency a request to withdraw from the NO_x Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.~~

~~b) Conditions for withdrawal.~~

~~1) Before a budget opt-in unit may withdraw from the NO_x Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:~~

~~A) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.~~

~~B) If the budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the budget opt-in unit's compliance account, or the overdraft account of the NO_x budget source where the budget opt-in unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.~~

~~2) After the requirements for withdrawal under subsection (b)(1) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Part for the same or earlier control period for which the withdrawal is to be effective. USEPA will close the budget opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the budget opt-in unit shall become the account representative for the general account.~~

~~c) A budget opt-in unit that withdraws from the NO_x Trading Program shall comply with all requirements under the NO_x Trading Program concerning all years for which such budget opt-in unit was a budget opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.~~

~~d) Notification.~~

~~1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.~~

~~2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the budget opt-in unit that the opt-in unit's request to withdraw its budget permit is denied. If the budget opt-in unit's request to withdraw is denied, the budget opt-in unit shall remain subject to the requirements for a budget opt-in unit.~~

~~e) Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the budget opt-in unit's request to withdraw, the account representative of the budget opt-in unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.~~

~~f) Ability to return to the NO_x Trading Program. Once an opt-in unit withdraws from the NO_x Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.774(d) of this Part for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.780 Opt-In Units: Change in Regulatory Status (Repealed)

~~a) Notification. When an opt-in unit becomes a budget opt-in unit under Section 217.754(d) of this Part, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days after such change.~~

~~b) Any permit application that provides for a change in the regulatory status of a unit to a budget opt-in unit pursuant to Section 217.774(d)(1)(B) of this Part and is included in a budget permit is effective on the date on which such opt-in unit becomes a budget opt-in unit under Section 217.754 of this Part.~~

~~c) USEPA action.~~

~~1) USEPA will deduct from the compliance account for the budget opt-in unit under this Section, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to and allocated for the same or a prior control period as:~~

~~A) Any allowances allocated to the budget unit (as an opt-in unit) under Section 217.782 of this Part for any control period after the last control period during which the unit's budget permit was effective; and~~

~~B) If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the budget opt-in unit (as an opt-in unit) under Section 217.782 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.~~

~~2) The account representative shall ensure that the compliance account of the budget opt-in unit under subsection (b) of this Section, or the overdraft account of the budget source where the budget opt-in unit is located, contains the allowances necessary for completion of the deduction under subsection (c)(1) of this Section. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.~~

~~3) For every control period during which any budget permit under subsection (b) of this Section is effective, the budget opt-in unit under subsection (b)~~

~~of this Section will be treated, solely for purposes of allowance allocations under Section 217.764 or 217.768 of this Part, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.764 or 217.768 of this Part.~~

~~4) Notwithstanding subsection (c)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will be allocated to the budget opt-in unit under subsection (b) of this Section or under Section 217.764 or 217.768 of this Part for the control period: the number of allowances otherwise allocated to the budget opt-in unit under Section 217.764 or 217.768 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.~~

~~d) When the owner or operator of an opt-in unit does not renew the budget permit for the budget opt-in unit issued pursuant to Section 217.774(d), USEPA will deduct from the budget opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to and allocated for the same or a prior control period as any allowances allocated to the budget opt-in unit under Section 217.782 of this Part for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the budget opt-in unit's compliance account or the overdraft account of the budget source where the budget opt-in unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.~~

~~e) After the deduction under subsection (d) of this Section is completed, USEPA will close the opt-in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt-in unit. The account representative for the opt-in unit shall become the account representative for the general account.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.782 Allowance Allocations to Budget Opt-In Units (Repealed)

~~a) Allowance allocations:~~

~~1) By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.~~

~~2) By no later than the December 31 after the first control period for which the budget permit is in effect and the December 31 of each year thereafter, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.~~

~~b) For each control period for which the budget opt-in unit has a budget permit, the budget opt-in unit will be allocated allowances in accordance with the following procedures:~~

~~1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:~~

~~A) The opt-in unit's baseline heat input determined pursuant to Section 217.776(c) of this Part; or~~

~~B) The opt-in unit's heat input, for the control period in the year prior to the year of the control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, subpart H.~~

~~2) The Agency will allocate allowances to the budget opt-in unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:~~

~~A) The unit's baseline NO_x emission rate (in lbs/mmbtu) determined pursuant to Section 217.776(c) of this Part; or~~

~~B) The lowest NO_x emissions limitation (calculated in lbs/mmbtu) under State or federal law that is applicable to the budget opt-in unit for the year of the control period for which the allocations are being calculated during the control period, regardless of the averaging period to which the emissions limitation applies.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section 217.800 Purpose (Repealed)

~~The purpose of this Subpart is to implement Section 9.9(d)(3) of the Act by providing a method by which additional NO_x allowances may be generated for use by emission units subject to the requirements of Subparts U or W of this Part. [415 ILCS 5/9.9(d)(3)]~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.805 Emission Unit Eligibility (Repealed)

~~Any owner or operator of a stationary source may submit a proposal, as provided in Section 217.835 of this Subpart, for voluntarily reducing NO_x emissions during the control period, if each emission unit from which NO_x reductions at the source will be obtained meets the following criteria:~~

~~a) Discharges through a stack;~~

~~b) Is fossil fuel-fired;~~

~~c) Is not subject to the requirements of Subparts T, U, V or W of this Part;~~

~~d) Is not a retired unit pursuant to 40 CFR 96.5;~~

~~e) Has not elected to become an opt-in unit pursuant to Section 217.754 or Section 217.774 of this Part; and~~

~~f) Is not a stationary internal combustion engine that emits more than one ton of NOx per day during the ozone control period.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.810 Participation Requirements (Repealed)

~~a) Any owner or operator of a source (emission reduction source) with one or more emission units meeting the requirements of Section 217.805 of this Subpart and seeking to make quantifiable, verifiable and federally enforceable voluntary reductions of NO_x emissions during the control period from one or more emission units (emission reduction units) must comply with the following requirements:~~

~~1) Submit a NO_x emission reduction proposal that meets the requirements of Section 217.835 of this Subpart;~~

~~2) Request an emission cap on NO_x emissions from all NO_x emission units at the emission reduction source that are not otherwise subject to Subparts U or W of this Part, and that are the same type of emission unit as the~~

emission reduction unit (e.g., if the emission reduction unit is a boiler, combined cycle system or turbine, then the emission cap must include all boilers, combined cycle systems or turbines that are not otherwise subject to Subparts U or W of this Part, or if the emission unit is a cement kiln, then the emission cap must include all cement kilns), provided, however, the owner or operator of the source may submit a demonstration in accordance with Section 217.835 of this Subpart that any like-kind emission unit or units should not be included in the NO_x emission cap;

3) Demonstrate how the NO_x emission cap required by subsection (a)(2) of this Section is to be determined, in accordance with Sections 217.820 and 217.845 of this Subpart, which cap reflects the NO_x emission reduction specified in the proposal;

4) Permit requirements:

A) Obtain a permit, or an amendment to an existing permit, for the source, with federally enforceable conditions containing the commitments in the NO_x emission reduction proposal and the emissions cap by the later of May 1, 2003, or the date on which the reduction in NO_x emissions will commence and operate the source in compliance with such permit; or

B) For each emission unit that will be generating voluntary NO_x emissions by ceasing operation, withdrawing the applicable permit, or requesting a revision to the permit to reflect the shut down of the emission reduction unit, by the later of May 1, 2003, or the date specified in the NO_x reduction proposal.

5) Submit an emissions baseline determination for each unit subject to the NO_x emission cap in accordance with the requirements of Section 217.820 of this Subpart.

6) Monitoring requirements:

A) To the extent applicable, each emission reduction unit at the source shall comply with the monitoring requirements of Section 217.850 of this Subpart.

B) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction unit with the emissions limitation set forth in the NO_x emission reduction proposal and the federally enforceable permit conditions required pursuant to subsection (a)(4) of this Section.

~~C) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction source with the emissions cap set forth in the NO_x emission reduction proposal and the federally enforceable permit condition required pursuant to subsection (a)(4) of this Section.~~

~~b) The owner or operator of the emission reduction source is required to submit an annual certification to the Agency that the source has complied with the cap on NO_x emissions for the source and that the NO_x emission reductions specified in the approved proposal were made pursuant to the requirements of Section 217.850 of this Subpart.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.815 NO_x Emission Reductions and the Subpart X NO_x Trading Budget (Repealed)

~~a) NO_x emission reductions may be recognized under this Subpart if they are quantifiable, verifiable, and federally enforceable, and meet one or more of the following criteria:~~

~~1) Due to the use of any NOx emission reduction technology (e.g., combustion or post combustion control technology or fuel switching) at the emission reduction unit pursuant to federally enforceable conditions in the permit for the unit addressing such control technology or fuel switching, NOx emissions from the emission reduction unit for any control period beginning in 2003 are or will be lower than such unit's emissions baseline. The amount of actual NOx emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO_x emission reductions shall be determined in accordance with Section 217.825 of this Subpart;~~

~~2) The emission reduction unit is permanently shut down after January 1, 1995, and the owner or operator requests a revision to the relevant operating permit to reflect the shut down of the emission reduction unit. The amount of actual NO_x emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NOx emission reductions shall be determined in accordance with Section 217.825 of this Subpart;~~

~~3) During any control period beginning in 2003, the emission reduction unit's control period NO_x rate or hours of operation is reduced pursuant to federally enforceable conditions in a permit for such unit, resulting in an actual reduction in NOx emissions from such unit's emissions baseline.~~

~~The amount of actual NO_x emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO_x emission reductions shall be determined in accordance with Section 217.825 of this Subpart.~~

~~b) USEPA shall adjust the State's trading portion of the statewide NO_x budget, as established in the NO_x Sip Call, 63 Fed. Reg. 57356 (October 27, 1998), and create allowances for the creditable portion, as set forth in Section 217.825 of this Subpart, of verifiable, quantifiable, and federally enforceable NO_x emission reductions meeting the requirements of this Subpart (the Subpart X NO_x Trading Budget), and allowances from the Subpart X NO_x Trading Budget shall be allocated to recipient emission units in accordance with this Subpart.~~

~~c) The Agency shall submit an allocation to USEPA for the creditable portion of verifiable, quantifiable, and federally enforceable NO_x emission reductions meeting the requirements of this Subpart, which allocation may be used for the purposes of demonstrating compliance with the requirements of Subparts U and W of this Part.~~

~~d) If USEPA adjusts or fails to adjust the Subpart X NO_x Trading Budget as to any individual emission reduction unit, the Subpart X NO_x Trading Budget shall not be adjusted pro-rata, and only the allowance allocation for that emission reduction unit will be adjusted.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.820 Baseline Emissions Determination (Repealed)

~~a) An emission unit's emissions baseline shall be determined as follows:~~

~~1) By multiplying the unit's actual emissions during the 1995 calendar year, as reported in the annual emission report submitted in accordance with 35 Ill. Adm. Code 254, by $^5/_{12}^{ths}$; or~~

~~2) If the NO_x emissions from the unit were not included in the emission reduction source's 1995 annual emissions report submitted to the Agency pursuant to 35 Ill. Adm. Code 254, by determining the base case amount included for such unit in the NO_x SIP Call inventory, as specified in the "Technical Support Document for Illinois' Statewide NO_x Budget" (63 Fed. Reg. 17349 (Nov. 7, 1997)).~~

~~b) If the NO_x baseline emissions for the 1995 control period cannot be determined by the either of the methods listed in subsection (a)(1) or (2) of this Section, such actual NO_x baseline emissions shall be determined based on the average emission rate multiplied by the average number of hours of operation from two of the three~~

~~control periods, as selected by the emission reduction source, prior to the year the emission reduction proposal is effective. The unit's emission rate and hours of operation will be determined based on the unit's reported NO_x emission rate and hours of operation in the most recent annual emission reports for such unit submitted in accordance with 35 Ill. Adm. Code 254.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.825 Calculation of Creditable NO_x Emission Reductions (Repealed)

~~For actual NO_x emission reductions achieved pursuant to Section 217.815(a) of this Subpart, the gross amount of control period actual NO_x emission reductions shall be determined pursuant to Section 217.820 of this Subpart. Eighty percent of the actual NO_x emission reductions achieved pursuant to Section 217.815(a) shall be creditable. Twenty percent of the actual NO_x emission reductions shall be retired for the benefit of air quality.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.830 Limitations on NO_x Emission Reductions (Repealed)

~~a) Each NO_x allowance issued for NO_x emission reductions meeting the requirements of this Subpart is a limited authorization to emit one ton of NO_x in accordance with the federal NO_x Trading Program as set forth in Subpart U or W of this Part, as applicable. No provision of the federal NO_x Trading Program, the emission reduction proposal, the permit application, the permit, or of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.~~

~~b) Any NO_x allowance issued in accordance with this Subpart does not constitute a property right.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.835 NO_x Emission Reduction Proposal (Repealed)

~~a) A NO_x emission reduction proposal shall include the following:~~

~~1) Information identifying each emission unit at the source that emits NO_x whether the unit is subject to Subpart T, U, V, W or X of this Part, and the baseline emissions for each emission unit subject to the NO_x emission cap as determined in accordance with Section 217.820 of this Subpart;~~

~~2) Information identifying each emission reduction unit from which the NO_x

emission reduction have been or will be achieved;

3) An explanation of the method used to achieve the NO_x emission reductions;

4) The amount of the NO_x emission reductions, including supporting calculations and documentation, such as fuel usage information;

5) The emission units subject to the NO_x emission cap in accordance with Section 217.810(a) of this Subpart, and if all like-kind or same-type emission units are not proposed to be included within the NO_x emission cap, an explanation of how the owner or operator of the emission reduction source will ensure that production shifting will not occur, such that the emission reduction source will achieve real, verifiable, and quantifiable NO_x emission reductions;

6) The control period NO_x emission cap to be achieved by the emission reduction source, including both the baseline emissions for each recipient unit subject to the NO_x emission cap and the NO_x emission reductions from the emission reduction units included in the proposal;

7) The name and address of the owner or operator of each emission unit to which the NO_x allowances will be allocated, the Subpart of this Part (i.e, Subpart U or W) to which each unit is subject, including the name, telephone number, and account number of the account representative for each such unit; and

8) Certification by the owner or operator of each unit that is the subject of each proposed emission reduction proposal of his/her acceptance of the terms of the proposal and certification that the emission reductions specified in the proposal have been or will be achieved.

b) The owner or operator of a source submitting an emission reduction proposal must notify the Agency in writing within 30 days of any event or circumstance that makes the NO_x emission reduction proposal incorrect or incomplete.

c) The owner or operator of a source with an approved emission reduction proposal may request to withdraw its emission reduction proposal, and cease to create NO_x allowances under this Subpart, as follows:

1) Requesting withdrawal: To withdraw from participation under this Subpart, the owner or operator of an emission reduction unit shall submit to the Agency a written request to withdraw from participation and to withdraw or revise the applicable permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of

~~withdrawal.~~

~~2) Conditions for withdrawal: Before an emission reduction source may withdraw its approved emission reduction proposal, and the federally enforceable permit may be withdrawn under this Section, the owner or operator must submit to the Agency an annual compliance certification report in accordance with Section 217.855 of this Subpart for the control period immediately before the withdrawal is to be effective.~~

~~3) An emission reduction source that withdraws from this Subpart shall comply with all requirements under its approved emission reduction proposal and federally enforceable permit conditions addressing such proposal concerning all years for which the emission reduction source was in the program, even if such requirements arise or must be complied with after the withdrawal takes effect.~~

~~4) Notification:~~

~~A) After the requirements for withdrawal under subsections (a) and (b) of this Section are met, the Agency will revise the permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.~~

~~B) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator of the emission reduction source that the request to withdraw its permit is denied. If the request to withdraw is denied, the source shall remain subject to the requirements of its approved emission reduction proposal and federally enforceable permit conditions addressing the proposal and the requirements of this Subpart.~~

~~5) Reapplication upon failure to meet conditions of withdrawal: If the Agency denies the request of the owner or operator of the emission reduction source's request to withdraw, the owner or operator of the source may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.~~

~~6) Upon successful withdrawal from the program, the emission reduction source shall no longer be subject to the provisions of this Subpart.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.840 Agency Action (Repealed)

a) The Agency shall notify the owner or operator submitting a NO_x emission reduction proposal in writing of its decision with respect to the proposal within 90 days after receipt of such proposal and, if applicable, of NO_x emissions data to verify that the specified reductions have occurred. The owner or operator of the emission reduction source may extend the deadline for Agency action in writing. If the Agency disapproves or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for the disapproval or conditional approval of the proposal. The following shall be considered a final Agency action for the purposes of appeal: if the Agency fails to take action within such 90 day period, subject to any extension, or if the Agency disapproves a proposal. If the Agency conditionally approves a proposal, the owner or operator of the emission reduction source has 30 days to submit a modified proposal addressing the specific items listed by the Agency. If the owner and operator of the emission reduction source does not submit a modified emission reduction proposal within such 30 day period, the conditional approval shall be deemed to be a disapproval, and shall be deemed to be a final action for purposes of appeal.

b) The NO_x emissions reduction proposal will not be effective until:

1) After the owner or operator of the emission reduction source has obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or

2) If NO_x emission reductions are being obtained by the shut down of an emission reduction unit, the owner or operator of the emission reduction unit has either:

A) Obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or

B) Withdrawn the applicable permit and the Agency has:

i) Provided USEPA with a copy of the proposal and notice of the Agency's proposed approval of the emission reduction proposal, and USEPA has not disapproved such proposal;

ii) Published notice and offered an opportunity to comment, pursuant to 35 Ill. Adm. Code 252, on such permit withdrawal, its proposed approval of the emission reduction proposal for the shut down of the emission reduction unit and the creditable NO_x emission reductions that will be created by the shut down.

c) If the Agency approves the proposal, and subject to the provisions of subsection

~~(b) of this Section, the Agency shall submit an allocation to USEPA for the creditable reductions created pursuant to the requirements of this Subpart subject to the following:~~

~~1) Any allowances generated pursuant to this Subpart shall be issued to the recipient emission unit identified in the proposal, for each control period in which the NO_x emissions reductions are verified, and the requirements of this Subpart continue to be met;~~

~~2) The owner or operator of the emission reduction source has, by the November 1 following the control period that the emission reduction unit has reduced NO_x emissions, verified the NO_x emission reductions in accordance with Section 217.845 of this Subpart, and obtained a permit containing federally enforceable conditions addressing the requirements of this Subpart;~~

~~3) The allowances shall be issued by May 1 after the control period in which the reduction has occurred, for use in any future control period.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.845 Emissions Determination Methods (Repealed)

~~The owner or operator of an emission reductions source must demonstrate that it has obtained the NO_x emission reductions, and has not exceeded its NO_x emission cap, as specified in its approved NO_x emission reduction proposal, as follows:~~

~~a) If the NO_x emission reduction are generated pursuant to Section 217.815(a)(1) of this Subpart, the NO_x emission rate for each emission reduction unit shall be determined as follows:~~

~~1) Through the use of continuous emissions monitoring in accordance with Section 217.850 of this Subpart; or~~

~~2) Through the use of any test methods and procedures provided in 40 CFR 60 and approved by the Agency, or any other method approved by the Agency when included as federally enforceable conditions in a permit issued or revised pursuant to this Subpart.~~

~~b) If the NO_x emission reductions are generated pursuant to Section 217.815(a)(3) of this Subpart, submit an initial compliance demonstration plan to the Agency 120 days prior to the control period date that the emission reduction unit will commence NO_x emission reductions in compliance with an approved emissions reduction proposal. Such demonstration shall be based on the actual NO_x emission rate measured in accordance with Section 217.850 of this Subpart.~~

~~c) If the emission reduction unit's compliance with the NO_x emission reduction proposal is determined in accordance with subsection (a)(2) of this Section, conducting an initial test 90 days prior to the date the specified emission reductions will be obtained, or within 45 days of the Agency's request for NO_x emission reductions already obtained, and notifying the Agency in writing of any test performed to comply with the requirements of this Subpart at least 30 days prior to the test. The Agency may at any time require annual control period testing of any emission unit at the NO_x emission reduction source, and may require such testing as part of its approval of a NO_x emission reduction proposal.~~

~~d) By the November 1 following each control period in which NO_x emission reductions are generated, the owner or operator of an emission reduction source must:~~

~~1) Submit a compliance certification, including supporting data, that the NO_x emission cap, as specified in its approved NO_x emission reduction proposal, has not been exceeded; and~~

~~2) Monitor and report the NO_x emissions during each control period from all NO_x emission units at the source subject to the NO_x emission cap in accordance with Sections 217.850 and 217.855 of this Subpart.~~

~~e) The owner or operator of an emission reduction source shall, 120 days prior to the date that the emission reduction source will commence NO_x emission reductions in compliance with an approved emissions reduction proposal, submit to the Agency a performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.850 Emissions Monitoring (Repealed)

~~a) The owner or operator of an emission reduction source shall install, calibrate, maintain, and operate during the control period on each NO_x emission unit at the source subject to the NO_x emission cap a continuous emission monitoring system (CEMS), or an alternative approved by the Agency and included in a federally enforceable permit condition, for measuring NO_x emissions to the atmosphere.~~

~~b) The CEMS shall be operated and data recorded during all periods of operation of the emission unit at the source during the control period, except for periods of CEMS breakdowns and repairs as provided in subsection (e) of this Section.~~

~~c) CEMS quality assurance data must be recorded during calibration checks and zero~~

and span adjustments.

d) The 1-hour average NO_x emissions measured by the CEMS shall be:

1) Expressed in lbs/hr or in lbs/mmbtu and heat input;

2) Calculated using the data points required under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart; and

3) Calculated using at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quarter of an hour) if data are unavailable as a result of the performance of calibration, quality assurance, or preventive maintenance activities.

e) The procedures under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart, shall be followed for installation, evaluation, and operation of each CEMS.

f) For monitoring systems measuring NO_x in lbs/hr, if NO_x emission data are not obtained because of CEMS breakdown, repairs, calibration checks, or zero and span adjustments, NO_x emission data shall be obtained by using the data substitution procedures contained in 40 CFR 75, subpart D, incorporated by reference in Section 217.104 of this Part.

g) For monitoring systems measuring NO_x in lbs/mmbtu, if NO_x emission data are not obtained because of CEMS breakdown, repairs, calibration checks, or zero and span adjustments, NO_x emission data shall be obtained by using the rolling hourly average of emission data recorded for the previous 30 day period of operation if the data capture for such period is 95% or greater and the period of missing data is equal to or less than 24 consecutive hours. If the data capture for such previous 30 day period is less than 95% or the period of missing data is greater than 24 consecutive hours, the data shall be obtained by using the highest hourly average recorded during the previous 30 days of operation.

h) The CEMS shall be subject to the quality assurance procedures and requirements of 40 CFR 60, Appendix F, incorporated by reference in Section 217.104 of this Part.

(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.855 Reporting (Repealed)

a) By the November 1 of each year beginning in 2003, or the year of the first control period for which NO_x emission reductions were generated in accordance with this Subpart, an owner or operator of an emission reduction source must, as a seasonal

~~component of the annual emission report for the source pursuant to 35 Ill. Adm. Code 254, report to the Agency the total control period NO_x emissions of each NO_x emission unit at the source subject to the NO_x emission cap.~~

~~b) Within 30 days after receipt of such data or evaluation, the owner or operator of each emission reduction source shall submit to the Agency the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.860 Recordkeeping (Repealed)

~~a) The owner or operator of an emission reduction source shall keep and maintain the following records for each NO_x emission unit at the source subject to the NO_x emission cap:~~

~~1) Daily, monthly, and control period operating hours;~~

~~2) Type and quantity of each fuel used daily during the control period;~~

~~3) Control period capacity factor of individual fuels fired and all fuels fired;~~

~~4) Monitoring records; and~~

~~5) To the extent applicable, the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.~~

~~b) The owner or operator of an emission reduction source shall maintain records of the following information for each operating day for each NO_x emission unit subject to the NO_x emission cap:~~

~~1) Calendar date;~~

~~2) The average hourly NO_x mass emission rate expressed as lbs/hr;~~

~~3) The control period total NO_x mass emissions to date;~~

~~4) Identification of times when emission data have been excluded from the calculation of NO_x mass emissions, the reasons for excluding the data, and~~

~~any corrective actions taken;~~

~~5) Identification of the times when the pollutant concentration exceeded full span of the CEMS;~~

~~6) Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with the Performance Specifications in 40 CFR 60, Appendix B; and~~

~~7) Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60, Appendix F.~~

~~c) The owner or operator of any NO_x emission reduction source subject to the continuous monitoring requirements for NO_x under this Subpart, shall submit a compliance certification containing the information recorded under subsection (b) of this Section. All compliance certification reports shall be postmarked by November 1 or the next business day if November 1 falls on a Saturday or Sunday, of each control period in which NO_x emission reductions are generated.~~

~~d) Maintenance of records: Unless otherwise provided, the owner or operator of a NO_x emission reduction source shall be kept on site at the source, each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Agency.~~

~~1) The emission reduction proposal and all documents that demonstrate the accuracy of the statements in the proposal for each year the emission reduction source generates NO_x reductions under this Subpart and for 5 years thereafter.~~

~~2) All emissions monitoring information required pursuant to this Subpart; provided that to the extent that 40 CFR 60 provides for a 3-year period for recordkeeping, the 3-year period shall apply.~~

~~3) Copies of all reports, compliance certifications, and other submissions and all records made or required under this Subpart.~~

~~4) Copies of all documents used to complete any permit application and supporting documents and any other submission to demonstrate compliance with the requirements of this Subpart.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.865 Enforcement (Repealed)

~~a) Excess emissions requirements: The owner or operator of an emission reduction source for which NO_x reductions have been recognized pursuant to this Section and that has excess NO_x emissions in any control period for which NO_x allowances have been issued must:~~

~~1) For the first control period during which the emission reduction source has excess NO_x emissions, purchase NO_x allowances in an amount equal to 2 times the excess NO_x emissions in accordance with the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;~~

~~2) For the second control period during which the emission reduction source has excess NO_x emissions, purchase allowances in an amount equal to 3 times the excess NO_x emissions in accordance with the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;~~

~~3) If the emission reduction source has excess NO_x emissions for 3 control periods, purchase allowances in an amount equal to 4 times the excess NO_x emissions pursuant to the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions, and the NO_x emission reduction proposal shall be automatically revoked. The emission reduction source will thereafter not be able to generate NO_x emission reductions for which NO_x allowances may be issued under this Subpart.~~

~~b) All allowances surrendered to the Agency pursuant to subsections (a)(1) through (a)(3) of this Section shall be retired to benefit air quality.~~

~~c) Nothing in this Subpart limits the authority of the State or the federal government to seek penalties and injunctive relief for any violation of this Subpart or any permit condition. Nothing in this Subpart limits the right of the State or the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Act or regulations promulgated thereunder or the CAA or applicable federal environmental laws and regulations.~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)~~

Section 217.APPENDIX A Rule into Section Table

Rule	Section
207(a)(1)	217.121(a)
207(a)(2)	217.121(b)
207(a)(3)	217.121(c)
207(a)(4)	217.121(d) and 217.521(a)
207(a)(5)(A)	217.121(e)
207(a)(5)(B)	217.521(b)
207(b)	217.141(a)-(c)
207(c)	217.141(d)
207(d)	217.381
207(e)	217.301
207(f)	217.101
207(g)	Appendix C

Section 217.APPENDIX B Section into Rule Table

Section	Rule
217.100	---
217.101	207(f)
217.102	---
217.103	---
217.104	---
217.121	207(a)(1)-(4) and 207(a)(5)(A)
217.141	207(b) and 207(c)
217.301	207(e)
217.381	207(d)
217.521	207(a)(4) and 207(a)(5)(B)
Appendix C	207(g)

Section 217.APPENDIX C Compliance Dates

Every owner or operator of a new emission source was required to comply with the standards and limitations of this Part by April 14, 1972.

Except as otherwise provided in the next paragraph, every owner or operator of an existing emission source was required to comply with the standards and limitations of this Part by December 31, 1973.

Every owner or operator of an existing coal fired fuel combustion emission source was required to comply with the applicable standards and limitations of this Part by May 30, 1975.

Section 217.APPENDIX D Non-Electrical Generating Units

COMPANY ID #/NAME	UNIT DESIGNATION	UNIT DESCRIPTION
1	2	3
A E STALEY MANUFACTURING CO		
115015ABX	85070061299	COAL-FIRED BOILER 1
115015ABX	85070061299	COAL-FIRED BOILER 2
115015ABX	73020084129	BOILER #25
ARCHER DANIELS MIDLAND CO EAST PLANT		
115015AAE	85060030081	COAL-FIRED BOILER 1
115015AAE	85060030081	COAL-FIRED BOILER 2
115015AAE	85060030081	COAL-FIRED BOILER 3
115015AAE	85060030082	COAL-FIRED BOILER 4
115015AAE	85060030082	COAL-FIRED BOILER 5
115015AAE	85060030082	COAL-FIRED BOILER 6
115015AAE	85060030083	GAS-FIRED BOILER 7
115015AAE	85060030083	GAS-FIRED BOILER 8
CPC INTERNATIONAL INC.		
031012ABI	91020069160	COAL-FIRED BOILER 6
031012ABI	73020146041	BOILER SERIAL 15813
031012ABI	73020146042	BOILER SERIAL 15812
031012ABI	73020146043	GAS FIRED BOILER NO 4
031012ABI	73020147045	BOILER SERIAL 18345
031012ABI	73020147046	GAS FIRED BOILER NO 5
GREAT LAKES NAVAL STATION		
097811AAC	78080071011	BOILER #5
097811AAC	78080071011	BOILER #6
INDIAN REFINING LIMITED PARTNERSHIP		
101805AAC	72110297015	BOILER 18601
100805AAC	72110297016	BOILER 18602
101805AAC	72110297017	BOILER 18603
JEFFERSON SMURFIT CORPORATION		
119010AAL	72120426001	BLR 7-COAL FIRED
MARATHON OIL CO ILLINOIS REFINING DIVISION		
033808AAB	72111291055	BOILER #3 OIL, REF GAS FIRED
033808AAB	72111291056	BOILER #4

		REF GAS, OIL FIRED
MOBIL JOLIET REFINING CORP		
197800AAA	72110567002	AUX BOILER-REFINERY GAS FULL FIRE IF COGEN DOWN
197800AAA	86010009043	STATIONARY GAS TURBINE
PEKIN ENERGY COMPANY		
179060ACR	73020087019	
QUANTUM – USI DIVISION		
063800AAC	72100016013	BOILER #1
063800AAC	72100016013	BOILER #2
063800AAC	72100016014	#3 GAS FIRED BOILER
063800AAC	72100016016	#5 GAS FIRED BOILER
063800AAC	72100016017	#6 BOILER
QUANTUM – USI DIVISION		
041804AAB	72121207108	BOILER NO 1
041804AAB	72121207109	BOILER NO 2
041804AAB	72121207110	BOILER NO 3
041804AAB	72121207111	BOILER NO 4
041804AAB	72121207112	BOILER NO 5
SHELL OIL CO WOOD RIVER MFG COMPLEX		
119090AAA	72110633080	BOILER NO 15
119090AAA	72110633081	BOILER NO 16
119090AAA	72110633082	BOILER NO 17
U S STEEL – SOUTH WORKS		
031600ALZ	82010044013	NO. 6 BOILER, #5 POWER STATION (FUEL-NAT.GAS)
031600ALZ	82010044014	NO 1 BLR NG
UNIV OF ILL – ABBOTT POWER PLANT		
019010ADA	82090027006	BOILER #7 (265 MBTU)
UNO-VEN COMPANY		
197090AAI	72110253037	BOILER 43-B-1

(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)

Section 217.APPENDIX E Large Non-Electrical Generating Units

COMPANY ID # / NAME	UNIT DESIGNATION	UNIT DESCRIPTION	BUDGET ALLOCATION	BUDGET ALLOCATION LESS 3% NSSA
1	2	3	4	5
A. E. STALEY MANUFACTURING CO				
115015ABX	85070061299	COAL-FIRED BOILER 1	176	171
115015ABX	85070061299	COAL-FIRED BOILER 2	175	170
115015ABX	73020084129	BOILER #25	125	121
A. E. STALEY MANUFACTURING CO (Total Allocation)			476	462
ARCHER DANIELS MIDLAND CO EAST PLANT				
115015AAE	85060030081	COAL-FIRED BOILER 1	238	231
115015AAE	85060030081	COAL-FIRED BOILER 2	261	253
115015AAE	85060030081	COAL-FIRED BOILER 3	267	259
115015AAE	85060030082	COAL-FIRED BOILER 4	276	268
115015AAE	85060030082	COAL-FIRED BOILER 5	275	267
115015AAE	85060030082	COAL-FIRED BOILER 6	311	302
115015AAE	85060030083	GAS-FIRED BOILER 7	19	18
115015AAE	85060030083	GAS-FIRED BOILER 8	19	18
ARCHER DANIELS MIDLAND CO EAST PLANT (Total Allocation)			1,666	1,616
CORN PRODUCTS INTERNATIONAL INC				
031012ABI	91020069160	GAS-FIRED BOILER 6	55	53
031012ABI	73020146041	BOILER # 1 COAL-FIRED	210	204
031012ABI	73020146042	BOILER # 2 COAL-FIRED	210	203

031012ABI	73020146043	GAS FIRED BOILER NO 4 WEST STACK BLRS	81	79
031012ABI	73020147045	BOILER # 3 COAL-FIRED	211	205
031012ABI	73020147046	GAS FIRED BOILER NO 5-EAST STACK BOILER	81	79
CORN PRODUCTS INTERNATIONAL INC (Total Allocation)			848	823

5909

GREAT LAKES NTC

097811AAC	78080071011	BOILER # 5	26	25
097811AAC	78080071011	BOILER # 6	26	25
GREAT LAKES NTC (Total Allocation)			52	50

5910

JEFFERSON SMURFIT CORPORATION

119010AAL	72120426001	BLR 7-COAL FIRED	39	38
JEFFERSON SMURFIT CORPORATION (Total Allocation)			39	38

5911

MARATHAN OIL CO ILLINOIS REFINING DIV

033808AAB	72111291055	BOILER #3 OIL,REF GAS FIRED	53	51
033808AAB	72111291056	BOILER #4 REF GAS,OIL FIRED	53	52
MARATHAN OIL CO ILLINOIS REFINING DIV (Total Allocation)			106	103

5912

EXXON MOBIL

197800AAA	72110567002	AUX BOILER-REFINERY GAS	101	98
197800AAA	86010009043	STATIONARY GAS TURBINE	85	82
EXXON MOBIL (Total Allocation)			186	180

5913

WILLIAMS

179060ACR	73020087019	BOILER C – PULVERIZED DRY BOTTOM	377	366
WILLIAMS (Total Allocation)			377	366

5914

EQUISTAR

063800AAC	72100016013	BOILER # 1	40	39
063800AAC	72100016013	BOILER # 2	40	39
063800AAC	72100016014	#3 GAS FIRED BOILER	40	39
063800AAC	72100016016	#5 GAS FIRED BOILER	40	39
063800AAC	72100016017	#6 BOILER	40	38
EQUISTAR (Total Allocation)			200	194

5915

EQUISTAR

041804AAB	72121207108	BOILER NO 1	121	118
041804AAB	72121207109	BOILER NO 2	121	118
041804AAB	72121207110	BOILER NO 3	121	117
041804AAB	72121207111	BOILER NO 4	120	116
041804AAB	72121207112	BOILER NO 5	0	0
EQUISTAR (Total Allocation)			483	469

5916

TOSCO

119090AAA	72110633080	BOILER NO 15	40	38
119090AAA	72110633081	BOILER NO 16	40	39
119090AAA	72110633082	BOILER NO 17	80	78
TOSCO (Total Allocation)			160	155

5917

U S STEEL − SOUTH WORKS

031600ALZ	82010044013	NO. 6 BOILER, #5 POWER STATION (FUEL-NAT. GAS)	90	88
031600ALZ	82010044014	NO 1 BLR NG	90	87
U S STEEL − SOUTH WORKS (Total Allocation)			180	175

5918

UNIV OF ILL − ABBOTT POWER PLANT

019010ADA	82090027006	BOILER # 7	86	83

UNIV OF ILL - ABBOTT POWER PLANT (Total Allocation)			86	83

CITGO PETROLEUM CORPORATION

197090AAI	72110253037	BOILER 43-B-1	23	22
CITGO PETROLEUM CORPORATION (Total Allocation)			23	22

LTV STEEL COMPANY

301600AMC	[UNIT DESIGNATION]	BOILER NO 4B	*	*
LTV STEEL COMPANY (Total Allocation)			*	*

* Pursuant to Section 217.460(f), Column 2, Column 4 and Column 5 will be adjusted at such time as USEPA makes an allocation for LTV Steel's Boiler No. 4B.

GRAND TOTAL	4,882	4,736

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

Section 217.APPENDIX F Allowances for Electrical Generating Units (Repealed)

Company Name/ID #	Generating Unit Designation	EGU Designation	NO_x Budget Allowances	80% of NO_x Budget Allowances	50% of NO_x Budget Allowances	2004, 2005, 2006 Allowances	2007, 2008 Allowances	2009, 2010 Allowances
1	2	3	4	5	6	7	8	9
Company Totals			No NSSA	No NSSA	No NSSA	5% NSSA	2% NSSA	2% NSSA
Ameren Energy Generating Company								
135803AAA	Coffeen 1	Coffeen 1	550	440	275	523	431	270
135803AAA	Coffeen 2	Coffeen 2	945	756	473	898	741	463
077806AAA	G. Tower 3	Boiler 7	55	44	28	52	43	27
077806AAA	G. Tower 3	Boiler 8	44	35	22	42	35	22
077806AAA	G. Tower 4	Boiler 9	199	159	100	189	156	98
033801AAA	Hutsonville 3	Boiler 5	161	129	81	153	126	79
033801AAA	Hutsonville 4	Boiler 6	129	103	65	123	101	63
135805AAA	Meredosia 1	Boiler 1	33	26	17	31	26	16
135805AAA	Meredosia 1	Boiler 2	23	18	12	22	18	11
135805AAA	Meredosia 2	Boiler 3	23	18	12	21	18	11
135805AAA	Meredosia 2	Boiler 4	28	22	14	27	22	14
135805AAA	Meredosia 3	Boiler 5	432	346	216	410	339	212
135805AAA	Meredosia 4	Boiler 6	28	22	14	27	22	13
079808AAA	Newton 1	Newton 1	1,101	881	551	1,046	863	539
079808AAA	Newton 2	Newton 2	1,074	859	537	1,020	842	526
Ameren Eng. Gen. Co. Totals			4,825	3,860	2,413	4,584	3,783	2,364

AES

057801AAA	D. Creek	D. Creek	914	731	457	868	717	448
143805AAG	Edwards 1	Edwards 1	251	201	126	239	197	123
143805AAG	Edwards 2	Edwards 2	368	294	184	350	288	180
143805AAG	Edwards 3	Edwards 3	655	524	328	622	513	321
AES Totals			2,188	1,750	1,094	2,079	1,715	1,072

CWLP

167120AAO	Dallman 1	Boiler 31	141	113	71	134	111	69
167120AAO	Dallman 2	Boiler 32	202	162	101	192	158	99
167120AAO	Dallman 3	Boiler 33	474	379	237	450	372	232
167120AGQ	G. Turbine #2	G. Turbine #2	91	73	46	86	71	45
167120AAO	Lakeside 7	Lakeside 7	47	38	24	45	37	23
167120AAO	Lakeside 8	Lakeside 8	42	34	21	40	33	21
CWLP Totals			997	798	499	947	782	489

Midwest Generation

063806AAF	Collins 1	Collins 1	302	242	151	287	237	148
063806AAF	Collins 2	Collins 2	305	244	153	290	239	150
063806AAF	Collins 3	Collins 3	469	375	235	446	368	230
063806AAF	Collins 4	Collins 4	290	232	145	275	227	142
063806AAF	Collins 5	Collins 5	458	366	229	435	359	224
031600AIN	Crawford 7	Crawford 7	365	292	183	347	286	179
031600AIN	Crawford 8	Crawford 8	463	370	232	440	363	227
031600AMI	Fisk 19	Fisk 19	523	418	262	497	410	256
031600AMI	Fisk Peaker	GT 31-1	9	7	5	9	7	4
031600AMI	Fisk Peaker	GT 31-2	9	7	5	9	7	4

031600AMI	Fisk Peaker	GT 32-1	9	7	5	9	7	4
031600AMI	Fisk Peaker	GT 32-2	9	7	5	9	7	4
031600AMI	Fisk Peaker	GT 33-1	9	7	5	8	7	5
031600AMI	Fisk Peaker	GT 33-2	9	7	5	8	7	5
031600AMI	Fisk Peaker	GT 34-1	9	7	5	8	7	5
031600AMI	Fisk Peaker	GT 34-2	9	7	5	8	7	5
197809AAO	Joliet 6	Boiler 5	119	95	60	113	93	58
197809AAO	Joliet 7	Boiler 71	455	364	228	432	357	223
197809AAO	Joliet 7	Boiler 72	709	567	355	673	556	347
197809AAO	Joliet 8	Boiler 81	748	598	374	711	587	367
197809AAO	Joliet 8	Boiler 82	497	398	249	472	390	244
179801AAA	Powerton 5	Boiler 52	739	591	370	702	579	362
179801AAA	Powerton 5	Boiler 51	739	591	370	702	579	362
179801AAA	Powerton 6	Boiler 61	739	591	370	702	579	362
179801AAA	Powerton 6	Boiler 62	739	591	370	702	579	362
097190AAC	Waukegan 6	Boiler 17	199	159	100	189	156	98
097190AAC	Waukegan 7	Waukegan 7	376	301	188	357	295	184
097190AAC	Waukegan 8	Waukegan 8	667	534	334	634	523	327
097190AAC	Peaker	GT 31-1	5	4	3	4	4	2
097190AAC	Peaker	GT 31-2	5	4	3	5	4	2
097190AAC	Peaker	GT 32-1	5	4	3	5	4	3
097190AAC	Peaker	GT 32-2	5	4	3	5	4	3

197810AAK	Will County 1	Will County 1	364	291	182	346	285	178
197810AAK	Will County 2	Will County 2	354	283	177	336	278	173
197810AAK	Will County 3	Will County 3	449	359	225	427	352	220
197810AAK	Will County 4	Will County 4	766	613	383	728	601	375
Midwest Generation Totals			11,926	9,541	5,963	11,330	9,350	5,844

Dom. Energy

021814AAB	Kincaid 1	Kincaid 1	792	634	396	752	621	388
021814AAB	Kincaid 2	Kincaid 2	873	698	437	829	684	428
Dom. Energy Totals			1,665	1,332	833	1,581	1,305	816

El. Energy Inc.

127855AAC	Joppa 1	Joppa 1	481	385	241	457	377	236
127855AAC	Joppa 2	Joppa 2	515	412	258	489	404	252
127855AAC	Joppa 3	Joppa 3	513	410	257	487	402	251
127855AAC	Joppa 4	Joppa 4	384	307	192	365	301	188
127855AAC	Joppa 5	Joppa 5	463	370	232	440	363	227
127855AAC	Joppa 6	Joppa 6	524	419	262	498	411	257
El. Energy Inc. Totals			2,880	2,304	1,440	2,736	2,258	1,411

DMG

157851AAA	Baldwin 1	Baldwin 1	1,114	891	557	1,058	873	546
157851AAA	Baldwin 2	Baldwin 2	931	745	466	884	730	456
157851AAA	Baldwin 3	Baldwin 3	1,318	1,054	659	1,252	1,034	646
125804AAB	Havana 1-5	Boiler 1	0	0	0	0	0	0
125804AAB	Havana 1-5	Boiler 2	0	0	0	0	0	0
125804AAB	Havana 1-5	Boiler 3	0	0	0	0	0	0

125804AAB	Havana 1-5	Boiler 4	0	0	0	0	0	0
125804AAB	Havana 1-5	Boiler 5	0	0	0	0	0	0
125804AAB	Havana 1-5	Boiler 6	0	0	0	0	0	0
125804AAB	Havana 1-5	Boiler 7	0	0	0	0	0	0
125804AAB	Havana 1-5	Boiler 8	0	0	0	0	0	0
125804AAB	Havana 6	Boiler 9	547	438	274	520	429	268
155010AAA	Hennepin 1	Hennepin 1	149	119	75	142	117	73
155010AAA	Hennepin 2	Hennepin 2	540	432	270	513	423	265
183814AAA	Vermilion 1	Vermilion 1	17	14	9	16	13	8
183814AAA	Vermilion 2	Vermilion 2	31	25	16	30	24	15
119020AAE	Wood River 1	Wood River 1	0	0	0	0	0	0
119020AAE	Wood River 2	Wood River 2	0	0	0	0	0	0
119020AAE	Wood River 3	Wood River 3	0	0	0	0	0	0
119020AAE	Wood River 4	Wood River 4	219	175	110	208	172	107
119020AAE	Wood River 5	Wood River 5	714	571	357	678	560	350
DMG Totals			5,580	4,464	2,790	5,301	4,375	2,734

SIPCO

199856AAC	Marion 1	Marion 1	14	11	7	13	11	7
199856AAC	Marion 2	Marion 2	10	8	5	10	8	5
199856AAC	Marion 3	Marion 3	30	24	15	29	23	15
199856AAC	Marion 4	Marion 4	511	409	256	485	401	250
SIPCO Totals			565	452	283	537	443	277

~~Union Electric~~

~~119105AAA~~	~~Turbine~~	~~Turbine~~	~~4~~	~~3~~	~~2~~	~~4~~	~~3~~	~~2~~
~~119105AAA~~	~~Venice 1~~	~~Venice 1~~	~~10~~	~~8~~	~~5~~	~~9~~	~~8~~	~~5~~
~~119105AAA~~	~~Venice 2~~	~~Venice 2~~	~~13~~	~~10~~	~~7~~	~~12~~	~~10~~	~~6~~
~~119105AAA~~	~~Venice 3~~	~~Venice 3~~	~~6~~	~~5~~	~~3~~	~~6~~	~~5~~	~~3~~
~~119105AAA~~	~~Venice 4~~	~~Venice 4~~	~~7~~	~~6~~	~~4~~	~~7~~	~~5~~	~~4~~
~~119105AAA~~	~~Venice 5~~	~~Venice 5~~	~~15~~	~~12~~	~~8~~	~~14~~	~~12~~	~~7~~
~~119105AAA~~	~~Venice 6~~	~~Venice 6~~	~~16~~	~~13~~	~~8~~	~~15~~	~~13~~	~~8~~
~~119105AAA~~	~~Venice 7~~	~~Venice 7~~	~~2~~	~~2~~	~~1~~	~~2~~	~~1~~	~~1~~
~~119105AAA~~	~~Venice 8~~	~~Venice 8~~	~~2~~	~~2~~	~~1~~	~~2~~	~~2~~	~~1~~
~~Union Electric Totals~~			~~75~~	~~60~~	~~38~~	~~71~~	~~59~~	~~37~~

~~TOTAL~~			~~30,701~~	~~24,561~~	~~15,351~~	~~29,166~~	~~24,070~~	~~15,044~~

(Source: Repealed at 42 Ill. Reg. _____, effective _____)~~(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)~~

Section 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x SIP Call

Plant ID	Point ID	Segment
ANR Pipeline Co. – Sandwich		
093802AAF	E-108	1
Natural Gas Pipeline Co. of America 8310		
027807AAC	730103540041	1
Natural Gas Pipeline Co. of America − Sta 110		
073816AAA	851000140011	1
073816AAA	851000140012	2
073816AAA	851000140013	3
073816AAA	851000140014	4
073816AAA	851000140041	1
073816AAA	851000140051	1
Northern Illinois Gas Co. − Stor Sta 359		
113817AAA	730105440021	1
113817AAA	730105440031	1
113821AAA	730105430021	1
113821AAA	730105430051	1
Panhandle Eastern Pipe Line Co. − Glenarm		
167801AAA	87090038002	1
167801AAA	87090038004	1
167801AAA	87090038005	1
Panhandle Eastern Pipe Line Co. − Tuscola Sta		
041804AAC	73010573009	9
041804AAC	73010573010	10
041804AAC	73010573011	11
041804AAC	73010573012	12
041804AAC	73010573013	13
Panhandle Eastern Pipe Line Co.		
149820AAB	7301057199G	3
149820AAB	7301057199I	1
149820AAB	7301057199J	1

149820AAB	7301057199K	1
Panhandle Eastern Pipe Line Co. − Glenarm		
167801AAA	87090038001	1
Phoenix Chemical Co.		
085809AAA	730700330101	1
085809AAA	730700330102	2
085809AAA	730700330103	3

(Source: Added at 31 Ill. Reg. 14271, effective September 25, 2007)

Section 217.APPENDIX H Compliance Dates for Certain Emission Units at Petroleum Refineries

ConocoPhillips Company Wood River Refinery (Facility ID 119090AAA)

Point	Emission Unit Description	Compliance Date
0014	HCU Fractionator Reboil, H-3	December 31, 2016
0024	DU-1 Primary Heater South, F-301	December 31, 2016
0025	DU-1 Secondary Heater North, F-302	December 31, 2016
0081	Boiler 16	December 31, 2016
0083	Boiler 18	December 31, 2016
0095	DHT Charge Heater	December 31, 2016
0028	DU-2 Lube Crude Heater, F-200	December 31, 2016
0029	DU-2 Mixed Crude Heater West, F-202	December 31, 2016
0030	DU-2 Mixed Crude Heater East, F-203	December 31, 2016
0084	CR-2 North Heater	December 31, 2016
0661	CR-2 South Heater	December 31, 2016

(Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)