

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Major Stationary Sources Construction and Modification
- 2) Code Citation: 35 Ill. Adm. Code 203
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
203.100	New Section
203.1000	New Section
203.1010	New Section
203.1020	New Section
203.1030	New Section
203.1040	New Section
203.1050	New Section
203.1060	New Section
203.1070	New Section
203.1080	New Section
203.1090	New Section
203.1100	New Section
203.1110	New Section
203.1120	New Section
203.1130	New Section
203.1140	New Section
203.1150	New Section
203.1160	New Section
203.1170	New Section
203.1180	New Section
203.1190	New Section
203.1200	New Section
203.1210	New Section
203.1220	New Section
203.1230	New Section
203.1240	New Section
203.1250	New Section
203.1260	New Section
203.1270	New Section
203.1280	New Section
203.1290	New Section
203.1300	New Section
203.1310	New Section
203.1320	New Section
203.1330	New Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

203.1340	New Section
203.1350	New Section
203.1360	New Section
203.1370	New Section
203.1380	New Section
203.1390	New Section
203.1400	New Section
203.1410	New Section
203.1420	New Section
203.1430	New Section
203.1440	New Section
203.1450	New Section
203.1460	New Section
203.1500	New Section
203.1600	New Section
203.1610	New Section
203.1700	New Section
203.1800	New Section
203.1810	New Section
203.1820	New Section
203.1830	New Section
203.1900	New Section
203.2000	New Section
203.2100	New Section
203.2110	New Section
203.2120	New Section
203.2130	New Section
203.2140	New Section
203.2150	New Section
203.2160	New Section
203.2170	New Section
203.2180	New Section
203.2190	New Section
203.2200	New Section
203.2210	New Section
203.2220	New Section
203.2230	New Section
203.2240	New Section
203.2250	New Section
203.2260	New Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

203.2270	New Section
203.2280	New Section
203.2290	New Section
203.2300	New Section
203.2310	New Section
203.2320	New Section
203.2330	New Section
203.2340	New Section
203.2350	New Section
203.2360	New Section
203.2370	New Section
203.2380	New Section
203.2390	New Section
203.2400	New Section
203.2410	New Section
203.2420	New Section
203.2500	New Section
203.2510	New Section
203.2520	New Section
203.2530	New Section

- 4) Statutory Authority: Implementing Section 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27 and 28.5].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal amends 35 Ill. Adm. Code 201, 202, 203, 204, and 232 to make the Board's Non-Attainment New Source Review consistent with the federal Clean Air Act and underlying NA NSR program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Are there any proposed rulemakings to this Part pending? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments should refer to Docket R22-17 and be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov. Public comments may be addressed to:
- Clerk's Office
Illinois Pollution Control Board
60 E. Van Buren, Suite 630
Chicago, IL 60605
- Don.brown@illinois.gov
- Interested persons may download copies of the Board's opinions and orders in R22-17 from the Board's Web site at pcb.illinois.gov and may also request copies by calling the Clerk's office at (312) 814-3620.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments in this rulemaking will not themselves require recordkeeping or reporting procedures for compliance.
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Board does not expect that the proposed rules will impact small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule did not appear in the previous two regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

Comparing:
Agency Proposed vs. JCAR r01

~~ILLINOIS REGISTER~~

JCAR350203-2406574r01

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 203

MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION

SUBPART A: GENERAL PROVISIONS

Section	
203.100	Effective Dates
<u>203.101</u>	<u>Definitions</u>
203.103	Actual Construction
203.104	Actual Emissions
203.107	Allowable Emissions
203.110	Available Growth Margin
203.112	Building, Structure and Facility
203.113	Commence
203.116	Construction
203.117	Dispersion Enhancement Techniques
203.119	Emission Baseline
203.121	Emission Offset
203.122	Emissions Unit
203.123	Federally Enforceable
203.124	Fugitive Emissions
203.125	Installation
203.126	Lowest Achievable Emission Rate
203.127	Nonattainment Area
203.128	Potential to Emit
203.131	Reasonable Further Progress
203.134	Secondary Emissions
203.136	Stationary Source
203.145	Volatile Organic Material (Repealed)
203.150	Public Participation
203.155	Severability (Repealed)

SUBPART B: MAJOR STATIONARY
SOURCES IN NONATTAINMENT AREAS

Section

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 203.201 Prohibition
- 203.202 Coordination ~~with~~With Permit Requirement and Application Pursuant to 35 Ill. Adm. Code 201
- 203.203 Construction Permit Requirement and Application
- 203.204 Duration of Construction Permit (Repealed)
- 203.205 Effect of Permits
- 203.206 Major Stationary Source
- 203.207 Major Modification of a Source
- 203.208 Net Emission Determination
- 203.209 Significant Emissions Determination
- 203.210 Relaxation of a Source-Specific Limitation
- 203.211 Permit Exemption Based on Fugitive Emissions

SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section

- 203.301 Lowest Achievable Emission Rate
- 203.302 Maintenance of Reasonable Further Progress and Emission Offsets
- 203.303 Baseline and Emission Offsets Determination
- 203.304 Exemptions from Emissions Offset Requirement (Repealed)
- 203.305 Compliance by Existing Sources
- 203.306 Analysis of Alternatives

SUBPART F: OPERATION OF A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION

Section

- 203.601 Lowest Achievable Emission Rate Compliance Requirement
- 203.602 Emission Offset Maintenance Requirement
- 203.603 Ambient Monitoring Requirement (Repealed)

SUBPART G: GENERAL MAINTENANCE OF EMISSION OFFSETS

Section

- 203.701 General Maintenance of Emission Offsets

SUBPART H: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND MOTOR FIRING

Section

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

203.801 Offsetting by Alternative or Innovative Means

SUBPART I: GENERAL PROVISIONS

Section

203.1000	Incorporations by Reference
203.1010	Abbreviations and Acronyms
203.1020	Severability
203.1030	Definitions
203.1040	Actual Emissions
203.1050	Allowable Emissions
203.1060	Available Growth Margin
203.1070	Baseline Actual Emissions
203.1080	Begin Actual Construction
203.1090	Building, Structure, Facility, or Installation
203.1100	Commence
203.1110	Complete
203.1120	Construction
203.1130	Dispersion Technique
203.1140	Electric Utility Steam Generating Unit
203.1150	Emission Offset
203.1160	Emissions Unit
203.1170	Excessive Concentration
203.1180	Federally Enforceable
203.1190	Fugitive Emissions
203.1200	Good Engineering Practice
203.1210	Lowest Achievable Emission Rate
203.1220	Major Modification
203.1230	Major Stationary Source
203.1240	Nearby
203.1250	Necessary Preconstruction Approvals or Permits
203.1260	Net Emissions Increase
203.1270	Nonattainment Area
203.1280	Nonattainment New Source Review (NA NSR) Permit
203.1290	Potential to Emit
203.1300	Process Unit
203.1310	Project
203.1320	Projected Actual Emissions
203.1330	Reasonable Further Progress
203.1340	Regulated NSR Pollutant
203.1350	Replacement Unit

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

203.1360	Secondary Emissions
203.1370	Significant
203.1380	Significant Emissions Increase
203.1390	Stack in Existence
203.1400	Stationary Source

SUBPART J: MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section	
203.1410	Applicability
203.1420	Effect of Permits
203.1430	Relaxation of a Source-Specific Limitation
203.1440	Prohibitions
203.1450	Control of Ozone, PM ₁₀ , and PM _{2.5}
203.1460	Permit Exemption Based on Fugitive Emissions

SUBPART K: STACK HEIGHTS

Section	
203.1500	Stack Heights

SUBPART L: GENERAL OBLIGATIONS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Section	
203.1600	Construction Permit
203.1610	Public Participation

SUBPART M: NON-APPLICABILITY RECORDKEEPING AND REPORTING

Section	
203.1700	Recordkeeping and Reporting Requirements for Certain Projects at Major Stationary Sources in Nonattainment Areas

SUBPART N: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section	
203.1800	Lowest Achievable Emission Rate
203.1810	Emissions Offsets
203.1820	Compliance by Existing Sources

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

203.1830 Analysis of Alternatives

SUBPART O: GENERAL MAINTENANCE OF EMISSION OFFSETS

Section

203.1900 General Maintenance of Emission Offsets

SUBPART P: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND
MOTOR FIRING

Section

203.2000 Offsetting by Alternative or Innovative Means

SUBPART Q: PLANTWIDE APPLICABILITY LIMITATION

Section

203.2100 Applicability
203.2110 Definitions
203.2120 Actuals PAL
203.2130 Allowable Emissions
203.2140 Best Available Control Technology (BACT)
203.2150 Continuous Emissions Monitoring System (CEMS)
203.2160 Continuous Emissions Rate Monitoring System (CERMS)
203.2170 Continuous Parameter Monitoring System (CPMS)
203.2180 Federal Land Manager
203.2190 Major Emissions Unit
203.2200 Plantwide Applicability Limitation (PAL)
203.2210 PAL Effective Date
203.2220 PAL Effective Period
203.2230 PAL Major Modification
203.2240 PAL Permit
203.2250 PAL Pollutant
203.2260 Predictive Emissions Monitoring System (PEMS)
203.2270 Reasonably Available Control Technology (RACT)
203.2280 Significant Emissions Unit
203.2290 Small Emissions Unit
203.2300 Permit Application Requirements
203.2310 General Requirements for Establishing PAL
203.2320 Public Participation Requirements
203.2330 Setting the 10-Year Actuals PAL Level
203.2340 Contents of the PAL Permit

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

203.2350	Effective Period and Reopening a PAL Permit
203.2360	Expiration of a PAL
203.2370	Renewal of a PAL
203.2380	Increasing the PAL During the PAL Effective Period
203.2390	Monitoring Requirements
203.2400	Recordkeeping Requirements
203.2410	Reporting and Notification Requirements
203.2420	Transition Requirements

SUBPART R: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
ATTAINMENT AND UNCLASSIFIABLE AREAS

Section

203.2500	Applicability
203.2510	Criteria
203.2520	Requirements
203.2530	Construction Permit

AUTHORITY: Implementing ~~Section~~Sections 9.1 and 10 and authorized by ~~Section~~Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27 and 28.5].

SOURCE: Adopted and codified at 7 Ill. Reg. 9344, effective July 22, 1983; codified at 7 Ill. Reg. 13588; amended in R85-20 at 12 Ill. Reg. 6118, effective March 22, 1988; amended in R91-24 at 16 Ill. Reg. 13551, effective August 24, 1992; amended in R92-21 at 17 Ill. Reg. 6973, effective April 30, 1993; amended in R93-9 at 17 Ill. Reg. 16630, effective September 27, 1993; amended in R93-26 at 18 Ill. Reg. 6335, effective April 15, 1994; amended in R98-10 at 22 Ill. Reg. 5674, effective March 10, 1998; amended in R19-1 at 44 Ill. Reg. 14916, effective September 4, 2020; amended in R22-17 at 48 Ill. Reg. , ~~effective~~ , ~~effective~~ .

SUBPART A: GENERAL PROVISIONS

Section 203.100 Effective Dates

- a) Subparts I through R of this Part do not apply until the effective date of approval of all of those Subparts by the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan.
- b) On the effective date of approval of Subparts I through R of this Part by the USEPA as part of Illinois' State Implementation Plan, the permitting and operation of projects that began actual construction or may begin actual

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

construction before this date must continue to be in compliance with Subparts A through H of this Part.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

SUBPART I: GENERAL PROVISIONS

Section 203.1000 Incorporations by Reference

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

- a) 40 CFR Part 51, Subpart I (2021)
- b) 40 CFR 52.21 (2021)
- c) 40 CFR Part 51, Appendix S (2021)
- d) 40 CFR Part 51, Appendix W (2021)
- e) 40 CFR Part 60 (2021)
- f) 40 CFR Part 61 (2021)
- g) 40 CFR Part 62 (2021)
- h) 40 CFR Part 63 (2021)
- i) 40 CFR Part 81 (2021)
- j) *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1010 Abbreviations and Acronyms

The following abbreviations and acronyms are used in this Part:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

<u>µg/m³</u>	<u>micrograms per cubic meter</u>
<u>Act</u>	<u>Illinois Environmental Protection Act</u>
<u>Agency</u>	<u>Illinois Environmental Protection Agency</u>
<u>BACT</u>	<u>Best Available Control Technology</u>
<u>Board</u>	<u>Illinois Pollution Control Board</u>
<u>CAA</u>	<u>Clean Air Act</u>
<u>CAAPP</u>	<u>Clean Air Act Permit Program</u>
<u>CEMS</u>	<u>Continuous Emissions Monitoring System</u>
<u>CERMS</u>	<u>Continuous Emissions Rate Monitoring System</u>
<u>CFR</u>	<u>Code of Federal Regulations</u>
<u>CO</u>	<u>carbon monoxide</u>
<u>CO₂</u>	<u>carbon dioxide</u>
<u>CPMS</u>	<u>Continuous Parameter Monitoring System</u>
<u>FR</u>	<u>Federal Register</u>
<u>IPT</u>	<u>Interprecursor Trading</u>
<u>LAER</u>	<u>Lowest Achievable Emission Rate</u>
<u>MW</u>	<u>megawatts</u>
<u>NAAQS</u>	<u>National Ambient Air Quality Standards</u>
<u>NAICS</u>	<u>North American Industry Classification System</u>
<u>NO₂</u>	<u>nitrogen dioxide</u>
<u>NO_x</u>	<u>nitrogen oxides</u>
<u>NSPS</u>	<u>New Source Performance Standards</u>
<u>NSR</u>	<u>New Source Review</u>
<u>NA NSR</u>	<u>Nonattainment New Source Review</u>
<u>O₂</u>	<u>oxygen</u>
<u>PAL</u>	<u>Plantwide Applicability Limitation</u>
<u>PEMS</u>	<u>Predictive Emissions Monitoring System</u>
<u>PM_{2.5}</u>	<u>Particulate Matter equal to or less than 2.5 microns in diameter (Fine Particulate Matter)</u>
<u>PM₁₀</u>	<u>Particulate Matter equal to or less than 10 microns in diameter</u>
<u>PSD</u>	<u>Prevention of Significant Deterioration</u>
<u>RACT</u>	<u>Reasonably Available Control Technology</u>
<u>SIC</u>	<u>Standard Industrial Classification</u>
<u>SIP</u>	<u>State Implementation Plan</u>
<u>SO₂</u>	<u>sulfur dioxide</u>
<u>tpy</u>	<u>tons per year</u>
<u>US</u>	<u>United States</u>
<u>U.S.C.</u>	<u>United States Code</u>
<u>USEPA</u>	<u>United States Environmental Protection Agency</u>
<u>VOM</u>	<u>Volatile Organic Material</u>

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

µg/m³	micrograms per cubic meter
Act	Illinois Environmental Protection Act
Agency	Illinois Environmental Protection Agency
BACT	Best Available Control Technology
Board	Illinois Pollution Control Board
CAA	Clean Air Act
CAAPP	Clean Air Act Permit Program
CEMS	Continuous Emissions Monitoring System
CERMS	Continuous Emissions Rate Monitoring System
CFR	Code of Federal Regulations
CO	carbon monoxide
CO₂	carbon dioxide
CPMS	Continuous Parameter Monitoring System
FR	Federal Register
IPT	Interprecursor Trading
LAER	Lowest Achievable Emission Rate
MW	megawatts
NAAQS	National Ambient Air Quality Standards
NAICS	North American Industry Classification System
NO₂	nitrogen dioxide
NO_x	nitrogen oxides
NSPS	New Source Performance Standards
NSR	New Source Review
NA-NSR	Nonattainment New Source Review
O₂	oxygen
PAL	Plantwide Applicability Limitation
PEMS	Predictive Emissions Monitoring System
PM_{2.5}	Particulate Matter equal to or less than 2.5 microns in diameter (Fine Particulate Matter)
PM₁₀	Particulate Matter equal to or less than 10 microns in diameter
PSD	Prevention of Significant Deterioration
RACT	Reasonably Available Control Technology
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO₂	sulfur dioxide
tpy	tons per year
US	United States
U.S.C.	United States Code
USEPA	United States Environmental Protection Agency
VOM	Volatile Organic Material

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1020 Severability

If any provision of this Part, or the application of that provision to any person or circumstance, is held invalid, the remainder of this Part, or the application of the provision to persons or circumstances other than those as to which it is held invalid, must not be affected by that holding.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1030 Definitions

Unless otherwise specified in this Part, terms used in this Part have the same meaning as the terms used in 35 Ill. Adm. Code Part 211.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1040 Actual Emissions

- a) "Actual Emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in compliance with subsections (b) through (c), except that this definition does not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under Subpart Q. Instead, Section 203.1070 and Section 203.1320 will apply for those purposes.

- b) In general, actual emissions as of a particular date must equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Agency must allow the use of a different time period upon a demonstration by the applicant to the Agency that the time period is more representative of normal source operation. The demonstration may include, operating records or other documentation of events or circumstances indicating that the preceding 24-month period is not representative of normal source operations. Actual emissions must be calculated using the ~~unit's~~unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- c) For any emissions unit which has not begun normal operations on the particular date, actual emissions must equal the potential to emit of the unit on that date.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1050 Allowable Emissions

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- a) The applicable standards in 40 CFR Parts 60, 61, 62 and 63, incorporated by reference in Section 203.1000;
- b) The applicable SIP emissions limitation, including those with a future compliance date; or
- c) The emissions rate specified as a federally enforceable permit condition including those with a future compliance date.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1060 Available Growth Margin

"Available growth margin" means the portion which remains of any emission allowance for new or modified major stationary sources expressly identified in the attainment demonstration approved by the USEPA under Section 172(c)(4) of the CAA (42 U.S.C. 7502(c)(4)) for a particular pollutant and area in a zone (within a nonattainment area) to which economic development should be targeted, in compliance with Section 173(a)(1)(B) of the CAA (42 U.S.C. 7503(a)(1)(B)).

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1070 Baseline Actual Emissions

"Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant determined according to subsections (a) through (d).

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Agency must allow the use of a different time period upon a determination that it is more representative of normal source operation.
- 1) The average rate must include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - 2) The average rate must be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
 - 3) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - 4) The average rate must not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsection (a)(2).
- b) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Agency for a permit required by the SIP, whichever is earlier, except that the 10-year period must not include any period earlier than November 15, 1990.
- 1) The average rate must include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 2) The average rate must be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.
 - 3) The average rate must be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. "Currently" in the context of a contemporaneous emissions change refers to limitations on emissions and source operation that existed just prior to the date of the contemporaneous change. However, if an emission limitation is part of a Maximum Achievable Control Technology standard that the USEPA proposed or promulgated under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the Agency has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of Section 203.1810(g)(2).
 - 4) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - 5) The average rate must not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by subsections (b)(2) and (b)(3).
- c) For a new emissions unit, the baseline actual emissions for determining the emissions increase that will result from the initial construction and operation of the unit must be equal to zero; and thereafter must be equal to the ~~unit's~~unit's potential to emit.
 - d) For a PAL for a stationary source, the baseline actual emissions must be calculated for existing electric utility steam generating units according to the procedures contained in subsection (a), for other existing emissions units according to the procedures contained in subsection (b), and for a new emissions unit according to the procedures contained in subsection (c).

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1080 Begin Actual Construction

"Begin actual construction" means in general, initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. These activities include, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. For a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1090 Building, Structure, Facility, or Installation

- a) "Building, structure, facility, or installation" mean all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities must be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., have the same first two-digit code) as described in the Standard Industrial Classification Manual (incorporated by reference in Section 203.1000).
- b) Despite the provisions of subsection (a), building, structure, facility, or installation means, for onshore activities under Standard Industrial Classification (SIC) Major Group 13: Oil and Gas Extraction, incorporated by reference in Section 203.1040, all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities must be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are located within ¼ mile of one another (measured from the center of the equipment on the surface site) and they share equipment. Shared equipment includes produced fluids storage tanks, phase separators, natural gas dehydrators or emissions control devices. Surface site, as used in this subsection, has the same meaning as in 40 CFR 63.761.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1100 Commence

"Commence," as applied to construction of a major stationary source or major modification, means that the owner or operator has all necessary preconstruction approvals or permits and either has:

- a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1110 Complete

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1120 Construction

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1130 Dispersion Technique

- a) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 1) Using that portion of a stack which exceeds good engineering practice stack height;
 - 2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
 - 3) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.
- b) "Dispersion technique" does not include:
- 1) The reheating of a gas stream, following use of a pollution control system, for returning the gas to the temperature at which it was originally discharged from the stationary source generating the gas stream;
 - 2) The merging of exhaust gas streams when:
 - A) The source owner or operator demonstrates that the stationary source was originally designed and constructed with the merged gas streams;
 - B) After July 8, 1985 merging is part of a change in operation at the stationary source that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion techniques must apply only to the emission limitation for the pollutant affected by such change in operation; or
 - C) Before July 8, 1985, merging was part of a change in operation at the stationary source that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. When there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Agency must presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

demonstration by the source owner or operator that merging was not significantly motivated by that intent, the Agency must deny credit for the effects of the merging in calculating the allowable emissions for the source;

- 3) Smoke management in agricultural or silvicultural prescribed burning programs;
- 4) Episodic restrictions on residential wood burning and open burning; or
- 5) Techniques under subsection (a)(3) which increase final exhaust gas plume rise where the resulting allowable emissions of SO₂ from the stationary source do not exceed 5,000 tpy.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1140 Electric Utility Steam Generating Unit

"Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1150 Emission Offset

"Emission offset" means a creditable emissions reduction used to compensate for the increase in emissions resulting from a new major stationary source or a major modification in compliance with Section 203.1810.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1160 Emissions Unit

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in Section 203.1140. For purposes of this Part, there are two types of emissions units:

- a) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date the emissions unit first operated.
- b) An existing emissions unit is any emissions unit that does not meet the requirements of subsection (a). A replacement unit, as defined in Section 203.1350, is an existing emissions unit.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1170 Excessive Concentration

"Excessive concentration" for determining good engineering practice stack height under Section 203.1200(a)(3) means:

- a) For sources seeking credit for stack height exceeding that established under Section 203.1200(a)(2), a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of the downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to this Part, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than an ambient air increment under 35 Ill. Adm. Code Part 204.900. The allowable emission rate to be used in making demonstrations of excessive concentration must be prescribed by the NSPS that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where demonstrations are approved by the Agency, an alternative emission rate must be established in consultation with the source owner or operator.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- b) For sources seeking credit for increases in existing stack heights up to the heights established under Section 203.1200(a)(2), either (i) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in subsection (a), except that the emission rate specified by the SIP (or, in the absence of such a limit, the actual emission rate) must be used, or (ii) the actual presence of a local nuisance caused by the existing stack, as determined by the Agency; and

- c) For sources seeking credit for a stack height determined under Section 203.1200(a)(2) where the Agency requires the use of a field study or fluid model to verify good engineering practice stack height, for sources seeking stack height credit based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit based on the aerodynamic influence of structures not adequately represented by the equations in Section 203.1200(a)(2), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1180 Federally Enforceable

"Federally enforceable" means all limitations and conditions which are enforceable by the USEPA, including those requirements developed under 40 CFR Parts 60, 61, 62 and 63 (incorporated by reference in Section 203.1000), requirements within the SIP, any permit requirements established under 40 CFR 52.21 (incorporated by reference in Section 203.1000) or this Part or under regulations approved under 40 CFR Part 51, Subpart I (incorporated by reference in Section 203.1000), including operating permits issued under an USEPA-approved program that is incorporated into the SIP and expressly requires compliance with any permit issued under the program.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1190 Fugitive Emissions

“Fugitive emissions” means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1200 Good Engineering Practice

- a) ~~“~~Good engineering practice,~~”~~ for stack height, means the greater of:
- 1) 65 meters, measured from the ground-level elevation at the base of the stack;
 - 2) The following:
 - A) For a stack in existence on January 12, 1979, and for which the owner or operator had obtained all necessary preconstruction approvals or permits required under 40 CFR Part 52:

$$H_g = 2.5H,$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

- B) For all other stacks:

$$H_g = H + 1.5L$$

where:

H_g ≡ good engineering practice stack height, measured from the ground-level elevation at the base of the stack;
H ≡ height of nearby structure(s) measured from the ground-level elevation at the base of the stack;
L ≡ lesser dimension, height or projected width, of nearby structure(s) provided that the USEPA or the Agency may require the use of a field study or fluid model to verify good engineering practice stack height for the source; or

~~H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,~~

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

~~H = height of nearby structure(s) measured from the ground level elevation at the base of the stack;~~

~~L = lesser dimension, height or projected width, of nearby structure(s) provided that the USEPA or the Agency may require the use of a field study or fluid model to verify good engineering practice stack height for the source; or~~

- 3) The height demonstrated by a fluid model or a field study approved by the USEPA or the Agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.
- b) For this definition, "stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1210 Lowest Achievable Emission Rate

"Lowest Achievable Emission Rate" or "LAER" means, for any source, the more stringent rate of emissions based on the following:

- a) The most stringent emissions limitation which is contained in the implementation plan of any State for the class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that the limitations are not achievable; or
- b) The most stringent emissions limitation which is achieved in practice by the class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. The application of this limitation must not permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source performance standard adopted by the USEPA under Section 111 of the CAA and made applicable in Illinois under Section 9.1 of the Act.

(Source: Added at 48 Ill. Reg. _____, effective _____)

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

Section 203.1220 Major Modification

- a) Except as stated in subsections (d) through (f) below, “major modification” means any physical change, or change in the method of operation of a major stationary source that would result in: a significant emissions increase (as defined in Section 203.1380) of a regulated NSR pollutant (as defined in Section 203.1340); and a significant net emissions increase (as defined in Section 203.1370) of that regulated NSR pollutant for which the source is a major stationary source.
- b) Any significant emissions increase (as defined in Section 203.1380) from any emissions units or net emissions increase (as defined in Section 203.1260) at a major stationary source that is significant for VOM or NO_x must be considered significant for ozone.
- c) A physical change or change in the method of operation must not include:
 - 1) Routine maintenance, repair and replacement;
 - 2) Use of an alternative fuel or raw material by reason of:
 - A) An order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791) (or any superseding legislation); or
 - B) A natural gas curtailment plan under the Federal Power Act (16 U.S.C. 791);
 - 3) Use of an alternative fuel by reason of an order or rule under Section 125 of the CAA (42 U.S.C. 7425);
 - 4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - 5) Use of an alternative fuel or raw material by a stationary source which:
 - A) The source was capable of accommodating before December 21, 1976, unless the change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, under 40 CFR 52.21, 35 Ill. Adm. Code Part 204, this Part, or 35 Ill. Adm. Code 201.142 or 201.143; or

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- B) The source is approved to use under any permit issued under 40 CFR 52.21, this Part, Part 204, or 35 Ill. Adm. Code 201.142 or 201.143;
- 6) An increase in the hours of operation or in the production rate, unless the change is prohibited under any enforceable permit condition which was established after December 21, 1976 under 40 CFR 52.21, 35 Ill. Adm. Code Part 204, this Part, or 35 Ill. Adm. Code 201.142 or 201.143; or
- 7) Any change in ownership at a stationary source.
- d) For any major stationary source of VOM or NO_x located in an area classified as serious or severe nonattainment for ozone (other than a source which emits or has the potential to emit 100 tons or more of VOM or NO_x per year), if any change at that source results in a significant increase in emissions of VOM or NO_x, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, the increase must be considered a major modification for purposes of this Part, except the increase must not be considered a major modification if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of VOM or NO_x, respectively, from other operations, units, or activities within the source at an internal offset ratio of at least 1.3 to 1.
- e) In areas classified as extreme nonattainment for ozone, beginning on the date that an area is classified by the USEPA as an extreme nonattainment area for ozone, any physical change in or change in the method of operation of a major stationary source which results in any increase in emissions of VOM or NO_x from a discrete operation, unit, or other pollutant emitting activity must be considered a major modification.
- f) This definition does not apply to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under Subpart Q for a PAL for that pollutant. Instead, the definition at Section 203.2230 will apply.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1230 Major Stationary Source

- a) The following constitute a major stationary source:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 1) For an area designated as nonattainment for ozone, a major stationary source for ozone is a stationary source which emits or has the potential to emit VOM in an amount equal to or greater than the following:
 - A) 100 tpy in an area classified as marginal or moderate nonattainment for ozone;
 - B) 50 tpy in an area classified as serious nonattainment for ozone;
 - C) 25 tpy in an area classified as severe nonattainment for ozone; and
 - D) 10 tpy in an area classified as extreme nonattainment for ozone.

- 2) For an area designated as nonattainment for ozone, a major stationary source for ozone is a stationary source which emits or has the potential to emit NO_x in an amount equal to or greater than the following, unless the USEPA has made a finding under Sections 110 and 182(f) of the CAA (42 U.S.C. 7410, 7511a(f)) that controlling of emissions of NO_x from such source must not be required:
 - A) 100 tpy in an area classified as marginal or moderate nonattainment for ozone;
 - B) 50 tpy in an area classified as serious nonattainment for ozone;
 - C) 25 tpy in an area classified as severe nonattainment for ozone; and
 - D) 10 tpy in an area classified as extreme nonattainment for ozone.

- 3) For an area designated nonattainment for PM₁₀, a major stationary source is a stationary source which emits or has the potential to emit:
 - A) 100 tpy or more of PM₁₀ in an area classified as moderate nonattainment for PM₁₀; and
 - B) 70 tpy or more of PM₁₀ in an area classified as serious nonattainment for PM₁₀.

- 4) For an area designated nonattainment for PM_{2.5}, a major stationary source is a stationary source which emits or has the potential to emit:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- A) 100 tpy or more of direct PM_{2.5} emissions in an area classified as moderate nonattainment for PM_{2.5};
 - B) 100 tpy or more of any individual precursor for PM_{2.5} (as required in Section 203.1340) in an area classified as moderate nonattainment for PM_{2.5};
 - C) 70 tpy or more of direct PM_{2.5} emissions in an area classified as serious nonattainment for PM_{2.5}; and
 - D) 70 tpy or more of any individual precursor for PM_{2.5} (as required in Section 203.1340), in an area classified as serious nonattainment for PM_{2.5}.
- 5) For an area designated nonattainment for CO, a major stationary source is a stationary source which emits or has the potential to emit:
- A) 100 tpy or more in an area classified as moderate nonattainment for CO, except as provided in subsection (a)(5)(B);
 - B) 50 tpy or more in an area classified as serious nonattainment for CO where stationary sources significantly contribute to ambient CO levels, as determined under rules issued by the USEPA, under the CAA.
- 6) For an area designated as nonattainment for NO₂, a major stationary source is a stationary source which emits or has the potential to emit 100 tpy or more of NO_x.
- 7) For an area designated nonattainment for a pollutant other than those pollutants addressed in subsections (a)(1) through (a)(6) above, a major stationary source is a stationary source which emits or has the potential to emit 100 tpy or more of the pollutant.
- 8) For stationary sources locating outside designated nonattainment areas for purposes of Subpart R, a major stationary source is a stationary source which emits or has the potential to emit 100 tpy or more of a regulated NSR pollutant.
- b) Any physical change that occurs at a stationary source which does not qualify under subsection (a) as a major stationary source will be considered a major

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

stationary source, if the change would constitute a major stationary source by itself.

- c) The fugitive emissions of a stationary source must not be included in determining for any purposes of this Section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
- 1) Coal cleaning plants (with thermal dryers);
 - 2) Kraft pulp mills;
 - 3) Portland cement plants;
 - 4) Primary zinc smelters;
 - 5) Iron and steel mills;
 - 6) Primary aluminum ore reduction plants;
 - 7) Primary copper smelters;
 - 8) Municipal incinerators capable of charging more than 50 tons of refuse per day;
 - 9) Hydrofluoric, sulfuric, or nitric acid plants;
 - 10) Petroleum refineries;
 - 11) Lime plants;
 - 12) Phosphate rock processing plants;
 - 13) Coke oven batteries;
 - 14) Sulfur recovery plants;
 - 15) Carbon black plants (furnace process);
 - 16) Primary lead smelters;
 - 17) Fuel conversion plants;

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 18) Sintering plants;
- 19) Secondary metal production plants;
- 20) Chemical process plants—The term ~~“~~“chemical processing plant~~”~~” must not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- 21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;
- 22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- 23) Taconite ore processing plants;
- 24) Glass fiber processing plants;
- 25) Charcoal production plants;
- 26) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input; and
- 27) Any other stationary source categories which, as of August 7, 1980, is being regulated by a standard promulgated under Section 111 or 112 of the CAA (42 U.S.C. 7411, 7412), but only with respect to those air pollutants that have been regulated for that category.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1240 Nearby

~~“~~“Nearby~~”~~” for a specific structure or terrain feature:

- a) For applying the formulae provided in Section 203.1200(a)(2)(A) and (a)(2)(B) means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (½ mile);; and

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- b) For conducting demonstrations under Section 203.1200(a)(3) means not greater than 0.8 km (½ mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if such feature achieves a height 0.8 km from the stack that is at least 40 percent of the good engineering practice stack height determined by the formula provided in Section 203.1200(a)(2)(B) or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1250 Necessary Preconstruction Approvals or Permits

““Necessary preconstruction approvals or permits”” mean those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable SIP.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1260 Net Emissions Increase

- a) ““Net emissions increase”” means, for any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:
- 1) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under Section 203.1410(c); and
 - 2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this Section must be determined as provided in Section 203.1070, except that Section 203.1070(a)(3) and Section 203.1070(b)(4) must not apply.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- b) The following steps determine whether the increase or decrease in emissions is available.
- 1) Except for increases or decreases in VOM and NO_x emissions in serious and severe ozone nonattainment areas which are addressed in Section 203.1370(c), an increase or decrease in actual emissions is contemporaneous only if it occurs between the date that an increase from a particular change occurs and the date five years before a timely and complete application is submitted for the particular change. It must also occur after either April 24, 1979, or the date the area is designated by the USEPA as a nonattainment area for the pollutant, whichever is more recent.
 - 2) An increase or decrease in actual emissions is creditable:
 - A) Only if there is not in effect for the source at the time the particular change occurs, a permit issued under this Part which relied on the same increase or decrease in actual emissions; and
 - B) Only to the extent the new and old levels differ.
 - 3) A decrease in actual emissions is creditable to the extent that:
 - A) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;
 - B) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change;
 - C) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions; and
 - D) The Agency has not relied on it in issuing any permit under 35 Ill. Adm. Code 201.142 or 201.143 or this Part or 35 Ill. Adm. Code Part 204 or 40 CFR 52.21 and has not relied on it for demonstrating attainment or reasonable further progress.
 - 4) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

and begins to emit a particular pollutant. Any emission unit that replaces an existing emissions unit that requires shakedown becomes operational only after a shakedown period, not to exceed 180 days.

- 5) Section 203.1040(b) must not apply for determining creditable increases and decreases after a change.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1270 Nonattainment Area

An area designated by the USEPA as nonattainment for a given pollutant under Section 107 of the CAA (42 U.S.C. 7407) in Subpart C of 40 CFR Part 81.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1280 Nonattainment New Source Review (NA NSR) Permit

“Nonattainment New Source Review permit” or “NA NSR permit” means a permit or a portion of a permit for a new major source or major modification that is issued by the Agency under the construction permit program required by Section 9.1(c) of the Act that has been approved by USEPA and incorporated into the Illinois SIP to implement the requirements of Section 173 of the CAA and 40 CFR 51.165. [415 ILCS 5/3.298]

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1290 Potential to Emit

“Potential to emit” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, must be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by a state or local air pollution control agency. Secondary emissions do not count in determining the potential to emit of a stationary source.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1300 Process Unit

“Process unit” means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store an intermediate or completed product. A process unit may contain more than one emissions unit.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1310 Project

“Project” means a physical change in, or change in the method of operation of, an existing major stationary source.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1320 Projected Actual Emissions

- a) “Projected actual emissions” means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's/unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.
- b) In determining the projected actual emissions under subsection (a) (before beginning actual construction), the owner or operator of the major stationary source:
 - 1) Must consider all relevant information, including historical operational data, the company's/company's own representations, the company's/company's expected business activity and the company's/company's highest projections of business activity, the company's/company's filings with the State or Federal regulatory authorities, and compliance plans under Illinois' SIP; and

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 2) Must include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and
- 3) Must exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under Section 203.1070 and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or
- 4) In lieu of using the method set out in subsections (b)(1) through (b)(3), may elect to use the emissions ~~unit's~~unit's potential to emit, in tons per year, as defined under Section 203.1290.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1330 Reasonable Further Progress

“Reasonable further progress” means the annual incremental reductions in the emissions of the pollutant as determined by the USEPA under Part D of Title I of the CAA (42 U.S.C. 7501 et seq.) and federal regulations adopted under the CAA.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1340 Regulated NSR Pollutant

“Regulated NSR pollutant” means the following:

- a) NO_x or VOM;
- b) Any pollutant for which a NAAQS has been promulgated;
- c) Any pollutant that is identified under this Section as a constituent or precursor of a general pollutant listed under subsection (a) or (b), if the constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. Precursors for NSR are the following:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 1) Except as provided in Section 203.1450, VOM and NO_x are precursors to ozone in all ozone nonattainment areas.
- 2) SO₂ and NO_x are precursors to PM_{2.5} for a stationary source located in a PM_{2.5} nonattainment area or, for Subpart R, a stationary source which would cause or contribute to a violation of a PM_{2.5} NAAQS.
- 3) VOM and ammonia are precursors to PM_{2.5} in any PM_{2.5} nonattainment area.
- d) Direct PM_{2.5} emissions and PM₁₀ emissions must include gaseous emissions from a source or activity that condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter must be accounted for in applicability determinations and in establishing emissions limitations for direct PM_{2.5} emissions and PM₁₀ emissions in NA NSR permits. Compliance with emissions limitations for direct PM_{2.5} emissions and PM₁₀ emissions issued prior to this date must not be based on condensable particulate matter unless required by the terms and conditions of the permit. Applicability determinations made prior to this date without accounting for condensable particulate matter must not be considered as a violation of this Part.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1350 Replacement Unit

“Replacement unit” means an emissions unit for which all the criteria listed in subsections (a) through (d) are met. No creditable emissions reductions must be generated from shutting down the existing emissions unit that is replaced.

- a) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.
- b) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
- c) The replacement does not alter the basic design parameter or parameters of the process unit. Basic design parameters of a process unit must be determined as follows:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 1) Except as provided in subsection (c)(3), for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British Thermal Units content must be used for determining the basic design parameter or parameters for a coal-fired electric utility steam generating unit.
- 2) Except as provided in subsection (c)(3), the basic design parameter or parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.
- 3) If the owner or operator believes the basic design parameter or parameters in subsections (c)(1) and (c)(2) is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Agency an alternative basic design parameter or parameters for the ~~source's~~source's process unit or units. If the Agency approves of the use of an alternative basic design parameter or parameters, the Agency must issue a permit that is legally enforceable that records such basic design parameter or parameters and requires the owner or operator to comply with such parameter or parameters.
- 4) The owner or operator must use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter or parameters specified in subsections (c)(1) and (c)(2).
- 5) If design information is not available for a process unit, then the owner or operator must determine the process ~~unit's~~unit's basic design parameter or parameters using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.
- 6) Efficiency of a process unit is not a basic design parameter.

**POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS**

- d) The replaced emissions unit is permanently removed from the major stationary source, permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it must constitute a new emissions unit.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1360 Secondary Emissions

“Secondary Emissions” means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, like emissions from the tailpipe of a motor vehicle, from a train, or from a vessel. For this Part, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes the secondary emissions.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1370 Significant

- a) “Significant” means, for a net emissions increase or the potential of a source to emit any of the following regulated NSR pollutants, a rate of emissions that would equal or exceed any of the following rates:

<u>Regulated NSR Pollutant</u>	<u>Emissions Rate</u>
<u>CO</u>	<u>100 tpy of CO, except under subsection (b)</u>
<u>NO_x</u>	<u>40 tpy of NO_x</u>
<u>SO₂</u>	<u>40 tpy of SO₂</u>
<u>PM₁₀</u>	<u>15 tpy of PM₁₀</u>
<u>PM_{2.5}</u>	<u>10 tpy of direct PM_{2.5} emissions; 40 tpy of SO₂, 40 tpy of NO_x, 40 tpy of VOM, or 40 tpy of ammonia, to the extent that any such pollutant is defined as a precursor for PM_{2.5} in Section</u>

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

<u>Ozone</u>	<u>203.1340.</u> <u>40 tpy of VOM or NO_x, except under subsections (c) and (d).</u>
<u>Lead</u>	<u>0.6 tpy</u>

CO	100 tpy of CO, except under subsection (b)
NO₂	40 tpy of NO_x
SO₂	40 tpy of SO₂
PM₁₀	15 tpy of PM₁₀
PM_{2.5}	10 tpy of direct PM_{2.5} emissions; 40 tpy of SO₂, 40 tpy of NO_x, 40 tpy of VOM, or 40 tpy of ammonia, to the extent that any such pollutant is defined as a precursor for PM_{2.5} in Section 203.1340.
Ozone	40 tpy of VOM or NO_x, except under subsections (c) and (d).
Lead	0.6 tpy

- b) For areas classified as serious nonattainment for CO where stationary sources significantly contribute to ambient CO levels, as determined under rules issued by the USEPA, under the CAA, despite the significant emissions rate for CO in subsection (a), significant means, an increase in actual emissions of CO that would result from any physical change in, or change in the method of operation of, a major stationary source, if the increase equals or exceeds 50 tpy.
- c) For areas classified as serious or severe nonattainment for ozone, despite the significant emissions rate for ozone in subsection (a), an increase in emissions of VOM or NO_x must be considered significant if the net emissions increase of such air pollutant from a stationary source located within such area exceeds 25 tons when aggregated with all other net increases in emissions from the source over any period of 5 consecutive calendar years which includes the calendar year in which such increase occurred. This provision must become effective beginning November 15, 1992, or a later date when an area is classified as a serious or severe nonattainment area for ozone.
- d) For areas classified as extreme nonattainment for ozone, despite the significant emissions rate for ozone in subsection (a), any increase in emissions of VOM or NO_x from any emissions unit at a major stationary source of VOM or NO_x must be considered significant.
- e) For major stationary sources located outside designated nonattainment areas for purposes of Subpart R, an increase in emissions of a regulated NSR pollutant

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

must be considered significant if it would equal or exceed the rate listed in subsection (a), despite the attainment status in the area.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1380 Significant Emissions Increase

~~“Significant emissions increase”~~ means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in Section 203.1370) for that pollutant.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1390 Stack in Existence

~~“Stack in existence”~~ means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed within a reasonable time.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1400 Stationary Source

~~“Stationary source”~~ means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant. Emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the CAA (42 U.S.C. 7550) are not a part of a stationary source.

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART J: MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

Section 203.1410 Applicability

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- a) The requirements of this Part, other than Subpart R, must apply to the construction of any new major stationary source (as defined in Section 203.1230) or major modification (as defined in Section 203.1220) that is major for the pollutant for which the area is designated nonattainment under Section 107(d)(1)(A)(i) of the CAA (42 U.S.C. 7407(d)(1)(A)(i)), if the stationary source or modification would locate anywhere in the designated nonattainment area. Different pollutants, including individual precursors, are not summed to determine applicability of a major stationary source or major modification.
- b) No new major stationary source or major modification to which the requirements of Sections 203.1410, 203.1420, 203.1430, 203.1440, 203.1800, 203.1810, 203.1820, 203.1830, or 203.2000 apply must begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The Agency has authority to issue any such permit.
- c) The requirements of this Part will be applied in compliance with subsections (c)(1) through (c)(6).
 - 1) Except as otherwise provided in subsection (e) and in Sections 203.1220(d)-(e), and consistent with the definition of major modification contained in Section 203.1220, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases: a significant emissions increase (as defined in Section 203.1380), and a significant net emissions increase (as defined in Section 203.1260 and Section 203.1370). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.
 - 2) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type or types of emissions units involved in the project, according to subsections (c)(3) through (c)(5). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in the definition in Section 203.1260. Regardless of any preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 3) Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in Section 203.1320) and the baseline actual emissions (as defined in Section 203.1070), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in Section 203.1370).
 - 4) Actual-to-potential test for projects that only involve construction of a new emissions unit or units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in Section 203.1290) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in Section 203.1070) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in Section 203.1370).
 - 5) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference for all emissions units, using the method specified in subsections (c)(3) and (c)(4) as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant (as defined in Section 203.1370).
 - 6) The ~~“sum of the difference”~~ as used in subsections (c)(3) through (c)(5) must include both increases and decreases in emissions calculated in compliance with those subsections.
- d) Except as otherwise provided in Section 203.1700(f)(2), the provisions of Section 203.1700 apply with respect to any regulated NSR pollutant emitted from projects involving existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances in which there is a reasonable possibility, within the meaning of Section 203.1700(f), that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in Section 203.1320(b)(1) through (b)(3) for calculating projected actual emissions.
 - e) For any major stationary source with a PAL for a regulated NSR pollutant, the major stationary source must comply with requirements under Section 203.2100 through Section 203.2420.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1420 Effect of Permits

Approval to construct must not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, State, or federal law.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1430 Relaxation of a Source-Specific Limitation

At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this Part must apply to the source or modification as though construction had not yet commenced on the source or modification.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1440 Prohibitions

- a) A major stationary source or major modification must not violate any condition contained in a construction permit issued for a new major stationary source or major modification which is subject to this Part.

- b) In any nonattainment area, no person may begin actual construction of a new major stationary source or major modification that is major for the regulated NSR pollutant for which the area is designated as nonattainment area under Sections 107(d)(1)(A)(i) of the CAA (42 U.S.C. 7407(d)(1)(A)(i)), except as in compliance with this Subpart and Subpart N. Revisions to this Part which were adopted to implement the CAA Amendments of 1990 will not apply to any new major stationary source or major modification for which a permit application was submitted by June 30, 1992, for PM₁₀; by May 15, 1992, for SO₂; or by November 15, 1992, for VOM and NO_x emissions for sources located in all ozone nonattainment areas.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- c) A person must not cause or allow the operation of a new major stationary source or major modification subject to the requirements of Subpart N, except as in compliance with applicable LAER provisions established under Section 203.1800 for such source or modification.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1450 Control of Ozone, PM₁₀, and PM_{2.5}

- a) The provisions of this Part applicable to major stationary sources and major modifications of VOM must apply to NO_x emissions from major stationary sources and major modifications of NO_x in any ozone nonattainment area, except in ozone nonattainment areas where the USEPA has granted a NO_x waiver applying the standards under section 182(f) of the CAA (42 U.S.C. 7511a(f)) and the waiver continues to apply.
- b) The provisions of this Part applicable to major stationary sources and major modifications of PM₁₀ must also apply to major stationary sources and major modifications of PM₁₀ precursors, except where the USEPA determines that such sources do not contribute significantly to PM₁₀ levels that exceed the PM₁₀ ambient standards in the area.
- c) The control requirements of this Part which are applicable to major stationary sources and major modifications of PM_{2.5} must also apply to major stationary sources and major modifications of PM_{2.5} precursors which are regulated NSR pollutants in a PM_{2.5} nonattainment area.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.1460 Permit Exemption Based on Fugitive Emissions

The provisions of this Part must not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable as evidenced by 35 Ill. Adm. Code 201.122, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the categories enumerated in Section 203.1230(c).

(Source: Added at 48 Ill. Reg. _____, effective
_____)

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

SUBPART K: STACK HEIGHTS

Section 203.1500 Stack Heights

- a) The degree of emission limitation required for control of any regulated NSR pollutant under this Part must not be affected by:
 - 1) So much of the stack height of any source as exceeds good engineering practice, or
 - 2) Any other dispersion technique.
- b) Except as provided in subsection (c), subsection (a) must not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.
- c) Despite subsection (b), subsection (a) must apply where regulated NSR pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in Section 111(a)(3) of the CAA (42 U.S.C. 7411(a)(3)), which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970.
- d) Subsection (a) must not apply with respect to coal-fired steam electric generating units subject to the provisions of Section 118 of the CAA (42 U.S.C. 7418), which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(Source: Added at 48 Ill. Reg. , effective)

SUBPART L: GENERAL OBLIGATIONS OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Section 203.1600 Construction Permit

- a) The Agency must only issue a construction permit for a new major stationary source or a major modification that is subject to the requirements of this Part, other than this Subpart or Subpart R, if the Agency determines all applicable requirements of this Part, other than this Subpart and Subpart R, are satisfied. This includes the requirements in Section 203.1810(h) if IPT would be relied

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

upon for all or a portion of the emissions offsets that must be provided for such source or modification.

- b) The Agency must include in any NA NSR permit conditions specifying the manner in which the applicable requirements of Subpart N apply.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.1610 Public Participation

- a) Prior to the initial issuance or a modification of a permit issued under this Part, the Agency must provide a notice of the proposed issuance or modification of a permit, a comment period, and opportunity for public hearing under the ~~Agency's~~Agency's public participation procedures at 35 Ill. Adm. Code Part 252.
- b) In addition to the applicable requirements of 35 Ill. Adm. Code Part 252:
- 1) The notice for the comment period or public hearing prepared by the Agency must include information on how to access the draft permit and the administrative record for the draft permit.
 - 2) The Agency must also send a copy of this notice to:
 - A) The USEPA;
 - B) All other state and local air pollution control agencies having jurisdiction in the region in which such new or modified source would be or is located; and
 - C) Any other agency in the region having responsibility for implementing the procedures required under this Part.
 - 3) The Project Summary, Statement of Basis or Fact Sheet that accompanies the draft of a permit that would be issued under this Part or the draft of a modification permit that would be issued under this Part must describe the basis of the ~~Agency's~~Agency's proposed decision to grant the permit and include a discussion of the ~~Agency's~~Agency's analysis of the effect of the construction or modification on ambient air quality, including the ~~Agency's~~Agency's proposed action.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. , effective
)

SUBPART M: NON-APPLICABILITY RECORDKEEPING AND REPORTING

Section 203.1700 Recordkeeping and Reporting Requirements for Certain Projects at Major Stationary Sources in Nonattainment Areas

Except as otherwise provided in subsection (f), the provisions of this Section apply to any regulated NSR pollutant emitted from projects involving existing emissions unit or units at a major stationary source in a nonattainment area (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility, within the meaning of subsection (f), that a project that is not a major modification for the pollutant may result in a significant emissions increase of the pollutant, and the owner or operator elects to use the method specified in Section 203.1320(b)(1) through (b)(3) for calculating projected actual emissions.

- a) Before beginning actual construction of the project, the owner or operator must document and maintain a record of the following information:
 - 1) A description of the project;
 - 2) Identification of the emissions unit or units whose emissions of a regulated NSR pollutant could be affected by the project; and
 - 3) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Section 203.1320(b)(3) and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- b) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator must provide a copy of the information set out in subsection (a) to the Agency. Nothing in this subsection must be construed to require the owner or operator of such a unit to obtain any determination from the Agency before beginning actual construction.
- c) The owner or operator must monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subsection (a)(2); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

- d) If the unit is an existing electric utility steam generating unit, the owner or operator must submit a report to the Agency within 60 days after the end of each year during which records must be generated under subsection (c) setting out the ~~unit's~~unit's annual emissions during the calendar year that preceded submission of the report.
- e) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator must submit a report to the Agency if the annual emissions, in tons per year, from the project identified in subsection (a), exceed the baseline actual emissions (as documented and maintained under subsection (a)(3)), by a significant amount (as defined in Section 203.1370) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained under subsection (a)(3). The report must be submitted to the Agency within 60 days after the end of such year. The report must contain the following:
 - 1) The name, address, and telephone number of the major stationary source;
 - 2) The annual emissions as calculated under subsection (c); and
 - 3) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- f) A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:
 - 1) A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase", as defined in Section 203.1380 (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
 - 2) A projected actual emissions increase that, added to the amount of emissions excluded under Section 203.1320(b)(3), sums to at least 50 percent of the amount that is a "significant emissions increase", as defined under Section 203.1380 (without reference to the amount that is a

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

significant net emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of this subsection (f)(2), and not also within the meaning of subsection (f)(1), then subsections (b) through (e) do not apply to the project.

- g) The owner or operator of the source must make the information required to be documented and maintained under this Section available for review upon a request for inspection by the Agency or the USEPA or the general public under the requirements of Section 39.5(8)(e) of the Act.

(Source: Added at 48 Ill. Reg. , effective)

SUBPART N: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
NONATTAINMENT AREAS

Section 203.1800 Lowest Achievable Emission Rate

- a) The owner or operator of a new major stationary source must demonstrate that the control equipment and process measures applied to the source will produce LAER for each regulated NSR pollutant for which the stationary source is major.
- b) Except as provided in subsections (d) or (e), the owner or operator of a major modification must demonstrate that the control equipment and process measures applied to the major modification will produce LAER for each regulated NSR pollutant for which the modification is major. This requirement applies to each emissions unit at which a net increase in emissions of the regulated NSR pollutant has occurred or would occur as a result of a physical change or change in the method of operation in the emissions unit.
- c) The owner or operator must provide a detailed demonstration that the proposed emission limitations constitute LAER. The demonstration must include:
 - 1) A description of the manner in which the proposed emission limitation was selected, including a detailed listing of information resources,
 - 2) Alternative emission limitations, and
 - 3) Other reasonable information as the Agency may request as necessary to determine whether the proposed emission limitation is LAER.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- d) If the owner or operator of a major stationary source (other than a source which emits or has the potential to emit 100 tpy or more of VOM or NO_x) located in an area classified as serious or severe nonattainment for ozone does not elect to provide internal offsets for a change at the source in compliance with Section 203.1220(d), the change must be considered a major modification for this Part, but in applying this Section to the such modification, the BACT, as defined in section 169 of the CAA (42 U.S.C. 7479), must be substituted for the LAER. BACT must be determined according to the policies and procedures published by the USEPA.

- e) In the case of any major stationary source of VOM or NO_x located in an area classified as serious or severe nonattainment for ozone which emits or has the potential to emit 100 tpy or more of VOM or NO_x, respectively, whenever any change at that source results in a significant increase in emissions of VOM or NO_x, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, the increase must be considered a major modification for purposes of this Part, except that if the owner or operator elects to offset the increase by a greater reduction in emissions of VOM or NO_x, respectively, from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1, the requirements of this Section concerning LAER must not apply.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.1810 Emissions Offsets

- a) The general requirements for emissions offsets are:
 - 1) The owner or operator of a new major stationary source or major modification must provide emissions offsets equal to or greater than the allowable emissions from the source or the increase in emissions from the modification sufficient to allow the Agency to determine that the source or modification will not interfere with reasonable further progress under Section 173 of the CAA (42 U.S.C. 7503).
 - A) Emissions offsets are required for the following pollutants for which the area is designated nonattainment or precursors to such pollutant as follows:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- i) For a new major stationary source, each regulated NSR pollutant for which the stationary source is major.
 - ii) For a major modification, each regulated NSR pollutant for which the modification is major.
 - B) The total tonnage of increased emissions, in tpy, resulting from a major modification that must be offset must be determined by summing the difference between the allowable emissions after the modification, as defined under Section 203.1050, and the actual emissions before the modification, as defined under Section 203.1040, for each emissions unit.
 - C) The Agency must allow the use of all or some portion of the available growth margin to satisfy this subsection if the owner or operator can present evidence that the possible sources of emissions offsets were investigated, none were available at that time and the new or modified major stationary source is located in a zone (within the nonattainment area) identified by the USEPA, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted.
- b) The ratios for emissions offsets in ozone nonattainment areas are:
- 1) For new major stationary sources or major modifications in ozone nonattainment areas, the ratio of total emissions reductions provided by emission offsets for VOM or NO_x to total increased emissions of the pollutants must be at least as follows:
 - A) 1.1 to 1 in areas classified as marginal;
 - B) 1.15 to 1 in areas classified as moderate;
 - C) 1.2 to 1 in areas classified as serious;
 - D) 1.3 to 1 in areas classified as severe; and
 - E) 1.5 to 1 in areas classified as extreme.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 2) The offset requirement provided in subsection (b)(1)(E) must not be applicable in extreme areas to a modification of an existing stationary source:
 - A) If the modification consists of installation of equipment required to comply with the SIP or the CAA; or
 - B) If the owner or operator of the stationary source elects to offset the increase by a greater reduction in emissions of the pollutant from other discrete operations, units, or activities within the source at an internal offset ratio of at least 1.3 to 1.
- c) The enforceability requirements for emissions offsets are:
 - 1) All emissions reductions relied upon as emissions offsets must be federally enforceable.
 - 2) Except as provided in this subsection, emissions offsets must be enforceable by the Agency and under the CAA. If emissions reductions are to be obtained in a State that neighbors Illinois, the emissions reductions committed to must be enforceable by the neighboring State and/or local agencies and under the CAA.
 - 3) Except as provided in this subsection, emissions offsets must be accomplished prior to initial start-up of the new major stationary source or major modification. Where the new major stationary source or the major modification is a replacement for an existing stationary source or emissions unit that is being shut down in order to provide necessary offsets, the Agency must allow up to 180 days for shakedown of the new major stationary source or major modification before the existing stationary source or emissions unit is required to cease operation.
- d) Sources providing emissions reductions to meet the requirements of this Section must meet the following location requirements.
 - 1) The emissions reductions must be achieved in the same nonattainment area as the increase being offset, except as provided in subsection (d)(2).
 - 2) An owner or operator may obtain the necessary emissions reductions from another nonattainment area where the area has an equal or higher nonattainment classification than the area in which the new or modified

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

major stationary source is located and the emissions from the other area contribute to a violation of the NAAQS in the nonattainment area in which the new or modified major stationary source is located.

- e) Pollutants for emission offsets must be determined as follows:
 - 1) Except as provided in subsection (h), which addresses interprecursor trading for PM_{2.5}, emission reductions must be for the pollutant for which emission offsets are required, e.g., reductions in CO emissions cannot be used as emission offsets for increases in emissions of SO₂ reductions.
 - 2) Replacement of one VOM with another of lesser reactivity does not constitute an emissions reduction.

- f) Emissions reductions from shutdowns or curtailments must be credited as follows:
 - 1) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours must be credited for offsets if they meet the following requirements:
 - A) The reductions are surplus, permanent, and quantifiable; and
 - B) The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For this Subpart, the Agency must consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, credit must be given for shutdowns that occurred before August 7, 1977.
 - 2) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in subsection (f)(1)(B) must be credited only if:
 - A) The shutdown or curtailment occurred on or after the date the application for a construction permit is filed; or
 - B) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

emissions reductions achieved by the shutdown or curtailment met the requirements of subsection (f)(1)(A).

- g) The determination of emissions reductions for offsets must be made as follows:
 - 1) Credit for emissions reductions used as offsets must be determined as follows:
 - A) The baseline for determining credit for emissions reductions is the emissions limit under the applicable SIP in effect at the time the application for a construction permit is filed, except that the offset baseline must be the actual emissions of the source from which offset credit is obtained where:
 - i) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within the designated nonattainment area; or
 - ii) The applicable SIP does not contain an emissions limitation for that source or source category.
 - B) Where the emissions limit under the applicable SIP allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below the potential to emit.
 - C) For an existing fuel combustion source, credit must be based on the allowable emissions under the applicable SIP for the type of fuel being burned at the time the application for a construction permit is filed. If the emissions offset is to be produced by a switch to a cleaner fuel at some future date, offset credit must be subject to the following limitations:
 - i) Emissions offset credit based on the allowable (or actual) emissions for the fuels involved is allowed only if the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- ii) Emissions offset credit must be allowed only if the owner or operator provides evidence that long-term supplies of the cleaner fuel are available.
- 2) Emissions reductions must not be credited for offsets to the extent they have been previously relied on by the Agency in issuing any permit under 35 Ill. Adm. Code 201.142 or 201.143 or this Part or for demonstrating attainment or reasonable further progress.
- 3) Emissions reductions otherwise required by the CAA (42 U.S.C. 7401 et seq.) must not be creditable as emissions offsets. Emissions reductions which are not otherwise required by the CAA must be creditable as emissions offsets if the emissions reductions meet the requirements of this Section.
- h) For a new major stationary source or major modification located in an area designated nonattainment for PM_{2.5}, IPT between precursors of PM_{2.5} identified in Section 203.1340, or between direct PM_{2.5} emissions and a precursor of PM_{2.5}, must be allowed to satisfy the applicable offset requirement if:
 - 1) The IPT is based on an IPT ratio that will provide an equivalent or greater air quality benefit regarding ambient concentrations of PM_{2.5} in the PM_{2.5} nonattainment area. At least one ton of emissions reductions must be provided for one ton of emissions increases; and
 - 2) The permit application submitted by the owner or operator of the source or modification includes the following:
 - A) A proposed IPT ratio, with accompanying calculations.
 - B) A demonstration that this proposed IPT ratio is based on the results of an analysis that is consistent with Appendix W to 40 CFR Part 51. The demonstration must also show that the proposed IPT ratio would provide an equivalent or greater air quality benefit than offsets of the emitted pollutant or precursor would achieve regarding ambient concentrations of PM_{2.5} in the PM_{2.5} nonattainment area; and
 - C) A description of the model or models and analysis that were used to develop the proposed IPT ratio; and

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- D) Prior to making a final determination on the IPT ratio, the Agency must submit the IPT ratio to EPA for approval and must receive approval as a revision of the SIP.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1820 Compliance by Existing Sources

The owner or operator must demonstrate that all major stationary sources which they owns or operates (or which are owned or operated by any entity controlling or controlled by, or under common control, with the owner or operator) in Illinois are in compliance, or on a schedule for compliance, with all applicable state and federal air pollution control requirements. For this Section, a schedule for compliance must be federally enforceable or contained in an order of the Board or a court decree.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1830 Analysis of Alternatives

The owner or operator must demonstrate that benefits of the new major source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification, based upon an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source.

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART O: GENERAL MAINTENANCE OF EMISSION OFFSETS

Section 203.1900 General Maintenance of Emission Offsets

A person must not cease to maintain emission offsets which were provided for a source or modification which is subject to this Part.

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART P: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND MOTOR FIRING

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

Section 203.2000 Offsetting by Alternative or Innovative Means

A source may offset, by alternative or innovative means, emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or motors under the following conditions:

- a) Any modification proposed is solely for expanding the testing of rocket engines or motors at an existing source that is permitted to test such engines on November 15, 1990;
- b) The source demonstrates to the Agency that it has used all reasonable means to obtain and utilize offsets, as determined on an annual basis, for the emissions increases beyond allowable levels, that all available offsets are being used, and that sufficient offsets are not available to the source;
- c) The source has obtained a written finding from the Department of Defense, Department of Transportation, National Aeronautics and Space Administration or other appropriate federal agency, that the testing of rocket motors or engines at the facility is required for a program essential to the national security; and
- d) The source will comply with an alternative measure, imposed by the Agency or Board, designed to offset any emission increases beyond permitted levels not directly offset by the source.

(Source: Added at 48 Ill. Reg. , effective

)

SUBPART Q: PLANTWIDE APPLICABILITY LIMITATION

Section 203.2100 Applicability

- a) The Agency may approve the use of an actuals PAL for any existing major stationary source, except as provided in subsection (b), if the PAL meets the requirements in this Subpart. The term "PAL" must mean "actuals PAL" throughout this Subpart.
- b) The Agency must not allow an actuals PAL for VOM or NO_x for any major stationary source located in an extreme ozone nonattainment area.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- c) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in this Subpart, and complies with the PAL permit:
 - 1) Is not a major modification for the PAL pollutant;
 - 2) Does not have to be approved through the major NSR program; and
 - 3) Is not subject to the provisions in Section 203.1430 (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program).
- d) Except as provided under subsection (c)(3), a major stationary source must continue to comply with all applicable federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2110 Definitions

For this Subpart, the definitions in Section 203.2120 through Section 203.2290 apply. When a term is not defined in these sections, it must have the meaning given in Subpart I of this Part, Part 211, or in the CAA.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2120 Actuals PAL

“Actuals PAL” for a major stationary source means a PAL based on the baseline actual emissions (as defined in Section 203.1070) of all emissions units (as defined in Section 203.1160) at the source, that emit or have the potential to emit the PAL pollutant.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2130 Allowable Emissions

**POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS**

“Allowable emissions” means “allowable emissions” as defined in Section 203.1050, except that the allowable emissions for any emissions unit must be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit’s potential to emit (as defined in Section 203.1290).

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2140 Best Available Control Technology (BACT)

“Best available control technology” or “BACT” means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification that the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for the source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. The application of BACT must not result in emissions of any pollutant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, 62, or 63 (as incorporated by reference in Section 203.1000). If the Agency determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination of them, may be prescribed instead to satisfy the requirement for the application of BACT. This standard must, to the degree possible, specify the emissions reduction achievable by implementation of the design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2150 Continuous Emissions Monitoring System (CEMS)

“Continuous emissions monitoring system” or “CEMS” means all of the equipment that may be required to meet the data acquisition and availability requirements of this Subpart, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2160 Continuous Emissions Rate Monitoring System (CERMS)

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

~~“Continuous emissions rate monitoring system” or “CERMS” means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).~~

~~(Source: Added at 48 Ill. Reg. _____, effective
_____)~~

Section 203.2170 Continuous Parameter Monitoring System (CPMS)

~~“Continuous parameter monitoring system” or “CPMS” means all of the equipment necessary to meet the data acquisition and availability requirements of this Subpart to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.~~

~~(Source: Added at 48 Ill. Reg. _____, effective
_____)~~

Section 203.2180 Federal Land Manager

~~“Federal Land Manager” means, with respect to any lands in the United States, the Secretary of the department with authority over the lands.~~

~~(Source: Added at 48 Ill. Reg. _____, effective
_____)~~

Section 203.2190 Major Emissions Unit

~~“Major emissions unit” means:~~

- ~~a) Any emissions unit that emits or has the potential to emit 100 tpy or more of the PAL pollutant in an attainment area; or~~
- ~~b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the CAA for nonattainment areas.~~

~~(Source: Added at 48 Ill. Reg. _____, effective
_____)~~

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

Section 203.2200 Plantwide Applicability Limitation (PAL)

“Plantwide applicability limitation” or (“PAL”) means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in compliance with this Subpart.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2210 PAL Effective Date

“PAL effective date” generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2220 PAL Effective Period

“PAL effective period” means the period beginning with the PAL effective date and ending 10 years later.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2230 PAL Major Modification

“PAL major modification” means, despite Section 203.1220 and Section 203.1260 (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2240 PAL Permit

“PAL permit” means the major NSR permit, the minor NSR permit, or the State operating permit under a program that is approved into the SIP, or the CAAPP permit issued by the Agency that establishes a PAL for a major stationary source.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.2250 PAL Pollutant

“PAL pollutant” means the pollutant for which a PAL is established at a major stationary source.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.2260 Predictive Emissions Monitoring System (PEMS)

“Predictive emissions monitoring system” or “PEMS” means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, pounds per hour) on a continuous basis.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.2270 Reasonably Available Control Technology (RACT)

“Reasonably Available Control Technology” or “RACT” means devices, systems, process modifications, or other apparatus or techniques that are reasonably available considering:

- a) The necessity of imposing the controls to attain and maintain a national ambient air quality standard;
- b) The social, environmental, and economic impact of the controls; and
- c) Alternative means of providing for attainment and maintenance of the standard.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.2280 Significant Emissions Unit

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

~~“Significant emissions unit”~~ means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the applicable significant level (as defined in Section 203.1370 or in the CAA, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in Section 203.2190.

BOARD NOTE: At the time the Board adopted the amendments to this provision, the Clean Air Act did not provide significant levels.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2290 Small Emissions Unit

~~“Small emissions unit”~~ means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the applicable significant level for that PAL pollutant, as defined in Section 203.1370 or in the CAA, whichever is lower.

BOARD NOTE: At the time the Board adopted the amendments to this provision, the Clean Air Act did not provide significant levels.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2300 Permit Application Requirements

As part of a permit application requesting a PAL, the owner or operator of a major stationary source must submit the following information to the Agency for approval:

- a) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source must indicate which, if any, federal or State applicable requirements, emission limitations, or work practices apply to each unit.
- b) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.
- c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

annual emissions based on a 12-month rolling total for each month as required by Section 203.2400(a).

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2310 General Requirements for Establishing PAL

- a) The Agency is allowed to establish a PAL at a major stationary source if the requirements in this Section are met.
 - 1) The PAL must impose an annual emission limitation expressed on a mass basis in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator must show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month total, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator must show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
 - 2) The PAL must be established in a PAL permit that meets the public participation requirements in Section 203.2320.
 - 3) The PAL permit must contain all the requirements of Section 203.2340.
 - 4) The PAL must include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.
 - 5) Each PAL must regulate emissions of only one pollutant.
 - 6) Each PAL must have a PAL effective period of 10 years.
 - 7) The owner or operator of the major stationary source with a PAL must comply with the monitoring, recordkeeping, and reporting requirements provided in Section 203.2390 through Section 203.2410 for each emissions unit under the PAL through the PAL effective period.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- b) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for emissions offsets under Section 203.1810 unless the level of the PAL is reduced by the amount of the emissions reductions and the reductions would be creditable in the absence of the PAL.

(Source: Added at 48 Ill. Reg. _____, effective

_____)

Section 203.2320 Public Participation Requirements

PALs for existing major stationary sources must be established, renewed, or increased through a procedure that is consistent with 35 Ill. Adm. Code Part 252. This includes the requirement that the Agency provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The Agency must address all material comments before taking final action on the permit.

(Source: Added at 48 Ill. Reg. _____, effective

_____)

Section 203.2330 Setting the 10-Year Actuals PAL Level

- a) Except as provided in subsection (b), the actuals PAL level for a major stationary source must be established as the sum of the baseline actual emissions (as defined in Section 203.1070) of the PAL pollutant for each emissions unit at the stationary source, plus an amount equal to the applicable significant level for the PAL pollutant under Section 203.1370 or in the CAA, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. The Agency must specify a reduced PAL level or levels in tons per year in the PAL permit to become effective on the future compliance date or dates of any applicable federal or State regulatory requirement or requirements that the Agency is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 parts per million NO_x to a new rule limit of 30 parts per million, then the permit must contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline actual emissions of such unit or units.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

BOARD NOTE: At the time the Board adopted the amendments to this provision, the Clean Air Act did not provide significant levels.

- b) For newly constructed units (which do not include modifications to existing units) on which actual construction began after the 24-month period, in lieu of adding the baseline actual emissions as specified in subsection (a), the emissions must be added to the PAL level in an amount equal to the potential to emit of the units.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2340 Contents of the PAL Permit

The PAL permit must contain:

- a) The PAL pollutant and the applicable source-wide emission limitation in tons per year.
- b) The PAL permit effective date and the expiration date of the PAL (PAL effective period).
- c) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in compliance with Section 203.2370 before the end of the PAL effective period, then the PAL must not expire at the end of the PAL effective period. It must remain in effect until a revised PAL permit is issued by the Agency.
- d) A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.
- e) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of Section 203.2360.
- f) The calculation procedures that the major stationary source owner or operator must use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by Section 203.2400(a).
- g) A requirement that the major stationary source owner or operator monitor all emissions units in compliance with the provisions under Section 203.2390.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- h) A requirement to retain the records required under Section 203.2400 on site. The records may be retained in an electronic format.
- i) A requirement to submit the reports required under Section 203.2410 by the required deadlines.
- j) Any other requirements that the Agency considers necessary to implement and enforce the PAL.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2350 Effective Period and Reopening a PAL Permit

The requirements in subsections (a) and (b) apply to actuals PALs.

- a) PAL effective period. The Agency must specify a PAL effective period of 10 years.
- b) Reopening of the PAL permit.
 - 1) During the PAL effective period, the Agency must reopen the PAL permit to:
 - A) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;
 - B) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as emissions offsets under Section 203.1810; or
 - C) Revise the PAL to reflect an increase in the PAL as provided under Section 203.2380.
 - 2) The Agency may reopen the PAL permit to reduce the PAL for the following:
 - A) To reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- B) Consistent with any other requirement, that is enforceable as a practical matter, and that the Agency may impose on the major stationary source under the SIP; or
 - C) If the Agency determines that a reduction is necessary to avoid causing or contributing to a NAAQS violation, or to a violation of an ambient air increment established in Subpart D of 35 Ill. Adm. Code Part 204, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.
- c) Except for the permit reopening in subsection (b)(1)(A) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings must be carried out in compliance with the public participation requirements of Section 203.2320.

(Source: Added at 48 Ill. Reg. _____, effective
_____)

Section 203.2360 Expiration of a PAL

Any PAL that is not renewed in compliance with the procedures in Section 203.2370 will expire at the end of the PAL effective period, and the requirements in this Section will apply.

- a) Each emissions unit (or each group of emissions units) that existed under the PAL must comply with an allowable emission limitation under a revised permit established according to the procedures in subsections (a)(1) and (2).
 - 1) Within the time frame specified for PAL renewals in Section 203.2370(b), the major stationary source must submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if a distribution is more appropriate as decided by the Agency) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Section 203.2370(e), the distribution must be made as if the PAL had been adjusted.
 - 2) The Agency must decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

limits for each emissions unit, or each group of emissions units, as the Agency determines is appropriate.

- b) Each emissions unit or units must comply with the allowable emission limitation on a 12-month rolling basis. The Agency may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.
- c) Until the Agency issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under subsection (a)(2), the source must continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.
- d) Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of major modification in Section 203.1220.
- e) The major stationary source owner or operator must continue to comply with any State or federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established under Section 203.1420, but were eliminated by the PAL in compliance with the provisions in Section 203.2100(c)(3).

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.2370 Renewal of a PAL

- a) The Agency must follow the procedures specified in Section 203.2320 in approving any request to renew a PAL for a major stationary source, and must provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During public review, any person may propose a PAL level for the source for consideration by the Agency.
- b) Application deadline. A major stationary source owner or operator must submit a timely application to the Agency to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL must continue to be effective until the revised permit with the renewed PAL is issued.

- c) Application requirements. The application to renew a PAL permit must contain:
 - 1) The information required in Section 203.2300(a) through (c).
 - 2) A proposed PAL level.
 - 3) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).
 - 4) Any other information the owner or operator wishes the Agency to consider in determining the appropriate level for renewing the PAL.

- d) PAL adjustment. In determining whether and how to adjust the PAL, the Agency must consider the options outlined in subsections (d)(1) and (2). However, any adjustment must comply with subsection (d)(3).
 - 1) If the emissions level calculated in compliance with Section 203.2330 is equal to or greater than 80 percent of the PAL level, the Agency may renew the PAL at the same level without considering the factors set forth in subsection (d)(2); or
 - 2) The Agency may set the PAL at a level that it determines to be more representative of the stationary ~~source's~~source's baseline actual emissions, or that it determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the ~~source's~~source's voluntary emissions reductions, or other factors as specifically identified by the Agency in its written rationale.
 - 3) Despite subsections (d)(1) and (2):
 - A) If the potential to emit of the major stationary source is less than the PAL, the Agency must adjust the PAL to a level no greater than the potential to emit of the source; and

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- B) The Agency must not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of Section 203.2380 (increasing a PAL).
- e) If the compliance date for a State or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Agency has not already adjusted for the requirement, the PAL must be adjusted at the time of PAL permit renewal or CAAPP permit renewal, whichever occurs first.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2380 Increasing the PAL During the PAL Effective Period

- a) The Agency may increase a PAL emission limitation only if the major stationary source complies with the provisions in subsections (a)(1) through (4).
- 1) The owner or operator of the major stationary source must submit a complete application to request an increase in the PAL limit for a PAL major modification. The application must identify the emissions unit or units contributing to the increase in emissions so as to cause the major stationary ~~source's~~source's emissions to equal or exceed its PAL.
 - 2) As part of this application, the major stationary source owner or operator must demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit or units exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit must be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In this case, the assumed control level for that emissions unit must be equal to the level of BACT or LAER with which that emissions unit must currently comply.
 - 3) The owner or operator obtains a major NSR permit for all emissions unit or units identified in subsection (a)(1), regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit or units must comply with any emissions

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

requirements resulting from the major NSR process (for example, LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.

- 4) The PAL permit must require that the increased PAL level must be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.
- b) The Agency must calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in compliance with subsection (a)(2)), plus the sum of the baseline actual emissions of the small emissions units.
- c) The PAL permit must be revised to reflect the increased PAL level in compliance with the public notice requirements of Section 203.2320.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2390 Monitoring Requirements

- a) General requirements.
 - 1) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by the system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.
 - 2) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the performance requirements in subsection (b)(1) through (4) and must be approved by the Agency.
 - 3) Despite subsection (a)(2), the owner or operator may also employ an alternative monitoring approach that meets subsection (a)(1) if approved by the Agency.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 4) Failure to use a monitoring system that meets the requirements of this Section renders the PAL invalid.
-
- b) Performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in compliance with the requirements in subsections (c) through (i):
 - 1) Mass balance calculations for activities using coatings or solvents;
 - 2) CEMS;
 - 3) CPMS or PEMS; and
 - 4) Emission factors.
 - c) Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents must meet the following requirements:
 - 1) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;
 - 2) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and
 - 3) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Agency determines there is site-specific data or a site-specific monitoring program to support another content within the range.
 - d) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions must meet the following requirements:
 - 1) CEMS must comply with applicable Performance Specifications found in 40 CFR Part 60, Appendix B; and

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 2) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.
- e) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions must meet the following requirements:
- 1) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and
 - 2) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Agency, while the emissions unit is operating.
- f) Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions must meet the following requirements:
- 1) All emission factors must be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors² development;
 - 2) The emissions unit must operate within the designated range of use for the emission factor, if applicable; and
 - 3) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions must conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Agency determines that testing is not required.
- g) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during the periods is specified in the PAL permit.
- h) Despite the requirements in subsections (c) through (g), where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter or parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the Agency must, at the time of permit issuance:

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 1) Establish default value or values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point or operating points; or
 - 2) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter or parameters and the PAL pollutant emissions is a violation of the PAL.
- i) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Agency. Re-validation must occur at least once every 5 years after issuance of the PAL.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2400 Recordkeeping Requirements

- a) The PAL permit must require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of this Subpart and of the PAL, including a determination of each emissions ~~unit~~^s 12-month rolling total emissions, for 5 years from the date of the record.
- b) The PAL permit must require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:
 - 1) A copy of the PAL permit application and any applications for revisions to the PAL; and
 - 2) Each annual certification of compliance under Section 39.5(7)(p)(v) of the Act and the data relied on in certifying the compliance.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2410 Reporting and Notification Requirements

The owner or operator must submit semi-annual monitoring reports and deviation reports to the Agency in compliance with the CAAPP. The reports must meet the requirements in subsections (a) through (c).

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- a) Semi-annual report. The semi-annual report must be submitted to the Agency within 30 days of the end of each reporting period. This report must contain the information required in subsections (a)(1) through (7).
- 1) The identification of owner and operator and the permit number.
 - 2) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded under Section 203.2400(a).
 - 3) All data relied upon, including any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.
 - 4) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.
 - 5) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.
 - 6) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by Section 203.2390(g).
 - 7) A signed statement by the responsible official (as defined by the CAAPP) certifying the truth, accuracy, and completeness of the information provided in the report.
- b) Deviation report. The major stationary source owner or operator must promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted under 40 CFR 70.6(a)(3)(iii)(B) will satisfy this reporting requirement. The deviation reports must be submitted within the time limits prescribed by the applicable program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports must contain the following information:
- 1) The identification of owner and operator and the permit number;

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- 2) The PAL requirement that experienced the deviation or that was exceeded;
 - 3) Emissions resulting from the deviation or the exceedance; and
 - 4) A signed statement by the responsible official (as defined by the CAAPP) certifying the truth, accuracy, and completeness of the information provided in the report.
- c) Re-validation results. The owner or operator must submit to the Agency the results of any re-validation test or method within 3 months after completion of such test or method.

(Source: Added at 48 Ill. Reg. , effective
)

Section 203.2420 Transition Requirements

The Agency may not issue a PAL that does not comply with the requirements in this Subpart.

(Source: Added at 48 Ill. Reg. , effective
)

SUBPART R: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
ATTAINMENT AND UNCLASSIFIABLE AREAS

Section 203.2500 Applicability

- a) In any area designated as attainment or unclassifiable under Sections 107(d)(1)(A)(ii) or (iii) of the CAA (42 U.S.C. 7407(d)(1)(A)(ii) or (iii)), a person must not begin actual construction of a new major stationary source or major modification if the emissions from the major stationary source or major modification would cause or contribute to a violation of any NAAQS, except as in compliance with this Subpart.
- b) This Subpart will not apply to a major stationary source or major modification for a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under section 107 of the CAA (42 U.S.C. 7407).

**POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS**

- c) The applicability of 35 Ill. Adm. Code Part 204 is not affected by the applicability of this Subpart.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2510 Criteria

For this Subpart, the emissions from a new major stationary source or major modification will be considered to cause or contribute to a violation of a NAAQS if the source or modification would exceed the following significance levels at any locality that does not or would not meet the applicable NAAQS.

<u>Pollutant</u>	<u>Significant Level (µg/m³)</u>				
	<u>Annual Average</u>	<u>24-hour Average</u>	<u>8-hour Average</u>	<u>3-hour Average</u>	<u>1-hour Average</u>
<u>SO₂</u>	<u>1.0</u>	<u>5</u>		<u>25</u>	
<u>PM₁₀</u>	<u>1.0</u>	<u>5</u>			
<u>PM_{2.5}</u>	<u>0.3</u>	<u>1.2</u>			
<u>NO₂</u>	<u>1.0</u>				
<u>CO</u>			<u>500</u>		<u>2,000</u>

<u>Pollutant</u>	<u>Significant Level (µg/m³)</u>				
	<u>Annual Average</u>	<u>24-hour Average</u>	<u>8-hour Average</u>	<u>3-hour Average</u>	<u>1-hour Average</u>
<u>SO₂</u>	<u>1.0</u>	<u>5</u>		<u>25</u>	
<u>PM₁₀</u>	<u>1.0</u>	<u>5</u>			
<u>PM_{2.5}</u>	<u>0.3</u>	<u>1.2</u>			
<u>NO₂</u>	<u>1.0</u>				
<u>CO</u>			<u>500</u>		<u>2,000</u>

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2520 Requirements

If the owner or operator of the proposed major stationary source or major modification does not fulfill the requirements of both subsections (a) and (b), the Agency must deny the proposed construction.

~~POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS~~

- a) The owner or operator must reduce the impact of its emissions on air quality by obtaining sufficient emissions reductions to compensate for its adverse ambient impact when the major stationary source or major modification would otherwise cause or contribute to a violation of a NAAQS; and
- b) The owner or operator must comply with the requirements of Section 203.1410(c) and (e), Section 203.1420, Section 203.1430, Section 203.1440(a), Section 203.1460, and Section 203.1500.

(Source: Added at 48 Ill. Reg. , effective)

Section 203.2530 Construction Permit

- a) The Agency must only issue a construction permit for a new major stationary source or a major modification that is subject to the requirements of this Subpart if the Agency determines that the source meets all applicable requirements of this Subpart.
- b) The Agency must include in any construction permit issued under this Subpart, conditions specifying the manner in which the applicable requirements of this Subpart are met.
- c) In issuing a permit under this Subpart, the Agency must follow the public participation procedures of Section 203.1610 or Section 204.1320 of 35 Ill. Adm. Code Part 204 as applicable.

(Source: Added at 48 Ill. Reg. , effective)

Summary report:	
Litera Compare for Word 11.4.0.111 Document comparison done on 5/2/2024 2:14:37 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: 35-203RG-P Agency.docx	
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Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	733

First Notice

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1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE B: AIR POLLUTION
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS
5

6 PART 203
7 MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION
8

9 SUBPART A: GENERAL PROVISIONS
10

11	Section	
12	203.100	Effective Dates
13	203.101	Definitions
14	203.103	Actual Construction
15	203.104	Actual Emissions
16	203.107	Allowable Emissions
17	203.110	Available Growth Margin
18	203.112	Building, Structure and Facility
19	203.113	Commence
20	203.116	Construction
21	203.117	Dispersion Enhancement Techniques
22	203.119	Emission Baseline
23	203.121	Emission Offset
24	203.122	Emissions Unit
25	203.123	Federally Enforceable
26	203.124	Fugitive Emissions
27	203.125	Installation
28	203.126	Lowest Achievable Emission Rate
29	203.127	Nonattainment Area
30	203.128	Potential to Emit
31	203.131	Reasonable Further Progress
32	203.134	Secondary Emissions
33	203.136	Stationary Source
34	203.145	Volatile Organic Material (Repealed)
35	203.150	Public Participation
36	203.155	Severability (Repealed)

37
38 SUBPART B: MAJOR STATIONARY
39 SOURCES IN NONATTAINMENT AREAS
40

41	Section	
42	203.201	Prohibition
43	203.202	Coordination With Permit Requirement and Application Pursuant to 35 Ill. Adm.

44 Code 201
45 203.203 Construction Permit Requirement and Application
46 203.204 Duration of Construction Permit (Repealed)
47 203.205 Effect of Permits
48 203.206 Major Stationary Source
49 203.207 Major Modification of a Source
50 203.208 Net Emission Determination
51 203.209 Significant Emissions Determination
52 203.210 Relaxation of a Source-Specific Limitation
53 203.211 Permit Exemption Based on Fugitive Emissions

54
55 SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY
56 SOURCES IN NONATTAINMENT AREAS
57

58 Section
59 203.301 Lowest Achievable Emission Rate
60 203.302 Maintenance of Reasonable Further Progress and Emission Offsets
61 203.303 Baseline and Emission Offsets Determination
62 203.304 Exemptions from Emissions Offset Requirement (Repealed)
63 203.305 Compliance by Existing Sources
64 203.306 Analysis of Alternatives

65
66 SUBPART F: OPERATION OF A MAJOR STATIONARY SOURCE
67 OR MAJOR MODIFICATION
68

69 Section
70 203.601 Lowest Achievable Emission Rate Compliance Requirement
71 203.602 Emission Offset Maintenance Requirement
72 203.603 Ambient Monitoring Requirement (Repealed)
73

74 SUBPART G: GENERAL MAINTENANCE OF EMISSION OFFSETS
75

76 Section
77 203.701 General Maintenance of Emission Offsets
78

79 SUBPART H: OFFSETS FOR EMISSION INCREASES
80 FROM ROCKET ENGINES AND MOTOR FIRING
81

82 Section
83 203.801 Offsetting by Alternative or Innovative Means
84

85 SUBPART I: GENERAL PROVISIONS
86

87	<u>Section</u>	
88	<u>203.1000</u>	<u>Incorporations by Reference</u>
89	<u>203.1010</u>	<u>Abbreviations and Acronyms</u>
90	<u>203.1020</u>	<u>Severability</u>
91	<u>203.1030</u>	<u>Definitions</u>
92	<u>203.1040</u>	<u>Actual Emissions</u>
93	<u>203.1050</u>	<u>Allowable Emissions</u>
94	<u>203.1060</u>	<u>Available Growth Margin</u>
95	<u>203.1070</u>	<u>Baseline Actual Emissions</u>
96	<u>203.1080</u>	<u>Begin Actual Construction</u>
97	<u>203.1090</u>	<u>Building, Structure, Facility, or Installation</u>
98	<u>203.1100</u>	<u>Commence</u>
99	<u>203.1110</u>	<u>Complete</u>
100	<u>203.1120</u>	<u>Construction</u>
101	<u>203.1130</u>	<u>Dispersion Technique</u>
102	<u>203.1140</u>	<u>Electric Utility Steam Generating Unit</u>
103	<u>203.1150</u>	<u>Emission Offset</u>
104	<u>203.1160</u>	<u>Emissions Unit</u>
105	<u>203.1170</u>	<u>Excessive Concentration</u>
106	<u>203.1180</u>	<u>Federally Enforceable</u>
107	<u>203.1190</u>	<u>Fugitive Emissions</u>
108	<u>203.1200</u>	<u>Good Engineering Practice</u>
109	<u>203.1210</u>	<u>Lowest Achievable Emission Rate</u>
110	<u>203.1220</u>	<u>Major Modification</u>
111	<u>203.1230</u>	<u>Major Stationary Source</u>
112	<u>203.1240</u>	<u>Nearby</u>
113	<u>203.1250</u>	<u>Necessary Preconstruction Approvals or Permits</u>
114	<u>203.1260</u>	<u>Net Emissions Increase</u>
115	<u>203.1270</u>	<u>Nonattainment Area</u>
116	<u>203.1280</u>	<u>Nonattainment New Source Review (NA NSR) Permit</u>
117	<u>203.1290</u>	<u>Potential to Emit</u>
118	<u>203.1300</u>	<u>Process Unit</u>
119	<u>203.1310</u>	<u>Project</u>
120	<u>203.1320</u>	<u>Projected Actual Emissions</u>
121	<u>203.1330</u>	<u>Reasonable Further Progress</u>
122	<u>203.1340</u>	<u>Regulated NSR Pollutant</u>
123	<u>203.1350</u>	<u>Replacement Unit</u>
124	<u>203.1360</u>	<u>Secondary Emissions</u>
125	<u>203.1370</u>	<u>Significant</u>
126	<u>203.1380</u>	<u>Significant Emissions Increase</u>
127	<u>203.1390</u>	<u>Stack in Existence</u>
128	<u>203.1400</u>	<u>Stationary Source</u>
129		

SUBPART P: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND
MOTOR FIRING

Section

203.2000 Offsetting by Alternative or Innovative Means

SUBPART Q: PLANTWIDE APPLICABILITY LIMITATION

Section

203.2100 Applicability
203.2110 Definitions
203.2120 Actuals PAL
203.2130 Allowable Emissions
203.2140 Best Available Control Technology (BACT)
203.2150 Continuous Emissions Monitoring System (CEMS)
203.2160 Continuous Emissions Rate Monitoring System (CERMS)
203.2170 Continuous Parameter Monitoring System (CPMS)
203.2180 Federal Land Manager
203.2190 Major Emissions Unit
203.2200 Plantwide Applicability Limitation (PAL)
203.2210 PAL Effective Date
203.2220 PAL Effective Period
203.2230 PAL Major Modification
203.2240 PAL Permit
203.2250 PAL Pollutant
203.2260 Predictive Emissions Monitoring System (PEMS)
203.2270 Reasonably Available Control Technology (RACT)
203.2280 Significant Emissions Unit
203.2290 Small Emissions Unit
203.2300 Permit Application Requirements
203.2310 General Requirements for Establishing PAL
203.2320 Public Participation Requirements
203.2330 Setting the 10-Year Actuals PAL Level
203.2340 Contents of the PAL Permit
203.2350 Effective Period and Reopening a PAL Permit
203.2360 Expiration of a PAL
203.2370 Renewal of a PAL
203.2380 Increasing the PAL During the PAL Effective Period
203.2390 Monitoring Requirements
203.2400 Recordkeeping Requirements
203.2410 Reporting and Notification Requirements
203.2420 Transition Requirements

SUBPART R: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
ATTAINMENT AND UNCLASSIFIABLE AREAS

Section

<u>203.2500</u>	<u>Applicability</u>
<u>203.2510</u>	<u>Criteria</u>
<u>203.2520</u>	<u>Requirements</u>
<u>203.2530</u>	<u>Construction Permit</u>

AUTHORITY: Implementing Sections 9.1 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.1, 10, 27 and 28.5].

SOURCE: Adopted and codified at 7 Ill. Reg. 9344, effective July 22, 1983; codified at 7 Ill. Reg. 13588; amended in R85-20 at 12 Ill. Reg. 6118, effective March 22, 1988; amended in R91-24 at 16 Ill. Reg. 13551, effective August 24, 1992; amended in R92-21 at 17 Ill. Reg. 6973, effective April 30, 1993; amended in R93-9 at 17 Ill. Reg. 16630, effective September 27, 1993; amended in R93-26 at 18 Ill. Reg. 6335, effective April 15, 1994; amended in R98-10 at 22 Ill. Reg. 5674, effective March 10, 1998; amended in R19-1 at 44 Ill. Reg. 14916, effective September 4, 2020; amended in R22-17 at 48 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 203.100 Effective Dates

- a) Subparts I through R of this Part do not apply until the effective date of approval of all of those Subparts by the United States Environmental Protection Agency (USEPA) as a revision to the Illinois State Implementation Plan.
- b) On the effective date of approval of Subparts I through R of this Part by the USEPA as part of Illinois' State Implementation Plan, the permitting and operation of projects that began actual construction or may begin actual construction before this date must continue to be in compliance with Subparts A through H of this Part.

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART I: GENERAL PROVISIONS

Section 203.1000 Incorporations by Reference

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

- 258 a) [40 CFR Part 51, Subpart I \(2021\)](#)
- 259
- 260 b) [40 CFR 52.21 \(2021\)](#)
- 261
- 262 c) [40 CFR Part 51, Appendix S \(2021\)](#)
- 263
- 264 d) [40 CFR Part 51, Appendix W \(2021\)](#)
- 265
- 266 e) [40 CFR Part 60 \(2021\)](#)
- 267
- 268 f) [40 CFR Part 61 \(2021\)](#)
- 269
- 270 g) [40 CFR Part 62 \(2021\)](#)
- 271
- 272 h) [40 CFR Part 63 \(2021\)](#)
- 273
- 274 i) [40 CFR Part 81 \(2021\)](#)
- 275
- 276 j) [Standard Industrial Classification Manual, 1972, as amended by the 1977](#)
- 277 [Supplement \(U.S. Government Printing Office stock numbers 4101-0066 and](#)
- 278 [003-005-00176-0, respectively\).](#)
- 279

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1010 Abbreviations and Acronyms

The following abbreviations and acronyms are used in this Part:

<u>µg/m³</u>	<u>micrograms per cubic meter</u>
<u>Act</u>	<u>Illinois Environmental Protection Act</u>
<u>Agency</u>	<u>Illinois Environmental Protection Agency</u>
<u>BACT</u>	<u>Best Available Control Technology</u>
<u>Board</u>	<u>Illinois Pollution Control Board</u>
<u>CAA</u>	<u>Clean Air Act</u>
<u>CAAPP</u>	<u>Clean Air Act Permit Program</u>
<u>CEMS</u>	<u>Continuous Emissions Monitoring System</u>
<u>CERMS</u>	<u>Continuous Emissions Rate Monitoring System</u>
<u>CFR</u>	<u>Code of Federal Regulations</u>
<u>CO</u>	<u>carbon monoxide</u>
<u>CO₂</u>	<u>carbon dioxide</u>
<u>CPMS</u>	<u>Continuous Parameter Monitoring System</u>
<u>FR</u>	<u>Federal Register</u>
<u>IPT</u>	<u>Interprecursor Trading</u>

<u>LAER</u>	<u>Lowest Achievable Emission Rate</u>
<u>MW</u>	<u>megawatts</u>
<u>NAAQS</u>	<u>National Ambient Air Quality Standards</u>
<u>NAICS</u>	<u>North American Industry Classification System</u>
<u>NO₂</u>	<u>nitrogen dioxide</u>
<u>NO_x</u>	<u>nitrogen oxides</u>
<u>NSPS</u>	<u>New Source Performance Standards</u>
<u>NSR</u>	<u>New Source Review</u>
<u>NA NSR</u>	<u>Nonattainment New Source Review</u>
<u>O₂</u>	<u>oxygen</u>
<u>PAL</u>	<u>Plantwide Applicability Limitation</u>
<u>PEMS</u>	<u>Predictive Emissions Monitoring System</u>
<u>PM_{2.5}</u>	<u>Particulate Matter equal to or less than 2.5 microns in diameter (Fine Particulate Matter)</u>
<u>PM₁₀</u>	<u>Particulate Matter equal to or less than 10 microns in diameter</u>
<u>PSD</u>	<u>Prevention of Significant Deterioration</u>
<u>RACT</u>	<u>Reasonably Available Control Technology</u>
<u>SIC</u>	<u>Standard Industrial Classification</u>
<u>SIP</u>	<u>State Implementation Plan</u>
<u>SO₂</u>	<u>sulfur dioxide</u>
<u>tpy</u>	<u>tons per year</u>
<u>US</u>	<u>United States</u>
<u>U.S.C.</u>	<u>United States Code</u>
<u>USEPA</u>	<u>United States Environmental Protection Agency</u>
<u>VOM</u>	<u>Volatile Organic Material</u>

286
287 (Source: Added at 48 Ill. Reg. _____, effective _____)
288

289 **Section 203.1020 Severability**

290
291 If any provision of this Part, or the application of that provision to any person or circumstance, is
292 held invalid, the remainder of this Part, or the application of the provision to persons or
293 circumstances other than those as to which it is held invalid, must not be affected by that
294 holding.

295
296 (Source: Added at 48 Ill. Reg. _____, effective _____)
297

298 **Section 203.1030 Definitions**

299
300 Unless otherwise specified in this Part, terms used in this Part have the same meaning as the
301 terms used in 35 Ill. Adm. Code Part 211.

302
303 (Source: Added at 48 Ill. Reg. _____, effective _____)

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Section 203.1040 Actual Emissions

- a) "Actual Emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit as determined in compliance with subsections (b) through (c), except that this definition does not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under Subpart Q. Instead, Section 203.1070 and Section 203.1320 will apply for those purposes.

- b) In general, actual emissions as of a particular date must equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Agency must allow the use of a different time period upon a demonstration by the applicant to the Agency that the time period is more representative of normal source operation. The demonstration may include, operating records or other documentation of events or circumstances indicating that the preceding 24-month period is not representative of normal source operations. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored or combusted during the selected time period.

- c) For any emissions unit which has not begun normal operations on the particular date, actual emissions must equal the potential to emit of the unit on that date.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1050 Allowable Emissions

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- a) The applicable standards in 40 CFR Parts 60, 61, 62 and 63, incorporated by reference in Section 203.1000;

- b) The applicable SIP emissions limitation, including those with a future compliance date; or

- c) The emissions rate specified as a federally enforceable permit condition including those with a future compliance date.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1060 Available Growth Margin

"Available growth margin" means the portion which remains of any emission allowance for new or modified major stationary sources expressly identified in the attainment demonstration approved by the USEPA under Section 172(c)(4) of the CAA (42 U.S.C. 7502(c)(4)) for a particular pollutant and area in a zone (within a nonattainment area) to which economic development should be targeted, in compliance with Section 173(a)(1)(B) of the CAA (42 U.S.C. 7503(a)(1)(B)).

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1070 Baseline Actual Emissions

"Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant determined according to subsections (a) through (d).

- a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Agency must allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - 1) The average rate must include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.
 - 2) The average rate must be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.
 - 3) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.
 - 4) The average rate must not be based on any consecutive 24-month period for which there is inadequate information for determining annual

390 emissions, in tons per year, and for adjusting this amount if required by
 391 subsection (a)(2).

392
 393 b) For an existing emissions unit (other than an electric utility steam generating
 394 unit), baseline actual emissions means the average rate, in tons per year, at which
 395 the emissions unit actually emitted the pollutant during any consecutive 24-month
 396 period selected by the owner or operator within the 10-year period immediately
 397 preceding either the date the owner or operator begins actual construction of the
 398 project, or the date a complete permit application is received by the Agency for a
 399 permit required by the SIP, whichever is earlier, except that the 10-year period
 400 must not include any period earlier than November 15, 1990.

401
 402 1) The average rate must include fugitive emissions to the extent
 403 quantifiable, and emissions associated with startups, shutdowns, and
 404 malfunctions.

405
 406 2) The average rate must be adjusted downward to exclude any non-
 407 compliant emissions that occurred while the source was operating above
 408 an emission limitation that was legally enforceable during the consecutive
 409 24-month period.

410
 411 3) The average rate must be adjusted downward to exclude any emissions
 412 that would have exceeded an emission limitation with which the major
 413 stationary source must currently comply, had such major stationary source
 414 been required to comply with such limitations during the consecutive 24-
 415 month period. "Currently" in the context of a contemporaneous emissions
 416 change refers to limitations on emissions and source operation that existed
 417 just prior to the date of the contemporaneous change. However, if an
 418 emission limitation is part of a Maximum Achievable Control Technology
 419 standard that the USEPA proposed or promulgated under 40 CFR Part 63,
 420 the baseline actual emissions need only be adjusted if the Agency has
 421 taken credit for such emissions reductions in an attainment demonstration
 422 or maintenance plan consistent with the requirements of Section
 423 203.1810(g)(2).

424
 425 4) For a regulated NSR pollutant, when a project involves multiple emissions
 426 units, only one consecutive 24-month period must be used to determine
 427 the baseline actual emissions for all the emissions units being changed. A
 428 different consecutive 24-month period can be used for each regulated NSR
 429 pollutant.

430
 431 5) The average rate must not be based on any consecutive 24-month period
 432 for which there is inadequate information for determining annual

433 emissions, in tons per year, and for adjusting this amount if required by
434 subsections (b)(2) and (b)(3).

- 435
- 436 c) For a new emissions unit, the baseline actual emissions for determining the
437 emissions increase that will result from the initial construction and operation of
438 the unit must be equal to zero; and thereafter must be equal to the unit's potential
439 to emit.
- 440
- 441 d) For a PAL for a stationary source, the baseline actual emissions must be
442 calculated for existing electric utility steam generating units according to the
443 procedures contained in subsection (a), for other existing emissions units
444 according to the procedures contained in subsection (b), and for a new emissions
445 unit according to the procedures contained in subsection (c).

446

447 (Source: Added at 48 Ill. Reg. _____, effective _____)

448

449 **Section 203.1080 Begin Actual Construction**

450

451 "Begin actual construction" means in general, initiation of physical on-site construction activities
452 on an emissions unit that are of a permanent nature. These activities include, installation of
453 building supports and foundations, laying of underground pipework, and construction of
454 permanent storage structures. For a change in method of operations, this term refers to those on-
455 site activities other than preparatory activities which mark the initiation of the change.

456

457 (Source: Added at 48 Ill. Reg. _____, effective _____)

458

459 **Section 203.1090 Building, Structure, Facility, or Installation**

- 460
- 461 a) "Building, structure, facility, or installation" mean all of the pollutant-emitting
462 activities which belong to the same industrial grouping, are located on one or
463 more contiguous or adjacent properties, and are under the control of the same
464 person (or persons under common control). Pollutant-emitting activities must be
465 considered as part of the same industrial grouping if they belong to the same
466 "Major Group" (i.e., have the same first two-digit code) as described in the
467 Standard Industrial Classification Manual (incorporated by reference in Section
468 203.1000).
- 469
- 470 b) Despite the provisions of subsection (a), building, structure, facility, or
471 installation means, for onshore activities under Standard Industrial Classification
472 (SIC) Major Group 13: Oil and Gas Extraction, incorporated by reference in
473 Section 203.1040, all of the pollutant-emitting activities included in Major Group
474 13 that are located on one or more contiguous or adjacent properties, and are
475 under the control of the same person (or persons under common control).

476 Pollutant emitting activities must be considered adjacent if they are located on the
477 same surface site; or if they are located on surface sites that are located within ¼
478 mile of one another (measured from the center of the equipment on the surface
479 site) and they share equipment. Shared equipment includes produced fluids
480 storage tanks, phase separators, natural gas dehydrators or emissions control
481 devices. Surface site, as used in this subsection, has the same meaning as in 40
482 CFR 63.761.

483
484 (Source: Added at 48 Ill. Reg. _____, effective _____)
485

486 Section 203.1100 Commence

487
488 "Commence," as applied to construction of a major stationary source or major modification,
489 means that the owner or operator has all necessary preconstruction approvals or permits and
490 either has:

- 491
492 a) Begun, or caused to begin, a continuous program of actual on-site construction of
493 the source, to be completed within a reasonable time; or
494
495 b) Entered into binding agreements or contractual obligations, which cannot be
496 cancelled or modified without substantial loss to the owner or operator, to
497 undertake a program of actual construction of the source to be completed within a
498 reasonable time.

499
500 (Source: Added at 48 Ill. Reg. _____, effective _____)
501

502 Section 203.1110 Complete

503
504 "Complete" means, in reference to an application for a permit, that the application contains all of
505 the information necessary for processing the application.

506
507 (Source: Added at 48 Ill. Reg. _____, effective _____)
508

509 Section 203.1120 Construction

510
511 "Construction" means any physical change or change in the method of operation (including
512 fabrication, erection, installation, demolition, or modification of an emissions unit) that would
513 result in a change in emissions.

514
515 (Source: Added at 48 Ill. Reg. _____, effective _____)
516

517 Section 203.1130 Dispersion Technique

518

- 519 a) "Dispersion technique" means any technique which attempts to affect the
520 concentration of a pollutant in the ambient air by:
521
522 1) Using that portion of a stack which exceeds good engineering practice
523 stack height;
524
525 2) Varying the rate of emission of a pollutant according to atmospheric
526 conditions or ambient concentrations of that pollutant; or
527
528 3) Increasing final exhaust gas plume rise by manipulating source process
529 parameters, exhaust gas parameters, stack parameters, or combining
530 exhaust gases from several existing stacks into one stack; or other
531 selective handling of exhaust gas streams so as to increase the exhaust gas
532 plume rise.
533
534 b) "Dispersion technique" does not include:
535
536 1) The reheating of a gas stream, following use of a pollution control system,
537 for returning the gas to the temperature at which it was originally
538 discharged from the stationary source generating the gas stream;
539
540 2) The merging of exhaust gas streams when:
541
542 A) The source owner or operator demonstrates that the stationary
543 source was originally designed and constructed with the merged
544 gas streams;
545
546 B) After July 8, 1985 merging is part of a change in operation at the
547 stationary source that includes the installation of pollution controls
548 and is accompanied by a net reduction in the allowable emissions
549 of a pollutant. This exclusion from the definition of dispersion
550 techniques must apply only to the emission limitation for the
551 pollutant affected by such change in operation; or
552
553 C) Before July 8, 1985, merging was part of a change in operation at
554 the stationary source that included the installation of emissions
555 control equipment or was carried out for sound economic or
556 engineering reasons. When there was an increase in the emission
557 limitation or, in the event that no emission limitation was in
558 existence prior to the merging, an increase in the quantity of
559 pollutants actually emitted prior to the merging, the Agency must
560 presume that merging was significantly motivated by an intent to
561 gain emissions credit for greater dispersion. Absent a

562 demonstration by the source owner or operator that merging was
563 not significantly motivated by that intent, the Agency must deny
564 credit for the effects of the merging in calculating the allowable
565 emissions for the source;

- 566
- 567 3) Smoke management in agricultural or silvicultural prescribed burning
568 programs;
- 569
- 570 4) Episodic restrictions on residential wood burning and open burning; or
571
- 572 5) Techniques under subsection (a)(3) which increase final exhaust gas
573 plume rise where the resulting allowable emissions of SO₂ from the
574 stationary source do not exceed 5,000 tpy.
575

576 (Source: Added at 48 Ill. Reg. _____, effective _____)
577

578 **Section 203.1140 Electric Utility Steam Generating Unit**

579

580 "Electric utility steam generating unit" means any steam electric generating unit that is
581 constructed for the purpose of supplying more than one-third of its potential electric output
582 capacity and more than 25 MW electrical output to any utility power distribution system for sale.
583 Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-
584 electric generator that would produce electrical energy for sale is also considered in determining
585 the electrical energy output capacity of the affected facility.

586

587 (Source: Added at 48 Ill. Reg. _____, effective _____)
588

589 **Section 203.1150 Emission Offset**

590

591 "Emission offset" means a creditable emissions reduction used to compensate for the increase in
592 emissions resulting from a new major stationary source or a major modification in compliance
593 with Section 203.1810.

594

595 (Source: Added at 48 Ill. Reg. _____, effective _____)
596

597 **Section 203.1160 Emissions Unit**

598

599 "Emissions unit" means any part of a stationary source that emits or would have the potential to
600 emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined
601 in Section 203.1140. For purposes of this Part, there are two types of emissions units:
602

603 a) A new emissions unit is any emissions unit that is (or will be) newly constructed
604 and that has existed for less than 2 years from the date the emissions unit first
605 operated.

606
607 b) An existing emissions unit is any emissions unit that does not meet the
608 requirements of subsection (a). A replacement unit, as defined in Section
609 203.1350, is an existing emissions unit.

610
611 (Source: Added at 48 Ill. Reg. _____, effective _____)

612
613 **Section 203.1170 Excessive Concentration**

614
615 "Excessive concentration" for determining good engineering practice stack height under Section
616 203.1200(a)(3) means:

617
618 a) For sources seeking credit for stack height exceeding that established under
619 Section 203.1200(a)(2), a maximum ground-level concentration due to emissions
620 from a stack due in whole or part to downwash, wakes, and eddy effects produced
621 by nearby structures or nearby terrain features which individually is at least 40
622 percent in excess of the maximum concentration experienced in the absence of the
623 downwash, wakes, or eddy effects and which contributes to a total concentration
624 due to emissions from all sources that is greater than an ambient air quality
625 standard. For sources subject to this Part, an excessive concentration alternatively
626 means a maximum ground-level concentration due to emissions from a stack due
627 in whole or part to downwash, wakes, or eddy effects produced by nearby
628 structures or nearby terrain features which individually is at least 40 percent in
629 excess of the maximum concentration experienced in the absence of such
630 downwash, wakes, or eddy effects and greater than an ambient air increment
631 under 35 Ill. Adm. Code Part 204.900. The allowable emission rate to be used in
632 making demonstrations of excessive concentration must be prescribed by the
633 NSPS that is applicable to the source category unless the owner or operator
634 demonstrates that this emission rate is infeasible. Where demonstrations are
635 approved by the Agency, an alternative emission rate must be established in
636 consultation with the source owner or operator.

637
638 b) For sources seeking credit for increases in existing stack heights up to the heights
639 established under Section 203.1200(a)(2), either (i) a maximum ground-level
640 concentration due in whole or part to downwash, wakes or eddy effects as
641 provided in subsection (a), except that the emission rate specified by the SIP (or,
642 in the absence of such a limit, the actual emission rate) must be used, or (ii) the
643 actual presence of a local nuisance caused by the existing stack, as determined by
644 the Agency; and

645

646 c) For sources seeking credit for a stack height determined under Section
647 203.1200(a)(2) where the Agency requires the use of a field study or fluid model
648 to verify good engineering practice stack height, for sources seeking stack height
649 credit based on the aerodynamic influence of cooling towers, and for sources
650 seeking stack height credit based on the aerodynamic influence of structures not
651 adequately represented by the equations in Section 203.1200(a)(2), a maximum
652 ground-level concentration due in whole or part to downwash, wakes or eddy
653 effects that is at least 40 percent in excess of the maximum concentration
654 experienced in the absence of such downwash, wakes, or eddy effects.

655
656 (Source: Added at 48 Ill. Reg. _____, effective _____)
657

658 **Section 203.1180 Federally Enforceable**

659
660 "Federally enforceable" means all limitations and conditions which are enforceable by the
661 USEPA, including those requirements developed under 40 CFR Parts 60, 61, 62 and 63
662 (incorporated by reference in Section 203.1000), requirements within the SIP, any permit
663 requirements established under 40 CFR 52.21 (incorporated by reference in Section 203.1000) or
664 this Part or under regulations approved under 40 CFR Part 51, Subpart I (incorporated by
665 reference in Section 203.1000), including operating permits issued under an USEPA-approved
666 program that is incorporated into the SIP and expressly requires compliance with any permit
667 issued under the program.

668
669 (Source: Added at 48 Ill. Reg. _____, effective _____)
670

671 **Section 203.1190 Fugitive Emissions**

672
673 "Fugitive emissions" means those emissions which could not reasonably pass through a stack,
674 chimney, vent or other functionally equivalent opening.

675
676 (Source: Added at 48 Ill. Reg. _____, effective _____)
677

678 **Section 203.1200 Good Engineering Practice**

679
680 a) "Good engineering practice," for stack height, means the greater of:

681
682 1) 65 meters, measured from the ground-level elevation at the base of the
683 stack;

684
685 2) The following:
686

687 A) For a stack in existence on January 12, 1979, and for which the
688 owner or operator had obtained all necessary preconstruction
689 approvals or permits required under 40 CFR Part 52:

690
691 $H_g = 2.5H$,

692
693 provided the owner or operator produces evidence that this
694 equation was actually relied on in establishing an emission
695 limitation;

696
697 B) For all other stacks:

698
699 $H_g = H + 1.5L$

700
701 where:

H_g ≡ good engineering practice stack height, measured
 from the ground-level elevation at the base of the
 stack;

H ≡ height of nearby structure(s) measured from the
 ground-level elevation at the base of the stack;

L ≡ lesser dimension, height or projected width, of
 nearby structure(s) provided that the USEPA or the
 Agency may require the use of a field study or fluid
 model to verify good engineering practice stack
 height for the source; or

703
704 3) The height demonstrated by a fluid model or a field study approved by the
705 USEPA or the Agency, which ensures that the emissions from a stack do
706 not result in excessive concentrations of any air pollutant as a result of
707 atmospheric downwash, wakes, or eddy effects created by the source
708 itself, nearby structures or nearby terrain features.

709
710 b) For this definition, "stack" means any point in a source designed to emit solids,
711 liquids, or gases into the air, including a pipe or duct but not including flares.

712
713 (Source: Added at 48 Ill. Reg. _____, effective _____)

714
715 **Section 203.1210 Lowest Achievable Emission Rate**

716
717 "Lowest Achievable Emission Rate" or "LAER" means, for any source, the more stringent rate
718 of emissions based on the following:

719

- 720 a) The most stringent emissions limitation which is contained in the implementation
721 plan of any State for the class or category of stationary source, unless the owner
722 or operator of the proposed stationary source demonstrates that the limitations are
723 not achievable; or
724
725 b) The most stringent emissions limitation which is achieved in practice by the class
726 or category of stationary sources. This limitation, when applied to a modification,
727 means the lowest achievable emissions rate for the new or modified emissions
728 units within the stationary source. The application of this limitation must not
729 permit a proposed new or modified stationary source to emit any pollutant in
730 excess of the amount allowable under an applicable new source performance
731 standard adopted by the USEPA under Section 111 of the CAA and made
732 applicable in Illinois under Section 9.1 of the Act.
733

734 (Source: Added at 48 Ill. Reg. _____, effective _____)
735

736 **Section 203.1220 Major Modification**
737

- 738 a) Except as stated in subsections (d) through (f) below, "major modification" means
739 any physical change, or change in the method of operation of a major stationary
740 source that would result in: a significant emissions increase (as defined in Section
741 203.1380) of a regulated NSR pollutant (as defined in Section 203.1340); and a
742 significant net emissions increase (as defined in Section 203.1370) of that
743 regulated NSR pollutant for which the source is a major stationary source.
744
745 b) Any significant emissions increase (as defined in Section 203.1380) from any
746 emissions units or net emissions increase (as defined in Section 203.1260) at a
747 major stationary source that is significant for VOM or NO_x must be considered
748 significant for ozone.
749
750 c) A physical change or change in the method of operation must not include:
751
752 1) Routine maintenance, repair and replacement;
753
754 2) Use of an alternative fuel or raw material by reason of:
755
756 A) An order under Section 2(a) and (b) of the Energy Supply and
757 Environmental Coordination Act of 1974 (15 U.S.C. 791) (or any
758 superseding legislation); or
759
760 B) A natural gas curtailment plan under the Federal Power Act (16
761 U.S.C. 791);
762

- 763 3) Use of an alternative fuel by reason of an order or rule under Section 125
764 of the CAA (42 U.S.C. 7425);
765
766 4) Use of an alternative fuel at a steam generating unit to the extent that the
767 fuel is generated from municipal solid waste;
768
769 5) Use of an alternative fuel or raw material by a stationary source which:
770
771 A) The source was capable of accommodating before December 21,
772 1976, unless the change would be prohibited under any federally
773 enforceable permit condition which was established after
774 December 21, 1976, under 40 CFR 52.21, 35 Ill. Adm. Code Part
775 204, this Part, or 35 Ill. Adm. Code 201.142 or 201.143; or
776
777 B) The source is approved to use under any permit issued under 40
778 CFR 52.21, this Part, Part 204, or 35 Ill. Adm. Code 201.142 or
779 201.143;
780
781 6) An increase in the hours of operation or in the production rate, unless the
782 change is prohibited under any enforceable permit condition which was
783 established after December 21, 1976 under 40 CFR 52.21, 35 Ill. Adm.
784 Code Part 204, this Part, or 35 Ill. Adm. Code 201.142 or 201.143; or
785
786 7) Any change in ownership at a stationary source.
787
788 d) For any major stationary source of VOM or NO_x located in an area classified as
789 serious or severe nonattainment for ozone (other than a source which emits or has
790 the potential to emit 100 tons or more of VOM or NO_x per year), if any change at
791 that source results in a significant increase in emissions of VOM or NO_x,
792 respectively, from any discrete operation, unit, or other pollutant emitting activity
793 at the source, the increase must be considered a major modification for purposes
794 of this Part, except the increase must not be considered a major modification if the
795 owner or operator of the source elects to offset the increase by a greater reduction
796 in emissions of VOM or NO_x, respectively, from other operations, units, or
797 activities within the source at an internal offset ratio of at least 1.3 to 1.
798
799 e) In areas classified as extreme nonattainment for ozone, beginning on the date that
800 an area is classified by the USEPA as an extreme nonattainment area for ozone,
801 any physical change in or change in the method of operation of a major stationary
802 source which results in any increase in emissions of VOM or NO_x from a discrete
803 operation, unit, or other pollutant emitting activity must be considered a major
804 modification.
805

806 f) This definition does not apply to a particular regulated NSR pollutant when the
807 major stationary source is complying with the requirements under Subpart Q for a
808 PAL for that pollutant. Instead, the definition at Section 203.2230 will apply.
809

810 (Source: Added at 48 Ill. Reg. _____, effective _____)
811

812 **Section 203.1230 Major Stationary Source**
813

814 a) The following constitute a major stationary source:
815

816 1) For an area designated as nonattainment for ozone, a major stationary
817 source for ozone is a stationary source which emits or has the potential to
818 emit VOM in an amount equal to or greater than the following:
819

820 A) 100 tpy in an area classified as marginal or moderate
821 nonattainment for ozone;
822

823 B) 50 tpy in an area classified as serious nonattainment for ozone;
824

825 C) 25 tpy in an area classified as severe nonattainment for ozone; and
826

827 D) 10 tpy in an area classified as extreme nonattainment for ozone.
828

829 2) For an area designated as nonattainment for ozone, a major stationary
830 source for ozone is a stationary source which emits or has the potential to
831 emit NO_x in an amount equal to or greater than the following, unless the
832 USEPA has made a finding under Sections 110 and 182(f) of the CAA (42
833 U.S.C. 7410, 7511a(f)) that controlling of emissions of NO_x from such
834 source must not be required:
835

836 A) 100 tpy in an area classified as marginal or moderate
837 nonattainment for ozone;
838

839 B) 50 tpy in an area classified as serious nonattainment for ozone;
840

841 C) 25 tpy in an area classified as severe nonattainment for ozone; and
842

843 D) 10 tpy in an area classified as extreme nonattainment for ozone.
844

845 3) For an area designated nonattainment for PM₁₀, a major stationary source
846 is a stationary source which emits or has the potential to emit:
847

- 848 A) 100 tpy or more of PM₁₀ in an area classified as moderate
849 nonattainment for PM₁₀; and
850
851 B) 70 tpy or more of PM₁₀ in an area classified as serious
852 nonattainment for PM₁₀.
853
854 4) For an area designated nonattainment for PM_{2.5}, a major stationary source
855 is a stationary source which emits or has the potential to emit:
856
857 A) 100 tpy or more of direct PM_{2.5} emissions in an area classified as
858 moderate nonattainment for PM_{2.5};
859
860 B) 100 tpy or more of any individual precursor for PM_{2.5} (as required
861 in Section 203.1340) in an area classified as moderate
862 nonattainment for PM_{2.5};
863
864 C) 70 tpy or more of direct PM_{2.5} emissions in an area classified as
865 serious nonattainment for PM_{2.5}; and
866
867 D) 70 tpy or more of any individual precursor for PM_{2.5} (as required in
868 Section 203.1340), in an area classified as serious nonattainment
869 for PM_{2.5}.
870
871 5) For an area designated nonattainment for CO, a major stationary source is
872 a stationary source which emits or has the potential to emit:
873
874 A) 100 tpy or more in an area classified as moderate nonattainment
875 for CO, except as provided in subsection (a)(5)(B);
876
877 B) 50 tpy or more in an area classified as serious nonattainment for
878 CO where stationary sources significantly contribute to ambient
879 CO levels, as determined under rules issued by the USEPA, under
880 the CAA.
881
882 6) For an area designated as nonattainment for NO₂, a major stationary
883 source is a stationary source which emits or has the potential to emit 100
884 tpy or more of NO_x.
885
886 7) For an area designated nonattainment for a pollutant other than those
887 pollutants addressed in subsections (a)(1) through (a)(6) above, a major
888 stationary source is a stationary source which emits or has the potential to
889 emit 100 tpy or more of the pollutant.
890

- 891 8) For stationary sources locating outside designated nonattainment areas for
892 purposes of Subpart R, a major stationary source is a stationary source
893 which emits or has the potential to emit 100 tpy or more of a regulated
894 NSR pollutant.
895
- 896 b) Any physical change that occurs at a stationary source which does not qualify
897 under subsection (a) as a major stationary source will be considered a major
898 stationary source, if the change would constitute a major stationary source by
899 itself.
900
- 901 c) The fugitive emissions of a stationary source must not be included in determining
902 for any purposes of this Section whether it is a major stationary source, unless the
903 source belongs to one of the following categories of stationary sources:
904
- 905 1) Coal cleaning plants (with thermal dryers);
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- 907 2) Kraft pulp mills;
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- 909 3) Portland cement plants;
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- 911 4) Primary zinc smelters;
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- 913 5) Iron and steel mills;
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- 915 6) Primary aluminum ore reduction plants;
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- 917 7) Primary copper smelters;
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- 919 8) Municipal incinerators capable of charging more than 50 tons of refuse per
920 day;
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- 922 9) Hydrofluoric, sulfuric, or nitric acid plants;
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- 924 10) Petroleum refineries;
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- 926 11) Lime plants;
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- 928 12) Phosphate rock processing plants;
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- 930 13) Coke oven batteries;
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- 932 14) Sulfur recovery plants;
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- 934 15) Carbon black plants (furnace process);
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936 16) Primary lead smelters;
937
938 17) Fuel conversion plants;
939
940 18) Sintering plants;
941
942 19) Secondary metal production plants;
943
944 20) Chemical process plants—The term "chemical processing plant" must not
945 include ethanol production facilities that produce ethanol by natural
946 fermentation included in NAICS codes 325193 or 312140;
947
948 21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million
949 Btu per hour heat input;
950
951 22) Petroleum storage and transfer units with a total storage capacity
952 exceeding 300,000 barrels;
953
954 23) Taconite ore processing plants;
955
956 24) Glass fiber processing plants;
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958 25) Charcoal production plants;
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960 26) Fossil fuel-fired steam electric plants of more than 250 million Btu per
961 hour heat input; and
962
963 27) Any other stationary source categories which, as of August 7, 1980, is
964 being regulated by a standard promulgated under Section 111 or 112 of the
965 CAA (42 U.S.C. 7411, 7412), but only with respect to those air pollutants
966 that have been regulated for that category.
967

968 (Source: Added at 48 Ill. Reg. _____, effective _____)
969

970 **Section 203.1240 Nearby**

971
972 "Nearby", for a specific structure or terrain feature:

- 973
974 a) For applying the formulae provided in Section 203.1200(a)(2)(A) and (a)(2)(B)
975 means that distance up to five times the lesser of the height or the width
976 dimension of a structure, but not greater than 0.8 km (½ mile); and

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- b) For conducting demonstrations under Section 203.1200(a)(3) means not greater than 0.8 km (½ mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height of the feature, not to exceed 2 miles if such feature achieves a height 0.8 km from the stack that is at least 40 percent of the good engineering practice stack height determined by the formula provided in Section 203.1200(a)(2)(B) or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1250 Necessary Preconstruction Approvals or Permits

"Necessary preconstruction approvals or permits" mean those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable SIP.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1260 Net Emissions Increase

- a) "Net emissions increase" means, for any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:
 - 1) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated under Section 203.1410(c); and
 - 2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this Section must be determined as provided in Section 203.1070, except that Section 203.1070(a)(3) and Section 203.1070(b)(4) must not apply.
- b) The following steps determine whether the increase or decrease in emissions is available.

- 1019 1) Except for increases or decreases in VOM and NO_x emissions in serious
1020 and severe ozone nonattainment areas which are addressed in Section
1021 203.1370(c), an increase or decrease in actual emissions is
1022 contemporaneous only if it occurs between the date that an increase from a
1023 particular change occurs and the date five years before a timely and
1024 complete application is submitted for the particular change. It must also
1025 occur after either April 24, 1979, or the date the area is designated by the
1026 USEPA as a nonattainment area for the pollutant, whichever is more
1027 recent.
- 1028
- 1029 2) An increase or decrease in actual emissions is creditable:
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- 1031 A) Only if there is not in effect for the source at the time the particular
1032 change occurs, a permit issued under this Part which relied on the
1033 same increase or decrease in actual emissions; and
1034
- 1035 B) Only to the extent the new and old levels differ.
1036
- 1037 3) A decrease in actual emissions is creditable to the extent that:
1038
- 1039 A) It is enforceable as a practical matter at and after the time that
1040 actual construction on the particular change begins;
1041
- 1042 B) It has approximately the same qualitative significance for public
1043 health and welfare as that attributed to the increase from the
1044 particular change;
1045
- 1046 C) The old level of actual emissions or the old level of allowable
1047 emissions, whichever is lower, exceeds the new level of actual
1048 emissions; and
1049
- 1050 D) The Agency has not relied on it in issuing any permit under 35 Ill.
1051 Adm. Code 201.142 or 201.143 or this Part or 35 Ill. Adm. Code
1052 Part 204 or 40 CFR 52.21 and has not relied on it for
1053 demonstrating attainment or reasonable further progress.
1054
- 1055 4) An increase that results from a physical change at a source occurs when
1056 the emissions unit on which construction occurred becomes operational
1057 and begins to emit a particular pollutant. Any emission unit that replaces
1058 an existing emissions unit that requires shakedown becomes operational
1059 only after a shakedown period, not to exceed 180 days.
1060

1061 5) Section 203.1040(b) must not apply for determining creditable increases
1062 and decreases after a change.

1063
1064 (Source: Added at 48 Ill. Reg. _____, effective _____)

1065
1066 **Section 203.1270 Nonattainment Area**

1067
1068 An area designated by the USEPA as nonattainment for a given pollutant under Section 107 of
1069 the CAA (42 U.S.C. 7407) in Subpart C of 40 CFR Part 81.

1070
1071 (Source: Added at 48 Ill. Reg. _____, effective _____)

1072
1073 **Section 203.1280 Nonattainment New Source Review (NA NSR) Permit**

1074
1075 "Nonattainment New Source Review permit" or "NA NSR permit" means a permit or a portion
1076 of a permit for a new major source or major modification that is issued by the Agency under the
1077 construction permit program required by Section 9.1(c) of the Act that has been approved by
1078 USEPA and incorporated into the Illinois SIP to implement the requirements of Section 173 of
1079 the CAA and 40 CFR 51.165. [415 ILCS 5/3.298]

1080
1081 (Source: Added at 48 Ill. Reg. _____, effective _____)

1082
1083 **Section 203.1290 Potential to Emit**

1084
1085 "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under
1086 its physical and operational design. Any physical or operational limitation on the capacity of the
1087 source to emit a pollutant, including air pollution control equipment and restrictions on hours of
1088 operation or on the type or amount of material combusted, stored, or processed, must be treated
1089 as part of its design only if the limitation or the effect it would have on emissions is federally
1090 enforceable or legally and practicably enforceable by a state or local air pollution control agency.
1091 Secondary emissions do not count in determining the potential to emit of a stationary source.

1092
1093 (Source: Added at 48 Ill. Reg. _____, effective _____)

1094
1095 **Section 203.1300 Process Unit**

1096
1097 "Process unit" means any collection of structures and/or equipment that processes, assembles,
1098 applies, blends, or otherwise uses material inputs to produce or store an intermediate or
1099 completed product. A process unit may contain more than one emissions unit.

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1101 (Source: Added at 48 Ill. Reg. _____, effective _____)

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1103 **Section 203.1310 Project**

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"Project" means a physical change in, or change in the method of operation of, an existing major stationary source.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1320 Projected Actual Emissions

a) "Projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

b) In determining the projected actual emissions under subsection (a) (before beginning actual construction), the owner or operator of the major stationary source:

- 1) Must consider all relevant information, including historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under Illinois' SIP; and
- 2) Must include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and
- 3) Must exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under Section 203.1070 and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or
- 4) In lieu of using the method set out in subsections (b)(1) through (b)(3), may elect to use the emissions unit's potential to emit, in tons per year, as defined under Section 203.1290.

(Source: Added at 48 Ill. Reg. _____, effective _____)

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Section 203.1330 Reasonable Further Progress

"Reasonable further progress" means the annual incremental reductions in the emissions of the pollutant as determined by the USEPA under Part D of Title I of the CAA (42 U.S.C. 7501 et seq.) and federal regulations adopted under the CAA.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1340 Regulated NSR Pollutant

"Regulated NSR pollutant" means the following:

- a) NO_x or VOM;
- b) Any pollutant for which a NAAQS has been promulgated;
- c) Any pollutant that is identified under this Section as a constituent or precursor of a general pollutant listed under subsection (a) or (b), if the constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. Precursors for NSR are the following:
 - 1) Except as provided in Section 203.1450, VOM and NO_x are precursors to ozone in all ozone nonattainment areas.
 - 2) SO₂ and NO_x are precursors to PM_{2.5} for a stationary source located in a PM_{2.5} nonattainment area or, for Subpart R, a stationary source which would cause or contribute to a violation of a PM_{2.5} NAAQS.
 - 3) VOM and ammonia are precursors to PM_{2.5} in any PM_{2.5} nonattainment area.
- d) Direct PM_{2.5} emissions and PM₁₀ emissions must include gaseous emissions from a source or activity that condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter must be accounted for in applicability determinations and in establishing emissions limitations for direct PM_{2.5} emissions and PM₁₀ emissions in NA NSR permits. Compliance with emissions limitations for direct PM_{2.5} emissions and PM₁₀ emissions issued prior to this date must not be based on condensable particulate matter unless required by the terms and conditions of the permit. Applicability determinations made prior to this date without accounting for condensable particulate matter must not be considered as a violation of this Part.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1350 Replacement Unit

"Replacement unit" means an emissions unit for which all the criteria listed in subsections (a) through (d) are met. No creditable emissions reductions must be generated from shutting down the existing emissions unit that is replaced.

- a) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.
- b) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
- c) The replacement does not alter the basic design parameter or parameters of the process unit. Basic design parameters of a process unit must be determined as follows:
 - 1) Except as provided in subsection (c)(3), for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British Thermal Units content must be used for determining the basic design parameter or parameters for a coal-fired electric utility steam generating unit.
 - 2) Except as provided in subsection (c)(3), the basic design parameter or parameters for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.
 - 3) If the owner or operator believes the basic design parameter or parameters in subsections (c)(1) and (c)(2) is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Agency an alternative basic design parameter or parameters for the source's process unit or units. If the Agency approves of the use of an alternative basic

1233 design parameter or parameters, the Agency must issue a permit that is
1234 legally enforceable that records such basic design parameter or parameters
1235 and requires the owner or operator to comply with such parameter or
1236 parameters.

1237
1238 4) The owner or operator must use credible information, such as results of
1239 historic maximum capability tests, design information from the
1240 manufacturer, or engineering calculations, in establishing the magnitude of
1241 the basic design parameter or parameters specified in subsections (c)(1)
1242 and (c)(2).

1243
1244 5) If design information is not available for a process unit, then the owner or
1245 operator must determine the process unit's basic design parameter or
1246 parameters using the maximum value achieved by the process unit in the
1247 five-year period immediately preceding the planned activity.

1248
1249 6) Efficiency of a process unit is not a basic design parameter.

1250
1251 d) The replaced emissions unit is permanently removed from the major stationary
1252 source, permanently disabled, or permanently barred from operation by a permit
1253 that is enforceable as a practical matter. If the replaced emissions unit is brought
1254 back into operation, it must constitute a new emissions unit.

1255
1256 (Source: Added at 48 Ill. Reg. _____, effective _____)

1257
1258 **Section 203.1360 Secondary Emissions**

1259
1260 "Secondary Emissions" means emissions which would occur as a result of the construction or
1261 operation of a major stationary source or major modification, but do not come from the major
1262 stationary source or major modification itself. Secondary emissions include emissions from any
1263 offsite support facility which would not be constructed or increase its emissions except as a
1264 result of the construction or operation of the major stationary source or major modification.
1265 Secondary emissions do not include any emissions which come directly from a mobile source,
1266 like emissions from the tailpipe of a motor vehicle, from a train, or from a vessel. For this Part,
1267 secondary emissions must be specific, well defined, quantifiable, and impact the same general
1268 area as the major stationary source or major modification which causes the secondary emissions.

1269
1270 (Source: Added at 48 Ill. Reg. _____, effective _____)

1271
1272 **Section 203.1370 Significant**

1273

1274 a) "Significant" means, for a net emissions increase or the potential of a source to
 1275 emit any of the following regulated NSR pollutants, a rate of emissions that would
 1276 equal or exceed any of the following rates:
 1277

<u>Regulated NSR Pollutant</u>	<u>Emissions Rate</u>
<u>CO</u>	<u>100 tpy of CO, except under subsection (b)</u>
<u>NO₂</u>	<u>40 tpy of NO_x</u>
<u>SO₂</u>	<u>40 tpy of SO₂</u>
<u>PM₁₀</u>	<u>15 tpy of PM₁₀</u>
<u>PM_{2.5}</u>	<u>10 tpy of direct PM_{2.5} emissions; 40 tpy of SO₂, 40 tpy of NO_x, 40 tpy of VOM, or 40 tpy of ammonia, to the extent that any such pollutant is defined as a precursor for PM_{2.5} in Section 203.1340.</u>
<u>Ozone</u>	<u>40 tpy of VOM or NO_x, except under subsections (c) and (d).</u>
<u>Lead</u>	<u>0.6 tpy</u>

1278
 1279 b) For areas classified as serious nonattainment for CO where stationary sources
 1280 significantly contribute to ambient CO levels, as determined under rules issued by
 1281 the USEPA, under the CAA, despite the significant emissions rate for CO in
 1282 subsection (a), significant means, an increase in actual emissions of CO that
 1283 would result from any physical change in, or change in the method of operation
 1284 of, a major stationary source, if the increase equals or exceeds 50 tpy.

1285
 1286 c) For areas classified as serious or severe nonattainment for ozone, despite the
 1287 significant emissions rate for ozone in subsection (a), an increase in emissions of
 1288 VOM or NO_x must be considered significant if the net emissions increase of such
 1289 air pollutant from a stationary source located within such area exceeds 25 tons
 1290 when aggregated with all other net increases in emissions from the source over
 1291 any period of 5 consecutive calendar years which includes the calendar year in
 1292 which such increase occurred. This provision must become effective beginning
 1293 November 15, 1992, or a later date when an area is classified as a serious or
 1294 severe nonattainment area for ozone.

1295
 1296 d) For areas classified as extreme nonattainment for ozone, despite the significant
 1297 emissions rate for ozone in subsection (a), any increase in emissions of VOM or
 1298 NO_x from any emissions unit at a major stationary source of VOM or NO_x must
 1299 be considered significant.

1300
 1301 e) For major stationary sources located outside designated nonattainment areas for
 1302 purposes of Subpart R, an increase in emissions of a regulated NSR pollutant

1303 must be considered significant if it would equal or exceed the rate listed in
1304 subsection (a), despite the attainment status in the area.

1305 (Source: Added at 48 Ill. Reg. _____, effective _____)
1307

1308 **Section 203.1380 Significant Emissions Increase**

1309
1310 "Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions
1311 that is significant (as defined in Section 203.1370) for that pollutant.

1312
1313 (Source: Added at 48 Ill. Reg. _____, effective _____)
1314

1315
1316 **Section 203.1390 Stack in Existence**

1317
1318 "Stack in existence" means that the owner or operator had (1) begun, or caused to begin, a
1319 continuous program of physical on-site construction of the stack or (2) entered into binding
1320 agreements or contractual obligations, which could not be cancelled or modified without
1321 substantial loss to the owner or operator, to undertake a program of construction of the stack to
1322 be completed within a reasonable time.

1323
1324 (Source: Added at 48 Ill. Reg. _____, effective _____)
1325

1326 **Section 203.1400 Stationary Source**

1327
1328 "Stationary source" means any building, structure, facility, or installation which emits or may
1329 emit a regulated NSR pollutant. Emissions resulting directly from an internal combustion engine
1330 for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section
1331 216 of the CAA (42 U.S.C. 7550) are not a part of a stationary source.

1332
1333 (Source: Added at 48 Ill. Reg. _____, effective _____)
1334

1335 **SUBPART J: MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS**

1336
1337 **Section 203.1410 Applicability**

- 1338
1339 a) The requirements of this Part, other than Subpart R, must apply to the
1340 construction of any new major stationary source (as defined in Section 203.1230)
1341 or major modification (as defined in Section 203.1220) that is major for the
1342 pollutant for which the area is designated nonattainment under Section
1343 107(d)(1)(A)(i) of the CAA (42 U.S.C. 7407(d)(1)(A)(i)), if the stationary source
1344 or modification would locate anywhere in the designated nonattainment area.

- 1345 Different pollutants, including individual precursors, are not summed to
1346 determine applicability of a major stationary source or major modification.
1347
- 1348 b) No new major stationary source or major modification to which the requirements
1349 of Sections 203.1410, 203.1420, 203.1430, 203.1440, 203.1800, 203.1810,
1350 203.1820, 203.1830, or 203.2000 apply must begin actual construction without a
1351 permit that states that the major stationary source or major modification will meet
1352 those requirements. The Agency has authority to issue any such permit.
1353
- 1354 c) The requirements of this Part will be applied in compliance with subsections
1355 (c)(1) through (c)(6).
1356
- 1357 1) Except as otherwise provided in subsection (e) and in Sections
1358 203.1220(d)-(e), and consistent with the definition of major modification
1359 contained in Section 203.1220, a project is a major modification for a
1360 regulated NSR pollutant if it causes two types of emissions increases: a
1361 significant emissions increase (as defined in Section 203.1380), and a
1362 significant net emissions increase (as defined in Section 203.1260 and
1363 Section 203.1370). The project is not a major modification if it does not
1364 cause a significant emissions increase. If the project causes a significant
1365 emissions increase, then the project is a major modification only if it also
1366 results in a significant net emissions increase.
1367
- 1368 2) The procedure for calculating (before beginning actual construction)
1369 whether a significant emissions increase (i.e., the first step of the process)
1370 will occur depends upon the type or types of emissions units involved in
1371 the project, according to subsections (c)(3) through (c)(5). The procedure
1372 for calculating (before beginning actual construction) whether a significant
1373 net emissions increase will occur at the major stationary source (i.e., the
1374 second step of the process) is contained in the definition in Section
1375 203.1260. Regardless of any preconstruction projections, a major
1376 modification results if the project causes a significant emissions increase
1377 and a significant net emissions increase.
1378
- 1379 3) Actual-to-projected-actual applicability test for projects that only involve
1380 existing emissions units. A significant emissions increase of a regulated
1381 NSR pollutant is projected to occur if the sum of the difference between
1382 the projected actual emissions (as defined in Section 203.1320) and the
1383 baseline actual emissions (as defined in Section 203.1070), for each
1384 existing emissions unit, equals or exceeds the significant amount for that
1385 pollutant (as defined in Section 203.1370).
1386

- 1387 4) Actual-to-potential test for projects that only involve construction of a new
1388 emissions unit or units. A significant emissions increase of a regulated
1389 NSR pollutant is projected to occur if the sum of the difference between
1390 the potential to emit (as defined in Section 203.1290) from each new
1391 emissions unit following completion of the project and the baseline actual
1392 emissions (as defined in Section 203.1070) of these units before the
1393 project equals or exceeds the significant amount for that pollutant (as
1394 defined in Section 203.1370).
- 1395
- 1396 5) Hybrid test for projects that involve multiple types of emissions units. A
1397 significant emissions increase of a regulated NSR pollutant is projected to
1398 occur if the sum of the difference for all emissions units, using the method
1399 specified in subsections (c)(3) and (c)(4) as applicable with respect to each
1400 emissions unit, equals or exceeds the significant amount for that pollutant
1401 (as defined in Section 203.1370).
- 1402
- 1403 6) The "sum of the difference" as used in subsections (c)(3) through (c)(5)
1404 must include both increases and decreases in emissions calculated in
1405 compliance with those subsections.
- 1406
- 1407 d) Except as otherwise provided in Section 203.1700(f)(2), the provisions of Section
1408 203.1700 apply with respect to any regulated NSR pollutant emitted from projects
1409 involving existing emissions units at a major stationary source (other than projects
1410 at a source with a PAL) in circumstances in which there is a reasonable
1411 possibility, within the meaning of Section 203.1700(f), that a project that is not a
1412 part of a major modification may result in a significant emissions increase of such
1413 pollutant, and the owner or operator elects to use the method specified in Section
1414 203.1320(b)(1) through (b)(3) for calculating projected actual emissions.
- 1415
- 1416 e) For any major stationary source with a PAL for a regulated NSR pollutant, the
1417 major stationary source must comply with requirements under Section 203.2100
1418 through Section 203.2420.

1419
1420 (Source: Added at 48 Ill. Reg. _____, effective _____)

1421
1422 **Section 203.1420 Effect of Permits**

1423
1424 Approval to construct must not relieve any owner or operator of the responsibility to comply
1425 fully with applicable provisions of the SIP and any other requirements under local, State, or
1426 federal law.

1427
1428 (Source: Added at 48 Ill. Reg. _____, effective _____)

1429

1430 **Section 203.1430 Relaxation of a Source-Specific Limitation**

1431
1432 At such time that a particular source or modification becomes a major stationary source or major
1433 modification solely by virtue of a relaxation in any enforceable limitation which was established
1434 after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant,
1435 such as a restriction on hours of operation, then the requirements of this Part must apply to the
1436 source or modification as though construction had not yet commenced on the source or
1437 modification.

1438
1439 (Source: Added at 48 Ill. Reg. _____, effective _____)

1440
1441 **Section 203.1440 Prohibitions**

- 1442
- 1443 a) A major stationary source or major modification must not violate any condition
1444 contained in a construction permit issued for a new major stationary source or
1445 major modification which is subject to this Part.
- 1446
- 1447 b) In any nonattainment area, no person may begin actual construction of a new
1448 major stationary source or major modification that is major for the regulated NSR
1449 pollutant for which the area is designated as nonattainment area under Sections
1450 107(d)(1)(A)(i) of the CAA (42 U.S.C. 7407(d)(1)(A)(i)), except as in compliance
1451 with this Subpart and Subpart N. Revisions to this Part which were adopted to
1452 implement the CAA Amendments of 1990 will not apply to any new major
1453 stationary source or major modification for which a permit application was
1454 submitted by June 30, 1992, for PM₁₀; by May 15, 1992, for SO₂; or by
1455 November 15, 1992, for VOM and NO_x emissions for sources located in all
1456 ozone nonattainment areas.
- 1457
- 1458 c) A person must not cause or allow the operation of a new major stationary source
1459 or major modification subject to the requirements of Subpart N, except as in
1460 compliance with applicable LAER provisions established under Section 203.1800
1461 for such source or modification.

1462
1463 (Source: Added at 48 Ill. Reg. _____, effective _____)

1464
1465 **Section 203.1450 Control of Ozone, PM₁₀, and PM_{2.5}**

- 1466
- 1467 a) The provisions of this Part applicable to major stationary sources and major
1468 modifications of VOM must apply to NO_x emissions from major stationary
1469 sources and major modifications of NO_x in any ozone nonattainment area, except
1470 in ozone nonattainment areas where the USEPA has granted a NO_x waiver
1471 applying the standards under section 182(f) of the CAA (42 U.S.C. 7511a(f)) and
1472 the waiver continues to apply.

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- b) The provisions of this Part applicable to major stationary sources and major modifications of PM₁₀ must also apply to major stationary sources and major modifications of PM₁₀ precursors, except where the USEPA determines that such sources do not contribute significantly to PM₁₀ levels that exceed the PM₁₀ ambient standards in the area.
- c) The control requirements of this Part which are applicable to major stationary sources and major modifications of PM_{2.5} must also apply to major stationary sources and major modifications of PM_{2.5} precursors which are regulated NSR pollutants in a PM_{2.5} nonattainment area.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1460 Permit Exemption Based on Fugitive Emissions

The provisions of this Part must not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable as evidenced by 35 Ill. Adm. Code 201.122, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the categories enumerated in Section 203.1230(c).

(Source: Added at 48 Ill. Reg. _____, effective _____)

SUBPART K: STACK HEIGHTS

Section 203.1500 Stack Heights

- a) The degree of emission limitation required for control of any regulated NSR pollutant under this Part must not be affected by:
 - 1) So much of the stack height of any source as exceeds good engineering practice, or
 - 2) Any other dispersion technique.
- b) Except as provided in subsection (c), subsection (a) must not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.
- c) Despite subsection (b), subsection (a) must apply where regulated NSR pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in Section 111(a)(3) of the CAA (42 U.S.C. 7411(a)(3)),

1516 which were constructed, or reconstructed, or for which major modifications were
1517 carried out after December 31, 1970.

- 1518
1519 d) Subsection (a) must not apply with respect to coal-fired steam electric generating
1520 units subject to the provisions of Section 118 of the CAA (42 U.S.C. 7418), which
1521 commenced operation before July 1, 1957, and whose stacks were constructed
1522 under a construction contract awarded before February 8, 1974.

1523
1524 (Source: Added at 48 Ill. Reg. _____, effective _____)

1525
1526 SUBPART L: GENERAL OBLIGATIONS OF THE ILLINOIS ENVIRONMENTAL
1527 PROTECTION AGENCY

1528
1529 Section 203.1600 Construction Permit

- 1530
1531 a) The Agency must only issue a construction permit for a new major stationary
1532 source or a major modification that is subject to the requirements of this Part,
1533 other than this Subpart or Subpart R, if the Agency determines all applicable
1534 requirements of this Part, other than this Subpart and Subpart R, are satisfied.
1535 This includes the requirements in Section 203.1810(h) if IPT would be relied
1536 upon for all or a portion of the emissions offsets that must be provided for such
1537 source or modification.
- 1538
1539 b) The Agency must include in any NA NSR permit conditions specifying the
1540 manner in which the applicable requirements of Subpart N apply.

1541
1542 (Source: Added at 48 Ill. Reg. _____, effective _____)

1543
1544 Section 203.1610 Public Participation

- 1545
1546 a) Prior to the initial issuance or a modification of a permit issued under this Part,
1547 the Agency must provide a notice of the proposed issuance or modification of a
1548 permit, a comment period, and opportunity for public hearing under the Agency's
1549 public participation procedures at 35 Ill. Adm. Code Part 252.
- 1550
1551 b) In addition to the applicable requirements of 35 Ill. Adm. Code Part 252:
- 1552
1553 1) The notice for the comment period or public hearing prepared by the
1554 Agency must include information on how to access the draft permit and
1555 the administrative record for the draft permit.
- 1556
1557 2) The Agency must also send a copy of this notice to:
1558

- 1559 A) The USEPA;
1560
1561 B) All other state and local air pollution control agencies having
1562 jurisdiction in the region in which such new or modified source
1563 would be or is located; and
1564
1565 C) Any other agency in the region having responsibility for
1566 implementing the procedures required under this Part.
1567
1568 3) The Project Summary, Statement of Basis or Fact Sheet that accompanies
1569 the draft of a permit that would be issued under this Part or the draft of a
1570 modification permit that would be issued under this Part must describe the
1571 basis of the Agency's proposed decision to grant the permit and include a
1572 discussion of the Agency's analysis of the effect of the construction or
1573 modification on ambient air quality, including the Agency's proposed
1574 action.
1575

1576 (Source: Added at 48 Ill. Reg. _____, effective _____)
1577

1578 SUBPART M: NON-APPLICABILITY RECORDKEEPING AND REPORTING
1579

1580 **Section 203.1700 Recordkeeping and Reporting Requirements for Certain Projects at**
1581 **Major Stationary Sources in Nonattainment Areas**
1582

1583 Except as otherwise provided in subsection (f), the provisions of this Section apply to any
1584 regulated NSR pollutant emitted from projects involving existing emissions unit or units at a
1585 major stationary source in a nonattainment area (other than projects at a source with a PAL) in
1586 circumstances where there is a reasonable possibility, within the meaning of subsection (f), that a
1587 project that is not a major modification for the pollutant may result in a significant emissions
1588 increase of the pollutant, and the owner or operator elects to use the method specified in Section
1589 203.1320(b)(1) through (b)(3) for calculating projected actual emissions.
1590

- 1591 a) Before beginning actual construction of the project, the owner or operator must
1592 document and maintain a record of the following information:
1593
1594 1) A description of the project;
1595
1596 2) Identification of the emissions unit or units whose emissions of a regulated
1597 NSR pollutant could be affected by the project; and
1598
1599 3) A description of the applicability test used to determine that the project is
1600 not a major modification for any regulated NSR pollutant, including the
1601 baseline actual emissions, the projected actual emissions, the amount of

1602 emissions excluded under Section 203.1320(b)(3) and an explanation for
1603 why such amount was excluded, and any netting calculations, if
1604 applicable.
1605

1606 b) If the emissions unit is an existing electric utility steam generating unit, before
1607 beginning actual construction, the owner or operator must provide a copy of the
1608 information set out in subsection (a) to the Agency. Nothing in this subsection
1609 must be construed to require the owner or operator of such a unit to obtain any
1610 determination from the Agency before beginning actual construction.
1611

1612 c) The owner or operator must monitor the emissions of any regulated NSR pollutant
1613 that could increase as a result of the project and that is emitted by any emissions
1614 unit identified in subsection (a)(2); and calculate and maintain a record of the
1615 annual emissions, in tons per year on a calendar year basis, for a period of 5 years
1616 following resumption of regular operations after the change, or for a period of 10
1617 years following resumption of regular operations after the change if the project
1618 increases the design capacity or potential to emit that regulated NSR pollutant at
1619 such emissions unit.
1620

1621 d) If the unit is an existing electric utility steam generating unit, the owner or
1622 operator must submit a report to the Agency within 60 days after the end of each
1623 year during which records must be generated under subsection (c) setting out the
1624 unit's annual emissions during the calendar year that preceded submission of the
1625 report.
1626

1627 e) If the unit is an existing unit other than an electric utility steam generating unit,
1628 the owner or operator must submit a report to the Agency if the annual emissions,
1629 in tons per year, from the project identified in subsection (a), exceed the baseline
1630 actual emissions (as documented and maintained under subsection (a)(3)), by a
1631 significant amount (as defined in Section 203.1370) for that regulated NSR
1632 pollutant, and if such emissions differ from the preconstruction projection as
1633 documented and maintained under subsection (a)(3). The report must be
1634 submitted to the Agency within 60 days after the end of such year. The report
1635 must contain the following:
1636

1637 1) The name, address, and telephone number of the major stationary source;
1638

1639 2) The annual emissions as calculated under subsection (c); and
1640

1641 3) Any other information that the owner or operator wishes to include in the
1642 report (e.g., an explanation as to why the emissions differ from the
1643 preconstruction projection).
1644

- 1645 f) A "reasonable possibility" under this Section occurs when the owner or operator
1646 calculates the project to result in either:
1647
1648 1) A projected actual emissions increase of at least 50 percent of the amount
1649 that is a "significant emissions increase", as defined in Section 203.1380
1650 (without reference to the amount that is a significant net emissions
1651 increase), for the regulated NSR pollutant; or
1652
1653 2) A projected actual emissions increase that, added to the amount of
1654 emissions excluded under Section 203.1320(b)(3), sums to at least 50
1655 percent of the amount that is a "significant emissions increase", as defined
1656 under Section 203.1380 (without reference to the amount that is a
1657 significant net emissions increase), for the regulated NSR pollutant. For a
1658 project for which a reasonable possibility occurs only within the meaning
1659 of this subsection (f)(2), and not also within the meaning of subsection
1660 (f)(1), then subsections (b) through (e) do not apply to the project.
1661
1662 g) The owner or operator of the source must make the information required to be
1663 documented and maintained under this Section available for review upon a
1664 request for inspection by the Agency or the USEPA or the general public under
1665 the requirements of Section 39.5(8)(e) of the Act.
1666

1667 (Source: Added at 48 Ill. Reg. _____, effective _____)
1668

1669 SUBPART N: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
1670 NONATTAINMENT AREAS
1671

1672 Section 203.1800 Lowest Achievable Emission Rate
1673

- 1674 a) The owner or operator of a new major stationary source must demonstrate that the
1675 control equipment and process measures applied to the source will produce LAER
1676 for each regulated NSR pollutant for which the stationary source is major.
1677
1678 b) Except as provided in subsections (d) or (e), the owner or operator of a major
1679 modification must demonstrate that the control equipment and process measures
1680 applied to the major modification will produce LAER for each regulated NSR
1681 pollutant for which the modification is major. This requirement applies to each
1682 emissions unit at which a net increase in emissions of the regulated NSR pollutant
1683 has occurred or would occur as a result of a physical change or change in the
1684 method of operation in the emissions unit.
1685
1686 c) The owner or operator must provide a detailed demonstration that the proposed
1687 emission limitations constitute LAER. The demonstration must include:

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- 1) A description of the manner in which the proposed emission limitation was selected, including a detailed listing of information resources,
 - 2) Alternative emission limitations, and
 - 3) Other reasonable information as the Agency may request as necessary to determine whether the proposed emission limitation is LAER.
- d) If the owner or operator of a major stationary source (other than a source which emits or has the potential to emit 100 tpy or more of VOM or NO_x) located in an area classified as serious or severe nonattainment for ozone does not elect to provide internal offsets for a change at the source in compliance with Section 203.1220(d), the change must be considered a major modification for this Part, but in applying this Section to the such modification, the BACT, as defined in section 169 of the CAA (42 U.S.C. 7479), must be substituted for the LAER. BACT must be determined according to the policies and procedures published by the USEPA.
- e) In the case of any major stationary source of VOM or NO_x located in an area classified as serious or severe nonattainment for ozone which emits or has the potential to emit 100 tpy or more of VOM or NO_x, respectively, whenever any change at that source results in a significant increase in emissions of VOM or NO_x, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, the increase must be considered a major modification for purposes of this Part, except that if the owner or operator elects to offset the increase by a greater reduction in emissions of VOM or NO_x, respectively, from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1, the requirements of this Section concerning LAER must not apply.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.1810 Emissions Offsets

- a) The general requirements for emissions offsets are:
- 1) The owner or operator of a new major stationary source or major modification must provide emissions offsets equal to or greater than the allowable emissions from the source or the increase in emissions from the modification sufficient to allow the Agency to determine that the source or modification will not interfere with reasonable further progress under Section 173 of the CAA (42 U.S.C. 7503).

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- A) Emissions offsets are required for the following pollutants for which the area is designated nonattainment or precursors to such pollutant as follows:
 - i) For a new major stationary source, each regulated NSR pollutant for which the stationary source is major.
 - ii) For a major modification, each regulated NSR pollutant for which the modification is major.
 - B) The total tonnage of increased emissions, in tpy, resulting from a major modification that must be offset must be determined by summing the difference between the allowable emissions after the modification, as defined under Section 203.1050, and the actual emissions before the modification, as defined under Section 203.1040, for each emissions unit.
 - C) The Agency must allow the use of all or some portion of the available growth margin to satisfy this subsection if the owner or operator can present evidence that the possible sources of emissions offsets were investigated, none were available at that time and the new or modified major stationary source is located in a zone (within the nonattainment area) identified by the USEPA, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted.
- b) The ratios for emissions offsets in ozone nonattainment areas are:
- 1) For new major stationary sources or major modifications in ozone nonattainment areas, the ratio of total emissions reductions provided by emission offsets for VOM or NO_x to total increased emissions of the pollutants must be at least as follows:
 - A) 1.1 to 1 in areas classified as marginal;
 - B) 1.15 to 1 in areas classified as moderate;
 - C) 1.2 to 1 in areas classified as serious;
 - D) 1.3 to 1 in areas classified as severe; and

- 1774 E) 1.5 to 1 in areas classified as extreme.
1775
1776 2) The offset requirement provided in subsection (b)(1)(E) must not be
1777 applicable in extreme areas to a modification of an existing stationary
1778 source:
1779
1780 A) If the modification consists of installation of equipment required to
1781 comply with the SIP or the CAA; or
1782
1783 B) If the owner or operator of the stationary source elects to offset the
1784 increase by a greater reduction in emissions of the pollutant from
1785 other discrete operations, units, or activities within the source at an
1786 internal offset ratio of at least 1.3 to 1.
1787
1788 c) The enforceability requirements for emissions offsets are:
1789
1790 1) All emissions reductions relied upon as emissions offsets must be
1791 federally enforceable.
1792
1793 2) Except as provided in this subsection, emissions offsets must be
1794 enforceable by the Agency and under the CAA. If emissions reductions
1795 are to be obtained in a State that neighbors Illinois, the emissions
1796 reductions committed to must be enforceable by the neighboring State
1797 and/or local agencies and under the CAA.
1798
1799 3) Except as provided in this subsection, emissions offsets must be
1800 accomplished prior to initial start-up of the new major stationary source or
1801 major modification. Where the new major stationary source or the major
1802 modification is a replacement for an existing stationary source or
1803 emissions unit that is being shut down in order to provide necessary
1804 offsets, the Agency must allow up to 180 days for shakedown of the new
1805 major stationary source or major modification before the existing
1806 stationary source or emissions unit is required to cease operation.
1807
1808 d) Sources providing emissions reductions to meet the requirements of this Section
1809 must meet the following location requirements.
1810
1811 1) The emissions reductions must be achieved in the same nonattainment
1812 area as the increase being offset, except as provided in subsection (d)(2).
1813
1814 2) An owner or operator may obtain the necessary emissions reductions from
1815 another nonattainment area where the area has an equal or higher
1816 nonattainment classification than the area in which the new or modified

1817 major stationary source is located and the emissions from the other area
1818 contribute to a violation of the NAAQS in the nonattainment area in which
1819 the new or modified major stationary source is located.

1820

1821 e) Pollutants for emission offsets must be determined as follows:

1822

1823 1) Except as provided in subsection (h), which addresses interprecursor
1824 trading for PM_{2.5}, emission reductions must be for the pollutant for which
1825 emission offsets are required, e.g., reductions in CO emissions cannot be
1826 used as emission offsets for increases in emissions of SO₂ reductions.

1827

1828 2) Replacement of one VOM with another of lesser reactivity does not
1829 constitute an emissions reduction.

1830

1831 f) Emissions reductions from shutdowns or curtailments must be credited as follows:

1832

1833 1) Emissions reductions achieved by shutting down an existing emissions
1834 unit or curtailing production or operating hours must be credited for
1835 offsets if they meet the following requirements:

1836

1837 A) The reductions are surplus, permanent, and quantifiable; and

1838

1839 B) The shutdown or curtailment occurred after the last day of the base
1840 year for the SIP planning process. For this Subpart, the Agency
1841 must consider a prior shutdown or curtailment to have occurred
1842 after the last day of the base year if the projected emissions
1843 inventory used to develop the attainment demonstration explicitly
1844 includes the emissions from such previously shutdown or curtailed
1845 emissions units. However, credit must be given for shutdowns that
1846 occurred before August 7, 1977.

1847

1848 2) Emissions reductions achieved by shutting down an existing emissions
1849 unit or curtailing production or operating hours and that do not meet the
1850 requirements in subsection (f)(1)(B) must be credited only if:

1851

1852 A) The shutdown or curtailment occurred on or after the date the
1853 application for a construction permit is filed; or

1854

1855 B) The applicant can establish that the proposed new emissions unit is
1856 a replacement for the shutdown or curtailed emissions unit, and the
1857 emissions reductions achieved by the shutdown or curtailment met
1858 the requirements of subsection (f)(1)(A).

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g) The determination of emissions reductions for offsets must be made as follows:

1) Credit for emissions reductions used as offsets must be determined as follows:

A) The baseline for determining credit for emissions reductions is the emissions limit under the applicable SIP in effect at the time the application for a construction permit is filed, except that the offset baseline must be the actual emissions of the source from which offset credit is obtained where:

i) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within the designated nonattainment area; or

ii) The applicable SIP does not contain an emissions limitation for that source or source category.

B) Where the emissions limit under the applicable SIP allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below the potential to emit.

C) For an existing fuel combustion source, credit must be based on the allowable emissions under the applicable SIP for the type of fuel being burned at the time the application for a construction permit is filed. If the emissions offset is to be produced by a switch to a cleaner fuel at some future date, offset credit must be subject to the following limitations:

i) Emissions offset credit based on the allowable (or actual) emissions for the fuels involved is allowed only if the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date.

ii) Emissions offset credit must be allowed only if the owner or operator provides evidence that long-term supplies of the cleaner fuel are available.

2) Emissions reductions must not be credited for offsets to the extent they have been previously relied on by the Agency in issuing any permit under

- 1903 35 Ill. Adm. Code 201.142 or 201.143 or this Part or for demonstrating
1904 attainment or reasonable further progress.
1905
1906 3) Emissions reductions otherwise required by the CAA (42 U.S.C. 7401 et
1907 seq.) must not be creditable as emissions offsets. Emissions reductions
1908 which are not otherwise required by the CAA must be creditable as
1909 emissions offsets if the emissions reductions meet the requirements of this
1910 Section.
1911
1912 h) For a new major stationary source or major modification located in an area
1913 designated nonattainment for PM_{2.5}, IPT between precursors of PM_{2.5} identified in
1914 Section 203.1340, or between direct PM_{2.5} emissions and a precursor of PM_{2.5},
1915 must be allowed to satisfy the applicable offset requirement if:
1916
1917 1) The IPT is based on an IPT ratio that will provide an equivalent or greater
1918 air quality benefit regarding ambient concentrations of PM_{2.5} in the PM_{2.5}
1919 nonattainment area. At least one ton of emissions reductions must be
1920 provided for one ton of emissions increases; and
1921
1922 2) The permit application submitted by the owner or operator of the source or
1923 modification includes the following:
1924
1925 A) A proposed IPT ratio, with accompanying calculations.
1926
1927 B) A demonstration that this proposed IPT ratio is based on the results
1928 of an analysis that is consistent with Appendix W to 40 CFR Part
1929 51. The demonstration must also show that the proposed IPT ratio
1930 would provide an equivalent or greater air quality benefit than
1931 offsets of the emitted pollutant or precursor would achieve
1932 regarding ambient concentrations of PM_{2.5} in the PM_{2.5}
1933 nonattainment area; and
1934
1935 C) A description of the model or models and analysis that were used
1936 to develop the proposed IPT ratio; and
1937
1938 D) Prior to making a final determination on the IPT ratio, the Agency
1939 must submit the IPT ratio to EPA for approval and must receive
1940 approval as a revision of the SIP.
1941

1942 (Source: Added at 48 Ill. Reg. _____, effective _____)
1943

1944 Section 203.1820 Compliance by Existing Sources
1945

1946 The owner or operator must demonstrate that all major stationary sources which they owns or
1947 operates (or which are owned or operated by any entity controlling or controlled by, or under
1948 common control, with the owner or operator) in Illinois are in compliance, or on a schedule for
1949 compliance, with all applicable state and federal air pollution control requirements. For this
1950 Section, a schedule for compliance must be federally enforceable or contained in an order of the
1951 Board or a court decree.

1952
1953 (Source: Added at 48 Ill. Reg. _____, effective _____)
1954

1955 **Section 203.1830 Analysis of Alternatives**
1956

1957 The owner or operator must demonstrate that benefits of the new major source or major
1958 modification significantly outweigh the environmental and social costs imposed as a result of its
1959 location, construction, or modification, based upon an analysis of alternative sites, sizes,
1960 production processes, and environmental control techniques for such proposed source.

1961
1962 (Source: Added at 48 Ill. Reg. _____, effective _____)
1963

1964 **SUBPART O: GENERAL MAINTENANCE OF EMISSION OFFSETS**
1965

1966 **Section 203.1900 General Maintenance of Emission Offsets**
1967

1968 A person must not cease to maintain emission offsets which were provided for a source or
1969 modification which is subject to this Part.

1970
1971 (Source: Added at 48 Ill. Reg. _____, effective _____)
1972

1973 **SUBPART P: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND**
1974 **MOTOR FIRING**
1975

1976 **Section 203.2000 Offsetting by Alternative or Innovative Means**
1977

1978 A source may offset, by alternative or innovative means, emission increases from rocket engine
1979 and motor firing, and cleaning related to such firing, at an existing or modified major source that
1980 tests rocket engines or motors under the following conditions:

1981
1982 a) Any modification proposed is solely for expanding the testing of rocket engines or
1983 motors at an existing source that is permitted to test such engines on November
1984 15, 1990;

1985
1986 b) The source demonstrates to the Agency that it has used all reasonable means to
1987 obtain and utilize offsets, as determined on an annual basis, for the emissions

1988 increases beyond allowable levels, that all available offsets are being used, and
1989 that sufficient offsets are not available to the source;

1990
1991 c) The source has obtained a written finding from the Department of Defense,
1992 Department of Transportation, National Aeronautics and Space Administration or
1993 other appropriate federal agency, that the testing of rocket motors or engines at
1994 the facility is required for a program essential to the national security; and

1995
1996 d) The source will comply with an alternative measure, imposed by the Agency or
1997 Board, designed to offset any emission increases beyond permitted levels not
1998 directly offset by the source.

1999
2000 (Source: Added at 48 Ill. Reg. _____, effective _____)

2001
2002 SUBPART Q: PLANTWIDE APPLICABILITY LIMITATION

2003
2004 Section 203.2100 Applicability

2005
2006 a) The Agency may approve the use of an actuals PAL for any existing major
2007 stationary source, except as provided in subsection (b), if the PAL meets the
2008 requirements in this Subpart. The term "PAL" must mean "actuals PAL"
2009 throughout this Subpart.

2010
2011 b) The Agency must not allow an actuals PAL for VOM or NO_x for any major
2012 stationary source located in an extreme ozone nonattainment area.

2013
2014 c) Any physical change in or change in the method of operation of a major stationary
2015 source that maintains its total source-wide emissions below the PAL level, meets
2016 the requirements in this Subpart, and complies with the PAL permit:

2017
2018 1) Is not a major modification for the PAL pollutant;
2019
2020 2) Does not have to be approved through the major NSR program; and
2021
2022 3) Is not subject to the provisions in Section 203.1430 (restrictions on
2023 relaxing enforceable emission limitations that the major stationary source
2024 used to avoid applicability of the major NSR program).

2025
2026 d) Except as provided under subsection (c)(3), a major stationary source must
2027 continue to comply with all applicable federal or State requirements, emission
2028 limitations, and work practice requirements that were established prior to the
2029 effective date of the PAL.

2030

2031 (Source: Added at 48 Ill. Reg. _____, effective _____)
2032

2033 **Section 203.2110 Definitions**
2034

2035 For this Subpart, the definitions in Section 203.2120 through Section 203.2290 apply. When a
2036 term is not defined in these sections, it must have the meaning given in Subpart I of this Part,
2037 Part 211, or in the CAA.
2038

2039 (Source: Added at 48 Ill. Reg. _____, effective _____)
2040

2041 **Section 203.2120 Actuals PAL**
2042

2043 "Actuals PAL" for a major stationary source means a PAL based on the baseline actual
2044 emissions (as defined in Section 203.1070) of all emissions units (as defined in Section
2045 203.1160) at the source, that emit or have the potential to emit the PAL pollutant.
2046

2047 (Source: Added at 48 Ill. Reg. _____, effective _____)
2048

2049 **Section 203.2130 Allowable Emissions**
2050

2051 "Allowable emissions" means "allowable emissions" as defined in Section 203.1050, except that
2052 the allowable emissions for any emissions unit must be calculated considering any emission
2053 limitations that are enforceable as a practical matter on the emissions unit's potential to emit (as
2054 defined in Section 203.1290).
2055

2056 (Source: Added at 48 Ill. Reg. _____, effective _____)
2057

2058 **Section 203.2140 Best Available Control Technology (BACT)**
2059

2060 "Best available control technology" or "BACT" means an emissions limitation (including a
2061 visible emissions standard) based on the maximum degree of reduction for each regulated NSR
2062 pollutant which would be emitted from any proposed major stationary source or major
2063 modification that the Agency, on a case-by-case basis, taking into account energy,
2064 environmental, and economic impacts and other costs, determines is achievable for the source or
2065 modification through application of production processes or available methods, systems, and
2066 techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for
2067 control of the pollutant. The application of BACT must not result in emissions of any pollutant
2068 that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61,
2069 62, or 63 (as incorporated by reference in Section 203.1000). If the Agency determines that
2070 technological or economic limitations on the application of measurement methodology to a
2071 particular emissions unit would make the imposition of an emissions standard infeasible, a
2072 design, equipment, work practice, operational standard, or combination of them, may be
2073 prescribed instead to satisfy the requirement for the application of BACT. This standard must, to

2074 the degree possible, specify the emissions reduction achievable by implementation of the design,
2075 equipment, work practice or operation, and must provide for compliance by means which
2076 achieve equivalent results.

2077
2078 (Source: Added at 48 Ill. Reg. _____, effective _____)
2079

2080 **Section 203.2150 Continuous Emissions Monitoring System (CEMS)**

2081
2082 "Continuous emissions monitoring system" or "CEMS" means all of the equipment that may be
2083 required to meet the data acquisition and availability requirements of this Subpart, to sample,
2084 condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

2085
2086 (Source: Added at 48 Ill. Reg. _____, effective _____)
2087

2088 **Section 203.2160 Continuous Emissions Rate Monitoring System (CERMS)**

2089
2090 "Continuous emissions rate monitoring system" or "CERMS" means the total equipment required
2091 for the determination and recording of the pollutant mass emissions rate (in terms of mass per
2092 unit of time).

2093
2094 (Source: Added at 48 Ill. Reg. _____, effective _____)
2095

2096 **Section 203.2170 Continuous Parameter Monitoring System (CPMS)**

2097
2098 "Continuous parameter monitoring system" or "CPMS" means all of the equipment necessary to
2099 meet the data acquisition and availability requirements of this Subpart to monitor process and
2100 control device operational parameters (for example, control device secondary voltages and
2101 electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations),
2102 and to record average operational parameter value(s) on a continuous basis.

2103
2104 (Source: Added at 48 Ill. Reg. _____, effective _____)
2105

2106 **Section 203.2180 Federal Land Manager**

2107
2108 "Federal Land Manager" means, with respect to any lands in the United States, the Secretary of
2109 the department with authority over the lands.

2110
2111 (Source: Added at 48 Ill. Reg. _____, effective _____)
2112

2113 **Section 203.2190 Major Emissions Unit**

2114
2115 "Major emissions unit" means:
2116

- 2117 a) Any emissions unit that emits or has the potential to emit 100 tpy or more of the
2118 PAL pollutant in an attainment area; or
2119
2120 b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an
2121 amount that is equal to or greater than the major source threshold for the PAL
2122 pollutant as defined by the CAA for nonattainment areas.
2123

2124 (Source: Added at 48 Ill. Reg. _____, effective _____)
2125

2126 **Section 203.2200 Plantwide Applicability Limitation (PAL)**
2127

2128 "Plantwide applicability limitation" or ("PAL") means an emission limitation expressed in tons
2129 per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and
2130 established source-wide in compliance with this Subpart.
2131

2132 (Source: Added at 48 Ill. Reg. _____, effective _____)
2133

2134 **Section 203.2210 PAL Effective Date**
2135

2136 "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL
2137 effective date for an increased PAL is the date any emissions unit that is part of the PAL major
2138 modification becomes operational and begins to emit the PAL pollutant.
2139

2140 (Source: Added at 48 Ill. Reg. _____, effective _____)
2141

2142 **Section 203.2220 PAL Effective Period**
2143

2144 "PAL effective period" means the period beginning with the PAL effective date and ending 10
2145 years later.
2146

2147 (Source: Added at 48 Ill. Reg. _____, effective _____)
2148

2149 **Section 203.2230 PAL Major Modification**
2150

2151 "PAL major modification" means, despite Section 203.1220 and Section 203.1260 (the
2152 definitions for major modification and net emissions increase), any physical change in or change
2153 in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level
2154 equal to or greater than the PAL.
2155

2156 (Source: Added at 48 Ill. Reg. _____, effective _____)
2157

2158 **Section 203.2240 PAL Permit**
2159

2160 "PAL permit" means the major NSR permit, the minor NSR permit, or the State operating permit
2161 under a program that is approved into the SIP, or the CAAPP permit issued by the Agency that
2162 establishes a PAL for a major stationary source.

2163
2164 (Source: Added at 48 Ill. Reg. _____, effective _____)

2165
2166 **Section 203.2250 PAL Pollutant**

2167
2168 "PAL pollutant" means the pollutant for which a PAL is established at a major stationary source.

2169
2170 (Source: Added at 48 Ill. Reg. _____, effective _____)

2171
2172 **Section 203.2260 Predictive Emissions Monitoring System (PEMS)**

2173
2174 "Predictive emissions monitoring system" or "PEMS" means all of the equipment necessary to
2175 monitor process and control device operational parameters (for example, control device
2176 secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or
2177 CO₂ concentrations), and calculate and record the mass emissions rate (for example, pounds per
2178 hour) on a continuous basis.

2179
2180 (Source: Added at 48 Ill. Reg. _____, effective _____)

2181
2182 **Section 203.2270 Reasonably Available Control Technology (RACT)**

2183
2184 "Reasonably Available Control Technology" or "RACT" means devices, systems, process
2185 modifications, or other apparatus or techniques that are reasonably available considering:

- 2186
2187 a) The necessity of imposing the controls to attain and maintain a national ambient
2188 air quality standard;
2189
2190 b) The social, environmental, and economic impact of the controls; and
2191
2192 c) Alternative means of providing for attainment and maintenance of the standard.

2193
2194 (Source: Added at 48 Ill. Reg. _____, effective _____)

2195
2196 **Section 203.2280 Significant Emissions Unit**

2197
2198 "Significant emissions unit" means an emissions unit that emits or has the potential to emit a
2199 PAL pollutant in an amount that is equal to or greater than the applicable significant level (as
2200 defined in Section 203.1370 or in the CAA, whichever is lower) for that PAL pollutant, but less
2201 than the amount that would qualify the unit as a major emissions unit as defined in Section
2202 203.2190.

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BOARD NOTE: At the time the Board adopted the amendments to this provision, the Clean Air Act did not provide significant levels.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2290 Small Emissions Unit

"Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the applicable significant level for that PAL pollutant, as defined in Section 203.1370 or in the CAA, whichever is lower.

BOARD NOTE: At the time the Board adopted the amendments to this provision, the Clean Air Act did not provide significant levels.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2300 Permit Application Requirements

As part of a permit application requesting a PAL, the owner or operator of a major stationary source must submit the following information to the Agency for approval:

- a) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source must indicate which, if any, federal or State applicable requirements, emission limitations, or work practices apply to each unit.
- b) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.
- c) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Section 203.2400(a).

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2310 General Requirements for Establishing PAL

- a) The Agency is allowed to establish a PAL at a major stationary source if the requirements in this Section are met.

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- 1) The PAL must impose an annual emission limitation expressed on a mass basis in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator must show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month total, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator must show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.
 - 2) The PAL must be established in a PAL permit that meets the public participation requirements in Section 203.2320.
 - 3) The PAL permit must contain all the requirements of Section 203.2340.
 - 4) The PAL must include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.
 - 5) Each PAL must regulate emissions of only one pollutant.
 - 6) Each PAL must have a PAL effective period of 10 years.
 - 7) The owner or operator of the major stationary source with a PAL must comply with the monitoring, recordkeeping, and reporting requirements provided in Section 203.2390 through Section 203.2410 for each emissions unit under the PAL through the PAL effective period.

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- b) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for emissions offsets under Section 203.1810 unless the level of the PAL is reduced by the amount of the emissions reductions and the reductions would be creditable in the absence of the PAL.

2283 (Source: Added at 48 Ill. Reg. _____, effective _____)
2284

2285 **Section 203.2320 Public Participation Requirements**
2286

2287 PALs for existing major stationary sources must be established, renewed, or increased through a
2288 procedure that is consistent with 35 Ill. Adm. Code Part 252. This includes the requirement that

2289 the Agency provide the public with notice of the proposed approval of a PAL permit and at least
2290 a 30-day period for submittal of public comment. The Agency must address all material
2291 comments before taking final action on the permit.

2292

2293 (Source: Added at 48 Ill. Reg. _____, effective _____)

2294

2295 **Section 203.2330 Setting the 10-Year Actuals PAL Level**

2296

2297 a) Except as provided in subsection (b), the actuals PAL level for a major stationary
2298 source must be established as the sum of the baseline actual emissions (as defined
2299 in Section 203.1070) of the PAL pollutant for each emissions unit at the stationary
2300 source, plus an amount equal to the applicable significant level for the PAL
2301 pollutant under Section 203.1370 or in the CAA, whichever is lower. When
2302 establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-
2303 month period must be used to determine the baseline actual emissions for all
2304 existing emissions units. However, a different consecutive 24-month period may
2305 be used for each different PAL pollutant. Emissions associated with units that
2306 were permanently shut down after this 24-month period must be subtracted from
2307 the PAL level. The Agency must specify a reduced PAL level or levels in tons per
2308 year in the PAL permit to become effective on the future compliance date or dates
2309 of any applicable federal or State regulatory requirement or requirements that the
2310 Agency is aware of prior to issuance of the PAL permit. For instance, if the
2311 source owner or operator will be required to reduce emissions from industrial
2312 boilers in half from baseline emissions of 60 parts per million NO_x to a new rule
2313 limit of 30 parts per million, then the permit must contain a future effective PAL
2314 level that is equal to the current PAL level reduced by half of the original baseline
2315 actual emissions of such unit or units.

2316

2317 BOARD NOTE: At the time the Board adopted the amendments to this
2318 provision, the Clean Air Act did not provide significant levels.

2319

2320 b) For newly constructed units (which do not include modifications to existing units)
2321 on which actual construction began after the 24-month period, in lieu of adding
2322 the baseline actual emissions as specified in subsection (a), the emissions must be
2323 added to the PAL level in an amount equal to the potential to emit of the units.

2324

2325 (Source: Added at 48 Ill. Reg. _____, effective _____)

2326

2327 **Section 203.2340 Contents of the PAL Permit**

2328

2329 The PAL permit must contain:

2330

- 2331 a) The PAL pollutant and the applicable source-wide emission limitation in tons per
2332 year.
- 2333
- 2334 b) The PAL permit effective date and the expiration date of the PAL (PAL effective
2335 period).
- 2336
- 2337 c) Specification in the PAL permit that if a major stationary source owner or
2338 operator applies to renew a PAL in compliance with Section 203.2370 before the
2339 end of the PAL effective period, then the PAL must not expire at the end of the
2340 PAL effective period. It must remain in effect until a revised PAL permit is issued
2341 by the Agency.
- 2342
- 2343 d) A requirement that emission calculations for compliance purposes must include
2344 emissions from startups, shutdowns, and malfunctions.
- 2345
- 2346 e) A requirement that, once the PAL expires, the major stationary source is subject
2347 to the requirements of Section 203.2360.
- 2348
- 2349 f) The calculation procedures that the major stationary source owner or operator
2350 must use to convert the monitoring system data to monthly emissions and annual
2351 emissions based on a 12-month rolling total as required by Section 203.2400(a).
- 2352
- 2353 g) A requirement that the major stationary source owner or operator monitor all
2354 emissions units in compliance with the provisions under Section 203.2390.
- 2355
- 2356 h) A requirement to retain the records required under Section 203.2400 on site. The
2357 records may be retained in an electronic format.
- 2358
- 2359 i) A requirement to submit the reports required under Section 203.2410 by the
2360 required deadlines.
- 2361
- 2362 j) Any other requirements that the Agency considers necessary to implement and
2363 enforce the PAL.
- 2364

2365 (Source: Added at 48 Ill. Reg. _____, effective _____)

2366

2367 **Section 203.2350 Effective Period and Reopening a PAL Permit**

2368

2369 The requirements in subsections (a) and (b) apply to actuals PALs.

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- 2371 a) PAL effective period. The Agency must specify a PAL effective period of 10
2372 years.
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- b) Reopening of the PAL permit.
 - 1) During the PAL effective period, the Agency must reopen the PAL permit to:
 - A) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;
 - B) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as emissions offsets under Section 203.1810; or
 - C) Revise the PAL to reflect an increase in the PAL as provided under Section 203.2380.
 - 2) The Agency may reopen the PAL permit to reduce the PAL for the following:
 - A) To reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the PAL effective date;
 - B) Consistent with any other requirement, that is enforceable as a practical matter, and that the Agency may impose on the major stationary source under the SIP; or
 - C) If the Agency determines that a reduction is necessary to avoid causing or contributing to a NAAQS violation, or to a violation of an ambient air increment established in Subpart D of 35 Ill. Adm. Code Part 204, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.
- c) Except for the permit reopening in subsection (b)(1)(A) for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings must be carried out in compliance with the public participation requirements of Section 203.2320.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2360 Expiration of a PAL

2417 Any PAL that is not renewed in compliance with the procedures in Section 203.2370 will expire
2418 at the end of the PAL effective period, and the requirements in this Section will apply.
2419

2420 a) Each emissions unit (or each group of emissions units) that existed under the PAL
2421 must comply with an allowable emission limitation under a revised permit
2422 established according to the procedures in subsections (a)(1) and (2).
2423

2424 1) Within the time frame specified for PAL renewals in Section 203.2370(b),
2425 the major stationary source must submit a proposed allowable emission
2426 limitation for each emissions unit (or each group of emissions units, if a
2427 distribution is more appropriate as decided by the Agency) by distributing
2428 the PAL allowable emissions for the major stationary source among each
2429 of the emissions units that existed under the PAL. If the PAL had not yet
2430 been adjusted for an applicable requirement that became effective during
2431 the PAL effective period, as required under Section 203.2370(e), the
2432 distribution must be made as if the PAL had been adjusted.
2433

2434 2) The Agency must decide whether and how the PAL allowable emissions
2435 will be distributed and issue a revised permit incorporating allowable
2436 limits for each emissions unit, or each group of emissions units, as the
2437 Agency determines is appropriate.
2438

2439 b) Each emissions unit or units must comply with the allowable emission limitation
2440 on a 12-month rolling basis. The Agency may approve the use of monitoring
2441 systems (source testing, emission factors, etc.) other than CEMS, CERMS,
2442 PEMS, or CPMS to demonstrate compliance with the allowable emission
2443 limitation.
2444

2445 c) Until the Agency issues the revised permit incorporating allowable limits for each
2446 emissions unit, or each group of emissions units, as required under subsection
2447 (a)(2), the source must continue to comply with a source-wide, multi-unit
2448 emissions cap equivalent to the level of the PAL emission limitation.
2449

2450 d) Any physical change or change in the method of operation at the major stationary
2451 source will be subject to major NSR requirements if such change meets the
2452 definition of major modification in Section 203.1220.
2453

2454 e) The major stationary source owner or operator must continue to comply with any
2455 State or federal applicable requirements (BACT, RACT, NSPS, etc.) that may
2456 have applied either during the PAL effective period or prior to the PAL effective
2457 period except for those emission limitations that had been established under
2458 Section 203.1420, but were eliminated by the PAL in compliance with the
2459 provisions in Section 203.2100(c)(3).

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(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2370 Renewal of a PAL

- a) The Agency must follow the procedures specified in Section 203.2320 in approving any request to renew a PAL for a major stationary source, and must provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During public review, any person may propose a PAL level for the source for consideration by the Agency.

- b) Application deadline. A major stationary source owner or operator must submit a timely application to the Agency to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL must continue to be effective until the revised permit with the renewed PAL is issued.

- c) Application requirements. The application to renew a PAL permit must contain:
 - 1) The information required in Section 203.2300(a) through (c).
 - 2) A proposed PAL level.
 - 3) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).
 - 4) Any other information the owner or operator wishes the Agency to consider in determining the appropriate level for renewing the PAL.

- d) PAL adjustment. In determining whether and how to adjust the PAL, the Agency must consider the options outlined in subsections (d)(1) and (2). However, any adjustment must comply with subsection (d)(3).
 - 1) If the emissions level calculated in compliance with Section 203.2330 is equal to or greater than 80 percent of the PAL level, the Agency may renew the PAL at the same level without considering the factors set forth in subsection (d)(2); or
 - 2) The Agency may set the PAL at a level that it determines to be more representative of the stationary source's baseline actual emissions, or that

2503 it determines to be more appropriate considering air quality needs,
2504 advances in control technology, anticipated economic growth in the area,
2505 desire to reward or encourage the source's voluntary emissions reductions,
2506 or other factors as specifically identified by the Agency in its written
2507 rationale.

2508
2509 3) Despite subsections (d)(1) and (2):

2510
2511 A) If the potential to emit of the major stationary source is less than
2512 the PAL, the Agency must adjust the PAL to a level no greater
2513 than the potential to emit of the source; and

2514
2515 B) The Agency must not approve a renewed PAL level higher than
2516 the current PAL, unless the major stationary source has complied
2517 with the provisions of Section 203.2380 (increasing a PAL).

2518
2519 e) If the compliance date for a State or federal requirement that applies to the PAL
2520 source occurs during the PAL effective period, and if the Agency has not already
2521 adjusted for the requirement, the PAL must be adjusted at the time of PAL permit
2522 renewal or CAAPP permit renewal, whichever occurs first.

2523
2524 (Source: Added at 48 Ill. Reg. _____, effective _____)

2525
2526 **Section 203.2380 Increasing the PAL During the PAL Effective Period**

2527
2528 a) The Agency may increase a PAL emission limitation only if the major stationary
2529 source complies with the provisions in subsections (a)(1) through (4).

2530
2531 1) The owner or operator of the major stationary source must submit a
2532 complete application to request an increase in the PAL limit for a PAL
2533 major modification. The application must identify the emissions unit or
2534 units contributing to the increase in emissions so as to cause the major
2535 stationary source's emissions to equal or exceed its PAL.

2536
2537 2) As part of this application, the major stationary source owner or operator
2538 must demonstrate that the sum of the baseline actual emissions of the
2539 small emissions units, plus the sum of the baseline actual emissions of the
2540 significant and major emissions units assuming application of BACT
2541 equivalent controls, plus the sum of the allowable emissions of the new or
2542 modified emissions unit or units exceeds the PAL. The level of control
2543 that would result from BACT equivalent controls on each significant or
2544 major emissions unit must be determined by conducting a new BACT
2545 analysis at the time the application is submitted, unless the emissions unit

2546 is currently required to comply with a BACT or LAER requirement that
2547 was established within the preceding 10 years. In this case, the assumed
2548 control level for that emissions unit must be equal to the level of BACT or
2549 LAER with which that emissions unit must currently comply.

2550
2551 3) The owner or operator obtains a major NSR permit for all emissions unit
2552 or units identified in subsection (a)(1), regardless of the magnitude of the
2553 emissions increase resulting from them (that is, no significant levels
2554 apply). These emissions unit or units must comply with any emissions
2555 requirements resulting from the major NSR process (for example, LAER),
2556 even though they have also become subject to the PAL or continue to be
2557 subject to the PAL.

2558
2559 4) The PAL permit must require that the increased PAL level must be
2560 effective on the day any emissions unit that is part of the PAL major
2561 modification becomes operational and begins to emit the PAL pollutant.

2562
2563 b) The Agency must calculate the new PAL as the sum of the allowable emissions
2564 for each modified or new emissions unit, plus the sum of the baseline actual
2565 emissions of the significant and major emissions units (assuming application of
2566 BACT equivalent controls as determined in compliance with subsection (a)(2)),
2567 plus the sum of the baseline actual emissions of the small emissions units.

2568
2569 c) The PAL permit must be revised to reflect the increased PAL level in compliance
2570 with the public notice requirements of Section 203.2320.

2571
2572 (Source: Added at 48 Ill. Reg. _____, effective _____)

2573
2574 **Section 203.2390 Monitoring Requirements**

2575
2576 a) General requirements.

2577
2578 1) Each PAL permit must contain enforceable requirements for the
2579 monitoring system that accurately determines plantwide emissions of the
2580 PAL pollutant in terms of mass per unit of time. Any monitoring system
2581 authorized for use in the PAL permit must be based on sound science and
2582 meet generally acceptable scientific procedures for data quality and
2583 manipulation. Additionally, the information generated by the system must
2584 meet minimum legal requirements for admissibility in a judicial
2585 proceeding to enforce the PAL permit.
2586

- 2587 2) The PAL monitoring system must employ one or more of the four general
2588 monitoring approaches meeting the performance requirements in
2589 subsection (b)(1) through (4) and must be approved by the Agency.
2590
- 2591 3) Despite subsection (a)(2), the owner or operator may also employ an
2592 alternative monitoring approach that meets subsection (a)(1) if approved
2593 by the Agency.
2594
- 2595 4) Failure to use a monitoring system that meets the requirements of this
2596 Section renders the PAL invalid.
2597
- 2598 b) Performance requirements for approved monitoring approaches. The following
2599 are acceptable general monitoring approaches when conducted in compliance
2600 with the requirements in subsections (c) through (i):
2601
- 2602 1) Mass balance calculations for activities using coatings or solvents;
2603
- 2604 2) CEMS;
2605
- 2606 3) CPMS or PEMS; and
2607
- 2608 4) Emission factors.
2609
- 2610 c) Mass balance calculations. An owner or operator using mass balance calculations
2611 to monitor PAL pollutant emissions from activities using coating or solvents must
2612 meet the following requirements:
2613
- 2614 1) Provide a demonstrated means of validating the published content of the
2615 PAL pollutant that is contained in or created by all materials used in or at
2616 the emissions unit;
2617
- 2618 2) Assume that the emissions unit emits all of the PAL pollutant that is
2619 contained in or created by any raw material or fuel used in or at the
2620 emissions unit, if it cannot otherwise be accounted for in the process; and
2621
- 2622 3) Where the vendor of a material or fuel, which is used in or at the
2623 emissions unit, publishes a range of pollutant content from such material,
2624 the owner or operator must use the highest value of the range to calculate
2625 the PAL pollutant emissions unless the Agency determines there is site-
2626 specific data or a site-specific monitoring program to support another
2627 content within the range.
2628

- 2629 d) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions
2630 must meet the following requirements:
2631
- 2632 1) CEMS must comply with applicable Performance Specifications found in
2633 40 CFR Part 60, Appendix B; and
2634
 - 2635 2) CEMS must sample, analyze and record data at least every 15 minutes
2636 while the emissions unit is operating.
2637
- 2638 e) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL
2639 pollutant emissions must meet the following requirements:
2640
- 2641 1) The CPMS or the PEMS must be based on current site-specific data
2642 demonstrating a correlation between the monitored parameter(s) and the
2643 PAL pollutant emissions across the range of operation of the emissions
2644 unit; and
2645
 - 2646 2) Each CPMS or PEMS must sample, analyze, and record data at least every
2647 15 minutes, or at another less frequent interval approved by the Agency,
2648 while the emissions unit is operating.
2649
- 2650 f) Emission factors. An owner or operator using emission factors to monitor PAL
2651 pollutant emissions must meet the following requirements:
2652
- 2653 1) All emission factors must be adjusted, if appropriate, to account for the
2654 degree of uncertainty or limitations in the factors' development;
2655
 - 2656 2) The emissions unit must operate within the designated range of use for the
2657 emission factor, if applicable; and
2658
 - 2659 3) If technically practicable, the owner or operator of a significant emissions
2660 unit that relies on an emission factor to calculate PAL pollutant emissions
2661 must conduct validation testing to determine a site-specific emission factor
2662 within 6 months of PAL permit issuance, unless the Agency determines
2663 that testing is not required.
2664
- 2665 g) A source owner or operator must record and report maximum potential emissions
2666 without considering enforceable emission limitations or operational restrictions
2667 for an emissions unit during any period of time that there is no monitoring data,
2668 unless another method for determining emissions during the periods is specified
2669 in the PAL permit.
2670

2671 h) Despite the requirements in subsections (c) through (g), where an owner or
2672 operator of an emissions unit cannot demonstrate a correlation between the
2673 monitored parameter or parameters and the PAL pollutant emissions rate at all
2674 operating points of the emissions unit, the Agency must, at the time of permit
2675 issuance:

2676
2677 1) Establish default value or values for determining compliance with the PAL
2678 based on the highest potential emissions reasonably estimated at such
2679 operating point or operating points; or

2680
2681 2) Determine that operation of the emissions unit during operating conditions
2682 when there is no correlation between monitored parameter or parameters
2683 and the PAL pollutant emissions is a violation of the PAL.

2684
2685 i) Re-validation. All data used to establish the PAL pollutant must be re-validated
2686 through performance testing or other scientifically valid means approved by the
2687 Agency. Re-validation must occur at least once every 5 years after issuance of the
2688 PAL.

2689
2690 (Source: Added at 48 Ill. Reg. _____, effective _____)
2691

2692 **Section 203.2400 Recordkeeping Requirements**

2693
2694 a) The PAL permit must require an owner or operator to retain a copy of all records
2695 necessary to determine compliance with any requirement of this Subpart and of
2696 the PAL, including a determination of each emissions unit's 12-month rolling total
2697 emissions, for 5 years from the date of the record.

2698
2699 b) The PAL permit must require an owner or operator to retain a copy of the
2700 following records for the duration of the PAL effective period plus 5 years:

2701
2702 1) A copy of the PAL permit application and any applications for revisions to
2703 the PAL; and

2704
2705 2) Each annual certification of compliance under Section 39.5(7)(p)(v) of the
2706 Act and the data relied on in certifying the compliance.

2707
2708 (Source: Added at 48 Ill. Reg. _____, effective _____)
2709

2710 **Section 203.2410 Reporting and Notification Requirements**

2711

2712 The owner or operator must submit semi-annual monitoring reports and deviation reports to the
2713 Agency in compliance with the CAAPP. The reports must meet the requirements in subsections
2714 (a) through (c).

2715

2716 a) Semi-annual report. The semi-annual report must be submitted to the Agency
2717 within 30 days of the end of each reporting period. This report must contain the
2718 information required in subsections (a)(1) through (7).

2719

2720 1) The identification of owner and operator and the permit number.

2721

2722 2) Total annual emissions (tons/year) based on a 12-month rolling total for
2723 each month in the reporting period recorded under Section 203.2400(a).

2724

2725 3) All data relied upon, including any Quality Assurance or Quality Control
2726 data, in calculating the monthly and annual PAL pollutant emissions.

2727

2728 4) A list of any emissions units modified or added to the major stationary
2729 source during the preceding 6-month period.

2730

2731 5) The number, duration, and cause of any deviations or monitoring
2732 malfunctions (other than the time associated with zero and span calibration
2733 checks), and any corrective action taken.

2734

2735 6) A notification of a shutdown of any monitoring system, whether the
2736 shutdown was permanent or temporary, the reason for the shutdown, the
2737 anticipated date that the monitoring system will be fully operational or
2738 replaced with another monitoring system, and whether the emissions unit
2739 monitored by the monitoring system continued to operate, and the
2740 calculation of the emissions of the pollutant or the number determined by
2741 method included in the permit, as provided by Section 203.2390(g).

2742

2743 7) A signed statement by the responsible official (as defined by the CAAPP)
2744 certifying the truth, accuracy, and completeness of the information
2745 provided in the report.

2746

2747 b) Deviation report. The major stationary source owner or operator must promptly
2748 submit reports of any deviations or exceedance of the PAL requirements,
2749 including periods where no monitoring is available. A report submitted under 40
2750 CFR 70.6(a)(3)(iii)(B) will satisfy this reporting requirement. The deviation
2751 reports must be submitted within the time limits prescribed by the applicable
2752 program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports must contain the
2753 following information:

2754

- 2755 1) The identification of owner and operator and the permit number;
2756
2757 2) The PAL requirement that experienced the deviation or that was exceeded;
2758
2759 3) Emissions resulting from the deviation or the exceedance; and
2760
2761 4) A signed statement by the responsible official (as defined by the CAAPP)
2762 certifying the truth, accuracy, and completeness of the information
2763 provided in the report.
2764
2765 c) Re-validation results. The owner or operator must submit to the Agency the
2766 results of any re-validation test or method within 3 months after completion of
2767 such test or method.
2768

2769 (Source: Added at 48 Ill. Reg. _____, effective _____)
2770

2771 **Section 203.2420 Transition Requirements**
2772

2773 The Agency may not issue a PAL that does not comply with the requirements in this Subpart.
2774

2775 (Source: Added at 48 Ill. Reg. _____, effective _____)
2776

2777 **SUBPART R: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN**
2778 **ATTAINMENT AND UNCLASSIFIABLE AREAS**
2779

2780 **Section 203.2500 Applicability**
2781

- 2782 a) In any area designated as attainment or unclassifiable under Sections
2783 107(d)(1)(A)(ii) or (iii) of the CAA (42 U.S.C. 7407(d)(1)(A)(ii) or (iii)), a person
2784 must not begin actual construction of a new major stationary source or major
2785 modification if the emissions from the major stationary source or major
2786 modification would cause or contribute to a violation of any NAAQS, except as in
2787 compliance with this Subpart.
2788
2789 b) This Subpart will not apply to a major stationary source or major modification for
2790 a particular pollutant if the owner or operator demonstrates that, as to that
2791 pollutant, the source or modification is located in an area designated as
2792 nonattainment under section 107 of the CAA (42 U.S.C. 7407).
2793
2794 c) The applicability of 35 Ill. Adm. Code Part 204 is not affected by the applicability
2795 of this Subpart.
2796

2797 (Source: Added at 48 Ill. Reg. _____, effective _____)

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Section 203.2510 Criteria

For this Subpart, the emissions from a new major stationary source or major modification will be considered to cause or contribute to a violation of a NAAQS if the source or modification would exceed the following significance levels at any locality that does not or would not meet the applicable NAAQS.

<u>Pollutant</u>	<u>Significant Level (µg/m³)</u>				
	<u>Annual Average</u>	<u>24-hour Average</u>	<u>8-hour Average</u>	<u>3-hour Average</u>	<u>1-hour Average</u>
<u>SO₂</u>	<u>1.0</u>	<u>5</u>		<u>25</u>	
<u>PM₁₀</u>	<u>1.0</u>	<u>5</u>			
<u>PM_{2.5}</u>	<u>0.3</u>	<u>1.2</u>			
<u>NO₂</u>	<u>1.0</u>				
<u>CO</u>			<u>500</u>		<u>2,000</u>

2806
2807
2808

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2520 Requirements

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If the owner or operator of the proposed major stationary source or major modification does not fulfill the requirements of both subsections (a) and (b), the Agency must deny the proposed construction.

2815
2816
2817
2818
2819

a) The owner or operator must reduce the impact of its emissions on air quality by obtaining sufficient emissions reductions to compensate for its adverse ambient impact when the major stationary source or major modification would otherwise cause or contribute to a violation of a NAAQS; and

2820
2821
2822
2823

b) The owner or operator must comply with the requirements of Section 203.1410(c) and (e), Section 203.1420, Section 203.1430, Section 203.1440(a), Section 203.1460, and Section 203.1500.

2824
2825

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 203.2530 Construction Permit

2827
2828
2829

a) The Agency must only issue a construction permit for a new major stationary source or a major modification that is subject to the requirements of this Subpart

2830 if the Agency determines that the source meets all applicable requirements of this
2831 Subpart.

2832
2833 b) The Agency must include in any construction permit issued under this Subpart,
2834 conditions specifying the manner in which the applicable requirements of this
2835 Subpart are met.

2836
2837 c) In issuing a permit under this Subpart, the Agency must follow the public
2838 participation procedures of Section 203.1610 or Section 204.1320 of 35 Ill. Adm.
2839 Code Part 204 as applicable.

2840
2841 (Source: Added at 48 Ill. Reg. _____, effective _____)