



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
)  
SECTION 27 PROPOSED RULES FOR )  
NITROGEN OXIDE (NO<sub>x</sub>) EMISSIONS ) R07-19  
FROM STATIONARY RECIPROCATING ) (Rulemaking – Air)  
INTERNAL COMBUSTION ENGINES AND )  
TURBINES: AMENDMENTS TO 35 ILL. )  
ADM. CODE SECTION 201.146 )  
AND PART 217 )

MOTION TO FILE INSTANTER

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Rachel L. Doctors, and pursuant to 35 Ill. Adm. Code 101.522 and hereby moves that the Illinois Pollution Control Board (“Board”) or the Hearing Officer grant a motion to file Comments to the First Notice Proposal Instanter. In support of its Motion, the Illinois EPA states as follows:

1. Hearings in this proceeding occurred on April 9, 2008, and May 7, 2008. On September 16, 2008, the Board adopted the proposed rule for First Notice.
2. Public comments were due 45 days from the date of publication of the First Notice. First Notice was published in the *Illinois Register* on October 31, 2008 (32 Ill. Reg. 17035). Comments in this proceeding were due on Monday, December 15, 2008.
3. On December 12, 2008, the Illinois Environmental Regulatory Group (“IERG”) and IMEA, filed a motion to extend time for the comment period until January 31, 2009, to which counsel for the Illinois EPA and the Pipeline Consortium reviewed and consented.
4. On January 23, 2008, the Hearing Officer granted an extension of time until February 2, 2009.
5. The Illinois EPA has been in discussion with IERG, IMEA and the Pipeline



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AND PART 217 )

COMMENTS ON FIRST NOTICE

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys and, pursuant to 35 Ill. Adm. Code 101.502 and 102.402. Hearings were held on April 9, 2008, and May 7, 2008, and the 1<sup>st</sup> notice was published on October 31, 2008. 32 Ill. Reg. 17035. After consulting with Illinois Environmental Regulatory Group (“IERG”) and members of the Pipeline Consortium, and having reached agreement with IERG on all issues except for the replacement unit issue in paragraph 9 and with the Pipeline Consortium on all issues, the Illinois EPA respectfully submits the following comments on the 1<sup>st</sup> notice:

1. Subsection (b) of Section 217.386 concerns exemptions from the control requirements of Subpart Q. These exemptions were proposed for units not required to be controlled under the NO<sub>x</sub> SIP Call. The exemption should be limited to units not listed in Appendix G. The following amendment is requested: Notwithstanding subsection (a)(2) of this Section. (ln. 26) In addition, a comma should be added after “this Subpart Q<sub>2</sub>” in line 27.

2. Subsection (d) of Section 217.386 contains the “once-in-always-in” provision that makes a unit that at anytime becomes subject to the compliance requirements of Section 217.388, always subject to demonstrating compliance with either the concentration limits, emissions averaging plan, or low usage requirements if it meets the applicability criteria of Section

217.386(a). As subsection (d) currently contains the word “control,” and the compliance options do not necessarily require operation of a control device, the word “control” in line 52 should be struck.

3. The following changes are recommended to with respect to subsections (a), (b), and (d) of Section 217.388 Control and Maintenance Requirements to simplify the introductory language:

- A. In subsection (a) (line 74), strike the phrase “the owner or operator limits” and add the word “Limits.”
- B. In subsection (b) (line 95), strike the phrase “the owner or operator complies” and add the word “Complies.”
- C. In subsection (c) (line 108), strike the phrase “the owner or operator operates.”
- D. In subsection (d) (line 139), strike the phrase “the owner or operator inspects” and add the word “Inspects.”

4. In addition, in subsection (c) of Section 217.388 several changes are being recommended to further clarify the “low usage” compliance option. Only units that are not Appendix G units may elect the low usage option. We recommend adding a phrase that excludes Appendix G units from using the low usage option for compliance. (ln. 108) Further, a change to the proposal that has been agreed to by the Illinois EPA, the Pipeline Consortium and IERG would allow low usage units to be included in an emissions averaging plan, if the owner or operator complies with the substantive requirements in Sections 217.394 and 217.396. Hence, the only low usage units that would now be exempt from the substantive testing, monitoring, reporting, and recordkeeping requirements, are those low usage units that are not included in emissions averaging plans. New language is being proposed at lines 110, 112, and 113 to

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effectuate this change.

5. In subsection (c)(2) of Section 217.388, the last sentence concerning which type of sources need to obtain federally enforceable permits with limits for low usage units has been reworded for clarity. (Ins. 127-133)

6. In Section 217.388, a new subsection (e) is being proposed to clarify that owners or operators may change the method of compliance between the emission concentration limits, emissions averaging plan, and low usage options. New subsection (e)(1) specifies that the owner or operator must conduct the applicable testing, monitoring, reporting and recordkeeping requirements for affected units when changing the method of compliance for an affected unit from low usage to compliance with either the emissions concentration limits or inclusion in an emissions averaging plan. In addition, new subsection (e)(1) specifies what is meant by “applicable compliance date” as it appears in Section 217.394(a)(2) and (a)(3). New subsection (e)(2)(A) specifies that if an affected unit relied on an emissions control device to comply with either the requirements for a emission concentration limit or emissions averaging plan, and the owner or operator changes the method of compliance for that unit to low usage, the owner or operator must continue to operate the control device. (Ins. 176 through 178) New subsection (e)(2)(B) specifies that if the owner or operator is changing the method of compliance to the low usage option, it must complete all outstanding testing and monitoring requirements, even if the testing or monitoring period has not elapsed. (Ins. 161 through 191)

7. In subsections (a)(1)(A)(i) and (ii) and (a)(1)(C) of Section 217.390 Emissions Averaging Plans, the following amendments clarify that any engine or turbine located at either an Appendix G source or an affected source under Section 217.386(a)(2) or the same company can be included in the averaging plan even if the unit being included is not required to comply

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with the requirements of Subpart Q. A unit that is not required to comply with the requirements of Subpart Q, but is included in an emissions averaging plan is not subject to the “once-in-always-in” provision of subsection (d) of Section 217.386. In addition, minor edits were made to lines 200, (strike “The” and add “A”), line 223 (strike the word “and”), and line 234 (add the word “and”).

8. In Section 217.390, a new subsection (a)(1)(D) is being proposed to allow inclusion of affected units that meet the low usage requirements in emissions averaging plans, if they comply with the aggregate limits for low usage units, the testing and monitoring requirements for affected units, and the recordkeeping and reporting requirements for both types of units. (Ins. 236 through 245)

9. In subsection (a)(2)(A) of Section 217.390, additional specificity to the requirements for “replacement units,” is being proposed. A replacement unit may replace any unit that may be included in an averaging plan if it is used for the same purpose. The “same purpose” criteria is important to insure that a new unit will not debottleneck a process in such a way as to create additional NO<sub>x</sub> emissions from other emissions units not covered by this Subpart. The following language is being proposed: “The new unit must be used for the same purpose and have substantially equivalent or less process capacity or be permitted for less NO<sub>x</sub> emissions on annual basis than the actual NO<sub>x</sub> emissions as the replacement unit or units that are replaced.” (Ins. 251 through 260) For natural gas transmission and storage facilities, the substantially equivalent process capacity of the replacement unit may be demonstrated in accordance with 18 CFR 2.55(b), which allows replacements that “have a substantially equivalent delivery capacity.” This provision is describing two scenarios as to what would be an appropriate replacement unit: 1) a unit that has equivalent or less process capacity regardless of

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the unit's emissions; or 2) a unit that has lower emissions regardless of the unit's process capacity.

10. In subsection (a)(2)(B) of Section 217.390, to be consistent with the proposed change to allow inclusion of low usage units in emissions averaging plans, the provision excluding low usage units from emissions averaging plans should be struck. (Ins. 266, 267)

11. In subsection (b)(2) of Section 217.390, commas have been added after the years 2008 and 2010, in lines 285, 288, and 292.

12. In subsections (d) and (d)(3) of Section 217.390 Emissions Averaging Plans, the following two changes are provided to provide for consistency of requirements. In the introductory paragraph of subsection (d), the word "seller" is added to require that all applicable averaging plans are updated when a new unit is added to a source. (In. 308) Second, new subsection (d)(3) is being proposed to reflect the timeframe for submitting an averaging plan after the purchase of a new unit. (Ins. 319, 320)

13. In subsection (e)(1) of Section 217.390, the provisions concerning an amended compliance demonstration for averaging plans contained in subsections (c) and (d) have been struck. Subsection (e)(1) should reflect all amended plans are subject to the requirement to submit compliance demonstrations; hence, these subsections should not be struck. (Ins. 327, 328)

14. In subsection (g)(2) of Section 217.390, the phrase "as applicable" was added to the definition for the variable for " $E_{all}$ " to clarify that depending on the circumstance the allowable may be figured differently. (In. 386) In addition, a reference to new subsection "(g)(7)" was added to the variable  $C_{d(all)}$  and the word "or" was moved. (In. 398)

15. In subsection (g)(5) of Section 217.390, the variable in  $EM_{(i)act}$  the subscript (i)

was moved. (ln. 463)

16. In Section 217.390, a new subsection is proposed at (g)(7) to specify that the higher of AP-42 or the tested actual emissions must be used for determining the allowable NO<sub>x</sub> emissions rate for low usage units included in an emissions averaging equation. (lns. 483 through 490)

17. In subsection (a) of Section 217.392 (Compliance) the phrase: “or the affected engine is exempt pursuant to Section 217.386(b)” was added at First Notice. As discussed in par. 1, Appendix G units cannot be exempt. Therefore, this phrase should be struck, as Appendix G units are not eligible for an exemption. (lns. 526, 527)

18. The introductory paragraph of subsection (c) of Section 217.392, changes are proposed to reflect that the court *North Carolina v. EPA*, (D.C. Cir. No. 05-1244(December 23, 2008)) has remanded the Clean Air Interstate Rule (“CAIR”) to USEPA. Possible changes to the CAIR rule that is currently administered by USEPA and contains both annual and ozone season NO<sub>x</sub> allowances, could include that another entity could administer the CAIR program and/or the annual program is eliminated. We propose that the words “administered by USEPA” be struck and replaced by “in which the State of Illinois participates” to reflect that the possibility that another entity could be administering a “CAIR” type program. In addition, new subsection (c)(2)(E) was added to clarify that if an annual NO<sub>x</sub> trading program does not exist a NO<sub>x</sub> ozone season allowance can be used. (lns. 583 through 589)

19. In Section 217.392, a new subsection (c)(1)(C) is proposed and the remaining subsections were renumbered to add the clarifications concerning what constitutes an event for the purpose of determining whether an owner or operator is in compliance with the requirements of subsection (c)(1)(B) limiting the use of allowances to two events in any rolling five-year

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period. (Ins. 550 through 554)

20. In Section 217.392, we propose dividing Subsection (c)(2) into five subsections to increase readability. (In. 560) In addition, two new subsections were added to subsection (c)(2). New subsection (c)(2)(B) clarifies that when a low usage unit is included in an averaging plan and there is noncompliance with a limitation in that plan, an owner or operator who chooses to use NO<sub>x</sub> allowances must calculate the emissions using the allowable emissions concentration from Section 217.388, rather than an AP-42 factor or uncontrolled emissions. (Ins. 569 through 573) New subsection (c)(2)(E), as discussed in No. 18, was added to clarify that if an annual NO<sub>x</sub> trading program does not exist a NO<sub>x</sub> ozone season allowance can be used. (Ins. 583 through 589)

21. In subsection (d)(1) of Section 217.394 (Testing and Monitoring) the word “utilizing” was struck in the First Notice and should remain, as the procedures for monitoring are contained in method ASTM D6522-00. (In. 678) Using the method implements the monitoring requirement.

22. In subsection (e) of Section 217.394, an addition is proposed to not only allow the use of CEMS complying 40 CFR 60, but also units complying with the provisions of 40 CFR 75. (In. 694) This change was made in response to the comment filed by Pamela F. Faggert, Vice President and Chief Environmental Officer, Dominion Resources Services, Inc dated December 22, 2008.

23. In subsection (f) of Section 217.394, a clarification is proposed ensure that low usage units included in emissions averaging plans comply with the substantive provisions for testing, monitoring, reporting and recordkeeping that apply to other affected units. (Ins. 705, 706)

24. In subsection (a) of Section 217.396 (Recordkeeping and Reporting), a



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217.782.9807 (Fax)



R07-19 Service List

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48 after becoming aware that the exemption no longer applies and comply with the  
49 control requirements of this Subpart Q.

50  
51 d) The requirements of this Subpart Q will continue to apply to any engine or turbine  
52 that has ever been subject to the ~~control~~ requirements of Section 217.388, even if  
53 the affected unit or source ceases to fulfill the rating requirements of subsection  
54 (a) of this Section or becomes eligible for an exemption pursuant to subsection (b)  
55 of this Section.

56  
57 e) Where a construction permit, for which the application was submitted to the  
58 Agency prior to the adoption of this Subpart, is issued that relies on decreases in  
59 emissions of NO<sub>x</sub> from existing emission units for purposes of netting or  
60 emissions offsets, such NO<sub>x</sub> decreases shall remain creditable notwithstanding any  
61 requirements that may apply to the existing emissions units pursuant to this part.

62  
63 (Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
64

65 Section 217.388 Control and Maintenance Requirements  
66

67 On and after the applicable compliance date in Section 217.392, an owner or operator of an  
68 affected unit must inspect and maintain affected units as required by subsection (d) of this  
69 Section and comply with one of the following: the applicable emissions concentration as set forth  
70 in subsection (a) of this Section, the requirements for an emissions averaging plan as specified in  
71 subsection (b) of this Section, or the requirements for operation as a low usage unit as specified  
72 in subsection (c) of this Section.

73  
74 a) Limits~~The owner or operator limits~~ the discharge from an affected unit into the  
75 atmosphere of any gases that contain NO<sub>x</sub> to no more than:

- 76  
77 1) 150 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for spark-ignited  
78 rich-burn engines;  
79  
80 2) 210 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for spark-ignited  
81 lean-burn engines, except for existing spark-ignited Worthington engines  
82 that are not listed in Appendix G;  
83  
84 3) 365 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for existing spark-  
85 ignited Worthington engines that are not listed in Appendix G;  
86  
87 4) 660 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for diesel engines;  
88  
89 5) 42 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for gaseous fuel-fired  
90 turbines; and  
91

- 92 6) 96 ppmv (corrected to 15 percent O<sub>2</sub> on a dry basis) for liquid fuel-fired  
93 turbines.  
94
- 95 b) Complies~~The owner or operator complies~~ with an emissions averaging plan as  
96 provided for in either subsection (b)(1) or (b)(2) of this Section:  
97
- 98 1) For any affected unit identified by Section 217.386: The requirements of  
99 the applicable emissions averaging plan as set forth in Section 217.390; or  
100
- 101 2) For units identified in Section 217.386(a)(2): The requirements of an  
102 emissions averaging plan adopted pursuant to any other Subpart of this  
103 Part. For such affected engines and turbines the applicable requirements  
104 of this Subpart apply, including but not limited to, calculation of NO<sub>x</sub>  
105 allowable and actual emissions rates, compliance dates, monitoring,  
106 testing, reporting, and recordkeeping.  
107
- 108 c) For units not listed in Appendix G, ~~The owner or operator~~ operates the affected  
109 unit as a low usage unit pursuant to subsection (c)(1) or (c)(2) of this Section.  
110 Low usage units that are not part of an emissions averaging plan are not subject to  
111 the requirements of this Subpart Q except for the requirements to inspect and  
112 maintain the unit pursuant to subsection (d) of this Section, test as required by  
113 Section 217.394(f), and retain records pursuant to Sections 217.396(b) and (d).  
114 Either the limitation in subsection (c)(1) or (c)(2) may be utilized at a source, but  
115 not both:  
116
- 117 1) The potential to emit (PTE) is no more than 100 TPY NO<sub>x</sub> aggregated  
118 from all engines and turbines located at the source that are not otherwise  
119 exempt pursuant to Section 217.386(b), and not complying with the  
120 requirements of subsection (a) or (b) of this Section, and the NO<sub>x</sub> PTE  
121 limit is contained in a federally enforceable permit; or  
122
- 123 2) The aggregate bhp-hrs/MW-hrs from ~~all~~ affected units located at the  
124 source that are not exempt pursuant to Section 217.386(b), and not  
125 complying with the requirements of subsection (a) or (b) of this Section,  
126 are less than or equal to the bhp-hrs and MW-hrs operation limit listed in  
127 subsections (c)(2)(A) and (c)(2)(B) of this Section. The operation limits of  
128 subsections (c)(2)(A) and (c)(2)(B) of this Section must be contained in a  
129 federally enforceable permit, except for ~~For~~ units that drive a natural gas  
130 compressor station ~~but that are not~~ located at a natural gas compressor  
131 station or storage facility, ~~the operation limits of subsections (c)(2)(A) and~~  
132 ~~(c)(2)(B) of this Section must be contained in a federally enforceable~~  
133 ~~permit.~~ The operation limits are:  
134
- 135 A) 8 mm bhp-hrs or less on an annual basis for engines; and

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

d) ~~The owner or operator inspects~~ Inspects and performs periodic maintenance on the affected unit, in accordance with a Maintenance Plan that documents:

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

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

B) 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.

2) 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.

e) 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 (c) of this Section to subsection (a) or (b) of this Section, the owner or operator must conduct testing and monitoring according to the requirements of subsections (a) through (e) of Section 217.394, 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 Section 217.388(a) or (b) is to begin.

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

A) Continue to operate the affected unit's control device, if that unit relied upon a NO<sub>x</sub> emissions control device for compliance with the requirements of subsection (a) or (b) of this Section; and

180 B) Prior to changing the method of compliance to subsection (c) of  
181 this Section, complete any outstanding initial performance testing,  
182 subsequent performances testing or monitoring as required by  
183 Section 217.394(a), (b), (c), (d) or (e) for the affected unit. If the  
184 deadline for such testing or monitoring has not yet occurred (e.g.,  
185 the five-year testing or monitoring sequence has not yet elapsed)  
186 the owner or operator must complete the test or monitoring prior to  
187 changing the method of compliance to subsection (c) of this  
188 Section. After changing the method of compliance to subsection  
189 (c) of this Section, no additional testing or monitoring will be  
190 required for the affected unit while it is complying with subsection  
191 (c) of this Section, except as provided for in Section 217.394(f).  
192

193 (Source: Amended at \_\_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

194  
195 Section 217.390 Emissions Averaging Plans

196  
197 a) An owner or operator of certain affected units may comply through an emissions  
198 averaging plan.

199  
200 1) ~~A~~The unit or units that commenced operation before January 1, 2002, may  
201 be included in only one emissions averaging plan, as follows:

202  
203 A) Units:

204  
205 i) ~~Listed in Appendix G and located~~ Located at a single  
206 source or at multiple sources in Illinois to address  
207 compliance for units identified in Section 217.386(a)(1), so  
208 long as the units are owned by the same company or parent  
209 company where the parent company has working control  
210 through stock ownership of its subsidiary corporations; or

211  
212 ii) ~~Located~~Identified in Section 217.386(b)(2), and located at a  
213 single source or at multiple sources in either the Chicago  
214 area counties or Metro-East area counties to address  
215 compliance for units identified in Section 217.386(a)(2), so  
216 long as the units are owned by the same company or parent  
217 company where the parent company has working control  
218 through stock ownership of its subsidiary corporations.

219  
220 B) Units that have a compliance date later than the control period for  
221 which the averaging plan is being used for compliance; ~~and~~

222  
223 C) Units ~~which~~ that are not otherwise subject to this Subpart (so long

224 as the units are owned by the same company or parent company  
225 where the parent company has working control through stock  
226 ownership of its subsidiary corporations) or that the owner or  
227 operator may claim as exempt pursuant to Section 217.386(b) but  
228 does not claim as exempt. For as long as such unit is included in  
229 an emissions averaging plan, it will be treated as an affected unit  
230 and subject to the applicable emission concentration, limits,  
231 testing, monitoring, recordkeeping and reporting requirements;  
232 and-  
233

234 D) Units which comply with the requirements for low usage units set  
235 forth in Section 217.388(c), so long as the unit or units operates  
236 NO<sub>x</sub> emissions control technology. For as long as such unit is  
237 included in an emissions averaging plan, it will be subject to the  
238 applicable emission concentration limits in subsection (g)(7) of this  
239 Section, the applicable testing and monitoring requirements for  
240 affected units in subsections (a) through (e) of Section 217.394,  
241 and the applicable recordkeeping and reporting requirements for  
242 affected and low usage units in subsections (a) through (d) of  
243 Section 217.396.  
244

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

247  
248 A) Units that commence operation after January 1, 2002, unless the  
249 unit or units replaces a unit or units described in subsection (a)(1)  
250 of this Section ~~an engine or turbine~~ that commenced operation on  
251 or before January 1, 2002, or ~~the unit or units~~ ~~it replaces~~ ~~a unit or~~  
252 units described in subsection (a)(1) of this Section ~~an engine or~~  
253 ~~turbine~~ that replaced a unit or units described in subsection (a)(1)  
254 of this Section that commenced operation on or before January 1,  
255 2002. The new unit must be used for the same purpose and have  
256 substantially equivalent or less process capacity or be permitted for  
257 less NO<sub>x</sub> emissions on annual basis than the actual NO<sub>x</sub> emissions  
258 as the ~~replacement~~ unit or units that are replaced. The owner or  
259 operator of a unit that is shutdown and replaced must comply with  
260 the provisions of Section 217.396(c)(3) before the replacement unit  
261 may be included in an emissions averaging plan.  
262

263 B) Units which the owner or operator is claiming are exempt pursuant  
264 to Section 217.386(b) ~~or as low usage units pursuant to Section~~  
265 ~~217.388(c).~~  
266

267 b) An owner or operator must submit an emissions averaging plan to the Agency by

268 the applicable compliance date set forth in Section 217.392, or by May 1 of the  
269 year in which the owner or operator is using a new emissions averaging plan to  
270 comply.

- 271
- 272 1) The plan must include, but is not limited to:
- 273
- 274 A) The list of affected units included in the plan by unit identification  
275 number and permit number.
- 276
- 277 B) A sample calculation demonstrating compliance using the  
278 methodology provided in subsection (f) of this Section for both the  
279 ozone season and calendar year.
- 280
- 281 2) The plan will be effective as follows:
- 282
- 283 A) An initial plan for units required to comply by January 1, 2008<sub>2</sub> is  
284 effective January 1, 2008;
- 285
- 286 B) An initial plan for units required to comply by May 1, 2010<sub>2</sub> is  
287 effective May 1, 2010<sub>2</sub> for those units:
- 288
- 289 C) A new plan submitted pursuant to subsection (b) of this Section but  
290 not submitted by January 1, 2008<sub>2</sub> or May 1, 2010<sub>2</sub> is effective  
291 retroactively to January 1 of the applicable year; or
- 292
- 293 E) An amended plan submitted pursuant to subsection (d) of this  
294 Section is effective on the date it is received by the Agency.
- 295
- 296 c) An owner or operator may amend an emissions averaging plan only once per  
297 calendar year. An amended plan must include the information from subsection  
298 (b)(1) and may change, but is not limited to changing, the group of affected units  
299 or reflecting changes in the operation of the affected units. An amended plan  
300 must be submitted to the Agency by May 1 of the applicable calendar year and is  
301 effective as set forth in subsection (b)(2) of this Section. If an amended plan is  
302 not received by the Agency by May 1 of the applicable calendar year, the previous  
303 year's plan will be the applicable emissions averaging plan.
- 304
- 305 d) Notwithstanding subsection (c) of this Section, an owner or operator, and the  
306 buyer or seller, if applicable:
- 307
- 308 1) Must submit an updated emissions averaging plan or plans to the Agency  
309 within 60 days, if a unit that is listed in an emissions averaging plan is sold  
310 or taken out of service.
- 311

312 2) May amend its emissions averaging plan to include another unit within 30  
313 days after discovering that the unit no longer qualifies as an exempt unit  
314 pursuant to Section 217.386(b) or as a low usage unit pursuant to Section  
315 217.388(c).

316  
317 3) May submit an updated emissions averaging plan or plans to the Agency  
318 within 60 days of purchasing a new unit to include the new unit.  
319

320 e) An owner or operator must:

321  
322 1) Demonstrate compliance for both the ozone season (May 1 through  
323 September 30) and the calendar year (January 1 through December 31) by  
324 using the methodology and the units listed in the most recent emissions  
325 averaging plan submitted to the Agency pursuant to subsection (b), (c), or  
326 (d) of this Section; the higher of the monitoring or test data determined  
327 pursuant to Section 217.394; and the actual hours of operation for the  
328 applicable control period;

329  
330 2) Notify the Agency by October 31 following the ozone season, if  
331 compliance cannot be demonstrated for that ozone season; and  
332

333 3) Submit to the Agency by January 31 following each calendar year, a  
334 compliance report containing the information required by Section  
335 217.396(c)(4).  
336

337 f) The total mass of actual NO<sub>x</sub> emissions from the units listed in the emissions  
338 averaging plan must be equal to or less than the total mass of allowable NO<sub>x</sub>  
339 emissions for those units for both the ozone season and calendar year. The  
340 following equation must be used to determine compliance:

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

341  
342  
343  
344 Where:

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

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

347  $N_{act}$  = Total sum of the actual NO<sub>x</sub> mass emissions from  
348 units included in the averaging plan for each fuel used (lbs  
349 per ozone season and calendar year).

350  $N_{all}$  = Total sum of the allowable NO<sub>x</sub> mass emissions from units  
351 included in the averaging plan for each fuel used (lbs per  
352 ozone season and calendar year).

353  $EM_{all(i)} =$  Total mass of allowable  $NO_x$  emissions in lbs for a unit as  
 354 determined in subsection (g)(2) or (h)(2) of this Section.  
 355  $EM_{act(i)} =$  Total mass of actual  $NO_x$  emissions in lbs for a unit  
 356 as determined in subsection (g)(1) or (h)(1) of this Section.  
 357  $i =$  Subscript denoting an individual unit and fuel used.  
 358  $n =$  Number of different units in the averaging plan.  
 359

360 g) For each unit in the averaging plan, and each fuel used by a unit, determine actual  
 361 and allowable  $NO_x$  emissions using the following equations, except as provided  
 362 for in subsection (h) of this Section:  
 363

364 1) Actual emissions must be determined as follows:  
 365

366

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

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

367

368 2) Allowable emissions must be determined as follows:  
 369

370

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

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

371

372

373

374

375 Where:

376  $EM_{act(i)} =$  Total mass of actual  $NO_x$  emissions in lbs for a unit, except  
 377 as provided for in subsections (g)(3) and (g)(5) of this  
 378 Section.  
 379  $EM_{all(i)} =$  Total mass of allowable  $NO_x$  emissions in lbs for a unit,  
 380 except as provided for in subsection (g)(3) of this Section.  
 381  $E_{act} =$  Actual  $NO_x$  emission rate (lbs/mmBtu) calculated  
 382 according to the above equation.  
 383  $E_{all} =$  Allowable  $NO_x$  emission rate (lbs/mmBtu)  
 384 calculated according to the above equation, as applicable.  
 385  $H =$  Heat input (mmBtu/ozone season or mmBtu/year)  
 386 calculated from fuel flow meter and the heating  
 387 value of the fuel used.  
 388  $C_{d(act)} =$  Actual concentration of  $NO_x$  in lb/dscf (ppmv x  
 389  $1.194 \times 10^{-7}$ ) on a dry basis for the fuel used. Actual  
 390 concentration is determined on each of the most recent test

391 runs or monitoring passes performed pursuant to Section  
 392 217.394, whichever is higher.  
 393  $C_{d(all)}$  = Allowable concentration of  $NO_x$  in lb/dscf (allowable  
 394 emission limit in ppmv specified in Section 217.388(a),  
 395 except as provided for in subsection (g)(4), (g)(5), ~~(g)(6)~~,  
 396 or (g)(7) of this Section, if applicable, (multiplied by  $1.194$   
 397  $\times 10^{-7}$ ) on a dry basis for the fuel used.  
 398  $F_d$  = The ratio of the gas volume of the products of combustion  
 399 to the heat content of the fuel (dscf/mmBtu) as given in the  
 400 table of F Factors included in 40 CFR 60, appendix A,  
 401 Method 19 or as determined using 40 CFR 60, appendix A,  
 402 Method 19.  
 403  $\%O_{2d}$  = Concentration of oxygen in effluent gas stream measured  
 404 on a dry basis during each of the applicable tests or  
 405 monitoring runs used for determining emissions, as  
 406 represented by a whole number percent, e.g., for 18.7% $O_{2d}$ ,  
 407 18.7 would be used.  
 408  $i$  = Subscript denoting an individual unit and the fuel used.  
 409  $j$  = Subscript denoting each test run or monitoring pass for an  
 410 affected unit for a given fuel.  
 411  $m$  = The number of test runs or monitoring passes for an  
 412 affected unit using a given fuel.  
 413

414 3) For a replacement unit that is electric-powered, the allowable  $NO_x$   
 415 emissions from the affected unit that was replaced should be used in the  
 416 averaging calculations and the actual  $NO_x$  emissions for the electric-  
 417 powered replacement unit ( $EM_{act\ elec(i)}$ ) are zero. Allowable  $NO_x$  emissions  
 418 for the electric-powered replacement are calculated using the actual total  
 419 bhp-hrs generated by the electric-powered replacement unit on an ozone  
 420 season and on an annual basis multiplied by the allowable  $NO_x$  emission  
 421 rate in lb/bhp-hr of the replaced unit. The allowable mass of  $NO_x$   
 422 emissions from an electric-powered replacement unit ( $EM_{all\ elec(i)}$ ) must be  
 423 determined by multiplying the nameplate capacity of the unit by the hours  
 424 operated during the ozone season or annually and the allowable  $NO_x$   
 425 emission rate of the replaced unit ( $E_{all\ rep}$ ) in lb/mmBtu converted to  
 426 lb/bhp-hr. For this calculation the following equation should be used:  
 427

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

428  
 429  
 430 Where:

431  $EM_{all\ elec(i)}$  = Mass of allowable  $NO_x$  emissions from the electric-  
 432

433 powered replacement unit in pounds per ozone season or  
434 calendar year.  
435 bhp = Nameplate capacity of the electric-powered  
436 replacement unit in brake horsepower.  
437 OP = Operating hours during the ozone season or calendar  
438 year.  
439 F = Conversion factor of 0.0077 mmBtu/bhp-hr.  
440  $E_{\text{all rep}(i)}$  = Allowable NO<sub>x</sub> emission rate (lbs/mmBtu) of the replaced  
441 unit.  
442 i = Subscript denoting an individual electric unit and the fuel  
443 used.  
444

445 4) For a replacement unit that is not electric, the allowable NO<sub>x</sub> emissions  
446 rate used in the above equations set forth in subsection (g)(2) of this  
447 Section must be the higher of the actual NO<sub>x</sub> emissions as determined by  
448 testing or monitoring data or the applicable uncontrolled NO<sub>x</sub> emissions  
449 factor from Compilation of Air Pollutant Emission Factors: AP-42,  
450 Volume I: Stationary Point and Area Sources, as incorporated by reference  
451 in Section 217.104 for the unit that was replaced.  
452

453 5) For a unit that is replaced with purchased power, the allowable NO<sub>x</sub>  
454 emissions rate used in the equations set forth in subsection (g)(2) of this  
455 Section must be the emissions concentration set forth in Section  
456 217.388(a) or subsection (g)(6) of this Section, when applicable, for the  
457 type of unit that was replaced. For owners or operators replacing units  
458 with purchased power, the annual hours of operations that must be used  
459 are the calendar year hours of operation for the unit that was shut down  
460 averaged over the three-year period prior to the shutdown. The actual NO<sub>x</sub>  
461 emissions for the units replaced by purchased power ( $EM_{\text{act}(i)}$ ) are zero.  
462 These units may be included in any emissions averaging plan for no more  
463 than five years beginning with the calendar year that the replaced unit is  
464 shut down.  
465

466 6) For units that have a later compliance date, allowable emissions rate used  
467 in the above equations set forth in subsection (g)(2) of this Section must  
468 be:  
469

470 A) Prior to the applicable compliance date pursuant to Section  
471 217.392, the higher of the actual NO<sub>x</sub> emissions as determined by  
472 testing or monitoring data or the applicable uncontrolled NO<sub>x</sub>  
473 emissions factor from Compilation of Air Pollutant Emission  
474 Factors: AP-42, Volume I: Stationary Point and Areas Sources, as  
475 incorporated by reference in Section 217.104; or  
476

477 B) On and after the unit's applicable compliance date pursuant to  
 478 Section 217.392, the applicable emissions concentration for that  
 479 type of unit pursuant to Section 217.388(a).  
 480

481 7) For a low usage unit complying with the requirements of Section  
 482 217.388(c) and used in an emissions averaging plan, the allowable NO<sub>x</sub>  
 483 emissions rate used in the above equations set forth in subsection (g)(2) of  
 484 this Section must be the higher of the actual NO<sub>x</sub> emissions as determined  
 485 by testing or monitoring data or the applicable uncontrolled NO<sub>x</sub> emissions  
 486 factor from Compilation of Air Pollutant Emission Factors: AP-42,  
 487 Volume I: Stationary Point and Area Sources, as incorporated by reference  
 488 in Section 217.104.  
 489

490 h) For units that use CEMS, the data must show that the total mass of actual NO<sub>x</sub>  
 491 emissions determined pursuant to subsection (h)(1) of this Section is less than or  
 492 equal to the allowable NO<sub>x</sub> emissions calculated in accordance with the equations  
 493 in subsections (f) and (h)(2) of this Section for both the ozone season and calendar  
 494 year. The equations in subsection (g) of this Section will not apply.  
 495

496 1) The total mass of actual NO<sub>x</sub> emissions in lbs for a unit (EM<sub>act</sub>) must be  
 497 the sum of the total mass of actual NO<sub>x</sub> emissions from each affected unit  
 498 using CEMS data collected in accordance with 40 CFR 60 or 75, or  
 499 alternate methodology that has been approved by the Agency or USEPA  
 500 and included in a federally enforceable permit.  
 501

502 2) The allowable NO<sub>x</sub> emissions must be determined as follows:  
 503

$$EM_{(all(i))} = \sum_{i=1}^m (Cd_i * flow_i * 1.194 \times 10^{-7})$$

505 Where:

- 506 EM<sub>all(i)</sub> = Total mass of allowable NO<sub>x</sub> emissions in lbs for a unit.  
 507 flow<sub>i</sub> = Stack flow (dscf/hr) for a given stack.  
 508 Cd<sub>i</sub> = Allowable concentration of NO<sub>x</sub> (ppmv) specified in  
 509 Section 217.388(a) for a given stack, (1.194 x 10<sup>-7</sup>)  
 510 converts to lb/dscf).  
 511 j = subscript denoting each hour operation of a given unit.  
 512 m = Total number of hours of operation of a unit.  
 513 i = Subscript denoting an individual unit and the fuel used.  
 514  
 515  
 516

517 (Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 518

519 Section 217.392 Compliance

520

521 a) On and after January 1, 2008, an owner or operator of an affected engine listed in  
522 Appendix G may not operate the affected engine unless the requirements of this  
523 Subpart Q are met ~~or the affected engine is exempt pursuant to Section~~  
524 ~~217.386(b).~~

525

526 b) On and after May 1, 2010, an owner or operator of a unit identified by Section  
527 217.386(b)(2), and that is not listed in Appendix G, may not operate the affected  
528 unit unless the requirements of this Subpart Q are met or the affected unit is  
529 exempt pursuant to Section 217.386(b).

530

531 c) Owners and operators of an affected unit may use NO<sub>x</sub> allowances to meet the  
532 compliance requirements in Section 217.388 as specified in this subsection (c). A  
533 NO<sub>x</sub> allowance is defined as an allowance used to meet the requirements of a NO<sub>x</sub>  
534 trading program in which the State of Illinois participates, administered by  
535 ~~USEPA~~ where one allowance is equal to one ton of NO<sub>x</sub> emissions.

536

537 1) NO<sub>x</sub> allowances may be used only under the following circumstances:

538

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

543

544 B) To achieve compliance no more than two events in any rolling  
545 five-year period; ~~and~~

546

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

552

553 ~~DE)~~ For a unit that is not listed in Appendix G.

554

555 2) The owner or operator of the affected unit must surrender to the Agency a  
556 NO<sub>x</sub> allowance for each ton or portion of a ton of NO<sub>x</sub> by which actual  
557 emissions exceed allowed emissions, as follows:

558

559 A) Where a low usage limitation under Section 217.388(c)(2) has been  
560 exceeded, the owner or operator of the affected unit must calculate  
561 the NO<sub>x</sub> emissions resulting from the number of hours that  
562 exceeded the operating hour low usage limit and surrender to the

563 Agency one NO<sub>x</sub> allowance for each ton or portion of a ton of NO<sub>x</sub>  
564 that was calculated.

565  
566 B) For noncompliance of a limitation in an emissions averaging plan  
567 which includes low usage units, the owner or operator of the  
568 affected low usage unit must calculate the NO<sub>x</sub> emissions using the  
569 applicable allowable emissions concentration from Section  
570 217.388(a).

571  
572 C) For noncompliance with a seasonal limit in Section 217.388(b),  
573 only a NO<sub>x</sub> ozone season allowance must be used.

574  
575 D) For noncompliance with the emissions concentration limits in  
576 Section 217.388(a), low usage limitations in Section 217.388(c) or  
577 an annual limitation in an emissions averaging plan in Section  
578 217.388(b), only a NO<sub>x</sub> annual allowance may be used.

579  
580 E) Notwithstanding the provisions of subsections (c)(2)(C) and  
581 (c)(2)(D) of this Section, if a NO<sub>x</sub> annual trading program does not  
582 exist, a NO<sub>x</sub> ozone season allowance may be used for  
583 noncompliance with the emissions concentration limits in Section  
584 217.388(a), low usage limitations in Section 217.388(c) or an  
585 annual limitation in an emissions averaging plan in Section  
586 217.388(b).

587  
588 3) The owner operator must submit a report documenting the circumstances  
589 that required the use of NO<sub>x</sub> allowances and identify what actions will be  
590 taken in subsequent years to address these circumstances and must transfer  
591 the NO<sub>x</sub> allowances to the Agency's federal NO<sub>x</sub> retirement account. The  
592 report and the transfer of allowances must be submitted by October 31 for  
593 exceedances during the ozone season and March 1 for exceedances of the  
594 emissions concentration limits, the annual emissions averaging plan limits,  
595 or low usage limitations. The report must contain the NATS serial  
596 numbers of the NO<sub>x</sub> allowances.

597  
598 (Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)  
599

600 Section 217.394 Testing and Monitoring

601  
602 a) An owner or operator must conduct an initial performance test pursuant to  
603 subsection (c)(1) or (c)(2) of this Section as follows:

604  
605 1) By January 1, 2008, for affected engines listed in Appendix G.  
606 Performance tests must be conducted on units listed in Appendix G, even

- 607 if the unit is included in an emissions averaging plan pursuant to Section  
608 217.388(b).  
609
- 610 2) By the applicable compliance date as set forth in Section 217.392, or  
611 within the first 876 hours of operation per calendar year, which ever is  
612 later:  
613
- 614 A) For affected units not listed in Appendix G that operate more than  
615 876 hours per calendar year; and  
616
- 617 B) For units that are not affected units that are included in an  
618 emissions averaging plan and operate more than 876 hours per  
619 calendar year.  
620
- 621 3) Once within the five-year period after the applicable compliance date as  
622 set forth in Section 217.392:  
623
- 624 A) For affected units that operate fewer than 876 hours per calendar  
625 year; and  
626
- 627 B) For units that are not affected units that are included in an  
628 emissions averaging plan and that operate fewer than 876 hours per  
629 calendar year.  
630
- 631 b) An owner or operator of an engine or turbine must conduct subsequent  
632 performance tests pursuant to subsection (c)(1), (c)(2), or (c)(3) of this Section as  
633 follows:  
634
- 635 1) For affected engines listed in Appendix G and all units included in an  
636 emissions averaging plan, once every five years. Testing must be  
637 performed in the calendar year by May 1 or within 60 days after starting  
638 operation, whichever is later;  
639
- 640 2) If the monitored data shows that the unit is not in compliance with the  
641 applicable emissions concentration or emissions averaging plan, the owner  
642 or operator must report the deviation to the Agency in writing within 30  
643 days and conduct a performance test pursuant to subsection (c) of this  
644 Section within 90 days of the determination of noncompliance; and  
645
- 646 3) When in the opinion of the Agency or USEPA, it is necessary to conduct  
647 testing to demonstrate compliance with Section 217.388, the owner or  
648 operator of a unit must, at his or her own expense, conduct the test in  
649 accordance with the applicable test methods and procedures specified in  
650 this Section within 90 days after receipt of a notice to test from the Agency

- 651 or USEPA.  
652
- 653 c) Testing Procedures:  
654
- 655 1) For an engine: The owner or operator must conduct a performance test  
656 using Method 7 or 7E of 40 CFR 60, appendix A, as incorporated by  
657 reference in Section 217.104. Each compliance test must consist of three  
658 separate runs, each lasting a minimum of 60 minutes. NO<sub>x</sub> emissions must  
659 be measured while the affected unit is operating at peak load. If the unit  
660 combusts more than one type of fuel (gaseous or liquid), including backup  
661 fuels, a separate performance test is required for each fuel.  
662
- 663 2) For a turbine: The owner or operator must conduct a performance test  
664 using the applicable procedures and methods in 40 CFR 60.4400, as  
665 incorporated by reference in Section 217.104.  
666
- 667 d) Monitoring: Except for those years in which a performance test is conducted  
668 pursuant to subsection (a) or (b) of this Section, the owner or operator of an  
669 affected unit or a unit included in an emissions averaging plan must monitor NO<sub>x</sub>  
670 concentrations annually, once between January 1 and May 1 or within the first 876  
671 hours of operation per calendar year, whichever is later. If annual operation is less  
672 than 876 hours per calendar year, each affected unit must be monitored at least  
673 once every five years. Monitoring must be performed as follows:  
674
- 675 1) A portable NO<sub>x</sub> monitor ~~and~~ utilizing method ASTM D6522-00, as  
676 incorporated by reference in Section 217.104, or a method approved by the  
677 Agency must be used. If the engine or turbine combusts both liquid and  
678 gaseous fuels as primary or backup fuels, separate monitoring is required  
679 for each fuel.  
680
- 681 2) NO<sub>x</sub> and O<sub>2</sub> concentrations measurements must be taken three times for a  
682 duration of at least 20 minutes. Monitoring must be done at highest  
683 achievable load. The concentrations from the three monitoring runs must  
684 be averaged to determine whether the affected unit is in compliance with  
685 the applicable emissions concentration or emissions averaging plan as  
686 specified in Section 217.388.  
687
- 688 e) Instead of complying with the requirements of subsections (a), (b), (c) and (d) of  
689 this Section, an owner or operator may install and operate a CEMS on an affected  
690 unit that meets the applicable requirements of 40 CFR 60, subpart A and appendix  
691 B or 40 CFR 75, incorporated by reference in Section 217.104, and complies with  
692 the quality assurance procedures specified in 40 CFR 60, appendix F or 40 CFR  
693 75 as incorporated by reference in Section 217.104, or an alternate procedure as  
694 approved by the Agency or USEPA in a federally enforceable permit. The CEMS

695 must be used to demonstrate compliance with the applicable emissions  
696 concentration or emissions averaging plan only on an ozone season and annual  
697 basis.  
698

699 f) The testing and monitoring requirements of this Section do not apply to affected  
700 units in compliance with the requirements of the low usage limitations pursuant to  
701 Section 217.388(c) or low usage units using NO<sub>x</sub> allowances to comply with the  
702 requirements of this Subpart pursuant to Section 217.392(c), unless such units are  
703 included in an emissions averaging plan. Notwithstanding the above  
704 circumstances, when in the opinion of the Agency or USEPA, it is necessary to  
705 conduct testing to demonstrate compliance with Section 217.388, the owner or  
706 operator of a unit must, at his or her own expense, conduct the test in accordance  
707 with the applicable test methods and procedures specified in this Section within  
708 90 days after receipt of a notice to test from the Agency or USEPA.  
709

710 (Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
711

712 Section 217.396 Recordkeeping and Reporting  
713

714 a) Recordkeeping. The owner or operator of any unit included in an emissions  
715 averaging plan (e.g., affected units, nonsubject units, units that could be exempt  
716 pursuant to Section 217.386(b), and low usage units) or an affected unit that is not  
717 exempt pursuant to Section 217.386(b) and is not subject to a the low usage  
718 exemption of Section 217.388(c)-must maintain records that demonstrate  
719 compliance with the requirements of this Subpart Q which include, but are not  
720 limited to:  
721

- 722 1) Identification, type (e.g., lean-burn, gas-fired), and location of each unit.  
723
- 724 2) Calendar date of the record.  
725
- 726 3) The number of hours the unit operated on a monthly basis and during each  
727 ozone season.  
728
- 729 4) Type and quantity of the fuel used on a daily basis.  
730
- 731 5) The results of all monitoring performed on the unit and reported  
732 deviations.  
733
- 734 6) The results of all tests performed on the unit.  
735
- 736 7) The plan for performing inspection and maintenance of the units, air  
737 pollution control equipment, and the applicable monitoring device  
738 pursuant to Section 217.388(d).

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- 8) A log of inspections and maintenance performed on the unit's air emissions, monitoring device, and air pollution control device. These records must include, at a minimum, date, load levels and any manual adjustments, along with the reason for the adjustment (e.g., air to fuel ratio, timing or other settings).
- 9) If complying with the emissions averaging plan provisions of Sections 217.388(b) and 217.390, copies of the calculations used to demonstrate compliance with the ozone season and annual control period limits, noncompliance reports for the ozone season, and ozone and annual control period compliance reports submitted to the Agency.
- 10) Identification of time periods for which operating conditions and pollutant data were not obtained by either the CEMS or alternate monitoring procedures including the reasons for not obtaining sufficient data and a description of corrective actions taken.
- 11) Any NO<sub>x</sub> 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

- 783 results of the test to the Agency.  
784
- 785 2) Pursuant to the requirements for monitoring in Section 217.394(d), the  
786 owner or operator of the unit must report to the Agency any monitored  
787 exceedances of the applicable NO<sub>x</sub> concentration from Section 217.388(a)  
788 or (b) within 30 days after performing the monitoring.  
789
- 790 3) Within 90 days after permanently shutting down an affected unit or a unit  
791 included in an emissions averaging plan, the owner or operator of the unit  
792 must withdraw or amend the applicable permit to reflect that the unit is no  
793 longer in service.  
794
- 795 4) If demonstrating compliance through an emissions averaging plan:  
796
- 797 A) By October 31 following the applicable ozone season, the owner or  
798 operator must notify the Agency if he or she cannot demonstrate  
799 compliance for that ozone season; and  
800
- 801 B) By January 31 following the applicable calendar year, the owner or  
802 operator must submit to the Agency a report that demonstrates the  
803 following:  
804
- 805 i) For all units that are part of the emissions averaging plan,  
806 the total mass of allowable NO<sub>x</sub> emissions for the ozone  
807 season and for the annual control period;  
808
- 809 ii) The total mass of actual NO<sub>x</sub> emissions for the ozone  
810 season and annual control period for each unit included in  
811 the averaging plan;  
812
- 813 iii) The calculations that demonstrate that the total mass of  
814 actual NO<sub>x</sub> emissions are less than the total mass of  
815 allowable NO<sub>x</sub> emissions using equations in Sections  
816 217.390(f) and (g); and  
817
- 818 iv) The information required to determine the total mass of  
819 actual NO<sub>x</sub> emissions and the calculations performed in  
820 subsection (c)(4)(B)(iii) of this Section.  
821
- 822 5) If operating a CEMS, the owner or operator must submit an excess  
823 emissions and monitoring systems performance report in accordance with  
824 the requirements of 40 CFR 60.7(c) and 60.13, or 40 CFR 75 incorporated  
825 by reference in Section 217.104, or an alternate procedure approved by the  
826 Agency or USEPA and included in a federally enforceable permit.

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- 6) If using NO<sub>x</sub> allowances to comply with the requirements of Section 217.388, reconciliation reports as required by Section 217.392(c)(3).
- d) The owner or operator of an affected unit that is complying with the low usage provisions of Section 217.388(c) must:
  - 1) For each unit complying with Section 217.388(c)(1), maintain a record of the NO<sub>x</sub> emissions for each calendar year;
  - 2) For each unit complying with Section 217.388(c)(2), maintain a record of bhp or MW hours operated each calendar year; and
  - 3) For each unit utilizing NO<sub>x</sub> allowances for compliance pursuant to Section 217.392(c)(3), maintain and submit any NO<sub>x</sub> allowance reconciliation reports.
- e) Instead of complying with the requirements of subsection (a) of this Section; subsection (b) of this Section; subsections (c)(1) through (c)(4) of this Section; and subsection (d) of this Section; an owner or operator of an affected unit complying with the requirements of Section 217.388(a) and operating a CEMS on that unit may meet the applicable testing, monitoring, reporting and recordkeeping requirements for that CEMS of 40 CFR 75, as incorporated by reference in Section 217.104.

(Source: Amended at \_\_\_ Ill. Reg. \_\_\_\_, effective \_\_\_\_\_)