

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

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

7 PART 217
8 NITROGEN OXIDES EMISSIONS
9

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144 217.521 Lake of Egypt Power Plant

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147 217.704 Applicability

148 217.706 Emission Limitations

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151 217.712 Reporting and Recordkeeping

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153 SUBPART W: NO_x TRADING PROGRAM FOR

154 ELECTRICAL GENERATING UNITS

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156 Section

157 217.750 Purpose [\(Repealed\)](#)

158 217.751 Sunset Provisions [\(Repealed\)](#)

159 217.752 Severability [\(Repealed\)](#)

160 217.754 Applicability [\(Repealed\)](#)

161 217.756 Compliance Requirements [\(Repealed\)](#)

162 217.758 Permitting Requirements [\(Repealed\)](#)

163 217.760 NO_x Trading Budget [\(Repealed\)](#)

164 217.762 Methodology for Calculating NO_x Allocations for Budget Electrical Generating

165 Units (EGUs) [\(Repealed\)](#)

166 217.764 NO_x Allocations for Budget EGUs [\(Repealed\)](#)

167 217.768 New Source Set-Asides for "New" Budget EGUs [\(Repealed\)](#)

168 217.770 Early Reduction Credits for Budget EGUs [\(Repealed\)](#)

169 217.774 Opt-In Units [\(Repealed\)](#)

170 217.776 Opt-In Process [\(Repealed\)](#)

171 217.778 Budget Opt-In Units: Withdrawal from NO_x Trading Program [\(Repealed\)](#)

172 217.780 Opt-In Units: Change in Regulatory Status [\(Repealed\)](#)

173 217.782 Allowance Allocations to Budget Opt-In Units [\(Repealed\)](#)

174

175 SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

176

177 Section

178 217.800 Purpose [\(Repealed\)](#)

179 217.805 Emission Unit Eligibility- [\(Repealed\)](#)

180 217.810 Participation Requirements [\(Repealed\)](#)

181 217.815 NO_x Emission Reductions and the Subpart X NO_x Trading Budget [\(Repealed\)](#)

182 217.820 Baseline Emissions Determination [\(Repealed\)](#)

183 217.825 Calculation of Creditable NO_x Emission Reductions [\(Repealed\)](#)

184 217.830 Limitations on NO_x Emission Reductions [\(Repealed\)](#)

- 185 217.835 NO_x Emission Reduction Proposal [\(Repealed\)](#)
- 186 217.840 Agency Action [\(Repealed\)](#)
- 187 217.845 Emissions Determination Methods [\(Repealed\)](#)
- 188 217.850 Emissions Monitoring [\(Repealed\)](#)
- 189 217.855 Reporting [\(Repealed\)](#)
- 190 217.860 Recordkeeping [\(Repealed\)](#)
- 191 217.865 Enforcement [\(Repealed\)](#)

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- 193 217.APPENDIX A Rule into Section Table
- 194 217.APPENDIX B Section into Rule Table
- 195 217.APPENDIX C Compliance Dates
- 196 217.APPENDIX D Non-Electrical Generating Units
- 197 217.APPENDIX E Large Non-Electrical Generating Units
- 198 217.APPENDIX F Allowances for Electrical Generating Units [\(Repealed\)](#)
- 199 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected by the NO_x
200 SIP Call
- 201 217.APPENDIX H Compliance Dates for Certain Emissions Units at Petroleum Refineries

202

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

205

206 SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23,
207 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101,
208 effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128,
209 effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001;
210 amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-
211 18 at 31 Ill. Reg. 14271, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999,
212 effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009;
213 amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35
214 Ill. Reg. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective
215 August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011;
216 amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011; amended in R15-21 at 39
217 Ill. Reg. 16213, effective December 7, 2015.

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SUBPART A: GENERAL PROVISIONS

220

Section 217.100 Scope and Organization

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

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226

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

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- c) Notwithstanding the provisions of this Part the air quality standards contained in
230 35 Ill. Adm. Code 243 may not be violated.

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- 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

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- 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

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

270 **Section 217.103 Definitions**

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

274 **Section 217.104 Incorporations by Reference**

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276
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The following materials are incorporated by reference. These incorporations do not include any later amendments or editions.

278
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- 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);

- 287 d) 40 CFR 60, 72, 75 & 76 (2006);
288
- 289 e) Alternative Control Techniques Document – NO_x Emissions from Cement
290 Manufacturing, EPA-453/R94-004, U.S. Environmental Protection Agency-
291 Office of Air Quality Planning and Standards, Research Triangle Park, N.C.
292 27711, March 1994;
293
- 294 f) Section 11.6, Portland Cement Manufacturing, AP-42 Compilation of Air
295 Emission Factors, Volume 1: Stationary Point and Area Sources, U.S.
296 Environmental Protection Agency-Office of Air Quality Planning and Standards,
297 Research Triangle Park, N.C. 27711, revised January 1995;
298
- 299 g) 40 CFR 60.13 (2001);
300
- 301 h) 40 CFR 60, Appendix A, Methods 3A, 7, 7A, 7C, 7D, 7E, 19, and 20 (2000);
302
- 303 i) ASTM D6522-00, Standard Test Method for Determination of Nitrogen Oxides,
304 Carbon Monoxide, and Oxygen Concentrations in Emissions from Natural Gas-
305 Fired Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters
306 Using Portable Analyzers (2000);
307
- 308 j) Standards of Performance for Stationary Combustion Turbines, 40 CFR 60,
309 Subpart KKKK, 60.4400 (2006);
310
- 311 k) Compilation of Air Pollutant Emission Factors: AP-42, Volume I: Stationary
312 Point and Area Sources (2000), USEPA;
313
- 314 l) 40 CFR 60, Appendix A, Methods 1, 2, 3, and 4 (2008);
315
- 316 m) Alternative Control Techniques Document – NO_x Emissions from
317 Industrial/Commercial/Institutional (ICI) Boilers, EPA-453/R-94-022, U.S.
318 Environmental Protection Agency, Office of Air and Radiation, Office of Air
319 Quality Planning and Standards, Research Triangle Park, N.C. 27711, March
320 1994;
321
- 322 n) Alternative Control Techniques Document – NO_x Emissions from Process
323 Heaters (Revised), EPA-453/R-93-034, U.S. Environmental Protection Agency,
324 Office of Air and Radiation, Office of Air Quality Planning and Standards,
325 Research Triangle Park, N.C. 27711, September 1993;
326
- 327 o) Alternative Control Techniques Document – NO_x Emissions from Glass
328 Manufacturing, EPA-453/R-94-037, U.S. Environmental Protection Agency,
329 Office of Air and Radiation, Office of Air Quality Planning and Standards,
330 Research Triangle Park, N.C. 27711, June 1994;
331

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

336
337 q) 40 CFR 60 and 75 (2008); and

338
339 r) 40 CFR 60, Appendix B, Performance Specification 16, 74 FR 12575 (March 25,
340 2009).

341
342 (Source: Amended at 33 Ill. Reg. 13345, effective August 31, 2009)

343
344 SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

345
346 **Section 217.121 New Emission Sources (Repealed)**

347
348 (Source: Repealed at 33 Ill. Reg. 13345, effective August 31, 2009)

349
350 SUBPART C: EXISTING FUEL COMBUSTION EMISSION UNITS

351
352 **Section 217.141 Existing Emission Units in Major Metropolitan Areas**

353
354 No person shall cause or allow the emission of nitrogen oxides into the atmosphere in any one
355 hour period from any existing fuel combustion emission unit with an actual heat input equal to or
356 greater than 73.2 MW (250 mmbtu/hr), located in the Chicago or St. Louis (Illinois) major
357 metropolitan areas to exceed the following limitations:

- 358
- 359 a) For gaseous and/or liquid fossil fuel firing, 0.46 kg/MW-hr (0.3 lbs/mmbtu) of
360 actual heat input;
 - 361
 - 362 b) For solid fossil fuel firing, 1.39 kg/MW-hr (0.9 lbs/mmbtu) of actual heat input;
 - 363
 - 364 c) For fuel combustion emission units burning simultaneously any combination of
365 solid, liquid and gaseous fuel, the allowable emission rate shall be determined by
366 the following equation:

367
368
$$E = (AG + BL + CS)Q$$

369
370 Where:

- 371
- 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

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	<u>Metric</u>	<u>English</u>
E	Kg/hr	11s/hr
Q	MW	Mmbtu/hr
A	0.023	0.003
B	0.023	0.003
C	0.068	0.009

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

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376

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

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379

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

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

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384

SUBPART D: NO_x GENERAL REQUIREMENTS

385

386

Section 217.150 Applicability

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388

a) Applicability

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390

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

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393

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:

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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

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449 b) Notwithstanding subsection (a) of this Section, compliance with the requirements
450 of Subpart G of this Part by an owner or operator of an emission unit subject to
451 Subpart G of this Part shall be extended until December 31, 2014, if the unit is
452 required to meet emissions limitations for NO_x, as measured using a continuous
453 emissions monitoring system, and included within a legally enforceable order on
454 or before May 7, 2010, whereby the emissions limitations are less than 30 percent
455 of the emissions limitations set forth under Section 217.204.
456

457 c) Notwithstanding subsection (a) of this Section, the owner or operator of emission
458 units subject to Subpart E or F of this Part and located at a petroleum refinery
459 must comply with the requirements of this Subpart and Subpart E or F of this Part,
460 as applicable, for those emission units beginning January 1, 2015, except that the
461 owner or operator of emission units listed in Appendix H must comply with the
462 requirements of this Subpart, including the option of demonstrating compliance
463 with the applicable Subpart through an emissions averaging plan under Section
464 217.158 and Subpart E or F of this Part, as applicable, for the listed emission units
465 beginning on the dates set forth in Appendix H. With Agency approval, the
466 owner or operator of emission units listed in Appendix H may elect to comply
467 with the requirements of this Subpart and Subpart E or F of this Part, as
468 applicable, by reducing the emissions of emission units other than those listed in
469 Appendix H, provided that the emissions limitations of such other emission units
470 are equal to or more stringent than the applicable emissions limitations set forth in
471 Subpart E or F of this Part, as applicable, by the dates set forth in Appendix H.
472

473 (Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)
474

475 **Section 217.154 Performance Testing**
476

477 a) Performance testing of NO_x emissions for emission units constructed on or before
478 July 1, 2014, and subject to emissions limitations under Subpart E, F, G, H, or I of
479 this Part must be conducted in accordance with Section 217.157 of this Subpart.
480 Except as provided for under Section 217.157(a)(4) and (e)(1). This subsection
481 does not apply to owners and operators of emission units demonstrating
482 compliance through a continuous emissions monitoring system.
483

484 b) Performance testing of NO_x emissions for emission units for which construction
485 or modification occurs after July 1, 2014, and that are subject to emissions
486 limitations under Subpart E, F, G, H, or I of this Part must be conducted within 60
487 days after achieving maximum operating rate but no later than 180 days after
488 initial startup of the new or modified emission unit, in accordance with Section
489 217.157 of this Subpart. Except as provided for under Section 217.157(a)(4) and
490 (e)(1), this subsection does not apply to owners and operators of emission units
491 demonstrating compliance through a continuous emissions monitoring system,
492 predictive emission monitoring system, or combustion tuning.
493

- 494 c) Notification of the initial startup of an emission unit subject to subsection (b) of
495 this Section must be provided to the Agency no later than 30 days after initial
496 startup.
497
- 498 d) The owner or operator of an emission unit subject to subsection (a) or (b) of this
499 Section must notify the Agency of the scheduled date for the performance testing
500 in writing at least 30 days before such date and five days before such date.
501
- 502 e) If demonstrating compliance through an emissions averaging plan, at least 30
503 days before changing the method of compliance, the owner or operator of an
504 emission unit must submit a written notification to the Agency describing the new
505 method of compliance, the reason for the change in the method of compliance,
506 and the scheduled date for performance testing, if required. Upon changing the
507 method of compliance, the owner or operator of an emission unit must submit to
508 the Agency a revised compliance certification that meets the requirements of
509 Section 217.155.
510

511 (Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)
512

513 **Section 217.155 Initial Compliance Certification**
514

- 515 a) By the applicable compliance date set forth under Section 217.152, an owner or
516 operator of an emission unit subject to Subpart E, F, G, H, or I of this Part who is
517 not demonstrating compliance through the use of a continuous emissions
518 monitoring system must certify to the Agency that the emission unit will be in
519 compliance with the applicable emissions limitation of Subpart E, F, G, H, or I of
520 this Part beginning on such applicable compliance date. The performance testing
521 certification must include the results of the performance testing performed in
522 accordance with Section 217.154(a) and (b) and the calculations necessary to
523 demonstrate that the subject emission unit will be in initial compliance.
524
- 525 b) By the applicable compliance date set forth under Section 217.152, an owner or
526 operator of an emission unit subject to Subpart E, F, G, H, I, or M of this Part who
527 is demonstrating compliance through the use of a continuous emissions
528 monitoring system must certify to the Agency that the affected emission units will
529 be in compliance with the applicable emissions limitation of Subpart E, F, G, H, I,
530 or M of this Part beginning on such applicable compliance date. The compliance
531 certification must include a certification of the installation and operation of a
532 continuous emissions monitoring system required under Section 217.157 and the
533 monitoring data necessary to demonstrate that the subject emission unit will be in
534 initial compliance.
535

536 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)
537

538 **Section 217.156 Recordkeeping and Reporting**
539

- 540 a) The owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M
541 of this Part must keep and maintain all records used to demonstrate initial
542 compliance and ongoing compliance with the requirements of those Subparts.
543
- 544 1) Except as otherwise provided under this Subpart or Subpart E, F, G, H, I,
545 or M of this Part, copies of such records must be submitted by the owner
546 or operator of the source to the Agency within 30 days after receipt of a
547 written request by the Agency.
548
- 549 2) Such records must be kept at the source and maintained for at least five
550 years and must be available for immediate inspection and copying by the
551 Agency.
552
- 553 b) The owner or operator of an emission unit subject to Subpart E, F, G, H, I, or M
554 of this Part must maintain records that demonstrate compliance with the
555 requirements of those Subparts, as applicable, that include the following:
556
- 557 1) Identification, type (e.g., gas-fired), and location of each unit.
558
- 559 2) Calendar date of the record.
560
- 561 3) Monthly, seasonal, and annual operating hours.
562
- 563 4) Type and quantity of each fuel used monthly, seasonally, and annually.
564
- 565 5) Product and material throughput, as applicable.
566
- 567 6) Reports for all applicable emissions tests for NO_x conducted on the unit,
568 including results.
569
- 570 7) The date, time, and duration of any startup, shutdown, or malfunction in
571 the operation of any emission unit subject to Subpart E, F, G, H, I, or M of
572 this Part or any emissions monitoring equipment. The records must
573 include a description of the malfunction and corrective maintenance
574 activity.
575
- 576 8) A log of all maintenance and inspections related to the unit's air pollution
577 control equipment for NO_x that is performed on the unit.
578
- 579 9) A log for the NO_x monitoring device, if present, including periods when
580 not in service and maintenance and inspection activities that are performed
581 on the device.
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- 583 10) Identification of time periods for which operating conditions and pollutant
584 data were not obtained by the continuous emissions monitoring system,

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

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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.

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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.

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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.

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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.

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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:

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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;

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

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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.

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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.

- 631
632 h) Within 30 days after the receipt of a written request by the Agency, the owner or
633 operator of an emission unit that is exempt from the requirements of Subpart E, F,
634 G, H, I, or M of this Part must submit records that document that the emission
635 unit is exempt from those requirements to the Agency.
636
- 637 i) If demonstrating compliance through an emissions averaging plan, by March 1
638 following the applicable calendar year, the owner or operator must submit to the
639 Agency a report that demonstrates the following:
640
- 641 1) For all units that are part of the emissions averaging plan, the total mass of
642 allowable NO_x emissions for the ozone season and for the annual control
643 period;
 - 644 2) The total mass of actual NO_x emissions for the ozone season and annual
645 control period for each unit included in the averaging plan;
 - 646 3) The calculations that demonstrate that the total mass of actual NO_x
647 emissions are less than the total mass of allowable NO_x emissions using
648 equations in Section 217.158(f); and
649
 - 650 4) The information required to determine the total mass of actual NO_x
651 emissions.
652
- 653 j) The owner or operator of an emission unit subject to the requirements of Section
654 217.157 and demonstrating compliance through the use of a continuous emissions
655 monitoring system must submit to the Agency a report within 30 days after the
656 end of each calendar quarter. This report must include the following:
657
- 658 1) Information identifying and explaining the times and dates when
659 continuous emissions monitoring for NO_x was not in operation, other than
660 for purposes of calibrating or performing quality assurance or quality
661 control activities for the monitoring equipment; and
662
 - 663 2) An excess emissions and monitoring systems performance report in
664 accordance with the requirements of 40 CFR 60.7(c) and (d) and 60.13, or
665 40 CFR 75, or an alternate procedure approved by the Agency and
666 USEPA.
667
- 668 k) The owner or operator of an emission unit subject to Subpart M of this Part must
669 comply with the compliance certification and recordkeeping and reporting
670 requirements in accordance with 40 CFR 96, or an alternate procedure approved
671 by the Agency and USEPA.
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675 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)
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677 **Section 217.157 Testing and Monitoring**

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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

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

726
727 A) An owner or operator of an industrial boiler or process heater must
728 have subsequent performance tests conducted pursuant to
729 subsection (a)(4)(B) of this Section at least once every five years.
730 When, in the opinion of the Agency or USEPA, it is necessary to
731 conduct testing to demonstrate compliance with Section 217.164 or
732 217.184, as applicable, the owner or operator of an industrial boiler
733 or process heater must, at his or her own expense, have such test
734 conducted in accordance with the applicable test methods and
735 procedures specified in this Section within 90 days after receipt of
736 a notice to test from the Agency or USEPA.

737
738 B) The owner or operator of an industrial boiler or process heater
739 must have a performance test conducted using 40 CFR 60, subpart
740 A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as incorporated by
741 reference in Section 217.104, or other alternative USEPA methods
742 approved by the Agency. Each performance test must consist of
743 three separate runs, each lasting a minimum of 60 minutes. NO_x
744 emissions must be measured while the industrial boiler is operating
745 at maximum operating capacity or while the process heater is
746 operating at normal maximum load. If the industrial boiler or
747 process heater has combusted more than one type of fuel in the
748 prior year, a separate performance test is required for each fuel. If
749 a combination of fuels is typically used, a performance test may be
750 conducted, with Agency approval, on such combination of fuels
751 typically used. Except as provided under subsection (e) of this
752 Section, this subsection (a)(4)(B) does not apply if such owner or
753 operator is demonstrating compliance with an emissions limitation
754 through a continuous emissions monitoring system under
755 subsection (a)(1), (a)(2), (a)(3), or (a)(5) of this Section.

756
757 5) Instead of complying with the requirements of subsection (a)(4) of this
758 Section, an owner or operator of an industrial boiler subject to Subpart E
759 of this Part, or a process heater subject to Subpart F of this Part, with a
760 rated heat input capacity less than or equal to 100 mmBtu/hr may install
761 and operate a continuous emissions monitoring system on such emission
762 unit in accordance with the applicable requirements of 40 CFR 60, subpart
763 A and appendix B, Performance Specifications 2 and 3, and appendix F,
764 Quality Assurance Procedures, as incorporated by reference in Section
765 217.104. The continuous emissions monitoring system must be used to
766 demonstrate compliance with the applicable emissions limitation or
767 emissions averaging plan on an ozone season and annual basis.
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- 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.
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- b) Glass Melting Furnaces; Cement Kilns; Lime Kilns; Iron and Steel Reheat, Annealing, and Galvanizing Furnaces; and Aluminum Reverberatory and Crucible Furnaces
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- 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.
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- 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 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.
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- 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 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:
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- 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

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

817
818 B) When, in the opinion of the Agency or USEPA, it is necessary to
819 conduct testing to demonstrate compliance with Section 217.204,
820 217.224, or 217.244 of this Part, as applicable, the owner or
821 operator of a glass melting furnace, cement kiln, lime kiln, iron and
822 steel reheat, annealing, or galvanizing furnace, or aluminum
823 reverberatory or crucible furnace must, at his or her own expense,
824 have such test conducted in accordance with the applicable test
825 methods and procedures specified in this Section within 90 days
826 after receipt of a notice to test from the Agency or USEPA.
827

828 4) The owner or operator of a glass melting furnace, cement kiln, or lime kiln
829 must have a performance test conducted using 40 CFR 60, subpart A and
830 appendix A, Methods 1, 2, 3, 4, and 7E, as incorporated by reference in
831 Section 217.104 of this Part, or other alternative USEPA methods
832 approved by the Agency. The owner or operator of an iron and steel
833 reheat, annealing, or galvanizing furnace, or aluminum reverberatory or
834 crucible furnace must have a performance test conducted using 40 CFR
835 60, subpart A and appendix A, Method 1, 2, 3, 4, 7E, or 19, as
836 incorporated by reference in Section 217.104 of this Part, or other
837 alternative USEPA methods approved by the Agency. Each performance
838 test must consist of three separate runs, each lasting a minimum of 60
839 minutes. NO_x emissions must be measured while the glass melting
840 furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or
841 galvanizing furnace, or aluminum reverberatory or crucible furnace is
842 operating at maximum operating capacity. If the glass melting furnace,
843 cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing
844 furnace, or aluminum reverberatory or crucible furnace has combusted
845 more than one type of fuel in the prior year, a separate performance test is
846 required for each fuel. Except as provided under subsection (e) of this
847 Section, this subsection (b)(4) does not apply if such owner or operator is
848 demonstrating compliance with an emissions limitation through a
849 continuous emissions monitoring system under subsection (b)(1) or (b)(5)
850 of this Section.

851
852 5) Instead of complying with the requirements of subsections (b)(2), (b)(3),
853 and (b)(4) of this Section, an owner or operator of a glass melting furnace
854 subject to Subpart G of this Part, cement kiln or lime kiln subject to
855 Subpart H of this Part, iron and steel reheat, annealing, or galvanizing
856 furnace subject to Subpart I of this Part, or aluminum reverberatory or
857 crucible furnace subject to Subpart I of this Part that has the potential to
858 emit NO_x in an amount less than one ton per day may install and operate a
859 continuous emissions monitoring system on such emission unit in
860 accordance with the applicable requirements of 40 CFR 60, subpart A and

861 appendix B, Performance Specifications 2 and 3, and appendix F, Quality
862 Assurance Procedures, as incorporated by reference in Section 217.104 of
863 this Part. The continuous emissions monitoring system must be used to
864 demonstrate compliance with the applicable emissions limitation or
865 emissions averaging plan on an ozone season and annual basis.
866

867 c) Fossil Fuel-Fired Stationary Boilers. The owner or operator of a fossil fuel-fired
868 stationary boiler subject to Subpart M of this Part must install, calibrate, maintain,
869 and operate a continuous emissions monitoring system on such emission unit for
870 the measurement of NO_x emissions discharged into the atmosphere in accordance
871 with 40 CFR 96, subpart H.
872

873 d) Common Stacks. If two or more emission units subject to Subpart E, F, G, H, I,
874 M, or Q of this Part are served by a common stack and the owner or operator of
875 such emission units is operating a continuous emissions monitoring system, the
876 owner or operator may, with written approval from the Agency, utilize a single
877 continuous emissions monitoring system for the combination of emission units
878 subject to Subpart E, F, G, H, I, M, or Q of this Part that share the common stack,
879 provided such emission units are subject to an emissions averaging plan under this
880 Part.
881

882 e) Compliance with the continuous emissions monitoring system (CEMS)
883 requirements by an owner or operator of an emission unit who is required to
884 install, calibrate, maintain, and operate a CEMS on the emission unit under
885 subsection (a)(1), (a)(2), (a)(3), or (b)(1) of this Section, or who has elected to
886 comply with the CEMS requirements under subsection (a)(5) or (b)(5) of this
887 Section, or who has elected to comply with the predictive emission monitoring
888 system (PEMS) requirements under subsection (f) of this Section, is required by
889 the applicable compliance date under Section 217.152 of this Subpart.
890

891 f) As an alternative to complying with the requirements of this Section, other than
892 the requirements under subsections (a)(1) and (c) of this Section, the owner or
893 operator of an emission unit who is not otherwise required by any other statute,
894 regulation, or enforceable order to install, calibrate, maintain, and operate a
895 CEMS on the emission unit may comply with the specifications and test
896 procedures for a predictive emission monitoring system (PEMS) on the emission
897 unit for the measurement of NO_x emissions discharged into the atmosphere in
898 accordance with the requirements of 40 CFR 60, subpart A and appendix B,
899 Performance Specification 16. The PEMS must be used to demonstrate
900 compliance with the applicable emissions limitation or emissions averaging plan
901 on an ozone season and annual basis.
902

903 (Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)
904

905 **Section 217.158 Emissions Averaging Plans**
906

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

916
917 1) The following units may be included in an emissions averaging plan:

918
919 A) Units that commenced operation on or before January 1, 2002.

920
921 B) Units that the owner or operator may claim as exempt pursuant to
922 Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342
923 of this Part, as applicable, but does not claim exempt. For as long
924 as such a unit is included in an emissions averaging plan, it will be
925 treated as an affected unit and subject to the applicable emissions
926 limitations, and testing, monitoring, recordkeeping and reporting
927 requirements.

928
929 C) Units that commence operation after January 1, 2002, if the unit
930 replaces a unit that commenced operation on or before January 1,
931 2002, or it replaces a unit that replaced a unit that commenced
932 operation on or before January 1, 2002. The new unit must be
933 used for the same purpose and have substantially equivalent or less
934 process capacity or be permitted for less NO_x emissions on an
935 annual basis than the actual NO_x emissions of the unit or units that
936 are replaced. Within 90 days after permanently shutting down a
937 unit that is replaced, the owner or operator of such unit must
938 submit a written request to withdraw or amend the applicable
939 permit to reflect that the unit is no longer in service before the
940 replacement unit may be included in an emissions averaging plan.

941
942 2) The following types of units may not be included in an emissions
943 averaging plan:

944
945 A) Units that commence operation after January 1, 2002, except as
946 provided by subsection (a)(1)(C) of this Section.

947
948 B) Units that the owner or operator is claiming are exempt pursuant to
949 Section 217.162, 217.182, 217.202, 217.222, 217.242, or 217.342
950 of this Part, as applicable.
951

- 952 C) Units that are required to meet emission limits or control
953 requirements for NO_x as provided for in an enforceable order,
954 unless the order allows for emissions averaging. In the case of
955 petroleum refineries, this subsection (a)(2)(C) does not prohibit
956 including industrial boilers or process heaters, or both, in an
957 emissions averaging plan when an enforceable order does not
958 prohibit the reductions made under the order from also being used
959 for compliance with any rules or regulations designed to address
960 regional haze or the non-attainment status of any area.
961
- 962 b) An owner or operator must submit an emissions averaging plan to the Agency by
963 January 1, 2015. The plan must include, but is not limited to, the following:
964
- 965 1) The list of affected units included in the plan by unit identification
966 number; and
967
- 968 2) A sample calculation demonstrating compliance using the methodology
969 provided in subsection (f) of this Section for the ozone season (May 1
970 through September 30) and calendar year (January 1 through December
971 31).
972
- 973 c) An owner or operator may amend an emissions averaging plan only once per
974 calendar year. Such an amended plan must be submitted to the Agency by
975 January 1 of the applicable calendar year. If an amended plan is not received by
976 the Agency by January 1 of the applicable calendar year, the previous year's plan
977 will be the applicable emissions averaging plan.
978
- 979 d) Notwithstanding subsection (c) of this Section:
980
- 981 1) If a unit that is listed in an emissions averaging plan is taken out of
982 service, the owner or operator must submit to the Agency, within 30 days
983 after such occurrence, an updated emissions averaging plan; or
984
- 985 2) If a unit that was exempt from the requirements of Subpart E, F, G, H, I,
986 or M of this Part pursuant to Section 217.162, 217.182, 217.202, 217.222,
987 217.242, or 217.342 of this Part, as applicable, no longer qualifies for an
988 exemption, the owner or operator may amend its existing averaging plan
989 to include such unit within 30 days after the unit no longer qualifies for the
990 exemption.
991
- 992 e) An owner or operator must:
993
- 994 1) Demonstrate compliance for the ozone season (May 1 through September
995 30) and the calendar year (January 1 through December 31) by using the
996 methodology and the units listed in the most recent emissions averaging
997 plan submitted to the Agency pursuant to subsection (b) of this Section,

998 the monitoring data or test data determined pursuant to Section 217.157,
 999 and the actual hours of operation for the applicable averaging plan period;
 1000 and

1001
 1002 2) Submit to the Agency, by March 1 following each calendar year, a
 1003 compliance report containing the information required by Section
 1004 217.156(i).

1005
 1006 f) The total mass of actual NO_x emissions from the units listed in the emissions
 1007 averaging plan must be equal to or less than the total mass of allowable NO_x
 1008 emissions for those units for both the ozone season and calendar year. The
 1009 following equation must be used to determine compliance:

1010
 1011
$$N_{act} \leq N_{all}$$

1012
 1013 Where:

- 1014
- $$N_{act} = \sum_{i=1}^n \sum_{j=1}^k EM_{act(i,j)}$$
- $$N_{all} = \sum_{i=1}^n \sum_{j=1}^k EM_{all(i,j)}$$
- 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.

1015
 1016
 1017 For each unit in the averaging plan, and each fuel used by such unit, determine
 1018 actual and allowable NO_x emissions using the following equations:

1019
 1020 1) Actual emissions must be determined as follows:
 1021

1022 When emission limits are prescribed in lb/mmBtu,
1023

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

1024
1025 When emission limits are prescribed in lb/ton of processed product,
1026

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

1027
1028 2) Allowable emissions must be determined as follows:
1029

1030 When emission limits are prescribed in lb/mmBtu,
1031

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

1032
1033 When emission limits are prescribed in lb/ton of processed product,
1034

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

1035
1036 Where:
1037

$EM_{act(i)}$ = 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.

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- 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:

- 1077 1) the owner or operator notify the Agency in writing, at least 30 days in
1078 advance of the shutdown, of the NO_x pollution control equipment for the
1079 maintenance turnaround;
1080
1081 2) the shutdown of the NO_x pollution control equipment does not exceed 45
1082 days per ozone season or calendar year; and
1083
1084 3) except for those emission units vented to the NO_x pollution control
1085 equipment undergoing the maintenance turnaround, NO_x pollution control
1086 equipment, if any, continues to operate on all other emission units
1087 operating during the maintenance turnaround.
1088

1089 (Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)
1090

1091 SUBPART E: INDUSTRIAL BOILERS 1092

1093 **Section 217.160 Applicability** 1094

- 1095 a) The provisions of Subpart D of this Part and this Subpart apply to all industrial
1096 boilers located at sources subject to this Subpart pursuant to Section 217.150,
1097 except as provided in subsections (b) and (c) of this Section.
1098
1099 b) The provisions of this Subpart do not apply to boilers serving a generator that has
1100 a nameplate capacity greater than 25 MWe and produces electricity for sale, if
1101 such boilers meet the applicability criteria under Subpart M of this Part.
1102
1103 c) The provisions of this Subpart do not apply to fluidized catalytic cracking units,
1104 their regenerator and associated CO boiler or boilers and CO furnace or furnaces
1105 where present, if such units are located at a petroleum refinery and such units are
1106 required to meet emission limits or control requirements for NO_x as provided for
1107 in an enforceable order.
1108

1109 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)
1110

1111 **Section 217.162 Exemptions** 1112

1113 Notwithstanding Section 217.160 of this Subpart, the provisions of this Subpart do not apply to
1114 an industrial boiler operating under a federally enforceable limit of NO_x emissions from such
1115 boiler to less than 15 tons per year and less than five tons per ozone season.
1116

1117 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)
1118

1119 **Section 217.164 Emissions Limitations** 1120

- 1121 a) Except as provided for under Section 217.152, on and after January 1, 2015, no
1122 person shall cause or allow emissions of NO_x into the atmosphere from any

1123 industrial boiler to exceed the following limitations. Compliance must be
 1124 demonstrated with the applicable emissions limitation on an ozone season and
 1125 annual basis.
 1126

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

1127
 1128 b) For an industrial boiler combusting a combination of natural gas, coke oven gas,
 1129 and blast furnace gas, the NO_x emissions limitation shall be calculated using the
 1130 following equation:
 1131

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

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1133
1134

Where:

- $NO_{x_{NG}}$ = 0.084 lb/mmBtu for natural gas
- Btu_{NG} = the heat ~~input~~ input 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

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(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.

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1145

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

Section 217.166 Methods and Procedures for Combustion Tuning

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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:

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- 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;

1164 d) Tune-up procedure followed and checklist of items (such as burners, flame
 1165 conditions, air supply, scaling on heating surface, etc.) inspected prior to the
 1166 actual tune-up; and

1167
 1168 e) Operating parameters recorded at the start and at conclusion of combustion
 1169 tuning.

1170
 1171 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1172
 1173 **SUBPART F: PROCESS HEATERS**

1174
 1175 **Section 217.180 Applicability**

1176
 1177 The provisions of Subpart D of this Part and this Subpart apply to all process heaters located at
 1178 sources subject to this Subpart pursuant to Section 217.150.

1179
 1180 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1181
 1182 **Section 217.182 Exemptions**

1183
 1184 Notwithstanding Section 217.180, the provisions of this Subpart do not apply to a process heater
 1185 operating under a federally enforceable limit of NO_x emissions from such heater to less than 15
 1186 tons per year and less than five tons per ozone season.

1187
 1188 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1189
 1190 **Section 217.184 Emissions Limitations**

1191
 1192 Except as provided for under Section 217.152, on or after January 1, 2015, no person shall cause
 1193 or allow emissions of NO_x into the atmosphere from any process heater to exceed the following
 1194 limitations. Compliance must be demonstrated with the applicable emissions limitation on an
 1195 ozone season and annual basis.

1196

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

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(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

1230 e) Operating parameters recorded at the start and at conclusion of combustion
 1231 tuning.

1232
 1233 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1234
 1235 SUBPART G: GLASS MELTING FURNACES

1236
 1237 **Section 217.200 Applicability**

1238
 1239 The provisions of Subpart D of this Part and this Subpart apply to all glass melting furnaces
 1240 located at sources subject to this Subpart pursuant to Section 217.150.

1241
 1242 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1243
 1244 **Section 217.202 Exemptions**

1245
 1246 Notwithstanding Section 217.200, the provisions of this Subpart do not apply to a glass melting
 1247 furnace operating under a federally enforceable limit of NO_x emissions from such furnace to less
 1248 than 15 tons per year and less than five tons per ozone season.

1249
 1250 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1251
 1252 **Section 217.204 Emissions Limitations**

1253
 1254 a) On and after January 1, 2015, no person shall cause or allow emissions of NO_x
 1255 into the atmosphere from any glass melting furnace to exceed the following
 1256 limitations. Compliance must be demonstrated with the emissions limitation on
 1257 an ozone season and annual basis.

1258

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

1259
 1260 b) The emissions during glass melting furnace startup (not to exceed 70 days) or
 1261 furnace idling (operation at less than 35% of furnace capacity) shall be excluded
 1262 from calculations for the purpose of demonstrating compliance with the seasonal
 1263 and annual emissions limitations under this Section, provided that the owner or
 1264 operator, at all times, including periods of startup and idling, to the extent
 1265 practicable, maintain and operate any affected emission unit, including associated
 1266 air pollution control equipment, in a manner consistent with good air pollution

1267 control practice for minimizing emissions. The owner or operator of a glass
1268 melting furnace must maintain records that include the date, time, and duration of
1269 any startup or idling in the operation of the glass melting furnace.

1270

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

1272

1273 SUBPART H: CEMENT AND LIME KILNS

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1275 **Section 217.220 Applicability**

1276

1277 a) Notwithstanding Subpart T of this Part, the provisions of Subpart D of this Part
1278 and this Subpart apply to all cement kilns located at sources subject to this
1279 Subpart pursuant to Section 217.150.

1280

1281 b) The provisions of Subpart D of this Part and this Subpart apply to all lime kilns
1282 located at sources subject to this Subpart pursuant to Section 217.150.

1283

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

1285

1286 **Section 217.222 Exemptions**

1287

1288 Notwithstanding Section 217.220, the provisions of this Subpart do not apply to a cement kiln or
1289 lime kiln operating under a federally enforceable limit of NO_x emissions from such kiln to less
1290 than 15 tons per year and less than five tons per ozone season.

1291

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

1293

1294 **Section 217.224 Emissions Limitations**

1295

1296 a) On and after January 1, 2015, no person shall cause or allow emissions of NO_x
1297 into the atmosphere from any cement kiln to exceed the following limitations.
1298 Compliance must be demonstrated with the applicable emissions limitation on an
1299 ozone season and annual basis.

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1301

1302

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

1303

1304 b) On and after January 1, 2015, no person shall cause or allow emissions of NO_x
1305 into the atmosphere from any lime kiln to exceed the following limitations.

1306 Compliance must be demonstrated with the applicable emissions limitation on an
 1307 ozone season and annual basis.
 1308

Fuel	Emission Unit Type	No _x Emissions Limitation (lb/ton lime produced)
Gas	Rotary kiln	2.2
Coal	Rotary kiln	2.5

1309
 1310 (Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)
 1311

1312 **SUBPART I: IRON AND STEEL AND ALUMINUM MANUFACTURING**

1313
 1314 **Section 217.240 Applicability**
 1315

- 1316 a) The provisions of Subpart D of this Part and this Subpart apply to all reheat
 1317 furnaces, annealing furnaces, and galvanizing furnaces used in iron and steel
 1318 making located at sources subject to this Subpart pursuant to Section 217.150.
 1319
- 1320 b) The provisions of Subpart D of this Part and this Subpart apply to all
 1321 reverberatory furnaces and crucible furnaces used in aluminum melting located at
 1322 sources subject to this Subpart pursuant to Section 217.150.
 1323

1324 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)
 1325

1326 **Section 217.242 Exemptions**
 1327

1328 Notwithstanding Section 217.240, the provisions of this Subpart do not apply to an iron and steel
 1329 reheat furnace, annealing furnace, or galvanizing furnace, or aluminum reverberatory furnace or
 1330 crucible furnace operating under a federally enforceable limit of NO_x emissions from such
 1331 furnace to less than 15 tons per year and less than five tons per ozone season.
 1332

1333 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)
 1334

1335 **Section 217.244 Emissions Limitations**
 1336

- 1337 a) On and after January 1, 2015, no person shall cause or allow emissions of NO_x
 1338 into the atmosphere from any reheat furnace, annealing furnace, or galvanizing
 1339 furnace used in iron and steel making to exceed the following limitations.
 1340 Compliance must be demonstrated with the applicable emissions limitation on an
 1341 ozone season and annual basis.
 1342

<u>Emission Unit Type</u>	<u>No_x Emissions Limitation (lb/mmBtu)</u>
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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 furnace furnace, cold-air	0.03
Annealing furnace, regenerative	0.38
Annealing furnace, recuperative	0.16
Annealing furnace furnace, cold-air	0.07
Galvanizing furnace, regenerative	0.46
Galvanizing furnace, recuperative	0.16
Galvanizing furnace, cold air	0.06

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- 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

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1351

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

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1354

SUBPART K: PROCESS EMISSION SOURCES

Section 217.301 Industrial Processes

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- 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

1363 of nitric acid (100 percent acid basis) used in such new process (5.0 lbs/T).

1364

1365

2) Visible emissions in excess of 5 percent opacity.

1366

1367

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).

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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.

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SUBPART M: ELECTRICAL GENERATING UNITS

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1379

Section 217.340 Applicability

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1381

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.

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

1388

1389

Section 217.342 Exemptions

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1391

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.

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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.

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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.

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

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1408

1409 **Section 217.344 Emissions Limitations**

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 1411 On and after January 1, 2015, no person shall cause or allow emissions of NO_x into the
 1412 atmosphere from any fossil fuel-fired stationary boiler to exceed the following limitations.
 1413 Compliance must be demonstrated with the applicable emissions limitation on an ozone season
 1414 and annual basis.
 1415

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

1416
 1417 (Source: Amended at 35 Ill. Reg. 14627, effective August 22, 2011)

1418
 1419 **Section 217.345 Combination of Fuels**

1420
 1421 The owner or operator of a fossil fuel-fired stationary boiler subject to this Subpart and operated
 1422 with any combination of fuels must comply with a heat input weighted average emissions
 1423 limitation to demonstrate compliance with Section 217.344.

1424
 1425 (Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)

1426
 1427 **SUBPART O: CHEMICAL MANUFACTURE**

1428
 1429 **Section 217.381 Nitric Acid Manufacturing Processes**

1430
 1431 a) New Weak Nitric Acid Processes. No person shall cause or allow the emission of
 1432 nitrogen oxides into the atmosphere from any new weak nitric acid manufacturing
 1433 process to exceed the following standards and limitations:

- 1434
- 1435 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne
 1436 of acid produced (100 percent acid basis) (3.0 lbs/T);
 - 1437
 - 1438 2) Visible emissions in excess of 5 percent opacity;
 - 1439
 - 1440 3) 0.05 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric
 1441 tonne of acid produced (100 percent acid basis) from any acid storage tank
 1442 vents (0.1 lbs/T).
- 1443

- 1444 b) Existing Weak Nitric Acid Processes. No person shall cause or allow the
1445 emission of nitrogen oxides into the atmosphere from any existing weak nitric
1446 acid manufacturing process to exceed the following standards and limitations:
1447
- 1448 1) 2.75 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric
1449 tonne of acid produced (100 percent acid basis) (5.5 lbs/T);
1450
 - 1451 2) Visible emissions in excess of 5 percent opacity;
1452
 - 1453 3) 0.1 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne
1454 of acid produced (100 percent acid basis) from any acid storage tank vents
1455 (0.2 lbs/T).
1456
- 1457 c) Concentrated Nitric Acid Processes. No person shall cause or allow the emission
1458 of nitrogen oxides into the atmosphere from any concentrated nitric acid
1459 manufacturing process to exceed the following standards and limitations:
1460
- 1461 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne
1462 of acid produced (100 percent acid basis)(3.0 lbs/T);
1463
 - 1464 2) 225 ppm of nitrogen oxides (expressed as nitrogen dioxide) in any effluent
1465 gas stream emitted into the atmosphere;
1466
 - 1467 3) Visible emisisions in excess of 5 percent opacity.
1468
- 1469 d) Nitric Acid Concentrating Processes. No person shall cause or allow the emission
1470 of nitrogen oxides into the atmosphere from any nitric acid concentrating process
1471 to exceed the following limitations:
1472
- 1473 1) 1.5 kg of nitrogen oxides (expressed as nitrogen dioxide) per metric tonne
1474 of acid produced (100 percent acid basis) (3.0 lbs/T);
1475
 - 1476 2) Visible emisisions in excess of 5 percent opacity.
1477

1478 SUBPART Q: STATIONARY RECIPROCATING
1479 INTERNAL COMBUSTION ENGINES AND TURBINES
1480

1481 **Section 217.386 Applicability**
1482

- 1483 a) The provisions of this Subpart shall apply to all:
1484
- 1485 1) Stationary reciprocating internal combustion engines listed in Appendix G
1486 of this Part.
1487
 - 1488 2) Stationary reciprocating internal combustion engines and turbines located
1489 at a source that emits or has the potential to emit NO_x in an amount equal

- 1490 to or greater than 100 tons per year and is in either the area composed of
1491 the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and
1492 Will, the Townships of Aux Sable and Goose Lake in Grundy County, and
1493 the Township of Oswego in Kendall County, or in the area composed of
1494 the Metro-East counties of Jersey, Madison, Monroe, and St. Clair, and the
1495 Township of Baldwin in Randolph County, where:
1496
1497 A) The engine at nameplate capacity is rated at equal to or greater
1498 than 500 bhp output; or
1499
1500 B) The turbine is rated at equal to or greater than 3.5 MW (4,694 bhp)
1501 output at 14.7 psia, 59°F and 60 percent relative humidity.
1502
1503 b) Notwithstanding subsection (a)(2) of this Section, an affected unit is not subject to
1504 the requirements of this Subpart Q if the engine or turbine is or has been:
1505
1506 1) Used as an emergency or standby unit as defined by 35 Ill. Adm. Code
1507 211.1920;
1508
1509 2) Used for research or for the purposes of performance verification or
1510 testing;
1511
1512 3) Used to control emissions from landfills, where at least 50 percent of the
1513 heat input is gas collected from a landfill;
1514
1515 4) Used for agricultural purposes, including the raising of crops or livestock
1516 that are produced on site, but not for associated businesses like packing
1517 operations, sale of equipment or repair; or
1518
1519 5) An engine with nameplate capacity rated at less than 1,500 bhp (1,118
1520 kW) output, mounted on a chassis or skids, designed to be moveable, and
1521 moved to a different source at least once every 12 months.
1522
1523 c) If an exempt unit ceases to fulfill the criteria specified in subsection (b) of this
1524 Section, the owner or operator must notify the Agency in writing within 30 days
1525 after becoming aware that the exemption no longer applies and comply with the
1526 control requirements of this Subpart Q.
1527
1528 d) The requirements of this Subpart Q will continue to apply to any engine or turbine
1529 that has ever been subject to the requirements of Section 217.388, even if the
1530 affected unit or source ceases to fulfill the rating requirements of subsection (a) of
1531 this Section or becomes eligible for an exemption pursuant to subsection (b) of
1532 this Section.
1533
1534 e) Where a construction permit, for which the application was submitted to the
1535 Agency prior to the adoption of this Subpart, is issued that relies on decreases in

1536 emissions of NO_x from existing emission units for purposes of netting or
1537 emissions offsets, such NO_x decreases shall remain creditable notwithstanding
1538 any requirements that may apply to the existing emissions units pursuant to this
1539 Subpart.
1540

1541 (Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)
1542

1543 **Section 217.388 Control and Maintenance Requirements**
1544

- 1545 a) On and after the applicable compliance date in Section 217.392, an owner or
1546 operator of an affected unit must inspect and maintain affected units as required
1547 by subsection (a)(4) of this Section and comply with one of the following: the
1548 applicable emissions concentration as set forth in subsection (a)(1) of this Section,
1549 the requirements for an emissions averaging plan as specified in subsection (a)(2)
1550 of this Section, or the requirements for operation as a low usage unit as specified
1551 in subsection (a)(3) of this Section.
1552
- 1553 1) Limits the discharge from an affected unit into the atmosphere of any
1554 gases that contain NO_x to no more than:
1555
- 1556 A) 150 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-
1557 ignited rich-burn engines;
1558
- 1559 B) 210 ppmv (corrected to 15 percent O₂ on a dry basis) for spark-
1560 ignited lean-burn engines, except for existing spark-ignited
1561 Worthington engines that are not listed in Appendix G;
1562
- 1563 C) 365 ppmv (corrected to 15 percent O₂ on a dry basis) for existing
1564 spark-ignited Worthington engines that are not listed in Appendix
1565 G;
1566
- 1567 D) 660 ppmv (corrected to 15 percent O₂ on a dry basis) for diesel
1568 engines;
1569
- 1570 E) 42 ppmv (corrected to 15 percent O₂ on a dry basis) for gaseous
1571 fuel-fired turbines; and
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- 1573 F) 96 ppmv (corrected to 15 percent O₂ on a dry basis) for liquid fuel-
1574 fired turbines.
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- 1576 2) Complies with an emissions averaging plan as provided for in either
1577 subsection (a)(2)(A) or (a)(2)(B) of this Section:
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- 1579 A) For any affected unit identified by Section 217.386: The
1580 requirements of the applicable emissions averaging plan as set
1581 forth in Section 217.390; or

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- 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:

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- 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

1674 required for the affected unit while it is complying with subsection
1675 (a)(3) of this Section, except as provided for in Section 217.394(f).
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1677 (Source: Amended at 35 Ill. Reg. 18801, effective October 25, 2011)
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1679 **Section 217.390 Emissions Averaging Plans**
1680

1681 a) An owner or operator of certain affected units may comply through an emissions
1682 averaging plan.

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1684 1) A unit or units that commenced operation before January 1, 2002 may be
1685 included in only one emissions averaging plan, as follows:
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1687 A) Units:
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1689 i) Located at a single source or at multiple sources in Illinois
1690 to address compliance for units identified in Section
1691 217.386(a)(1), so long as the units are owned by the same
1692 company or parent company where the parent company has
1693 working control through stock ownership of its subsidiary
1694 corporations; or
1695

1696 ii) Located at a single source or at multiple sources in either
1697 the Chicago area counties or Metro-East area counties to
1698 address compliance for units identified in Section
1699 217.386(a)(2), so long as the units are owned by the same
1700 company or parent company where the parent company has
1701 working control through stock ownership of its subsidiary
1702 corporations;
1703

1704 B) Units that have a compliance date later than the control period for
1705 which the averaging plan is being used for compliance;
1706

1707 C) Units that are not otherwise subject to this Subpart (so long as the
1708 units are owned by the same company or parent company where
1709 the parent company has working control through stock ownership
1710 of its subsidiary corporations) or that the owner or operator may
1711 claim as exempt pursuant to Section 217.386(b) but does not claim
1712 as exempt. For as long as such unit is included in an emissions
1713 averaging plan, it will be treated as an affected unit and subject to
1714 the applicable emission concentration, limits, testing, monitoring,
1715 recordkeeping and reporting requirements; and
1716

1717 D) Units that comply with the requirements for low usage units set
1718 forth in Section 217.388(a)(3), so long as the unit or units operate
1719 NO_x emissions control technology. For as long as such unit is

1720 included in an emissions averaging plan, it will be subject to the
1721 applicable emission concentration limits in subsection (g)(7) of this
1722 Section, the applicable testing and monitoring requirements for
1723 affected units in Section 217.394(a) through (e), and the applicable
1724 recordkeeping and reporting requirements for affected and low
1725 usage units in Section 217.396(a) through (d).
1726

1727 2) The following types of units may not be included in an emissions
1728 averaging plan:

1729
1730 A) Units that commence operation after January 1, 2002, unless the
1731 unit or units replace a unit or units described in subsection (a)(1) of
1732 this Section that commenced operation on or before January 1,
1733 2002, or the unit or units replace a unit or units described in
1734 subsection (a)(1) of this Section that replaced a unit or units
1735 described in subsection (a)(1) of this Section that commenced
1736 operation on or before January 1, 2002. The new unit must be
1737 used for the same purpose and have substantially equivalent or less
1738 process capacity or be permitted for less NO_x emissions on annual
1739 basis than the actual NO_x emissions of the unit or units that are
1740 replaced. The owner or operator of a unit that is shut down and
1741 replaced must comply with the provisions of Section 217.396(c)(3)
1742 before the replacement unit may be included in an emissions
1743 averaging plan.
1744

1745 B) Units that the owner or operator is claiming are exempt pursuant to
1746 Section 217.386(b).
1747

1748 b) An owner or operator must submit an emissions averaging plan to the Agency by
1749 the applicable compliance date set forth in Section 217.392, or by May 1 of the
1750 year in which the owner or operator is using a new emissions averaging plan to
1751 comply.
1752

1753 1) The plan must include, but is not limited to:

1754
1755 A) The list of affected units included in the plan by unit identification
1756 number and permit number.
1757

1758 B) A sample calculation demonstrating compliance using the
1759 methodology provided in subsection (f) of this Section for both the
1760 ozone season and calendar year.
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1762 2) The plan will be effective as follows:

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1764 A) An initial plan for units required to comply by January 1, 2008 is
1765 effective January 1, 2008;

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- 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

1812 pursuant to Section 217.394; and the actual hours of operation for the
 1813 applicable control period;

1814
 1815 2) Notify the Agency by October 31 following the ozone season, if
 1816 compliance cannot be demonstrated for that ozone season; and

1817
 1818 3) Submit to the Agency by January 31 following each calendar year, a
 1819 compliance report containing the information required by Section
 1820 217.396(c)(4).

1821
 1822 f) The total mass of actual NO_x emissions from the units listed in the emissions
 1823 averaging plan must be equal to or less than the total mass of allowable NO_x
 1824 emissions for those units for both the ozone season and calendar year. The
 1825 following equation must be used to determine compliance:

1826
 1827
$$N_{act} \leq N_{all}$$

1828
 1829 Where:

1830
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$$N_{act} = \sum_{i=1}^n EM_{act(i)}$$

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 1833
$$N_{all} = \sum_{i=1}^n EM_{all(i)}$$

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 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.

1835
 1836 g) For each unit in the averaging plan, and each fuel used by a unit, determine actual
 1837 and allowable NO_x emissions using the following equations, except as provided
 1838 for in subsection (h) of this Section:
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1840 1) Actual emissions must be determined as follows:

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

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

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2) Allowable emissions must be determined as follows:

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

1850

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

1851

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1853

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 ($ppmv \times 1.194 \times 10^{-7}$) 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 1.194×10^{-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.

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- 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:

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

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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.

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

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

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- 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 ($EM_{(i)\text{act}}$) 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-

1915 42, Volume I: Stationary Point and Area Sources, as incorporated by
1916 reference in Section 217.104.

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1918 h) For units that use CEMS, the data must show that the total mass of actual NO_x
1919 emissions determined pursuant to subsection (h)(1) of this Section is less than or
1920 equal to the allowable NO_x emissions calculated in accordance with the equations
1921 in subsections (f) and (h)(2) of this Section for both the ozone season and calendar
1922 year. The equations in subsection (g) of this Section will not apply.

1923
1924 1) The total mass of actual NO_x emissions in lbs for a unit (EM_{act}) must be
1925 the sum of the total mass of actual NO_x emissions from each affected unit
1926 using CEMS data collected in accordance with 40 CFR 60 or 75, or
1927 alternate methodology that has been approved by the Agency or USEPA
1928 and included in a federally enforceable permit.

1929
1930 2) The allowable NO_x emissions must be determined as follows:
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$$EM_{all(i)} = \sum_{j=1}^m (Cd_j \times flow_j \times 1.194 \times 10^{-7})$$

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1937

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 x 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.

1938
1939 (Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

1940
1941 **Section 217.392 Compliance**

1942
1943 a) On and after January 1, 2008, an owner or operator of an affected engine listed in
1944 Appendix G may not operate the affected engine unless the requirements of this
1945 Subpart Q are met.

1946
1947 b) On and after May 1, 2010, an owner or operator of a unit identified by Section
1948 217.386(a)(2), and that is not listed in Appendix G, may not operate the affected
1949 unit unless the requirements of this Subpart Q are met or the affected unit is
1950 exempt pursuant to Section 217.386(b).

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- 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.

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- 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)

2020
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2022 **Section 217.394 Testing and Monitoring**
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- 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.

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- 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.
- 2053 b) An owner or operator of an engine or turbine must conduct subsequent
2054 performance tests pursuant to subsection (b)(1), (b)(2), and (b)(3) of this Section
2055 as follows:
2056
- 2057 1) For affected engines listed in Appendix G and all units included in an
2058 emissions averaging plan, once every five years. Testing must be
2059 performed in the calendar year by May 1 or within 60 days after starting
2060 operation, whichever is later;
2061
- 2062 2) If the monitored data shows that the unit is not in compliance with the
2063 applicable emissions concentration or emissions averaging plan, the owner
2064 or operator must report the deviation to the Agency in writing within 30
2065 days and conduct a performance test pursuant to subsection (c) of this
2066 Section within 90 days of the determination of noncompliance; and
2067
- 2068 3) When, in the opinion of the Agency or USEPA, it is necessary to conduct
2069 testing to demonstrate compliance with Section 217.388, the owner or
2070 operator of a unit must, at his or her own expense, conduct the test in
2071 accordance with the applicable test methods and procedures specified in
2072 this Section within 90 days after receipt of a notice to test from the
2073 Agency or USEPA.
2074
- 2075 c) Testing Procedures:
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- 2077 1) For an engine: The owner or operator must conduct a performance test
2078 using Method 7 or 7E of 40 CFR 60, appendix A, as incorporated by
2079 reference in Section 217.104. Each compliance test must consist of three
2080 separate runs, each lasting a minimum of 60 minutes. NO_x emissions must
2081 be measured while the affected unit is operating at peak load. If the unit
2082 combusts more than one type of fuel (gaseous or liquid), including backup
2083 fuels, a separate performance test is required for each fuel.
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- 2085 2) For a turbine: The owner or operator must conduct a performance test
2086 using the applicable procedures and methods in 40 CFR 60.4400, as
2087 incorporated by reference in Section 217.104.

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- 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 O₂ 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)

2134 **Section 217.396 Recordkeeping and Reporting**
2135

2136 a) Recordkeeping. The owner or operator of any unit included in an emissions
2137 averaging plan (e.g., affected units, nonsubject units, units that could be exempt
2138 pursuant to Section 217.386(b), and low usage units) or an affected unit that is not
2139 exempt pursuant to Section 217.386(b) and is not subject to the low usage
2140 exemption of Section 217.388(a)(3) must maintain records that demonstrate
2141 compliance with the requirements of this Subpart Q, which include, but are not
2142 limited to:

- 2143
- 2144 1) Identification, type (e.g., lean-burn, gas-fired), and location of each unit.
 - 2145
 - 2146 2) Calendar date of the record.
 - 2147
 - 2148 3) The number of hours the unit operated on a monthly basis and during each
2149 ozone season.
 - 2150
 - 2151 4) Type and quantity of the fuel used on a daily basis.
 - 2152
 - 2153 5) The results of all monitoring performed on the unit and reported
2154 deviations.
 - 2155
 - 2156 6) The results of all tests performed on the unit.
 - 2157
 - 2158 7) The plan for performing inspection and maintenance of the units, air
2159 pollution control equipment, and the applicable monitoring device
2160 pursuant to Section 217.388(a)(4).
 - 2161
 - 2162 8) A log of inspections and maintenance performed on the unit's air
2163 emissions, monitoring device, and air pollution control device. These
2164 records must include, at a minimum, date, load levels and any manual
2165 adjustments, along with the reason for the adjustment (e.g., air to fuel
2166 ratio, timing or other settings).
 - 2167
 - 2168 9) If complying with the emissions averaging plan provisions of Sections
2169 217.388(a)(2) and 217.390, copies of the calculations used to demonstrate
2170 compliance with the ozone season and annual control period limits,
2171 noncompliance reports for the ozone season, and ozone and annual control
2172 period compliance reports submitted to the Agency.
 - 2173
 - 2174 10) Identification of time periods for which operating conditions and pollutant
2175 data were not obtained by either the CEMS or alternate monitoring
2176 procedures, including the reasons for not obtaining sufficient data and a
2177 description of corrective actions taken.
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- 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

- 2223 B) By January 31 following the applicable calendar year, the owner or
2224 operator must submit to the Agency a report that demonstrates the
2225 following:
2226
- 2227 i) For all units that are part of the emissions averaging plan,
2228 the total mass of allowable NO_x emissions for the ozone
2229 season and for the annual control period;
2230
- 2231 ii) The total mass of actual NO_x emissions for the ozone
2232 season and annual control period for each unit included in
2233 the averaging plan;
2234
- 2235 iii) The calculations that demonstrate that the total mass of
2236 actual NO_x emissions are less than the total mass of
2237 allowable NO_x emissions using equations in Sections
2238 217.390(f) and (g); and
2239
- 2240 iv) The information required to determine the total mass of
2241 actual NO_x emissions and the calculations performed in
2242 subsection (c)(4)(B)(iii) of this Section.
2243
- 2244 5) If operating a CEMS, the owner or operator must submit an excess
2245 emissions and monitoring systems performance report in accordance with
2246 the requirements of 40 CFR 60.7(c) and 60.13 or 40 CFR 75, incorporated
2247 by reference in Section 217.104, or an alternate procedure approved by the
2248 Agency or USEPA and included in a federally enforceable permit.
2249
- 2250 6) If using NO_x allowances to comply with the requirements of Section
2251 217.388, reconciliation reports as required by Section 217.392(c)(3).
2252
- 2253 d) The owner or operator of an affected unit that is complying with the low usage
2254 provisions of Section 217.388(a)(3) must:
2255
- 2256 1) For each unit complying with Section 217.388(a)(3)(A), maintain a record
2257 of the NO_x emissions for each calendar year;
2258
- 2259 2) For each unit complying with Section 217.388(a)(3)(B), maintain a record
2260 of bhp or MW-hours operated each calendar year; and
2261
- 2262 3) For each unit utilizing NO_x allowances for compliance pursuant to Section
2263 217.392(c)(3), maintain and submit any NO_x allowance reconciliation
2264 reports.
2265
- 2266 e) Instead of complying with the requirements of subsection (a) of this Section,
2267 subsection (b) of this Section, subsections (c)(1) through (c)(4) of this Section,
2268 and subsection (d) of this Section, an owner or operator of an affected unit

2269 complying with the requirements of Section 217.388(a)(1) and operating a CEMS
2270 on that unit may meet the applicable testing, monitoring, reporting and
2271 recordkeeping requirements for that CEMS of 40 CFR 75, as incorporated by
2272 reference in Section 217.107.

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2274 (Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)

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2276

SUBPART T: CEMENT KILNS

2277

Section 217.400 Applicability

2278

2279 The requirements of this Subpart shall apply to the types of cement kilns listed below with
2280 process rates in tons per hour (TPH) of clinker produced that are greater than or equal to the
2281 following:
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2283

2284 a) Long dry kilns – 12 TPH;

2285

2286 b) Long wet kilns – 10 TPH;

2287

2288 c) Preheater kilns – 16 TPH; and

2289

2290 d) Preheater/precalciner kilns – 22 TPH.

2291

2292 (Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

2293

Section 217.402 Control Requirements

2294

2295 a) After May 30, 2004, an owner or operator of any cement kiln subject to the
2296 requirements of this Subpart shall not operate the kiln during the initial control
2297 period or any subsequent control period, unless the owner or operator complies
2298 with subsection (a)(1), (a)(2), (a)(3), (a)(5) or (a)(6) of this Section for kilns that
2299 commenced operation prior to January 1, 1996, or subsection (a)(4) or (a)(6) of
2300 this Section for kilns that commenced operation on or after January 1, 1996.

2301

2302 1) The kiln is operated with a low-NO_x burner or a mid-kiln firing system;

2303

2304 2) The kiln shall not exceed the applicable NO_x emission limitation in
2305 pounds per ton of clinker (lb/T), expressed in the rates listed below:

2306

2307 A) Long dry kilns – 5.1 lb NO_x/T of clinker;

2308

2309 B) Long wet kilns – 6.0 lb NO_x/T of clinker;

2310

2311 C) Preheater kilns – 3.8 lb NO_x/T of clinker; or

2312

2313 D) Preheater/precalciner kilns – 2.8 lb NO_x/T of clinker.

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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:

$$UBE = \frac{[EF \times SPR]}{2000 \text{ lbs NO}_x/T}$$

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2324
2325

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.

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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

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- 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.
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- 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.
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- 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.
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- 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.

2392 6) The owner or operator obtains approval by the Agency and USEPA to
2393 allow the kiln to participate in the federal NO_x Trading Program. Such
2394 participation will be effective upon issuance of a permit containing all
2395 necessary federally enforceable permit conditions addressing the kiln's
2396 participation in the federal NO_x Trading Program pursuant to 40 CFR 96
2397 and the Illinois NO_x Trading Program regulations at 35 Ill. Adm. Code
2398 217. The owner or operator is not subject to the requirements of this
2399 Subpart for the duration of its participation in the NO_x Trading Program,
2400 except for the requirement to submit the initial compliance report pursuant
2401 to Section 217.408(a) of this Subpart.
2402

2403 b) Notwithstanding any other provisions of this Subpart, a source and units at the
2404 source subject to the provisions of subsection (a) of this Section will become
2405 subject to this Subpart on *the first day of the control season subsequent to the*
2406 *calendar year in which all of the other states subject to the provisions of the NO_x*
2407 *SIP Call (63 Fed. Reg. 57,355 (October 27, 1998)) that are located in USEPA*
2408 *Region V or that are contiguous to Illinois have adopted regulations to implement*
2409 *NO_x Trading programs and other required reductions of NO_x emissions pursuant*
2410 *to the NO_x SIP Call, and such regulations have received final approval by USEPA*
2411 *as part of the respective states' SIPS for ozone, or a final FIP for ozone*
2412 *promulgated by USEPA is effective for such other states. [415 ILCS 5/9.9(f)]*
2413

2414 (Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)
2415

2416 **Section 217.404 Testing**
2417

2418 a) Any owner or operator of a kiln that commenced operation prior to May 1, 2003,
2419 and using a low-NO_x burner or mid-kiln firing system to demonstrate compliance
2420 pursuant to Section 217.402(a)(1) of this Subpart must maintain and operate the
2421 device according to the manufacturer's specifications as approved by the Agency.
2422

2423 b) Any owner or operator of a kiln that commenced operation prior to May 1, 2003,
2424 and demonstrating compliance pursuant to Section 217.402(a)(2), (a)(3)(C), or
2425 (a)(5) of this Subpart must complete an initial performance test between May 1,
2426 2003, and May 30, 2004, and subsequent annual testing during each control
2427 period in which the kiln is operated. This testing must be consistent with the
2428 requirements of 40 CFR 60, Appendix A, Method 7, 7A, 7C, 7D, or 7E,
2429 incorporated by reference in Section 217.104 of this Part, or such alternate test
2430 method that has been approved by the Agency pursuant to Section
2431 217.402(a)(3)(C) of this Subpart or the Board pursuant to Section 217.402(a)(5)
2432 of this Subpart.
2433

2434 c) The owner or operator of a kiln that commences operation on or after May 1,
2435 2003, must complete, as appropriate, an initial performance test within one year
2436 after initial startup and subsequent annual testing during each control period in
2437 which the kiln is operated. This testing must be consistent with the test methods

2438 listed in subsection (b) of this Section.

2439

2440 (Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

2441

2442 **Section 217.406 Monitoring**

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- 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.

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- 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

2484 of this Part, and additional provisions regarding accuracy, data capture,
2485 and monitoring frequency.

2486
2487 c) The owner or operator must monitor the operating parameters of the emission unit
2488 and predict NO_x emission rates in accordance with the plan specified in the
2489 applicable operating permit.

2490
2491 (Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)

2492
2493 **Section 217.408 Reporting**

2494
2495 a) By May 31, 2004, or within one year after initial startup, whichever occurs later,
2496 the owner or operator of a kiln subject to the requirements of this Subpart must
2497 submit to the Agency an initial compliance certification for each kiln subject to
2498 the requirements of Section 217.402 of this Subpart. This certification must
2499 contain the following information as applicable:

2500
2501 1) The identity and type of each kiln subject to this Subpart, the name and
2502 address of the plant where the kiln is located, and the name and telephone
2503 number of the person responsible for demonstrating compliance with this
2504 Subpart;

2505
2506 2) A demonstration that each kiln is in compliance with Section 217.402 of
2507 this Subpart, identifying the provision with which it is complying and is
2508 accompanied by a summary of the approved compliance method, e.g.,
2509 performance test for the kiln and other supporting data being relied upon
2510 by the owner or operator;

2511
2512 3) If demonstrating compliance by use of a low-NO_x burner or mid-kiln
2513 firing system pursuant to Section 217.402(a)(1) of this Subpart, a copy of
2514 the manufacturer's recommended maintenance and schedule for
2515 maintenance as approved by the Agency;

2516
2517 4) If demonstrating compliance pursuant to Section 217.402(a)(3)(C) or
2518 (a)(5) of this Subpart, the date on which the permit containing the
2519 emission reduction plan or SIP revision was received as federally
2520 enforceable conditions; and

2521
2522 5) If demonstrating compliance pursuant to Section 217.402(a)(6) of this
2523 Subpart, the date of issuance and the identification of the permit
2524 authorizing, through federally enforceable conditions, participation in the
2525 federal NO_x Trading Program.

2526
2527 b) Beginning in 2004, by December 31 of each year, owners and operators
2528 complying with this Subpart pursuant to Section 217.402(a)(1), (a)(2), (a)(3),
2529 (a)(4), or (a)(5) must, as a seasonal component of its annual emission report

2530 pursuant to 35 Ill. Adm. Code 254, report the total NO_x emissions of each subject
2531 kiln during the control period of each year to the Agency, if the kiln operated
2532 during this period.
2533

2534 (Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)
2535

2536 **Section 217.410 Recordkeeping**
2537

2538 a) Any owner or operator of a cement kiln subject to this Subpart must produce and
2539 maintain records that include, but are not limited to:

2540
2541 1) Emissions in pounds of NO_x per ton of clinker produced from each kiln
2542 subject to the requirements of Section 217.402(a)(2), (a)(3)(C) or (a)(5) of
2543 this Subpart;
2544

2545 2) The date, time, and duration of any startup, shutdown, or malfunction in
2546 the operation of any cement kiln subject to this Subpart or any emissions
2547 monitoring equipment. The records shall include a description of the
2548 malfunction and maintenance activity;
2549

2550 3) If operating a low-NO_x burner or mid-kiln firing system: the date, time
2551 and duration of any regularly scheduled maintenance, with a description of
2552 the activity, and tons of clinker produced from each kiln;
2553

2554 4) The results of any required performance testing;
2555

2556 5) Daily cement kiln clinker production in tons per day; and
2557

2558 6) The records of monitoring required by Section 217.406 of this Subpart.
2559

2560 b) All records required to be produced or maintained shall be retained on site for a
2561 minimum of three years and be made available to the Agency upon request.
2562

2563 (Source: Added at 25 Ill. Reg. 4597, effective March 15, 2001)
2564

2565 **SUBPART U: NO_x CONTROL AND TRADING PROGRAM FOR**
2566 **SPECIFIED NO_x GENERATING UNITS**
2567

2568 **Section 217.450 Purpose**
2569

2570 The purpose of this Subpart is to cap the emissions of nitrogen oxides (NO_x) during the ozone
2571 control period from units subject to the provisions of this Subpart (budget units) by determining
2572 source allocations and by implementing the federal NO_x Trading Program, 40 CFR 96, consistent
2573 with the provisions of this Subpart.
2574

2575 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

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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

2622 in Appendix F of this Part, regardless of any change in ownership
2623 or any change of operator), and the owner or operator makes a
2624 permanent election, at the time of applying for a budget permit
2625 pursuant to this Part, to subject the unit to the requirements of this
2626 Subpart rather than Subpart W of this Part. Any unit for which
2627 such an election is made will not receive an allocation from the
2628 Subpart U or Subpart W NO_x Trading Budget.
2629

- 2630 b) Those units that meet the above criteria are budget units.
2631
- 2632 c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or
2633 operator of a budget unit subject to the requirements of subsection (a) of this
2634 Section may elect low-emitter status by obtaining a permit with federally
2635 enforceable conditions that meet the requirements of Section 217.472(a). Starting
2636 with the effective date of such permit, the unit shall be subject only to the
2637 requirements of Section 217.472.
2638
- 2639 d) The owner or operator of any budget unit not listed in Appendix E of this Part but
2640 subject to this Subpart shall not receive an allocation of NO_x allowances from the
2641 Subpart U or Subpart W NO_x Trading Budget, except for any allowance from the
2642 new source set-aside in accordance with Section 217.468 of this Subpart. Such
2643 unit must acquire NO_x allowances in an amount not less than the NO_x emissions
2644 from such budget unit during the control period (rounded to the nearest whole
2645 ton) in accordance with the federal NO_x Trading Program, Subpart X of this Part
2646 or pursuant to a permanent transfer of NO_x allocations pursuant to Section
2647 217.462(b) of this Subpart.
2648
- 2649 e) Notwithstanding any other provisions of this Subpart, a source and units at the
2650 source subject to the provisions of subsection (a) of this Section will become
2651 subject to this Subpart on *the first day of the control season subsequent to the*
2652 *calendar year in which all of the other states subject to the provisions of the NO_x*
2653 *SIP Call (63 Fed. Reg. 57355 (October 27, 1998)) that are located in USEPA*
2654 *Region V or are that contiguous to Illinois have adopted regulations to implement*
2655 *NO_x trading programs and other required reductions of NO_x emissions pursuant*
2656 *to the NO_x SIP Call, and such regulations have received final approval by USEPA*
2657 *as part of the respective states' SIPs for ozone, or a final FIP for ozone*
2658 *promulgated by USEPA is effective. [415 ILCS 5/9.9(f)]*
2659

2660 (Source: Amended at 35 Ill. Reg. 16600, effective September 27, 2011)
2661

2662 **Section 217.456 Compliance Requirements**

2663
2664 All budget units subject to the requirements of this Subpart must comply with the following:
2665

- 2666 a) The requirements of this Subpart and 40 CFR 96, excluding 40 CFR 96.4(b),
2667 96.55(c) and subparts C, E, and I, as incorporated by reference in Section 217.104

2668 of this Part. To the extent that this Subpart contains provisions which are
2669 inconsistent with any provisions of 40 CFR 96, the owner or operator of budget
2670 units subject to this Subpart shall comply with the provisions of this Subpart in
2671 lieu of those provisions which were incorporated by reference.

2672

2673 b) Budget permit requirements:

2674

2675 1) The owner or operator of each source with one or more budget units at the
2676 source subject to this Subpart must submit a complete permit application
2677 for a budget permit in accordance with the provisions of Section
2678 217.458(a)(4), (a)(5) or (a)(6), as applicable, to be issued by the Agency
2679 with federally enforceable conditions covering the NO_x Trading Program
2680 (budget permit), and that complies with the requirements of Section
2681 217.458 of this Subpart.

2682

2683 2) The owner or operator of one or more budget units subject to this Subpart
2684 must operate each such budget unit in compliance with such budget permit
2685 or complete budget permit application, as applicable.

2686

2687 3) The owner or operator of one or more budget units subject to this Subpart,
2688 at the time of filing an application for a permit under this Section, must
2689 submit a complete application for either a permit incorporating a source-
2690 wide overdraft account (as such term is defined in 40 CFR 96.2), or a
2691 permit incorporating unit specific compliance accounts for each budget
2692 unit at the source subject to this Subpart. Such election shall be at the sole
2693 discretion of the owner or operator of the source and the Agency shall
2694 incorporate such election into a permit issued to the source pursuant to this
2695 Subpart.

2696

2697 c) Monitoring requirements:

2698

2699 1) For budget units subject to the requirements of this Subpart, and which
2700 commence operation on and after January 1, 2000, the owner or operator
2701 of each such budget unit at the source must comply with the monitoring
2702 requirements of 40 CFR 96, subpart H. The account representative of
2703 each such budget unit at the source shall comply with those sections of the
2704 monitoring requirements of 40 CFR 96, subpart H, applicable to an
2705 account representative.

2706

2707 2) The compliance of each budget unit subject to the requirements of
2708 subsection (c)(1) or subsection (c)(3)(A) of this Section with the control
2709 period NO_x emissions limitation under subsection (d) of this Section shall
2710 be determined by the emissions measurements recorded and reported in
2711 accordance with 40 CFR 96, subpart H.

2712

2713 3) For budget units which commenced operation prior to January 1, 2000:

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- 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

- 2760 source subject to this Subpart for each control period shall constitute a
2761 separate violation of this Subpart and the Act.
2762
- 2763 4) In order to comply with the requirements of subsection (d)(1) of this
2764 Section, an allowance may not be utilized for a control period in a year
2765 prior to the year for which the allowance was allocated.
2766
- 2767 5) An allowance allocated by the Agency or USEPA under the NO_x Trading
2768 Program is a limited authorization to emit one ton of NO_x. No provision
2769 of the NO_x Trading Program, any permit issued or permit application
2770 submitted pursuant to this Subpart, or an exemption under 40 CFR 96.5
2771 and no provision of law shall be construed to limit the authority of the
2772 United States or the State to terminate or limit this authorization.
2773
- 2774 6) An allowance allocated by the Agency or USEPA under the NO_x Trading
2775 Program or pursuant to this Subpart does not constitute a property right.
2776
- 2777 7) Upon recordation by USEPA under 40 CFR 96, subpart F or G, every
2778 allocation, transfer, or deduction of an allowance to or from a budget unit's
2779 compliance account or to or from the source's general or overdraft account
2780 where the budget unit is located is deemed to amend automatically and
2781 become a part of any budget permit of the budget unit. This automatic
2782 amendment of the budget permit shall occur by operation of law and will
2783 not require any further review.
2784
- 2785 e) Recordkeeping and reporting requirements:
2786
- 2787 1) Unless otherwise provided, the owner or operator of a source subject to
2788 the requirements of this Subpart must keep at the source each of the
2789 documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section
2790 for a period of 5 years from the date the document is created. This period
2791 may be extended for cause at any time prior to the end of 5 years in
2792 writing by the Agency or USEPA.
2793
- 2794 A) The account certificate of representation for the account
2795 representative for the source and each budget unit at the source
2796 subject to the requirements of this Subpart and all documents that
2797 demonstrate the truth of the statements in the account certificate of
2798 representation, in accordance with 40 CFR 96.13, provided that the
2799 certificate and such supporting documents must be retained on site
2800 at the source beyond such five-year period until such documents
2801 are superseded because of the submission of a new account
2802 certificate of representation changing the account representative.
2803
- 2804 B) All emissions monitoring information, in accordance with
2805 subsection (c) of this Section, provided that to the extent that 40

- 2806 CFR 96, subpart H, provides for a three-year period for
2807 recordkeeping, the three-year period shall apply.
2808
- 2809 C) Copies of all reports and other submissions and all records made or
2810 required under this Subpart or documents necessary to demonstrate
2811 compliance with the requirements of this Subpart.
2812
- 2813 D) Copies of all documents and any other submission under this
2814 Subpart.
2815
- 2816 2) The account representative of a source and each budget unit at the source
2817 subject to the requirements of this Subpart must submit to the Agency and
2818 USEPA the reports required under this Subpart, including those under 40
2819 CFR 96, subpart H.
2820
- 2821 f) Liability:
2822
- 2823 1) No revision of a budget permit shall excuse any violation of the
2824 requirements of the NO_x Trading Program or this Subpart that occurs prior
2825 to the date that the revision under such budget permit takes effect.
2826
- 2827 2) Each budget source and each budget unit at the source shall meet the
2828 requirements of the NO_x Trading Program.
2829
- 2830 3) Any provision of this Subpart or the NO_x Trading Program that applies to
2831 a source subject to the requirements of this Subpart (including a provision
2832 applicable to the account representative of the source) shall also apply to
2833 the owner and operator of such source and to the owner and operator of
2834 the budget units subject to the requirements of this Subpart at the source.
2835
- 2836 4) Any provision of this Subpart or the NO_x Trading Program that applies to
2837 a budget unit subject to the requirements of this Subpart (including a
2838 provision applicable to the account representative of such budget unit)
2839 shall also apply to the owner and operator of such budget unit. Except
2840 with regard to the requirements applicable to budget units with a common
2841 stack under 40 CFR 96, subpart H, the owner and operator and the account
2842 representative of one budget unit shall not be liable for any violation by
2843 any other budget unit of which they are not an owner or operator or the
2844 account representative and that is located at a source of which they are not
2845 an owner or operator or the account representative.
2846
- 2847 5) Excess emissions requirements: The account representative of a source
2848 that has excess emissions in any control period shall surrender the
2849 allowances as required for deduction under 40 CFR 96.54(d)(1).
2850
- 2851 6) The owner or operator of a budget EGU that has excess emissions in any

2852 control period shall pay any fine, penalty, or assessment or comply with
2853 any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.
2854

2855 g) Effect on other authorities: No provision of this Subpart, the NO_x Trading
2856 Program, a budget permit application, a budget permit, or a retired budget unit
2857 exemption under 40 CFR 96.5 shall be construed as exempting or excluding the
2858 owner or operator and, to the extent applicable, the account representative of a
2859 source or budget unit from compliance with any other regulations promulgated
2860 under the CAA, the Act, an approved State implementation plan, or a federally
2861 enforceable permit.
2862

2863 (Source: Amended at 35 Ill. Reg. 16600, effective September 27, 2011)
2864

2865 **Section 217.458 Permitting Requirements**
2866

2867 a) Budget permit requirements:
2868

2869 1) The owner or operator of each source with one or more budget units
2870 subject to this Subpart is required to timely submit, in accordance with
2871 subsection (a)(4), (a)(5), or (a)(6) of this Section, as applicable, a complete
2872 permit application addressing all requirements of this Subpart applicable
2873 to such budget units.
2874

2875 2) Each budget permit (including a draft or proposed budget permit, if
2876 applicable) shall contain federally enforceable conditions addressing all
2877 applicable requirements of the NO_x Trading Program and requirements of
2878 this Subpart and shall be a complete and segregable portion of the source's
2879 entire permit.
2880

2881 3) No budget permit will be issued, and no NO_x allowance account will be
2882 established for any budget unit subject to this Subpart, until the Agency
2883 and USEPA have received a complete account certificate of representation
2884 under 40 CFR 96, subpart B, for an account representative of the source
2885 and each budget unit at the source subject to this Subpart.
2886

2887 4) For any budget unit subject to this Subpart that commenced operation
2888 before November 1, 2003, and for which a CAAPP permit is not required
2889 pursuant to Section 39.5 of the Act, the owner or operator of such budget
2890 unit must submit a budget permit application meeting the requirements of
2891 this Subpart on or before November 1, 2003.
2892

2893 5) For any budget unit subject to this Subpart that commenced operation
2894 before August 1, 2003, and for which a CAAPP permit is required
2895 pursuant to Section 39.5 of the Act, the owner or operator of such budget
2896 unit must submit a budget permit application meeting the requirements of
2897 this Subpart on or before August 1, 2003.

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- 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

2944 permit.

2945

2946 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

2947

2948 **Section 217.460 Subpart U NO_x Trading Budget**

2949

2950 a) The initial NO_x allowances available for allocation for each control period (the
2951 Subpart U NO_x trading budget) for budget units subject to the provisions of this
2952 Subpart shall be 4,882 tons per control period, subject to adjustment in
2953 accordance with subsections (b), (c) and (d) of this Section, and subject to the new
2954 source set-aside for budget units subject to this Subpart, as set forth in Sections
2955 217.462 and 217.464 of this Subpart. The Subpart U NO_x Trading Budget shall
2956 be initially allocated as set forth in Appendix E of this Part.

2957

2958 b) The Agency may adjust the Subpart U NO_x Trading Budget available for
2959 allocations in subsection (a) of this Section by adding allowances for budget units
2960 subject to this Subpart opting to become subject to this Subpart pursuant to the
2961 requirements for opt-in units in Sections 217.474 and 217.476 of this Subpart.

2962

2963 c) The Agency shall adjust the Subpart U NO_x Trading Budget available for
2964 allocations in subsection (a) of this Section to remove allowances from units
2965 opting to become exempt pursuant to the requirements for low-emitters in
2966 Sections 217.454(c) and 217.472 of this Subpart.

2967

2968 d) Except as set forth in subsection (e) of this Section, if USEPA adjusts the base
2969 Subpart U NO_x Trading Budget of 4,882 allowances, the Agency will adjust the
2970 Subpart U NO_x Trading Budget pro-rata.

2971

2972 e) If USEPA adjusts the Subpart U NO_x Trading Budget as to any individual budget
2973 unit, the Subpart U NO_x Trading Budget shall not be adjusted pro-rata, and only
2974 the allowance allocation for that budget unit will be adjusted.

2975

2976 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

2977

2978 **Section 217.462 Methodology for Obtaining NO_x Allocations**

2979

2980 a) Appendix E of this Part identifies the sources with existing budget units subject to
2981 this subpart and the number of NO_x allowances allocations that each such budget
2982 unit is eligible to receive each control period, subject to adjustment in accordance
2983 with Section 217.460 of this Subpart and for transfers made in accordance with
2984 subsection (b) of this section. Each named budget unit's allocation will be
2985 adjusted proportionally based on the adjusted Subpart U NO_x Trading Budget as
2986 provided by Section 217.460 of this Subpart.

2987

2988 b) The owner or operator of budget units subject to this Subpart may permanently
2989 transfer all or part of their allocation of allowances pursuant to Column 5 of

2990 Appendix E of this Part, subject to adjustment in accordance with this Subpart, to
2991 another budget unit subject to this Subpart, or to a budget unit subject to Subpart
2992 W of this Part. Such transfer will be effective by submitting a written request to
2993 the Agency that is signed by the account representative for the transferring budget
2994 unit and containing the account number for the recipient budget unit. The owner
2995 or operator of budget units subject to this Subpart may not permanently transfer
2996 all or part of the new source set aside indicated as the difference between Column
2997 4 and Column 5 of Appendix E of this Part.

2998
2999 c) Subject to adjustment in accordance with this Subpart, or revocation or revision of
3000 the federal NO_x Trading Program or this Subpart, allocations pursuant to
3001 Appendix E of this Part exist for the life of the program, including all or a portion
3002 of any allocation transferred to another budget unit pursuant to the provisions of
3003 this Subpart.

3004
3005 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)
3006

3007 **Section 217.464 Methodology for Determining NO_x Allowances from the New Source Set-**
3008 **Aside**

3009
3010 a) The methodology for calculating the allowances available to be allocated to new
3011 budget units subject to this Subpart from the new source set-aside is based on the
3012 more stringent emission rate of 0.15 lbs/mmbtu or the permitted NO_x emission
3013 rate, but not less than 0.055 lbs/mmbtu.

3014
3015 b) The general equation for determining allowances is:

3016
3017
$$A = HI \times ER \div 2000$$

3018
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.

3019
3020 c) The projected heat input shall be determined as set forth below, divided by 2000
3021 lbs/ton:

3022
3023 1) For "new" budget units subject to this Subpart that have seasonal heat
3024 input from at least 3 control periods prior to the allocation year, the
3025 average of the budget unit's 2 highest seasonal heat inputs from the control
3026 periods 1 to 3 years prior to the allocation year;

3027
3028 2) For "new" budget units subject to this Subpart that have seasonal heat
3029 input from only 2 control periods prior to the allocation year, the average

3030 of the budget unit's seasonal heat inputs from the control periods 1 and 2
3031 years prior to the allocation year;

- 3032
- 3033 3) For "new" budget units subject to this Subpart that have seasonal heat
3034 input from only the control period prior to the allocation year, the heat
3035 input from that control period; or
- 3036
- 3037 4) For "new" budget units subject to this Subpart that have not operated for at
3038 least 77 days of the control period prior to the allocation year, the budget
3039 unit's maximum design heat input for the control period as designated in
3040 the construction permit.

3041
3042 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

3043
3044 **Section 217.466 NO_x Allocations Procedure for Subpart U Budget Units**

3045
3046 For each control period, the Agency will allocate the total number of NO_x allowances in the
3047 Subpart U NO_x Trading Budget apportioned to budget units under Section 217.460 of this
3048 Subpart, subject to adjustment as provided in this Subpart. These allocations will be issued as
3049 provided in subsections (a) and (b) of this Section, as follows:

- 3050
- 3051 a) The Agency will allocate to each budget unit that is listed in Appendix E of this
3052 Part the number of allowances listed in Column 5 of Appendix E of this Part for
3053 that budget unit for each 3-year period of the program. The Agency will report
3054 these allocations to USEPA by March 1 of 2004, and triennially thereafter.
- 3055
- 3056 b) The Agency will allocate allowances from the new source set-aside to "new"
3057 budget units as set forth in Section 217.468 of this Subpart.
- 3058
- 3059 c) The Agency will report allocations from the new source set-aside to USEPA by
3060 April 1 of each year for the following year.
- 3061
- 3062 d) To the extent that allowances remain in the new source set-aside after any
3063 allocation pursuant to subsection (b) of this Section, the Agency shall allocate any
3064 such remaining allowances pro-rata to the owner or operator of the budget units
3065 listed in Appendix E of this Part to the extent a whole allowance may be allocated
3066 to any such owner or operator. The Agency will make such allocation by April 15
3067 of each year. If there are insufficient allowances to allocate a whole allowance to
3068 any such owner or operator of a budget unit listed in Appendix E of this Part, such
3069 allowances shall be retained by the Agency in the new source set-aside. Any such
3070 allowances retained in the new source set-aside shall be accumulated in the new
3071 source set-aside and may either:
- 3072
- 3073 1) Be available for allocation to new budget units for future control periods,
3074 subject to the provisions of Section 217.468 of this Subpart; or
- 3075

3076 2) If, after any annual allocation to new budget units, there are sufficient
3077 allowances accumulated in the new source set-aside to allocate one or
3078 more whole allowances to the owner or operator of existing budget units
3079 listed in Appendix E of this Part on a pro-rata basis, such accumulated
3080 whole allowances shall be allocated pro-rata to such owner or operators.
3081

3082 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)
3083

3084 **Section 217.468 New Source Set-Asides for "New" Budget Units**
3085

- 3086 a) For the 2004, 2005 and 2006 control periods, a "new" budget unit is one that
3087 commenced commercial operation on or after January 1, 2000. For the 2007 and
3088 later control periods, a "new" budget unit is one that commenced commercial
3089 operation no more than 3 control periods prior to the year the allocation is
3090 requested pursuant to this Section. Those units that commenced commercial
3091 operation on or after January 1, 2000, but before May 31, 2004, become
3092 "existing" budget units on October 1, 2004. Those units that commenced
3093 commercial operation on or after May 31, 2004, become "existing" budget units
3094 the end of the third control period after they commenced commercial operation.
3095
- 3096 b) "New" budget units must have an allowance for every ton of NO_x emitted during
3097 the control period as provided in Section 217.456(d) of this Subpart.
3098
- 3099 c) The Agency will establish a new source set-aside for each control period from
3100 which "new" budget units may purchase NO_x allowances. Each new source set-
3101 aside will be allocated allowances equal to 3% of each source's initial total
3102 Subpart U NO_x Trading Budget allocation as reflected in Column 5 of Appendix
3103 E of this Part, which is 146 allowances, for each control period. The allocation
3104 for the new source set-aside from each source shall be based on 3% of the source's
3105 initial allocation, without regard to subsequent adjustment to any such source's
3106 current allocation, including permanent transfer of allowances to another source
3107 or revision of the Subpart U NO_x Trading Budget by USEPA.
3108
- 3109 d) A "new" budget unit may request to purchase from the Agency a number of
3110 allowances that is not more than the number of allowances for which it is eligible,
3111 as determined in Section 217.464 of this Subpart, and subject to the provisions of
3112 this Section.
3113
- 3114 e) The account representative of a "new" budget unit under subsection (a) of this
3115 Section may purchase allowances from the new source set-aside by submitting to
3116 the Agency a request, in writing or in a format specified by the Agency, to be
3117 allocated allowances for the current control period from the new source set-aside.
3118 The allocation request for each applicable control period must be submitted after
3119 the date on which the Agency issues a construction permit to the "new" budget
3120 unit and before February 1 of the control period for which the allocation is
3121 requested.

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- 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

- 3168 emissions reduction is made and the budget unit must be in compliance with any
3169 applicable State or federal emissions or emissions-related requirements.
3170
- 3171 b) The NO_x emission rate and heat input under subsections (c) through (e) of this
3172 Section shall be determined in accordance with 40 CFR 96, subpart H.
3173
- 3174 c) Each budget unit for which ERCs are requested under subsection (d) of this
3175 Section must have reduced its NO_x emission rate for each control period for
3176 which ERCs are requested by 30% or more below the actual NO_x emissions rate
3177 (lbs/mmbtu) for the first control period in which ERCs are requested.
3178
- 3179 d) The account representative of a budget unit that meets the requirements of
3180 subsections (a) through (c) of this Section may submit to the Agency a request for
3181 ERCs for the budget unit based on NO_x emission rate reductions made by the
3182 budget unit in control periods 2001, 2002 and 2003.
3183
- 3184 1) The number of ERCs that may be requested for any applicable control
3185 period shall be an amount equal to the budget unit's heat input for such
3186 control period multiplied by the difference between the budget unit's NO_x
3187 emission rate (meeting the requirements of subsection (c) of this Section
3188 for the applicable control period) and the budget unit's actual NO_x
3189 emission rate for the applicable control period, divided by 2000 lbs/ton,
3190 and rounded to the nearest ton;
3191
- 3192 2) Upon request of the account representative, the ERC allowance allocation
3193 for a particular budget unit may be deposited in the source's overdraft
3194 account rather than in the budget unit's compliance account; and
3195
- 3196 3) The early reduction request must be submitted by November 1 for
3197 reductions made in the previous control period in a format specified by the
3198 Agency.
3199
- 3200 e) In the event that the May 31, 2004 date for implementing the NO_x SIP Call is
3201 delayed, the early reduction request must be submitted in accordance with any
3202 rulemaking or guidance by USEPA on the distribution of the Compliance
3203 Supplement Pool under the NO_x SIP Call, 63 Fed. Reg. 57356 (October 27, 1998).
3204
- 3205 f) The Agency will allocate ERCs to the budget units meeting the requirements of
3206 subsections (a) through (c) of this Section and covered by ERC requests meeting
3207 the requirements of subsection (d) of this Section in accordance with the
3208 following procedures:
3209
- 3210 1) The Agency shall allocate no more than 2,427 ERCs over three years, as
3211 follows:
3212
- 3213 A) Not more than one-half of the total ERC allowances for reductions

- 3214 made in the control period in 2001;
3215
3216 B) Not less than one-half of the total ERC allowances for reductions
3217 made in the control period in 2002; and
3218
3219 C) If approved by USEPA, any ERC allowances not allocated
3220 pursuant to subsection (f)(1)(A) or (B) of this Section, for
3221 reductions made in the control period in 2003.
3222
3223 2) If the number of ERC allowances requested for a reduction achieved in
3224 any control period is less than or equal to the number of ERC allowances
3225 designated for that control period in subsection (f)(1) of this Section, the
3226 Agency will allocate one allowance for each accepted ERC request; and
3227
3228 3) If the number of ERC allowances requested for a reduction achieved in
3229 any control period is greater than the number of ERC allowances
3230 designated for that control period in subsection (f)(1) of this Section, the
3231 Agency will allocate allowances for accepted requests on a pro-rata basis.
3232
3233 g) By April 1, the Agency will notify the account representative submitting an ERC
3234 request for the subsequent control period of the number of ERC allowances that
3235 will be allocated to each budget unit for that control period.
3236
3237 h) By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by
3238 the Agency under this Section. USEPA will record such allocations to the extent
3239 that they are consistent with the requirements of this Section.
3240
3241 i) ERC allowances recorded under subsection (h) of this Section may be deducted
3242 under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part,
3243 for the control period in 2004 or such control periods as may be specified by
3244 USEPA. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any
3245 ERC allowances that are not deducted for compliance in accordance with 40 CFR
3246 96.54 for the control period in 2004 or such control periods as may be specified
3247 by USEPA.
3248
3249 j) ERC allowances are treated as banked allowances in 2004 for the purposes of 40
3250 CFR 96.55(a) and (b).
3251

(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

3260 federally enforceable permit conditions must:

- 3261
- 3262 1) Restrict the unit to burning only natural gas, fuel oil, or natural gas and
- 3263 fuel oil;
- 3264
- 3265 2) Limit the unit's potential NO_x mass emissions for the control period to 25
- 3266 tons or less;
- 3267
- 3268 3) Restrict the unit's operating hours to the number calculated by dividing 25
- 3269 tons of potential NO_x mass emissions by the unit's maximum potential
- 3270 hourly NO_x mass emissions;
- 3271
- 3272 4) Require that the unit's potential NO_x mass emissions shall be calculated by
- 3273 using the monitoring provisions of 40 CFR 75, or if the unit does not rely
- 3274 on these monitoring provisions, as follows:
- 3275
- 3276 A) Select the applicable default NO_x emission rate: 0.7 lbs/mmbtu for
- 3277 combustion turbines burning natural gas exclusively during the
- 3278 control period; 1.2 lbs/mmbtu for combustion turbines burning any
- 3279 fuel oil during the control period; 1.5 lbs/mmbtu for boilers
- 3280 burning natural gas exclusively during the control period; or 2
- 3281 lbs/mmbtu for boilers burning any fuel oil during the control
- 3282 period.
- 3283
- 3284 B) Multiply the default NO_x emission rate under subsection (a)(4)(A)
- 3285 of this Section by the unit's maximum rated hourly heat input
- 3286 which is the higher of the manufacturer's maximum rated hourly
- 3287 heat input or the highest observed hourly heat input. The owner or
- 3288 operator of the unit may request in the permit application required
- 3289 by this subsection that the Agency use a lower value for the unit's
- 3290 maximum rated hourly heat input. The Agency may approve such
- 3291 lower value if the owner or operator demonstrates that the
- 3292 maximum hourly heat input specified by the manufacturer or the
- 3293 highest observed hourly heat input, or both, are not representative.
- 3294 The owner or operator must demonstrate that such lower value is
- 3295 representative of the unit's current capabilities because
- 3296 modifications have been made to the unit that permanently limit
- 3297 the unit's capacity;
- 3298
- 3299 5) Require that for 5 years at the source that includes the unit, records
- 3300 demonstrating that the operating hours restriction, the fuel use restriction
- 3301 and the other requirements of the permit related to these restrictions were
- 3302 met; and
- 3303
- 3304 6) Require that the owner or operator of the unit report to the Agency for
- 3305 each control period the unit's hours of operation (treating any partial hour

3306 of operation as a whole hour of operation), heat input and fuel use by type.
3307 This report shall be submitted by November 1 of each year the unit elects
3308 low-emitter status.
3309

3310 b) The Agency will notify the USEPA in writing of each unit electing low-emitter
3311 status pursuant to the requirements of subsection (a) of this Section and when any
3312 of the following occurs:
3313

3314 1) The permit with federally enforceable conditions that includes the
3315 restrictions in subsection (a) of this Section is issued by the Agency;
3316

3317 2) Such permit is revised to remove any such restriction;
3318

3319 3) Such permit includes any such restriction that is no longer applicable; or
3320

3321 4) The unit does not comply with any such restriction.
3322

3323 c) The unit shall become subject to the requirements of this Subpart if, for any
3324 control period under this Section, the fuel use restriction or the operating hours
3325 restriction under subsection (a) of this Section is removed from the unit's permit
3326 or otherwise is no longer applicable, or the unit does not comply with the fuel use
3327 restriction or the operating hours restriction under subsection (a) of this Section.
3328 Such unit shall be treated as commencing operation on September 30 of the
3329 control period for which the fuel use restriction or the operating hours restriction
3330 is no longer applicable or during which the unit does not comply with the fuel use
3331 restriction or the operating hours restriction.
3332

3333 d) The owner or operator of a unit to which the Agency has ever allocated
3334 allowances under Appendix E of this Part may elect low-emitter status. In that
3335 case, the Agency will reduce the Subpart U NO_x budget by the number of
3336 allowances equal to the amount of NO_x emissions the unit is permitted to emit
3337 during the control period, pursuant to a federally enforceable condition in the
3338 unit's permit. The owner or operator of a unit electing low-emitter status may
3339 demonstrate that it holds sufficient allowances to cover the unit's NO_x emissions
3340 by offsetting the emissions from such unit, not to exceed its permitted emission
3341 limit as included in its federally enforceable permit, with allowances issued for
3342 voluntary NO_x reductions meeting the requirements of Subpart X of this Part.
3343 The Agency will not reduce the Subpart U NO_x budget by the allowances issued
3344 for NO_x reductions obtained in accordance with Subpart X of this Part.
3345

3346 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)
3347

3348 **Section 217.474 Opt-In Units**
3349

3350 a) Any operating fossil fuel-fired stationary boiler, combustion turbine, combined
3351 cycle system, cement kiln or stationary internal combustion engine in the State

- 3352 may qualify under this Subpart to become an opt-in budget unit if it:
3353
3354 1) Is not a budget EGU under Subpart W of this Part;
3355
3356 2) Vents all of its emissions to a stack;
3357
3358 3) Has documented heat input for more than 876 hours in the six months
3359 immediately preceding the submission of an application for an initial
3360 budget permit under subsection (d) of this Section;
3361
3362 4) Is not covered by a retired unit exemption under 40 CFR 96.5; and
3363
3364 5) Is not covered by the low-emitter exemption under Section 217.454(c) of
3365 this Subpart.
3366
3367 b) Except as otherwise provided in this Subpart, an opt-in budget unit shall be
3368 treated as a budget unit for purposes of applying this Subpart and 40 CFR 96.
3369
3370 c) Authorized Account Representative:
3371
3372 1) If an opt-in unit is located at the same source as one or more budget units,
3373 it shall have the same account representative as those budget units.
3374
3375 2) If the opt-in unit is not located at the same source as one or more budget
3376 units, the owner or operator of the opt-in unit shall submit a complete
3377 account certificate of representation under 40 CFR 96.13.
3378
3379 d) To apply for a budget permit, the account representative of a unit meeting the
3380 qualifications of subsection (a) of this Section must, except as provided under
3381 Section 217.478(f) of this Subpart, submit to the Agency:
3382
3383 1) A budget permit application for the unit that:
3384
3385 A) Meets the requirements under Section 217.458 of this Subpart; and
3386
3387 B) Contains provisions for a change in the regulatory status of the unit
3388 to an opt-in budget unit under Section 217.454 of this Subpart
3389 pursuant to the provisions of Section 217.480(b) of this Subpart.
3390
3391 2) A monitoring plan for the unit in accordance with 40 CFR 96, subpart H.
3392

3393 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)
3394

3395 **Section 217.476 Opt-In Process**
3396

3397 The Agency will issue or deny a budget permit for an opt-in unit in accordance with Section

3398 217.458 of this Subpart and the following:

3399

3400 a) The Agency will determine, on an interim basis, the sufficiency of the monitoring
3401 plan accompanying the initial application for a budget permit for an opt-in unit.

3402 A monitoring plan is sufficient, for purposes of interim review, if the plan
3403 contains information demonstrating that the NO_x emission rate and heat input of
3404 the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A
3405 determination of sufficiency shall not be construed as acceptance or approval of
3406 that unit's monitoring plan.

3407

3408 b) If the Agency determines that the unit's monitoring plan is sufficient under
3409 subsection (a) of this Section and after completion of the monitoring system
3410 certification under 40 CFR 96, subpart H, the NO_x emission rate and the heat
3411 input of the unit shall be monitored and reported in accordance with 40 CFR 96,
3412 subpart H, for one full control period during which the monitoring system
3413 availability is not less than 90% and during which the unit is in full compliance
3414 with any applicable State or federal emissions or emissions-related requirements.

3415

3416 c) Based on the information monitored and reported under subsection (b) of this
3417 Section, the unit's baseline heat rate shall be calculated as the unit's total heat
3418 input (in mmbtu) for the control period, and the unit's baseline NO_x emission rate
3419 shall be calculated as the unit's total NO_x emissions (in lbs) for the control period
3420 divided by the unit's baseline heat rate.

3421

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

3422

3423
3424 **Section 217.478 Opt-In Budget Units: Withdrawal from the NO_x Trading Program**

3425

3426 a) Requesting withdrawal: To withdraw from the NO_x Trading Program, the
3427 account representative of an opt-in budget unit shall submit to the Agency a
3428 request to withdraw from the NO_x Trading Program and to withdraw the budget
3429 permit effective as of a specified date between (and not including) September 30
3430 and May 1. The submission shall be made no later than 90 days prior to the
3431 requested effective date of withdrawal.

3432

3433 b) Conditions for withdrawal: Before an opt-in budget unit may withdraw from the
3434 NO_x Trading Program and the budget permit may be withdrawn under this
3435 Section, the following conditions must be met:

3436

3437 1) For the control period immediately before the withdrawal is to be
3438 effective, the account representative must submit to the Agency an annual
3439 compliance certification report in accordance with 40 CFR 96.30.

3440

3441 2) If the opt-in budget unit has excess emissions for the control period
3442 immediately before the withdrawal is to be effective, USEPA has
3443 deducted from the opt-in budget unit's compliance account, or the

3444 overdraft account of the NO_x budget source where the opt-in budget unit is
3445 located, the number of allowances required in accordance with 40 CFR
3446 96.54(d) for the control period.

3447
3448 3) After the requirements for withdrawal under subsections (b)(1) and (2) of
3449 this Section are met, USEPA will deduct from the opt-in unit's compliance
3450 account, or the overdraft account of the budget source where the opt-in
3451 budget unit is located, allowances equal in number to any allowances
3452 allocated to that unit under Section 217.782 of this Subpart for the control
3453 period for which the withdrawal is to be effective and earlier control
3454 periods. USEPA will close the opt-in budget unit's compliance account
3455 and will establish, and transfer any remaining allowances to, a new
3456 general account for the owners and operators of the opt-in unit. The
3457 account representative for the opt-in budget unit shall become the account
3458 representative for the general account.

3459
3460 c) An opt-in budget unit that withdraws from the Subpart U NO_x Trading Program
3461 shall comply with all requirements under the NO_x Trading Program concerning all
3462 years for which such opt-in budget unit was an opt-in budget unit, even if such
3463 requirements arise or must be complied with after the withdrawal takes effect.

3464
3465 d) Notification:

3466
3467 1) After the requirements for withdrawal under subsections (a) and (b) of this
3468 Section are met (including deduction of the full amount of allowances
3469 required), the Agency will revise the budget permit indicating a specified
3470 effective date for the withdrawal that is after the requirements in
3471 subsections (a) and (b) of this Section have been met and that is prior to
3472 May 1 or after September 30.

3473
3474 2) If the requirements for withdrawal under subsections (a) and (b) of this
3475 Section are not met, the Agency will issue a notification to the owner or
3476 operator and the account representative of the opt-in budget unit that the
3477 opt-in unit's request to withdraw its budget permit is denied. If the opt-in
3478 budget unit's request to withdraw is denied, the opt-in budget unit shall
3479 remain subject to the requirements for an opt-in budget unit.

3480
3481 e) Reapplication upon failure to meet conditions of withdrawal: If the Agency
3482 denies the opt-in budget unit's request to withdraw, the account representative of
3483 the opt-in budget unit may submit another request to withdraw in accordance with
3484 subsections (a) and (b) of this Section.

3485
3486 f) Ability to return to the NO_x Trading Program: Once an opt-in unit withdraws
3487 from the NO_x Trading Program and its budget permit is withdrawn under this
3488 Section, the account representative may not submit another application for a
3489 budget permit under Section 217.474(d) of this Subpart for the unit prior to the

3490 date that is four years after the date on which the budget permit with opt-in
3491 conditions is withdrawn.

3492

3493 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

3494

3495 **Section 217.480 Opt-In Units: Change in Regulatory Status**

3496

3497 a) Notification: When an opt-in unit becomes an opt-in budget unit under Section
3498 217.476 of this Subpart, the owner or operator shall notify the Agency and
3499 USEPA in writing of such change in the opt-in unit's regulatory status within 30
3500 days of such change.

3501

3502 b) Any permit application that provides for a change in the regulatory status of a unit
3503 to an opt-in budget unit pursuant to Section 217.474(d)(1)(B) of this Subpart and
3504 included in a budget permit, is effective on the date on which such opt-in unit
3505 becomes an opt-in budget unit under Section 217.454 of this Subpart.

3506

3507 c) USEPA's action:

3508

3509 1) USEPA will deduct from the compliance account for the opt-in budget
3510 unit under this Section, or the overdraft account of the budget source
3511 where the opt-in budget unit is located, allowances equal in number to and
3512 allocated for the same or a prior control period as:

3513

3514 A) Any allowances allocated to the budget unit (as an opt-in unit)
3515 under Section 217.482 of this Subpart for any control period after
3516 the last control period during which the unit's budget permit was
3517 effective; and

3518

3519 B) If the effective date of any budget permit under subsection (b) of
3520 this Section is during a control period, the allowances allocated to
3521 the opt-in budget unit (as an opt-in unit) under Section 217.482 of
3522 this Subpart for the control period multiplied by the ratio of the
3523 number of days in the control period, starting with the effective
3524 date of the budget permit under subsection (b) of this Section,
3525 divided by the total number of days in the control period.

3526

3527 2) The account representative shall ensure that the compliance account of the
3528 opt-in budget unit under subsection (b) of this Section, or the overdraft
3529 account of the budget source where the opt-in budget unit is located,
3530 contains the allowances necessary for completion of the deduction under
3531 subsection (c)(1) of this Section. If the compliance account or overdraft
3532 account does not contain sufficient allowances, USEPA will deduct the
3533 required number of allowances, regardless of the control period for which
3534 they were allocated, whenever allowances are recorded in either account.

3535

3536 3) For every control period during which any budget permit under subsection
3537 (b) of this Section is effective, the opt-in budget unit under subsection (b)
3538 of this Section will be treated, solely for purposes of allowance allocations
3539 under Section 217.466 or 217.468 of this Subpart, as a unit that
3540 commenced operation on the effective date of the budget permit under
3541 subsection (b) of this Section and will be allocated allowances in
3542 accordance with Section 217.466 or 217.468 of this Subpart.
3543

3544 4) Notwithstanding subsection (c)(2) of this Section, if the effective date of
3545 any budget permit under subsection (b) of this Section is during a control
3546 period, the following number of allowances will be allocated to the opt-in
3547 budget unit for the control period: the number of allowances otherwise
3548 allocated to the opt-in budget unit under Section 217.466 or 217.468 of
3549 this Subpart for the control period multiplied by the ratio of the number of
3550 days in the control period, starting with the effective date of the budget
3551 permit under subsection (b) of this Section, divided by the total number of
3552 days in the control period.
3553

3554 d) When the owner or operator of an opt-in unit does not renew the budget permit
3555 for the opt-in budget unit issued pursuant to Section 217.474(d), USEPA will
3556 deduct from the opt-in budget unit's compliance account, or the overdraft account
3557 of the budget source where the opt-in budget unit is located, allowances equal in
3558 number to and allocated for the same or a prior control period as any allowances
3559 allocated to the opt-in budget unit under Section 217.482 of this Subpart for any
3560 control period after the last control period for which the budget permit is
3561 effective. The account representative shall ensure that the opt-in budget unit's
3562 compliance account or the overdraft account of the budget source where the opt-in
3563 budget unit is located contains the allowances necessary for completion of such
3564 deduction. If the compliance account or overdraft account does not contain
3565 sufficient allowances, USEPA will deduct the required number of allowances,
3566 regardless of the control period for which they were allocated, whenever
3567 allowances are recorded in either account.
3568

3569 e) After the deduction under subsection (d) of this Section is completed, USEPA
3570 will close the opt-in unit's compliance account. If any allowances remain in the
3571 compliance account after completion of such deduction and any deduction under
3572 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will
3573 establish, and transfer any remaining allowances to, a new general account for the
3574 owner or operator of the opt-in unit. The account representative for the opt-in
3575 unit shall become the account representative for the general account.
3576

3577 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)
3578

3579 **Section 217.482 Allowance Allocations to Opt-In Budget Units**
3580

3581 a) Allowance allocations:

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- 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

3628 a) The standard for nitrogen oxides of Section 217.121(d) does not apply when solid
3629 fossil fuel containing 25 percent by weight or more of coal refuse is burned in
3630 Southern Illinois Power Cooperative's Unit No. 4 at its Lake of Egypt Power
3631 Plant.

3632
3633 b) The standard for nitrogen oxides of Section 217.121(e) does not apply when solid
3634 fossil fuel containing 25 percent by weight or more of coal refuse is burned in
3635 combination with gaseous, liquid or other solid fossil fuel in Southern Illinois
3636 Power Cooperative's Unit No. 4 at its Lake of Egypt Power Plant.

3637
3638 (Source: Amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978)

3639
3640 **Section 217.700 Purpose**

3641
3642 The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) from electrical
3643 generating units (EGUs) during the ozone control period (for purposes of Subpart V, the ozone
3644 control period is May 1 through September 30 of each year, beginning in 2003), by limiting the
3645 emissions of NO_x from EGUs to no more than 0.25 lbs/mmbtu of actual heat input during each
3646 ozone control period.

3647
3648 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

3649
3650 **Section 217.702 Severability**

3651
3652 If any section, subsection or clause of this Subpart is found invalid, such finding shall not affect
3653 the validity of this Subpart as a whole or any Section, subsection or clause not found invalid.

3654
3655 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

3656
3657 **Section 217.704 Applicability**

3658
3659 The following fossil fuel-fired stationary boilers, combustion turbines or combined cycle systems
3660 are electrical generating units (EGUs) and shall be subject to this Subpart on and after May 1,
3661 2003:

3662
3663 a) Any unit serving a generator that has a nameplate capacity greater than 25 MWe
3664 and produces electricity for sale, excluding those units listed in Appendix D of
3665 this Part and any new unit at a source listed in Appendix D of this Part.

3666
3667 b) Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that
3668 commences operation on or after January 1, 1999, serving at any time a generator
3669 that has a nameplate capacity of 25 MWe or less and has the potential to use more
3670 than 50% of the potential electrical output capacity of the unit. Fifty percent of a
3671 unit's potential electrical output capacity shall be determined by multiplying the
3672 unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the
3673 generator is greater than this calculated number, the unit is an EGU subject to the

3674 provisions of this Subpart.

3675

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

3677

3678 **Section 217.706 Emission Limitations**

3679

3680 a) On or after May 1, 2003, no owner or operator subject to this Subpart shall cause
 3681 or allow the emissions of NO_x into the atmosphere from any EGU to exceed 0.25
 3682 lbs/mmbtu of actual heat input during each ozone control period, based on a
 3683 control period average for that unit.

3684

3685 b) Notwithstanding the emission limitation in subsection (a) of this Section, any
 3686 EGU subject to a more stringent NO_x emission limitation pursuant to any State or
 3687 federal statute, including the Act, the Clean Air Act, or any regulations
 3688 promulgated thereunder, shall comply with both the requirements of this Subpart
 3689 and that more stringent emission limitation.

3690

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

3692

3693 **Section 217.708 NO_x Averaging**

3694

3695 a) Notwithstanding Section 217.706(a) of this Subpart, the owners or operators of
 3696 EGUs listed in Appendix F of this Part and the owner or operator of Soyland
 3697 Power may elect to demonstrate compliance with this Subpart by averaging for
 3698 the ozone control period the NO_x emission rates with any EGU listed in Appendix
 3699 F or any EGU at Soyland Power's Alosey Illinois facility that commenced
 3700 commercial operation on or before January 1, 2000.

3701

3702 b) The average NO_x emission rate for all EGUs being averaged pursuant to this
 3703 Section must not exceed 0.25 lbs/mmbtu and shall be determined as follows:

3704

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

3705

3706 Where:

3707

- ER_{avg} = 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,

n = number of EGUs that are averaging as specified in the NO_x averaging demonstration

- 3708
3709 c) Averaging under this Subpart must be authorized through federally enforceable
3710 permit conditions for such EGU.
3711
3712 d) An EGU may be included in only one NO_x averaging demonstration during an
3713 ozone control period.
3714
3715 e) Compliance by averaging for each ozone control period must be demonstrated by
3716 November 30 following each ozone control period.
3717
3718 f) If averaging is used to demonstrate compliance with this Subpart, the effect of a
3719 failure to demonstrate such compliance shall be that the compliance status of each
3720 EGU shall be determined pursuant to Section 217.706(a) as if the NO_x emission
3721 rates of such EGUs were not averaged.
3722
3723 g) The owner or operator of any EGU that elects to participate in an averaging
3724 demonstration to demonstrate compliance with this Subpart cannot average with
3725 any other EGU for which the owner or operator of such EGU does not maintain
3726 the required records, data, and reports, or does not submit copies of such records,
3727 data, or reports to the Agency upon request.
3728

3729 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)
3730

3731 **Section 217.710 Monitoring**
3732

- 3733 a) The owner or operator of an EGU subject to this Subpart shall install, calibrate,
3734 maintain and operate continuous emissions monitoring systems (CEMS) for NO_x
3735 that meet the requirements of 40 CFR 75, subpart B.
3736
3737 b) Notwithstanding subsection (a), the owner or operator of a gas-fired peaking unit
3738 or oil-fired peaking unit as defined in 40 CFR 72.2 may determine NO_x emissions
3739 in accordance with the emissions estimation protocol of 40 CFR 75, subpart E.
3740
3741 c) Notwithstanding subsection (a), the owner or operator of a combustion turbine
3742 that operates less than 350 hour per ozone control period may determine the heat
3743 input and NO_x emissions of the turbine as follows:
3744
3745 1) Heat input shall be determined from the metered fuel usage to the turbine
3746 or the calculated heat input determined as the product of the turbine's
3747 maximum hourly heat input and hours of operation as recorded by
3748 operating instrumentation on the turbine;
3749
3750 2) NO_x emissions shall be determined as the product of the heat input, as
3751 determined above, and the appropriate default NO_x emission factors

3752 below:

3753

3754

0.7 lbs/mmbtu – Natural gas

3755

1.2 lbs/mmbtu – Fuel oil

3756

3757

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

3758

3759

Section 217.712 Reporting and Recordkeeping

3760

3761

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

3762

3763

- 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.

3764

3765

3766

3767

3768

- 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:

3769

3770

3771

3772

- 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

3773

3774

3775

3776

3777

- 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.

3778

3779

3780

3781

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

3782

3783

3784

"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."

3785

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3793

Signature

3794

Name

3795

Official Title

3796

Telephone No.

3797

3798 Date Signed

3799

3800 d) If demonstrating compliance through Section 217.706(a) of this Subpart, by
3801 November 30 of each year beginning in 2003, submit to the Agency a report that
3802 demonstrates each EGU has not exceeded a NO_x emission rate of 0.25 lbs/mmbtu
3803 during the ozone control period.

3804

3805 e) If demonstrating compliance through Section 217.708 of this Subpart, by
3806 November 30 of each year beginning in 2003, submit to the Agency a report that
3807 demonstrates the following:

3808

3809 1) For all EGUs participating in the averaging demonstration, the averaged
3810 ozone control period NO_x emission rate pursuant to the equation in
3811 Section 217.708(b) of this Subpart;

3812

3813 2) The average ozone control period NO_x emission rate of each EGU
3814 participating in the averaging demonstration; and

3815

3816 3) The information required to determine the averaged NO_x emission rate
3817 pursuant to Section 217.708(b) of this Subpart.

3818

3819 f) Keep and maintain, for 5 years, all records and data necessary to demonstrate
3820 compliance with the requirements of this Subpart, and upon request make such
3821 records and data available to Agency and USEPA representatives for inspection
3822 and copying during working hours.

3823

3824 g) Submit copies of any records and data required by this Section to the Agency
3825 within 30 days after receipt of a written request by the Agency.

3826

3827 (Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)

3828

3829 SUBPART W: NO_x TRADING PROGRAM FOR
3830 ELECTRICAL GENERATING UNITS

3831

3832 **Section 217.750 Purpose (Repealed)**

3833

3834 ~~The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) during the ozone~~
3835 ~~control period (May 1 through September 30 of each year, except that in 2004, "control period"~~
3836 ~~means May 31 through September 30) from electrical generating units (EGUs) by determining~~
3837 ~~source allocations and implementing the NO_x Trading Program pursuant to 40 CFR 96, as~~
3838 ~~authorized by Section 9.9 of the Act [415 ILCS 5/9.9].~~

3839

3840 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
3841 ~~Reg. 128, effective December 26, 2000)~~

3842

3843 **Section 217.751 Sunset Provisions (Repealed)**

3844
3845 ~~The provisions of this Subpart W shall not apply for any control period in 2009 or thereafter.~~
3846 ~~Noncompliance with the provisions of this Subpart that occurred prior to 2009 is subject to the~~
3847 ~~applicable provisions of this Subpart.~~

3848
3849 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 33 Ill.~~
3850 ~~Reg. 15754, effective November 2, 2009)~~

3851
3852 **Section 217.752 Severability (Repealed)**

3853
3854 ~~If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect~~
3855 ~~the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.~~

3856
3857 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____) (Source: Added at 25 Ill.~~
3858 ~~Reg. 128, effective December 26, 2000)~~

3859
3860 **Section 217.754 Applicability (Repealed)**

3861
3862 ~~a) The following fossil fuel fired stationary boilers, combustion turbines or~~
3863 ~~combined cycle systems are electrical generating units (EGUs) and are subject to~~
3864 ~~this Subpart:~~

3865
3866 ~~1) Any unit serving a generator that has a nameplate capacity greater than 25~~
3867 ~~MWe and produces electricity for sale, excluding those units listed in~~
3868 ~~Appendix D of this Part.~~

3869
3870 ~~2) Any unit with a maximum design heat input that is greater than 250~~
3871 ~~mmbtu/hr that commences operation on or after January 1, 1999, serving~~
3872 ~~at any time a generator that has a nameplate capacity of 25 MWe or less~~
3873 ~~and has the potential to use more than 50% of the potential electrical~~
3874 ~~output capacity of the unit. Fifty percent of a unit's potential electrical~~
3875 ~~output capacity shall be determined by multiplying the unit's maximum~~
3876 ~~design heat input by 0.0488 MWe/mmbtu. If the size of the generator is~~
3877 ~~greater than this calculated number, the unit is an EGU subject to the~~
3878 ~~provisions of this Subpart.~~

3879
3880 ~~b) Those units that meet the above criteria and are subject to the NOx Trading~~
3881 ~~Program emissions limitations contained in this Subpart are budget EGUs.~~

3882
3883 ~~c) Low emitter status: Notwithstanding subsection (a) of this Section, the owner or~~
3884 ~~operator of a budget EGU under subsection (a) of this Section may elect low-~~
3885 ~~emitter status by obtaining a permit with federally enforceable conditions meeting~~
3886 ~~the requirements of subsection (c)(1) of this Section. Starting with the effective~~
3887 ~~date of such permit, the EGU shall not be a budget EGU and shall be subject only~~
3888 ~~to the requirements of this subsection (c).~~

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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

3936 years, at the source that includes the EGU, records demonstrating
3937 that the operating hours restriction, the fuel use restriction, and the
3938 other requirements of the permit related to these restrictions were
3939 met; and

3940
3941 F) — Require that the owner or operator of the EGU report to the
3942 Agency the EGU's hours of operation (treating any partial hour of
3943 operation as a whole hour of operation), heat input, and fuel use by
3944 type during each control period. This report shall be submitted by
3945 November 1 of each year the EGU elects low-emitter status.

3946
3947 2) — The Agency will notify USEPA in writing of each EGU electing low-
3948 emitter status pursuant to the requirements of subsection (c)(1) of this
3949 Section and when any of the following occurs:

3950
3951 A) — The permit with federally enforceable conditions that includes the
3952 restrictions in subsection (c)(1) of this Section is issued by the
3953 Agency;

3954
3955 B) — Such permit is revised to remove any such restriction;

3956
3957 C) — Such permit includes any such restriction that is no longer
3958 applicable; or

3959
3960 D) — The EGU does not comply with any such restriction.

3961
3962 3) — The EGU shall become a budget EGU, subject to the requirements of this
3963 Subpart, if, for any control period under subsection (c) of this Section, the
3964 fuel use restriction or the operating hours restriction under subsection
3965 (c)(1) of this Section is removed from the EGU's permit or otherwise
3966 becomes no longer applicable, or the EGU does not comply with the fuel
3967 use restriction or the operating hours restriction under subsection (c)(1) of
3968 this Section. Such EGU shall be treated as commencing operation and, for
3969 a unit under subsection (a)(1) of this Section, commencing commercial
3970 operation, on September 30 of the year prior to the control period for
3971 which the fuel use restriction or the operating hours restriction is no longer
3972 applicable or during which the EGU does not comply with the fuel use
3973 restriction or the operating hours restriction.

3974
3975 4) — The owner or operator of an EGU to which the Agency has ever allocated
3976 allowances may elect low-emitter status. In that case, the Agency will
3977 reduce the EGU trading budget by the number of allowances
3978 corresponding to the amount of NO_x emissions the EGU is permitted to
3979 emit during the control period as set forth in the EGU's federally
3980 enforceable state operating permit.
3981

3982 ~~d) Notwithstanding the provisions in subsection (a) of this Section, sources may opt~~
3983 ~~in to the NO_x Trading Program and will receive allowance allocations consistent~~
3984 ~~with applicable requirements, if they meet the requirements for a budget opt in~~
3985 ~~unit pursuant to Sections 217.774 through 217.782 of this Part.~~

3986
3987 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
3988 ~~Reg. 128, effective December 26, 2000)~~

3989
3990 **Section 217.756 Compliance Requirements (Repealed)**

3991
3992 ~~All EGUs subject to the requirements of this Subpart must comply with the following:~~

3993
3994 ~~a) The requirements of this Subpart and 40 CFR 96 (excluding 40 CFR 96.4(b) and~~
3995 ~~96.55(c), and excluding 40 CFR 96, Subparts C, E, and I) as incorporated by~~
3996 ~~reference in Section 217.104 of this Part.~~

3997
3998 ~~b) Permit requirements:~~

3999
4000 ~~1) The owner or operator of each source with one or more budget EGUs at~~
4001 ~~the source must apply for a permit issued by the Agency with federally~~
4002 ~~enforceable conditions covering the NO_x Trading Program ("budget~~
4003 ~~permit") that complies with the requirements of Section 217.758 of this~~
4004 ~~Part.~~

4005
4006 ~~2) The owner or operator of each budget source and each budget EGU at the~~
4007 ~~source must operate the budget EGU in compliance with such budget~~
4008 ~~permit.~~

4009
4010 ~~c) Monitoring requirements:~~

4011
4012 ~~1) The owner or operator of each budget source and each budget EGU at the~~
4013 ~~source must comply with the monitoring requirements of 40 CFR 96,~~
4014 ~~subpart H. The account representative of each budget source and each~~
4015 ~~budget EGU at the source must comply with those sections of the~~
4016 ~~monitoring requirements of 40 CFR 96, subpart H, applicable to an~~
4017 ~~account representative.~~

4018
4019 ~~2) The compliance of each budget EGU with the budget emissions limitation~~
4020 ~~under subsection (d) of this Section shall be determined by the emissions~~
4021 ~~measurements recorded and reported in accordance with 40 CFR 96,~~
4022 ~~subpart H.~~

4023
4024 ~~d) NO_x requirements:~~

4025
4026 ~~1) By November 30 of each year, the allowance transfer deadline, the~~
4027 ~~account representative of each budget source and each budget EGU at the~~

4028 source shall hold allowances available for compliance deductions under 40
4029 CFR 96.54 in the budget EGU's compliance account or the source's
4030 overdraft account. The number of allowances held shall not be less than
4031 the budget EGU's total tons of NO_x emissions for the control period,
4032 rounded to the nearest whole ton, as determined in accordance with 40
4033 CFR 96, subpart H, plus any number necessary to account for actual
4034 utilization (e.g., for testing, start-up, malfunction, and shut down) under 40
4035 CFR 96.42(e) for the control period.

4036
4037 2) — Each ton of NO_x emitted in excess of the number of NO_x allowances held
4038 by the owner or operator for each budget EGU for each control period
4039 shall constitute a separate violation of this Part and the Act.

4040
4041 3) — A budget EGU shall be subject to the monitoring and NO_x requirements of
4042 subsections (c)(1) and (d)(1) of this Section starting on the later of May
4043 31, 2004, the date on which the EGU commences or the first day of the
4044 control season subsequent to the calendar year in which all of the other
4045 states subject to the provisions of the NO_x SIP Call (63 Fed. Reg. 57355
4046 (October 27, 1998)) that are located in USEPA Region V or that are
4047 contiguous to Illinois have adopted regulations to implement NO_x Trading
4048 Programs and other required reductions of NO_x emissions pursuant to the
4049 NO_x SIP Call, and such regulations have received final approval by
4050 USEPA as part of the respective states' SIPs for ozone, or a final FIP for
4051 ozone promulgated by USEPA is effective) [415 ILCS 5/9.9(f)].

4052
4053 4) — Allowances shall be held in, deducted from, or transferred among
4054 allowance accounts in accordance with this Subpart and 40 CFR 96,
4055 subparts F and G, and Sections 217.774 through 217.782 of this Part.

4056
4057 5) — In order to comply with the requirements of subsection (d)(1) of this
4058 Section, an allowance may not be utilized for a control period in a year
4059 prior to the year for which the allowance is allocated.

4060
4061 6) — An allowance allocated by the Agency or USEPA under the NO_x Trading
4062 Program is a limited authorization to emit one ton of NO_x in accordance
4063 with the NO_x Trading Program. No provision of the NO_x Trading
4064 Program, the budget permit application, the budget permit, or a retired unit
4065 exemption under 40 CFR 96.5, and no provision of law shall be construed
4066 to limit the authority of the United States or the State to terminate or limit
4067 this authorization.

4068
4069 7) — An allowance allocated by the Agency or USEPA under the NO_x Trading
4070 Program does not constitute a property right.

4071
4072 8) — Upon recordation by USEPA under 40 CFR 96, subpart F or G, or Section
4073 217.782 of this Part, every allocation, transfer, or deduction of an

4074 allowance to or from a budget EGU's compliance account or to or from the
4075 overdraft account of the budget source where the budget EGU is located is
4076 deemed to amend automatically, and become a part of, any budget permit
4077 of the budget EGU. This automatic amendment of the budget permit shall
4078 be deemed an operation of law and will not require any further review.
4079

4080 e) ~~Recordkeeping and reporting requirements:~~

4081
4082 1) ~~Unless otherwise provided, the owner or operator of the budget source and~~
4083 ~~each budget EGU at the source shall keep on site at the source each of the~~
4084 ~~documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section~~
4085 ~~for a period of five years from the date the document is created. This~~
4086 ~~period may be extended for cause, at any time prior to the end of five~~
4087 ~~years, in writing by the Agency or USEPA.~~

4088
4089 A) ~~The account certificate of representation of the account~~
4090 ~~representative for the source and each budget EGU at the source,~~
4091 ~~all documents that demonstrate the truth of the statements in the~~
4092 ~~account certificate of representation, in accordance with 40 CFR~~
4093 ~~96.13, provided that the certificate and documents must be retained~~
4094 ~~on site at the source beyond such five year period until such~~
4095 ~~documents are superseded because of the submission of a new~~
4096 ~~account certificate of representation changing the account~~
4097 ~~representative.~~

4098
4099 B) ~~All emissions monitoring information, in accordance with 40 CFR~~
4100 ~~96, subpart H, provided that to the extent that 40 CFR 96, subpart~~
4101 ~~H provides for a three year period for recordkeeping, the three-~~
4102 ~~year period shall apply.~~

4103
4104 C) ~~Copies of all reports, compliance certifications, and other~~
4105 ~~submissions and all records made or required under the NO_x~~
4106 ~~Trading Program or documents necessary to demonstrate~~
4107 ~~compliance with the requirements of the NO_x Trading Program or~~
4108 ~~with the requirements of this Subpart.~~

4109
4110 D) ~~Copies of all documents used to complete a budget permit~~
4111 ~~application and any other submission under the NO_x Trading~~
4112 ~~Program.~~

4113
4114 2) ~~The account representative of a budget source and each budget EGU at the~~
4115 ~~source must submit to the Agency and USEPA the reports and compliance~~
4116 ~~certifications required under the NO_x Trading Program, including those~~
4117 ~~under 40 CFR 96, subparts D and H, and Section 217.774 of this Part.~~

4118
4119 f) ~~Liability:~~

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- ~~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(e) 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~~

4166 application addressing all applicable NO_x Trading Program requirements
4167 for a permit meeting the requirements of this Section, applicable to each
4168 budget EGU at the source. Each budget permit (including any draft or
4169 proposed budget permit, if applicable) will contain elements required for a
4170 complete budget permit application under subsection (b)(2) of this
4171 Section.

4172
4173 2) — Each budget permit (including a draft or proposed budget permit, if
4174 applicable) shall contain federally enforceable conditions addressing all
4175 applicable NO_x Trading Program requirements and shall be a complete
4176 and segregable portion of the source's entire permit under subsection
4177 (a)(1) of this Section.

4178
4179 3) — No budget permit shall be issued, and no NO_x allowance account shall be
4180 established for a budget EGU at a source, until the Agency and USEPA
4181 have received a complete account certificate of representation under 40
4182 CFR 96, subpart B, for an account representative of the source and the
4183 budget EGU at the source.

4184
4185 4) — For budget EGUs that commenced operation before November 1, 2003,
4186 and for which a CAAPP permit is not required pursuant to Section 39.5 of
4187 the Act, the owner or operator of such unit must submit a budget permit
4188 application meeting the requirements of this Section on or before
4189 November 1, 2003.

4190
4191 5) — For budget EGUs that commenced operation before August 1, 2003, and
4192 for which a CAAPP permit is required pursuant to Section 39.5 of the Act,
4193 the owner or operator of such unit must submit a budget permit application
4194 meeting the requirements of this Section on or before August 1, 2003.

4195
4196 6) — For budget EGUs that are subject to Section 39.5 of the Act and that
4197 commence operation on or after August 1, 2003, and for budget EGUs not
4198 subject to Section 39.5 of the Act and that commence operation on or after
4199 November 1, 2003, the owner or operator of such units must submit
4200 applications for construction and operating permits pursuant to the
4201 requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code
4202 201 and such applications must specify that they are applying for budget
4203 permits, and must address the budget permit application requirements of
4204 this Section.

4205
4206 b) — Budget permit applications:

4207
4208 1) — Duty to apply. The owner or operator of any source with one or more
4209 budget EGUs shall submit to the Agency a complete budget permit
4210 application for the source under subsection (b)(2) of this Section by the
4211 applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section.

4212 ~~The owner or operator of any source with one or more budget EGUs shall~~
4213 ~~reapply for a budget permit for the source as required by this Subpart, 35~~
4214 ~~Ill. Adm. Code 201, and Sections 39 and 39.5 of the Act.~~

4215
4216 2) ~~Information requirements for budget permit applications. A complete~~
4217 ~~budget permit application shall include the following elements concerning~~
4218 ~~the source for which the application is submitted:~~

4219
4220 A) ~~Identification of the source, including plant name. The ORIS~~
4221 ~~(Office of Regulatory Information Systems) or facility code~~
4222 ~~assigned to the source by the Energy Information Administration~~
4223 ~~shall also be included, if applicable;~~

4224
4225 B) ~~Identification of each budget EGU at the source. An explanation~~
4226 ~~of whether each EGU is a budget EGU under Section 217.754 or~~
4227 ~~217.774 of this Part;~~

4228
4229 C) ~~The compliance requirements of Section 217.756 of this Part; and~~

4230
4231 D) ~~For each opt-in unit at the source the following certification~~
4232 ~~statements by the account representative:~~

4233
4234 i) ~~"I certify that each unit for which this permit application is~~
4235 ~~submitted under Section 217.774 of this Part is not a budget~~
4236 ~~EGU under Section 217.754 of this Part and is not covered~~
4237 ~~by a retired unit exemption that is in effect under 40 CFR~~
4238 ~~96.5."~~

4239
4240 ii) ~~If the application is for an initial budget permit, "I certify~~
4241 ~~that each unit for which this permit application is submitted~~
4242 ~~under Section 217.774 of this Part, and has documented~~
4243 ~~heat input for more than 876 hours in the six months~~
4244 ~~immediately preceding the submission of an application for~~
4245 ~~an initial budget permit under Section 217.774(d) of this~~
4246 ~~Part."~~

4247
4248 3) ~~An application for a budget permit shall be treated as a modification of the~~
4249 ~~EGU's existing federally enforceable permit, if such a permit has been~~
4250 ~~issued for that EGU, and shall be subject to the same procedural~~
4251 ~~requirements. When the Agency issues a budget permit, it shall be~~
4252 ~~incorporated into and become part of that EGU's existing federally~~
4253 ~~enforceable permit.~~

4254
4255 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
4256 ~~Reg. 128, effective December 26, 2000)~~

4257

4258 **Section 217.760 NO_x Trading Budget (Repealed)**

4259
4260 ~~The NO_x trading budget available for allowance allocations for each control period shall be~~
4261 ~~determined as follows:~~

4262
4263 a) ~~The total base EGU trading budget is 30,701 tons per control period subject,~~
4264 ~~however, to the following:~~

4265
4266 1) ~~In 2004 through 2006, 5% of this number shall be allocated to the new~~
4267 ~~source set aside under Section 217.768 of this Part, resulting in an EGU~~
4268 ~~trading budget of 29,166 tons available for allocation per control period;~~
4269 ~~and~~

4270
4271 2) ~~In 2007 and thereafter, 2% of this amount shall be allocated to the new~~
4272 ~~source set aside, resulting in an EGU trading budget of 30,087 tons~~
4273 ~~available for allocation per control period.~~

4274
4275 b) ~~The Agency must adjust the total base EGU trading budget available for~~
4276 ~~allocation in subsection (a) of this Section to remove allowances from budget~~
4277 ~~EGUs opting to become exempt pursuant to the requirements for low emitters in~~
4278 ~~Section 217.754(e)(4) of this Part.~~

4279
4280 e) ~~If USEPA adjusts the total base EGU trading budget for any reason, the Agency~~
4281 ~~will adjust the budget pro rata.~~

4282
4283 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
4284 ~~Reg. 128, effective December 26, 2000)~~

4285
4286 **Section 217.762 Methodology for Calculating NO_x Allocations for Budget Electrical**
4287 **Generating Units (EGUs) (Repealed)**

4288
4289 ~~The methodology for calculating the allowances to be allocated to budget EGUs is based on the~~
4290 ~~following emission rates and heat inputs:~~

4291
4292 a) ~~The applicable NO_x emission rates are as follows:~~

4293
4294 1) ~~For budget EGUs listed in Appendix F: 0.15 lb/mmbtu.~~

4295
4296 2) ~~For budget EGUs not listed in Appendix F: The more stringent of 0.15~~
4297 ~~lb/mmbtu or the permitted NO_x emission rate but not less than 0.055~~
4298 ~~lb/mmbtu.~~

4299
4300 b) ~~Heat input (HI) (in mmbtu/control period) is determined as follows:~~

4301
4302 1) ~~The budget EGU's two highest heat inputs from the control periods four to~~
4303 ~~six years prior to the year for which the allocation is being made are~~

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~~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.~~

~~e) The general equation for determining allowances is:~~

$$A = \frac{HI \times ER}{2000}$$

~~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.~~

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

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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~~

4343 will be issued as provided in subsections (a) through (f) of this Section and Section 217.768 for
4344 this Part of new sources. Specifically:

4345
4346 a) — In 2004, 2005, and 2006 (or the first three years of the program):

4347
4348 1) — The Agency will allocate to each budget EGU that is listed in Appendix F
4349 of this Part the number of allowances listed in Column 7 of Appendix F of
4350 this Part for that budget EGU, as well as any allowances that are not
4351 allocated from the new source set aside to budget EGUs in subsection
4352 (a)(2) of this Section. Any such allowances from the new source set aside
4353 will be allocated to budget EGUs listed in Appendix F of this Part
4354 pursuant to 217.768(j) of this Part.

4355
4356 2) — The Agency will allocate allowances from the new source set aside to
4357 budget EGUs that commenced commercial operation on or after January
4358 1, 1995, pursuant to Section 217.768 of this Part.

4359
4360 3) — The Agency will report these allocations to USEPA at the time it submits
4361 the SIP.

4362
4363 b) — In 2007 (or the fourth year of the program):

4364
4365 1) — The Agency will allocate to each budget EGU that is listed in Appendix F
4366 of this Part the number of allowances listed in Column 8 of Appendix F
4367 for that budget EGU, and any allowances that are not allocated to budget
4368 EGUs under subsection (b)(2) of this Section will be allocated as provided
4369 in subsection (b)(4) of this Section.

4370
4371 2) — The Agency will apportion to each budget EGU that commenced
4372 commercial operation on or after January 1, 1995, and before May 1,
4373 2003, allowances as calculated in the following equation:

4374

$$A = \frac{0.80 \times (HI \times ER)}{2000}$$

4375
4376 Where:

4377
4378 HI = heat input (in mmbtu/control period) as determined in
4379 Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu as determined in
4380 Section 217.762(a) of this Part.

A = allowances of NO_x/control period.

4381 3) — Notwithstanding subsection (b)(2) of this Section, if the total number of
4382 allowances determined by subsection (b)(2) of this Section is more than
4383 6,017, which is the number of allowances remaining in the trading budget

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~~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.~~

~~e) — 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:~~

$$A = \frac{0.80 \times (HI \times ER)}{2000}$$

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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~~

4467 for that budget EGU and any allowances that are not allocated to budget
4468 EGUs under subsection (d)(2) of this Section will be allocated as provided
4469 in subsection (d)(4) of this Section.

4470
4471 2) ~~The Agency will apportion to each budget EGU that commenced~~
4472 ~~commercial operation on or after January 1, 1995, and before May 1,~~
4473 ~~2005, allowances calculated in the following equation:~~

4474
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$$A = \frac{0.50 \times (HI \times ER)}{2000}$$

4476
4477 Where:

4478

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.

4479
4480 3) ~~Notwithstanding subsection (d)(2) of this Section, if the total number of~~
4481 ~~allowances determined by subsection (d)(2) of this Section is more than~~
4482 ~~15,043, which is the number of allowances remaining in the trading~~
4483 ~~budget after allocations have been made to budget EGUs in subsection~~
4484 ~~(d)(1) of this Section, the Agency will prorate the total number of NO_x~~
4485 ~~allowances available to budget EGUs that received allowances pursuant to~~
4486 ~~the criteria in subsection (d)(2) of this Section so that the total number of~~
4487 ~~allowances allocated to these budget EGUs does not exceed 15,043.~~

4488
4489 4) ~~If the total number of allowances allocated pursuant to subsection (d)(2) of~~
4490 ~~this Section is less than 15,043, which is the number of allowances~~
4491 ~~remaining in the trading budget after allocations have been made to budget~~
4492 ~~EGUs in subsection (d)(1) of this Section, the Agency will allocate the~~
4493 ~~remaining allowances to budget EGUs as follows:~~

4494
4495 A) ~~For budget EGUs in subsection (d)(1) of this Section, the pro-rata~~
4496 ~~allocation shall be determined by the heat input calculated pursuant~~
4497 ~~to Section 217.762(b) of this Part, multiplied by the emission rate~~
4498 ~~in Section 217.762(a)(1) of this Part.~~

4499
4500 B) ~~For budget EGUs in subsection (d)(2) of this Section, the pro-rata~~
4501 ~~allocation shall be determined by the heat input calculated pursuant~~
4502 ~~to Section 217.762(b) of this Part, multiplied by the emission rate~~
4503 ~~in Section 217.762(a)(2) of this Part.~~

4504
4505 5) ~~The Agency will allocate allowances from the new source set aside,~~

4506 pursuant to Section 217.768 of this Part, to budget EGUs that commenced
4507 commercial operation after May 1, 2005 and that have not operated for the
4508 full 2005 control period.

4509
4510 6) As of April 30, 2009, if the number of allowances in the new source set-
4511 aside exceeds 3% of the total number of tons of NO_x emissions in the
4512 trading budget apportioned to budget EGUs as determined pursuant to
4513 Section 217.768(i) and (j) of this Part, the number of allowances above 3%
4514 will be allocated to budget EGUs receiving allowances pursuant to this
4515 subsection (d).

4516
4517 7) The Agency will report these allocations to USEPA by April 1, 2006,
4518 except for allocations from the new source set aside, which the Agency
4519 will report by May 1, 2009.

4520
4521 e) In 2010 (or the seventh year of the program):

4522
4523 1) The Agency will allocate to each budget EGU that is listed in Appendix F
4524 of this Part the number of allowances listed in Column 9 of Appendix F
4525 for that budget EGU and any allowances that are not allocated to budget
4526 EGUs under subsection (e)(2) of this Section as provided in subsection
4527 (e)(4) of this Section.

4528
4529 2) The Agency will assign to each budget EGU that commenced commercial
4530 operation on or after January 1, 1995, and before May 1, 2006, allowances
4531 as calculated in the following equation:

4532
4533

$$A = \frac{0.50 \times (HI \times ER)}{2000}$$

4534
4535 Where:

4536

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.

4537
4538 3) Notwithstanding subsection (e)(2) of this Section, if the total number of
4539 allowances determined by subsection (e)(2) of this Section is more than
4540 15,043, which is the number of allowances remaining in the trading
4541 budget after allocations have been made to budget EGUs in subsection
4542 (e)(1) of this Section, the Agency will prorate the total number of NO_x
4543 allowances allocated to budget EGUs that received allowances pursuant to
4544 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:~~

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- ~~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.~~
- ~~e) 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~~~~

- 4683 highest seasonal heat inputs from the control periods one to three years
4684 prior to the allocation year;
- 4685
- 4686 2) ~~For "new" budget EGUs that have heat input from only two control~~
4687 ~~periods prior to the allocation year, the average of the budget EGU's~~
4688 ~~seasonal heat inputs from the control periods one and two years prior to~~
4689 ~~the allocation year;~~
- 4690
- 4691 3) ~~For "new" budget EGUs that have seasonal heat input from only the~~
4692 ~~control period prior to the allocation year, the heat input from that control~~
4693 ~~period; or~~
- 4694
- 4695 4) ~~For "new" budget EGUs that have commenced commercial operation but~~
4696 ~~have not operated for at least 77 days of the control period prior to the~~
4697 ~~allocation year, the budget EGU's maximum design heat input for the~~
4698 ~~control period as designated in the construction permit.~~
- 4699
- 4700 f) ~~Beginning in 2007, the Agency will review and allocate allowances pursuant to~~
4701 ~~each allocation request, contingent upon receiving payment pursuant to subsection~~
4702 ~~(k) of this Section, by April 15 of the applicable year, as follows:~~
- 4703
- 4704 1) ~~Upon receipt of the allocation request, the Agency will determine whether~~
4705 ~~the request is consistent with the requirements of subsections (d) and (e) of~~
4706 ~~this Section and will make any necessary adjustments to the request to~~
4707 ~~ensure that the control period and the number of allowances requested are~~
4708 ~~consistent with those requirements of subsections (d) and (e) of this~~
4709 ~~Section.~~
- 4710
- 4711 2) ~~If the new source set aside for the control period for which allowances are~~
4712 ~~requested has a number of allowances greater than or equal to the total~~
4713 ~~number requested by all "new" budget EGUs, the Agency will allocate the~~
4714 ~~number of allowances requested to the "new" budget EGUs.~~
- 4715
- 4716 3) ~~If the new source set aside for the control period for which allowances are~~
4717 ~~requested has a number of allowances less than the total number of~~
4718 ~~allowances requested by all "new" budget EGUs, the Agency will allocate~~
4719 ~~the available allowances to the "new" budget EGUs on a pro-rata basis,~~
4720 ~~based on the number of allowances requested.~~
- 4721
- 4722 g) ~~For "new" budget EGUs that commenced commercial operation on or after~~
4723 ~~January 1, 1995, but prior to January 1, 2004, the Agency will notify the account~~
4724 ~~representative of the number of allowances that have been allocated to the "new"~~
4725 ~~budget EGU by March 30 of the applicable year. There will be no charge for~~
4726 ~~allowances received under this subsection.~~
- 4727
- 4728 h) ~~For "new" budget EGUs that commenced commercial operation on or after~~

4729 January 1, 2004, the Agency will notify by March 30 of the applicable year the
4730 account representative of the number of allowances that are eligible for purchase
4731 for the "new" budget EGU pursuant to the requirements of subsection (k) of this
4732 Section. If the Agency does not receive payment by April 15 of the applicable
4733 year, the account representative will forfeit his/her eligibility to purchase the
4734 allowances offered. The Agency will make available for purchase those forfeited
4735 allowances on a pro-rata basis to "new" budget EGUs that received allocations
4736 pursuant to subsection (f)(2) of this Section, up to the number of allowances
4737 requested by each account representative. Such additional allocations are subject
4738 to the purchase requirements of subsection (k) of this Section, to the extent
4739 applicable.

4740
4741 i) — For "new" budget EGUs that have commenced commercial operation but have
4742 operated for 76 or fewer days of the control period in 2003, USEPA will deduct
4743 allowances to account for the actual utilization of the EGU during the 2004
4744 control period consistent with the provisions of 40 CFR 96.42(e). Any
4745 allowances allocated by the Agency for such "new" budget EGUs that are not
4746 used for compliance during the 2004 control period shall be returned to the
4747 Agency's new source set aside account.

4748
4749 j) — For the years 2004, 2005, and 2006, any allowances that are not allocated
4750 pursuant to subsections (g), (h) and (i) of this Section will be allocated on a pro-
4751 rata basis to the budget EGUs listed in Appendix F of this Part. There will be no
4752 charge for allowances received under this subsection.

4753
4754 k) — Fees for new source set aside allowances:

4755
4756 1) — "New" budget EGUs that commence commercial operation on or after
4757 January 1, 2004, that obtain allowances allocated from the new source set
4758 aside shall pay for such allocations pursuant to Section 9.9 of the Act.

4759
4760 2) — The price of allowances from the new source set aside shall be:

4761
4762 A) — The average price at which NO_x allowances are traded in the
4763 interstate NO_x Trading Program for the preceding control period;
4764 and

4765
4766 B) — For 2004 only, the price shall be the average price at which NO_x
4767 allowances were traded in 2003 in the Ozone Transport Region.

4768
4769 3) — The fees collected by the Agency from the sale of allowances will be
4770 distributed pro-rata to budget EGUs receiving allowances pursuant to
4771 Section 217.764 of this Part on the basis of allocated allowances subject to
4772 Agency administrative costs assessed pursuant to Section 9.9 of the Act.

4773
4774 l) — A "new" budget EGU will become an existing budget EGU and will receive

4775 allowances pursuant to the requirements of Section 217.764 of this Part, as
4776 follows:

4777 1) ~~For a budget EGU that commences commercial operation between and~~
4778 ~~including January 1, 1995, and April 30, 2003, the budget EGU will be~~
4779 ~~allocated allowances in 2004 for the 2007 control period and will become~~
4780 ~~an existing budget EGU on May 1, 2007.~~

4781
4782
4783 2) ~~For a budget EGU that commences commercial operation after April 30,~~
4784 ~~2003, the budget EGU will become an existing budget EGU in the control~~
4785 ~~period for which it receives an allocation pursuant to Section 217.764 of~~
4786 ~~this Part. It will be considered a "new" budget EGU and will receive its~~
4787 ~~allowances from the new source set aside in the intervening years from~~
4788 ~~start up until it receives allocations pursuant to Section 217.764 of this~~
4789 ~~Part.~~

4790
4791 ~~BOARD NOTE: Because of litigation involving the NO_x SIP Call, Michigan v. EPA,~~
4792 ~~No. 98-1497-2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control~~
4793 ~~periods may change. Should this occur, other dates in this Section will be considered to~~
4794 ~~adjust as necessary.~~

4795
4796 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
4797 ~~Reg. 128, effective December 26, 2000)~~

4798
4799 **Section 217.770 Early Reduction Credits for Budget EGUs (Repealed)**

4800
4801 ~~If a budget EGU reduces its NO_x emission rate as required by the applicable provisions of~~
4802 ~~subsection (c) of this Section in the 2001, 2002, or 2003 control period, for use in the 2004~~
4803 ~~control period, or later control periods authorized by USEPA, the account representative may~~
4804 ~~request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to~~
4805 ~~the budget EGU in accordance with the following:~~

4806
4807 a) ~~Each budget EGU for which the account representative requests any ERCs under~~
4808 ~~subsection (d) of this Section shall monitor NO_x emissions in accordance with 40~~
4809 ~~CFR 96, subpart H, as incorporated by reference in Section 217.104 of this Part,~~
4810 ~~starting with the control period prior to the control period for which ERCs will~~
4811 ~~first be requested and for each control period for which ERCs will be requested.~~
4812 ~~For example, if ERCs are requested for reductions made in the 2001 control~~
4813 ~~period, the budget EGU must have implemented the applicable monitoring for the~~
4814 ~~2000 control period. The unit's monitoring system availability shall be not less~~
4815 ~~than 90% during the control period prior to the control period in which the NO_x~~
4816 ~~emissions reduction is made and the unit must be in compliance with any~~
4817 ~~applicable State or federal emissions or emissions related requirements.~~

4818
4819 b) ~~The NO_x emission rate and heat input under subsections (c) through (e) of this~~
4820 ~~Section shall be determined in accordance with 40 CFR 96, subpart H.~~

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- ~~e) 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 NO_x 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~~

- 4867 C) — November 1, 2003, for reductions made in the 2003 control period.
- 4868
- 4869 e) — In the event that the date for implementing the NO_x SIP Call, May 31, 2004, is
- 4870 delayed, the early reduction request must be submitted in accordance with any
- 4871 rulemaking or guidance by USEPA on the distribution of the Compliance
- 4872 Supplement Pool under the NO_x SIP Call (63 Fed. Reg. 57356).
- 4873
- 4874 f) — The Agency will allocate ERCs to the budget EGUs meeting the requirements of
- 4875 subsections (a) through (c) of this Section and covered by ERC requests meeting
- 4876 the requirements of subsection (d) of this Section in accordance with the
- 4877 following procedures:
- 4878
- 4879 1) — Upon receipt of each ERC request, the Agency will accept the request
- 4880 only if the requirements of subsections (a) through (d) of this Section are
- 4881 met and will make any necessary adjustment to the request to ensure that
- 4882 the amount of the ERCs requested meets the requirements of subsections
- 4883 (b) through (d) of this Section;
- 4884
- 4885 2) — The Agency shall allocate at least 15,261 ERCs over three years, as
- 4886 follows:
- 4887
- 4888 A) — If USEPA has approved this Subpart as a SIP revision, not more
- 4889 than one half of the total ERC allowances for reductions made in
- 4890 the control period in 2001;
- 4891
- 4892 B) — Not more than one half of the total ERC allowances for reductions
- 4893 made in the control period in 2002; and
- 4894
- 4895 C) — Any ERC allowances not allocated pursuant to subsection (f)(2)(A)
- 4896 or (B) of this Section, for reductions made in the control period in
- 4897 2003.
- 4898
- 4899 3) — If the number of ERC allowances requested for a reduction achieved in the
- 4900 control period in 2003 is less than or equal to the number of ERC
- 4901 allowances designated for that control period in subsection (f)(2)(A) of
- 4902 this Section, the Agency will allocate to each budget EGU one allowance
- 4903 for each accepted ERC request;
- 4904
- 4905 4) — If the number of ERC allowances requested for a reduction achieved in the
- 4906 control period in 2003 is greater than the number of ERC allowances
- 4907 designated for that control period in subsection (f)(2)(A) of this Section,
- 4908 the Agency will allocate to each budget EGU allowances for accepted
- 4909 requests on a pro-rata basis.
- 4910
- 4911 g) — The Agency will notify the account representative submitting an ERC request for
- 4912 the subsequent control period of the number of ERC allowances that will be

4913 allocated to each budget EGU for that control period as follows:

4914
4915 1) ~~By March 1, 2002, for ERCs requested for and earned in the 2001 control~~
4916 ~~period;~~

4917
4918 2) ~~By March 1, 2003, for ERCs requested for and earned in the 2002 control~~
4919 ~~period; and~~

4920
4921 3) ~~By March 1, 2004, for ERCs requested for and earned in the 2003 control~~
4922 ~~period.~~

4923
4924 h) ~~By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by~~
4925 ~~the Agency under this Section. USEPA will record such allocations to the extent~~
4926 ~~that they are consistent with the requirements of this Section.~~

4927
4928 i) ~~ERC allowances recorded under subsection (h) of this Section may be deducted~~
4929 ~~for compliance under 40 CFR 96.54, as incorporated by reference in Section~~
4930 ~~217.104 of this Part, for the control period in 2004 or such additional control~~
4931 ~~periods as may be specified by USEPA. Notwithstanding 40 CFR 96.55(a),~~
4932 ~~USEPA will deduct as retired any ERC allowances that are not deducted for~~
4933 ~~compliance in accordance with 40 CFR 96.54 for the control period in 2004.~~

4934
4935 j) ~~ERC allowances are treated as banked allowances in 2004 for the purposes of 40~~
4936 ~~CFR 96.55(a) and (b).~~

4937
4938 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
4939 ~~Reg. 128, effective December 26, 2000)~~

4940
4941 **Section 217.774 Opt-In Units (Repealed)**

4942
4943 a) ~~Any operating fossil fuel-fired stationary boiler, combustion turbine, combined~~
4944 ~~cycle system, cement kiln or stationary internal combustion engine in the State~~
4945 ~~may qualify under this Subpart to become a budget opt-in unit if it:~~

4946
4947 1) ~~Is not a budget EGU under Section 217.754 of this Part;~~

4948
4949 2) ~~Vents all of its emissions to a stack;~~

4950
4951 3) ~~Has documented heat input for more than 876 hours in the six months~~
4952 ~~immediately preceding the submission of an application for an initial~~
4953 ~~budget permit under subsection (d) of this Section;~~

4954
4955 4) ~~Is not covered by a retired unit exemption under 40 CFR 96.5;~~

4956
4957 5) ~~Is not covered by the low emitter exemption under Section 217.754(e) of~~
4958 ~~this Part; and~~

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- ~~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.~~
- ~~e) — 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~~

5005 ~~that unit's monitoring plan.~~

5006
5007 ~~b) If the Agency determines that the unit's monitoring plan is sufficient under~~
5008 ~~subsection (a) of this Section and after completion of the monitoring system~~
5009 ~~certification under 40 CFR 96, subpart H, the NO_x emission rate and the heat~~
5010 ~~input of the unit shall be monitored and reported in accordance with 40 CFR 96,~~
5011 ~~subpart H, for one full control period during which the monitoring system~~
5012 ~~availability is not less than 90% and during which the unit is in full compliance~~
5013 ~~with any applicable State or federal emissions or emissions related requirements.~~

5014
5015 ~~e) Based on the information monitored and reported under subsection (b) of this~~
5016 ~~Section, the unit's baseline heat rate shall be calculated as the unit's total heat~~
5017 ~~input (in mmbtu) for the control period and the unit's baseline NO_x emission rate~~
5018 ~~shall be calculated as the unit's total NO_x emissions (in lbs) for the control period~~
5019 ~~divided by the unit's baseline heat rate.~~

5020
5021 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5022 ~~Reg. 128, effective December 26, 2000)~~

5023
5024 **Section 217.778 Budget Opt-In Units: Withdrawal from NO_x Trading Program**
5025 **(Repealed)**

5026
5027 ~~a) Requesting withdrawal. To withdraw from the NO_x Trading Program the account~~
5028 ~~representative of a budget opt in unit shall submit to the Agency a request to~~
5029 ~~withdraw from the NO_x Trading Program and to withdraw the budget permit~~
5030 ~~effective as of a specified date between (and not including) September 30 and~~
5031 ~~May 1. The submission shall be made no later than 90 days prior to the requested~~
5032 ~~effective date of withdrawal.~~

5033
5034 ~~b) Conditions for withdrawal.~~

5035
5036 ~~1) Before a budget opt in unit may withdraw from the NO_x Trading Program~~
5037 ~~and the budget permit may be withdrawn under this Section, the following~~
5038 ~~conditions must be met:~~

5039
5040 ~~A) For the control period immediately before the withdrawal is to be~~
5041 ~~effective, the account representative must submit to the Agency an~~
5042 ~~annual compliance certification report in accordance with 40 CFR~~
5043 ~~96.30.~~

5044
5045 ~~B) If the budget opt in unit has excess emissions for the control period~~
5046 ~~immediately before the withdrawal is to be effective, USEPA has~~
5047 ~~deducted from the budget opt in unit's compliance account, or the~~
5048 ~~overdraft account of the NO_x budget source where the budget opt-~~
5049 ~~in unit is located, the number of allowances required in accordance~~
5050 ~~with 40 CFR 96.54(d) for the control period.~~

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~~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.~~

~~e) — 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)~~

5143 of this Section will be treated, solely for purposes of allowance allocations
5144 under Section 217.764 or 217.768 of this Part, as a unit that commenced
5145 operation on the effective date of the budget permit under subsection (b)
5146 of this Section and will be allocated allowances in accordance with
5147 Section 217.764 or 217.768 of this Part.
5148

5149 4) ~~Notwithstanding subsection (c)(2) of this Section, if the effective date of~~
5150 ~~any budget permit under subsection (b) of this Section is during a control~~
5151 ~~period, the following number of allowances will be allocated to the budget~~
5152 ~~opt in unit under subsection (b) of this Section or under Section 217.764~~
5153 ~~or 217.768 of this Part for the control period: the number of allowances~~
5154 ~~otherwise allocated to the budget opt in unit under Section 217.764 or~~
5155 ~~217.768 of this Part for the control period multiplied by the ratio of the~~
5156 ~~number of days in the control period, starting with the effective date of the~~
5157 ~~budget permit under subsection (b) of this Section, divided by the total~~
5158 ~~number of days in the control period.~~
5159

5160 d) ~~When the owner or operator of an opt in unit does not renew the budget permit~~
5161 ~~for the budget opt in unit issued pursuant to Section 217.774(d), USEPA will~~
5162 ~~deduct from the budget opt in unit's compliance account, or the overdraft account~~
5163 ~~of the budget source where the budget opt in unit is located, allowances equal in~~
5164 ~~number to and allocated for the same or a prior control period as any allowances~~
5165 ~~allocated to the budget opt in unit under Section 217.782 of this Part for any~~
5166 ~~control period after the last control period for which the budget permit is~~
5167 ~~effective. The account representative shall ensure that the budget opt in unit's~~
5168 ~~compliance account or the overdraft account of the budget source where the~~
5169 ~~budget opt in unit is located contains the allowances necessary for completion of~~
5170 ~~such deduction. If the compliance account or overdraft account does not contain~~
5171 ~~sufficient allowances, USEPA will deduct the required number of allowances,~~
5172 ~~regardless of the control period for which they were allocated, whenever~~
5173 ~~allowances are recorded in either account.~~
5174

5175 e) ~~After the deduction under subsection (d) of this Section is completed, USEPA~~
5176 ~~will close the opt in unit's compliance account. If any allowances remain in the~~
5177 ~~compliance account after completion of such deduction and any deduction under~~
5178 ~~40 CFR 96.54, USEPA will close the opt in unit's compliance account and will~~
5179 ~~establish, and transfer any remaining allowances to, a new general account for the~~
5180 ~~owner or operator of the opt in unit. The account representative for the opt in~~
5181 ~~unit shall become the account representative for the general account.~~
5182

5183 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5184 ~~Reg. 128, effective December 26, 2000)~~

5185
5186 **Section 217.782 Allowance Allocations to Budget Opt-In Units (Repealed)**

5187 a) ~~Allowance allocations:~~
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- ~~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(e) 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(e) 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)

5235
5236 ~~The purpose of this Subpart is to implement Section 9.9(d)(3) of the Act by providing a method~~
5237 ~~by which additional NO_x allowances may be generated for use by emission units subject to the~~
5238 ~~requirements of Subparts U or W of this Part. [415 ILCS 5/9.9(d)(3)]~~

5239
5240 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5241 ~~Reg. 5914, effective April 17, 2001)~~

5242
5243 **Section 217.805 Emission Unit Eligibility (Repealed)**

5244
5245 ~~Any owner or operator of a stationary source may submit a proposal, as provided in Section~~
5246 ~~217.835 of this Subpart, for voluntarily reducing NO_x emissions during the control period, if~~
5247 ~~each emission unit from which NO_x reductions at the source will be obtained meets the following~~
5248 ~~criteria:~~

- 5249
5250 a) ~~Discharges through a stack;~~
5251
5252 b) ~~Is fossil fuel fired;~~
5253
5254 c) ~~Is not subject to the requirements of Subparts T, U, V or W of this Part;~~
5255
5256 d) ~~Is not a retired unit pursuant to 40 CFR 96.5;~~
5257
5258 e) ~~Has not elected to become an opt in unit pursuant to Section 217.754 or Section~~
5259 ~~217.774 of this Part; and~~
5260
5261 f) ~~Is not a stationary internal combustion engine that emits more than one ton of~~
5262 ~~NO_x per day during the ozone control period.~~

5263
5264 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5265 ~~Reg. 5914, effective April 17, 2001)~~

5266
5267 **Section 217.810 Participation Requirements (Repealed)**

- 5268
5269 ~~a) Any owner or operator of a source (emission reduction source) with one or more~~
5270 ~~emission units meeting the requirements of Section 217.805 of this Subpart and~~
5271 ~~seeking to make quantifiable, verifiable and federally enforceable voluntary~~
5272 ~~reductions of NO_x emissions during the control period from one or more emission~~
5273 ~~units (emission reduction units) must comply with the following requirements:~~
5274
5275 1) ~~Submit a NO_x emission reduction proposal that meets the requirements of~~
5276 ~~Section 217.835 of this Subpart;~~
5277
5278 2) ~~Request an emission cap on NO_x emissions from all NO_x emission units at~~
5279 ~~the emission reduction source that are not otherwise subject to Subparts U~~
5280 ~~or W of this Part, and that are the same type of emission unit as the~~

5281 ~~emission reduction unit (e.g., if the emission reduction unit is a boiler,~~
5282 ~~combined cycle system or turbine, then the emission cap must include all~~
5283 ~~boilers, combined cycle systems or turbines that are not otherwise subject~~
5284 ~~to Subparts U or W of this Part, or if the emission unit is a cement kiln,~~
5285 ~~then the emission cap must include all cement kilns), provided, however,~~
5286 ~~the owner or operator of the source may submit a demonstration in~~
5287 ~~accordance with Section 217.835 of this Subpart that any like-kind~~
5288 ~~emission unit or units should not be included in the NO_x emission cap;~~

5289
5290 3) ~~Demonstrate how the NO_x emission cap required by subsection (a)(2) of~~
5291 ~~this Section is to be determined, in accordance with Sections 217.820 and~~
5292 ~~217.845 of this Subpart, which cap reflects the NO_x emission reduction~~
5293 ~~specified in the proposal;~~

5294
5295 4) ~~Permit requirements:~~

5296
5297 A) ~~Obtain a permit, or an amendment to an existing permit, for the~~
5298 ~~source, with federally enforceable conditions containing the~~
5299 ~~commitments in the NO_x emission reduction proposal and the~~
5300 ~~emissions cap by the later of May 1, 2003, or the date on which the~~
5301 ~~reduction in NO_x emissions will commence and operate the source~~
5302 ~~in compliance with such permit; or~~

5303
5304 B) ~~For each emission unit that will be generating voluntary NO_x~~
5305 ~~emissions by ceasing operation, withdrawing the applicable permit,~~
5306 ~~or requesting a revision to the permit to reflect the shut down of~~
5307 ~~the emission reduction unit, by the later of May 1, 2003, or the date~~
5308 ~~specified in the NO_x reduction proposal.~~

5309
5310 5) ~~Submit an emissions baseline determination for each unit subject to the~~
5311 ~~NO_x emission cap in accordance with the requirements of Section 217.820~~
5312 ~~of this Subpart.~~

5313
5314 6) ~~Monitoring requirements:~~

5315
5316 A) ~~To the extent applicable, each emission reduction unit at the source~~
5317 ~~shall comply with the monitoring requirements of Section 217.850~~
5318 ~~of this Subpart.~~

5319
5320 B) ~~The emissions measurements recorded and reported in accordance~~
5321 ~~with Sections 217.850 and 217.855 of this Subpart shall be used to~~
5322 ~~determine compliance by the emission reduction unit with the~~
5323 ~~emissions limitation set forth in the NO_x emission reduction~~
5324 ~~proposal and the federally enforceable permit conditions required~~
5325 ~~pursuant to subsection (a)(4) of this Section.~~
5326

5327 c) ~~The emissions measurements recorded and reported in accordance~~
5328 ~~with Sections 217.850 and 217.855 of this Subpart shall be used to~~
5329 ~~determine compliance by the emission reduction source with the~~
5330 ~~emissions cap set forth in the NO_x emission reduction proposal and~~
5331 ~~the federally enforceable permit condition required pursuant to~~
5332 ~~subsection (a)(4) of this Section.~~

5333
5334 b) ~~The owner or operator of the emission reduction source is required to submit an~~
5335 ~~annual certification to the Agency that the source has complied with the cap on~~
5336 ~~NO_x emissions for the source and that the NO_x emission reductions specified in~~
5337 ~~the approved proposal were made pursuant to the requirements of Section 217.850~~
5338 ~~of this Subpart.~~

5339
5340 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5341 ~~Reg. 5914, effective April 17, 2001)~~

5342
5343 **Section 217.815 NO_x Emission Reductions and the Subpart X NO_x Trading Budget**
5344 **(Repealed)**

5345
5346 a) ~~NO_x emission reductions may be recognized under this Subpart if they are~~
5347 ~~quantifiable, verifiable, and federally enforceable, and meet one or more of the~~
5348 ~~following criteria:~~

5349
5350 1) ~~Due to the use of any NO_x emission reduction technology (e.g.,~~
5351 ~~combustion or post combustion control technology or fuel switching) at~~
5352 ~~the emission reduction unit pursuant to federally enforceable conditions in~~
5353 ~~the permit for the unit addressing such control technology or fuel~~
5354 ~~switching, NO_x emissions from the emission reduction unit for any~~
5355 ~~control period beginning in 2003 are or will be lower than such unit's~~
5356 ~~emissions baseline. The amount of actual NO_x emission reductions shall~~
5357 ~~be determined in accordance with Section 217.820 of this Subpart, and the~~
5358 ~~amount of creditable NO_x emission reductions shall be determined in~~
5359 ~~accordance with Section 217.825 of this Subpart;~~

5360
5361 2) ~~The emission reduction unit is permanently shut down after January 1,~~
5362 ~~1995, and the owner or operator requests a revision to the relevant~~
5363 ~~operating permit to reflect the shut down of the emission reduction unit.~~
5364 ~~The amount of actual NO_x emission reductions shall be determined in~~
5365 ~~accordance with Section 217.820 of this Subpart, and the amount of~~
5366 ~~creditable NO_x emission reductions shall be determined in accordance~~
5367 ~~with Section 217.825 of this Subpart;~~

5368
5369 3) ~~During any control period beginning in 2003, the emission reduction unit's~~
5370 ~~control period NO_x rate or hours of operation is reduced pursuant to~~
5371 ~~federally enforceable conditions in a permit for such unit, resulting in an~~
5372 ~~actual reduction in NO_x 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.~~
- ~~e) — 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 $\frac{5}{12}$ th; 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~~

5419 control periods, as selected by the emission reduction source, prior to the year the
5420 emission reduction proposal is effective. The unit's emission rate and hours of
5421 operation will be determined based on the unit's reported NO_x emission rate and
5422 hours of operation in the most recent annual emission reports for such unit
5423 submitted in accordance with 35 Ill. Adm. Code 254.
5424

5425 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.
5426 Reg. 5914, effective April 17, 2001)~~

5427
5428 **Section 217.825 Calculation of Creditable NO_x Emission Reductions (Repealed)**
5429

5430 ~~For actual NO_x emission reductions achieved pursuant to Section 217.815(a) of this Subpart, the
5431 gross amount of control period actual NO_x emission reductions shall be determined pursuant to
5432 Section 217.820 of this Subpart. Eighty percent of the actual NO_x emission reductions achieved
5433 pursuant to Section 217.815(a) shall be creditable. Twenty percent of the actual NO_x emission
5434 reductions shall be retired for the benefit of air quality.~~

5435
5436 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.
5437 Reg. 5914, effective April 17, 2001)~~

5438
5439 **Section 217.830 Limitations on NO_x Emission Reductions (Repealed)**
5440

5441 ~~a) — Each NO_x allowance issued for NO_x emission reductions meeting the
5442 requirements of this Subpart is a limited authorization to emit one ton of NO_x in
5443 accordance with the federal NO_x Trading Program as set forth in Subpart U or W
5444 of this Part, as applicable. No provision of the federal NO_x Trading Program, the
5445 emission reduction proposal, the permit application, the permit, or of law shall be
5446 construed to limit the authority of the United States or the State to terminate or
5447 limit such authorization.~~

5448
5449 ~~b) — Any NO_x allowance issued in accordance with this Subpart does not constitute a
5450 property right.~~

5451
5452 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.
5453 Reg. 5914, effective April 17, 2001)~~

5454
5455 **Section 217.835 NO_x Emission Reduction Proposal (Repealed)**
5456

5457 ~~a) — A NO_x emission reduction proposal shall include the following:~~

5458
5459 ~~1) — Information identifying each emission unit at the source that emits NO_x
5460 whether the unit is subject to Subpart T, U, V, W or X of this Part, and the
5461 baseline emissions for each emission unit subject to the NO_x emission cap
5462 as determined in accordance with Section 217.820 of this Subpart;~~

5463
5464 ~~2) — Information identifying each emission reduction unit from which the NO_x~~

- 5465 ~~emission reduction have been or will be achieved;~~
5466
5467 3) ~~An explanation of the method used to achieve the NO_x emission~~
5468 ~~reductions;~~
5469
5470 4) ~~The amount of the NO_x emission reductions, including supporting~~
5471 ~~calculations and documentation, such as fuel usage information;~~
5472
5473 5) ~~The emission units subject to the NO_x emission cap in accordance with~~
5474 ~~Section 217.810(a) of this Subpart, and if all like kind or same type~~
5475 ~~emission units are not proposed to be included within the NO_x emission~~
5476 ~~cap, an explanation of how the owner or operator of the emission~~
5477 ~~reduction source will ensure that production shifting will not occur, such~~
5478 ~~that the emission reduction source will achieve real, verifiable, and~~
5479 ~~quantifiable NO_x emission reductions;~~
5480
5481 6) ~~The control period NO_x emission cap to be achieved by the emission~~
5482 ~~reduction source, including both the baseline emissions for each recipient~~
5483 ~~unit subject to the NO_x emission cap and the NO_x emission reductions~~
5484 ~~from the emission reduction units included in the proposal;~~
5485
5486 7) ~~The name and address of the owner or operator of each emission unit to~~
5487 ~~which the NO_x allowances will be allocated, the Subpart of this Part (i.e.,~~
5488 ~~Subpart U or W) to which each unit is subject, including the name,~~
5489 ~~telephone number, and account number of the account representative for~~
5490 ~~each such unit; and~~
5491
5492 8) ~~Certification by the owner or operator of each unit that is the subject of~~
5493 ~~each proposed emission reduction proposal of his/her acceptance of the~~
5494 ~~terms of the proposal and certification that the emission reductions~~
5495 ~~specified in the proposal have been or will be achieved.~~
5496
5497 b) ~~The owner or operator of a source submitting an emission reduction proposal~~
5498 ~~must notify the Agency in writing within 30 days of any event or circumstance~~
5499 ~~that makes the NO_x emission reduction proposal incorrect or incomplete.~~
5500
5501 e) ~~The owner or operator of a source with an approved emission reduction proposal~~
5502 ~~may request to withdraw its emission reduction proposal, and cease to create NO_x~~
5503 ~~allowances under this Subpart, as follows:~~
5504
5505 1) ~~Requesting withdrawal: To withdraw from participation under this~~
5506 ~~Subpart, the owner or operator of an emission reduction unit shall submit~~
5507 ~~to the Agency a written request to withdraw from participation and to~~
5508 ~~withdraw or revise the applicable permit effective as of a specified date~~
5509 ~~between (and not including) September 30 and May 1. The submission~~
5510 ~~shall be made no later than 90 days prior to the requested effective date of~~

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~~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)

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- ~~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 III. 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.~~~~~~~~
- ~~e) If the Agency approves the proposal, and subject to the provisions of subsection~~

5603 ~~(b) of this Section, the Agency shall submit an allocation to USEPA for the~~
5604 ~~creditable reductions created pursuant to the requirements of this Subpart subject~~
5605 ~~to the following:~~

5606
5607 1) ~~Any allowances generated pursuant to this Subpart shall be issued to the~~
5608 ~~recipient emission unit identified in the proposal, for each control period~~
5609 ~~in which the NO_x emissions reductions are verified, and the requirements~~
5610 ~~of this Subpart continue to be met;~~

5611
5612 2) ~~The owner or operator of the emission reduction source has, by the~~
5613 ~~November 1 following the control period that the emission reduction unit~~
5614 ~~has reduced NO_x emissions, verified the NO_x emission reductions in~~
5615 ~~accordance with Section 217.845 of this Subpart, and obtained a permit~~
5616 ~~containing federally enforceable conditions addressing the requirements of~~
5617 ~~this Subpart;~~

5618
5619 3) ~~The allowances shall be issued by May 1 after the control period in which~~
5620 ~~the reduction has occurred, for use in any future control period.~~

5621
5622 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5623 ~~Reg. 5914, effective April 17, 2001)~~

5624
5625 **Section 217.845 Emissions Determination Methods (Repealed)**

5626
5627 ~~The owner or operator of an emission reductions source must demonstrate that it has obtained~~
5628 ~~the NO_x emission reductions, and has not exceeded its NO_x emission cap, as specified in its~~
5629 ~~approved NO_x emission reduction proposal, as follows:~~

5630
5631 a) ~~If the NO_x emission reduction are generated pursuant to Section 217.815(a)(1) of~~
5632 ~~this Subpart, the NO_x emission rate for each emission reduction unit shall be~~
5633 ~~determined as follows:~~

5634
5635 1) ~~Through the use of continuous emissions monitoring in accordance with~~
5636 ~~Section 217.850 of this Subpart; or~~

5637
5638 2) ~~Through the use of any test methods and procedures provided in 40 CFR~~
5639 ~~60 and approved by the Agency, or any other method approved by the~~
5640 ~~Agency when included as federally enforceable conditions in a permit~~
5641 ~~issued or revised pursuant to this Subpart.~~

5642
5643 b) ~~If the NO_x emission reductions are generated pursuant to Section 217.815(a)(3) of~~
5644 ~~this Subpart, submit an initial compliance demonstration plan to the Agency 120~~
5645 ~~days prior to the control period date that the emission reduction unit will~~
5646 ~~commence NO_x emission reductions in compliance with an approved emissions~~
5647 ~~reduction proposal. Such demonstration shall be based on the actual NO_x~~
5648 ~~emission rate measured in accordance with Section 217.850 of this Subpart.~~

5649
5650 e) ~~If the emission reduction unit's compliance with the NO_x emission reduction~~
5651 ~~proposal is determined in accordance with subsection (a)(2) of this Section,~~
5652 ~~conducting an initial test 90 days prior to the date the specified emission~~
5653 ~~reductions will be obtained, or within 45 days of the Agency's request for NO_x~~
5654 ~~emission reductions already obtained, and notifying the Agency in writing of any~~
5655 ~~test performed to comply with the requirements of this Subpart at least 30 days~~
5656 ~~prior to the test. The Agency may at any time require annual control period~~
5657 ~~testing of any emission unit at the NO_x emission reduction source, and may~~
5658 ~~require such testing as part of its approval of a NO_x emission reduction proposal.~~

5660 d) ~~By the November 1 following each control period in which NO_x emission~~
5661 ~~reductions are generated, the owner or operator of an emission reduction source~~
5662 ~~must:~~

5663
5664 1) ~~Submit a compliance certification, including supporting data, that the NO_x~~
5665 ~~emission cap, as specified in its approved NO_x emission reduction~~
5666 ~~proposal, has not been exceeded; and~~

5667
5668 2) ~~Monitor and report the NO_x emissions during each control period from all~~
5669 ~~NO_x emission units at the source subject to the NO_x emission cap in~~
5670 ~~accordance with Sections 217.850 and 217.855 of this Subpart.~~

5671
5672 e) ~~The owner or operator of an emission reduction source shall, 120 days prior to the~~
5673 ~~date that the emission reduction source will commence NO_x emission reductions~~
5674 ~~in compliance with an approved emissions reduction proposal, submit to the~~
5675 ~~Agency a performance evaluation for each CEMS using the applicable~~
5676 ~~performance specifications in 40 CFR 60, Appendix B, as incorporated by~~
5677 ~~reference in Section 217.104 of this Part.~~

5678
5679 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5680 ~~Reg. 5914, effective April 17, 2001)~~

5681
5682 **Section 217.850 Emissions Monitoring (Repealed)**

5683
5684 a) ~~The owner or operator of an emission reduction source shall install, calibrate,~~
5685 ~~maintain, and operate during the control period on each NO_x emission unit at the~~
5686 ~~source subject to the NO_x emission cap a continuous emission monitoring system~~
5687 ~~(CEMS), or an alternative approved by the Agency and included in a federally~~
5688 ~~enforceable permit condition, for measuring NO_x emissions to the atmosphere.~~

5689
5690 b) ~~The CEMS shall be operated and data recorded during all periods of operation of~~
5691 ~~the emission unit at the source during the control period, except for periods of~~
5692 ~~CEMS breakdowns and repairs as provided in subsection (e) of this Section.~~

5693
5694 c) ~~CEMS quality assurance data must be recorded during calibration checks and zero~~

5695 and span adjustments.

- 5696
- 5697 ~~d) The 1-hour average NO_x emissions measured by the CEMS shall be:~~
- 5698
- 5699 1) ~~Expressed in lbs/hr or in lbs/mmbtu and heat input;~~
- 5700
- 5701 2) ~~Calculated using the data points required under 40 CFR 60.13, as~~
- 5702 ~~incorporated by reference in Section 217.104 of this Subpart; and~~
- 5703
- 5704 3) ~~Calculated using at least two data points separated by a minimum of 15~~
- 5705 ~~minutes (where the unit operates for more than one-quarter of an hour) if~~
- 5706 ~~data are unavailable as a result of the performance of calibration, quality~~
- 5707 ~~assurance, or preventive maintenance activities.~~
- 5708
- 5709 ~~e) The procedures under 40 CFR 60.13, as incorporated by reference in Section~~
- 5710 ~~217.104 of this Subpart, shall be followed for installation, evaluation, and~~
- 5711 ~~operation of each CEMS.~~
- 5712
- 5713 ~~f) For monitoring systems measuring NO_x in lbs/hr, if NO_x emission data are not~~
- 5714 ~~obtained because of CEMS breakdown, repairs, calibration checks, or zero and~~
- 5715 ~~span adjustments, NO_x emission data shall be obtained by using the data~~
- 5716 ~~substitution procedures contained in 40 CFR 75, subpart D, incorporated by~~
- 5717 ~~reference in Section 217.104 of this Part.~~
- 5718
- 5719 ~~g) For monitoring systems measuring NO_x in lbs/mmbtu, if NO_x emission data are~~
- 5720 ~~not obtained because of CEMS breakdown, repairs, calibration checks, or zero~~
- 5721 ~~and span adjustments, NO_x emission data shall be obtained by using the rolling~~
- 5722 ~~hourly average of emission data recorded for the previous 30-day period of~~
- 5723 ~~operation if the data capture for such period is 95% or greater and the period of~~
- 5724 ~~missing data is equal to or less than 24 consecutive hours. If the data capture for~~
- 5725 ~~such previous 30-day period is less than 95% or the period of missing data is~~
- 5726 ~~greater than 24 consecutive hours, the data shall be obtained by using the highest~~
- 5727 ~~hourly average recorded during the previous 30 days of operation.~~
- 5728
- 5729 ~~h) The CEMS shall be subject to the quality assurance procedures and requirements~~
- 5730 ~~of 40 CFR 60, Appendix F, incorporated by reference in Section 217.104 of this~~
- 5731 ~~Part.~~

5732

5733 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~

5734 ~~Reg. 5914, effective April 17, 2001)~~

5735

5736 **Section 217.855 Reporting (Repealed)**

5737

- 5738 ~~a) By the November 1 of each year beginning in 2003, or the year of the first control~~
- 5739 ~~period for which NO_x emission reductions were generated in accordance with this~~
- 5740 ~~Subpart, an owner or operator of an emission reduction source must, as a seasonal~~

5741 ~~component of the annual emission report for the source pursuant to 35 Ill. Adm.~~
5742 ~~Code 254, report to the Agency the total control period NO_x emissions of each~~
5743 ~~NO_x emission unit at the source subject to the NO_x emission cap.~~

- 5744
5745 ~~b) Within 30 days after receipt of such data or evaluation, the owner or operator of~~
5746 ~~each emission reduction source shall submit to the Agency the performance test~~
5747 ~~data from the initial performance test for each emission reduction unit and the~~
5748 ~~performance evaluation for each CEMS using the applicable performance~~
5749 ~~specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section~~
5750 ~~217.104 of this Part.~~

5751
5752 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~
5753 ~~Reg. 5914, effective April 17, 2001)~~

5754
5755 **Section 217.860 Recordkeeping (Repealed)**

- 5756
5757 ~~a) The owner or operator of an emission reduction source shall keep and maintain~~
5758 ~~the following records for each NO_x emission unit at the source subject to the NO_x~~
5759 ~~emission cap:~~

5760
5761 ~~1) Daily, monthly, and control period operating hours;~~

5762
5763 ~~2) Type and quantity of each fuel used daily during the control period;~~

5764
5765 ~~3) Control period capacity factor of individual fuels fired and all fuels fired;~~

5766
5767 ~~4) Monitoring records; and~~

5768
5769 ~~5) To the extent applicable, the performance test data from the initial~~
5770 ~~performance test for each emission reduction unit and the performance~~
5771 ~~evaluation for each CEMS using the applicable performance specifications~~
5772 ~~in 40 CFR 60, Appendix B, as incorporated by reference in Section~~
5773 ~~217.104 of this Part.~~

- 5774
5775 ~~b) The owner or operator of an emission reduction source shall maintain records of~~
5776 ~~the following information for each operating day for each NO_x emission unit~~
5777 ~~subject to the NO_x emission cap:~~

5778
5779 ~~1) Calendar date;~~

5780
5781 ~~2) The average hourly NO_x mass emission rate expressed as lbs/hr;~~

5782
5783 ~~3) The control period total NO_x mass emissions to date;~~

5784
5785 ~~4) Identification of times when emission data have been excluded from the~~
5786 ~~calculation of NO_x mass emissions, the reasons for excluding the data, and~~

- 5787 ~~any corrective actions taken;~~
- 5788
- 5789 ~~5) Identification of the times when the pollutant concentration exceeded full~~
- 5790 ~~span of the CEMS;~~
- 5791
- 5792 ~~6) Description of any modifications to the CEMS that could affect the ability~~
- 5793 ~~of the CEMS to comply with the Performance Specifications in 40 CFR~~
- 5794 ~~60, Appendix B; and~~
- 5795
- 5796 ~~7) Results of daily CEMS drift tests and quarterly accuracy assessments as~~
- 5797 ~~required under 40 CFR 60, Appendix F.~~
- 5798
- 5799 ~~e) The owner or operator of any NO_x emission reduction source subject to the~~
- 5800 ~~continuous monitoring requirements for NO_x under this Subpart, shall submit a~~
- 5801 ~~compliance certification containing the information recorded under subsection (b)~~
- 5802 ~~of this Section. All compliance certification reports shall be postmarked by~~
- 5803 ~~November 1 or the next business day if November 1 falls on a Saturday or~~
- 5804 ~~Sunday, of each control period in which NO_x emission reductions are generated.~~
- 5805
- 5806 ~~d) Maintenance of records: Unless otherwise provided, the owner or operator of a~~
- 5807 ~~NO_x emission reduction source shall be kept on site at the source, each of the~~
- 5808 ~~following documents for a period of 5 years from the date the document is~~
- 5809 ~~created. This period may be extended for cause, at any time prior to the end of 5~~
- 5810 ~~years, in writing by the Agency.~~
- 5811
- 5812 ~~1) The emission reduction proposal and all documents that demonstrate the~~
- 5813 ~~accuracy of the statements in the proposal for each year the emission~~
- 5814 ~~reduction source generates NO_x reductions under this Subpart and for 5~~
- 5815 ~~years thereafter.~~
- 5816
- 5817 ~~2) All emissions monitoring information required pursuant to this Subpart;~~
- 5818 ~~provided that to the extent that 40 CFR 60 provides for a 3-year period for~~
- 5819 ~~recordkeeping, the 3-year period shall apply.~~
- 5820
- 5821 ~~3) Copies of all reports, compliance certifications, and other submissions and~~
- 5822 ~~all records made or required under this Subpart.~~
- 5823
- 5824 ~~4) Copies of all documents used to complete any permit application and~~
- 5825 ~~supporting documents and any other submission to demonstrate~~
- 5826 ~~compliance with the requirements of this Subpart.~~

5827

5828 ~~(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.~~

5829 ~~Reg. 5914, effective April 17, 2001)~~

5830

5831 **Section 217.865 Enforcement (Repealed)**

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~~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.~~

~~e) — 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)~~

5876 **Section 217.APPENDIX A Rule into Section Table**
5877
5878

<u>Rule</u>	<u>Section</u>
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

5879
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5881 **Section 217.APPENDIX B Section into Rule Table**
5882
5883

<u>Section</u>	<u>Rule</u>
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)

5884
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5886 **Section 217.APPENDIX C Compliance Dates**

5887

5888 Every owner or operator of a new emission source was required to comply with the
5889 standards and limitations of this Part by April 14, 1972.

5890

5891 Except as otherwise provided in the next paragraph, every owner or operator of an
5892 existing emission source was required to comply with the standards and limitations of this Part
5893 by December 31, 1973.

5894

5895 Every owner or operator of an existing coal fired fuel combustion emission source was
5896 required to comply with the applicable standards and limitations of this Part by May 30, 1975.

5897

5898 Section 217.APPENDIX D Non-Electrical Generating Units
 5899
 5900

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

5901
5902
5903

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

5904 **Section 217.APPENDIX E Large Non-Electrical Generating Units**

5905

COMPANY ID # / NAME 1	UNIT DESIGNATION 2	UNIT DESCRIPTION 3	BUDGET ALLOCATION 4	BUDGET ALLOCATION LESS 3% NSSA 5
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5906

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

5907

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

5908

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
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Electronic Filing: Received, Clerk's Office 3/23/2018 PC#5

UNIV OF ILL - ABBOTT POWER PLANT (Total Allocation)	86	83
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5919

CITGO PETROLEUM CORPORATION

197090AAI	72110253037	BOILER 43-B-1	23	22
CITGO PETROLEUM CORPORATION (Total Allocation)			23	22

5920

LTV STEEL COMPANY

301600AMC	[UNIT DESIGNATION]	BOILER NO 4B	*	*
LTV STEEL COMPANY (Total Allocation)			*	*

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5922

5923

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

5928
5929

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

5930
5931

Ameren Energy Generating Company

135803AA A	Coffeen 1	Coffeen 1	550	440	275	523	431	270
135803AA A	Coffeen 2	Coffeen 2	945	756	473	898	741	463
077806AA A	G. Tower 3	Boiler 7	55	44	28	52	43	27
077806AA A	G. Tower 3	Boiler 8	44	35	22	42	35	22
077806AA A	G. Tower 4	Boiler 9	199	159	100	189	156	98
033801AA A	Hutsonville 3	Boiler 5	161	129	81	153	126	79
033801AA A	Hutsonville 4	Boiler 6	129	103	65	123	101	63
135805AA A	Meredosia 1	Boiler 1	33	26	17	31	26	16
135805AA A	Meredosia 1	Boiler 2	23	18	12	22	18	11
135805AA A	Meredosia 2	Boiler 3	23	18	12	21	18	11
135805AA A	Meredosia 2	Boiler 4	28	22	14	27	22	14
135805AA A	Meredosia 3	Boiler 5	432	346	216	410	339	212
135805AA A	Meredosia 4	Boiler 6	28	22	14	27	22	13
079808AA A	Newton 1	Newton 1	1,101	881	551	1,046	863	539
079808AA A	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

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AES

057801AA A	D. Creek	D. Creek	914	731	457	868	717	448
143805AA G	Edwards-1	Edwards-1	251	201	126	239	197	123
143805AA G	Edwards-2	Edwards-2	368	294	184	350	288	180
143805AA G	Edwards-3	Edwards-3	655	524	328	622	513	321
AES Totals			2,188	1,750	1,094	2,079	1,715	1,072

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CWLP

167120AA Q	Dallman-1	Boiler-31	141	113	71	134	111	69
167120AA Q	Dallman-2	Boiler-32	202	162	101	192	158	99
167120AA Q	Dallman-3	Boiler-33	474	379	237	450	372	232
167120AG Q	G. Turbine #2	G. Turbine #2	91	73	46	86	71	45
167120AA Q	Lakeside-7	Lakeside-7	47	38	24	45	37	23
167120AA Q	Lakeside-8	Lakeside-8	42	34	21	40	33	21
CWLP Totals			997	798	499	947	782	489

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Midwest Generation

063806AA F	Collins-1	Collins-1	302	242	151	287	237	148
063806AA F	Collins-2	Collins-2	305	244	153	290	239	150
063806AA F	Collins-3	Collins-3	469	375	235	446	368	230
063806AA F	Collins-4	Collins-4	290	232	145	275	227	142
063806AA F	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
031600AM I	Fisk-19	Fisk-19	523	418	262	497	410	256
031600AM I	Fisk Peaker	GT-31-1	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT-31-2	9	7	5	9	7	4

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031600AM I	Fisk Peaker	GT-32-1	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT-32-2	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT-33-1	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT-33-2	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT-34-1	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT-34-2	9	7	5	8	7	5
197809AA O	Joliet 6	Boiler 5	119	95	60	113	93	58
197809AA O	Joliet 7	Boiler 71	455	364	228	432	357	223
197809AA O	Joliet 7	Boiler 72	709	567	355	673	556	347
197809AA O	Joliet 8	Boiler 81	748	598	374	711	587	367
197809AA O	Joliet 8	Boiler 82	497	398	249	472	390	244
179801AA A	Powerton 5	Boiler 52	739	591	370	702	579	362
179801AA A	Powerton 5	Boiler 51	739	591	370	702	579	362
179801AA A	Powerton 6	Boiler 61	739	591	370	702	579	362
179801AA A	Powerton 6	Boiler 62	739	591	370	702	579	362
097190AA E	Waukegan 6	Boiler 17	199	159	100	189	156	98
097190AA E	Waukegan 7	Waukegan 7	376	301	188	357	295	184
097190AA E	Waukegan 8	Waukegan 8	667	534	334	634	523	327
097190AA E	Peaker	GT-31-1	5	4	3	4	4	2
097190AA E	Peaker	GT-31-2	5	4	3	5	4	2
097190AA E	Peaker	GT-32-1	5	4	3	5	4	3
097190AA E	Peaker	GT-32-2	5	4	3	5	4	3

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197810AA K	Will County 1	Will County 1	364	291	182	346	285	178
197810AA K	Will County 2	Will County 2	354	283	177	336	278	173
197810AA K	Will County 3	Will County 3	449	359	225	427	352	220
197810AA K	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

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Dom. Energy

021814AA B	Kincaid 1	Kincaid 1	792	634	396	752	621	388
021814AA B	Kincaid 2	Kincaid 2	873	698	437	829	684	428
Dom. Energy Totals			1,665	1,332	833	1,581	1,305	816

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El. Energy Inc.

127855AA E	Joppa 1	Joppa 1	481	385	241	457	377	236
127855AA E	Joppa 2	Joppa 2	515	412	258	489	404	252
127855AA E	Joppa 3	Joppa 3	513	410	257	487	402	251
127855AA E	Joppa 4	Joppa 4	384	307	192	365	301	188
127855AA E	Joppa 5	Joppa 5	463	370	232	440	363	227
127855AA E	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

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DMG

157851AA A	Baldwin 1	Baldwin 1	1,114	891	557	1,058	873	546
157851AA A	Baldwin 2	Baldwin 2	931	745	466	884	730	456
157851AA A	Baldwin 3	Baldwin 3	1,318	1,054	659	1,252	1,034	646
125804AA B	Havana 1-5	Boiler 1	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 2	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 3	0	0	0	0	0	0

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125804AA B	Havana 1-5	Boiler 4	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 5	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 6	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 7	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler 8	0	0	0	0	0	0
125804AA B	Havana 6	Boiler 9	547	438	274	520	429	268
155010AA A	Hennepin 1	Hennepin 1	149	119	75	142	117	73
155010AA A	Hennepin 2	Hennepin 2	540	432	270	513	423	265
183814AA A	Vermilion 1	Vermilion 1	17	14	9	16	13	8
183814AA A	Vermilion 2	Vermilion 2	31	25	16	30	24	15
119020AA E	Wood River 1	Wood River 1	0	0	0	0	0	0
119020AA E	Wood River 2	Wood River 2	0	0	0	0	0	0
119020AA E	Wood River 3	Wood River 3	0	0	0	0	0	0
119020AA E	Wood River 4	Wood River 4	219	175	110	208	172	107
119020AA E	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

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SIPCO

199856AA C	Marion 1	Marion 1	14	11	7	13	11	7
199856AA C	Marion 2	Marion 2	10	8	5	10	8	5
199856AA C	Marion 3	Marion 3	30	24	15	29	23	15
199856AA C	Marion 4	Marion 4	511	409	256	485	401	250
SIPCO Totals			565	452	283	537	443	277

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Union Electric

119105AA A	Turbine	Turbine	4	3	2	4	3	2
119105AA A	Venice-1	Venice-1	10	8	5	9	8	5
119105AA A	Venice-2	Venice-2	13	10	7	12	10	6
119105AA A	Venice-3	Venice-3	6	5	3	6	5	3
119105AA A	Venice-4	Venice-4	7	6	4	7	5	4
119105AA A	Venice-5	Venice-5	15	12	8	14	12	7
119105AA A	Venice-6	Venice-6	16	13	8	15	13	8
119105AA A	Venice-7	Venice-7	2	2	1	2	1	1
119105AA A	Venice-8	Venice-8	2	2	1	2	2	1
Union Electric Totals			75	60	38	71	59	37

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TOTAL	30,701	24,561	15,351	29,166	24,070	15,044
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(Source: Repealed at 42 Ill. Reg. _____, effective _____)(Source: Added at 25 Ill.

5951

Reg. 128, effective December 26, 2000)

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5962 Section 217.APPENDIX G Existing Reciprocating Internal Combustion Engines Affected
 5963 by the NO_x SIP Call
 5964

<u>Plant ID</u>	<u>Point ID</u>	<u>Segment</u>
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

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

5968 **Section 217.APPENDIX H Compliance Dates for Certain Emission Units at Petroleum**
5969 **Refineries**

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5971 ConocoPhillips Company Wood River Refinery (Facility ID 119090AAA)

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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

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