

Electronic Filing: Received, Clerk's Office 06/10/2024 P.C. #17

From: [McGill, Richard](#)
To: [Brown, Don](#)
Cc: [Pauley, Daniel](#); [Bilbruck, Shannon O.](#)
Subject: FW: JCAR comments on 35-203-24-06574
Date: Monday, June 10, 2024 4:37:06 PM
Attachments: [35-203-24-06574 comments.docx](#)
[image001.png](#)

Good afternoon, Mr. Clerk:

Please docket, as a public comment in R22-17, this email message and its attachment of comments from JCAR.

Thank you.

Richard R. McGill, Jr.
Senior Attorney for Research & Writing
Illinois Pollution Control Board
60 E. Van Buren St., Suite 630
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(312) 814-6983
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From: Rivas, Tobias <TobiasR@ilga.gov>
Sent: Monday, June 10, 2024 3:55 PM
To: McGill, Richard <Richard.McGill@illinois.gov>
Subject: [External] JCAR comments on 35-203-24-06574

Good afternoon,

Please see the attached for a few stylistic recommendations on the mentioned rulemaking.

Additionally, I'm curious to what degree the contents of this rulemaking are determined by the federal Clean Air Act and the underlying NA NSR program. For example, is the definition of "Actual Emissions" at Section 203.1040 of the Proposed given to you federally, or is it something that the Board wrote but that must comply with certain federal guidelines? Have you received significant public comment on this rulemaking so far?

Best,

Toby Rivas
Joint Committee on Administrative Rules
(217) 785-2254
TobiasR@ilga.gov

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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
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6 PART 203
7 MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION
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35	203.150	Public Participation
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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)

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SUBPART R: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
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<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.

Commented [RT1]: Recommend adding the actual date

Commented [RT2]: Add the date

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- 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:

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

Commented [RT3]: Recommend quotes instead of italics, because italics could be confused for statutory text

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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

(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 _____)

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305 **Section 203.1040 Actual Emissions**
306

- 307 a) "Actual Emissions" means the actual rate of emissions of a regulated NSR
308 pollutant from an emissions unit as determined in compliance with subsections (b)
309 through (c), except that this definition does not apply for calculating whether a
310 significant emissions increase has occurred, or for establishing a PAL under
311 Subpart Q. Instead, Section 203.1070 and Section 203.1320 will apply for those
312 purposes.
313
314 b) In general, actual emissions as of a particular date must equal the average rate, in
315 tons per year, at which the unit actually emitted the pollutant during a consecutive
316 24-month period which precedes the particular date and which is representative of
317 normal source operation. The Agency must allow the use of a different time
318 period upon a demonstration by the applicant to the Agency that the time period is
319 more representative of normal source operation. The demonstration may include,
320 operating records or other documentation of events or circumstances indicating
321 that the preceding 24-month period is not representative of normal source
322 operations. Actual emissions must be calculated using the unit's actual operating
323 hours, production rates, and types of materials processed, stored or combusted
324 during the selected time period.
325
326 c) For any emissions unit which has not begun normal operations on the particular
327 date, actual emissions must equal the potential to emit of the unit on that date.
328

329 (Source: Added at 48 Ill. Reg. _____, effective _____)
330

331 **Section 203.1050 Allowable Emissions**
332

333 "Allowable emissions" means the emissions rate of a stationary source calculated using the
334 maximum rated capacity of the source (unless the source is subject to federally enforceable limits
335 which restrict the operating rate, or hours of operation, or both) and the most stringent of the
336 following:
337

- 338 a) The applicable standards in 40 CFR Parts 60, 61, 62 and 63, incorporated by
339 reference in Section 203.1000;
340
341 b) The applicable SIP emissions limitation, including those with a future compliance
342 date; or
343
344 c) The emissions rate specified as a federally enforceable permit condition including
345 those with a future compliance date.
346

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(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

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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.
- 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

Commented [RT4]: If a proposal is not final, it typically is not effective and should not be enforced. Can you explain the intent here?

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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 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).

(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).

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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

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- 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

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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

"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:

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- 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.
- 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

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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.](#)

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

656
657 **Section 203.1180 Federally Enforceable**

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

666
667
668 (Source: Added at 48 Ill. Reg. _____, effective _____)

669
670 **Section 203.1190 Fugitive Emissions**

671 ["Fugitive emissions" means those emissions which could not reasonably pass through a stack,](#)
672 [chimney, vent or other functionally equivalent opening.](#)

673
674
675 (Source: Added at 48 Ill. Reg. _____, effective _____)

676
677 **Section 203.1200 Good Engineering Practice**

678
679 a) ["Good engineering practice," for stack height, means the greater of:](#)

680
681 1) [65 meters, measured from the ground-level elevation at the base of the](#)
682 [stack;](#)

683
684 2) [The following:](#)
685
686

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- 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 $H_g = 2.5H,$

691
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 $H_g = H + 1.5L$

699
700 where:

701 H_g = good engineering practice stack height, measured
702 from the ground-level elevation at the base of the
703 stack;

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

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

- 709
710 3) The height demonstrated by a fluid model or a field study approved by the
711 USEPA or the Agency, which ensures that the emissions from a stack do
712 not result in excessive concentrations of any air pollutant as a result of
713 atmospheric downwash, wakes, or eddy effects created by the source
714 itself, nearby structures or nearby terrain features.

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

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

718 **Section 203.1210 Lowest Achievable Emission Rate**

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

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- 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

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- 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.
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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:

- 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:

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- 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:
 - 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.

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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 1) Coal cleaning plants (with thermal dryers);

905 2) Kraft pulp mills;

906 3) Portland cement plants;

907 4) Primary zinc smelters;

908 5) Iron and steel mills;

909 6) Primary aluminum ore reduction plants;

910 7) Primary copper smelters;

911 8) Municipal incinerators capable of charging more than 50 tons of refuse per
912 day;

913 9) Hydrofluoric, sulfuric, or nitric acid plants;

914 10) Petroleum refineries;

915 11) Lime plants;

916 12) Phosphate rock processing plants;

917 13) Coke oven batteries;

918 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;
957
958 25) Charcoal production plants;
959
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 **Section 203.1240 Nearby**

970 "Nearby", for a specific structure or terrain feature:

- 971
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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.

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

990 **Section 203.1250 Necessary Preconstruction Approvals or Permits**

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992
993 "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.

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

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999 **Section 203.1260 Net Emissions Increase**

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- 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.

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- 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:
- 1030
- 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

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

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1071 (Source: Added at 48 Ill. Reg. _____, effective _____)
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1073 **Section 203.1280 Nonattainment New Source Review (NA NSR) Permit**

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

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1081 (Source: Added at 48 Ill. Reg. _____, effective _____)
1082

1083 **Section 203.1290 Potential to Emit**

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

1091
1092
1093 (Source: Added at 48 Ill. Reg. _____, effective _____)
1094

1095 **Section 203.1300 Process Unit**

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

1099
1100
1101 (Source: Added at 48 Ill. Reg. _____, effective _____)
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1103 **Section 203.1310 Project**

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1104
1105 "Project" means a physical change in, or change in the method of operation of, an existing major
1106 stationary source.

1107
1108 (Source: Added at 48 Ill. Reg. _____, effective _____)
1109

1110 Section 203.1320 Projected Actual Emissions
1111

1112 a) "Projected actual emissions" means the maximum annual rate, in tons per year, at
1113 which an existing emissions unit is projected to emit a regulated NSR pollutant in
1114 any one of the 5 years (12-month period) following the date the unit resumes
1115 regular operation after the project, or in any one of the 10 years following that
1116 date, if the project involves increasing the emissions unit's design capacity or its
1117 potential to emit that regulated NSR pollutant and full utilization of the unit
1118 would result in a significant emissions increase or a significant net emissions
1119 increase at the major stationary source.

1120
1121 b) In determining the projected actual emissions under subsection (a) (before
1122 beginning actual construction), the owner or operator of the major stationary
1123 source:
1124

1125 1) Must consider all relevant information, including historical operational
1126 data, the company's own representations, the company's expected business
1127 activity and the company's highest projections of business activity, the
1128 company's filings with the State or Federal regulatory authorities, and
1129 compliance plans under Illinois' SIP; and

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1130
1131 2) Must include fugitive emissions to the extent quantifiable, and emissions
1132 associated with startups, shutdowns, and malfunctions; and

1133
1134 3) Must exclude, in calculating any increase in emissions that results from
1135 the particular project, that portion of the unit's emissions following the
1136 project that an existing unit could have accommodated during the
1137 consecutive 24-month period used to establish the baseline actual
1138 emissions under Section 203.1070 and that are also unrelated to the
1139 particular project, including any increased utilization due to product
1140 demand growth; or

1141
1142 4) In lieu of using the method set out in subsections (b)(1) through (b)(3),
1143 may elect to use the emissions unit's potential to emit, in tons per year, as
1144 defined under Section 203.1290.
1145

1146 (Source: Added at 48 Ill. Reg. _____, effective _____)

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1147
1148 **Section 203.1330 Reasonable Further Progress**
1149

1150 "Reasonable further progress" means the annual incremental reductions in the emissions of the
1151 pollutant as determined by the USEPA under Part D of Title I of the CAA (42 U.S.C. 7501 et
1152 seq.) and federal regulations adopted under the CAA.
1153

1154 (Source: Added at 48 Ill. Reg. _____, effective _____)
1155

1156 **Section 203.1340 Regulated NSR Pollutant**
1157

1158 "Regulated NSR pollutant" means the following:
1159

- 1160 a) NO_x or VOM;
1161
1162 b) Any pollutant for which a NAAQS has been promulgated;
1163
1164 c) Any pollutant that is identified under this Section as a constituent or precursor of
1165 a general pollutant listed under subsection (a) or (b), if the constituent or
1166 precursor pollutant may only be regulated under NSR as part of regulation of the
1167 general pollutant. Precursors for NSR are the following:
1168
1169 1) Except as provided in Section 203.1450, VOM and NO_x are precursors to
1170 ozone in all ozone nonattainment areas.
1171
1172 2) SO₂ and NO_x are precursors to PM_{2.5} for a stationary source located in a
1173 PM_{2.5} nonattainment area or, for Subpart R, a stationary source which
1174 would cause or contribute to a violation of a PM_{2.5} NAAQS.
1175
1176 3) VOM and ammonia are precursors to PM_{2.5} in any PM_{2.5} nonattainment
1177 area.
1178
1179 d) Direct PM_{2.5} emissions and PM₁₀ emissions must include gaseous emissions from
1180 a source or activity that condense to form particulate matter at ambient
1181 temperatures. On or after January 1, 2011, such condensable particulate matter
1182 must be accounted for in applicability determinations and in establishing
1183 emissions limitations for direct PM_{2.5} emissions and PM₁₀ emissions in NA NSR
1184 permits. Compliance with emissions limitations for direct PM_{2.5} emissions and
1185 PM₁₀ emissions issued prior to this date must not be based on condensable
1186 particulate matter unless required by the terms and conditions of the permit.
1187 Applicability determinations made prior to this date without accounting for
1188 condensable particulate matter must not be considered as a violation of this Part.
1189

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(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

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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.

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

1271
1272 **Section 203.1370 Significant**

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- 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 b) For areas classified as serious nonattainment for CO where stationary sources
 1279 significantly contribute to ambient CO levels, as determined under rules issued by
 1280 the USEPA, under the CAA, despite the significant emissions rate for CO in
 1281 subsection (a), significant means, an increase in actual emissions of CO that
 1282 would result from any physical change in, or change in the method of operation
 1283 of, a major stationary source, if the increase equals or exceeds 50 tpy.
 1284
 1285 c) For areas classified as serious or severe nonattainment for ozone, despite the
 1286 significant emissions rate for ozone in subsection (a), an increase in emissions of
 1287 VOM or NO_x must be considered significant if the net emissions increase of such
 1288 air pollutant from a stationary source located within such area exceeds 25 tons
 1289 when aggregated with all other net increases in emissions from the source over
 1290 any period of 5 consecutive calendar years which includes the calendar year in
 1291 which such increase occurred. This provision must become effective beginning
 1292 November 15, 1992, or a later date when an area is classified as a serious or
 1293 severe nonattainment area for ozone.
 1294
 1295 d) For areas classified as extreme nonattainment for ozone, despite the significant
 1296 emissions rate for ozone in subsection (a), any increase in emissions of VOM or
 1297 NO_x from any emissions unit at a major stationary source of VOM or NO_x must
 1298 be considered significant.
 1299
 1300 e) For major stationary sources located outside designated nonattainment areas for
 1301 purposes of Subpart R, an increase in emissions of a regulated NSR pollutant
 1302

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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
1306 (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.

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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.

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).

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

1420
1421 **Section 203.1420 Effect of Permits**

1422 Approval to construct must not relieve any owner or operator of the responsibility to comply
1423 fully with applicable provisions of the SIP and any other requirements under local, State, or
1424 federal law.

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

1485 (Source: Added at 48 Ill. Reg. _____, effective _____)

1486 **Section 203.1460 Permit Exemption Based on Fugitive Emissions**

1487 The provisions of this Part must not apply to a source or modification that would be a major
1488 stationary source or major modification only if fugitive emissions, to the extent quantifiable as
1489 evidenced by 35 Ill. Adm. Code 201.122, are considered in calculating the potential to emit of
1490 the stationary source or modification and the source does not belong to any of the categories
1491 enumerated in Section 203.1230(c).

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1494 (Source: Added at 48 Ill. Reg. _____, effective _____)

1495
1496 **SUBPART K: STACK HEIGHTS**

1497
1498 **Section 203.1500 Stack Heights**

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- 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)).

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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:
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- 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 proposed decision to grant the permit and include a discussion of the Agency's analysis of the effect of the construction or modification on ambient air quality, including the Agency's proposed action.

(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

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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 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 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).

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1645 f) A "reasonable possibility" under this Section occurs when the owner or operator
1646 calculates the project to result in either:

1647 1) A projected actual emissions increase of at least 50 percent of the amount
1648 that is a "significant emissions increase", as defined in Section 203.1380
1649 (without reference to the amount that is a significant net emissions
1650 increase), for the regulated NSR pollutant; or

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1651 2) A projected actual emissions increase that, added to the amount of
1652 emissions excluded under Section 203.1320(b)(3), sums to at least 50
1653 percent of the amount that is a "significant emissions increase", as defined
1654 under Section 203.1380 (without reference to the amount that is a
1655 significant net emissions increase), for the regulated NSR pollutant. For a
1656 project for which a reasonable possibility occurs only within the meaning
1657 of this subsection (f)(2), and not also within the meaning of subsection
1658 (f)(1), then subsections (b) through (e) do not apply to the project.

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1659 g) The owner or operator of the source must make the information required to be
1660 documented and maintained under this Section available for review upon a
1661 request for inspection by the Agency or the USEPA or the general public under
1662 the requirements of Section 39.5(8)(e) of the Act.

1663 (Source: Added at 48 Ill. Reg. _____, effective _____)

1664 SUBPART N: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN
1665 NONATTAINMENT AREAS

1666 Section 203.1800 Lowest Achievable Emission Rate

1667 a) The owner or operator of a new major stationary source must demonstrate that the
1668 control equipment and process measures applied to the source will produce LAER
1669 for each regulated NSR pollutant for which the stationary source is major.

1670 b) Except as provided in subsections (d) or (e), the owner or operator of a major
1671 modification must demonstrate that the control equipment and process measures
1672 applied to the major modification will produce LAER for each regulated NSR
1673 pollutant for which the modification is major. This requirement applies to each
1674 emissions unit at which a net increase in emissions of the regulated NSR pollutant
1675 has occurred or would occur as a result of a physical change or change in the
1676 method of operation in the emissions unit.

1677 c) The owner or operator must provide a detailed demonstration that the proposed
1678 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.

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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.

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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.

1719 (Source: Added at 48 Ill. Reg. _____, effective _____)

1720
1721 **Section 203.1810 Emissions Offsets**

1722
1723 a) The general requirements for emissions offsets are:

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- 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

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E) 1.5 to 1 in areas classified as extreme.

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

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

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1860 g) The determination of emissions reductions for offsets must be made as follows:

1861
1862 1) Credit for emissions reductions used as offsets must be determined as
1863 follows:

1864
1865 A) The baseline for determining credit for emissions reductions is the
1866 emissions limit under the applicable SIP in effect at the time the
1867 application for a construction permit is filed, except that the offset
1868 baseline must be the actual emissions of the source from which
1869 offset credit is obtained where:

1870
1871 i) The demonstration of reasonable further progress and
1872 attainment of ambient air quality standards is based upon
1873 the actual emissions of sources located within the
1874 designated nonattainment area; or

1875
1876 ii) The applicable SIP does not contain an emissions limitation
1877 for that source or source category.

1878
1879 B) Where the emissions limit under the applicable SIP allows greater
1880 emissions than the potential to emit of the source, emissions offset
1881 credit will be allowed only for control below the potential to emit.

1882
1883 C) For an existing fuel combustion source, credit must be based on the
1884 allowable emissions under the applicable SIP for the type of fuel
1885 being burned at the time the application for a construction permit is
1886 filed. If the emissions offset is to be produced by a switch to a
1887 cleaner fuel at some future date, offset credit must be subject to the
1888 following limitations:

1889
1890 i) Emissions offset credit based on the allowable (or actual)
1891 emissions for the fuels involved is allowed only if the
1892 permit is conditioned to require the use of a specified
1893 alternative control measure which would achieve the same
1894 degree of emissions reduction should the source switch
1895 back to a dirtier fuel at some later date.

1896
1897 ii) Emissions offset credit must be allowed only if the owner
1898 or operator provides evidence that long-term supplies of the
1899 cleaner fuel are available.

1900
1901 2) Emissions reductions must not be credited for offsets to the extent they
1902 have been previously relied on by the Agency in issuing any permit under

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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

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

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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 **[SUBPART O: GENERAL MAINTENANCE OF EMISSION OFFSETS](#)**

1964
1965 **[Section 203.1900 General Maintenance of Emission Offsets](#)**

1966
1967 [A person must not cease to maintain emission offsets which were provided for a source or](#)
1968 [modification which is subject to this Part.](#)

1969
1970 (Source: Added at 48 Ill. Reg. _____, effective _____)

1971
1972 **[SUBPART P: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND](#)**
1973 **[MOTOR FIRING](#)**

1974
1975 **[Section 203.2000 Offsetting by Alternative or Innovative Means](#)**

1976
1977 [A source may offset, by alternative or innovative means, emission increases from rocket engine](#)
1978 [and motor firing, and cleaning related to such firing, at an existing or modified major source that](#)
1979 [tests rocket engines or motors under the following conditions:](#)

- 1980
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 b) [The source demonstrates to the Agency that it has used all reasonable means to](#)
1986 [obtain and utilize offsets, as determined on an annual basis, for the emissions](#)
1987

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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.
- 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.

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(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.

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(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

"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

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

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

2088 **[Section 203.2160 Continuous Emissions Rate Monitoring System \(CERMS\)](#)**

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

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

2096 **[Section 203.2170 Continuous Parameter Monitoring System \(CPMS\)](#)**

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

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

2106 **[Section 203.2180 Federal Land Manager](#)**

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

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

2113 **[Section 203.2190 Major Emissions Unit](#)**

2114 ["Major emissions unit" means:](#)
2115
2116

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2|117 a) Any emissions unit that emits or has the potential to emit 100 tpy or more of the
2|118 PAL pollutant in an attainment area; or

2|119
2|120 b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an
2|121 amount that is equal to or greater than the major source threshold for the PAL
2|122 pollutant as defined by the CAA for nonattainment areas.

2|123
2|124 (Source: Added at 48 Ill. Reg. _____, effective _____)

2|125
2|126 **Section 203.2200 Plantwide Applicability Limitation (PAL)**

2|127
2|128 "Plantwide applicability limitation" or ("PAL") means an emission limitation expressed in tons
2|129 per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and
2|130 established source-wide in compliance with this Subpart.

2|131
2|132 (Source: Added at 48 Ill. Reg. _____, effective _____)

2|133
2|134 **Section 203.2210 PAL Effective Date**

2|135
2|136 "PAL effective date" generally means the date of issuance of the PAL permit. However, the PAL
2|137 effective date for an increased PAL is the date any emissions unit that is part of the PAL major
2|138 modification becomes operational and begins to emit the PAL pollutant.

2|139
2|140 (Source: Added at 48 Ill. Reg. _____, effective _____)

2|141
2|142 **Section 203.2220 PAL Effective Period**

2|143
2|144 "PAL effective period" means the period beginning with the PAL effective date and ending 10
2|145 years later.

2|146
2|147 (Source: Added at 48 Ill. Reg. _____, effective _____)

2|148
2|149 **Section 203.2230 PAL Major Modification**

2|150
2|151 "PAL major modification" means, despite Section 203.1220 and Section 203.1260 (the
2|152 definitions for major modification and net emissions increase), any physical change in or change
2|153 in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level
2|154 equal to or greater than the PAL.

2|155
2|156 (Source: Added at 48 Ill. Reg. _____, effective _____)

2|157
2|158 **Section 203.2240 PAL Permit**

2|159

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

2168
2169 (Source: Added at 48 Ill. Reg. _____, effective _____)

2170
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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2203
2204 BOARD NOTE: At the time the Board adopted the amendments to this provision, the
2205 Clean Air Act did not provide significant levels.

2206 (Source: Added at 48 Ill. Reg. _____, effective _____)
2207

2208
2209 Section 203.2290 Small Emissions Unit

2210
2211 "Small emissions unit" means an emissions unit that emits or has the potential to emit the PAL
2212 pollutant in an amount less than the applicable significant level for that PAL pollutant, as defined
2213 in Section 203.1370 or in the CAA, whichever is lower.

2214
2215 BOARD NOTE: At the time the Board adopted the amendments to this provision, the
2216 Clean Air Act did not provide significant levels.

2217 (Source: Added at 48 Ill. Reg. _____, effective _____)
2218

2219
2220 Section 203.2300 Permit Application Requirements

2221
2222 As part of a permit application requesting a PAL, the owner or operator of a major stationary
2223 source must submit the following information to the Agency for approval:

- 2224
2225 a) A list of all emissions units at the source designated as small, significant or major
2226 based on their potential to emit. In addition, the owner or operator of the source
2227 must indicate which, if any, federal or State applicable requirements, emission
2228 limitations, or work practices apply to each unit.
2229
2230 b) Calculations of the baseline actual emissions (with supporting documentation).
2231 Baseline actual emissions are to include emissions associated not only with
2232 operation of the unit, but also emissions associated with startup, shutdown, and
2233 malfunction.
2234
2235 c) The calculation procedures that the major stationary source owner or operator
2236 proposes to use to convert the monitoring system data to monthly emissions and
2237 annual emissions based on a 12-month rolling total for each month as required by
2238 Section 203.2400(a).

2239 (Source: Added at 48 Ill. Reg. _____, effective _____)
2240

2241
2242 Section 203.2310 General Requirements for Establishing PAL

- 2243
2244 a) The Agency is allowed to establish a PAL at a major stationary source if the
2245 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.
- 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

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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 _____)
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2327 **[Section 203.2340 Contents of the PAL Permit](#)**
2328

2329 [The PAL permit must contain:](#)
2330

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

2355 (Source: Added at 48 Ill. Reg. _____, effective _____)

2356 **[Section 203.2350 Effective Period and Reopening a PAL Permit](#)**

2357 [The requirements in subsections \(a\) and \(b\) apply to actuals PALs.](#)

- 2368 a) [PAL effective period. The Agency must specify a PAL effective period of 10](#)
2369 [years.](#)

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- 2374 b) Reopening of the PAL permit.
2375
2376 1) During the PAL effective period, the Agency must reopen the PAL permit
2377 to:
2378
2379 A) Correct typographical/calculation errors made in setting the PAL
2380 or reflect a more accurate determination of emissions used to
2381 establish the PAL;
2382
2383 B) Reduce the PAL if the owner or operator of the major stationary
2384 source creates creditable emissions reductions for use as emissions
2385 offsets under Section 203.1810; or
2386
2387 C) Revise the PAL to reflect an increase in the PAL as provided under
2388 Section 203.2380.
2389
2390 2) The Agency may reopen the PAL permit to reduce the PAL for the
2391 following:
2392
2393 A) To reflect newly applicable federal requirements (for example,
2394 NSPS) with compliance dates after the PAL effective date;
2395
2396 B) Consistent with any other requirement, that is enforceable as a
2397 practical matter, and that the Agency may impose on the major
2398 stationary source under the SIP; or
2399
2400 C) If the Agency determines that a reduction is necessary to avoid
2401 causing or contributing to a NAAQS violation, or to a violation of
2402 an ambient air increment established in Subpart D of 35 Ill. Adm.
2403 Code Part 204, or to an adverse impact on an air quality related
2404 value that has been identified for a Federal Class I area by a
2405 Federal Land Manager and for which information is available to
2406 the general public.
2407
2408 c) Except for the permit reopening in subsection (b)(1)(A) for the correction of
2409 typographical/calculation errors that do not increase the PAL level, all other
2410 reopenings must be carried out in compliance with the public participation
2411 requirements of Section 203.2320.

2412 (Source: Added at 48 Ill. Reg. _____, effective _____)
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2414 Section 203.2360 Expiration of a PAL
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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 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).

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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

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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

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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.
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- 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.
 - 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.

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- 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
 - 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 factors' 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.

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- 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 1) Establish default value or values for determining compliance with the PAL
2677 based on the highest potential emissions reasonably estimated at such
2678 operating point or operating points; or
- 2679 2) Determine that operation of the emissions unit during operating conditions
2680 when there is no correlation between monitored parameter or parameters
2681 and the PAL pollutant emissions is a violation of the PAL.
- 2682 i) Re-validation. All data used to establish the PAL pollutant must be re-validated
2683 through performance testing or other scientifically valid means approved by the
2684 Agency. Re-validation must occur at least once every 5 years after issuance of the
2685 PAL.

2686 (Source: Added at 48 Ill. Reg. _____, effective _____)

2687 **Section 203.2400 Recordkeeping Requirements**

- 2688 a) The PAL permit must require an owner or operator to retain a copy of all records
2689 necessary to determine compliance with any requirement of this Subpart and of
2690 the PAL, including a determination of each emissions unit's 12-month rolling total
2691 emissions, for 5 years from the date of the record.
- 2692 b) The PAL permit must require an owner or operator to retain a copy of the
2693 following records for the duration of the PAL effective period plus 5 years:
- 2694 1) A copy of the PAL permit application and any applications for revisions to
2695 the PAL; and
- 2696 2) Each annual certification of compliance under Section 39.5(7)(p)(v) of the
2697 Act and the data relied on in certifying the compliance.

2698 (Source: Added at 48 Ill. Reg. _____, effective _____)

2699 **Section 203.2410 Reporting and Notification Requirements**

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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).

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2719 1) The identification of owner and operator and the permit number.

2720 2) Total annual emissions (tons/year) based on a 12-month rolling total for
2721 each month in the reporting period recorded under Section 203.2400(a).

2722 3) All data relied upon, including any Quality Assurance or Quality Control
2723 data, in calculating the monthly and annual PAL pollutant emissions.

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2724 4) A list of any emissions units modified or added to the major stationary
2725 source during the preceding 6-month period.

2726 5) The number, duration, and cause of any deviations or monitoring
2727 malfunctions (other than the time associated with zero and span calibration
2728 checks), and any corrective action taken.

2729 6) A notification of a shutdown of any monitoring system, whether the
2730 shutdown was permanent or temporary, the reason for the shutdown, the
2731 anticipated date that the monitoring system will be fully operational or
2732 replaced with another monitoring system, and whether the emissions unit
2733 monitored by the monitoring system continued to operate, and the
2734 calculation of the emissions of the pollutant or the number determined by
2735 method included in the permit, as provided by Section 203.2390(g).

2736 7) A signed statement by the responsible official (as defined by the CAAPP)
2737 certifying the truth, accuracy, and completeness of the information
2738 provided in the report.

2739 b) Deviation report. The major stationary source owner or operator must promptly
2740 submit reports of any deviations or exceedance of the PAL requirements,
2741 including periods where no monitoring is available. A report submitted under 40
2742 CFR 70.6(a)(3)(iii)(B) will satisfy this reporting requirement. The deviation
2743 reports must be submitted within the time limits prescribed by the applicable
2744 program implementing 40 CFR 70.6(a)(3)(iii)(B). The reports must contain the
2745 following information:

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- 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 _____)
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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 _____)
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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.

Pollutant	Significant Level ($\mu\text{g}/\text{m}^3$)				
	Annual Average	24-hour Average	8-hour Average	3-hour Average	1-hour Average
SO ₂	1.0	5		25	
PM ₁₀	1.0	5			
PM _{2.5}	0.3	1.2			
NO ₂	1.0				
CO			500		2,000

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

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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.

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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

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.

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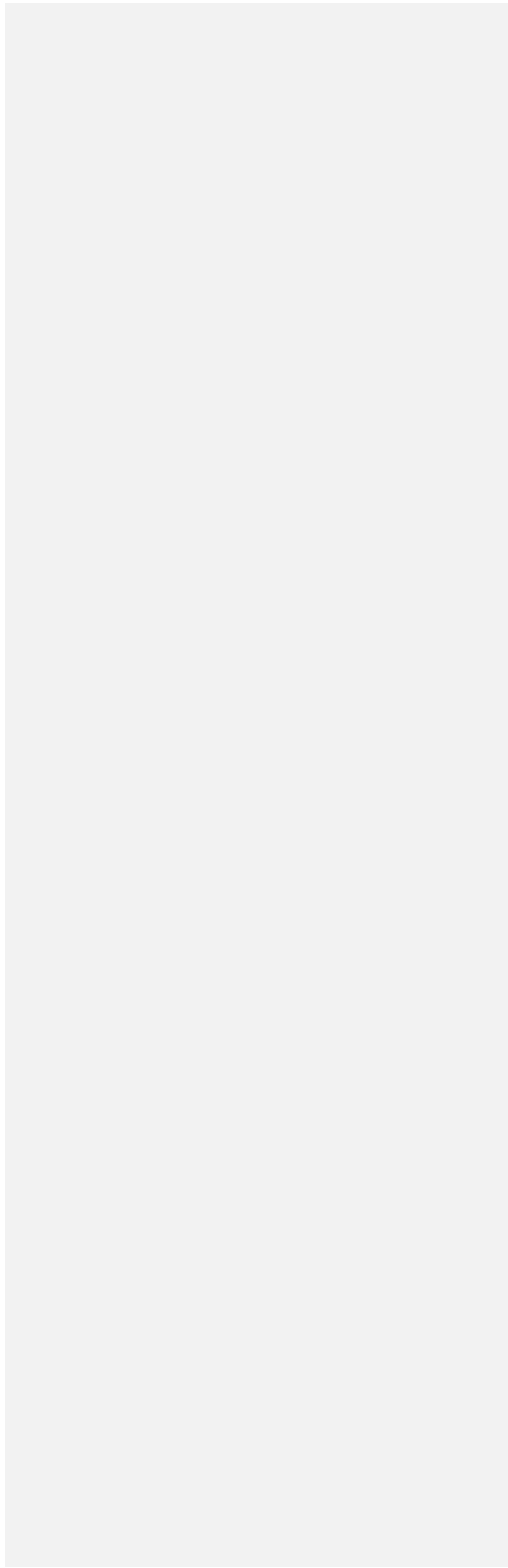
(Source: Added at 48 Ill. Reg. _____, effective _____)

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Section 203.2530 Construction Permit

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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



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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.](#)

Commented [RT36]: 35 Ill. Adm. Code 204.1320

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