

ILLINOIS POLLUTION CONTROL BOARD

April 5, 2001

IN THE MATTER OF:)	
)	
PROPOSED AMENDMENTS TO 35 ILL.)	R01-16
ADM. CODE 217.SUBPART V, ELECTRIC)	(Rulemaking – Air)
POWER GENERATION)	

Adopted Rule. Final Order.

OPINION AND ORDER OF THE BOARD (by M. McFawn):

Today the Board adopts rules to implement a program to control the emission of nitrogen oxides (NO_x) emissions from fossil fuel-fired electrical generating units (EGUs) in Illinois. The program limits the amount of NO_x emitted at EGUs during the ozone control period, which is May 1 through September 30 of each calendar year, beginning in 2003. The principal control element of this program is a rate-based NO_x emission limitation of 0.25 pounds of NO_x per heat input of million British thermal units (0.25 lbs/mmbtu) of actual heat input. The remaining rules regulate how compliance with the rate-based rule is to be monitored, demonstrated and reported at EGUs statewide.

This rate-based emission limitation program is intended to satisfy one of the State’s several obligations under the federal Clean Air Act Amendments of 1990 (CAAA) 42 U.S.C.S. § 7401 *et seq.* Under the CAAA, Illinois is obligated to submit a State Implementation Plan (SIP) that demonstrates attainment for the moderate ozone nonattainment area of Metro-East/St. Louis (hereinafter referred to as Metro-East NAA.) Section 107(a) of the CAAA (42 U.S.C.§ 7407(a) (1990)) imposes on the State the primary responsibility for ensuring that Illinois meet the National Ambient Air Quality Standards (NAAQS) for ozone. The State is required thereunder to submit a SIP that specifies emission limitations, controls, and other measures necessary for the attainment and enforcement of the NAAQS for ozone in this State.

Today’s opinion provides an explanation of the NO_x rules hereby adopted as final as Subpart V, Part 217 of the Board’s air regulations. The opinion also presents an update to the federal and judicial background of Illinois’ obligations to implement these rules, including the United States Environmental Protection Agency’s (USEPA) most recent action impacting the Metro-East NAA. For a more complete review of this background, as well as a detailed explanation of the rules, see the Board’s second-notice opinion and order. Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation (February 15, 2001), R01-16.

PROCEDURAL HISTORY

The Illinois Environmental Protection Agency (Agency) filed this rulemaking proposal with the Board on October 16, 2000. The Board adopted the rules as proposed by the Agency for first notice on October 19, 2000. See Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation (October 19, 2000), R01-16. The first-notice rules were published in the *Illinois Register* on November 3, 2000. 45 Ill. Reg. 16,200.

The Board held public hearings in this matter in Chicago, Illinois, on November 28, 2000, and December 19, 2000, before Board Hearing Officer Bobb Beauchamp, and Board Member Marili McFawn.¹ Hearings were scheduled and conducted in accordance with Section 28.5 of the Act. 415 ILCS 5/28.5 (1998). Section 28.5 provides for “fast-track” adoption of certain regulations necessary for compliance with the CAAA.

The Agency presented a number of witnesses to testify and answer questions on behalf of its proposal. Ameren Corporation was the only member of the regulated community to pre-file testimony for the hearings. Midwest Generation also provided testimony during the hearings.

Section 27(b) of the Act requires the Board to request that the Department of Commerce and Community Affairs (DCCA) conduct a study of the economic impact of any proposed rules, and to conduct at least one public hearing on the economic impact of those proposed rules (415 ILCS 5/27(b) (1998)). The Board requested DCCA conduct such a study in an October 26, 2000 letter. At the December 19, 2000 hearing, the Board hearing officer stated that the Board would rely on a March 10, 2000 DCCA letter stating that DCCA would not conduct economic impact studies on rules pending before the Board. Tr.2 at 6-7. The Board hearing officer asked for, but did not receive, any comments on the economic impact of these rules. Tr.2 at 35-36.

The record in this matter closed on January 5, 2001, as required at Section 28.5(l) of the Act. On December 26, 2000, the Agency filed a motion to amend the rules adopted for first notice, and the “Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking.” The Board also received three timely filed public comments: Dominion Generation (PC 1), the Agency (PC 2), and Midwest Generation (PC 3). Ameren Corporation filed a public comment on January 10, 2001 (PC 4).²

On February 15, 2001, the Board adopted its second-notice opinion and order, and sent this matter to the Joint Committee on Administrative Rules (JCAR) for its consideration. See Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation (February 15, 2001), R01-16. JCAR requested, and the Board agreed to, a few minor changes to the rules proposed at second notice. JCAR then considered the proposed rules at its March 20, 2001 meeting and voted no objection.

¹ The transcripts of the hearing will be cited as “Tr.1 at ___” and “Tr.2 at ___.”

² The public comments filed in this rulemaking will be referred to as “PC ___ at ___.”

JUDICIAL ACTIVITY UPDATE

The Board's second-notice opinion contains an overview of the events leading to Illinois' commitment to demonstrate attainment in the Metro-East NAA. See Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation (February 15, 2001), R01-16, slip. op. at 4-8. Since that order, the United States Environmental Protection Agency (USEPA) has responded to the January 29, 2001 order from the U.S. District Court for the District of Columbia by issuing a document entitled "Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois (66 Fed. Reg. 15578, March 19, 2001). In that document, USEPA declares its finding that the Metro-East NAA failed to attain the 1-hour ozone NAAQS, and that by operation of law the area will be reclassified from a moderate to a serious nonattainment area on the effective date of the rule, or May 18, 2001. USEPA also states that it intends to withdraw this determination if USEPA "grants the states an attainment date extension before the effective date of the determination of nonattainment and reclassification." 66 Fed. Reg. 15580, March 19, 2001.

Today's ruling will allow the Agency to submit adopted Subpart V as a SIP revision before the effective date of USEPA's determination.

RATE-BASED NO_x EMISSION LIMITATION RULES

The purpose of this Subpart V program, as set forth at Section 217.700, is to control NO_x emissions from EGUs during the ozone control period (May 1 through September 30 of each year, beginning in 2003). The method for controlling NO_x emissions under Subpart V is also summarized at Section 271.700. That control is to be achieved by limiting the emissions of NO_x from EGUs to no more than 0.25 lbs NO_x/mmbtu of actual heat input during the ozone control period. 35 Ill. Adm. Code 217.700.

Applicability

Subpart V applies to large EGUs in the entire State of Illinois. There are 103 existing large EGUs owned by nine electric utility companies that the regulations are expected to affect. These are the EGUs listed at Appendix F of Subpart 217, adopted in R01-9 as part of the NO_x Trading Program. Tr.1 at 55-58.

Section 217.704 specifically provides in pertinent part that Subpart V will apply to the following EGUs:

- (a) any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D, or added to Appendix D; and (emphasis added)

- (b) any unit with a maximum design heat input that is greater than 250 mmbtu/hr, that commenced operation on or after January 1, 1999, that serves at any time a generator that has a nameplate capacity of 25MWe or less, and, that has the potential to use more than 50% of a unit's potential electrical output capacity of the unit.

The rules will apply to the same EGUs that are covered by Subpart W. The language at Section 217.704(a) is the same as that at Section 217.754(a) of Subpart W, except for the language underlined above. The non-EGUs that are excluded from Subpart V are those listed at or later added to Appendix D, which was adopted with Subpart W. They are excluded because their primary business is not the production of electricity, and these sources were not modeled at the 0.25 lbs/mmbtu emission rate in the State's attainment demonstration for the Metro-East NAA. Tr.1 at 56.

Pursuant to Section 217.704(b), Subpart V also applies to emission units commencing operation after January 1, 1999, and provides the method to determine whether a large (more than 250 million Btu per hour heat capacity) unit is designed primarily for production of electricity rather than to provide steam or heat for process emission units.

Emission Limitations

Section 217.706(a) provides the actual rate-based emission limitation. This section prohibits any owner or operator from causing or allowing NO_x emissions from affected EGUs to exceed 0.25 lbs/mmbtu of actual heat input during each ozone control period, based on a control period average for that unit. The rule also states that any affected EGU subject to a NO_x emission limitation more stringent than 0.25 lbs/mmbtu must comply with Subpart V's requirements as well as the more stringent emission limitation. This section also provides that the emission limitation may be achieved by individual units participating in an averaging demonstration pursuant to the provisions of Section 217.708. Tr.1 at 58.

NO_x Averaging

At Section 217.708, specified EGUs are allowed to meet the 0.25 lbs/mmbtu emission limitation through NO_x averaging for the ozone control period. Owners and operators of EGUs listed in Appendix F of Part 217 may demonstrate compliance by averaging for a control period the NO_x emission rates with any other EGUs listed in that appendix.³ Appendix F lists those EGUs that commenced operation on or before January 1, 1995. The mathematical representation of the averaging formula is given in subsection (b) of Section 217.708. Tr.1 at 58-60.

³ Appendix F was adopted on December 21, 2000, in R01-9. 35 Ill. Adm. Code 217.Subpart W, the NO_x Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 And 217 (December 21, 2000), R01-9.

Section 217.708(a) also provides that Soyland Power (Soyland) is allowed to use NO_x averaging for any EGUs at its Alsey, Illinois facility that commenced operation on or before January 1, 2000. Soyland is a rural electric cooperative in Alsey, Illinois, that recently developed a peaking station with used turbines. Tr.1 at 102. The Agency testified that Soyland's used turbines cannot comply with the proposed NO_x emission rate because of their age. The Agency explained further that it is not feasible for Soyland to take measures to reduce emissions from these turbines due to their age and because they are operated as peaking units. Tr.1 at 103. Because of the date they began operating, these turbines qualify as new units. Tr.1 at 102. Absent such a specified rule, new EGUs cannot use the NO_x averaging rule to demonstrate compliance. The Agency concluded that the purpose of including Soyland in the proposed averaging rule is to accommodate that very special circumstance of this rural cooperative. Tr.1 at 103. Thus, the EGUs listed at Appendix F and those at Soyland's Alsey, Illinois facility may average their emission rates to demonstrate compliance with Subpart V's rate-based emission limitation. If they elect to do so, the provisions of Section 217.708 are applicable.

Section 217.708(c) provides that emission averaging must be conducted via federally enforceable permit conditions, and subsection (d) allows each unit to be included only once in a NO_x averaging demonstration during a control period. Subsection (d) is included to prevent "double-counting" of overcomplying emission units. As explained by the Agency, the difference in allowable and actual emission from each averaging unit can be used only one time by other under-complying units. Tr.1 at 60.

EGUs electing to use averaging must demonstrate compliance by November 30 following each ozone control period. If compliance is not demonstrated, the compliance status of each EGU participating in the NO_x averaging demonstration will be determined as if the emissions rates of the EGUs were not averaged. Section 217.708(e) and (f). Tr.1 at 60. Finally, under Section 217.708(g) NO_x averaging is precluded if an owner or operator of an EGU involved in averaging fails to maintain or submit to the Agency the required records, data or reports.

When read together, these subsections provide that in the event an EGU involved in NO_x averaging fails to maintain the necessary records, none of the EGUs involved may demonstrate compliance through averaging. Each EGU will have to individually demonstrate compliance with the 0.25 lbs/mmbtu emission limitation, not just those failing to maintain or submit their reports. Pursuant to Section 217.706, that compliance demonstration will be based on a control period average for each EGU involved. Tr.1 at 60.

Monitoring, Reporting, and Recordkeeping

At first notice, Section 217.710 required each EGU to have continuous monitoring systems (CEMS) for NO_x that met the requirements of 40 C.F.R. Part 75, subpart B. Also at

first notice, Section 217.712 required owners and operators of EGUs subject to Subpart V to comply with the NO_x emissions recordkeeping and reporting requirements of 40 C.F.R. Part 75.

Midwest Generation suggested that a second, alternative monitoring requirement be added for low capacity factor EGUs. Tr.1 at 84-85. The Agency agreed and suggested new language that provides an alternative method to determine the heat input and NO_x emissions of a combustion turbine that operates less than 350 hours per control period. Agency Motion to Amend at pages 2-3. The Board agrees that the new language will reduce the burden on low capacity factor EGUs, and added new language at Section 217.710(c) and 217.712(b). Section 217.710(c) defines a low capacity factor EGU as a combustion turbine that operates less than 350 hours per ozone control period. To determine NO_x emissions from those types of units, the owners or operators may use certain default emission factors and a heat input derived from either metered fuel usage or a calculation based upon the turbine's maximum hourly heat input and its hours of operation. This alternative to the Part 75 monitoring requirements otherwise required at Section 217.710(a) is limited to low capacity factor EGUs.

TECHNICAL AND ECONOMIC CONSIDERATIONS

Section 27(a) of the Act requires that in promulgating regulations, the Board "shall take into account . . . the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution." 415 ILCS 5/27(a) (1998). Based on the NO_x SIP Call and supporting documents, the Agency determined that the control techniques required for EGUs to comply with the 0.25 lbs/mmbtu emission limit are technically feasible and economically reasonable.⁴ See Exh. 1; Tr.1 at 71-78. The Agency based its analysis of the cost impact of complying with the proposed rules on USEPA's Alternative Control Techniques document (ACT). In the ACT, USEPA presents three measures of cost of NO_x control: total capital costs, total annual costs, and cost effectiveness. Tr.1 at 66-67.

⁴ See 63 Fed. Reg. 57,356, 399-402, 412-414, 456-458 (Oct. 27, 1998). See generally Alternative Control Techniques Document B NO_x Emissions from Utility Boilers, EPA-453/R-94-023, March 1994, USEPA, OAQPS, Research Triangle Park, NC 27711; Alternative Control Techniques Document B NO_x Emissions from Stationary Gas Turbines, EPA-43/R-91-007, January 1993, USEPA, OAQPS, Research Triangle park, NC 27711; Regulatory Impact Analysis for NO_x SIP Call, FIP and Section 126 Petitions, Volume 1: Costs and Economic Impacts, EPA-452/R-98-003, September 1998, USEPA, Office of Air and Radiation, Washington, D.C. 20460; Electric Power Generation Cost Analysis for Compliance with EPA's Final Rule Regional NO_x Emission Reductions for 2003, prepared for USDOE, Federal Energy Technology Center; Development of Emissions Budget Inventories for Regional Transport NO_x SIP Call Technical Amendment Version, A-96-56:X-B-11 USEPA/OAQPS, December 1999; and Technical Support Document for Control of Nitrogen Oxide Emissions in Electrical Power Generation, AQPSTR 00-3, October 2000.

To determine cost effectiveness, the Agency used information generated by USEPA based on a NO_x control level of 0.15 lbs/mmbtu. Tr.1 at 77. The Agency estimates that the cost effectiveness to comply with a 0.25 lbs/mmbtu NO_x emission rate with no cap and trading program to be \$1,465 (1990 dollars) per ton of NO_x removed in the 2003 control period. Tr.1 at 78.

As discussed in our second-notice opinion, the Board finds that the proposed regulations for reducing NO_x emissions from large EGUs are technically feasible and economically reasonable.

CONCLUSION

Pursuant to federal law and other obligations of the State of Illinois, large EGUs in Illinois are required to significantly reduce emissions of NO_x during the ozone control season. More specifically in this rulemaking, the State is required to adopt a SIP that will demonstrate attainment in the Metro-East NAA for ozone. This must be achieved by reducing NO_x emissions from large EGUs during the ozone control period beginning in 2003. These rules are premised upon an emission rate based limitation of 0.25 lbs/mmbtu and are applicable statewide. Both elements are supported by the modeling performed by the Agency, and its commitments in judicial proceedings and its response to USEPA NO_x SIP Call and USEPA's Extension Policy. With this rulemaking, those obligations are satisfied in a method that is equitable and economical.

The Board acknowledges and appreciates the extensive effort undertaken by both the Agency and members of the regulated community throughout this rulemaking. In conclusion, the Board finds that this rate-based emission limitation rule and the program for implementing it, address the needs of the State and the regulated community. Accordingly, we adopt as final amendments to Subpart v or Part 217 of the Board's rules the following:

ORDER

The Board hereby adopts these amendments to 35 Ill. Adm. Code 217. The Board directs the Clerk of the Board to file these adopted rules with the Secretary of State.

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c : EMISSION STANDARDS AND LIMITATIONS FOR STATIONARY
SOURCES

PART 217
NITROGEN OXIDES EMISSIONS

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SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

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SUBPART K: PROCESS EMISSION SOURCES

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217.301	Industrial Processes

SUBPART O: CHEMICAL MANUFACTURE

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217.381	Nitric Acid Manufacturing Processes

SUBPART T: CEMENT KILNS

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SPECIFIED NO_x GENERATING UNITS

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217.452	Severability
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SUBPART W: NO_x TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

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217.762	Methodology for Calculating NO _x Allocations for Budget Electrical Generating Units (EGUs)
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217.770	Early Reduction Credits for Budget EGUs
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Appendix D	Non-Electrical Generating Units
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Appendix F	Allowances for Electrical Generating Units

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

Source: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. _____, effective _____.

SUBPART V: ELECTRIC POWER GENERATION

Section 217.700	Purpose
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The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) from electrical generating units (EGUs) during the ozone control period (for purposes of Subpart V, the ozone control period is May 1 through September 30 of each year, beginning in 2003), by limiting the emissions of NO_x from EGUs to no more than 0.25 lbs/mmbtu of actual heat input during each ozone control period.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.702 Severability

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

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.704 Applicability

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

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

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.706 Emission Limitations

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

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

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.708 NO_x Averaging

- a) Notwithstanding Section 217.706(a) of this Subpart, the owners or operators of EGUs listed in Appendix F of this Part and the owner or operator of Soyland Power may elect to demonstrate compliance with this Subpart by averaging for the ozone control period the NO_x emission rates with any EGU listed in Appendix F or any EGU at Soyland Power's Alsey Illinois facility that commenced commercial operation on or before January 1, 2000.
- b) The average NO_x emission rate for all EGUs being averaged pursuant to this Section must not exceed 0.25 lbs/mmbtu and shall be determined as follows:

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

Where:

ER_{avg} = average emission rate in lbs/mmbtu of all EGUs in averaging demonstration

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

ER_i = actual NO_x emission rate of EGU i, in lbs/mmbtu, as specified in the NO_x averaging demonstration

n = number of EGUs that are averaging

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

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.710 Monitoring

- a) The owner or operator of an EGU subject to this Subpart shall install, calibrate, maintain and operate continuous emissions monitoring systems (CEMS) for NO_x that meet the requirements of 40 CFR 75, subpart B.
- b) Notwithstanding subsection (a), the owner or operator of a gas-fired peaking unit or oil-fired peaking unit as defined in 40 CFR 72.2 may determine NO_x emissions in accordance with the emissions estimation protocol of 40 CFR 75, subpart E.
- c) Notwithstanding subsection (a), the owner or operator of a combustion turbine that operates less than 350 hour per ozone control period may determine the heat input and NO_x emissions of the turbine as follows:
 - 1) Heat input shall be determined from the metered fuel usage to the turbine or the calculated heat input determined as the product of the turbine's maximum hourly heat input and hours of operation as recorded by operating instrumentation on the turbine;

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

0.7 lbs/mmbtu - Natural gas

1.2 lbs/mmbtu - Fuel oil

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 217.712 Reporting and Recordkeeping

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

- a) Comply with the recordkeeping and reporting requirements of 40 CFR 75 applicable to NO_x emissions during the ozone control period, including, but not limited to, 40 CFR 75.54(b) and (d), incorporated by reference in Section 217.104 of this Part.
- b) Notwithstanding subsection (a), the owner or operator of a combustion turbine for which heat input and NO_x emissions are determined pursuant to Section 217.710(c) of this Subpart shall comply with the following recordkeeping and reporting requirements:
 - 1) Maintain records of the heat input and NO_x emissions of the turbine as determined in accordance with Section 217.710(c) of this Subpart, and records of metered fuel use or operating hours used to determine heat input; and
 - 2) Annually report the heat input and NO_x emissions of the turbine as determined in accordance with Section 217.710(c) of this Subpart, for each ozone control period, by November 30 of each year.
- c) Submit, with the report required under subsection (c) of this Section, the following certification statement, to be signed by a responsible official:

“I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief after due inquiry, true, accurate, and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Signature

Name

Official Title

Telephone No.

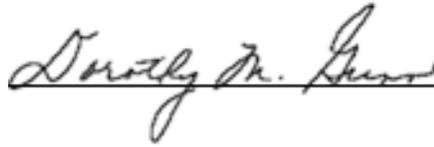
Date Signed

- d) If demonstrating compliance through Section 217.706(a) of this Subpart, by November 30 of each year beginning in 2003, submit to the Agency a report that demonstrates each EGU has not exceeded a NO_x emission rate of 0.25 lbs/mmbtu during the ozone control period.
- e) If demonstrating compliance through Section 217.708 of this Subpart, by November 30 of each year beginning in 2003, submit to the Agency a report that demonstrates the following:
 - 1) For all EGUs participating in the averaging demonstration, the averaged ozone control period NO_x emission rate pursuant to the equation in Section 217.708(b) of this Subpart;
 - 2) The average ozone control period NO_x emission rate of each EGU participating in the averaging demonstration; and
 - 3) The information required to determine the averaged NO_x emission rate pursuant to Section 217.708(b) of this Subpart.
- f) Keep and maintain, for 5 years, all records and data necessary to demonstrate compliance with the requirements of this Subpart, and upon request make such records and data available to Agency and USEPA representatives for inspection and copying during working hours.
- g) Submit copies of any records and data required by this Section to the Agency within 30 days after receipt of a written request by the Agency.

(Source: Added at 25 Ill. Reg. _____, effective _____)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 5th day of April 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board