BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSED NEW CAIR SO ₂ , CAIR NO _X)
ANNUAL AND CAIR NO _X OZONE SEASON)
TRADING PROGRAMS, 35 ILL. ADM.)
CODE 225, CONTROL OF EMISSIONS)
FROM LARGE COMBUSTION SOURCES,)
SUBPARTS A, C, D and E)

R06-26 (Rulemaking- Air)

NOTICE

TO: Dorothy Gunn, Clerk
 Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph, Suite 11-500
 Chicago, Illinois 60601-3218

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board a MOTION TO AMEND RULEMAKING PROPOSAL, a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: _____

John J. Kim Managing Attorney Air Regulatory Unit Division of Legal Counsel

DATED: November 27, 2006

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THIS FILING IS SUBMITTED ON RECYCLED PAPER

STATE OF ILLINOIS)	
)	SS
COUNTY OF SANGAMON)	
)	

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state that I have served electronically the attached

MOTION TO AMEND RULEMAKING PROPOSAL upon the following person:

Dorothy Gunn Clerk Illinois Pollution Control Board James R. Thompson Center 100 West Randolph St., Suite 11-500 Chicago, IL 60601-3218

and mailing it by first-class mail from Springfield, Illinois, with sufficient postage affixed to the following persons:

SEE ATTACHED SERVICE LIST

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

John J. Kim Managing Attorney Air Regulatory Unit Division of Legal Counsel

Dated: November 27, 2006

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2		TITLE 35. ENVIRONMENTAL PROTECTION
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52	SU	JBPART E: CAIR NO _x OZONE SEASON TRADING PROGRAM						
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56	225.505	Applicability						
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68	225.560	Energy Efficiency, Renewable Energy, and Clean Technology Projects						
69	225.565	Clean Air Set-Aside (CASA) Allowances						
70	225.570	Clean Air Set-Aside (CASA) Applications and Recordkeeping						
71	225.575	Agency Action on Clean Air Set-Aside (CASA) Applications						
72								
73	AUTHORITY	: Implementing Section 10, and authorized by Sections 27 and 28 of the Illinois						
74	Environmenta	1 Protection Act [415 ILCS 5/10, 27 and 28].						
75								
76	SOURCE: Ac	dopted in Docket R06- at Ill. Reg., effective , 20067						
77								
78								
79		SUBPART A: GENERAL PROVISIONS						
80								
81	Section 225.12	20 Severability						
82								
83	If any Section.	, subsection or clause of this Part is found invalid, <u>asuch</u> finding <u>willshall</u> not affect						
84	the validity of	this Part as a whole or any Section, sentence or clause not found invalid.						
85	2							
86	Section 225.10	03 Abbreviations						
87								
88	Unless otherw	ise specified within this Part, the abbreviations used in this Part willshall be the						
89	same as those	found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are						
90	used in this Pa	urt:						
91								
92	Act	Environmental Protection Act [415 ILCS 5 et seq.]						

93	Agency	Illinois Environmental Protection Agency
94	Btu	British thermal unit
95	CAA	Clean Air Act [42 U.S.C. 7401]
96	CAAPP	Clean Air Act Permit Program [415 ILCS 5/39.5]
97	CEMS	continuous emissions monitoring systems
98	EGU	electric generating unit
99	GO	Gross electrical output
100	HI	heat input
101	hr	hour
102	kg	kilogram
103	mmBtu	million Btu
104	MW	megawatt
105	MWe	megawatt electrical
106	MWh	megawatt hour
107	NO _x	nitrogen oxides
108	ORIS	Office of Regulatory Information Systems
109	O ₂	oxvgen
110	SO ₂	sulfur dioxide
111	USEPA	United State Environmental Protection Agency
112	vr	vear
113	5	
114	Section 225.130	Definitions
115		
116	The following definit	tions contained in this Section apply only to for the provisions purposes of
117	this Part. Unless othe	erwise defined in this Section and unless or a different meaning for of a
118	term is clear from its	context, the definitions of terms used in this Part shall have the meanings
119	specified for those ter	rms in 35 Ill. Adm. Code 211, and 40 CFR <u>§§</u> 96.102, 96.202, and 96.302,
120	as incorporated by re	ference in Section 225.140 of this Subpart.
121	1 5	1
122	"Boiler" mear	as an enclosed fossil or other fuel-fired combustion device used to produce
123	heat and to tra	ansfer heat to recirculating water, steam, or other medium.
124		
125	"Bottoming-c	ycle cogeneration unit" means a cogeneration unit in which the energy input
126	to the unit is f	irst used to produce useful thermal energy and at least some of the reject
127	heat from the	useful thermal energy application or process is then used for electricity
128	production.	
129	1	
130	"CAIR author	rized account representative" means, with regard to for the purpose of
131	general accou	nts, a responsible natural person who is authorized, in accordance with 40
132	CFR 96 subpa	arts BB, <u>FF</u> , BBB, <u>FFF</u> , and BBBB, and <u>FFFF</u> to transfer and otherwise
133	dispose of CA	AIR NO _x , and SO ₂ -, and NO _x Ozone Season allowances, as applicable, held
134	in the CAIR N	NO _x , <u>SO₂, and NO_x Ozone Season</u> general account, and with regard to for
135	the purpose of	f a CAIR NO _x compliance account, a CAIR SO ₂ Allowance System
136	Tracking acco	ount, or a CAIR NO _x Ozone Season compliance account, the CAIR
137	designated rep	presentative of the source.
138	- 1	

139	"CAIR designated representative" means for a CAIR NO _x source, and a CAIR SO ₂
140	source, and a CAIR NO _x Ozone Season source and each CAIR NO _x unit, and CAIR SO ₂
141	unit and CAIR NO _x Ozone Season unit at the source, the natural person who is authorized
142	by the owners and operators of the source and all such units at the source, in accordance
143	with 40 CFR 96 subparts BB, FF, BBB, FFF, and BBBB, and FFFF as applicable, to
144	represent and legally bind each owner and operator in matters pertaining to the CAIR
145	NO _x Annual Trading Program, CAIR SO ₂ Trading Program, and the CAIR NO _x Ozone
146	Season Trading Program, as applicable. For any unit that is subject to one or more of the
147	following programs: CAIR NO _x Annual Trading Program, the CAIR SO ₂ Trading
148	Program the CAIR NO _x Ozone Season Trading Program or the federal Acid Rain
149	Program, the designated representative for the such unit shallmust be the same natural
150	person for all programs all applicable to the unit
151	r
152	"CAIR NO ₂ compliance account" means for the purposes of Subparts D and E of this
153	Part. a CAIR NO _x Allowance Tracking System account. established by USEPA for a
154	CAIR NO, source under 40 CFR 96 subparts FF and FFFF in which any CAIR NO.
155	allowance allocations for the affected units at the source are initially recorded and in
156	which are held any CAIR NO, allowances available for use for a control period in order
157	to meet the source's CAIR NO _x emissions limitations in accordance with Sections
158	225 410 and 225 510 of this Part and 40 CFR 88 96 154 and 96 354 as incorporated by
159	reference in Section 225 140 of this Subpart
160	
161	"CAIR Trading Programs" means the requirements of this Part and those provisions of
162	the federal CAIR NO _x Annual Season CAIR SO ₂ or CAIR NO _x Ozone Season Trading
163	Programs set forth in 40 CFR 96 as incorporated by reference in Section 225 140 of this
164	Subpart
165	
166	"Coal-fired" means:
167	
168	a) For purposes of Subparts B, D, and E, combusting any amount of coal or
169	coal-derived fuel, alone or in combination with any amount of any other
170	fuel, during a specified year;
171	
172	b) For purposes of Subpart C, combusting any amount of coal or coal-derived
173	fuel, alone, or in combination with any amount of any other fuel.
174	
175	"Cogeneration unit" means, for the purposes of Subparts C, D, and E, a stationary, fossil
176	fuel-fired boiler or stationary, fossil fuel-fired combustion turbine:
177	
178	a) Having equipment used to produce electricity and useful thermal energy
179	for industrial, commercial, heating, or cooling purposes through the
180	sequential use of energy; and
181	
182	b) Producing during the 12-month period starting on the date the unit first
183	produces electricity and during any calendar year after the calendar year in
184	which the unit first produces electricity:

185			
186		1)	For a topping-cycle cogeneration unit:
187			
188			i) Useful thermal energy not less than 5 percent of total
189			energy output; and
190			
191			ii) Useful power that, when added to one-half of useful
192			thermal energy produced, is not less than 42.5 percent of
193			total energy input, if useful thermal energy produced is 15
194			percent or more of total energy output, or not less than 45
195			percent of total energy input, if useful thermal energy
196			produced is less than 15 percent of total energy output.
197			
198		2)	For a bottoming-cycle cogeneration unit, useful power not less
199			than 45 percent of total energy input.
200			
201	"Combined cy	cle syst	tem" means a system comprised of one or more combustion
202	turbines, heat r	ecovery	y steam generators, and steam turbines configured to improve
203	overall efficier	ncy of e	electricity generation or steam production.
204			
205	"Combustion t	urbine"	' means:
206			
207	An enc	losed d	evice comprising a compressor, a combustor, and a turbine and in
208	which t	he flue	gas resulting from the combustion of fuel in the combustor passes
209	through	n the tur	rbine, rotating the turbine; and
210			
211	If the e	nclosed	l device <u>pursuant to theunder</u> paragraph above is combined cycle,
212	any ass	ociated	l duct burner, heat recovery steam generator and steam turbine.
213			
214	"Commence co	ommerc	cial operation" means, with respect to Subparts C, D and E of this
215	Part, with rega	rd to a u	unit serving a generator:
216			
217	a)	To hav	e begun to produce steam, gas, or other heated medium used to
218		generat	te electricity for sale or use, including test generation, except as
219		provide	ed in 40 CFR § 96.105, 96.205, or 96.305, as incorporated by
220		referen	ice in Section 225.140 of this Subpart.
221			
222		1)	For a unit that is <u>a CAIR SO₂ unit, CAIR NO_x unit, or a CAIR NO_x</u>
223			Ozone Seasonan affected unit pursuant tounder 40 CFR § 96.104,
224			96.204 or 96.304, respectively, on the date the unit commences
225			commercial operation on the later of November 15, 1990 or the
226			date the unit commence commercial operation as defined in
227			paragraph (a) of this definition and that subsequently undergoes a
228			physical change (other than replacement of the unit by a unit at the
229			same source), such date <u>willshall</u> remain the unit's date of

230 231 232		commencement of commercial operation, which <u>willshall</u> continue to be treated as the same unit.
233		2) For a unit that is <u>a CAIR SO₂ unit, CAIR NO_x unit, or a CAIR NO_x</u> Orang Seasonan affected unit under purguent to 40 CEP § 06 104
234		<u>Ozone Seasonan anected</u> unit under pursuant to 40 CFR § 90.104,
235		or the date the unit commences commercial operation as defined in
230		paragraph (a) of this definition and that is subsequently replaced by
238		a unit at the same source (e.g. renowered) such date willshall
239		remain the replaced unit's date of commencement of commercial
240		operation, and the replaced ment unit will shall be treated as a
241		separate unit with a separate date for commencement of
242		commercial operation as defined in paragraphs (a) or (b) of this
243		definition as appropriate.
244		
245	b)	Notwithstanding paragraph (a) of this definition and except as provided in
246	,	40 CFR § 96.105, 96.205, or 96.305 for a unit that is not a CAIR SO ₂ unit,
247		CAIR NO _x unit, or a CAIR NO _x Ozone Season an affected unit pursuant
248		tounder Section 225.305, 225.405, or 225.405, respectively, 40 CFR §
249		96.104, 96.204 or 96.304 on the later of November 15, 1990 or the date
250		the unit commences commercial operation as defined in paragraph (a) of
251		this definition, the unit's date for commencement of commercial operation
252		willshall be the date on which the unit becomes an affected unit under
253		pursuant to Section 225.305, 225.405, or 225.405, respectively 40 CFR §
254		96.104, 96.204, or 96.304 .
255		
256		1) For a unit with a date for commencement of commercial operation
257		as defined in paragraph (b) of this definition and that subsequently
258		undergoes a physical change (other than replacement of the unit by
259		a unit at the same source), such date <u>willshall</u> remain the unit's
260		date of commencement of commercial operation, which shall
261		continue to be treated as the same unit.
262		
263		2) For a unit with a date for commencement of commercial operation
264		as defined in paragraph (b) of this definition and that is
265		subsequently replaced by a unit at the same source (e.g.,
266		repowered), such date $\underline{\text{willshall}}$ remain the replace $\underline{\text{d}}$ ment unit's
267		date of commencement of commercial operation, and the
268		replace <u>d</u> ment unit <u>willshall</u> be treated as a separate unit with a
269		separate date for commencement of commercial operation as
270		defined in paragraph (a) or (b) of this definition as appropriate.
2/1	-)	$\mathbf{N} = \{\mathbf{x}_1, \mathbf{y}_2, \mathbf{y}_3, \mathbf{y}_4, \mathbf{y}_5, \mathbf{y}_4, \mathbf{y}_5, \mathbf{y}_4, \mathbf{y}_5, \mathbf{y}_5, \mathbf{y}_6, \mathbf{y}$
272	c)	Notwinstanding paragraphs (a) and (b) of this definition, for a unit not
213		serving a generator producing electricity for sale, the unit's date of
275 275		commencement of operation snall also be the unit's date of
213		commencement of commercial operation.

276	"Commence o	construction" means, for the purposes of Section 225.460(f) and 225.560(f),			
277	that the owner or his designee has obtained all necessary preconstruction approvals (e.g.				
278	zoning) or permits and either has:				
279					
280	a)	Begun, or caused to begin, a continuous program of actual on-site			
281		construction of the source, to be completed within a reasonable time; or			
282					
283	b)	Entered into binding agreements or contractual obligations, which cannot			
284		be cancelled or modified without substantial loss to the owner or operator,			
285		to undertake a program of actual construction of the source to be			
286		completed within a reasonable time. For purposes of this definition:			
287					
288		1) "Construction" shall be determined as any physical change or			
289		change in the method of operation, including but not limited to			
290		fabrication, erection, installation, demolition, or modification of			
291		projects eligible for CASA allowances, as set forth in Sections			
292		225.460 and 225.560.			
293					
294		2) "A reasonable time: shall be determined considering but not			
295		limited to the following factors: the nature and size of the project.			
296		the extent of design engineering, the amount of off-site			
297		preparation, whether equipment can be fabricated or can be			
298		purchased when the project begins (considering both the seasonal			
299		nature of the construction activity and the existence of other			
300		projects competing for construction labor at the same time, the			
301		place of the environmental permit in the sequence of corporate and			
302		overall governmental approval) and the nature of the project			
303		sponsor (e.g. private public regulated)			
304		<u>sponsor (e.g., private, public, regulated).</u>			
305	"Commence of	pperation " for purposes of Subparts of C. D and E of this Part means:			
306					
307	a)	To have begun any mechanical chemical or electronic process including			
308	u)	with regard to for the purpose of a unit start-up of a unit's combustion			
309		chamber except as provided in 40 CFR § 96 105 96 205 or 96 305 as			
310		incorporated by reference in Section 225 140 of this Subpart			
311		meerperated by reference in Section 220.110 of this Subpart.			
312	h1)	For a unit that undergoes a physical change (other than replacement of the			
312	<u>u</u> 1)	unit by a unit ates the same source) after the date the unit commences			
313		operations as defined in paragraph (a) of this definition such date willshall			
315		remain the date of commencement of operation of the unit which willshall			
316		continue to be treated as the same unit			
317		continue to be treated as the same unit.			
318	(2)	For a unit that is replaced by a unit at the same source (a g repowered)			
310	$\underline{\nabla} = \mathbf{v}$	after the date the unit commances operation as defined in paragraph (a) of			
320		this definition such date willshall remain the replaced unit's date of			
320 201		approximation, such date with the replaced unit state of a sector			
521		commencement of operation, and the replacement unit winshah be treated			

322	as a separate unit with a separate date for commencement of operation as
323	defined in paragraphs (a), or (b), or (c) of this definition as appropriate.
324	
325	b) Notwithstanding paragraph (a) of this definition and solely for the
326	purposes of 40 CFR 96, subparts HH, HHH, and HHHH, for a unit that is
327	not an affected unit under 40 CFR § 96.104, 96.204, or 96.304 on the later
328	of November 15, 1990 or the date the unit commences operation as
329	defined in paragraph (a) of this definition and subsequently becomes an
330	affected uni, the unit's date for commencement of operation shall be the
331	date on which the unit becomes an affected unit under 40 CFR § 96-104
332	96.204. or 96.304.
333	
334	
335	paragraph (b) of this definition and that subsequently undergoes a
336	physical change (other than replacement of the unit by a unit at the
337	same source) such date shall remain the unit's date of
338	commencement of operation
339	
340	
341	paragraph (b) of this definition and that is subsequently replaced
342	by a unit at the same source (e.g. repowered) the replacement unit
343	shall be treated as a separate unit with a separate date for
344	commencement of operation as defined in paragraphs (a) or (b) of
345	this definition as appropriate.
346	this definition as appropriate.
347	"Common stack" means a single flue through which emissions from two or more units
348	are exhausted
349	
350	"Compliance account" means for the purposes of Subparts D and E a CAIR NO.
351	Allowance Tracking System account established by USEPA for a CAIR NO _x source or
352	CAIR NO. Ozone Season source pursuant to 40 CFR 96 subparts FF and FFFF in which
353	any CAIR NO, allowance or CAIR NO. Ozone Season allowance allocations for the
354	CAIR NO units or CAIR NO. Ozone Season units at the source are initially recorded
355	and in which are held any CAIR NO, or CAIR NO. Ozone Season allowances available
356	for use for a control period in order to meet the source's CAIR NO, or CAIR NO, Ozone
357	Season emissions limitations in accordance with Sections 225 410 and 225 510, and 40
358	CER_96 154 and 96 354, as incorporated by reference in Section 225.140, CAIR NO
350	<u>CFR 70.154 and 70.554, as incorporated by reference in Section 225.140. CAIR NO_{X}</u>
359	anowances may not be used for compliance with the CAIK NO _x Ozone Season Hading
361	the CAIR NO Annual Trading program
262	<u>ur CAIK NO_x Annual Traunig program.</u>
262 262	"Control noriod" moong
203 264	Control period means:
304	
365	For the CAIR SO ₂ and NO _x Annual Trading programs in Subparts C and D of this
366	Part, the period beginning January 1 of a calendar year, except as provided in
367	Sections 225.310(d)(3) and 225.410(d)(3) of this Subpart, and ending on

368	December 31 of the same year, inclusive; or
370 371 372 373	For the CAIR NO _x Ozone Season Trading Program in Subpart E of this Part, the period beginning May 1 of a calendar year, except as provided in Section $225.510(d)(3)$ of this Subpart, and ending on September 30 of the same year, inclusive.
374 375 376 377	"Electric generating unit (EGU)" means a fossil fuel-fired stationary boiler, combustion turbine or combined cycle system that serves a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.
378 379 380 381	"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.
382 383 384	"Fossil fuel-fired" means the combusting any amount of fossil fuel, alone or in combination with any other fuel in any calendar year.
385 386	"Generator" means a device that produces electricity.
387 388 389 390	"Gross electrical output" means the total electrical output from an <u>electric generating unit</u> (EGU) before making any deductions for energy output used in any way related to the production of energy. For an <u>electric generating unitEGU</u> generating only electricity, the gross electrical output is the output from the turbine/generator set.
391 392 393 394	"Heat input" means, <u>for the purposes of with regard</u> Subparts C, D, and E of this Part , with regard to a specified period of time, the product (in mmBtu/hr) of the gross calorific value of the fuel (in Btu/lb) divided by 1,000,000 Btu/mmBtu and multiplied by the fuel
395 396 397 398 399	feed rate into a combustion device (in lb of fuel/time), as measured, recorded and reported to USEPA by the CAIR designated representative and determined by USEPA in accordance with 40 CFR 96, subpart HH, HHH, or HHHH , if applicable, and excluding the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.
400 401 402 403 404 405	"Higher heating value (HHV)" means the total heat liberated per mass of fuel burned (Btu per pound), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions.
405 406 407 408 409	"Integrated gasification combined cycle (IGCC)" means a coal-fired electric utility steam generating unit that burns a synthetic gas derived from coal in a combined-cycle gas turbine. No coal is directly burned in the unit during operation.
410 411 412 413	"Nameplate Capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady state basis and during continuous operation (when not restricted by seasonal or other deratings) as of such installation as specified by the manufacturer of the

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414 generator or, starting from the completion of any subsequent physical change in the 415 generator resulting in an increase in the maximum electrical generating output (in MWe) 416 that the generator is capable of producing on a steady state basis and during continuous 417 operation (when not restricted by seasonal or other deratings), such increased maximum 418 amount as of such completion as specified by the person conducting the physical change. 419 420 "Oil-fired unit" means a unit combusting fuel oil for more than 15.0 percent of the annual 421 heat input in a specified year and not qualifying as coal-fired. 422 423 "Project sponsor' means a person, including the owner or operator of an electric generating unit that implements or helps to implement an energy efficiency and 424 425 conservation, renewable energy, or clean technology project as listed in Sections 225.460 426 and 225.560 of this Part. 427 428 "Potential electrical output capacity" means 33 percent of a unit's maximum design heat 429 input, expressed in mmBtu/hr divided by 3.413 mmBtu/MWh, and multiplied by 8,760 430 hr/yr. 431 432 "Project sponsor" means a person or an entity, including but not limited to the owner or 433 operator of an EGU or a not-for-profit group, that provides the majority of funding for an 434 energy efficiency and conservation, renewable energy, or clean technology project as listed in Sections 225.460 and 225.560, unless another person or entity is designated by a 435 written agreement as the project sponsor for the purpose of applying for NO_x allowances 436 or NO_x Ozone Season allowances from the CASA. 437 438 439 "Rated-energy efficiency" means the percentage of thermal energy input that is recovered 440 as useable energy in the form of gross electrical output, useful thermal energy, or both 441 that is used for heating, cooling, industrial processes, or other beneficial uses as follows: 442 443 For electric generators, rated energy efficiency is calculated as one kilowatt hour 444 (3,413 Btu) of electricity divided by the unit's design heat rate using the higher 445 heating value of the fuel, and expressed as a percentage. 446 447 For combined heat and power projects, rated-energy efficiency is calculated using 448 the following formula: 449 450 REE = $((GO + UTE)/HI) \times 100$ 451 452 Where: 453 454 REE = Rated-energy efficiency, expressed as percentage. 455 GO = Gross electrical output of the system expressed in Btu/hr. 456 UTE = Useful thermal output from the system that is used for heating, cooling, industrial processes or other beneficial 457 458 uses, expressed in Btu/hr. 459 HI Heat input, based upon the higher heating value of fuel, in =

460	Btu/hr.						
461							
462	"Repowered" means, with regard to for the purpose of aan electric generating unit,						
463	replacement of a coal-fired boiler with one of the following coal-fired technologies at th						
464	same source as the coal-fired boiler:						
465							
466	Atmospheric or pressurized fluidized bed combustion:						
467							
468	Integrated gasification combined cycle						
469	g <i></i>						
470	Magnetohydrodyamics:						
471							
472	Direct and indirect coal-fired turbines:						
473							
474	Integrated gasification fuel cells: or						
475							
476	As determined by the USEPA, a derivative of one or more of the technologies						
477	listed above and any other coal-fired technology capable of controlling multiple						
478	combustion emissions simultaneously with improved boiler generation efficiency						
479	and with significantly greater waste reduction relative to the performance of						
480	technology in widespread commercial use as of January 1 2005						
481	teennoisegy in wraespread commercial use as of validary 1, 2000.						
482	"Total energy output" means with respect to a cogeneration unit the sum of useful						
483	power and useful thermal energy produced by the cogeneration unit						
484	poster and aberar mermar energy produced by the eogeneration and.						
485	"Useful thermal energy" means with regard to for the purpose of a cogeneration unit the						
486	thermal energy that is made available to an industrial or commercial process, excluding						
487	any heat contained in condensate return or makeun water.						
488							
489	Used in a heating application (e.g. space heating or domestic hot water heating).						
490	or						
491							
492	Used in a space cooling application (e.g., thermal energy used by an absorption						
493	chiller).						
494							
495	Section 225.140 Incorporations by Reference						
496							
497	The following materials are incorporated by reference. These incorporations do not include any						
498	later amendments or editions						
499							
500	a) CAIR SO ₂ Trading Program 40 CFR 96 subpart AAA (CAIR SO ₂ Trading						
501	Program General Provisions excluding 40 CFR <u>\$8</u> 96 204 and 96 206). 40 CFR						
502	96 subnart BBB (CAIR Designated Representative for CAIR SO ₂ Sources): 40						
503	CFR 96 subpart FFF (CAIR SO ₂ Allowance Tracking System): 40 CFR 96						
504	subpart GGG (CAIR SO ₂ Allowance Transfers): and 40 CFR 96 subpart HHH						
505	(Monitoring and Reporting) (2006)						
505	(montoring and reporting <u>) (2000)</u> .						

506		
507	b)	CAIR NO _x Annual Trading Program, 40 CFR 96, subpart AA (NO _x Annual
508	,	Trading Program General Provisions, excluding 40 CFR §§ 96.104, 96.105(b)(2),
509		and 96.106); 40 CFR 96, subpart BB (CAIR Designated Representative for CAIR
510		NO _x Sources): 40 CFR 96. subpart FF (CAIR NO _x Allowance Tracking System):
511		40 CFR 96, subpart GG (CAIR NO _x Allowance Transfers): and 40 CFR 96.
512		subnart HH (Monitoring and Reporting) (2006)
512		subpart III (Holitoring and Reporting) (2000).
514	c)	CAIR NO Ozone Season Trading Program 40 CER 96 subpart AAAA (CAIR
515	0)	NO Ozone Season Trading Program General Provisions) (evoluting 40 CFR §§
516		96 304 96 305(b)(2) and 96 306): 40 CFR 96 subnart BBBB (CAIR Designated
517		Penresentative for CAIR NO. Ozone Season Sources): 40 CER 96, subpart FEEE
518		(CAIP NO. Ozona Saasan Allowanaa Tracking System): 40 CFR 96, subpart
510		(CAIR NO _x Ozone Season Allowance Transfera); and 40 CER 96, subpart $CCCC$ (CAIR NO, Ozona Saasan Allowance Transfera); and 40 CER 96, subpart
519		$GGGG (CAIR NO_x Ozone Season Allowance Transfers); and 40 CFR 90, subpart ULULU (Manitaning and Departing) (200())$
520		HHHH (Monitoring and Reporting) (2006).
521	(F	40 CEP 75 (200(2005)
522 522	u)	$40 \text{ CFR } 73 \left(\frac{2000}{2003} \right).$
525	0)	40 CEP 78 (20062005)
524	e)	$40 \text{ CFR } / 8 \left(\frac{2000}{2005} \right).$
525 526	Ð	Federal Energy Management Program M&V Measurement and Varification for
520	1)	Federal Energy Projects U.S. Department of Energy Office of Energy
527		Efficiency and Denovable Energy Version 2.2 DOE/CO 102000 0060
520		Efficiency and Kenewable Energy, Version 2.2, DOE/OO-102000-0900
529		(September 2000).
530 521		SUDDADT C. CAID SO, TDADING DDOCDAM
527		SUDPART C: CAIR SO_2 TRADING PROGRAM
522	Section 225 2	
525	Section 223.5	oo ruipose
534 525	The nurness	f this Subpart C is to control the amissions of sulfur disvide (SO) from electric
555 520	The purpose c	of this Subpart \underline{C} is to control the emissions of suffur dioxide (SO ₂) from electric
530	generating un	$\frac{1}{100}$ (EGUS) annually by implementing the CAIR SO ₂ Irading Program pursuant to
53/	40 CFR 96, a	s incorporated by reference in Section 225.140 of this Subpart.
538	G (° 205.2	
539	Section 225.3	05 Applicability
540	`	
541	<u>a)</u>	Except as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:
542		
543		1) The following units are CAIR SO ₂ units, and any source that includes one
544		or more such units is a CAIR SO_2 source subject to the requirements of
545		this Subpart C: any stationary, tossil-fuel-fired boiler or stationary, fossil-
546		tuel-tired combustion turbine serving at any time, since the later of
547		November 15, 1990 or the start-up the unit's combustion chamber, a
548		generator with nameplate capacity of more than 25 MWe producing
549		electricity for sale.
550		

551		2)	If a stationary boiler or stationary combustion turbine that pursuant to
552			subsection (a)(1) of this Section, is not a CAIR SO ₂ unit begins to combust
553			fossil fuel or to serve a generator with nameplate capacity of more than 25
554			MWe producing electricity for sale, the unit will become a CAIR SO ₂ unit
555			as provided in subsection $(a)(1)$ of this Section on the first date on which it
556			both combusts fossil fuel and serves such generator
557			oom comousis rossin ruer und serves such generator.
558	b)	The ur	hits that meet the requirements set forth in subsections $(b)(1)$ $(b)(3)$ and
559	<u>0)</u>	(b)(4)	of this Section will not be CAIR SO units and units that meet the
560		require	ements of subsections (b)(2) and (b)(5) of this Section are CAIR SO ₂ units:
561		<u>icquit</u>	$\frac{1}{2}$ $\frac{1}$
562		1)	Any unit that is a CAIP SO, unit nursuant to subsection $(a)(1)$ or $(a)(2)$ of
562		<u>1)</u>	Any unit that is a CAIK SO_2 unit pursuant to subsection (a)(1) of (a)(2) of this Section and:
505			uns section and.
304 575			
565			A) Qualifies as a cogeneration unit during the 12-month period
566			starting on the date the unit first produces electricity and
567			continuing to quality as a cogeneration unit; and
568			
569			B) Does not serve at any time, since the later of November 15, 1990
570			or the start-up of the unit's combustion chamber, a generator with
571			nameplate capacity of more than 25 MWe supplying any calendar
572			year more than one-third of the of the unit's potential electric
573			output capacity or 219,000 MWh, whichever is greater, to any
574			utility power distribution for sale.
575			
576		2)	If a unit qualifies as a cogeneration unit during the 12-month period
577			starting on the date the unit first produces electricity and meets the
578			requirements of subsection (b)(1) of this Section for at least one calendar
579			year, but subsequently no longer meets all such requirements, the unit
580			shall become a CAIR SO ₂ unit starting on the earlier of January 1 after the
581			first calendar year during which the unit no longer qualifies as a
582			cogeneration unit or January 1 after the first calendar year during which
583			the unit no onger meets the requirements of subsection (b)(1)(B) of this
584			Section.
585			
586		3)	Any unit that is a CAIR SO ₂ unit pursuant to subsection $(a)(1)$ or $(a)(2)$ of
587		<u></u>	this Section commencing operation before January 1 1985 and:
588			and been commenting operation before sundary 1, 1905 and.
589			A) Qualifies as a solid waste incineration unit: and
590			Ty Zumites as a solid waste memoration unit, and
591			B) With an average annual fuel consumption of non-fossil fuel for
507			1085 1087 exceeding 80 percent (on a Ptu basis) and an average
592			annual fuel consumption of non-fossil fuel for any three
501			annual fuel consumption of non-tossil fuel for any three
394 505			Consecutive calendar years after 1990 exceeding 80 percent (on a
393			<u>biu dasis).</u>
396			

597		4) Any unit that is a CAIR SO ₂ unit under subsection (a)(1) or (a)(2) of this
598		Section commencing operation on or after January 1, 1985: and
599		
600		A) Qualifies as a solid waste incineration unit; and
601		
602		B) With an average annual fuel consumption of non-fossil fuel the
603		first three years of operation exceeding 80 percent (on a Btu basis)
604		and an average annual fuel consumption of non-fossil fuel for any
605		three consecutive calendar years after 1990 exceeding 80 percent
606		(on a Btu basis).
607		
608		5) If a unit qualifies as a solid waste incineration unit and meets the
609		requirements of subsection (b)(3) or (b)(4) of this Section for at least three
610		consecutive years, but subsequently no longer meets all such
611		requirements, the unit shall become a CAIR SO2 unit starting on the
612		earlier of January 1 after the first three consecutive calendar years after
613		1990 for which the unit has an average annual fuel consumption of fuel of
614		20 percent or more.
615		
616	a)	A fossil fuel-fired stationary boiler combustion turbine is an electric generating
617		unit if it serves a generator that has a nameplate capacity greater than 25 MWe
618		and produces electricity for sale and is not included in Appendix D of 35 III
619		Adm Code Part 217 An electric generating unit is subject to the SO Trading
620		Program contained in this Subpart and is a CAIR SO ₂ unit or an affected unit for
621		the purposes of this Subpart
622		the purposes of this Subpart.
622	b)	Notwithstanding subsection (a) of this Section on ECU shall not be an affected
624	0)	Notwithistanding subsection (a) of this section, an EOU shan not be an affected
024		unit and is not subject to the CAIR SO_2 fracing Program contained in this Subment if it means the meaningment of side means in the (1)(1)(1)(1) on (1)(2)(1) of
025		Subpart II it meets the requirements of either subsection $(0)(1)(\Lambda)$ of $(0)(2)(\Lambda)$ of this factors of fully one of the subsection $(0)(1)(\Lambda)$ of $(0)(2)(\Lambda)$ of
626		this Section, as follows:
627		
628		$\frac{1}{1}$ A unit that:
629		
630		A) Meets the definition of a cogeneration unit in Section 225.130 of
631		this Part; and
632		
633		i) Qualifies as a cogeneration unit during the 12-month period
634		starting on the date the unit first produces electricity, and
635		continues to qualify as a cogeneration unit; and
636		
637		ii) Does not serve at any time, since the later of November 15,
638		1990, or the start-up of the unit's combustion chamber, a
639		generator with a nameplate capacity of more than 25 MWe,
640		and which supplies in any calendar year more than one-
641		third of the unit's potential electrical output capacity or
642		219,000 MWh, whichever is greater, to a utility power

643		distribution system for sale.
644		
645		B) If a unit qualifies as a cogeneration unit during the 12-month
646		period starting on the date the unit first produces electricity but
647		subsequently no longer qualifies as a cogeneration unit, the unit
648		shall be subject to subsection (a) of this Section starting on the
649		January 1 after which the unit first no longer qualifies as a
650		cogeneration unit.
651		
652		$\frac{2}{2}$ A unit that:
653		
654		A) Qualifies as a solid waste incineration unit as defined by Section $120(2) = 0.11 = 0.14$
655		$\frac{129(g)}{129(g)}$ of the CAA [42 U.S.C. § -/429(g)]; and
656		
657		1) Commences operation on or after January 1, 1985; and
658		
659		Has an average annual rule consumption of non-rossil rule
660		for the first three calendar years of operation exceeding 80
001		percent (on a Biu basis) and an average annual ruer
662		consumption of non-tossif fuel for any tiree consecutive
664		basis)
665		Ud515).
666		D) If a unit qualifier as a solid wasta incincration unit and mosts the
667		$\frac{D}{D}$ in a unit quanties as a solid waste included interaction unit and meets the requirements of subsection (b)(2)(A) of this Section for at least
668		(U)(Z)(A) of this section for a least three consecutive colorder verse but subsequently no longer meets
660		all such requirements, the unit shall become an affected unit
670		starting on the January 1 after which the unit has an average annual
671		fuel consumption of fossil fuel of 20 percent or more.
672		ruer consumption of rossil fuel of 20 percent of more.
673	Section 225.3	10 Compliance Requirements
674	Section 225.5	
675	a)	The owner or operator of a CAIR SO ₂ an affected unit shallmust comply with the
676	u)	requirements of the CAIR SO ₂ Trading Program for Illinois as set forth in this
677		Subpart C and 40 CFR 96 subpart AAA (CAIR SO ₂ Trading Program General
678		Provisions excluding 40 CFR <u>§§</u> 96 204 and 96 206): 40 CFR 96 subpart BBB
679		(CAIR Designated Representative for CAIR SO ₂ Sources): 40 CFR 96, subpart
680		FFF (CAIR SO ₂ Allowance Tracking System): 40 CFR 96 subpart GGG (CAIR
681		SO ₂ Allowance Transfers): and 40 CFR 96 subpart HHH (Monitoring and
682		Reporting): as incorporated by reference in Section 225.140 of this Part.
683		
684	b)	Permit requirements:
685	~)	1
686		1) The owner or operator of each source with one or more CAIR SO ₂ affected
687		units at the source must apply for a permit issued by the Agency with
688		federally enforceable conditions covering the CAIR SO ₂ Trading Program

689			("CAIR SO ₂ permit") that complies with the requirements of Section
690			225.320 of this Subpart (Permit Requirements).
691			
692		2)	The owner or operator of each <u>CAIR SO₂affected</u> source and each <u>CAIR</u>
693			SO ₂ affected unit at the source must operate the CAIR SO ₂ affected unit in
694			compliance with its such CAIR SO ₂ permit.
695			
696	c)	Monit	oring requirements:
697			
698		1)	The owner or operator of each <u>CAIR SO₂ affected</u> source and each <u>CAIR</u>
699		,	SO ₂ affected unit at the source must comply with the monitoring
700			requirements of 40 CFR 96, subpart HHH. The CAIR designated
701			representative of each CAIR SO ₂ affected source and each CAIR SO ₂
702			affected unit at the CAIR SO ₂ affected source must comply with those
703			sections of the monitoring, reporting and recordkeeping requirements of
704			40 CFR 96, subpart HHH, applicable to the CAIR designated
705			representative.
706			
707		2)	The compliance of each CAIR SO ₂ affected source unit with the emissions
708		-)	limitation pursuant tounder subsection (d) of this Section willshall be
709			determined by the emissions measurements recorded and reported in
710			accordance with 40 CFR 96 subpart HHH and 40 CFR 75
710			accordance with 40 CI K 90, subpart IIIII and 40 CI K 75.
/			
712	d)	Emico	ion requirements.
712	d)	Emiss	ion requirements:
712 713 714	d)	Emiss	ion requirements:
712 713 714 715	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of
712 713 714 715 716	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operator</u> CAIR designated
712 713 714 715 716 717	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂</u> affected source and each <u>CAIR SO₂</u> affected writ at the source challengt hold a terminate equivalent in CAIR
712 713 714 715 716 717	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> <u>affected</u> unit at the source <u>shallmust</u> hold <u>a tonnage equivalent in CAIR</u> SO ellowances queilable for compliance deductions purposed to a 40
712 713 714 715 716 717 718 710	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CEP \$5.06.254(a) and (b) in the CAIP SO ₂ affected sources's CAIP SO
712 713 714 715 716 717 718 719 720	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR <u>§§</u> 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂
712 713 714 715 716 717 718 719 720 721	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. <u>The allowance transfer deadline</u>
712 713 714 715 716 717 718 719 720 721	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂</u> affected source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂</u> affected source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the
712 713 714 715 716 717 718 719 720 721 722	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not
712 713 714 715 716 717 718 719 720 721 722 723	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all
712 713 714 715 716 717 718 719 720 721 722 723 724	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂</u> affected source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂</u> affected source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the</u>
712 713 714 715 716 717 718 719 720 721 722 723 724 725	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the</u> nearest whole ton, as determined in accordance with 40 CFR 96, subpart
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂</u> affected source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂</u> affected source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the</u> nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down).</u>
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728	d)	Emiss 1)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂</u> affected source and each <u>CAIR SO₂</u> affected unit at the source <u>shallmust</u> hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂</u> affected source's CAIR SO ₂ Allowance System Tracking account. <u>The allowance transfer deadline</u> means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂</u> affected units at the <u>CAIR SO₂ affected source, rounded to the</u> nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down).
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729	d)	Emiss 1) 2)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂</u> affected source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder 40</u> CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂</u> affected source's CAIR SO ₂ Allowance System Tracking account. <u>The allowance transfer deadline</u> means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the</u> nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down). Each ton of SO ₂ emitted by <u>a CAIR SO₂ an affected</u> unit in excess of the
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730	d)	Emiss 1) 2)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down). Each ton of SO₂ emitted by a <u>CAIR SO₂ an affected</u> unit in excess of the tonnage authorizationnumber of CAIR SO₂ allowances held by the owner</u>
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731	d)	Emiss 1) 2)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operator</u> CAIR designated representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂ affected</u> unit at the source <u>shallmust</u> hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. <u>The allowance transfer deadline</u> means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected source, rounded to the</u> nearest whole ton, as determined in accordance with 40 CFR 96, subpart HIHI, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down). Each ton of SO ₂ emitted by <u>a CAIR SO₂ an affected</u> unit in excess of the tonnage authorizationnumber of CAIR SO ₂ allowances held by the owner or operator for each <u>CAIR SO₂ affected</u> unit in its CAIR SO ₂ Allowance
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732	d)	Emiss 1) 2)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO</u> ₂ affected source and each <u>CAIR SO</u> ₂ affected unit at the source shallmust hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO</u> ₂ affected source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO</u> ₂ affected units at the <u>CAIR SO</u> ₂ affected source, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down). Each ton of SO ₂ emitted by <u>a CAIR SO</u> ₂ affected unit in excess of the tonnage authorizationnumber of CAIR SO ₂ allowances held by the owner or operator for each <u>CAIR SO</u> ₂ affected unit in its CAIR SO ₂ Allowance System Tracking account for each <u>day of the applicable</u> control period
712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733	d)	Emiss 1) 2)	ion requirements: By the allowance transfer deadline, March 1, 2011, and by March 1 of each subsequent year, the <u>owner or operatorCAIR designated</u> representative of each <u>CAIR SO₂ affected</u> source and each <u>CAIR SO₂</u> affected unit at the source shall <u>must</u> hold a tonnage equivalent in CAIR SO ₂ allowances available for compliance deductions <u>pursuant tounder</u> 40 CFR §§ 96.254(a) and (b) in the <u>CAIR SO₂ affected</u> source's CAIR SO ₂ Allowance System Tracking account. The allowance transfer deadline means by midnight of March 1 (if it is a business day) or midnight of the first business day thereafter. The number of allowances held <u>mayshall</u> not be less than the <u>total</u> tons of SO ₂ emissions for the control period from all <u>CAIR SO₂ affected</u> units at the <u>CAIR SO₂ affected</u> source, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart HHH, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down). Each ton of SO ₂ emitted by <u>a CAIR SO₂ affected</u> unit in excess of the tonnage authorizationnumber of CAIR SO ₂ allowances held by the owner or operator for each <u>CAIR SO₂ affected</u> unit in its CAIR SO ₂ Allowance System Tracking account for each <u>day of the applicable</u> control period willshall constitute a separate violation of this Subpart <u>C</u> , the Clean Air

735			
736		3)	Each CAIR SO ₂ affected unit willshall be subject to the monitoring and
737		-)	compliance requirements of subsections (c)(1) and (d)(1) of this Section
738			starting on the later of January 1 2009 2010 or the deadline for meeting
739			the unit's monitoring certification requirements pursuant tounder 40 CFR
740			\$ 96 270(b)(1) or (2) and for each control period thereafter
740			$\frac{1}{2}$ $\frac{1}$
742		4)	CAIR SO, allowances shallmust be held in deducted from or transferred
742		-)	into or among allowances accounts in accordance with this Subpart and 40
743			<u>CEP</u> Of subparts EEE and CCC
744			CFK 90, subparts FFF and 000.
745		5)	In order to comply with the requirements of subsection (d)(1) of this
/40		5)	In order to comply with the requirements of subsection $(d)(1)$ of this
/4/			Section, a CAIR SO ₂ allowance may not be <u>deducted</u> for
748			<u>compliance according to subsection (d)(1) of this Section, for a control</u>
749			period in a <u>calendar</u> year <u>beforeprior to</u> the year for which the allowance is
750			allocated.
751			
752		6)	A CAIR SO ₂ allowance allocated by USEPA under the CAIR SO ₂ Trading
753			Program is a limited authorization to emit SO_2 in accordance with the
754			CAIR SO ₂ Trading Program. No provision of the CAIR SO ₂ Trading
755			Program, the CAIR $\frac{SO_2}{2}$ permit application, the CAIR $\frac{SO_2}{2}$ permit, or a
756			retired unit exemption pursuant tounder 40 CFR § 96.205, and no
757			provision of law, <u>willshall</u> be construed to limit the authority of the United
758			States or the State to terminate or limit this authorization.
759			
760		7)	A CAIR SO ₂ allowance allocated by USEPA pursuant tounder the CAIR
761		,	SO ₂ Trading Program does not constitute a property right.
762			
763		8)	Upon recordation by USEPA pursuant to under 40 CFR 96 subpart FFF or
764		0)	40 CFR 96 subpart GGG every allocation transfer or deduction of a
765			CAIR SO ₂ an allowance to or from a CAIR SO ₂ an affected source's
766			compliance account is deemed to amend automatically and become a part
767			of any CAIR SO permit of the CAIR SO affected source. This
768			automatic amendment of the CAIR SO permit willshall be deemed an
760			automatic anchument of the CAIK <u>BO2</u> permit <u>winishan</u> be decined an
709			operation of faw and will not require any further review.
770	2)	Daaam	disconting and non-acting no grain antas
//1	e)	Record	ikeeping and reporting requirements.
112		1)	
//3		1)	Unless otherwise provided, the owner or operator of the <u>CAIR SO₂</u>
//4			affected source and each $\underline{CAIR SO_2}$ affected unit at the source shall <u>must</u>
775			keep on site at the source each of the documents listed in subsections
776			(e)(1)(A) through (e)(1)(D) of this Section for a period of five (5) years
777			from the date the document is created. This period may be extended for
778			cause, at any time prior to the end of five years, in writing by the Agency
779			or USEPA.
780			

781 782 783 784 785 786 787 788 789 790			A) The certificate of representation for the CAIR designated representative for the source and each <u>CAIR SO₂affected</u> unit at the source, all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents must be retained on site at the source beyond such five-year period until <u>thesuch</u> documents are superseded because of the submission of a new certificate of representation <u>pursuant tounder</u> 40 CFR § 96.213, changing the CAIR designated representative.
791 792 793			 All emissions monitoring information, in accordance with 40 CFR 96, subpart HHH.
794 795 796 797 798 799			C) Copies of all reports, compliance certifications, and other submissions and all records made or required <u>pursuant tounder</u> the CAIR SO ₂ Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR SO ₂ Trading Program or with the requirements of this Subpart <u>C</u> .
800 801 802 803 804			D) Copies of all documents used to complete a CAIR SO ₂ permit application and any other submission or documents used to demonstrate compliance pursuant tounder the CAIR SO ₂ Trading Program.
805 806 807 808 809 810		2)	The CAIR designated representative of <u>a CAIR SO₂an affected</u> source and each <u>CAIR SO₂affected</u> unit at the source must submit to the Agency and USEPA the reports and compliance certifications required <u>pursuant</u> <u>tounder</u> the CAIR SO ₂ Trading Program, including those <u>pursuant tounder</u> 40 CFR 96, subpart HHH.
811 812	f)	Liabili	ity:
812 813 814 815 816		1)	No revision of a permit for <u>a CAIR SO₂an affected</u> unit <u>mayshall</u> excuse any violation of the requirements of this Subpart <u>C</u> or the requirements of the CAIR SO ₂ Trading Program.
817 818 819		2)	Each <u>CAIR SO₂affected</u> source and each <u>affected CAIR SO₂</u> unit <u>shallmust</u> meet the requirements of the CAIR SO ₂ Trading Program.
820 821 822 823 824 825		3)	Any provision of the CAIR SO ₂ Trading Program that applies to <u>CAIR</u> <u>SO₂ an affected</u> source (including any provision applicable to the CAIR designated representative of <u>a CAIR SO₂an affected</u> source) <u>willshall</u> also apply to the owner and operator of <u>thesuch CAIR SO₂affected</u> source and to the owner and operator of each <u>CAIR SO₂affected</u> unit at the source.
826		4)	Any provision of the CAIR SO ₂ Trading Program that applies to <u>a CAIR</u>

827			SO ₂ an affected unit (including any provision applicable to the CAIR
828			designated representative of <u>a CAIR SO₂an affected</u> unit) willshall also
829			apply to the owner and operator of the such CAIR SO ₂ affected unit.
830			Except with regard to the requirements applicable to affected units with a
831			common stack under 40 CFR 96, subpart HHH, the owner, the operator,
832			and the CAIR designated representative of an affected unit shall not be
833			liable for any violation by any other affected unit of which they are not an
834			owner or operator or the CAIR designated representative.
835			
836		5)	The CAIR designated representative of a CAIR SO ₂ an affected unit that
837		-)	has excess SO ₂ emissions in any control period shallmust surrender the
838			allowances as required for deduction pursuant tounder 40 CFR §
839			96 254(d)(1)
840			
841		6)	The owner or operator of a CAIR SO ₂ an affected unit that has excess SO ₂
842		0)	emissions in any control period shallmust pay any fine penalty or
843			assessment or comply with any other remedy imposed pursuant to under
844			the Act and 40 CFR $\frac{1}{2}$ 96 254(d)(2)
845			
846	g)	Effect	on other authorities No provision of the CAIR SO ₂ Trading Program a
847	8)	CAIR	$\frac{SO_2}{SO_2}$ permit application, a CAIR $\frac{SO_2}{SO_2}$ permit, or a retired unit exemption
848		pursua	nt tounder 40 CFR § 96.205 willshall be construed as exempting or
849		exclud	ing the owner and operator and, to the extent applicable, the CAIR
850		design	ated representative of a CAIR SO ₂ an affected source or a CAIR
851		SO ₂ aff	feeted unit, from compliance with any other regulation promulgated
852		pursua	nt tounder the CAA, the Act, any State regulation or permit, or a federally
853		enforce	eable permit.
854			
855	Section 225.3	15	Appeal Procedures
856			
857	The appeal pro	ocedure	s for decisions of USEPA pursuant tounder the CAIR SO ₂ Trading Program
858	are set forth in	140 CF	R 78, as incorporated by reference in Section 225.140 of this Part.
859			
860	Section 225.32	20	Permit Requirements
861			
862	a)	Permit	requirements:
863			
864		1)	The owner or operator of each source with <u>a CAIR SO₂ an affected</u> unit is
865			required to submit:
866			
867			A) <u>A-a</u> complete permit application addressing all applicable CAIR
868			SO_2 Trading Program requirements for a permit meeting the
869			requirements of this Section 225.320, applicable to each CAIR
870			$\underline{SO_2}$ affected unit at the source. Each CAIR $\underline{SO_2}$ permit must shall
871			contain elements required for a complete CAIR $\frac{1}{SO_2}$ permit
872			application pursuant tounder subsection (b)(2) of this Section.

873			
874			B) Any supplemental information that the Agency determines is
875			necessary in order to review a CAIR permit application and issue a
876			CAIR permit
877			<u></u>
878		2)	Each CAIR SO permit will be issued pursuant to Section 39 or 39.5 of the
879		2)	Act mustshall contain federally enforceable conditions addressing all
880			applicable CAIR SO ₂ Trading Program and requirements and willshall be
881			a complete and segregable portion of the source's entire permit pursuant
882			tounder subsection (a)(1) of this Section
883			$\underline{\mathbf{u}}$ under subsection (a)(1) of this section.
884		3)	No CAIP SO, permit may shall be issued and no CAIP SO. Allowance
004		5)	System Tracking account mayshall be agtablished for the CAID SO an
005			system macking account <u>mayshan</u> be established for <u>the CAIR SO₂an</u>
000			anected source, until the Agency and USEPA have received a complete
88/			certificate of representation for a CAIR designated representative of
888			alternate designated representative <u>pursuant tounder</u> 40 CFK 96, subpart
889			BBB, for <u>aan</u> source and the <u>CAIR SO₂affected</u> unit at the source.
890		4)	
891		4)	For all <u>CAIR SO₂affected</u> units that commenced operation before July 1,
892			2008, the owner or operator of the such unit must submit a CAIR $\frac{SO_2}{SO_2}$
893			permit application meeting the requirements of this Section <u>225.320</u> on or
894			before July 1, 2008.
895		-	
896		5)	For <u>CAIR SO₂ affected</u> units and that commence operation on or after July
897			1, 2008, and that are and are not subject to Section 39.5 of the Act, the
898			owner or operator of such units must submit applications for construction
899			and operating permits pursuant to the requirements of Sections 39 and
900			39.5 of the Act, as applicable, and 35 Ill. Adm. Code 201 and <u>thesuch</u>
901			applications must specify that they are applying for CAIR SO ₂ permits,
902			and must address the CAIR SO_2 permit application requirements of this
903			Section <u>225.320</u> .
904			
905	b)	Permit	applications:
906			
907		1)	Duty to apply. The owner or operator of any source with one or more
908			CAIR SO ₂ affected units shallmust submit to the Agency a CAIR SO ₂
909			permit application for the source covering each <u>CAIR SO₂affected</u> unit
910			<u>pursuant tounder</u> subsection (b)(2) of this Section by the applicable
911			deadline in subsection $(a)(4)$ or $(a)(5)$ of this Section. The owner or
912			operator of any source with one or more CAIR SO ₂ affected units
913			shallmust reapply for a CAIR $\frac{SO_2}{SO_2}$ permit for the source as required by this
914			Subpart, 35 Ill. Adm. Code 201, and, as applicable, Sections 39 and 39.5
915			of the Act.
916			

917 918 919		2) Infe CA cor	formation requirements for CAIR $\frac{SO_2}{SO_2}$ permit applications. A complete JR $\frac{SO_2}{SO_2}$ permit application $\frac{\text{shallmust}}{\text{must}}$ include the following elements according the source for which the application is submitted:
920 921 922 923 924		A)	Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration shallmust also be included, if applicable;
925 926 927		B)	Identification of each <u>CAIR SO₂affected</u> unit at the source; and
927 928 929		C)	The compliance requirements applicable to each <u>CAIR</u> <u>SO₂affected</u> unit as set forth in Section 225.310 of this Subpart.
930 931		3) An	application for a CAIR SO permit willshall be treated as a
932		mo	dification of the <u>CAIR SO₂ affected</u> source's existing federally
933 934		<u>SO</u>	² affected source, and <u>willshall</u> be subject to the same procedural
935		req	uirements. When the Agency issues a CAIR SO ₂ permit pursuant to the
936		req	uirements of this Section <u>225.320</u> , it <u>willshall</u> be incorporated into and
937		bec	come part of that <u>CAIR SO₂affected</u> source's existing federally
938		ent	orceable permit.
939		Dormait con	tent. Each CAIP normit is deemed to incorrecte systematically the
940 0/1	<u>c)</u>	definitions	and terms pursuant to Section 225 120 and upon recordation of
942		USEPA un	der 40 CFR 96 Subparts FFF and GGG as incorporated by reference in
943		Section 22	5 140 every allocation transfer or deduction of a CAIR SO ₂
944		allowance	to or from the compliance account of the CAIR SO ₂ source covered by
945		the permit.	· · · · · · · · · · · · · · · · · · ·
946		-	
947	Section 225.32	25 Tra	iding Program
948			
949	a)	The CAIR	SO ₂ Trading Program is administered by USEPA. CAIR SO ₂
950		allowances	s are issued as described by the definition for allocate in 40 CFR
951		<u>96.220, as</u>	incorporated by reference in Section 225.140 determined by USEPA
952		pursuant to	the Acid Kain Program, 1itle IV of the CAA, 42 U.S.C. § /651. The
953		amount of	Such CAIR SO ₂ allowances to be credited to $\frac{a CAIR SO_2}{an affected}$
954		source s C	AIR SO ₂ Allowance Tracking System account for <u>a CAIR SO₂</u> th pit willshall be determined in accoundance with 40 CEP 06 252, as
955		incorporate	ad by reference in Section 225 140by USEPA
957		moorporau	ou by reference in Section 223.140 by OBEFT.
958	b)	A CAIR S	O ₂ allowance is a limited authorization to emit SO ₂ during the calendar
959	~)	year for wl	hich the allowance is allocated or any calendar year thereafter pursuant
960		tounder the	e CAIR SO ₂ Trading Program as follows:
961			

962 963 964		1)	For <u>one CAIR SO₂ allowance allocated for</u> a control period in a year before 2010, <u>one ton of SO₂ the retirement ratio shall be one ton of SO₂ to</u> 1.0 CAIR SO ₂ allowance, except as provided for in the compliance
965			deductions <u>pursuant tounder</u> 40 CFR § 96.254(b);
966 967		2)	For one CAIR SO ₂ allowance allocated for a control period in 2010
968		,	through 2014, 0.5 ton of SO ₂ the retirement ratio shall be one ton of SO ₂ to
969			2.0 CAIR SO ₂ allowances, except as provided for in the compliance
970 071			deductions <u>pursuant to</u> under 40 CFR $\frac{1}{8}$ 96.254(b); and
971 972		3)	For one CAIR SO ₂ allowance allocated for a control period in 2015 or
973		5)	later, 0.35 ton of SO ₂ the retirement ration shall be one ton of SO ₂ to 2.86
974			$\frac{1}{CAIR SO_2 \text{-allowances}}$, except as provided for in the compliance
975			deductions <u>pursuant tounder</u> 40 CFR § 96.254(b).
976			
977		SUB	BPART D: CAIR NO_x ANNUAL TRADING PROGRAM
978	Section 225	100	Duran a co
9/9	Section 225.4	100	Purpose
981	The nurnose	of this s	Subpart D is to control the annual emissions of nitrogen oxides (NO _x) from
982	electric gener	rating u	nits (EGU) by determining allocations and implementing the CAIR NO _x
983	Annual Tradi	ing Dra	uram
	1 minuar i ruar	ing riog	514111.
984	7 minuar 11aar	ing rioş	<u>zi ani.</u>
984 985 986	Section 225.4	405	Applicability
984 985 986 987 988	Section 225.4	405 Excel	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:
984 985 986 987 988 989	Section 225.4 <u>a)</u>	105 <u>Excer</u> 1)	Applicability <u>ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:</u> The following units are CAIR NO _x units, and any source that includes one
984 985 986 987 988 989 989	Section 225.4 <u>a)</u>	405 <u>Excer</u> <u>1)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of
984 985 986 987 988 989 989 990 991	Section 225.4 <u>a)</u>	105 <u>Excer</u> <u>1)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil-
984 985 986 987 988 989 990 990 991 992	Section 225.4 <u>a)</u>	105 <u>Excer</u> <u>1)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of
984 985 986 987 988 989 990 991 991 992 993	Section 225.4 <u>a)</u>	105 <u>Excer</u> <u>1)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a
984 985 986 987 988 989 990 991 992 993 993 994	Section 225.4 a)	105 <u>Excer</u> <u>1)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale
984 985 986 987 988 989 990 991 992 993 994 995 996	Section 225.4 <u>a)</u>	105 <u>Exce</u> <u>1)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.
984 985 986 987 988 989 990 991 992 993 994 995 996 997	Section 225.4 a)	105 <u>Excer</u> <u>1)</u> 2)	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to
984 985 986 987 988 989 990 991 992 993 994 995 996 997 998	Section 225.4 a)	1) <u>2)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to
984 985 986 987 988 989 990 991 992 993 994 995 996 995 996 997 998 999	Section 225.4 a)	105 <u>Excer</u> <u>1)</u> <u>2)</u>	Applicability t as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of
984 985 986 987 988 989 990 991 992 993 994 995 994 995 996 997 998 999 1000	Section 225.4 a)	1) <u>2)</u>	Applicability Dt as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe produce in a combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe produce a more subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe produce ing electricity for sale, the unit will become a
984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001	Section 225.4 a)	105 <u>Excer</u> <u>1)</u> <u>2)</u>	Applicability Dt as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe produce a CAIR NO _x unit as provided in subsection (a)(1) of this Section on the first
984 985 986 987 988 989 990 991 992 993 994 995 994 995 996 997 998 999 1000 1001	Section 225.4 a)	1) <u>2)</u>	Applicability Dt as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producting electricity for sale, the unit will become a CAIR NO _x unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator.
984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003	Section 225.4 a)	105 <u>Excep</u> <u>1)</u> <u>2)</u>	Applicability ot as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producting electricity for sale, the unit will become a CAIR NO _x unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator.
984 985 986 987 988 989 990 991 992 993 994 995 994 995 996 997 998 999 1000 1001 1002 1003 1004	Section 225.4 a)	1) 2)	Applicability of as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producting electricity for sale, the unit will become a CAIR NO _x unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator.
984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006	Section 225.4 a)	1) <u>Excer</u> <u>1)</u> <u>2)</u> <u>The u</u> <u>(b)(4)</u> require	Applicability pt as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section: The following units are CAIR NO _x units, and any source that includes one or more such units is a CAIR NO _x source subject to the requirements of this Subpart D: any stationary, fossil-fuel-fired boiler or stationary, fossil- fuel-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale. If a stationary boiler or stationary combustion turbine that pursuant to subsection (a)(1) of this Section, is not a CAIR NO _x unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producting electricity for sale, the unit will become a CAIR NO _x unit as provided in subsection (a)(1) of this Section on the first date on which it both combusts fossil fuel and serves such generator. mits that meet the requirements set forth in subsections (b)(1), (b)(3), and of this Section will not be CAIR NO _x units and units that meet the rements of subsections (b)(2) and (b)(5) of this Section are CAIR NO _x units:

1008	1)	Any unit that is a CAIR NO_x unit pursuant to subsection (a)(1) or (a)(2) of
1009		this Section and:
1010		
1011		A) Qualifies as a cogeneration unit during the 12-month period
1012		starting on the date the unit first produces electricity and
1013		continuing to qualify as a cogeneration unit; and
1014		
1015		B) Does not serve at any time, since the later of November 15, 1990
1016		or the start-up of the unit's combustion chamber, a generator with
1017		nameplate capacity of more than 25 MWe supplying any calendar
1018		year more than one-third of the of the unit's potential electric
1019		output capacity or 219,000 MWh, whichever is greater, to any
1020		utility power distribution for sale.
1021		
1022	2)	If a unit qualifies as a cogeneration unit during the 12-month period
1023		starting on the date the unit first produces electricity and meets the
1024		requirements of subsection (b)(1) of this Section for at least one calendar
1025		year, but subsequently no longer meets all such requirements, the unit
1026		shall become a CAIR NO _x unit starting on the earlier of January 1 after the
1027		first calendar year during which the unit no longer qualifies as a
1028		cogeneration unit or January 1 after the first calendar year during which
1029		the unit no longer meets the requirements of subsection (b)(1)(B) of this
1030		Section.
1031		
1032	3)	Any unit that is a CAIR NO_x unit pursuant to subsection (a)(1) or (a)(2) of
1033		this Section commencing operation before January 1, 1985 and:
1034		
1035		A) Qualifies as a solid waste incineration unit; and
1036		
1037		B) With an average annual fuel consumption of non-fossil fuel for
1038		1985-1987 exceeding 80 percent (on a Btu basis) and an average
1039		annual fuel consumption of non-fossil fuel for any three
1040		consecutive calendar years after 1990 exceeding 80 percent (on a
1041		<u>Btu basis).</u>
1042		
1043	<u>4)</u>	Any unit that is a CAIR NO_x unit under subsection (a)(1) or (a)(2) of this
1044		Section commencing operation on or after January 1, 1985: and
1045		
1046		A) Qualifies as a solid waste incineration unit; and
1047		
1048		B) With an average annual fuel consumption of non-fossil fuel the
1049		first three years of operation exceeding 80 percent (on a Btu basis)
1050		and an average annual fuel consumption of non-fossil fuel for any
1051		three consecutive calendar years after 1990 exceeding 80 percent
1052		(on a Btu basis).
1053		

1054		5) If a unit qualifies as a solid waste incineration unit and meets the
1055		requirements of subsection (b)(3) or (b)(4) of this Section for at least three
1056		consecutive years, but subsequently no longer meets all such
1057		requirements, the unit shall become a CAIR NO_x unit starting on the
1058		earlier of January 1 after the first three consecutive calendar years after
1059		1990 for which the unit has an average annual fuel consumption of fuel of
1060		20 percent or more.
1061	a)	-A fossil fuel-fired stationary boiler, combustion turbine or combined cycle system
1062		is an electric generating unit if it serves a generator that has a nameplate capacity
1063		greater than 25 MWe and produces electricity for sale and is not included in
1064		Appendix D of 35 Ill. Adm. Code Part 217. An electric generation unit is subject
1065		to the NO _* Trading Program contained in this Subpart and is a CAIR NO _* unit or
1066		affected unit for the purposes of this Subpart.
1067		
1068	b)	-Notwithstanding subsection (a) of this Section, an EGU shall not be an affected
1069		unit and is not subject to the NO _x Trading Program contained in this Subpart if it
1070		meets the requirements of either subsection (b)(1)(A) or (b)(2)(A) of this Section,
1071		as follows:
1072		
1073		1) A unit that:
1074		
1075		A) Meets the definition of a cogeneration unit in Section 225.130 of
1076		this Part; and
1077		
1078		i) Oualifies as a cogeneration unit during the 12-month period
1079		starting on the date the unit first produces electricity and
1080		continues to qualify as a cogeneration unit; and
1081		
1082		ii) Does not serve at any time, since the later of November 15,
1083		1990, or the start-up of the unit's combustion chamber, a
1084		generator with a nameplate capacity of more than 25 MWe,
1085		and which supplies in any calendar year more than one-
1086		third of the unit's potential electrical output capacity or
1087		219,000 MWh, whichever is greater, to a utility power
1088		distribution system for sale.
1089		
1090		B) If a unit qualifies as a cogeneration unit during the 12-month
1091		period starting on the date the unit first produces electricity but
1092		subsequently no longer qualifies as a cogeneration unit, the unit
1093		shall be subject to subsection (a) of this Section starting on the
1094		January 1 after which the unit first no longer qualifies as a
1095		cogeneration unit.
1096		
1097		2) A unit that:
1098		,
1099		A) Oualifies as a solid waste incineration unit as defined by Section
/ /		

1100			-129(g	;) of the CAA [42 U.S.C. § 7429(g)]; and
1101				
1102			i)	- Commences operation on or after January 1, 1985; and
1103				
1104			ii) 	Has an average annual fuel consumption of non-fossil fuel
1105				for the first three calendar years of operation exceeding 80
1106				percent (on a Btu basis) and an average annual fuel
1107				consumption of non-fossil fuel for any three consecutive
1108				calendar years after 1990 exceeding 80 percent (on a Btu
1100				basis).
1110				00315).
1110			P) If a m	nit qualifies as a solid wasta incineration unit and mosts the
1111			D) II a u	rements of subsection $(h)(2)(A)$ of this Section for at least
1112			three	ements of subsection (0)(2)(A) of this section for at reast
1113			- 11	consecutive calendar years, but subsequently no longer meets
1114			an su	en requirements, the unit shall become an affected unit
1115			startii	ig on the January 1 after which the unit has an average annual
1116			fuel c	onsumption of fossil fuel of 20 percent or more.
1117/	~		a 1	
1118	Section 225.4	10	Compliance	Requirements
1119				
1120	a)	The ow	vner or operate	or of <u>a CAIR NO_xan affected</u> unit shall <u>must</u> comply with the
1121		require	ments of the (CAIR NO _x Annual Trading Program for Illinois asre set forth
1122		in this	Subpart <u>D</u> and	1 40 CFR 96, subpart AA (NO _x Annual Trading Program
1123		Genera	ll Provisions, o	excluding 40 CFR §§ 96.104, 96.105(b)(2), and 96.106); 40
1124		CFR 9	6, subpart BB	(CAIR Designated Representative for CAIR NO _x Sources);
1125		40 CFI	R 96, subpart l	FF (CAIR NO _x Allowance Tracking System); 40 CFR 96,
1126		subpar	t GG (CAIR N	MO_x Allowance Transfers); and 40 CFR 96, subpart HH
1127		(Monit	oring and Rep	porting); as incorporated by reference in Section 225.140 of
1128		this Pa	rt .	
1129				
1130	b)	Permit	requirements	
1131	,		1	
1132		1)	The owner or	c operator of each source with one or more CAIR NO _x affected
1133		/	units at the so	burce must apply for a permit issued by the Agency with
1134			federally enfo	orceable conditions covering the CAIR NO _v Annual Trading
1135			Program ("C	AIR NO _x permit") that complies with the requirements of
1136			Section 2254	120 of this Subpart (Permit Requirements)
1137			5000001 225.	20 of this Subpart (Fernit Requirements).
1138		2)	The owner of	r operator of each CAIR NO affected source and each CAIR
1130		2)	NO affected	unit at the source must operate the CAIR NO affected unit in
1137			<u>nov</u> aliance v	with its source must operate the $\underline{CARCNO_{x}}$ different unit in
1140			compliance v	Vitil <u>Itssuen</u> CAIX IVO * permit.
1141		Monito	ring require	aonta:
1142	C)	wonite	ning requirem	
1145		1)	The error	a constant of each CAID NO offected
1144		1)	The owner of	operator of each <u>CAIK NO_xaffected</u> source and each <u>CAIR</u>
1145			<u>NU_xaffected</u>	unit at the source must comply with the monitoring

1146 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156		2)	requirements of 40 CFR 96, subpart HH and Section 225.450 of this Subpart. The CAIR designated representative of each CAIR NO _x affected source and each CAIR NO _x affected unit at the CAIR NO _x affected source must comply with those sections of the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HH, applicable to a CAIR designated representative. The compliance of each CAIR NO _x affected sourceunit with the NO _x emissions limitation <u>pursuant tounder</u> subsection (d) of this Section willshall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart HH
1157			
1158	d)	Emissi	ion requirements:
1159			
1160		1)	By the allowance transfer deadline, March 1, 2010, and by March 1 of
1161			each subsequent year, the allowance transfer deadline, the <u>owner or</u>
1162			operator CAIR designated representative of each CAIR NO _x affected
1163			source and each <u>CAIR NO_xaffected</u> unit at the source sharing number $\frac{1}{2}$ and $\frac{1}{2}$
1104			<u>CAIR NO_x</u> anowances available for compliance deductions <u>pursuant</u> tounder 40 CER & 96.154(a) in the CAIR NO affected source's CAIR NO
1166			1000000000000000000000000000000000000
1167			of March 1 (if it is a business day) or midnight of the first business day
1168			thereafter. The number of allowances held mayshall not be less than the
1169			tons of NO _x emissions for the control period from all CAIR NO _x affected
1170			units at the source, rounded to the nearest whole ton, as determined in
1171			accordance with 40 CFR 96, subpart HH, plus any number of allowances
1172			necessary to account for actual utilization, including, but not limited to
1173			testing, start-up, malfunction, and shut down.
1174			
1175		2)	Each ton of NO_x emitted in excess of the number of CAIR NO_x
1176			allowances held by the owner or operator for each $\underline{CAIR NO_x}$ affected unit
1177			in its CAIR NO_x compliance account for each <u>day of the applicable</u>
1178			control period <u>willshall</u> constitute a separate violation of this Subpart <u>D</u> ,
1179			and the Act, and the CAA.
1180		2)	Each CAID NO offected unit will shall be subject to the manitoring and
1101		3)	Each <u>CAIR NO_x affected</u> unit <u>winishan</u> be subject to the monitoring and compliance requirements of subsections (a)(1) and (d)(1) of this Section
1182			starting on the later of January 1, 2009, or the deadline for meeting the
1184			unit's monitoring certification requirements pursuant tounder 40 CFR §
1185			96.170(b)(1) or (b)(2) and for each control period thereafter.
1186			
1187		4)	CAIR NO _x allowances shallmust be held in, deducted from, or transferred
1188		-	among allowance accounts in accordance with this Subpart and 40 CFR
1189			96, subparts FF and GG.
1190			
1191		5)	In order to comply with the requirements of subsection $(d)(1)$ of this

1192		Section, a CAIR NO_x allowance may not be deducted utilized for
1193		compliance according to subsection $(d)(1)$ of this Section, for a control
1194		period in a year before prior to the calendar year for which the allowance is
1195		allocated.
1196		
1197		6) A CAIR NO _x allowance allocated by the Agency or USEPA pursuant
1198		tounder the CAIR NO _x Annual Trading Program is a limited authorization
1199		to emit one ton of NO _{x} in accordance with the CAIR NO _{$x Trading$}
1200		Program No provision of the CAIR NO. Trading Program the CAIR
1200		NO _{<math>x nermit application the CAIR NO$x nermit or a retired unit exemption$</math>}
1201		nursuant tounder 40 CFR § 96 105 and no provision of law willshall be
1202		construed to limit the authority of the United States or the State to
1203		terminate or limit this authorization
1204		terminate of minit tins authorization.
1205		7) \wedge CAIR NO allowance allocated by the Agency or USEPA pursuant
1200		T_{1} A CAR NO _x and wance anotated by the Agency of OSELA <u>pursuant</u> tounder the CAIR NO. Annual Trading Program does not constitute a
1207		nonerty right
1208		property right.
1209		8) Upon recordation by USEDA pursuant toundar 40 CED 06 subpart FE or
1210		6) Opoil recordation by USEFA <u>pursuant counter</u> 40 CFR 90, subpart FF 01 40 CFP 06 subpart CC avery allocation transfer or deduction of a CAIP
1211		10° CFR 90, subpart OO, every anotation, transfer, of deduction of <u>a CAIR</u>
1212		$\frac{NO_x}{M}$ anowance to of from a CAIR NO _x source compliance account is deemed to smooth automatically, and become a part of any CAIR NO
1213		decined to amend automatically, and become a part of, any CAIR NO_x
1214		permit of the <u>CAIR NO_xanected</u> source. This automatic amendment of the CAIP NO x equations in the descent day expected at the second sec
1215		the CAIR $\frac{1}{100}$ permit will shall be deemed an operation of law and will
1210		not require any further review.
1217	``	
1218	e)	Recordkeeping and reporting requirements:
1219		
1220		1) Unless otherwise provided, the owner or operator of the <u>CAIR</u>
1221		<u>NO_x affected</u> source and each <u>CAIR NO_x affected</u> unit at the source
1222		shall <u>must</u> keep on site at the source each of the documents listed in
1223		subsections (e)(1)(A) through (e)(1)(E) of this Section for a period of five
1224		years from the date the document is created. This period may be extended
1225		for cause, at any time prior to the end of five years, in writing by the
1226		Agency or USEPA.
1227		
1228		A) The certificate of representation for the CAIR designated
1229		representative for the source and each <u>CAIR NO_xaffected</u> unit at
1230		the source, all documents that demonstrate the truth of the
1231		statements in the certificate of representation, provided that the
1232		certificate and documents must be retained on site at the source
1233		beyond such five-year period until <u>thesuch</u> documents are
1234		superseded because of the submission of a new certificate of
1235		representation pursuant tounder 40 CFR § 96.113, changing the
1236		CAIR designated representative.
1237		

1238 1239 1240			B) .	All emissions monitoring information, in accordance with 40 CFR 96, subpart HH.
1240 1241 1242 1243 1244 1245 1246			C) (Copies of all reports, compliance certifications, and other submissions and all records made or required <u>pursuant tounder</u> the CAIR NO_x Annual Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program or with the requirements of this Subpart <u>D</u> .
1247 1248 1249 1250 1251			D) (Copies of all documents used to complete a CAIR NO_x permit application and any other submission <u>or documents used to</u> demonstrate compliance pursuant to <u>under</u> the CAIR NO_x Annual Trading Program.
1252 1253 1254 1255			E) (Copies of all records and logs for gross electrical output and useful thermal energy required by Section 225.450 of this Subpart.
1255 1256 1257 1258 1259 1260 1261		2)	The CA each <u>CA</u> USEPA <u>tounder</u> <u>tounder</u>	IR designated representative of an- <u>a CAIR NO_xaffected</u> source and <u>AIR NO_xaffected</u> unit at the source must submit to the Agency and the reports and compliance certifications required <u>pursuant</u> the CAIR NO _x Annual Trading Program, including those <u>pursuant</u> 40 CFR 96, subpart HH.
1262	f)	Liabil	ity:	
1263 1264 1265 1266 1267		1)	No revis any viol the CAI	sion of a permit for <u>a CAIR NO_xan affected</u> unit <u>mayshall</u> excuse lation of the requirements of this Subpart <u>D</u> or the requirements of R NO _x Annual Trading Program.
1268 1269 1270 1271		2)	Each <u>Ca</u> shall<u>mu</u> Progran	AIR NO _x affected source and each CAIR NO _x affected unit st meet the requirements of the CAIR NO _x Annual Trading n .
1272 1273 1274 1275 1276 1277		3)	Any pro <u>CAIR N</u> CAIR d <u>willshal</u> <u>NO_xaffe</u> <u>NO_xaffe</u>	ovision of the CAIR NO _x Annual Trading Program that applies to <u>a</u> $\frac{O_x an affected}{O_x an affected}$ source (including any provision applicable to the esignated representative of <u>a CAIR NO_x an affected</u> source) $\frac{1}{4}$ also apply to the owner and operator of <u>thesuch CAIR</u> <u>beted</u> source and to the owner and operator of each <u>CAIR</u> <u>beted</u> unit at the source.
1279 1280		4)	Any pro	ovision of the CAIR NO _x Annual Trading Program that applies to \underline{a}

1284 1285 1286 1287 1288 1289			common stack under 40 CFR 96, subpart HH, the owner, the operator, and the CAIR designated representative or alternate designated representative of an affected unit shall not be liable for any violation by any other affected unit of which they are not an owner or operator or the CAIR designated representative.
1290 1290 1291 1292 1293 1294		5)	The CAIR designated representative of <u>a CAIR NO_xan affected</u> unit that has excess emissions in any control period <u>shallmust</u> surrender the allowances as required for deduction <u>pursuant tounder</u> 40 CFR § 96.154(d)(1).
1294 1295 1296 1297 1298		6)	The owner or operator of <u>a CAIR NO_xan affected</u> unit that has excess NO _x emissions in any control period <u>shallmust</u> pay any fine, penalty, or assessment or comply with any other remedy imposed <u>pursuant tounder</u> the Act and 40 CFR $\frac{1}{8}$ 96.154(d)(2).
1299 1300 1301 1302 1303 1304 1305 1306	g)	Effect Progra exemp or excl designa affecte under t	on other authorities. No provision of the CAIR NO _x Annual Trading m, a CAIR NO _* permit application, a CAIR NO _* permit, or a retired unit tion <u>pursuant tounder</u> 40 CFR § 96.105 <u>willshall</u> be construed as exempting uding the owner and operator and, to the extent applicable, the CAIR ated representative of <u>a CAIR NO_xan affected</u> source or <u>a CAIR NO_xan</u> d unit, from compliance with any other regulation promulgated <u>pursuant to</u> the CAA, the Act, any State regulation or permit, or a federally enforceable
1307 1308 1309	Section 225.4	permit. 15	Appeal Procedures
1310 1311 1312 1313	The appeal pro Program are se	ocedure et forth	s for decisions of USEPA <u>pursuant tounder</u> the CAIR NO _x Annual Trading in 40 CFR 78, as incorporated by reference in Section 225.140 of this Part.
1313 1314 1315	Section 225.42	20	Permit Requirements
1315	a)	Permit	requirements:
1317 1318 1319 1320		1)	The owner or operator of each source with <u>a CAIR NO_x an affected</u> unit is required to submit <u>:</u>
1320 1321 1322 1323 1324 1325 1326 1327			A) -aA complete permit application addressing all applicable CAIR NO _x Annual Trading Program requirements for a permit meeting the requirements of this Section 225.420, applicable to each CAIR NO _x affected unit at the source. Each CAIR NO _* permit shallmust contain elements required for a complete CAIR NO _* permit application <u>pursuant tounder</u> subsection (b)(2) of this Section.
1328 1329			B) Any supplemental information that the Agency determines necessary in order to review a CAIR permit application and issue

 1331 2) Fach CAIR NO₄ permit will be issued pursuant to Section 39 and 39.5 of the Act, shellmust contain federally enforceable conditions addressing all applicable CAIR NO₄ Annual Trading Program requirements and shallmust be a complete and segregable portion of the source's entire permit pursuant tounder subsection (a)(1) of this Section. 3) No CAIR NO₄ permit mayshall be issued, and no CAIR NO₅ compliance account mayshall be established for a CAIR NO₈ andfleeted source, until the Agency and USEPA have received a complete certificate of representation for a CAIR NO₈ affected source and the <u>CAIR</u> NO₆ affected unit at the source. 344 4) For all <u>CAIR NO₈ affected</u> units that commenced operation before July 1, 2007, the owner or operator of theseeh unit must submit a CAIR NO₈ permit application meeting the requirements of this Section 225.420 on or before July 1, 2007. 3) For all <u>CAIR NO₈ affected</u> units and that commence operation on or after July 1, 2007g, the owner or operator of theseeh units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 III. Adm. Code 201 and theseeh applications must specify that they are applying for CAIR NO₈ permits, and must address the CAIR NO₈, permit applications: b) Permit applications: b) Permit applications: b) Permit applications: c) Duty to apply. The owner or operator of any source with one or more <u>CAIR NO₈ affected</u> units shallmust submit to the Agency a CAIR NO₈ permit applications: b) Permit applications: c) Information requirements for CAIR NO₈ permit applicable deadline in subsection (a)(4) or (a)(5) of this Section. The owner or operator of any source with one or more <u>CAIR NO₈ affected</u> units shallmust include the following clements aballmust reapply for a CAIR NO₈ permit applicable. c) Information requirements for C	1330			any CAIR permit.
 1332 2) Each CAIR NQ₂ permit will be issued pursuant to Section 39 and 39.5 of the Act, shallmust contain federally enforceable conditions addressing all applicable CAIR NQ₂ Annual Trading Program requirements and shallmust be a complete and segregable portion of the source's entire permit pursuant tounder subsection (a)(1) of this Section. 3) No CAIR NQ₂ permit mayshall be issued, and no CAIR NQ₂ compliance account mayshall be established for a CAIR NQ₂ an affected source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative pursuant tounder 40 CFR 96, subpart BB, for the CAIR NQ₂affected source, and the CAIR NQ₂affected unit at the source. 1344 4) For all <u>CAIR NQ₂affected</u> units that commenced operation before July 1, 2007, the owner or operator of <u>thesuch</u> unit must submit a CAIR NQ₂ permit application meeting the requirements of this Section 225.420 on or before July 1, 2007. 1350 5) For all <u>CAIR NQ₂affected</u> units and that commence operation on or after July 1, 2007, the owner or operator of <u>thesuch</u> unit must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 III. Adm. Code 201 and thesuch applications must specify that they are applying for CAIR NQ₂ permit admust submit to the Agency a CAIR NQ₂ permit applications requirements of this Section 225.420. b) Permit applications: 1357 b) Permit applications: 1360 1) Duty to apply. The owner or operator of any source with one or more <u>CAIR NQ₂affected units shallmust</u> submit to the Agency a CAIR NQ₂ permit application requirements of this Section. The owner or operator of any source with one or more <u>CAIR NQ₂ affected units shallmust</u> reapply for a CAIR NQ₂ permit applicable deadline in subsection (a)(2) of this Section. The owner or operator of any source with	1331			
1333the Act, shallmusi contain federally enforceable conditions addressing all applicable CAIR NO, Annual Trading Program requirements and shallmust be a complete and segregable portion of the source's entire permit <u>pursuant tounder</u> subsection (a)(1) of this Section.13363)No CAIR NO, Annual Trading Program requirements and or account <u>mayshall</u> be issued, and no CAIR NO, compliance account <u>mayshall</u> be established for <u>a CAIR NO, an affected</u> source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative <u>pursuant tounder</u> 40 CFR 96, subpart BB, for the <u>CAIR NO, affected</u> source and the <u>CAIR NO, affected</u> unit at the source.1341representation for a CAIR designated representative <u>pursuant tounder</u> 40 CFR 96, subpart BB, for the <u>CAIR NO, affected</u> source and the <u>CAIR NO, affected</u> unit at the source.1342Por all <u>CAIR NO, affected</u> units that commenced operation before July 1, 2007, the owner or operator of <u>theseuch</u> unit must submit a CAIR NO, permit application meeting the requirements of this Section <u>225.420</u> on or before July 1, 20078, the owner or operation of theseuch units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 III. Adm. Code 201 and <u>thesuch</u> applications must specify that they are applying for CAIR NO, affected units shallmust submit to the Agency a CAIR NO, permit applications:13501)Duty to apply. The owner or operator of any source with one or more <u>CAIR NO, affected</u> units shallmust submit to the Agency a CAIR NO, application requirements of this Section 225.420.13601)Duty to apply. The owner or operator of any source with one or more <u>CAIR NO, affec</u>	1332		2)	Each CAIR NO _* permit will be issued pursuant to Section 39 and 39.5 of
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1335shallmust be a complete and segregable portion of the source's entire permit pursuant tounder subsection (a)(1) of this Section.13363)No CAIR NO ₄ permit mayshall be issued, and no CAIR NO ₄ compliance account mayshall be established for a CAIR NO ₄ and effected source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative pursuant tounder 40 CFR 96, subpart BB, for the <u>CAIR NO₄ and effected</u> source and the <u>CAIR NO₄ affected</u> unit at the source.1340CFR 96, subpart BB, for the <u>CAIR NO₄ affected</u> -source and the <u>CAIR NO₄ affected</u> unit at the source.1341Por all <u>CAIR NO₄ affected</u> units that commenced operation before July 1, 2007, the owner or operator of theseeh unit must submit a CAIR NO ₄ permit application meeting the requirements of this Section 225.420 on or before July 1, 2007.13495)For all <u>CAIR NO₄ affected</u> units and that commence operation on or after July 1, 2007g, the owner or operator of theseeh units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 III. Adm. Code 201 and theseh applications must specify that they are applying for CAIR NO ₄ affected units shallmust submit to the Agency a CAIR NO ₄ affected unit permit applications:13501)Duty to apply. The owner or operator of any source with one or more <u>CAIR NO₄ affected units shallmust</u> submit to the Agency a CAIR NO ₄ affected unit permit applications:13601)Duty to apply. The owner or operator of any source with one or more <u>CAIR NO₄ affected units shallmust</u> submit to the Agency a CAIR NO ₄ affected unit permit applications:1361 <t< td=""><td>1334</td><td></td><td></td><td>applicable CAIR NO_x Annual Trading Program requirements and</td></t<>	1334			applicable CAIR NO _x Annual Trading Program requirements and
 permit pursuant tounder subsection (a)(1) of this Section. permit pursuant tounder subsection (a)(1) of this Section. No CAIR NO_a permit mayshall be issued, and no CAIR NO_x compliance account mayshall be established for a <u>CAIR NO_a an affected</u> source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative pursuant tounder 40 CFR 96, subpart BB, for the <u>CAIR NO_a affected</u> source and the <u>CAIR</u> NO_x affected units that source. Por all <u>CAIR NO_x affected</u> units that commenced operation before July 1, 2007, the owner or operator of thesuch unit must submit a CAIR NO_x permit application meeting the requirements of this Section 225,420 on or before July 1, 2007. For all <u>CAIR NO_x affected</u> units and that commence operation on or after July 1, 2007g, the owner or operator of theseuch units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 III. Adm. Code 201 and thesuch applications must specify that they are applying for CAIR NO_x affected units shallmust submit to the Agency a CAIR NO_x affected units shallmust submit to the Agency a CAIR NO_x affected units shallmust submit to the Agency a CAIR NO_x affected units shallmust submit to the Agency a CAIR NO_x affected units shallmust submit to the Agency a CAIR NO_x permit application for the source covering cach <u>CAIR NO_x affected units shallmust</u> submit to the Agency a CAIR NO_x permit application for the source covering cach <u>CAIR NO_x affected units shallmust</u> reapply of a CAIR NO_x permit for the source as required by this Subpart, 35 III. Adm. Code 201, and, as applicable, Sections 39 and 39.5 of the Act. 	1335			shallmust be a complete and segregable portion of the source's entire
 1337 3) No CAIR NO_x permit mayshall be issued, and no CAIR NO_x compliance account mayshall be established for a CAIR NO_x an affected source, until the Agency and USEPA have received a complete certificate of representation for a CAIR NO_x affected source and the CAIR NO_x affected unit at the source. 1340 1341 1342 1343 1344 1345 4) For all <u>CAIR NO_x affected</u> units that commenced operation before July 1, 2007, the owner or operator of thesuch unit must submit a CAIR NO_x affected unit application meeting the requirements of this Section <u>225,420</u> on or before July 1, 2007, the owner or operator of thesuch units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act, as applicable, and 35 III. Adm. Code 201 and thesuch applications must specify that they are applying for CAIR NO_x permit applications. A complete dealine in subsection (b)(2) of this Section <u>225,420</u>. b) Permit applications: b) Permit applications: c) Duty to apply. The owner or operator of any source with one or more CAIR NO_x affected units shallmust submit to the Agency a CAIR NO_x permit application for the source covering each <u>CAIR NO_x affected units shallmust</u> submit to the applicable. dealine in subsection (b)(2) of this Section by the applicable dealine in subsection (a)(4) or (a)(5) of this Section the owner or operator of any source with one or more operator of any source with one or more operator of any source as required by this Subpart, 35 III. Adm. Code 201, and, as applicable, Sections 39 and 39.5 of the Act. 	1336			permit pursuant tounder subsection (a)(1) of this Section.
 3) No CAIR NO₈ permit mayshall be issued, and no CAIR NO₈ compliance account mayshall be established for a CAIR NO₈ maffected source, until the Agency and USEPA have received a complete certificate of representation for a CAIR designated representative pursuant tounder 40 CFR 96, subpart BB, for the <u>CAIR NO₈ affected</u>-source and the <u>CAIR NO₈ affected</u> unit at the source. 4) For all <u>CAIR NO₈ affected</u> units that commenced operation before July 1, 2007, the owner or operator of <u>thesueh</u> unit must submit a CAIR NO₈ permit application meeting the requirements of this Section <u>225.420</u> on or before July 1, 2007. 5) For all <u>CAIR NO₈ affected</u> units and that commence operation on or after July 1, 2007, the owner or operator of <u>thesueh</u> units must submit a pplications for construction and operating permits pursuant to the requirements of Sections <u>39</u> and <u>39</u>.5 of the Act, as applicable, and <u>55</u> III. Adm. Code 201 and <u>thesueh</u> applications must specify that they are applying for CAIR NO₈ permit applications: b) Permit applications: b) Permit applications: cAIR NO₄ affected units shallmust submit to the Agency a CAIR NO₈ permit application for the source covering each <u>CAIR NO₈ affected units shallmust submit to the Agency a CAIR NO₈ permit application for the source covering each <u>CAIR NO₈ affected units shallmust submit to the Agency a CAIR NO₈ permit application for the source covering each <u>CAIR NO₈ affected units shallmust submit to the Agency a CAIR NO₈ permit application for the source covering each <u>CAIR NO₈ affected units shallmust reapply of a CAIR NO₈ permit application. Adm code 201, and as applicable, Sections <u>39</u> and <u>39</u>.5 of the Act.</u></u></u></u> 	1337			
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1372 concerning the source for which the application is submitted:	1371		_,	CAIR NO _x permit application shallmust include the following elements
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1373	1373			concerning the source for which the upprovident is submitted.
1374 A) Identification of the source including plant name. The ORIS	1374			A) Identification of the source including plant name The ORIS
,	1375			(Office of Regulatory Information Systems) or facility code
1275 (Office of Degulatory Information Systems) or facility and	13/3			(Onice of Regulatory mormation Systems) of facility code

1376 1377 1278			assigned to the source by the Energy Information Administration shall <u>must</u> also be included, if applicable;
1378 1379		B)	Identification of each <u>CAIR NO_xaffected</u> unit at the source; and
1380 1381 1382		C)	The compliance requirements applicable to each <u>CAIR</u> <u>NO_xaffected</u> unit as set forth in Section 225.410 of this Subpart.
1383			
1384		3) An app	plication for a CAIR $\frac{NO_*}{NO_*}$ permit <u>willshall</u> be treated as a
1385		modifi	cation of the <u>CAIR NO_xaffected</u> source's existing federally
1387		willsh	all be subject to the same procedural requirements. When the
1388		<u>wm</u> sn Agenc	\mathbf{x} issues a CAIR NO, permit pursuant to the requirements of this
1389		Sectio	n 225 420 it will shall be incorporated into and become part of that
1390		source	's existing federally enforceable permit.
1391			
1392	<u>c)</u>	Permit conten	t. Each CAIR permit is deemed to incorporate automatically the
1393		definitions and	d terms pursuant to Section 225.120 and, upon recordation of
1394		USEPA under	40 CFR 96, Subparts FF and GG as incorporated by reference in
1395		Section 225.1	40, every allocation, transfer, or deduction of a CAIR NO _x
1396		allowance to c	or from the compliance account of the CAIR NO _x source covered by
1397		the permit.	
1398			
1.0.00	~	~ ~ .	
1399 1400	Section 225.4	25 Annua	l Trading Budget
1399 1400 1401	Section 225.4 The CAIR NO	25 Annua D_x Annual Trad	I Trading Budget
1399 1400 1401 1402	Section 225.4 The CAIR NC period willsha	25 Annua D _x Annual Trad	I Trading Budget ing budget available for allowance allocations for each control ed as follows:
1399 1400 1401 1402 1403	Section 225.4 The CAIR NC period <u>will</u> sha	25 Annua D _x Annual Tradi the determine	I Trading Budget ing budget available for allowance allocations for each control ed as follows:
1399 1400 1401 1402 1403 1404	Section 225.4 The CAIR NO period <u>willsha</u> a)	25 Annua D _x Annual Tradi III be determine The total base	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control
1399 1400 1401 1402 1403 1404 1405	Section 225.4 The CAIR NO period <u>willsha</u> a)	25 Annua D _x Annual Trad: H be determine The total base period for the	Il Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides,
1399 1400 1401 1402 1403 1404 1405 1406	Section 225.4 The CAIR NC period <u>willsha</u> a)	25 Annual O _x Annual Tradi- all be determine The total base period for the the New Unit	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five
1399 1400 1401 1402 1403 1404 1405 1406 1407	Section 225.4 The CAIR NO period <u>willsha</u> a)	25 Annual D _x Annual Trad: H be determine The total base period for the the New Unit percent of the	Il Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u>
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408	Section 225.4 The CAIR NC period <u>willsha</u> a)	25 Annual D _x Annual Tradi- the determine The total base period for the the New Unit percent of the be allocated to	Il Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409	Section 225.4 The CAIR NO period <u>willsha</u> a)	25 Annual O _x Annual Tradi- III be determine The total base period for the the New Unit percent of the be allocated to 53,361 tons av	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of vailable for allocation per control period pursuant to Section
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410	Section 225.4 The CAIR NC period <u>willsha</u> a)	25 Annual D _x Annual Tradi- the be determine The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of thi	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of vailable for allocation per control period pursuant to Section <u>s Subpart</u> . The requirements of the NUSA are set forth in Section
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411	Section 225.4 The CAIR NC period <u>willsha</u> a)	25 Annual $Trad:$ D_x Annual Trad: all be determine The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of this	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart . The requirements of the NUSA are set forth in Section s Subpart , and the requirements of the CASA are set forth in
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412	Section 225.4 The CAIR NO period <u>willsha</u> a)	25 Annual D _x Annual Tradi- till be determine The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of thi Sections 225.4	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart . The requirements of the NUSA are set forth in Section s Subpart , and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart.
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413	Section 225.4 The CAIR NO period <u>willsha</u> a)	25 Annual $Trad:$ D_x Annual Trad: all be determine The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of thi 225.445 of thi Sections 225.4	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of vailable for allocation per control period pursuant to Section <u>s Subpart</u> . The requirements of the NUSA are set forth in Section <u>s Subpart</u> , and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart.
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414	Section 225.4 The CAIR NO period <u>willsha</u> a) b)	25 Annual D _x Annual Tradi- III be determine The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of thi 225.445 of thi Sections 225.4 The total base period for the	 I Trading Budget ing budget available for allowance allocations for each controled as follows: CAIR NO_x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget willshall be allocated to the NUSA and 25 percent willshall of the CASA, resulting in a CAIR NO_x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart. The requirements of the NUSA are set forth in Section s Subpart, and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart. CAIR NO_x Annual Trading budget is 63,525 tons per control years 2015 and thereafter, subject to a reduction for two set arider.
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416	Section 225.4. The CAIR NC period <u>willsha</u> a) b)	25 Annual $Trad:$ D_x Annual Trad: The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of this Sections 225.4 The total base period for the the NUSA are	 I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO_x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget willshall be allocated to the NUSA and 25 percent willshall of the CASA, resulting in a CAIR NO_x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart. The requirements of the NUSA are set forth in Section s Subpart, and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart. CAIR NO_x Annual Trading budget is 63,525 tons per control year 2015 and thereafter, subject to a reduction for two set-asides, d the CASA are set of the budget willshall be allocated to the budget willshall be allocated to the allocated to the the budget willshall be allocated to a reduction for two set-asides, at the CASA. Five percent of the budget willshall be allocated to the budget willshall be allocated to the budget willshall be allocated to the budget willshall be allocated to the budget willshall be allocated to the formation for two set-asides, at the CASA. Five percent of the budget willshall be allocated to the formation for two set-asides.
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417	Section 225.4. The CAIR NO period <u>willsha</u> a) b)	25 Annual $Tradian D_x$ Annual Tradiant Dy Annual	 I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO_x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget willshall be allocated to the NUSA and 25 percent willshall o the CASA, resulting in a CAIR NO_x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart. The requirements of the NUSA are set forth in Section s Subpart, and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart. CAIR NO_x Annual Trading budget is 63,525 tons per control year 2015 and thereafter, subject to a reduction for two set-asides, I the CASA. Five percent of the budget willshall be allocated to the located to the case.
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417 1418	Section 225.4 The CAIR NO period <u>willsha</u> a) b)	25 Annual $Trad:$ D_x Annual Trad: III be determined The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of this 225.445 of this Sections 225.4 The total base period for the the NUSA and 25 NO Annual T	I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO _x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget <u>willshall</u> be allocated to the NUSA and 25 percent <u>willshall</u> o the CASA, resulting in a CAIR NO _x Annual Trading budget of vailable for allocation per control period pursuant to Section <u>s Subpart</u> . The requirements of the NUSA are set forth in Section <u>s Subpart</u> , and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart. CAIR NO _x Annual Trading budget is 63,525 tons per control year 2015 and thereafter, subject to a reduction for two set-asides, d the CASA. Five percent of the budget <u>willshall</u> be allocated to the percent <u>willshall</u> be allocated to the CASA, resulting in a CAIR Trading budget of 44.468 tons available for allocation per control
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417 1418 1419	Section 225.4. The CAIR NO period <u>willsha</u> a) b)	25 Annual $Tradial D_x$ Annua	 I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO_x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget willshall be allocated to the NUSA and 25 percent willshall of the CASA, resulting in a CAIR NO_x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart. The requirements of the NUSA are set forth in Section s Subpart, and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart. CAIR NO_x Annual Trading budget is 63,525 tons per control year 2015 and thereafter, subject to a reduction for two set-asides, d the CASA. Five percent of the budget willshall be allocated to the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the CASA, resulting in a CAIR Trading budget of the Subpart
1399 1400 1401 1402 1403 1404 1405 1406 1407 1408 1409 1410 1411 1412 1413 1414 1415 1416 1417 1418 1419 1420	Section 225.4. The CAIR NO period <u>willsha</u> a) b)	25 Annual D _x Annual Tradi- III be determined The total base period for the the New Unit percent of the be allocated to 53,361 tons av 225.440 of thi 225.445 of thi Sections 225.4 The total base period for the the NUSA and 25 NO _x Annual T period pursual	 I Trading Budget ing budget available for allowance allocations for each control ed as follows: CAIR NO_x Annual Trading budget is 76,230 tons per control years 2009 through 2014, subject to a reduction for two set-asides, Set-Aside (NUSA) and the Clean Air Set-Aside (CASA). Five budget willshall be allocated to the NUSA and 25 percent willshall of the CASA, resulting in a CAIR NO_x Annual Trading budget of vailable for allocation per control period pursuant to Section s Subpart. The requirements of the NUSA are set forth in Section s Subpart, and the requirements of the CASA are set forth in 455 through 225.470 of this Subpart. CAIR NO_x Annual Trading budget is 63,525 tons per control year 2015 and thereafter, subject to a reduction for two set-asides, d the CASA. Five percent of the budget willshall be allocated to the CASA. Five percent of the budget willshall be allocated to the CASA. Five percent of the budget willshall be allocated to the CASA. Five percent of the budget willshall be allocated to the CASA. Five percent of the budget willshall be allocated to the CASA. Five percent of the budget willshall be allocated to the CASA. Five percent of the budget willshall be allocated to the for allocation per control net to Section 225.440 of this Subpart.

1422		reason, the Agency willshall adjust the base CAIR NO_x Annual Trading budget	
1423		and the CAIR NO_x Annual Trading budget available for allocation, accordingly.	
1424	~		
1425 1426	Section 225.4	30 Timing for Annual Allocations	
1420	a)	No later than By July 31, 2007 October 31, 2006, the Agency willshall submit to	
1428		USEPA the CAIR NO _x allowance allocations, in accordance with Sections	
1429		225.435 and 225.440 of this Subpart, for the 2009, 2010, and 2011 control	
1430		periods.	
1431		1	
1432	b)	By October 31, 20089, and October 31 of each year thereafter, the Agency	
1433	,	willshall submit to USEPA the CAIR NO _x allowance allocations in accordance	
1434		with Sections 225 435 and 225 440 of this Subpart for the control period	
1435		four three years after the year of the applicable deadline for submission pursuant	
1436		tounder this Section 225 430. For example, on October 31, 20089, the Agency	
1437		willshall submit to USEPA the allocations for the 2012 control period	
1438			
1439	c)	The Agency willshall allocate allowances from the NUSA to CAIR NO affected	
1440	0)	units that commence commercial operation on or after January 1, 2006. The	
1440		A gency willshall report these allocations to USEPA by October 31 Eebruary 15	
1441 1442		of after the applicable control period. For example, on October 31 February 15	
1442		20092010 the Agency willshall submit to USEPA the allocations from the NUSA	
1445		for the 2000 control period	
1444		for the 2009 control period.	
1445	(b	The Agency willshall allocate allowances from the CASA to energy efficiency	
1440	u)	renewable energy and clean technology projects pursuant to the criteria in	
1447		Soctions 225.455 through 225.470 of this Subpart. The A gongy willshall report	
1440		these allocations to USEDA by October 1 December 1 of each year. For example	
1449		an October 1, 2000 December, 1, 2010, the A consumillabell submit to USEPA the	
1450		oll <u>October 1, 2009</u> December, 1, 2010, the Agency <u>willshall</u> sublint to USEPA the	
1451		allocations from the CASA for the $\frac{20092010}{2010}$ control period, based on reductions	
1452		made in the 20082009 control period.	
1455	Section 225 4	25 Mathadala an fan Calaulatina Amural Alla astiana	
1454	Section 225.4	35 Methodology for Calculating Annual Allocations	
1455	TT1 A		
1456	The Agency v	<u>villsmall</u> calculate converted gross electrical output (CGO) , in Mwn, for each <u>CAIR</u>	
1457	\underline{NO}_{x} affected u	init that has operated during at least one calendar year prior to the calendar year in	
1458	which the Age	ency reports the allocations to USEPA-as follows:	
1459	,		
1460	a)	For control periods 2009, 2010, and 2011, the owner or operator of the unit-s	
1461		must submit in writing to the Agency by June 1, 2007, a statement that either	
1462		gross electrical output data or heat input data is to be used to calculate the unit's	
1463		converted gross electrical output (CGO). The data shall be used to calculate	
1464		<u>converted gross electrical output pursuant to either subsection (a)(1) or (a)(2) of</u>	
1465		this Section shall be:	
1466			
1467		1) <u>Gross electrical output.</u> If the unit has four or five control periods of data,	
1468		the	en the gross electrical output (GO) will shall be the average of the unit's
--	-----------	---	--
1469		th	ee highest gross electrical outputs from the 2001, 2002, 2003, 2004, or
1470		20	05 control periods. If the unit has three or fewer control periods of
1471		gr	oss electrical output data the gross electrical output will shall be the
1472		av	erage of those control periods. If the unit does not have gross electrical
1473		01	tout for the 2004 and 2005 control periods, the gross electrical output
1474		wi	lishall be the gross electrical output data from the 2005 control period
1475			the unit does not have gross electrical output theat input shall be used
1476		п пш	regions to subjection (a)(2) of this Section. If a generator is served by
1470		pu tru	o or more units, the gross electrical output of the generator willshall be
1477		uvi att	ributed to each unit in proportion to the unit's share of the total control
1470		au	ried heat input of thesesuch units for the control period. The unit's
14/9		pe	not near input of <u>unesesten</u> units for the control period. The unit's
1460		CO	(\bigcirc) with share be calculated as follows.
1401		•	If the writing and fined.
1482		A	If the unit is coal-lifed.
1483			$CGO (in MWh) = GO \times MWh \times 1.0;$
1484		D	
1485		B)	If the unit is oil-fired:
1486			$CGO (in MWh) = GO \times MWh \times 0.6; or$
1487			
1488		C)	If the unit is neither coal-fired nor oil-fired:
1489			$CGO (in MWh) = GO \times MWh \times 0.4$
1490			
1491		2) If	gross electrical output data is not provided to the Agency. Hheat input
		,	
1492		́ (Н	I) shall be used. If the unit has four or five control periods of data, the
1492 1493		(H av	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input ² s from the 2001, 2002, 2003,
1492 1493 1494) (H av 20	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input ² s from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs
1492 1493 1494 1495) (H av 20 fro	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input willshall be the
1492 1493 1494 1495 1496		(H av 20 fro av	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004
1492 1493 1494 1495 1496 1497		(H av 20 fro av an	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period
1492 1493 1494 1495 1496 1497 1498		(H av 20 fro av an wi	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input ² s from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period llshall be used. The unit's converted gross electrical output (CGO)
1492 1493 1494 1495 1496 1497 1498 1499		(H av 20 fro av an Wi	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period <u>llshall</u> be used. The unit's converted gross electrical output (CGO)
1492 1493 1494 1495 1496 1497 1498 1499 1500		(H av 20 fro av an <u>wi</u>	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period <u>llshall</u> be used. The unit's converted gross electrical output (CGO) <u>llshall</u> be calculated as follows:
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501		(H av 20 fro av an <u>wi</u>	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period <u>llshall</u> be used. The unit's converted gross electrical output (CGO) <u>llshall</u> be calculated as follows:
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502		(H av 20 fro av an <u>wi</u> X	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period lishall be used. The unit's converted gross electrical output (CGO) lishall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967:
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503		(H av 20 frc av an <u>wi</u> Wi	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period llshall be used. The unit's converted gross electrical output (CGO) llshall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) \times 0.0967;
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504		(H av 20 fro av an <u>wi</u> Wi	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period <u>llshall</u> be used. The unit's converted gross electrical output (CGO) <u>llshall</u> be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil fired:
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504		(H av 20 fro av an <u>wi</u> (H) A) B)	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period lishall be used. The unit's converted gross electrical output (CGO) lishall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil-fired:
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505		(H av 20 frc av an <u>wi</u> (H) 20 frc av aN B)	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period llshall be used. The unit's converted gross electrical output (CGO) llshall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506		(H av 20 fro av an <u>wi</u> Wi A) B)	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period llshall be used. The unit's converted gross electrical output (CGO) llshall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507		(H av 20 fro av an <u>wi</u> M A) B)	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period lishall be used. The unit's converted gross electrical output (CGO) lishall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508		(H av 20 frc av an <u>wi</u> (H av B) (F) (C)	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period llshall be used. The unit's converted gross electrical output (CGO) llshall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0387.
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509		(H av 20 fro av an Wi Mi A) B) C)	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period llshall be used. The unit's converted gross electrical output (CGO) llshall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0387.
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510	<u>b)</u>	(H av 20 fro av an Wi Wi A) B) B) C) For contro	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period lishall be used. The unit's converted gross electrical output (CGO) lishall be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0387.
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510 1511	<u>b)</u>	(H av 20 frc av an wi wi A) B) C) For contro in writing	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, <u>willshall</u> be used. If the unit has heat inputs on the 2003, 2004, or 2005 control period, the heat input <u>willshall</u> be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period <u>llshall</u> be used. The unit's converted gross electrical output (CGO) <u>llshall</u> be calculated as follows: If the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0387.
1492 1493 1494 1495 1496 1497 1498 1499 1500 1501 1502 1503 1504 1505 1506 1507 1508 1509 1510 1511 1512	<u>b)</u>	(H av 20 frc av an wi wi A) B) C) For contro in writing output dat	I) shall be used. If the unit has four or five control periods of data, the erage of the unit's three highest heat input's from the 2001, 2002, 2003, 04 or 2005 control period, willshall be used. If the unit has heat inputs om the 2003, 2004, or 2005 control period, the heat input willshall be the erage of those years. If the unit does not have heat input from the 2004 d 2005 control periods, the heat input from the 2005 control period lishall be used. The unit's converted gross electrical output (CGO) the unit is coal-fired: CGO (in MWh) = HI (in mmBtu) × 0.0967; If the unit is oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0580; or If the unit is neither coal-fired nor oil-fired: CGO (in MWh) = HI (in mmBtu) × 0.0387.

1514		pursuant to either subsection (b)(1) or (b)(2) of this Section:				
1515						
1516		1) Gross electrical output. The average of the unit's two most recent years of				
1517		<u>control period gross electrical output, il available; otherwise it will be the</u>				
1518		unit's most recent control period's gross electrical output. If a generator is				
1519		served by two or more units, the gross electrical output of the generator				
1520		shall be attributed to each unit in proportion to the unit's share of the total				
1521		control period heat input of such units for the control period. The unit's				
1522		converted gross electrical output shall be calculated as follows:				
1523						
1524		A) If the unit is coal-fired:				
1525		$\underline{CGO(\text{in MWh})} = \underline{GO \times MWh \times 1.0};$				
1526						
1527		B) If the unit is oil-fired:				
1528		CGO (in MWh) = GO \times MWh \times 0.6;				
1529						
1530		C) If the unit is neither coal-fired nor oil-fired:				
1531		$CGO (in MWh) = GO \times MWh \times 0.4$				
1532						
1533		2) Heat input The average of the unit's two most recent years of control				
1534		period heat input: otherwise the unit's most recent control period's heat				
1535		input e.g. for the 2012 control period the average of the unit's heat input				
1536		from the 2006 and 2007 control periods. If the unit does not have heat				
1537		input from the 2006 and 2007 control periods, the heat input from the				
1538		2007 control period shall be used. The unit's converted gross electrical				
1530		output shall be calculated as follows:				
1540		ouput shan be calculated as follows.				
1541		A) If the unit is coal-fired:				
1542		$\overline{CGO(in MWh)} = HI(in mmBtu) \times 0.0967^{\circ}$				
1543						
1544		B) If the unit is oil-fired				
1545		CGO (in MWh) = HI (in mmBtu) × 0.0580; or				
1546		$\underline{COO(\text{III WWI)} - \text{III (III IIIII)} \underline{COO(0)}, 01}$				
1540		C) If the unit is neither coal-fired nor oil-fired:				
1549		$\frac{C_{0}}{C_{0}} = \frac{C_{0}}{C_{0}} \frac{C_{0}}{C_{0}} \frac{C_{0}}{C_{0}} \frac{C_{0}}{C_{0}} = \frac{C_{0}}{C_{0}} \frac{C_{0}}$				
1540		$\frac{200}{10}$ (III MWII) – III (III IIIIIBtu) × 0.0387.				
1549	a b)	For control period 20142012 and thereafter the unit's gross electrical output				
1551	<u>C</u> O)	For control period 20142012 and thereafter, the unit's gloss electrical output willshall be the every of the unit's two most recent vectors of control period group.				
1551		willshan be the average of the unit's two most recent years of control period gloss				
1552		electrical output, il available, otherwise <u>it will be</u> the unit's most recent control				
1553		period s gross electrical output. If a generator is served by two or more units, the				
1554		gross electrical output of the generator <u>Willshall</u> be attributed to each unit in				
1555		proportion to the unit's share of the total control period heat input of <u>thesesuch</u>				
1556		units for the control period. The unit's converted gross electrical output <u>willshall</u>				
1557		be calculated as follows:				
1558						
1559		1) If the unit is coal-fired:				

1560		$CGO (in MWh) = GO \times 1.0;$
1561		
1562		2) If the unit is oil-fired:
1563		CGO (in MWh) = GO $\times 0.6$; or
1564		
1565		3) If the unit is neither coal-fired nor oil-fired:
1566		CGO (in MWh) = $GO \times 0.4$.
1567		
1568	de)	For a unit that is a combustion turbine or boiler and has equipment used to
1569	_ ,	produce electricity and useful thermal energy for industrial, commercial, heating,
1570		or cooling purposes through the sequential use of energy, the Agency willshall
1571		add the converted gross electrical output calculated for electricity pursuant to
1572		subsections (a), (b), or (cb) of this Section to the converted useful thermal energy
1573		(CUTE) to determine the total converted gross electrical output for the unit
1574		(TCGO) The Agency will shall determine the converted useful thermal energy by
1575		using the average of the unit's control period useful thermal energy for the prior
1576		two control periods if available otherwise the unit's control period useful
1577		thermal output for the prior year willshall be used. The converted useful thermal
1578		energy willshall be determined using the following equations:
1579		energy <u>win</u> shan de determined doing the following equations.
1580		1) If the unit is coal-fired:
1581		$CUTE (in MWb) = UTE (in mmBtu) \times 0.2030;$
1582		$COTE (III M WI) = OTE (III IIIIIDtu) \times 0.2950,$
1582		2) If the unit is oil-fired:
1503		$CUTE (in MWh) = UTE (in mmPtu) \times 0.1759; or$
1504		$COTE (III M WII) = OTE (III IIIIIIBtu) \times 0.1758, 01$
1505		2) If the unit is neither each fired nor oil fired:
1500		5) If the unit is hertified coar-filled hor off-filled. CUTE (in MOVIE) = UTE (in mode) = 0.1172
1500		$CUTE (In MWn) = UTE (In mmBtu) \times 0.1172.$
1500	ad)	The CAID NO affected unit's converted gross electrical output and converted
1500	<u>e</u> e)	The <u>CAIR NO_x affected</u> unit's <u>converted</u> gloss electrical output and converted useful thermal energy in subsections $(a)(1)$, $(b)(1)$, (a) and (da) of this Section for
1501		useful include the light in subsections $(a)(1), (b)(1), (c)$ and (de) of this section for each control period will shall be based on the best available data reported or
1502		each control period will shall be based on the best available data reported of
1502		available to the Agency for the <u>CAIN NO_x affected</u> unit pursuant to the provisions of Section 225.450 of this Submart
1595		of Section 225.450 of this Subpart.
1594	(c)	The CAID NO effected writing heat input in subsections $(a)(2)$ and $(b)(2)$ of this
1595	<u>l</u> e)	The <u>CAR NO_x affected</u> unit's heat input in subsections (a)(2) and (b)(2) of this Section for each control point destillabely be determined in accordance with 40.
1590		Section for each control period <u>willshall</u> be determined in accordance with 40
159/		CFR- 75, as incorporated by reference in Section 225.140 of this Part.
1598	G (° 005 4	
1599	Section 225.4	10 Annual Allocations
1600	``	
1001	a)	roi une 2009 control period, and each control period thereafter, the Agency
1602		<u>WITISHAH</u> allocate CAIK NO _x allowances to all <u>CAIK NO_x affected</u> units in Illinois
1603		for which the Agency has calculated the total converted gross electrical output
1604		pursuant to Section 225.435 of this Subpart, a total amount of CAIR NO_x
1605		allowances equal to tons of NO_x emissions in the CAIR NO_x Annual Trading

1606 1607		budget available for allocation as determined in Section 225.425525 of this Subpart and allocated pursuant to this Section 225.440 of this Subpart.
1608	• `	
1609	b)	The Agency <u>willshall</u> allocate CAIR NO _x allowances to each <u>CAIR NO_x affected</u>
1610		unit on a pro-rata basis using the unit's total converted gross electrical output
1611		calculated pursuant to Section 225.435 of this Subpart. If there are insufficient
1612		allowances to allocate whole allowances pro-rata, these such unallocated
1613		allowances <u>willshall</u> be retained by the Agency and <u>willshall</u> be available for
1614		allocation in later control periods.
1615		
1616	Section 225.44	45 New Unit Set-Aside (NUSA)
1617		
1618	For the 2009 c	control period and each control period thereafter, the Agency willshall allocate
1619	CAIR NO _x all	owances from the NUSA to <u>CAIR NO_x affected</u> units that commenced commercial
1620	operation on o	or after January 1, 2006, and do not yet have an allocation for the particular control
1621	period pursuar	nt to Section 225.440 of this Subpart, in accordance with the following procedures:
1622		
1623	a)	Beginning with the 2009 control period and each control period thereafter, the
1624		Agency <u>willshall</u> establish a separate NUSA for each control period. Each NUSA
1625		willshall be allocated CAIR NO _x allowances equal to 5 percent of the amount of
1626		tons of NO _x emissions in the base CAIR NO _x Annual Trading budget in Section
1627		225.425 of this Subpart .
1628		
1629	b)	The CAIR designated representative of such a new CAIR NO _x an affected unit
1630		may submit to the Agency a request, in a format specified by the Agency, to be
1631		allocated CAIR NO _x allowances from the NUSA starting with the first control
1632		period after the control period in which the new unit commences commercial
1633		operation and until the first control period for which the unit may use CAIR NO _x
1634		allowances allocated to the unit <u>pursuant tounder</u> Section 225.440 of this Subpart.
1635		The NUSA allowance allocation request may only be submitted after a new unit
1636		has operated during one control period, and no later than March 1January 15
1637		ofafter the control period for which allowances from the NUSA are being
1638		requested.
1639		
1640	c)	In a NUSA allowance allocation request <u>pursuant tounder</u> subsection (b) of this
1641		Section, the CAIR designated representative must provide in its request
1642		information for gross electrical output and useful thermal energy, if any, for the
1643		new CAIR NO _x affected unit for that control period.
1644		
1645	d)	The Agency willshall allocate allowances from the NUSA to a new CAIR
1646		NO _x affected unit using the following procedures:
1647		
1648		1) For each new <u>CAIR NO_xaffected unit that has operated in at least one</u>
1649		control period, the unit's gross electrical output for the most recent control
1650		period <u>willshall</u> be used to calculate the unit's gross electrical output. If a
1651		generator is served by two or more units, the gross electrical output of the

1652 1653 1654 1655 1656		genera share c control be calc	tor <u>willshall</u> be attributed to each unit in proportion to the unit's of the total control period heat input of <u>thesesuch</u> units for the l period. The new unit's converted gross electrical output <u>willshall</u> culated as follows:
1657		A)	If the unit is coal-fired:
1658			$GO((in Mwh) = GO \times 1.0;$
1660		B)	If the unit is oil-fired:
1661			CGO (in MWh) = $GO \times 0.6$; or
1662		(\mathbf{C})	If the unit is neither coal-fired nor oil-fired:
1664		0)	$CGO (in MWh) = GO \times 0.4$
1665			
1666	2)	If the u	unit is a combustion turbine or boiler and has equipment used to
1667		produc	e electricity and useful thermal energy for industrial, commercial,
1668		heating	g, or cooling purposes through the sequential use of energy, the
1669		Agenc	y <u>willshall</u> add the converted gross electrical output calculated for
1670		electric	city pursuant to subsection $(\underline{de})(1)$ of this Section to the converted
1671		useful	thermal energy to determine the total converted gross electrical
1672		output	for the unit. The Agency <u>willshall</u> determine the converted useful
1673		therma	ll energy using the unit's useful thermal energy for the most recent
1674		control	l period. The converted useful thermal energy <u>willshall</u> be
1675		determ	ined using the following equations:
1676			
1677		A)	If the unit is coal-fired:
1678			CUTE (in MWh) = UTE (in mmBtu) \times 0.2930;
1679			
1680		B)	If the unit is oil-fired:
1681			CUTE (in MWh) = UTE (in mmBtu) \times 0.1758; or
1682			
1683		C)	If the unit is neither coal-fired nor oil-fired:
1684			CUTE (in MWh) = UTE (in mmBtu) \times 0.1172.
1685			
1686	3)	The gr	oss electrical output and useful thermal energy in subsections $(d)(1)$
1687		and (d)	(2) of this Section for each control period <u>willshall</u> be based on the
1688		best av	vailable data reported or available to the Agency for the CAIR
1689		<u>NO_xafi</u>	fected unit pursuant to the provisions of Section 225.450 of this
1690		Subpai	ŧŧ.
1691			
1692	4)	The Ag	gency <u>willshall</u> determine a unit's un-prorated allocation (UA_y)
1693		using t	he unit's converted gross electrical output (CGO) plus the unit's
1694		conver	ted useful thermal energy, if any, calculated in subsections (d)(1)
1695		and (d)	(2) of this Section, converted to approximate NO _x tons (the unit's
1696		un-pro	rated allocation), as follows:
1697			

1609		TTA	$TCGO_y * (1.0)$	Olbs/M	Wh)
1098		UA _y =	=2000lb	s / ton	
1699					
1700			Where:		
1701					
1702			UA _v	=	un-prorated allocation to a new
1703			, ,		CAIR NO _x affected unit.
1704			TCGO _v	=	total converted gross electrical output for a
1705			5		new <u>CAIR NO_xaffected</u> unit.
1706					_
1707		5) The A	gency will shall	allocat	e CAIR NO _x allowances from the NUSA to
1708		new C	AIR NO _x affect	ed units	s as follows:
1709			<u></u>		
1710		A)	If the NUSA f	for the c	control period for which CAIR NO _x
1711		,	allowances ar	e reques	sted has a number of allowances greater than
1712			or equal to the	e total u	n-prorated allocations for all new units
1713			requesting all	owance	s, the Agency will shall allocate the number of
1714			allowances us	ing the	un-prorated allocation determined for that
1715			unit pursuant	to subse	ection (d)(4) of this Section. If there are
1716			insufficient al	lowance	es to allocate whole allowances, such
1717			unallocated al	lowane	es shall be retained by the Agency and shall
1718			be available for	o <mark>r alloca</mark>	ation in a later control period.
1719					•
1720		B)	If the NUSA f	for the c	control period for which the allowances are
1721		,	requested has	a numb	er of CAIR NO_x allowances less than the
1722			total un-prora	ted allo	cation to all new CAIR NO _x affected units
1723			requesting all	ocations	s, the Agency willshall allocate the available
1724			allowances fo	r new <u>C</u>	AIR NO _x affected units on a pro-rata basis,
1725			using the un-p	ororated	allocation determined for that unit pursuant
1726			to subsection	(d)(4) o	f this Section. If there are insufficient
1727			allowances to	allocate	e whole allowances, <u>the</u> such unallocated
1728			allowances w	<u>ill</u> shall l	be retained by the Agency and willshall be
1729			available for a	allocatic	on in a later control period.
1730					
1731		C)	If the gross el	ectrical	output or useful thermal energy reported to
1732			the Agency in	subsec	tion (d) of this Section is later determined to
1733			be greater that	n the un	it's actual gross electrical output or useful
1734			thermal energ	y for the	e applicable control period, the Agency
1735			willshall redu	ce the u	nit's allocation from the NUSA for the
1736			current contro	l period	l to account for the excess allowances
1737			allocated in th	e prior	control period or periods.
1738					
1739	e)	The Agency y	vill <mark>shall</mark> review	each N	USA allowance allocation request pursuant
1740		tounder subse	ction (b) of this	s Section	n. The Agency <u>willshall</u> accept a NUSA
1741		allowance allo	ocation request	only if	the request meets, or is adjusted by the

1742		Agency as necessary to meet, the requirements of this Section 225.445.
1743	Ð	Des Long 1 Debugen 9 of Acritha annihischla annihischland annihischland
1744	1)	By <u>June Predruary & Olarter</u> the applicable control period, the Agency <u>Willshan</u>
1745		notify each CAIR designated representative that submitted a NUSA allowance
1/40		request of the amount of CAIR NO_x allowances from the NUSA, if any, allocated
1/4/		for the control period to the new unit covered by the request.
1/48	``	
1/49	g)	The Agency <u>willshall</u> allocate CAIR NO_x allowances to new units from the
1/50		NUSA no later than October 31 Hebruary 15 of after the applicable control period.
1/51	1)	
1/52	h)	After a new <u>CAIR NO_xaffected</u> unit has operated in one control period, it
1753		becomes an existing unit for the purposes of Section 225.440 of this Subpart only,
1754		and the Agency <u>willshall</u> allocate CAIR NO_x allowances for that unit, for the
1755		control period commencing four years in the future pursuant to Section 225.440
1756		of this Subpart. For example, if a unit commences commercial operation in 2009,
1757		in 2010, the Agency <u>willshall</u> allocate to that unit allowances pursuant to Section
1758		225.440 for the $201\frac{43}{43}$ control period. The new <u>CAIR NO_xaffected</u> unit <u>willshall</u>
1759		continue to receive CAIR NO_x allowances from the NUSA according to this
1760		Section until the unit is eligible to use the CAIR NO_x allowances allocated to the
1761		unit pursuant to Section 225.440 of this Subpart.
1762		
1763	<u>1</u> 1)	If, after the completion of the procedures in subsection (c) of this Section for a
1764		control period, any unallocated CAIR NO_x allowances remain in the NUSA for
1765		the control period, the Agency <u>willshall</u> , at a minimum, accrue those CAIR NO_x
1766		allowances for future control period allocations to new <u>CAIR NO_xaffected</u> units.
1767		The Agency may from time to time elect to retire CAIR NO_x allowances in the
1768		NUSA that are in excess of 15,881 for the purposes of continued progress toward
1769		attainment and maintenance of National Ambient Air Quality Standards pursuant
1770		to the CAA.
1771	G	
1772	Section 225.4:	50 Monitoring, Recordkeeping and Reporting Requirements for Gross
1773		Electrical Output and Useful Thermal Energy
17/4	ς.	
1775	a)	By January 1, $2008200/$, or by the date of commencing commercial operation,
1//6		whichever is later, the owner or operator of the <u>CAIR NO_x affected</u> unit <u>shallmust</u>
1777		install, calibrate, maintain, and operate a system for measuring gross electrical
1778		output; wattmeter; and shallmust measure gross electrical output in <u>MW-</u>
17/9		<u>hrsmegawatt-hours</u> on a continuous basis; and <u>shallmust</u> record the output of the
1780		<u>measurement systemwattmeter</u> . If a generator is served by two or more units, the
1/81		information to determine each unit's heat input for that control period shall <u>must</u>
1/82		also be recorded, so as to allow each unit s share of the gross electrical output to
1783		be determined. If heat input data is used, the owner or operator shall <u>must</u> comply
1784		with the applicable provisions 40 CFR 75, as incorporated by reference in Section
1785		225.140 of this Part .
1786		

1787 b) For a CAIR NO_xan affected unit that is a cogeneration unit by January 1, 20082007, or by the date the CAIR NO_xaffected unit commences to produce 1788 useful thermal energy, whichever is later, the owner or operator of a CAIR NO_xan 1789 1790 affected unit with cogeneration capabilities shallmust install, calibrate, maintain, 1791 and operate meters for steam flow in lbs/hr, temperature in degrees Fahrenheit, 1792 and pressure in PSI, to measure and record the useful thermal energy that is 1793 produced, in mmBtu/hr, on a continuous basis. Owners and operators of a CAIR 1794 NO_x an affected unit that produces useful thermal energy but uses an energy 1795 transfer medium other than steam, e.g., hot water or, glycol, shallmust install, 1796 calibrate, maintain, and operate the necessary meters to measure and record the necessary data to express the useful thermal energy produced, in mmBtu/hr, on a 1797 1798 continuous basis. If the CAIR NO_xaffected unit ceases to produce useful thermal 1799 energy, the owner or operator may cease operation of the meters, provided that 1800 operation of thesesuch meters shallmust be resumed if the CAIR NO_xaffected unit resumes production of useful thermal energy. 1801 1802 1803 By September 30, 2006, tThe owner or operator of CAIR NO_xan affected unit c) 1804 shallmust report to the Agency: 1805 1806 By June 1, 2007, the gross electrical output for control periods 2001, 2002, 1)-1807 2003, 2004 and 2005, if available, and, the unit's useful thermal energy 1808 data, if applicable. If gross electric output is not available, heat input shall be used for those control periods 2001, 2002, 2003, 2004, and 2005 for 1809 which gross electrical output data is not available. If a generator is served 1810 1811 by two or more units, the documentation needed to determine each unit's share of the heat input of such units for that control period shallmust also 1812 1813 be submitted. If heat input data is used, the owner or operator shallmust comply with the applicable provisions 40 CFR 75, as incorporated by 1814 1815 reference in Section 225.140 of this Part. 1816 1817 By June 1, 2008, the gross electrical output for control periods 2006 and 2) 2007, if available, and the unit's useful thermal energy data, if applicable. 1818 If a generator is served by two or more units, the documentation needed to 1819 determine each unit's share of the heat input of such units for that control 1820 1821 period must also be submitted. If heat input data is used, the owner or operator must comply with the applicable provisions of 40 CFR 75, as 1822 incorporated by reference in Section 225.140. 1823 1824 Beginning with year 20082007, the CAIR designated representative of the CAIR 1825 d) 1826 NO_xaffected unit shallmust submit to the Agency quarterly, by no later than 1827 January 31, April 30, July 31, and October 31, and January 31 of each year, information for the CAIR NO_xaffected unit's gross electrical output, on a monthly 1828 1829 basis for the prior quarter, and, if applicable, the unit's useful thermal energy for 1830 each month. 1831

1832	e)	The owner or operator of <u>a CAIR NO_xan affected</u> unit shall <u>must</u> maintain on-site
1833		the monitoring plan detailing the monitoring system, maintenance of the
1834		monitoring system, including quality assurance activities pursuant to the
1835		requirements of 40 CFR 60 and 75, including the applicable provisions for the
1836		measurement of gross electrical output for the CAIR NO _x trading program and, if
1837		applicable, for new units. The monitoring plan must include, but is not limited to:
1838		
1839		1) A description of the system to be used for the measurement of gross
1840		electrical output including a list of any data logging devices, solid-state
1841		kW meters, rotating kW meters, electromechanical kW meters, current
1842		transformers, potential transformers, pressure taps, flow venture, orifice
1843		plates, flow nozzles, vortex meters, turbine meters, pressure transmitters,
1844		differential pressure transmitters, termperature transmitters,
1845		thermocouples, and resistance temperature detectors.
1846		
1847		2) A certification statement by the CAIR designated representative that all
1848		components of the gross electrical output system have been tested to be
1849		accurate within three percent and that the gross electrical output system is
1850		accurate to within ten percent.
1851		
1852	f)	The owner or operator of a CAIR NO _x an affected unit shallmust retain records for
1853	,	at least 5 years from the date the record is created or the data collected in
1854		subsections (a) and (b) of this Section, and the reports submitted to the Agency
1855		and USEPA in accordance with subsections (c) and (d) of this Section. The
1856		owner or operator of a CAIR NO _x an affected unit shallmust retain the monitoring
1857		plan required in subsection (e) of this Section for at least five years from the date
1858		that it is replaced by a new or revised monitoring plan.
1859		
1860		
1861	Section 225.4	55 Clean Air Set-Aside (CASA)
1862		
1863	a)	A project sponsor may apply for allowances from the CASA for sponsoring an
1864		energy efficiency and conservation, renewable energy, or clean technology
1865		project as set forth in Section 225.460 of this Subpart by submitting the
1866		application required by Section 225.470 of this Subpart.
1867		
1868	b)	Notwithstanding subsection (a) of this Section, a project sponsor with <u>a CAIR</u>
1869	,	NO_x an affected source that is out of compliance with this Subpart for a given
1870		control period may not apply for allowances from the CASA for that control
1871		period. If a source receives CAIR NO_x allowances from CASA and then is
1872		subsequently found to have been out of compliance with this Subpart for the
1873		applicable control period or periods, the project sponsor must restore the CAIR
1874		NO_x allowances that it received pursuant to its CASA request or an equivalent
1875		number of CAIR NO _x allowances to the CASA within six months of receipt of an
1876		Agency notice that NO _x allowances must be restored finding of noncompliance.

1877 1878 1870		These distrib	allowar uted.	nces <u>willshall</u> be assigned to the fund from which they were
1880	()	The A	aaney y	vill not act as a mediator in situations where more than one project
1881	()	sponse	r raqua	sts CAIP NO allowances for the same project. If more than one
1887		project	t sponse	r submits an application for allowances for the same project for the
1883		same c	control r	period the Agency shall reject all such applications
188/		Sume C		seriou, the Algency shart reject an such appreations.
1885	d)	CAIR	NO all	owances from CASA willshall be allocated in accordance with the
1886	•	nroced	$100_{\rm X}$ and $100_{\rm X}$ in	Section 225 475 of this Subpart
1887		procee	iures in	Section 223.473 or this Subpart.
1888	de)	The pr	niect sr	onsor may submit an application that aggregates two or more
1889		nrojeci	ts under	a CASA project category that would individually result in less than
1890		one all	owance	but that equal at a minimum one whole allowance when
1891		agoreo	vated 1	The Agency shall not allocate allowances for projects totaling less
1892		than or	n <u>e who</u> l	e allowance after rounding
1893		thun of		e une valee after rounding.
1894	Section 225 4	60	Energy	Efficiency and Conservation Renewable Energy and Clean
1895	5000001220.1	00	Techn	ology Projects
1896			reenn	01059 110,000
1897	a)	Energy	v efficie	ency and conservation project means any of the following projects
1898	(1)	impler	nented i	in Illinois.
1899				
1900		1)	Demai	nd side management projects that reduce overall power demand by
1901		-)	using 1	ess energy, include:
1902				
1903			A)	Smart building management software that more efficiently
1904			,	regulates power flows.
1905				
1906			B)	The use of or replacement to high efficiency motors, pumps,
1907			,	compressors, or steam systems.
1908				
1909			<u>C)</u>	Lighting retrofits.
1910				
1911		2)	Energy	y efficient new building construction projects include:
1912				
1913			A)	ENERGY STAR qualified new home projects.
1914				
1915			B)	Measures to reduce <u>or</u> conserve energy consumption beyond the
1916				requirements of the Illinois Energy Conservation Code for
1917				Commercial Buildings (20 ILCS 687/6-3).
1918				
1919			C)	New residential construction projects that qualify for Energy
1920				Efficient Tax Incentives <u>pursuant tounder</u> the Energy Policy Act of
1921				2005, 42 U.S.C. § 15801 (2005).
1922				

1923		3)	Suppl	y-side energy efficiency projects include projects implemented to
1924			impro	ve the efficiency in electricity generation by coal-fired power plants,
1925			and th	e efficiency of electrical transmission and distribution systems.
1926				
1927		4)	Highl	y efficient power generation projects, such as, but not limited to,
1928			combi	ined cycle projects, combined heat and power, and microturbines.
1929			To be	considered a highly efficient power generation project pursuant
1930			tounde	er this subsection (a)(4), a project must meet, the applicable
1931			thresh	olds and criteria listed below:
1932				
1933			A)	For combined heat and power projects generating both electricity
1934			,	and useful thermal energy for space, water, or industrial process
1935				heat, a rated-energy efficiency of at least 60 percent and is not a
1936				CAIR NO _x unit.
1937				
1938			B)	For combined cycle projects rated at greater than 0.50 MW, a
1939			,	rated-energy efficiency of at least 50 percent.
1940				
1941			C)	For microturbine projects rated at or below 0.50 MW and all other
1942			,	projects, rated-energy efficiency of at least 40 percent.
1943				
1944	b)	Renew	able er	nergy project means any of the following projects implemented in
1945	,	Illinois	5:	
1946				
1947		1)	Zero-e	emission electric generating projects, including wind, solar (thermal
1948		-)	or pho	ptovoltaic), and hydropower projects. Eligible hydropower plants are
1949			restric	ted to new generators, that are not replacements of existing
1950			genera	ators, that commence operation on or after January 1, 2006, and do
1951			not in	volve the significant expansion of an existing dam or the
1952			constr	ruction of a new dam.
1953				
1954		2)	Renev	vable energy units are those units that generate electricity using more
1955		,	than 5	0 percent of the heat input, on an annual basis, from dedicated crops
1956			grown	for energy production or the capture systems for methane gas from
1957			landfi	lls, water treatment plants or sewage treatment plants, and organic
1958			waste	biomass, and other similar sources of non-fossil fuel energy.
1959			Renev	vable energy projects do not include energy from incineration by
1960			burnir	ig or heating of waste wood, tires, garbage, general household,
1961			institu	itional lunchroom or office waste, landscape waste, or construction
1962			or den	nolition debris.
1963				
1964	c)	Clean	technol	logy project for reducing emissions from producing electricity and
1965	,	useful	therma	I energy means any of the following projects implemented in
1966		Illinois	5:	
1967				
1968		1)	Air po	ollution control equipment upgrades at existing coal-fired electric

1969			genera	ting unit <u>EGU</u> s, as follows: installation of flue gas desulfurization
1970			(FGD)	for control of SO ₂ emissions; installation of a baghouse for control
1971			of part	iculate matter emissions; and installation of selective catalytic
1972			reduct	ion (SCR), selective non-catalytic reduction (SNCR), or other add-
1973			on con	trol devices for control of NO _x emissions. Air pollution control
1974			upgrac	le projects do not include the addition of low NO_x burners, overfired
1975			air tec	hniques or gas reburning techniques for control of NO _x emissions:
1976			projec	ts involving flue gas conditioning techniques or ungrades or
1977			renlac	ement of electrostatic precipitators: or addition of activated carbon
1978			iniecti	on or other sorbent injection system for control of mercury. For this
1979			nurnos	se a unit willshall be considered "existing" after it has been in
1980			comm	ercial operation for at least eight years
1081			comm	ereiar operation for at least eight years.
1082		2)	Cloop	and tachnologies projects include:
1902		2)	Clean	coal technologies projects include.
1985			A)	Integrated again fraction combined avala (ICCC) planta
1984			A)	integrated gasification combined cycle (IGCC) plants.
1985			D)	
1986			В)	Fluidized bed coal combustion.
1987	1	× 11	• . • .	
1988	d)	In add	ition to	those projects excluded in subsections (a) through (c) of this
1989		Section	n, the to	bllowing projects are also not energy efficiency and conservation,
1990		renewa	able ene	ergy, or clean technology projects listed in subsection (a) through (c)
1991		of this	Section	n shall not include:
1002				
1992				
1992 1993		<u>1)</u>	<u>N</u> nucl	ear power projects <u>.</u> ;
1992 1993 1994		<u>1)</u>	<u>N</u> nucl	ear power projects <u>.</u> ;
1992 1993 1994 1995		<u>1)</u> <u>2)</u>	<u>N</u> nucle <u>P</u> proje	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements
1992 1993 1994 1995 1996		<u>1)</u> <u>2)</u>	<u>N</u> nucle <u>P</u> proje under	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>, except that allowances may be</u>
1992 1993 1994 1995 1996 1997		<u>1)</u> <u>2)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u>	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for:
1992 1993 1994 1995 1996 1997 1998		<u>1)</u> <u>2)</u>	<u>Nnucle</u> <u>P</u> proje under <u>allocat</u>	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>,</u> except <u>that allowances may be</u> ted for:
1992 1993 1994 1995 1996 1997 1998 1999		<u>1)</u> <u>2)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> A)	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>,</u> except <u>that allowances may be</u> ted for: Tthe installation of a baghouse).;
1992 1993 1994 1995 1996 1997 1998 1999 2000		<u>1)</u> <u>2)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>)	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse).;
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001		<u>1)</u> <u>2)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A)</u> B)	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>,</u> except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse) <u>.</u> ; Projects undertaken pursuant to Section 225.233.
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2001 2002		<u>1)</u> 2)	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A)</u> <u>B)</u>	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse) <u>.</u> ; <u>Projects undertaken pursuant to Section 225.233.</u>
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003		<u>1)</u> <u>2)</u> 3)	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>B</u>) P p roje	ear power projects. <u>;</u> ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse). <u>;</u> <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree.
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A)</u> <u>B)</u> <u>P</u> proje except	ear power projects; ects required to meet emission standards or technology requirements State or federal law or regulation-(,_except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse); <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, that allowances may be allocated for:
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A)</u> <u>B)</u> <u>P</u> proje <u>except</u>	ear power projects. <u>;</u> exts required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted_for: <u>T</u> the installation of a baghouse). <u>;</u> Projects undertaken pursuant to Section 225.233. exts used to meet the requirements of a court order or consent decree, that allowances may be allocated for:
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>)	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>,</u> except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse) <u>.</u> ; <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, <u>that allowances may be allocated for:</u> Emission rates or limits achieved that are lower than what is
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>B</u>) <u>P</u> proje <u>except</u> <u>A</u>)	ear power projects; ects required to meet emission standards or technology requirements State or federal law or regulation-(,_except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse); <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, <u>that allowances may be allocated for:</u> <u>Emission rates or limits achieved that are lower than what is</u> required to meet the emission rates or limits for SO ₂ or NO_ or for
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A)</u> <u>P</u> proje <u>except</u> <u>A)</u>	ear power projects. <u>;</u> exts required to meet emission standards or technology requirements State or federal law or regulation-(<u>,</u> except <u>that allowances may be</u> ted_for: <u>T</u> the installation of a baghouse). <u>;</u> <u>Projects undertaken pursuant to Section 225.233.</u> exts used to meet the requirements of a court order or consent decree, <u>that allowances may be allocated for:</u> <u>Emission rates or limits achieved that are lower than what is</u> <u>required to meet the emission rates or limits for SO₂ or NO_x, or for installing a baghouse as provided for in a court order or consent</u>
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>)	ear power projects.; ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse).; <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, that allowances may be allocated for: <u>Emission rates or limits achieved that are lower than what is</u> required to meet the emission rates or limits for SO ₂ or NO _x , or for installing a baghouse as provided for in a court order or consent decree antered into bafore May 30, 2006
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>)	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>.</u> except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse) <u>.</u> ; <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, <u>that allowances may be allocated for:</u> <u>Emission rates or limits achieved that are lower than what is</u> <u>required to meet the emission rates or limits for SO₂ or NO_x or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006.</u>
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>)	ear power projects_; ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse); <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, that allowances may be allocated for: <u>Emission rates or limits achieved that are lower than what is</u> required to meet the emission rates or limits for SO ₂ or NO _x , or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006.
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>) <u>B</u>)	ear power projects_; ects required to meet emission standards or technology requirements State or federal law or regulation-(, except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse); <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, that allowances may be allocated for: <u>Emission rates or limits achieved that are lower than what is</u> required to meet the emission rates or limits for SO ₂ or NO _x , or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006. <u>Projects used to meet the requirements of a court order or consent</u>
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>) <u>B</u>)	ear power projects <u>.</u> ; ects required to meet emission standards or technology requirements State or federal law or regulation-(<u>.</u> except <u>that allowances may be</u> <u>ted</u> for: <u>T</u> the installation of a baghouse) <u>.</u> ; <u>Projects undertaken pursuant to Section 225.233.</u> ects used to meet the requirements of a court order or consent decree, <u>that allowances may be allocated for:</u> <u>Emission rates or limits achieved that are lower than what is</u> <u>required to meet the emission rates or limits for SO₂ or NO_x or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006. <u>Projects used to meet the requirements of a court order or consent</u> <u>decree entered into on or after May 30, 2006, if the court order or</u></u>
1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2013		<u>1)</u> <u>2)</u> <u>3)</u>	<u>N</u> n ucle <u>P</u> proje under <u>allocat</u> <u>A</u>) <u>P</u> proje <u>except</u> <u>A</u>) <u>B</u>)	ear power projects; ects required to meet emission standards or technology requirements State or federal law or regulation-(,_except <u>that allowances may be</u> ted for: <u>T</u> the installation of a baghouse); Projects undertaken pursuant to Section 225.233. ects used to meet the requirements of a court order or consent decree, that allowances may be allocated for: <u>Emission rates or limits achieved that are lower than what is</u> required to meet the emission rates or limits for SO ₂ or NO _x or for installing a baghouse as provided for in a court order or consent decree entered into before May 30, 2006. <u>Projects used to meet the requirements of a court order or consent</u> decree entered into on or after May 30, 2006, if the court order or consent decree does not specifically preclude such allocations.

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2016 not be allocated to such projects: 2017 e) Applications for projects that that are not specifically listed in subsections (a) through (c) of this Section, and that are not specifically excluded by definition in subsections (a) through (c) of this Section or by specific exclusion in subsection 2021 (d) of this Section, may be submitted to the Agency. The Such application shallmust designate which category or categories from those listed in subsections (a) (1) through (c)(2)(B) of this Section best fits the proposed project and the applicable formula pursuant tounder Section 225.465(b) of this Section to calculate the number of allowances that it is requesting. The Agency willshall demonstration by the project sponsor that the project is a new type of energy efficiency, renewable energy, or clean technology project, similar in its effects as 2029 2026 defermine whether the application is approvable based on a sufficient demonstration by the project sponsor that the project is a new type of energy efficiency and conservation, renewable energy, or clean technology project, similar in its effects as 2029 2031 f) Early adopter projects include projects that meet the criteria for any energy efficiency and conservation, renewable energy, or clean technology projects listed in subsections (a), (b), (c), and (c) of this Section and commence construction between July 1, 2006, and December 31, 2012. 2036 Section 225.465 CASA Allowances 2037 assigned to the following categories of projects: Where after) 2041 Phase I Phase I 2042 (2015		4)	Aa Supplemental Environmental Pro	oject (SEP)CASA a	llowances shall						
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20451)Energy Efficiency and Conservation/914976252046Renewable Energy204720482)Air Pollution Control Equipment381131752049Upgrades30Clean Coal Technology4573381020503)Clean Coal Technology4573381020524)Early Adopters1525127120534)Early Adopters1525127120545b)The following formulas mustshall be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2044											
2046Renewable Energy20472)Air Pollution Control Equipment381131752049Upgrades317520503)Clean Coal Technology45733810205220534)Early Adopters1525127120542055b)The following formulas mustshall be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of	2045		1)	Energy Efficiency and Conservation	/ 9149	7625						
204720482)Air Pollution Control Equipment381131752049Upgrades317520503)Clean Coal Technology45733810205220534)Early Adopters1525127120542055b)The following formulas mustshall be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of	2046			Renewable Energy								
20482)Air Pollution Control Equipment381131752049UpgradesUpgrades205020513)Clean Coal Technology45733810205220534)Early Adopters1525127120542055b)The following formulas <u>mustshall</u> be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2047											
2049Upgrades20503)Clean Coal Technology4573381020513)Clean Coal Technology45733810205220534)Early Adopters1525127120542055b)The following formulas <u>mustshall</u> be used to determine the number of CASA2056allowances that may be allocated to a project per control period:20571)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2048		2)	Air Pollution Control Equipment	3811	3175						
20503)Clean Coal Technology45733810205220534)Early Adopters1525127120542055b)The following formulas <u>mustshall</u> be used to determine the number of CASA2056allowances that may be allocated to a project per control period:20571)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2049			Upgrades								
20513)Clean Coal Technology45733810205220534)Early Adopters1525127120542055b)The following formulas mustshall be used to determine the number of CASA2056allowances that may be allocated to a project per control period:20571)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of	2050											
20524)Early Adopters1525127120534)Early Adopters1525127120542055b)The following formulas <u>mustshall</u> be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)20581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2051		3)	Clean Coal Technology	4573	3810						
20534)Early Adopters1525127120542055b)The following formulas <u>mustshall</u> be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2052											
20542055b)The following formulas mustshall be used to determine the number of CASA2056allowances that may be allocated to a project per control period:20571)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of2060allowances mustshall be calculated using the number of megawatt hours of	2053		4)	Early Adopters	1525	1271						
2055b)The following formulas mustshall be used to determine the number of CASA2056allowances that may be allocated to a project per control period:205720581)2059For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of	2054											
2056allowances that may be allocated to a project per control period:20571)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of2060allowances mustshall be calculated using the number of megawatt hours of	2055	b)	The fo	ollowing formulas mustshall be used to	o determine the numl	per of CASA						
20572058205920601)For an energy efficiency and conservation project pursuant to Sections2059205920602060allowances mustshall be calculated using the number of megawatt hours of	2056		allowa	ances that may be allocated to a project	et per control period:							
20581)For an energy efficiency and conservation project pursuant to Sections2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of2060allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2057											
2059225.460(a)(1) through (a)(4)(A)(3) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of	2058		1)	For an energy efficiency and conserv	vation project pursua	nt to Sections						
2060 allowances <u>mustshall</u> be calculated using the number of megawatt hours of	2059		-	225.460(a)(1) through (a)(4)(A)(3)	of this Subpart, the nu	umber of						
	2060			allowances mustshall be calculated u	using the number of r	negawatt hours of						

2061 2062 2063	electric follow	city that was no ing formula:	bt consumed during a control period and the $(1.5 \text{ Ib} (MWb))$	1
2064 2065 2066 2067	A	Where:	(1.5 ID/IVI W n) / 2000 ID	ļ
2067 2068 2069 2070 2071		$A = MWh_c =$	The number of allowances for a particular project. The number of megawatt hours of electricity conserved <u>or generated</u> during a control period by a project	
2071 2072 2073 2073 2074 2075) For a z 225.46 calcula	ero emission e 0(b)(1) of this tted using the n	lectric generating projects pursuant to Section Subpart, the number of allowances <u>mustshall</u> be number of megawatt hours of electricity generated	ļ
2076 2077 2078	during	a control perio	d and the following formula:	
2078 2079 2080 2081	A	Where:	g) × (2.0 10/MI w n) / 2000 10	
2082 2083 2084 2085		A = MWh _g =	The number of allowances for a particular project The number of megawatt hours of electricity generated during a control period by a project.	
2083 2086 3 2087 2088 2089 2090) For a r this Su numbe period	enewable energ bpart , the num r of <u>MWh</u> mega and the follow	gy emission unit pursuant to Section 225.460(b)(2) of ber of allowances <u>mustshall</u> be calculated using the awatt hour s of electricity generated during a control ing formula:	
2090 2091 2092	А	= (MWh	$_{g}) \times (0.5 \text{ lb/MWh}) / 2000 \text{ lb}$	
2093 2094 2095 2096 2097		Where: A = MWh _g =	The number of allowances for a particular project. The number of MW hours of electricity generated during a control period by a project.	
2098 2099 4 2100 2101 2102) For an 225.46 calcula	air pollution co 0(c)(1) of this tted as follows:	ontrol equipment upgrade project pursuant to Section Subpart, the number of allowances willshall be	
2103 2104 2105 2106	A)	For NO_x or SO emitted NO_x or before and aft formula:	D_2 control projects, by determining the difference in or SO ₂ per control period using the emission rate er replacement or improvement, and the following	

2107					
2108		A=	(MWł	n _o)×K>	$\langle (ER_{B} lb/MWh - ER_{A} lb/MWh) / 2000 lb$
2109			×	8/	
2110			Where	e:	
2111			А	=	The number of allowances for a particular
2112					project.
2113			MWh	. =	The number of megawatt hours of electricity
2114				5	generated during a control period by a
2115					project
2116			К	=	The pollutant factor: for NO _x $K=0.1$ and
2117					for SO ₂ $K = 0.05$
2118			ER	=	Average NO ₂ , or SO ₂ emission rate based on
2119			L IKB		CEMS data from the most recent two
2120					control periods prior to the replacement or
2120					improvement of the control equipment in
2121					lb/MWh unless subject to a court order
2122					or consent decree For units subject to a
2123					court order or consent decree entered into
2125					before May 30, 2006, ER _p is limited to
2126					emission rates that are lower than the
2120					emission rate required in the consent decree
2127					or court order. For a court order or consent
2120					decree entered into after May 30, 2006, ERp.
2129					is limited to the lesser of the emission rate
2130					specified in the court order or consent
2131					decree or the actual average emission rate
2132					during the control period. If such limit is
2135					not expressed in lb/MWh the limit must be
2135					converted into lb/MWh using a heat rate of
2136					10 mmBtu/1 MW
2130			ER.	=	Annual NO _{$x or SO2 average emission rate$}
2137			LINA		for the applicable control period data based
2130					on CEMS data in lb/MWh
2140					
2141	B)	For a h	aghous	se proiec	-t-
2142	D)	10140	agnou	se projec	
2143		$\Delta =$		(0)	2.2 lb/MW/b / 2000 lb
2145		11	(101 001	$(\underline{\nabla}) \wedge (\underline{\nabla})$	$\frac{1}{2}$ 10/101 W II) / 2000 10
2144			Where	а .	
2145			vv nerv	<i>.</i>	
2140			Δ	=	The number of allowances for a
2148			11		narticular project
2149			MWh	_ =	The number of MWh megawatt hours of
2150			141 44 11	g	electricity generated during a control period
2150					or the portion of a control period that the
2152					units were controlled by the bachouse
					unto were controlled by the baghouse.

2153					Q	= 0.2, unless installed pursuant to a court order
2154						or consent decree which does not specify a
2155						factor, then $O = 0.05$, or if installed pursuant
2156						to a consent decree or court order that does
2157						specify a factor then O equals a factor not to
2158						exceed 0.2
2159						<u></u>
2160		5)	For hig	ahlv eff	ïcient n	ower generation and clean technologyIGCC projects
2160		3)	nursua	nt to Se	ections '	225 460(a)(4)(B) = (a)(4)(C) and (c)(2) of this
2101			Subpar	rt than	umber	of allowances must shall be calculated using the
2162			numbe	\mathbf{r} , the h	anuoti	hours of electricity the project generates during a
2105			aontro	1 01 Inc	gawaii ond th	a following formula:
2104			contro	i periou	and the	e following follingia.
2103			•			
2166			А	=	(MWh	h_g) × (1.0 lb/MWh – ER lb/MWh) / 2000 lb
2167				X X 71		
2168				Where		
2169						
2170				A	=	The number of allowances for a particular project.
2171				MWh _g	, =	The number of megawatt hours of electricity
2172						generated during a control period by a project.
2173				ER	=	Annual average NO _x emission rate based on CEMS
2174						data in 1b/MWh.
2175						
2176		6)	For a (CASA p	project t	hat commence <u>s</u> d construction before December 31,
2176 2177		6)	For a (2012, 1	CASA p in addit	project t ion to tl	hat commence <u>sel</u> construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections
2176 2177 2178		6)	For a C 2012, 1 (b)(1)	CASA p in addit through	project t ion to tl (b)(5)	hat commence <u>s</u> construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request
2176 2177 2178 2179		6)	For a (2012, 1 (b)(1) additio	CASA p in addit through onal allo	oroject t ion to tl (b)(5) owances	hat commence <u>s</u> d construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request s <u>pursuant tounder</u> the early adopter project category
2176 2177 2178 2179 2180		6)	For a C 2012, ± (b)(1) additic pursua	CASA p in addit through onal allc ant to Se	broject t ion to the $(b)(5)$ bowances action 2	that commence <u>s</u> construction before December 31, the allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request as <u>pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following
2176 2177 2178 2179 2180 2181		6)	For a C 2012, 1 (b)(1) additic pursua formul	CASA p in addit through onal allo nt to Se la:	project t ion to th (b)(5) owances ection 2	hat commence <u>s</u> construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request s <u>pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following
2176 2177 2178 2179 2180 2181 2182		6)	For a C 2012, ± (b)(1) additic pursua formul	CASA p in addit through onal allo int to Se la:	project t ion to th (b)(5) owances ection 2	hat commence <u>s</u> construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request <u>s pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following
2176 2177 2178 2179 2180 2181 2182 2182 2183		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo nt to Se la:	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$
2176 2177 2178 2179 2180 2181 2182 2182 2183 2184		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo nat to Se la: =	project t ion to the formation of the f	that commences allocated pursuant to under subsections of this Section, a project sponsor may also request s pursuant to under the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$
2176 2177 2178 2179 2180 2181 2182 2183 2183 2184 2185		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo int to Se la: = Where	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo nat to Se la: = Where	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo nnt to Se la: = Where A	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo int to Se la: = Where A	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo ant to Se la: = Where A	project t ion to the formation of the f	that commencesd construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request s <u>pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo nat to Se la: = Where A	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191		6)	For a C 2012, : (b)(1) additic pursua formul A	CASA p in addit through onal allo int to Se la: = Where A A _i	project t ion to the (b)(5) owances ection 2. 1.0 + 0 e: =	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request s pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1) (b)(2) (b)(3) (b)(4) or (b)(5) of
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo int to Se la: = Where A A _i	project t ion to the formation of the f	that commencesd construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request s <u>pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193		6)	For a C 2012, ± (b)(1) additic pursua formul A	CASA p in addit through onal allo int to Se la: = Where A A _i	project t ion to the formation of the f	that commencesd construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request s <u>pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194	Section 225 A	6)	For a C 2012, : (b)(1) additic pursua formul A	CASA p in addit through onal allo int to Se la: = Where A A _i	<pre>project t ion to th (b)(5) pwances ection 2 1.0 + (c: = =</pre>	that commencesd construction before December 31, he allowances allocated <u>pursuant tounder</u> subsections of this Section, a project sponsor may also request s <u>pursuant tounder</u> the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195	Section 225.4	6) 70	For a C 2012, : (b)(1) additic pursua formul A CASA	CASA p in addit through onal allo int to Se la: = Where A A _i	<pre>project t ion to th (b)(5) pwances ection 2 1.0 + (e: = = =</pre>	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request a pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196	Section 225.4	6) 70	For a C 2012, : (b)(1) additic pursua formul A CASA	CASA p in addit through onal allo int to Se la: = Where A A _i	project t ion to the formation of the f	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request is pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.
2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197	Section 225.4 a)	6) 70 A proj	For a C 2012, : (b)(1) additic pursua formul A CASA ect spon	CASA p in addit through onal allo int to Se la: = Where A A _i A _i	<pre>project t ion to th (b)(5) pwances ection 2 1.0 + (2: = = = sations y reque isted be</pre>	that commences allocated pursuant tounder subsections of this Section, a project sponsor may also request a pursuant tounder the early adopter project category 25.460(e) of this Section based on the following $0.10 \times \Sigma A_i$ The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of this Section. The number of allowances as determined in subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) of this Section for a given project.

2198		allocat	ed allowances from more than one CASA category for a project, if
2199		applica	able.
2200			
2201		1)	Demand side management, energy efficient new construction, and supply
2202		,	side energy efficiency and conservation projects that commenced
2203			construction on or after January 1, 2003;
2204			
2205		2)	Fluidized bed coal combustion projects, highly efficient power generation
2206		_)	operations projects or renewable energy emission units which
2207			commenced construction on or after January 1 2001 and
2208			
2209		3)	All other projects on or after July 1 2006
2210		2)	
2210	h)	Regine	ning with the 2009 control period and each control period thereafter a
2211	0)	nroject	t sponsor may request allowances from the CASA The application must be
2212		submit	ted to the Agency by May 1 of the control period for which the allowances
2213		are hei	ng requested
2214			ng requested.
2215	c)	The all	location willshall be based on the electricity conserved or generated in the
2210	0)	contro	I period preceding the calendar year in which the application is submitted
2217		To apr	ly for a CAIR NO allocation from the CASA project sponsors must
2210		nrovid	e the Agency with the following information:
221)		provid	e the Agency with the following information.
2220		1)	Identification of the project sponsor, including name, address, type of
2221		1)	organization certification that the project sponsor has met the definition of
2222			"project sponsor" as set forth in Section 225 130 and name(s) of the
2223			principals or corporate officials
2224			principals of corporate officials.
2223		2)	The number of the CAID NO general or compliance account for the
2220		2)	project and the name of the associated $CAIR$ account representative
2227			project and the name of the associated CAIK account representative.
2220		2)	A description of the project or projects location the role of the project
2229		5)	A description of the project of projects, location, the fore of the project
2230			sponsor in the projects, and a general explanation of now the amount of
2231			the number of alloweness requested and the with the supporting
2232			alculations. The number of allowances requested willshall be calculated
2233			valuations. The number of anowances requested win shan be calculated
2234			using the applicable formula from Section 225.470(0) of this Section.
2255		4)	Detailed information to support the request for alloweness including the
2230		4)	following types of documentation for the measurement and varification of
2237			the NO emissions reductions, electricity generated, or electricity
2230			appared using astablished massurement varification procedures as
2239			applicable. The measurement and varification required willchall depend
2240 2241			on the type of project proposed
2241			on the type of project proposed.
2272			As applicable documentation of the project's base and control
44 7 3			<i>Ty is applicable, documentation of the project's base and control</i>

2244			period	conditions and resultant base and control period energy
2245			data, u	sing the procedures and methods included in M&V
2246			Guidel	ines: Measurement and Verification for Federal Energy
2247			Projec	<i>ts</i> , incorporated by reference in Section 225.140 of this Part,
2248			or othe	er method approved by the Agency. Examples include:
2249				
2250			i)	Energy consumption and demand profiles:
2251			/	
2252			ii)	Occupancy type:
2253)	
2254			iii)	Density and periods.
2255)	
2256			iv)	Space conditions or plant throughput for each operating
2250			10)	period and season (For example in a building this would
2257				include the light level and color space temperature
2250				humidity and ventilation):
2260				numenty and ventration),
2260			V)	Equipment inventory namenlate data location condition:
2261			•)	and
2262				and
2203			vi)	Equipment operating practices (schedules and set points
2204			VI)	actual temperatures/pressures)
2203				actual temperatures/pressures).
2200		D)	Emigai	one data including if applicable CEMS data:
2207		Б)	EIIIISSI	ions data, meruding, il applicable, CENIS data,
2208		(\mathbf{C})	Inform	action for rotad anarry officiancy including supporting
2209		C)	Inform	auton for rated-energy efficiency including supporting
2270			docum	entation and calculations, and
2271		D)	Electri	sites in MWh concentral or concentral for the applicable
2272		D)	Electri	city, in M wh generated or conserved for the applicable
2273			contro	i period.
2274	5)	Naturit	h at a n di	no the maninements of subsections (s)(1) of this Section
2275	3)	NOLWIL		ing the requirements of subsections (C)(4) of this section,
2270		applica		the de of questification accentable to the A coney.
2277		applica	ible me	thous of quantification acceptable to the Agency.
2278	()	A	1 1:1:000	1 information requested by the Acar of the determine the
2279	6)	Any ac		I information requested by the Agency to determine the
2280		correct	ness of	the requested number of allowances, including site
2281		inform	ation, p	roject specifications, supporting calculations, operating
2282		proced	ures, ar	id maintenance procedures.
2283		T 1 C 1	11 .	
2284	7)	The fo	llowing	certification by the responsible official for the project
2285		sponso	or and th	he applicable CAIR account representative for the project:
2286		(()		
2287		"I am a	authoriz	ted to make this submission on behalf of the project sponsor
2288		and the	e holder	of the CAIR NO_x general account or compliance account
2289		tor whi	ich the	submission is made. I certify under penalty of law that I

2290			have personally examined, and am familiar with the statements and	
2291			information submitted in this application and all its attachments. Based on	
2292			my inquiry of those individuals with primary responsibility for obtaining	
2293			the information, I certify that the statements and information are to the	
2294			best of my knowledge and belief true, accurate, and complete. I am aware	
2295			that there are significant penalties for submitting false statements and	
2296			information or omitting required statements and information."	
2297				
2298	d)	A pro	iect sponsor may request allowances from the CASA for each project a total	
2299		numbe	er of control periods not to exceed the number of control periods listed	
2300		helow	After a project has been allocated allowances from CASA subsequent	
2301		reques	sts for the project from the project sponsor shallmust include the information	
2302		requir	red by subsections (c)(1) (c)(2) (c)(3) and (c)(7) of this Section a	I
2302		descri	intion of any changes or further improvements made to the project and	
2303		inform	ption of any enables, of further improvements made to the project, and nation specifically requested by	
2304		the Ac	and (c)(o) as specifically requested by	
2303		the Ag	geney.	
2300		1)	For anarous officiancy and concernation projects (ascent for afficient	
2307		1)	For energy entitiency and conservation projects (except for entitient	
2308			operation and renewable energy projects), for a total of eight control	
2309			periods.	
2310		•		
2311		2)	For early adopter projects, for a total of ten control periods.	
2312		•		
2313		3)	For air pollution control equipment upgrades for a total of 15 control	
2314			periods.	
2315				
2316		<u>4</u> 3)	For renewable energy projects, clean coal technology, and highly efficient	l
2317			power generation projects, for each year that the project is in operation.	
2318				
2319	e)	A proj	ject sponsor must keep copies of all CASA applications and the	
2320		docun	nentation used to support the application for at least five years.	
2321				
2322	Section 225.4	75	Agency Action on CASA Applications	
2323				
2324	a)	By Se	ptemberOctober 1, 2009, and each SeptemberOctober 1 thereafter, the	
2325	,	Agenc	cy willshall determine the total number of allowances that are approvable for	
2326		alloca	tion to project sponsors based upon the applications submitted pursuant to	ļ
2327		Sectio	on 225.470 of this Subpart.	
2328		~		1
2329		1)	The Agency will shall determine the number of CAIR NO _x allowances that	1
2330		-)	are approvable based on the formulas and the criteria for these such	
2331			projects The Agency willshall notify a project sponsor within 90 days	
2331			after receipt of an application if the project is not approvable, the number	1
2332			of allowances requested is not approvable, or additional information is	
2333			needed by the Agency to complete its raviow of the application	
2334 2225			needed by the Agency to complete its review of the application.	
2000				

2336 2337 2338 2339 2340		2)	If the total number of CAIR NO_x allowances requested for approved projects is less than or equal to the number of CAIR NO_x allowances in the CASA project category, the number of allowances that are approved <u>willshall</u> be allocated to each CAIR NO_x compliance or general account.
2340 2341 2342 2343 2344 2345 2346 2347		3)	If more CAIR NO _x allowances are requested than the number of CAIR NO _x allowances in a given CASA project category, allowances <u>willshall</u> be allocated on a pro-rata basis based on the number of allowances available, subject to further adjustment as provided for by subsection (b) of this Section. CAIR NO _x allowances <u>willshall</u> be allocated, transferred, or used as whole allowances. The number of whole allowances <u>willshall</u> be determined by rounding down for decimals less than 0.5 and rounding
2348			up for decimals of 0.5 or greater.
2349	1 \	P	
2350 2351	b)	proced	<u>ntrol periods 2011 and thereafter, 1</u> 4 there are, after the completion of the lures in subsection (a) of this Section for a control period, any CAIR NO _x
2352		allowa	inces not allocated to a CASA project for the control period.
2353			
2354		1)	The remaining allowances will accrue in each CASA project category will
2355		-)	accrue up to twice the number of allowances that are assigned to the
2356			project category each control period as set forth in Section 225.465 of this
2357			Subpart.
2358			
2359		2)	For control period 2011 and thereafter, If any allowances remain after
2360		,	allocations pursuant to subsection (a) of this Section, the Agencyin a
2361			project category that are in excess of twice the number assign for the
2362			control period as set forth in Section 225.465 of this Subpart willshall
2363			beallocate these allowances pro-rata to projects that received fewer
2364			allowances than requested, based on the number of allowances not
2365			allocated but approved by the Agency for the project under CASA. No
2366			project may be allocated more allowances than approved by the Agency
2367			for the applicable redistributed to project categories that have fewer than
2368			twice the number of allowances assigned to that project category for the
2369			control period.
2370			
2371		3)	For control period 2011 and thereafter If any allowances remain after the
2372			allocation of allowances pursuant to subsection (b)(2) of this Section, the
2373			Agency willshall then distribute pro-rata the remaining reallocate
2374			allowances to projects that received fewer allowances than requested and
2375			approved on a pro-rata basis, based on the total number of approved
2376			allowances for the projects to project categories that have fewer than twice
2377			the number of allowances assigned to that project category. The pro-rata
2378			distribution will be based on the difference between two times the project
2379			category and the number of allowances that remain in the project category.
2380			

2381	4)	For control period 2011 and thereafter, if after the redistribution of
2382		allowances pursuant to subsection (b)(2) any allowances remain, these
2383		allowances shall be reassigned to project categories that have fewer than
2384		twice the number of allowances annually assigned to that project category
2385		as set forth in Section 225.465 of this Subpart, after the allocation in
2386		subsection (b)(3) of this Section.
2387		
2388	5)	-The Agency shall repeat the process of allocating allowances to CASA
2389		projects that received fewer allowances than requested and approved, and
2390		reassigning allowances to project categories as set forth in subsections
2391		(b)(2), (b)(3), and (b)(4) of this Section, until no allowances remain to be
2392		reassigned between project categories and the approved allowance
2393		requests have been filled. If allowances still remain
2394		unallocated undistributed after the allocations and distributions in the
2395		above subsections are completed, the Agency may elect to retire theany
2396		CAIR NO _x allowances that have not been distributed to any CASA
2397		category remain after all approved requests for allowances have been met
2398		and each project category has accrued twice the number of allowances
2399		assigned for that project category to continue progress toward attainment
2400		or maintenance of the National Ambient Air Quality Standards pursuant to
2401		the CAA.
2402		
2403	Section 225.480	Compliance Supplement Pool
2404		
2405	In addition to the CAI	IR NO _x allowances allocated <u>pursuant tounder</u> Section 225.4235 of this
2406	Subpart, the USEPA l	has provided an additional 11,299 CAIR NO _x allowances from the federal
2407	compliance suppleme	nt pool to Illinois for the control period in 2009. On January 1, 2009, the
2408	Agency willshall retir	e all 11,299 NO_x allowances for public health and air quality
2409	improvements.	
2410		
2411	SUBPAR	T E: CAIR NO _x OZONE SEASON TRADING PROGRAM
2412		
2413	Section 225.500	Purpose
2414		
2415	The purpose of this St	ubpart <u>E</u> is to control the seasonal emissions of nitrogen oxides (NO_x) from
2416	electric generating un	itEGUs by determining allocations and implementing the CAIR NO _x
2417	Ozone Season Trading	g Program.
2418		
2419	Section 225.505	Applicability
2420		
2421	a) Except	t as provided in subsections (b)(1), (b)(3), and (b)(4) of this Section:
2422		
2423	<u>1)</u>	The following units are CAIR NO _x Ozone Season units, and any source
2424		that includes one or more such units is a CAIR NO _x source subject to the
2425		requirements of this Subpart E: any stationary, fossil-fuel-fired boiler or
2426		stationary, fossil-fuel-fired combustion turbine serving at any time, since

2427			the later of November 15, 1990 or the start-up the unit's combustion
2428			chamber, a generator with nameplate capacity of more than 25 MWe
2429			producing electricity for sale.
2430			
2431		2)	If a stationary boiler or stationary combustion turbine that pursuant to
2432			subsection (a)(1) of this Section, is not a CAIR NO _x Ozone Season unit
2433			begins to combust fossil fuel or to serve a generator with nameplate
2434			capacity of more than 25 MWe producing electricity for sale the unit will
2435			become a CAIR NO ₂ . Ozone Season unit as provided in subsection (a)(1)
2436			of this Section on the first date on which it both combusts fossil fuel and
2437			serves such generator
2437			<u>serves such generator.</u>
2430	b)	Theun	its that meet the requirements set forth in subsections $(h)(1)$ $(h)(3)$ and
2437	<u>U)</u>	$\frac{110 \text{ un}}{(b)(4) \text{ c}}$	of this Section will not be CAIR NO, units and units that meet the
2440		$\frac{(0)(4)}{(1)}$	ments of subsections (b)(2) and (b)(5) of this Section are CAIP NO
2441		Ozone	Season units:
2442		OZOIIC	Season units.
2443		1)	Any unit that is a CAIP NO. Ozona Sasson unit pursuant to subsection
2444		<u>1)</u>	Any unit that is a CAIK NO_x Ozone Season unit pursuant to subsection (a)(1) or (a)(2) of this Section and:
2445			(a)(1) or $(a)(2)$ or this section and.
2440			(A) Qualifier as a concentration unit during the 12 month pariod
2447			A) Quanties as a cogeneration unit during the 12-month period
2448			starting on the date the unit first produces electricity and
2449			continuing to quality as a cogeneration unit; and
2450			D) D (((1 1 1 0)) 1 15 1000
2451			B) Does not serve at any time, since the later of November 15, 1990
2452			or the start-up of the unit's combustion chamber, a generator with
2453			nameplate capacity of more than 25 MWe supplying any calendar
2454			year more than one-third of the of the unit's potential electric
2455			output capacity or 219,000 MWh, whichever is greater, to any
2456			utility power distribution for sale.
2457			
2458		2)	If a unit qualifies as a cogeneration unit during the 12-month period
2459			starting on the date the unit first produces electricity and meets the
2460			requirements of subsection (b)(1) of this Section for at least one calendar
2461			year, but subsequently no longer meets all such requirements, the unit
2462			shall become a CAIR NO _x Ozone Season unit starting on the earlier of
2463			January 1 after the first calendar year during which the unit no longer
2464			qualifies as a cogeneration unit or January 1 after the first calendar year
2465			during which the unit no longer meets the requirements of subsection
2466			(b)(1)(B) of this Section.
2467			
2468		<u>3)</u>	Any unit that is a CAIR NO _x Ozone Season unit pursuant to subsection
2469			(a)(1) or (a)(2) of this Section commencing operation before January 1,
2470			<u>1985 and:</u>
2471			
2472			A) Qualifies as a solid waste incineration unit; and

2473			
2474		B)	With an average annual fuel consumption of non-fossil fuel for
2475			1985-1987 exceeding 80 percent (on a Btu basis) and an average
2476			annual fuel consumption of non-fossil fuel for any three
2477			consecutive calendar years after 1990 exceeding 80 percent (on a
2478			Btu basis)
2479			
2480		$4) \qquad Anv $	unit that is a CAIR NO. Ozone Season unit under subsection (a)(1) or
2481		(a)(2)	of this Section commencing operation on or after January 1 1985:
2401		$\frac{(a)(2)}{and}$	or this section commencing operation on or after sandary 1, 1965.
2402		and	
2403		A)	Qualifier as a solid waste incineration unit; and
2404		<u>A)</u>	Quanties as a solid waste inclueration unit, and
2403		D)	With an every a annual fuel consumption of non-fossil fuel the
2480		<u>D)</u>	First three years of an aretian eyescoding 80 nercent (an a Dty head)
248/			Inst three years of operation exceeding 80 percent (on a Biu basis)
2488			and an average annual fuel consumption of non-tossif fuel for any
2489			three consecutive calendar years after 1990 exceeding 80 percent
2490			<u>(on a Btu basis).</u>
2491			n and the second second second second
2492	-	<u>5) It a ui</u>	nit qualifies as a solid waste incineration unit and meets the
2493		requir	rements of subsection (b)(3) or (b)(4) of this Section for at least three
2494		conse	cutive years, but subsequently no longer meets all such
2495		<u>requir</u>	rements, the unit shall become a CAIR NO _x . Ozone Season unit
2496		<u>startir</u>	ng on the earlier of January 1 after the first three consecutive calendar
2497		years	after 1990 for which the unit has an average annual fuel
2498		consu	mption of fuel of 20 percent or more.
2499	a)	A fossil fuel-	fired stationary boiler, combustion turbine or combined cycle system
2500	-	is an electrica	al generating unit if it serves a generator that has a nameplate
2501		capacity grea	ter than 25 MWe and produces electricity for sale and is not included
2502	÷	in Appendix	D of 35 Ill. Adm. Code Part 217. An electric generating unit is
2503	+	subject to the	CAIR NO _* Ozone Season Trading Program contained in this
2504	-	Subpart and i	s a CAIR NO _x Ozone Season unit or affected unit for the purposes of
2505	:	this Subpart.	
2506		.	
2507	b)	Notwithstand	ling subsection (a) of this Section, an EGU shall not be an affected
2508		unit and is no	t subject to the CAIR NO. Ozone Season Trading Program
2509		contained in t	this Subnart if it meets the requirements of either subsection
2510		(b)(1)(A) or ($\frac{h}{h}(2)(A)$ of this Section as follows:
2510			(0)(2)(11) of this Section, as follows.
2517		1) A uni	t that:
2512		1) <u>A um</u>	t that.
2515		A >	Masta the definition of a comparation whit in Section 225 120 of
2314 2515		A)	- ivicets the definition of a cogeneration unit in Section 225.130 of
2010			uns raft, and
2510			
2517			i) Qualifies as a cogeneration unit during the 12-month period
2518			starting on the date the unit first produces electricity and

2519			continues to qualify as a cogeneration unit; and
2520			
2521			ii) Does not serve at any time, since the later of November 15,
2522			1990, or the start-up of the unit's combustion chamber, a
2523			generator with a nameplate capacity of more than 25 MWe,
2524			and which supplies in any calendar year more than one-
2525			third of the unit's potential electrical output capacity or
2526			219,000 MWh, whichever is greater, to a utility power
2527			distribution system for sale.
2528			
2529		<u>B)</u>	If a unit qualifies as a cogeneration unit during the 12-month
2530		2)	period starting on the date the unit first produces electricity but
2531			subsequently no longer qualifies as a cogeneration unit the unit
2532			shall be subject to subjection (a) of this Section starting on the
2532			January 1 after which the unit first no longer qualifies as a
2534			cogeneration unit
2535			
2535	2)	A unit	that:
2530	2)	11 unit	titut.
2538		A)	Qualifies as a solid waste incineration unit as defined by Section
2530		n)	120(g) of the CAA [A2 I] S C $7A20(g)$]; and
2539			$\frac{129(g)}{129(g)}$ of the CAAA [$\frac{42}{20.5.0.7429(g)}$], and
2540			i) Commences exercise on or ofter January 1, 1025; and
2541			1) Commences operation on or arter January 1, 1905, and
2542			ii) Has an average annual fuel consumption of non-fossil fuel
2545			for the first three calendar years of operation exceeding 80
2545			percent (on a Btu basis) and an average appual fuel
2545			consumption of non fossil fuel for any three consecutive
2540			consumption of non-rossin ruler for any time consecutive
2547			basis)
2540			Ud\$15).
2550		D)	If a unit qualifies as a solid wasta incinaration unit and mosts the
2550		b)	racuirometric of subsection (b)(2)(A) of this Section for at least
2551			$\frac{1}{1}$
2552			all such requirements, the unit shall become an affected unit
2555			an such requirements, the unit shan become an anected unit
2554			statting on the January 1 after which the unit has an average annual
2333			itter consumption of iossifiliter of 20 percent of more.
2550	Q	Com	line of Description of the
2007	Section 225.510	Compl	nance Requirements
2008	a) TI		amountan of a CAID NO. Onome Sector and the state of the
2009	a) Ine	; owner or	operator of a CAIK NO_x Ozone Seasonan affected unit must shall be requiremented of the CAIR NO. Operator Season The line P
2500	con	ipiy with t	ne requirements of the CAIK NO_x Uzone Season Trading Program
2561	tor	iiinois as	set forth in this Subpart E and 40 CFR 96, subpart AAAA (CAIR
2562	NO	x Uzone Se	eason Trading Program General Provisions) (excluding 40 CFR §§
2563	96.	304, 96.30	S(b)(2), and 96.306); 40 CFR 96, subpart BBBB (CAIR Designated
2564	Rep	presentativ	e tor CAIR NO _x Ozone Season Sources); 40 CFR 96, subpart FFFF

2565		(CAIR NO _x Ozone Season Allowance Tracking System); 40 CFR 96, subpart					
2566		GGGG (CAIR NO _x Ozone Season Allowance Transfers); and 40 CFR 96,					
2567		subpart HHHH (Monitoring and Reporting); as incorporated by reference in					
2568		Section 225.140 of this Part.					
2569							
2570	b)	Permit requirements:					
2571	,	1					
2572		1) The owner or operator of each source with one or more CAIR NO _x Ozone					
2573		Season affected units at the source must apply for a permit issued by the					
2574		Agency with federally enforceable conditions covering the CAIR NO _x					
2575		Ozone Season Trading Program ("CAIR NO _x -Ozone Season permit") that					
2576		complies with the requirements of Section 225 520 of this Subpart					
2577		(Permit Requirements)					
2578		(i ennie reelanemente).					
2579		2) The owner or operator of each CAIR NO. Ozone Season affected source					
2580		and each CAIR NO. Ozone Season affected unit at the source must operate					
2581		the CAIR NO. Ozone Seasonaffected unit in compliance with itssuch					
2582		CAIR NO Ozone Season permit					
2583							
2584	c)	Monitoring requirements:					
2585	0)	wontoring requirements.					
2586		1) The owner or operator of each CAIR NO. Ozone Seasonaffected source					
2580		and each CAIR NO. Ozone Seasonaffected unit at the source must comply					
2587		with the monitoring requirements of 40 CEP 06 subpart HHHH: 40 CEP					
2580		75: and Saction 225 550 of this Subpart The CAIR designated					
2500		representative of each CAIP NO. Ozona Seasonaffected source and each					
2590		CAIP NO. Ozono Sonoonoffontod unit at the source must comply with					
2591		<u>CAIN NO_x Ozone season anected</u> unit at the source must compty with these sections of the monitoring reporting and recordly sections.					
2592		requirements of 40 CEP. 6 submost HUHHH applicable to a CAIP.					
2393		degigneted representative					
2594		designated representative.					
2595		2) The compliance of each CAID NO. Orang Seggeneffected correspond twith					
2590		2) The compliance of each <u>CAIR NO_x Ozone Seasonanected</u> source unit with the CAIB NO. Opene Season emission limitation measurement term lender					
2597		the CAIR NO _x Ozone Season emissions limitation pursuant to under					
2598		subsection (d) of this Section <u>willshah</u> be determined by the emissions					
2599		measurements recorded and reported in accordance with 40 CFR 96,					
2600		suopart HHHH.					
2601	1)						
2602	a)	Emission requirements:					
2603							
2604		1) By the allowance transfer deadline, November 30, 2009, and by					
2605		November 30, of each subsequent year, the allowance transfer deadline,					
2000		the <u>owner or operator</u> $CAIR NO_x$					
2007		<u>Uzone Seasonaffected</u> source and each <u>CAIR NO_x Uzone Seasonaffected</u>					
2608		unit at the source must shall hold allowances available for compliance $\frac{1}{2}$ the source $\frac{1}{2}$ and $\frac{1}{2$					
2009		deductions <u>pursuant tounder</u> 40 CFR $\frac{1}{2}$ 96.354(a) in the CAIR NO _x Ozone					
2610		Season source's compliance account. <u>The allowance transfer deadline</u>					

2611		means by midnight of November 30 (if it is business day) or midnight of
2612		the first business day thereafter. The number of allowances held mayshall
2613		not be less than the tons of NO_x emissions for the control period from all
2614		CAIR NO _x Ozone Season affected units at the CAIR NO _x Ozone
2615		Season affected source-rounded to the nearest whole ton, as determined in
2616		accordance with 40 CFR 96, subpart HHHH- plus any number of
2617		allowances necessary to account for actual utilization including but not
2618		limited to testing start-up malfunction and shut down
2619		minited to, testing, start up, mananetten, and shat do mi.
2620	2)	Each ton of NO ₂ emitted in excess of the number of CAIR NO ₂ Ozone
2621	2)	Season allowances held by the owner or operator for each CAIR NO.
2622		Ozone Season affected unit in its CAIR NO. Ozone Season compliance
2622		account for each day of the applicable control period willshall constitute a
2625		separate violation of this Subnart F and the Act and the CAA
2625		separate violation of this Subpart <u>12</u> , and the rice, <u>and the Criri</u> .
2625	3)	Fach CAIR NO. Ozone Seasonaffected unit willshall be subject to the
2627	5)	monitoring and compliance requirements of subsections $(c)(1)$ and $(d)(1)$
2628		of this Section starting on the later of May January 1, 2009, or the deadline
2620		for meeting the unit's monitoring certification requirements pursuant
262)		tounder 40 CER & 96 370(b)(1) (b)(2) or (b)(3) and for each control
2631		neriod thereafter
2632		period increation.
2632	4)	CAIR NO. Ozone Season allowances must shall be held in deducted from
2634	<i>ч)</i>	or transferred into among allowance accounts in accordance with this
2635		Subpart and 40 CFR 96 subparts FFFF and GGGG
2636		Subpart and 40 CTR 90, subparts TTTT and 00000.
2637	5)	In order to comply with the requirements of subsection $(d)(1)$ of this
2638	5)	Section a CAIR NO. Ozone Season allowance may not be
2639		deducted $\frac{1}{1}$ of this deducted $\frac{1}{1}$ of the deducted
2640		Section for a control period in a calendar year before prior to the year for
2641		which the CAIR NO _x Ozone Season allowance is allocated
2642		
2643	6)	A CAIR NO _x Ozone Season allowance allocated by the Agency or
2644	0)	USEPA pursuant tounder the CAIR NO _x Ozone Season Trading Program
2645		is a limited authorization to emit one ton of NO_x in accordance with the
2646		CAIR NO _x Ozone Season Trading Program No provision of the CAIR
2647		NO_{x} Ozone Season Trading Program the CAIR NO_{x} Ozone Season
2648		permit application the CAIR NO₂ Ozone Season permit or a retired unit
2649		exemption pursuant to under 40 CFR $\frac{8}{9}$ 96 305 and no provision of law
2650		will shall be construed to limit the authority of the United States or the
2651		State to terminate or limit this authorization
2652		
2653	7)	A CAIR NO _x Ozone Season allowance allocated by the Agency or
2654	• •	USEPA pursuant tounder the CAIR NO. Ozone Season Trading Program
2655		does not constitute a property right.
2656		

2657 2658 2659 2660 2661 2662 2663 2664 2665		8)	Upon r or subp to or fr deemed Ozone This au <u>willsha</u> review	ecordation by USEPA <u>pursuant tounder</u> 40 CFR 96, subpart FFFF part GGGG, every allocation, transfer, or deduction of an allowance om a CAIR NO _x Ozone Season source compliance account is d to amend automatically, and become a part of, any CAIR NO _x Season permit of the <u>CAIR NO_x Ozone Seasonaffected</u> source. atomatic amendment of the CAIR NO _x -Ozone Season permit all be deemed an operation of law and will not require any further
2666	e)	Record	lkeeping	g and reporting requirements:
2667				
2668		1)	Unless	otherwise provided, the owner or operator of the <u>CAIR NO_x Ozone</u>
2669			Season	affected source and each CAIR NO _x Ozone Seasonaffected unit at
2670			the sou	rce mustshall keep on site at the source each of the documents
2671			listed in	n subsections (e)(1)(A) through (e)(1)(E) of this Section for a
2672			period	of five years from the date the document is created. This period
2673			may be	extended for cause at any time prior to the end of five years in
2674			writing	by the Agency or USEPA
2675				
2676			A)	The certificate of representation for the CAIR designated
2677			,	representative for the source and each CAIR NO _x Ozone
2678				Season affected unit at the source all documents that demonstrate
2679				the truth of the statements in the certificate of representation
2680				provided that the certificate and documents must be retained on
2680				site at the source beyond such five-year period until these
2682				documents are superseded because of the submission of a new
2683				certificate of representation pursuant tounder, 40 CFR & 96 313
2684				changing the CAIR designated representative
2685				enanging the erric designated representative.
2686			B)	All emissions monitoring information in accordance with 40 CER
2687			D)	96 subpart HHHH
2688				
2689			(\mathbf{C})	Conjes of all reports, compliance certifications, and other
2600			0)	submissions and all records made or required pursuant tounder the
2690				CAIR NO. Ozone Sesson Trading Program or documents
2691				necessary to demonstrate compliance with the requirements of the
2692				CAIR NO. Ozone Sesson Trading Program or with the
2095				requirements of this Subnert E
2094				requirements of this Subpart_E.
2095			D)	Conjeg of all documents used to complete a CAIP NO. Ozona
2090			D)	Season permit application and any other submission or decumenta
2097				used to demonstrate compliance pursuant tounder the CAID NO
2070 2600				Ozono Sonson Trading Program
2099 2700				Ozone season maung mogram.
∠700 2701			E)	Conjug of all records and loss for grass cleatrical output or duraful
2701 2702			с)	thermal energy required by Section 225 550 of this Subasit
2702				mermai energy required by Section 225.550 of this Subpart.

2703			
2704		2)	The CAIR designated representative of a CAIR NO _x Ozone Season an
2705		-)	affected source and each CAIR NO. Ozone Seasonaffected unit at the
2706			source must submit to the Agency and USEPA the reports and compliance
2700			certifications required pursuant tounder the CAIR NO. Ozone Season
2707			Trading Program including these pursuant tounder 40 CEP 06 subpart
2700			Hulling Flografi, including mose <u>pursuant tounder</u> 40 CFK 90, subpart
2709			HHHH and Section 225.550 of this Subpart.
2/10	•	· · · ···	
2711	t)	Liabili	ty:
2712			
2713		1)	No revision of a permit for <u>a CAIR NO_x Ozone Seasonan affected unit</u>
2714			<u>mayshall</u> excuse any violation of the requirements of this Subpart <u>E</u> or the
2715			requirements of the CAIR NO _x Ozone Season Trading Program.
2716			
2717		2)	Each CAIR NO _x Ozone Season affected source and each CAIR NO _x Ozone
2718		,	Season affected unit mustshall meet the requirements of the CAIR NO _x
2719			Ozone Season Trading Program.
2720			
2721		3)	Any provision of the CAIR NO. Ozone Season Trading Program that
2721		5)	applies to a CAIR NO. Ozone Seasonan affected source (including any
2722			applies to $\frac{a}{a} \frac{c}{AIR} \frac{NO_x}{NO_x} \frac{OZOIC}{SCASOI and affected}$ source (including any provision applicable to the CAIR designated representative of a CAIR
2723			NO. Ozena Seasanan effected source) willshall also apply to the owner
2724			$\frac{NO_x}{O2016}$ Season an anected source) with share also apply to the owner of the season of the
2725			and operator of the such CATR NO _x Ozone Season affected source and to
2726			the owner and operator of each <u>CAIR NO_x Ozone Seasonaffected</u> unit at
2727			the source.
2728			
2729		4)	Any provision of the CAIR NO _x Ozone Season Trading Program that
2730			applies to <u>a CAIR NO_x Ozone Seasonan affected</u> unit (including any
2731			provision applicable to the CAIR designated representative of <u>a CAIR</u>
2732			NO _x Ozone Seasonan affected unit) willshall also apply to the owner and
2733			operator of the such CAIR NO _x Ozone Season affected unit. Except with
2734			regard to the requirements applicable to affected units with a common
2735			stack under 40 CFR 96 subpart HHHH the owner the operator and the
2736			CAIR designated representative or alternate designated representative of
2730			an affected unit shall not be liable for any violation by any other affected
2738			unit of which they are not an owner or operator or the CAIR designated
2730			representative
2739			representative.
2740		5)	The CAID designs to down and the of a CAID NO. One of Second
2741		3)	The CAIR designated representative of <u>a CAIR NO_x Ozone Seasonan</u>
2742			affected unit that has excess emissions in any control period must shall
2743			surrender the allowances as required for deduction <u>pursuant tounder</u> 40
2/44			CFK = 90.354(d)(1).
2745		-	
2746		6)	The owner or operator of <u>a CAIR NO_x Ozone Seasonan affected</u> unit that
2747			has excess NO_x emissions in any control period <u>mustshall</u> pay any fine,
2748			penalty, or assessment or comply with any other remedy imposed <u>pursuant</u>

2749			tounder the Act and 40 CFR \S 96.354(d)(2).						
2750 2751 2752 2753 2754 2755 2756 2757 2758 2759	g)	Effect on other authorities. No provision of the CAIR NO_x Ozone Season Trading Program, a CAIR NO_x Ozone Season permit application, a CAIR NO_x Ozone Season permit, or a retired unit exemption <u>pursuant tounder</u> 40 CFR § 96.305 <u>willshall</u> be construed as exempting or excluding the owner and operator and, to the extent applicable, the CAIR designated representative of <u>a CAIR NO_x</u> <u>Ozone Season an affected</u> source or <u>a CAIR NO_x</u> Ozone Season an affected unit, from compliance with any other regulation promulgated <u>pursuant tounder</u> the CAA, the Act, any State regulation or permit, or a federally enforceable permit.							
2759 2760 2761	Section 225.5	15	Appeal Procedures						
2762 2763 2764 2765	The appeal pr Trading Prog this Part.	rocedure ram are	es for decisions of USEPA <u>pursuant tounder</u> the CAIR NO_x Ozone Season set forth in 40 CFR 78, as incorporated by reference in Section 225.140 of						
2766 2767	Section 225.520		Permit Requirements						
2768 2769	a)	Permit	requirements:						
2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784		1)	 The owner or operator of each source with <u>a CAIR NO_x Ozone Seasonan</u> affected unit is required to submit: <u>A</u> -<u>A</u> complete permit application addressing all applicable CAIR NO_x Ozone Season Trading Program requirements for a permit meeting the requirements of this Section <u>225.520</u>, applicable to each <u>CAIR NO_x Ozone Season affected</u> unit at the source. Each CAIR <u>NO_x Ozone Season permit mustshall</u> contain elements required for a complete CAIR <u>NO_x Ozone Season permit</u> application <u>pursuant tounder</u> subsection (b)(2) of this Section. <u>B</u> Any supplemental information that the Agency determines necessary in order to review a CAIR permit application and issue any CAIR permit. 						
2784 2785 2786 2787 2788 2788 2789 2790		2)	Each CAIR NO _x -Ozone Season permit <u>will be issued pursuant to Section</u> <u>39 of 39.5 of the Act and willshall</u> contain federally enforceable conditions addressing all applicable CAIR NO _x Ozone Season Trading Program requirements and <u>willshall</u> be a complete and segregable portion of the source's entire permit <u>pursuant tounder</u> subsection (a)(1) of this Section.						
2792 2793 2794		3)	No CAIR NO _x -Ozone Season permit mayshall be issued, and no CAIR NO _x Ozone Season compliance account mayshall be established for a CAIR NO _x Ozone Season an affected source, until the Agency and USEPA						

2795			have re	ceived a complete certificate of representation for a CAIR
2796			designa	ated representative pursuant to under 40 CFR 96, subpart BBBB,
2797			for the	CAIR NO _x Ozone Season affected source and the CAIR NO _x
2798			Ozone	Season affected unit at the source.
2799				
2800		4)	For all	CAIR NO _x Ozone Season affected units that commenced operation
2801		.)	hefore	July 1 2007 the owner or operator of the such unit must submit a
2802			CAIR	NO. Ozone Season permit application meeting the requirements of
2802			this Se	ction 225 520 on or before July 1, 2007
2803				cuon <u>223.520</u> on or before sury 1, 2007.
2804		5)	For all	affected units and that commence operation on or after July 1
2805		5)	20078	the owner or operator of thesesuch units must submit applications
2800			$200\frac{78}{78}$,	struction and operating permits purguant to the requirements of
2007			Section	succion and operating permits pursuant to the requirements of
2808			Section	is 39 and 39.5 of the Act, as applicable, and 55 III. Adm. Code 201,
2809			and <u>the</u>	such applications must specify that they are applying for CAIR
2810				$\frac{1}{2000}$ 1
2811			Season	permit application requirements of this Section <u>225.520</u> .
2812	1 \	р :	1.	
2813	b)	Permit	applica	tions:
2814		1)	D	
2815		1)	Duty to	apply. The owner or operator of any source with one or more
2816			CAIR	<u>NO_x Ozone Season affected</u> units <u>mustshall</u> submit to the Agency a
2817			CAIR	NO _* Ozone Season permit application for the source covering each
2818			CAIR]	<u>NO_x Ozone Seasonaffected</u> unit <u>pursuant tounder</u> subsection (b)(2)
2819			of this	Section by the applicable deadline in subsection (a)(4) or (a)(5) of
2820			this Se	ction. The owner or operator of any source with one or more <u>CAIR</u>
2821			<u>NO_x O</u>	zone Seasonaffected units mustshall reapply for a CAIR NO*
2822			Ozone	Season permit for the source as required by this Subpart, 35 Ill.
2823			Adm. (Code 201, and, as applicable, Sections 39 and 39.5 of the Act.
2824				
2825		2)	Inform	ation requirements for CAIR NO _* Ozone Season permit
2826			applica	tions. A complete CAIR NO _x Ozone Season permit application
2827			mustsh	all include the following elements concerning the source for which
2828			the app	lication is submitted:
2829			11	
2830			A)	Identification of the source, including plant name. The ORIS
2831)	(Office of Regulatory Information Systems) or facility code
2832				assigned to the source by the Energy Information Administration
2833				must shall also be included if applicable:
2834				<u>musi</u> shun ulso be merudea, n'appreuble,
2835			B)	Identification of each CAIR NO. Ozone Seasonaffected unit at the
2836			D)	source: and
2030				Source, und
2037			(\mathbf{C})	The compliance requirements applicable to each CAIP NO. Orong
2030			C)	Seasonaffected unit as set forth in Section 225 510 of this Submart
2037 2040				Beasonancetter unit as set totui in Section 225.510 of this Subpart.
2040				

2841		3) An application for a CAIR NO _* Ozone Season permit <u>willshall</u> be treated
2842		as a modification of the CAIR NO _x Ozone Seasonaffected source's
2843		existing federally enforceable permit, if such a permit has been issued for
2844		that source, and willshall be subject to the same procedural requirements.
2845		When the Agency issues a CAIR NO _x Ozone Season permit pursuant to
2846		the requirements of this Section 225.520, it willshall be incorporated into
2847		and become part of that source's existing federally enforceable permit.
2848		
2849	c)	Permit content Each CAIR permit is deemed to incorporate automatically the
2850	<u></u>	definitions and terms pursuant to Section 225 120 and upon recordation of
2851		USEPA under 40 CFR 96 Subparts FFFF and GGGG as incorporated by
2852		reference in Section 225.140, every allocation, transfer, or deduction of a CAIR
2853		NO. Ozone Season allowance to or from the compliance account of the CAIR
2854		$NO_{\underline{X}}$ Ozone Season source covered by the permit
2054		$\frac{1}{X}$ Ozone Season source covered by the permit.
2855	Section 225 5	25 Ozone Season Trading Budget
2850	Section 223.5	25 Ozone Season Trading Budget
2858	The CAIR NO) Ozone Sesson Trading budget available for allowance allocations for each
2050	antrol pariod	J_x Ozone Season fracting budget available for anowance anocations for each J_x will shall be determined as follows:
2039	control period	I <u>will</u> shan be determined as follows.
2000	a)	The total base CAID NO. Ozone Seesen Trading budget is 20,701 tons per
2001	a)	The total base CAIK NO_x Ozone season flaung budget is 50,701 tons per
2802		control period for the years 2009 through 2014, subject to a reduction for two set-
2863		asides, the NUSA and the CASA. Five percent of the budget <u>willshall</u> be
2864		allocated to the NUSA and 25 percent <u>willshall</u> be allocated to the CASA,
2865		resulting in a CAIR NO_x Ozone Season Trading budget available for allocation of
2866		21,491 tons per control period pursuant to Section 225.540 of this Subpart. The
2867		requirements of the NUSA are set forth in Section 225.545 of this Subpart, and
2868		the requirements of the CASA are set forth in Sections 225.555 through 225.570
2869		of this Subpart .
2870		
2871	b)	The total base CAIR NO_x Ozone Season Trading budget is 28,981 tons per
2872		control period for the year 2015 and thereafter, subject to a reduction for two set-
2873		asides, the NUSA and the CASA. Five percent of the budget willshall be
2874		allocated to the NUSA and 25 percent <u>willshall</u> be allocated to the CASA,
2875		resulting, in a CAIR NO _x Ozone Season Trading budget available for allocation
2876		of 20,287 tons per control period pursuant to Section 225.540 of this Subpart.
2877		
2878	c)	If USEPA adjusts the total base CAIR NO _x Ozone Season Trading budget for any
2879		reason, the Agency willshall adjust the base CAIR NO _x Ozone Season Trading
2880		budget CAIR NO _x Ozone Season Trading budget available for allocation,
2881		accordingly.
2882		
2883	Section 225.5	30 Timing for Ozone Season Allocations
2884		-
2885	a)	No later than By July 31, 2007 October 31, 2006, the Agency willshall submit to
2886	~	USEPA the CAIR NO _x Ozone Season allowance allocations, in accordance with

2887 2888		Sections 225.535 and 225.540 of this Subpart for the 2009, 2010, and 2011 control periods.
2889		
2890	b)	By October July 31 , 2008 2009 , and October July 31 of each year thereafter, the
2891	-)	Agency will shall submit to USEPA the CAIR NO _x Ozone Season allowance
2892		allocations in accordance with Sections 225 535 and 225 540 of this Subpart for
2893		the control period four three years after the year of the applicable deadline for
2894		submission pursuant tounder this Section 225,530. For example, on July 31.
2895		20082009, the Agency willshall submit to USEPA the allocation for the 2012
2896		control period
2897		
2898	c)	The Agency willshall allocate allowances from the NUSA to CAIR NO _x Ozone
2899	•)	Season affected units that commence commercial operation on or after May 1
2900		2006 The Agency will shall report these allocations to USEPA by July
2901		31 November 15 of after the applicable control period For example on July 31
2902		2009November 15, 2009, the Agency willshall submit to USEPA the allocations
2903		from the NUSA for the 2009 control period
2904		
2905	d)	The Agency will shall allocate allowances from the CASA to energy efficiency
2906		renewable energy and clean technology projects pursuant to the criteria in
2907		Sections 225 555 through 225 570 of this Subpart The Agency willshall report
2908		these allocations to USEPA by October December 1 of each year. For example
2909		on October 1 2009 December 1 2010 the Agency will shall submit to USEPA the
2910		allocations from the CASA for the 2009 2010 control period based on reductions
2911		made in the 20082009 control period
2912		
2913	Section 225 5	35 Methodology for Calculating Ozone Season Allocations
2914		
2915	The Agency w	vill shall calculate converted gross electrical output (CGO) , in MWh, for each CAIR
2916	NO _x Ozone Se	easonaffected unit that has operated during at least one control period prior to the
2917	calendar year	in which the Agency reports the allocations to USEPA as follows:
2918	,	
2919	a)	For control periods 2009, 2010, and 2011, the owner or operator of the unit-s
2920	,	must submit in writing to the Agency by June 1, 2007, a statement that either
2921		gross electrical output data or heat input is to be used to calculate converted gross
2922		electrical output (CGO). The data shall be used calculate converted gross
2923		electrical output pursuant to either subsection (a)(1) or (a)(2) of this Section:
2924		
2925		1) Gross electrical output. If the unit has four or five control periods of data,
2926		then the gross electrical output (GO) willshall be the average of the unit's
2927		three highest gross electrical outputs from the 2001, 2002, 2003, 2004, or
2928		2005 control periods. If the unit has three or fewer control periods of
2929		gross electrical outputs, the gross electrical output willshall be the average
2930		of those control periods. If the unit does not have gross electrical output
2931		for the 2004 and 2005 control periods, the gross electrical output willshall
2932		be the gross electrical output from the 2005 control period. If the unit

2933			does no	ot have gross electrical output, then heat input shall be used
2034			nurcuo	nt to subsection $(a)(2)$ of this Section. If a generator is served by
2934			puisua	$\frac{1}{10000000000000000000000000000000000$
2935			two or	more units, then the gross electrical output of the generator
2936			willsha	H be attributed to each unit in proportion to the unit's share of the
2937			total co	ontrol period heat input of thesesuch units for the control period
2020				$\frac{1}{2}$
2938			I ne un	it's converted gross electrical output <u>willshall</u> be calculated as
2939			follows	5:
2940				
20/1			A)	If the unit is coal-fired.
2042			11)	CCO(i) MUI = CO MUI = 10
2942				$CGO (in MWh) = GO \times MWh \times 1.0;$
2943				
2944			B)	If the unit is oil-fired:
2045			_)	$CCO(in MWh) = CO \times MWh \times 0.6$
2943				$COO(III M WII) - OO \times M WII \times 0.0, OI$
2946				
2947			C)	If the unit is neither coal-fired nor oil-fired:
2948			,	$CGO (in MWh) = GO \times MWh \times 0.4$
2040				
2949		•	* 0	
2950		2)	If gros	s electrical output is not provided to the Agency, hHeat input. (HI)
2951			shall be	e-used. If the unit has four or five control periods of data, the
2952			average	e of the unit's three highest control period heat inputs from 2001
2052			2002	2002 2004 or 2005 willshall be used. If the unit has best input from
2933			2002, 2	$\frac{1}{2005}$, 2004 of 2005 $\frac{\text{wm}\text{shar}}{1}$ be used. If the unit has heat input from
2954			the 200	13, 2004, or 2005 control periods, the heat input shall be the average
2955			of thos	e control periods. If the unit does not have heat input from the
2956			2004 a	nd 2005 control periods the heat input from the 2005 control period
2957			willeha	Il he used. The unit's converted gross electrical output willchall be
2)57			<u>wm</u> shc	the decision of the difference of the second decision of the second
2958			calcula	ted as follows:
2959				
2960			A)	If the unit is coal-fired:
2061			,	$CGO(in MWh) = HI(in mmBtu) \times 0.0967$
2001				$COO(III W W II) = III(III IIIIIDtu) \times 0.0007,$
2962				
2963			B)	If the unit is oil-fired:
2964				CGO (in MWh) = HI (in mmBtu) \times 0.0580; or
2965				
2005			(\mathbf{C})	If the smith is neithern and fined non ail fined.
2900			C)	If the unit is neither coal-lifed nor off-lifed.
2967				$CGO (in MWh) = HI (in mmBtu) \times 0.0387.$
2968				
2969	h)	For cor	ntrol ne	riods 2012 and 2013, the owner or operator of the unit must submit
2000	0)	$\frac{101001}{100000000000000000000000000000$	ing to th	hous 2012 and 2013, the owner of operator of the ant mast submit
2970		III WIIU	<u>ing to tr</u>	le Agency by June 1, 2008, a statement that enner gross electricar
2971		<u>output</u>	<u>data or</u>	heat input data be used to calculate the unit's converted gross
2972		electric	al outp	ut. The unit's converted gross electrical output shall be calculated
2973		pursua	nt to eif	her subsection (b)(1) or (b)(2) of this Section
2973		pursuu		
27/4 2075		1)	C	
2975		<u>1)</u>	Gross (electrical output. The average of the unit's two most recent years of
2976			<u>control</u>	period gross electrical output, if available; otherwise it will be the
2977			unit's r	nost recent control period's gross electrical output. If a generator is
2978			corvad	by two or more units, the gross electrical output of the generator
2710			SUIVUU	by two of more units, the gross electrical output of the generator

2979	shall be attributed to each unit in proportion to the unit's share of the total
2980	control period heat input of such units for the control period. The unit's
2981	converted gross electrical output shall be calculated as follows:
2982	
2983	A) If the unit is coal-fired:
2984	<u>CGO (in MWh) = GO \times MWh \times 1.0;</u>
2985	
2986	B) If the unit is oil-fired:
2987	$CGO (in MWh) = GO \times MWh \times 0.6;$
2988	
2989	C) If the unit is neither coal-fired nor oil-fired:
2990	$CGO (in MWh) = GO \times MWh \times 0.4$.
2991	
2992	2) Heat input. The average of the unit's two most recent years of control
2993	period heat input; otherwise the unit's most recent control period's heat
2994	input, e.g. for the 2012 control period the average of the unit's heat input
2995	from the 2006 and 2007 control periods. If the unit does not have heat
2996	input from the 2006 and 2007 control periods, the heat input from the
2997	2007 control period shall be used. The unit's converted gross electrical
2998	output shall be calculated as follows:
2999	
3000	A) If the unit is coal-fired:
3001	<u>CGO (in MWh) = HI (in mmBtu) \times 0.0967;</u>
3002	
3003	B) If the unit is oil-fired:
3004	$\underline{CGO (in MWh)} = HI (in mmBtu) \times 0.0580; or$
3005	
3006	C) If the unit is neither coal-fired nor oil-fired:
3007	$\underline{CGO (in MWh)} = HI (in mmBtu) \times 0.0387.$
3008	
3009 <u>c)</u>	For control period 20142012 and thereafter, the unit's gross electrical output
3010	willshall be the average of the unit's two most recent control period's gross
3011	electrical output, if available, otherwise it will be the unit's most recent control
3012	period gross electrical output. If a generator is served by two or more units, the
3013	gross electrical output of the generator willshall be attributed to each unit in
3014	proportion to the unit's share of the total control period heat input of thesesuch
3015	units for the control period. The unit's converted gross electrical output <u>will-shall</u>
3016	be calculated as follows:
3017	
3018	1) If the unit is coal-fired:
3019	$CGO (in MWh) = GO \times 1.0;$
3020	
3021	2) If the unit is oil-fired:
3022	CGO (in MWh) = $GO \times 0.6$; or
3023	
3024	3) If the unit is neither coal-fired nor oil-fired:

3025		$CGO (in MWh) = GO \times 0.4.$
3026	1 \	
3027	<u>d</u> e)	For a unit that is a combustion turbine or boiler and has equipment used to
3028		produce electricity and useful thermal energy for industrial, commercial, heating,
3029		or cooling purposes through the sequential use of energy, the Agency <u>willshall</u>
3030		add the converted gross electrical output calculated for electricity pursuant to
3031		subsections (a), or (b), or (c) of this Section to the converted useful thermal
3032		energy (CUTE) to determine the total converted gross electrical output for the unit
3033		(TCGO). The Agency <u>willshall</u> determine the converted useful thermal energy by
3034		using the average of the unit's control period useful thermal energy for the prior
3035		two control periods, if available, otherwise the unit's control period useful
3036		thermal output for the prior year <u>willshall</u> be used. The converted useful thermal
3037		energy willshall be determined using the following equations:
3038		
3039		1) If the unit is coal-fired:
3040		CUTE (in MWh) = UTE (in mmBtu) \times 0.2930;
3041		
3042		2) If the unit is oil-fired:
3043		$CUTE$ (in MWh) = UTE (in mmBtu) $\times 0.1758^{\circ}$ or
3044		
3045		3) If the unit is neither coal-fired nor oil-fired.
3046		$CUTE (in MWh) = UTE (in mmBtu) \times 0.1172$
3047		$COTE (III MI WII) = OTE (III MIIIDAU) \times 0.1172.$
3048	ed)	The CAIR NO ₂ Ozone Season affected unit's converted gross electrical output and
3049	<u>-</u> u)	converted useful thermal energy in subsections (a)(1) (b)(1) and (c) and (d) of
3050		this Section for each control period willshall be based on the best available data
3051		reported or available to the Agency for the CAIR NO. Ozone Seasonaffected unit
3052		reported of available to the Argency for the $\frac{CARCTO_x}{C}$ of this Subpart
3053		pursuant to the provisions of Section 225.550 of this Subpart.
3054	f_e)	The CAIR NO. Ozone Seasonaffected unit's heat input in subsections $(a)(2)$ and
3055	<u> </u>	(b)(2) of this Section for each control period willshall be determined in
3055		<u>(0/2)</u> of this section for each control period <u>withshar</u> be determined in accordance with 40 CER 75, as incorporated by reference in Section 225,140 of
3057		this Part
3058		tills i dit.
3050	Section 225 5/	10 Ozona Sasson Allocations
3060	Section 225.5-	Ozone Season Anocations
2061	a)	For the 2000 control period, and each control period thereafter, the Agency
3062	a)	willshall allocate CAIR NO. Ozone Season allowances to all CAIR NO. Ozone
2062		<u>with share</u> anotate CAIR NO _x Ozone Season anowances to an <u>CAIR NO_x Ozone</u> Seasonaffected units in Illinois for which the Agency has calculated the total
2064		<u>sonverted</u> gross electrical output including converted useful thermal energy if
2065		any as determined innursuant to Section 225 525 of this Subpart, a total amount
2062		of CAIP NO. Ozona Sanson allowanaas aqual to tong of NO. amiasions in the
2067		of CAIR NO_X Ozone Season Trading hydrot available for allocation of determined
2069		$_{\text{in Soction 225.525 of this Subpart and allocated surgest to this Section 225.540}$
2060		in Section 225.525 of this Subpart and anocated pursuant to this Section 225.540
2070		or uns suopart.
3070		

3071 3072 3073 3074 3075 3076 3077	b)	The Agency <u>willshall</u> allocate CAIR NO _x Ozone Season allowances to each <u>CAIR NO_x Ozone Seasonaffected</u> unit on a pro-rata basis using the unit's total converted gross electrical output calculated pursuant to Section 225.535 of this <u>Subpart</u> . If there are insufficient allowances to allocate whole allowances <u>pro-rata</u> , <u>thesesuch</u> unallocated allowances <u>willshall</u> be retained by the Agency and <u>willshall</u> be available for allocation in later control periods.		
3078 3079	Section 225.5	45 New Unit Set-Aside (NUSA)		
3080 3081 3082 3083 3084	For the 2009 of CAIR NO _x Oz that commence allocation for accordance w	control period and each control period thereafter, the Agency <u>willshall</u> allocate zone Season allowances from the NUSA to <u>CAIR NO_x Ozone Seasonaffected</u> units eed commercial operation on or after May 1, 2006, and do not yet have an the particular control period pursuant to Section 225.540 of this Subpart, in ith the following procedures:		
2004	accordance w	the following procedures.		
3083 3086 3087 3088 3089 3090 3091	a)	Beginning with the 2009 control period and each control period thereafter, the Agency <u>willshall</u> establish a separate NUSA for each control period. Each new unit set-aside <u>willshall</u> be allocated CAIR NO _x Ozone Season allowances equal to 5 percent of the amount of tons of NO _x emissions in the base CAIR NO _x Ozone Season Trading budget in Section 225.525 of this Subpart.		
3092 3093 3094 3095 3096	b)	The CAIR designated representative of such a new CAIR NO_x Ozone Seasonan affected unit may submit to the Agency a request, in a format specified by the Agency, to be allocated CAIR NO_x Ozone Season allowances from the NUSA starting with the first control period after the control period in which the new unit commences commercial operation and until the first control period for which the		
3097 3098 3099 3100 3101 3102		unit may use CAIR NO _x Ozone Season allowances allocated to the unit <u>pursuant</u> to <u>under</u> Section 225.540 of this Subpart. The NUSA allowance allocation request may only be submitted after a new unit has operated during one control period, and no later than <u>March 1 of October 15 after</u> the control period for which allowances from the NUSA are being requested.		
3102 3103 3104 3105 3106 3107 3108	c)	In a NUSA allowance allocation request <u>pursuant tounder</u> subsection (b) of this Section, the CAIR designated representative must <u>provide include</u> in its request must provide in its request the information for the gross electrical output and useful thermal energy, if any, for the new <u>CAIR NO_x Ozone Seasonaffected</u> unit for that control period.		
3109 3110 3111	d)	The Agency <u>willshall</u> allocate allowances from the NUSA to a new <u>CAIR NO_x</u> <u>Ozone Seasonaffected</u> unit using the following procedures:		
3112 3113 3114 3115 3116		1) For each new <u>CAIR NO_x Ozone Seasonaffected</u> unit that has operated during at least one control period, the unit's gross electrical output for the most recent control period, <u>willshall</u> be used to calculate the unit's gross electrical output. If a generator is served by two or more units, the gross electrical output of the generator <u>willshall</u> be attributed to each unit in		
3117		propor	tion to the unit's share of the total control period heat input of	
------	----	----------	---	---
3118		theses	uch units for the control period. The new unit's converted gross	
3119		electric	cal output will shall be calculated as follows:	
3120			1	
3121		A)	If the unit is coal-fired:	
3122		,	$CGO (in MWh) = GO \times 1.0$:	
3123				
3124		B)	If the unit is oil-fired.	
3125		2)	$CGO (in MWh) = GO \times 0.6$ or	
3126				
3127		C)	If the unit is neither coal-fired nor oil-fired	
2129		0)	C_{CO} (in MWb) = $C_{O} \times 0.4$	
3120			$COO(III M WII) = OO \times 0.4.$	
2120	2)	If the y	unit is a combustion turbing or bailer and has againment used to	
2121	2)	II the t	unit is a compusition turbine or boller and has equipment used to	
3131		produc	ce electricity and useful thermal energy for industrial, commercial,	
3132		neating	g, or cooling purposes through the sequential use of energy, the	I
3133		Agenc	y <u>willshall</u> add the converted gross electrical output calculated for	
3134		electric	city pursuant to subsection $(\underline{de})(1)$ of this Section to the converted	
3135		useful	thermal energy to determine the total converted gross electrical	I
3136		output	for the unit. The Agency <u>willshall</u> determine the converted useful	
3137		therma	al energy using the unit's useful thermal energy for the most recent	1
3138		contro	l period. The converted useful thermal energy <u>willshall</u> be	
3139		determ	nined using the following equations:	
3140				
3141		A)	If the unit is coal-fired:	
3142			CUTE (in MWh) = UTE (in mmBtu) \times 0.2930;	
3143				
3144		B)	If the unit is oil-fired:	
3145			CUTE (in MWh) = UTE (in mmBtu) \times 0.1758; or	
3146				
3147		C)	If the unit is neither coal-fired nor oil-fired:	
3148		-)	CUTE (in MWh) = UTE (in mmBtu) $\times 0.1172$	
3149				
3150	3)	The or	$\cos s$ electrical output and useful thermal energy in subsections (d)(1)	
3151	5)	and (d)	(2) of this Section for the control period in each year willshall be	1
3152		hased a	on the best available data reported or available to the Agency for the	I
3153			NO. Ozone Seasonaffected unit pursuant to the provisions of	I
315/		Section	$\frac{110_x}{2}$ 02010 Season arrected unit pursuant to the provisions of n 225 550 of this Subpart	
3155		Section	1 225.550 of this Subpart .	I
2156	4)	The A	a_{a} and w_{a} will change of u_{a} and u_{a} and u_{a} and u_{a}	1
5150	4)	The Ag	gency winismum determine a unit's un-profated anocation (UA_y)	
3157		using t	the unit's converted gross electrical output plus the unit's converted	
3158		useful	thermal energy, if any, calculated in subsections $(d)(1)$ and $(d)(2)$ of	
3159		this Se	ection, converted to approximate NO _x tons (the unit's un-prorated	
3160		allocat	tion), as follows:	
3161				

21(2		TTA	$TCGO_v \times (1.0)$	lbs/MV	Wh)
3162		UA _y =	=20001bs	s/ton	
3163					
3164			Where:		
3165					
3166			UA _v	=	un-prorated allocation to a new <u>CAIR NO_x</u>
3167			2		Ozone Seasonaffected unit.
3168			TCGO _y	=	total converted gross electrical output for a
3169					new <u>CAIR NO_x Ozone Seasonaffected</u> unit.
3170					
3171		5) The A	gency <u>will</u> shall	allocate	e CAIR NO _x Ozone Season allowances from
3172		the NI	JSA to new <u>CA</u>	IR NO,	<u>Ozone Seasonaffected</u> units as follows:
3173					
3174		A)	If the NUSA f	for the c	ontrol period for which CAIR NO _x Ozone
3175			Season allowa	inces ar	e requested has a number of allowances
3176			greater than or	r equal t	to the total un-prorated allocations for all new
3177			<u>unitsunit's</u> req	luesting	allowances, the Agency <u>willshall</u> allocate the
3178			number of allo	owances	s using the un-prorated allocation determined
3179			for that unit p	<u>ursuant</u>	toin subsection (d)(4) of this Section. If there
3180			are insufficier	it allowa	ances to allocate whole allowances, such
3181			unallocated al	lowance	es shall be retained by the Agency and shall
3182			be available fo	or alloca	ation in a later control period.
3183					
3184		B)	If the NUSA f	for the c	ontrol period for which the allowances are
3185			requested has	a numb	er of CAIR NO _x Ozone Season allowances
3186			less than the te	otal un-j	prorated allocation to all new CAIR NO _x
3187			Ozone Season	affecte	d units requesting allocations, the Agency
3188			<u>will</u> shall alloc	ate the	available allowances for new CAIR NO _x
3189			Ozone Season	affected	units on a pro-rata basis, using the un-
3190			prorated alloc	ation de	termined for that unit pursuant to subsection
3191			(d)(4) of this S	Section.	If there are insufficient allowances to
3192			allocate whole	e allowa	nces, <u>thesuch</u> unallocated allowances
3193			<u>will</u> shall be re	tained b	by the Agency and <u>willshall</u> be available for
3194			allocation in a	later co	ontrol period.
3195					
3196		C)	If the gross ele	ectrical	output or useful thermal energy reported to
3197			the Agency pu	irsuant	to subsection (d) of this Section is later
3198			determined to	be grea	ter than the unit's actual gross electrical
3199			output or usef	ul thern	hal energy for the applicable control period,
3200			the Agency w	<u>ill</u> shall i	reduce the unit's allocation from the NUSA
3201			for the current	contro	l period to account for the excess allowances
3202			allocated in th	e prior	control period or periods.
3203				. .	
3204	e)	The Agency <u>v</u>	villshall review	each N	USA allowance allocation request <u>pursuant</u>
3205		tounder subse	ction (b) of this	Section	n. The Agency <u>willshall</u> accept a NUSA

3206		allowance allocation request only if the request meets, or is adjusted by the
3207		Agency as necessary to meet, the requirements of this Section 225.545.
3208		
3209	f)	By June 1 of November 8 after the applicable control period, the Agency willshall
3210		notify each CAIR designated representative that submitted a NUSA allowance
3211		request of the amount of CAIR NO _x Ozone Season allowances from the NUSA, if
3212		any, allocated for the control period to the new unit covered by the request.
3213		
3214	g)	The Agency willshall allocate CAIR NO _x Ozone Season allowances to new units
3215	C,	from the NUSA no later than July 31 of November 15 after the applicable control
3216		period.
3217		
3218	h)	After a new CAIR NO _x Ozone Season affected unit has operated in one control
3219	,	period, it becomes an existing unit for the purposes of Section 225.540 of this
3220		Subpart only, and the Agency willshall allocate CAIR NO _x Ozone Season
3221		allowances for that unit, for the control period commencing four years in the
3222		future pursuant to Section 225,540 of this Subpart. The new CAIR NO _x Ozone
3223		Seasonaffected unit willshall continue to receive CAIR NO _x Ozone Season
3224		allowances from the NUSA according to this Section until the unit is eligible to
3225		use the CAIR NO _x Ozone Season allowances allocated to the unit pursuant to
3226		Section 225.540 of this Subpart.
3227		
3228	i)	If, after the completion of the procedures in subsection (c) of this Section for a
3229	-)	control period any unallocated CAIR NO _x Ozone Season allowances remain in
3230		the NUSA for the control period, the Agency will shall , at a minimum, accrue
3231		those CAIR NO _x Ozone Season allowances for future control period allocations to
3232		new CAIR NO _x Ozone Season affected units. The Agency may from time to time
3233		elect to retire CAIR NO _x Ozone Season allowances in the NUSA that are in
3234		excess of 7.245 for the purposes of continued progress toward attainment and
3235		maintenance of National Ambient Air Quality Standards pursuant to the CAA.
3236		
3237	Section 225.5	50 Monitoring. Recordkeeping and Reporting Requirements for Gross
3238		Electrical Output and Useful Thermal Energy
3239		
3240	a)	By January 1, 2007, or by the date of commencing commercial operation.
3241)	whichever is later, the owner or operator of a CAIR NO _x Ozone Season an
3242		affected unit must shall install, calibrate, maintain, and operate a system for
3243		measuring gross electrical output wattmeter : and mustshall measure gross
3244		electrical output in MW-hrs megawatt-hours on a continuous basis; and must shall
3245		record the output of the measurement system wattmeter . If a generator is served
3246		by two or more units, the information to determine each unit's heat input for that
3247		control period must shall also be recorded, so as to allow each unit's share of gross
3248		electrical output to be determined. If heat input data is used, the owner or
3249		operator must shall comply with the applicable provisions 40 CFR 75, as
3250		incorporated by reference in Section 225.140 of this Part.
3251		

3252	b)	For a CAIR NO _x Ozone Season an affected unit that is a cogeneration unit by
3253	,	January 1, 2007, or by the date the CAIR NO _x Ozone Season affected unit
3254		commences to produce useful thermal energy, whichever is later, the owner or
3255		operator of a CAIR NO _x Ozone Season an affected unit with cogeneration
3256		canabilities must shall install calibrate maintain and operate meters for steam
3257		flow in lbs/hr temperature in degrees Fahrenheit and pressure in PSI to measure
3258		and record the useful thermal energy that is produced in mmBtu/hr on a
3259		continuous basis Owners and operators of a CAIR NO. Ozone Seasonan affected
3260		unit that produces useful thermal energy but uses an energy transfer medium other
3261		than steam e.g. hot water, or glycol mustchall install calibrate maintain and
3267		operate the necessary meters to measure and record the necessary data to express
3262		the useful thermal energy produced in mmPtu/hr, on a continuous basis. If the
3203		CAIP NO. Ozona Saaganaffaatad unit aaagas ta produca usaful thermal anargy
3204		<u>CAIN NO_x Ozone season anected</u> unit ceases to produce useful merinal energy, the owner or energy and some operation of these meters, provided that
3203		the owner of operator may cease operation of these meters, provided that
3200		operation of such meters $\underline{\text{must}}_{\text{share}}$ be resumed if the $\underline{\text{CAIR NO}_x \text{Ozone}}$
3267		Seasonaffected unit resumes production of useful thermal energy.
3268	`	
3269	c)	By September 30, 2006, the owner or operator of a CAIR NO _x Ozone Seasonan
3270		affected unit <u>mustshall</u> report to the Agency:
3271		
3272		<u>1) By June 1, 2007,</u> the gross electrical output for control periods 2001,
3273		2002, 2003, 2004 and 2005, if available, and, the unit's useful thermal
3274		energy data, if applicable. If gross electric output is not available, heat
3275		input shall be used for control periods 2001, 2002, 2003, 2004, and 2005
3276		that gross electrical output is not available. If a generator is served by two
3277		or more units, the documentation needed to determine each unit's share of
3278		the heat input of such units for that control period <u>mustshall</u> also be
3279		submitted. If heat input data is used, the owner or operator mustshall
3280		comply with the applicable provisions 40 CFR 75, as incorporated by
3281		reference in Section 225.140 of this Part.
3282		
3283		2) By June 1, 2008, the gross electrical output for control periods 2006 and
3284		2007, if available, and the unit's useful thermal energy data, if applicable.
3285		If a generator is served by two or more units, the documentation needed to
3286		determine each unit's share of the heat input of such units for that control
3287		period must also be submitted. If heat input data is used, the owner or
3288		operator must comply with the applicable provisions of 40 CFR 75, as
3289		incorporated by reference in Section 225,140.
3290		
3291		
3292	d)	Beginning with calendar year 20082007 the CAIR designated representative of
3293	~,	the CAIR NO _x Ozone Season affected unit must shall submit to the Agency
3294		quarterly by no later than January 31 April 30 July 31 and October 31 and
3295		January 31 of each year information for the CAIR NO. Ozone Seasonaffected
3296		unit's gross electrical output on a monthly basis for the prior quarter and if
3297		annicable the unit's useful thermal energy for each month
5411		appreade, the unit's userul mermal energy for each month.

3298		
3299	e)	The owner or operator of a CAIR NO _x Ozone Season an affected unit must shall
3300	,	maintain on-site the monitoring plan detailing the monitoring system,
3301		maintenance of the monitoring system, including quality assurance activities-
3302		pursuant to the requirements of 40 CFR 60 and 75, including the applicable
3303		provisions for the measurement of gross electrical output for the CAIR NO _x
3304		Ozone Season trading program and, if applicable, for new units. The monitoring
3305		plan must include, but is not limited to:
3306		<u> </u>
3307		1) A description of the system to be used for the measurement of gross
3308		electrical output, including a list of any data logging devices, solid-state
3309		kW meters rotating kW meters electromechanical kW meters current
3310		transformers potential transformers pressure taps flow venture orifice
3311		plates flow nozzles vortex meters turbine meters pressure transmitters
3312		differential pressure transmitters termperature transmitters
3313		thermocouples and resistance temperature detectors
3314		<u>mermocoupres</u> , una resistante temperature acteurs.
3315		2) A certification statement by the CAIR designated representative that all
3316		components of the gross electrical output system have been tested to be
3317		accurate within three percent and that the gross electrical output system is
3318		accurate to within ten percent
3319		accurate to written percent.
3320	Ð	The owner or operator of a CAIR NO _x Ozone Season an affected unit must shall
3321	1)	retain records for at least 5 years from the date the record is created or the data
3322		collected in subsections (a) and (b) of this Section and the reports submitted to
3323		the Agency and USEPA in accordance with subsections (c) and (d) of this
3324		Section The owner or operator of a CAIR NO _x Ozone Season an affected unit
3325		must shall retain the monitoring plan required in subsection (e) of this Section for
3326		at least five years from the date that it is replaced by a new or revised monitoring
3327		nlan
3328		Press.
3329	Section 225 55	55 Clean Air Set-Aside (CASA)
3330		
3331	a)	A project sponsor may apply for allowances from the CASA for sponsoring an
3332		energy efficiency and conservation renewable energy or clean technology
3333		project as set forth in Section 225 560 of this Subpart by submitting the
3334		application required by Section 225 570 of this Subpart
3335		
3336	b)	Notwithstanding subsection (a) of this Section a project sponsor with a CAIR
3337	0)	NO _x Ozone Season an affected source that is out of compliance with this Subpart
3338		for a given control period may not apply for allowances from the CASA for that
3339		control period If a source receives CAIR NO. allowances from CASA and then
3340		is subsequently found to have been out of compliance with this Subpart for the
3341		applicable control period or periods the project sponsor must restore the CAIR
3342		NO_x allowances that it received pursuant to its CASA request or an equivalent
3343		number of CAIR NO ₂ allowances to the CASA within six months of receipt of an
5515		$\frac{1}{10000000000000000000000000000000000$

3344 3345		Agency These	y <u>notice</u> allowar	e that NO _x allowances must be restored finding of noncompliance. Inces willshall be assigned to the fund from which they were							
3346		distrib	uted.								
3347											
3348	c)	The Ag	Fhe Agency will not act as a mediator in situations where more than one project								
3349		sponse	sponser requests CAIR NO _* allowances for the same project. If more than one								
3350		project	roject sponsor submits an application for allowances for the same project for the								
3351		same c	ame control period, the Agency shall reject all such applications.								
3352											
3353	d)	CAIR	CAIR NO_x allowances from CASA <u>willshall</u> be allocated in accordance with the								
3354		proced	procedures in Section 225.575 of this Subpart.								
3355											
3356	<u>d</u> e)	The pr	oject sp	oonsor may submit an application that aggregates two or more							
3357		project	ts under	a CASA project category that would individually result in less than							
3358		one all	owance	e, but that equal at a minimum one whole allowance when							
3359		aggreg	ated. 1	The Agency shall not allocate allowances for projects totaling less							
3360		than or	ie whol	e allowance after rounding.							
3361											
3362	Section 225.5	60	Energy	y Efficiency and Conservation, Renewable Energy, and Clean							
3363			Techno	ology Projects							
3364											
3365	a)	Energy	v efficie	ency and conservation project means any of the following projects							
3366		implen	implemented in Illinois:								
3367											
3368		1)	Demand side management projects that reduce the overall power demand								
3369			by usir	ng less energy include:							
3370											
3371			A)	Smart building management software that more efficiently							
3372				regulates power flows.							
3373											
3374			B)	The use of or replacement to high efficiency motors, pumps,							
3375				compressors, or steam systems.							
3376											
3377			<u>C)</u>	Lighting retrofits.							
3378											
3379		2)	Energy	y efficient new building construction projects include:							
3380											
3381			A)	ENERGY STAR qualified new home projects.							
3382											
3383			B)	Measures to reduce <u>or</u> conserve energy consumption beyond the							
3384				requirements of the Illinois Energy Conservation Code for							
3385				Commercial Buildings (20 ILCS 687/6-3).							
3386			a`.								
3387			C)	New residential construction projects that qualify for Energy							
3388				Efficient Tax Incentives <u>pursuant tounder</u> the Energy Policy Act of							
3389				2005, 42 U.S.C. §15801 (2005).							

3390				
3391		3)	Supply	v-side energy efficiency projects include projects implemented to
3392		-)	improv	ve the efficiency in electricity generation by coal-fired power plants
3393			and the	e efficiency of electrical transmission and distribution systems
3394			und un	
3395		4)	Highly	vefficient power generation project such as but not limited to
3396		7)	combi	ned cycle projects, combined heat and power, and microturbines
3307			To be	considered a highly efficient power generation project pursuant
2208			tounde	rethis subsection $(a)(A)$ a project must meet the thresholds and
2200			<u>to</u> unae	his subsection (a)(4), a project must meet the unesholds and
2400			criteria	a listed below.
3400			• >	
3401			A)	For combined neat and power projects generating both electricity
3402				and useful thermal energy for space, water, or industrial process
3403				heat, a rated-energy efficiency of at least 60 percent and is not a
3404				<u>CAIR NO_x Ozone Season unit</u> .
3405				
3406			B)	For combined cycle projects rated at greater than 0.50 MW, a
3407				rated-energy efficiency of at least 50 percent.
3408				
3409			C)	For microturbine projects rated at or below 0.50 MW and all other
3410				projects rated-energy efficiency of at least 40 percent.
3411				
3412	b)	Renew	able en	ergy unit means any of the following projects implemented in
3413	/	Illinois	5:	
3414				
3415		1)	Zero-e	mission electric generating units, including wind, solar (thermal or
3416		-)	photov	voltaic), and hydropower projects. Eligible hydropower plants are
3417			restric	ted to new generators that are not replacements of existing
3418			genera	tors that commence operation on or after January 1 2006 and do
3419			not inv	volve the significant expansion of an existing dam or the
3420			constr	uction of a new dam
3421			constr	
3422		2)	Renew	vable energy units are those units that generate electricity using more
3423		2)	than 5	Able energy units are mose units that generate electricity using more a percent of the heat input on an appual basis, from dedicated crops
2424			arown	for anargy production or the conture systems for methane gas from
3424			londfil	ls water treatment plants or severe treatment plants, and organic
3423			Tanuni westo	his mass, and other similar sources of non-fessil fuel energy
2427			Damar	value anarray maintai sources of non-rossin fuer energy.
3427			Kenew	able energy projects do not include energy from inclueration by
3428 2420			ournin	g or nearing of waste wood, tires, garbage, general nousehold,
3429			institu	tional lunchroom or office waste, landscape waste, or construction
3430			or dem	nolition debris.
3431				
3432	c)	Clean	technol	ogy project for reducing emissions from producing electricity and
3433		useful	thermal	l energy means any of the following projects implemented in
3434		Illinois	5:	
3435				

3436		1)	Air pollution control equipment upgrades for control of NO _x emissions at
3437			existing coal-fired electric generating unit EGUs, as follows: installation of
3438			a selective catalytic reduction (SCR) or selective non-catalytic reduction
3439			(SNCR) system, or other emission control technologies. Air pollution
3440			control upgrades do not include the addition of low NO _x burners, overfired
3441			air techniques, gas reburning techniques, flue gas conditioning techniques
3442			for the control of NO _x emissions, projects involving upgrades or
3443			replacement of electrostatic precipitators or addition of control
3444			equipment such as activated carbon injection or other sorbent
3445			injection specifically used for control of mercury. For this purpose, a unit
3446			willshall be considered "existing" after it has been in commercial
3447			operation for at least eight years
3448			operation for at least eight years.
3//0		2)	Clean coal technologies projects include:
3450		2)	clean coar technologies projects include.
3450			A) Integrated again combined cycle (IGCC) plants
3452			A) Integrated gasification combined cycle (1000) plants.
3452			D) Eluidized had east combustion
2455			b) Fluidized bed coal combustion.
2434 2455	4)	In addi	tion to those projects evoluded in subsections (a) through (a) of this
3433	u)	<u>In addi</u>	the following projects excluded in subsections (a) through (c) of this
3430		Section	<u>I, the following projects are also not efficiency and conservation</u> ,
3437 2459		renewa	Section shall not include:
3458		or this	Section shall not include:
3459		1)	
3460		<u>1)</u>	<u>N</u> n uclear power projects <u>.</u> ;
3461		•	
3462		<u>2)</u>	<u>P</u> projects required to meet emission standards or technology requirements
3463			under State or federal law or regulation, except that allowances may be
3464			allocated for projects undertaken pursuant to Section 225.233.
3465			
3466		<u>3)</u>	<u>P</u> projects used to meet the requirements of a court order or consent decree,
3467			except that allowances may be allocated for:
3468			
3469			A) Emission rates or limits achieved that are lower than what is
3470			required to meet the emission rates or limits for SO_2 or NO_{x_1} or for
3471			installing a baghouse as provided for in a court order or consent
3472			decree entered into before May 30, 2006.
3473			
3474			B) Projects used to meet the requirements of a court order or consent
3475			decree entered into on or after May 30, 2006, if the court order or
3476			consent decree does not specifically preclude such allocations.
3477			
3478		<u>4)</u>	<u>Aa</u> Supplemental Environmental Project (SEP). CASA allowances shall
3479		-	not be allocated to such projects.
3480			
3481	e)	Applic	ations for projects that that are not specifically listed in subsections (a)

I

3482		throu	igh (c) of this Section, and that are not	specifically exclude	d by <u>definition in</u>
3483		subse	ections (a) through (c) of this Section of	r by specific exclusi	on in subsection
3484		(d) o	f this Section, may be submitted to the	Agency. The Such a	application
3485		must	shall designate which category or category	ories from those lis	ted in subsections
3486		(a)(1)) through $(c)(2)(B)$ of this Section best	fits the proposed pro	oiect and the
3487		annli	icable formula pursuant tounder Section	1225 565(h) of this	Section to
3488		calci	late the number of allowances that it is	requesting The Δg	ency willshall
3/80		deter	mine whether the application is approx	able based on a suff	Ficient
2400		dom	anstration by the project sponsor that the	a project is a pow to	ma of operat
2490		office	instration by the project sponsor that the	nologie project is a new ty	ler in its offects of
2491		thon	rejects apositionally listed in subsection	(a) through (a) of th	ial III its effects as
2492		the p	sojects specifically listed in subsection	(a) unough (c) of th	lis Section.
3493	ſ	F 1-			
3494	1)	Early	adopter projects include projects that i	meet the criteria for	any energy
3495		effic:	iency and conservation, renewable ener	gy, or clean technol	logy projects listed
3496		in su	bsections (a), (b), (c), and (e) of this So	ection and commend	ce construction
3497		betw	een July 1, 2006, and December 31, 20	12.	
3498					
3499	Section 225.5	65	CASA Allowances		
3500					
3501	a)	The	CAIR NO _x allowances for the CASA for	or each control perio	od <u>will</u> shall be
3502		assig	gned to the following categories of proje	ects:	
3503					
3504				Phase I	Phase II
3505				(2009-2014)	(2015 and
3506					thereafter)
3507					,
3508		1)	Energy Efficiency and Conservation	/ 3684	3479
3509		,	Renewable Energy		
3510					
3511		2)	Air Pollution Control Equipment	1535	1448
3512		_)	Ungrades	1000	1110
3513			6 P.8-0000		
3514		3)	Clean Coal Technology Projects	1842	1738
3515		5)	clean cour reenhology riojeets	1012	1750
3516		4)	Farly Adopters	614	580
3517		7)	Earry Adopters	014	500
2519	b)	Tha	following formulas must shall be used to	a datarmina tha nur	bor of CASA
2510	0)		use and the set of the	t par control pariod	
2520		anov	valices that may be anocated to a project	t per control period	
3520 2521		1)	For an energy officient and consom	votion anniost assess	ant to Costions
3521		1)	For an energy efficiency and conserv	vation project pursu	ant to Sections
3522			$225.560(a)(1)$ through $(a)(\frac{4}{A})(\frac{4}{A})$	this Subpart, the nu	umber of
3523			allowances <u>mustshall</u> be calculated u	ising the number of	megawatt hours of
3524			electricity that was not consumed du	ring a control perio	d and the
3525			tollowing formula:		
3526					

3529Where:3330A=The number of allowances for a particular project.3331MWhc=The number of megawatt hours of electricity conserved or generated_during a control period by a project.333320For a zero emission electric generating projects pursuant to Section 225.560(b)(1) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:344A=(MWhg) × (2.0 lb/MWh) / 2000 lb344A=The number of allowances for a particular project.344Mhere:344344A=The number of allowances for a particular project.344MWhgThe number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period by a project.344A=The number of allowances for a particular project MWhg =354A=The number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:355Where:355355Where:355A=356Where:357A=358A=359Where:355A=356Where:357A=358A=359Where:355A=356Where:357	3528						
3530 3331A = The number of allowances for a particular project.3331 3332 3333 3334 3334 3334 3334 3335A = The number of megawatt hours of electricity conserved or generated during a control period by a project.3335 3336 3337 3337 3338 3338 3338 3339 33392)For a zero emission electric generating projects pursuant to Section 225.560(b)(1) of this Subpart, the number of allowances mustshall be ealculated using the number of megawatt hours of electricity generated during a control period and the following formula:344 344 344A = (MWhg) × (2.0 lb/MWh) / 2000 lb354 3543 3544 3545A = The number of allowances for a particular project.354 3549 3540A = (MWhg) × (2.0 lb/MWh) / 2000 lb3541 3542 3540A = The number of allowances for a particular project.3549 3550 3550 3551 3554 3554 3554 3554 3556 3557 357 357366 366 366 366A = (MWhg) × (0.5 lb/MWh) / 2000 lb 3557 357 357357 357 357A = The number of allowances for a particular project. 356 357 357 357 357366 366 366 366A = (MWhg) × 0.10 × (E	3529			Where			
3531A=The number of allowances for a particular project.3532MWh_eThe number of megawatt hours of electricity conserved or generated during a control period by a project.3533225For a zero emission electric generating projects pursuant to Section 22535362)For a zero emission electric generating projects pursuant to Section 2253537225S60(b)(1) of this Subpart, the number of allowances mustishall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A=(MWh_g) × (2.0 lb/MWh) / 2000 lb3541A=The number of allowances for a particular project MWh_g3542Where:3543Where:3544A=3545A=3546MWh_gThe number of allowances for a particular project.3551MWh_gThe number of allowances mustishall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551and the following formula:3552A=3553A=3554A=3555Where:3556Where:3557A=358A=359A=351Univer emission at the biolowances for a particular project.3559A=3560Where:3571A=35624)For an air p	3530						
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	3531			А	=	The number of allowances for a particular project.	
3533conserved or generated during a control period by a project.3534project.35352)For a zero emission electric generating projects pursuant to Section 225.560(b)(1) of this Subpart, the number of allowances must ball be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A=3541A=3542Where:3543Where:3544A=3545A=3546MWhgThe number of allowances for a particular project MWhg3547B=3548A=35493)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances must ball be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551A=3552A=3553A=3554A=3555Where:3556Where:3557A=358A=359Where:3551A=3552A=3553A=3554A=3555Where:3556Where:35622.560(c)(1) of this Subpart, the number of allowances for a particular project. MWhg =356State and the following formula:3561A=35624)F	3532			MWh _c	=	The number of megawatt hours of electricity	
3534project.35352)For a zero emission electric generating projects pursuant to Section3537225.560(b)(1) of this Subpart, the number of allowances mustishall be ealculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A=3541A=3542Where:3543Where:3544A=3544A=3545A=3546MWhg3547generated during a control period by a project.3548S54930For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances for a particular project.3551number of megawatt hours of electricity generated during a control period and the following formula:3552A=3553A=3554A=3555Where:3556Where:3561Where:3561225.560(c)(1) of this Subpart, the number of allowances for a particular project.3561MWhg35624)3563Corr an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1) of this Subpart, the number of allowances must hall be calculated using the emission rate before and after replacement or improvement, and the following formula:3563Corr an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1) of this Subpart, the number of allowances must hall be calculated using the emission rate	3533			Ũ		conserved or generated during a control period by a	
35352For a zero emission electric generating projects pursuant to Section 225.560(b)(1) of this Subpart, the number of allowances must-hall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A=(MWhg) × (2.0 lb/MWh) / 2000 lb3541A=The number of allowances for a particular project3543Where:3544A=The number of allowances for a particular project.3544M=The number of allowances for a particular project.3545A=The number of allowances for a particular project.3546MWhg=The number of allowances for a particular project.3547generated during a control period by a project.35483For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances for a particular project.3551and the following formula:3552A=3554A=3555Where:3556Where:3557A=358A=366Where:366225.560(c)(1) of this Subpart, the number of allowances for a particular project.366MWhg=366acl period by a project.367A=368calculated using the emission rate before and after replacement or improvement, and the following formula:366A=366Where:367A=<	3534					project.	
33362)For a zero emission electric generating projects pursuant to Section 225.560(b)(1) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A= $(MWh_g) \times (2.0 \text{ lb/MWh}) / 2000 \text{ lb}$ 3541A=The number of allowances for a particular project MWh_g =3543Where:3544A=The number of allowances for a particular project MWh_g =3545A=The number of megawatt hours of electricity generated during a control period by a project.3548SFor a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551A=(MWh_g) × (0.5 lb/MWh) / 2000 lb3555Where:3556Where:3577A=358A =The number of allowances for a particular project. MWh_g =3561Where:3572A=358A=358A=359Where:359A=350A=351The number of allowances for a particular project. MWh_g =355A=356Where:357A=358A=359Melle emission rate before and after replacement or improvement, an	3535					r J	
3537225.560(b)(1) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A= $(MWh_g) \times (2.0 \text{ lb/MWh}) / 2000 \text{ lb}$ 3541A= $(MWh_g) \times (2.0 \text{ lb/MWh}) / 2000 \text{ lb}$ 3542Where:3543Where:3544A=The number of allowances for a particular project3546MWh_gThe number of megawatt hours of electricity generated during a control period by a project.3547Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period35493)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances for a particular project.3551number of megawatt hours of electricity generated during a control period3552and the following formula:3553Where:3554A=3555Where:3556Where:3557A=358A =359A =351The number of allowances for a particular project.3551MWh_g =3552A3554A355Where:3555Where:3561A3552A3553A3554A355Where:3555Where:3561A35624)<	3536	2)	For a z	zero emi	ission e	lectric generating projects pursuant to Section	
3538calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3540A=(MWhg) × (2.0 lb/MWh) / 2000 lb3541A=(MWhg) × (2.0 lb/MWh) / 2000 lb3542Where:3543Where:3544A=The number of allowances for a particular project3546MWhg=The number of megawatt hours of electricity generated during a control period by a project.35483)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551A=(MWhg) × (0.5 lb/MWh) / 2000 lb3555Where:35553556Where:3571A=The number of allowances for a particular project.3561A=(MWhg) × 0.10 × (ERa lb/MWh - ERa lb/MWh) / 2000 lb3563S565Where:3564calculated using the emission rate before and after replacement or improvement, and the following formula:3569Where:3570A=3571A=3572A=3573A=3574T=3575A=3576A=3577T=358A=359S56Where:356Where:357A=<	3537	_)	225 56	50(b)(1)	of this	Subpart the number of allowances must shall be	
3539during a control period and the following formula:3540 $A = (MWh_g) \times (2.0 \text{ lb/MWh}) / 2000 \text{ lb}$ 3541 $A = (MWh_g) \times (2.0 \text{ lb/MWh}) / 2000 \text{ lb}$ 3543Where:3544 $A = \text{The number of allowances for a particular project}$ 3546 $MWh_g = \text{The number of megawatt hours of electricity}3547generated during a control period by a project.35483)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of35493)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of3550this Subpart, the number of allowances mustshall be calculated using thenumber of megawatt hours of electricity generated during a control period3551and the following formula:3553A = (MWh_g) × (0.5 lb/MWh) / 2000 lb3555Where:3556Where:3571A = The number of allowances for a particular project.3561S6635624)3564calculated using the emission rate before and after replacement orimprovement, and the following formula:3566Where:3570A = (MWh_g) × 0.10 × (ERa lb/MWh - ERA lb/MWh) / 2000 lb358A = (MWh_g) × 0.10 × (ERa lb/MWh - ERA lb/MWh) / 2000 lb358A = The number of allowances for a particular project.356Where:3570A = The number of allowances for a particular project.3571A = The number of allowances for a particular project.3572Mwh_g = The number of allowances for a particular project.3574$	3538		calcula	ated usin	ng the n	number of megawatt hours of electricity generated	
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11 $(1111g)^{1}$ (List BMTM) / 2001 B3542S43Where:3544A=The number of allowances for a particular project3546MWhg =The number of megawatt hours of electricity generated during a control period by a project.35483)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551number of megawatt hours of electricity generated during a control period and the following formula:3553A=3554A=3555Where:3557A=3558A =The number of allowances for a particular project.3561MWhg =The number of MW hours of electricity generated during a control period by a project.35614)For an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1) of this Subpart, the number of allowances mustshall be calculated using the emission rate before and after replacement or improvement, and the following formula:3566A=(MWhg) × 0.10 × (ERa lb/MWh - ERA lb/MWh) / 2000 lb3578A=The number of allowances for a particular project.3561A=(MWhg) × 0.10 × (ERa lb/MWh - ERA lb/MWh) / 2000 lb3562A=The number of allowances for a particular project.3563M=The number of allowances for a particular project.3564G=	3541		А	=	(MWh	(2.0 lb/MWh) / 2000 lb	
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3546 $MWh_g =$ The number of megawath hours of electricity generated during a control period by a project.35483)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances mustshall be calculated using the number of megawath hours of electricity generated during a control period and the following formula:3553A=3554A=3555Where:3556Where:3577A=3588A =359The number of Allowances for a particular project. MWh_g =3561Where:35624)3563For an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1) of this Subpart, the number of allowances <u>mustshall be</u> calculated using the emission rate before and after replacement or improvement, and the following formula:3566Where:3570A=3571A=3572A=3573MWh_g =The number of allowances for a particular project. MWh_g =3561MWh_g> 0.10 × (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb3563Where:3570A=3571A=3572The number of allowances for a particular project. MWh_g =3571A=3572The number of allowances for a particular project. MWh_g =3571A=3572The number of allowances for a particular project. MWh_g =3573The number of allowances for a pa	3545			А	=	The number of allowances for a particular project	
3547generated during a control period by a project.35483)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances mustahall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551and the following formula:3553 $A = (MWh_g) \times (0.5 \text{ lb/MWh}) / 2000 \text{ lb}$ 3555Where:3556Where:3577 $A = The number of allowances for a particular project.MWh_g = The number of MW hours of electricity generatedduring a control period by a project.35615553552A = The number of allowances for a particular project.MWh_g = The number of allowances mustahall becalculated using the emission rate before and after replacement orimprovement, and the following formula:3566A = (MWh_g) × 0.10 × (ER_a lb/MWh - ER_A lb/MWh) / 2000 lb3568Where:3570A = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.3569Where:3570A = (MWh_g) × 0.10 × (ER_a lb/MWh - ER_A lb/MWh) / 2000 lb3568Where:3570A = The number of allowances for a particular project.3571A = The number of allowances for a particular project.3572MWh_g = The number of allowances for a particular project.3571A = The number of allowances for a particular project.3572MWh_g = The number of allowances for a particular project.$	3546			MWha	=	The number of megawatt hours of electricity	
35483)For a renewable energy emission unit pursuant to Section 225.560(b)(2) of this Subpart, the number of allowances mustshall be calculated using the number of megawatt hours of electricity generated during a control period and the following formula:3551and the following formula:3552and the following formula:3553 $A = (MWh_g) \times (0.5 \text{ lb/MWh}) / 2000 \text{ lb}$ 3555Where:3556Where:3577 $A = The number of allowances for a particular project.MWh_g = The number of MW hours of electricity generatedduring a control period by a project.35614)35624)3563255.560(c)(1) of this Subpart, the number of allowances mustshall becalculated using the emission rate before and after replacement orimprovement, and the following formula:3566A3577A366A367A368Where:3570A3571A3572A3573A357358A359For an air pollution control equipment upgrade project pursuant to Section225.560(c)(1) of this Subpart, the number of allowances mustshall becalculated using the emission rate before and after replacement orimprovement, and the following formula:356A357A358A359Where:350A351A352A353A354A355B356B357A$	3547			s		generated during a control period by a project	
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351number of megawatt hours of electricity generated during a control period and the following formula:353 $A = (MWh_g) \times (0.5 \text{ lb/MWh}) / 2000 \text{ lb}$ 3555 $A = (MWh_g) \times (0.5 \text{ lb/MWh}) / 2000 \text{ lb}$ 3556 $Where:$ 3577 $A = The number of allowances for a particular project.MWh_g = The number of MW hours of electricity generatedduring a control period by a project.3561A = The number of MW hours of electricity generatedduring a control period by a project.3561S6035624)3563225.560(c)(1) of this Subpart, the number of allowances mustshall becalculated using the emission rate before and after replacement orimprovement, and the following formula:3566A = (MWh_g) \times 0.10 \times (ER_B \text{ lb/MWh} - ER_A \text{ lb/MWh}) / 2000 \text{ lb}3568Where:3570A = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.MWh_g = The number of allowances for a particular project.$	3550	-)	this Su	ibpart , t	he num	ber of allowances must shall be calculated using the	
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3556Where:3557A=The number of allowances for a particular project.3559MWhg=The number of MW hours of electricity generated during a control period by a project.35614)For an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1) of this Subpart, the number of allowances mustshall be calculated using the emission rate before and after replacement or improvement, and the following formula:3566A=(MWhg) × 0.10 × (ER _B lb/MWh - ER _A lb/MWh) / 2000 lb3568Where:	3555				`		
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3558A=The number of allowances for a particular project.3559MWhg=The number of MW hours of electricity generated during a control period by a project.3561356135624)For an air pollution control equipment upgrade project pursuant to Section 225.560(c)(1) of this Subpart, the number of allowances mustshall be calculated using the emission rate before and after replacement or improvement, and the following formula:3566-3567A3568-3570A3571A3572A3573-A-A-The number of allowances for a particular project. MWhg =MWhg =-The number of MWhmegawatt hours of electricity generated during a control period by a project.	3557						
$\begin{array}{llllllllllllllllllllllllllllllllllll$	3558			А	=	The number of allowances for a particular project.	
3560during a control period by a project.3561356235633563356435643565356535663567356835693571A $=$ $MWh_g =$ The number of allowances for a particular project. $MWh_g =$ The number of allowances for a particular project.	3559			MWhg	=	The number of MW hours of electricity generated	
35614)For an air pollution control equipment upgrade project pursuant to Section3563 $225.560(c)(1)$ of this Subpart, the number of allowances mustshall be calculated using the emission rate before and after replacement or improvement, and the following formula:3566 $A = (MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 3568Where:3570 $A = The number of allowances for a particular project.3571A = The number of allowances for a particular project.3572MWh_g = The number of MWhmegawatt hours of electricity generated during a control period by a project.$	3560			0		during a control period by a project.	
35624)For an air pollution control equipment upgrade project pursuant to Section3563 $225.560(c)(1)$ of this Subpart, the number of allowances mustshall be calculated using the emission rate before and after replacement or improvement, and the following formula:3565 $A = (MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 3568 $Where:$ 3570 $A = The number of allowances for a particular project.MWh_g = The number of MWhmegawatt hours of electricitygenerated during a control period by a project.$	3561						
3563 $225.560(c)(1)$ of this Subpart, the number of allowances mustshall be calculated using the emission rate before and after replacement or improvement, and the following formula:3565 $a = (MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 3568 $Where:$ 3570 $A = (MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 3571 $A = The number of allowances for a particular project.3572MWh_g = The number of MWhmegawatt hours of electricitygenerated during a control period by a project.$	3562	4)	For an	air poll	ution co	ontrol equipment upgrade project pursuant to Section	
3564calculated using the emission rate before and after replacement or3565improvement, and the following formula:3566 $A = (MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 3568Where:3570 $A = The number of allowances for a particular project.$ 3571 $A = The number of MWhmegawatt hours of electricitygenerated during a control period by a project.$	3563		225.56	50(c)(1)	of this	Subpart, the number of allowances mustshall be	
3565improvement, and the following formula:3566 $A = (MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 3568 $Where:$ 3570 $A = The number of allowances for a particular project.$ 3571 $A = The number of MWhmegawatt hours of electricitygenerated during a control period by a project.$	3564		calcula	ated usin	ng the e	mission rate before and after replacement or	
3566A= $(MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb3568Where:3570A=3571A=3572MWh_gThe number of allowances for a particular project.3573MWh_gThe number of MWhmegawatt hours of electricitygenerated during a control period by a project.$	3565		improv	vement,	and the	e following formula:	
3567A= $(MWh_g) \times 0.10 \times (ER_B lb/MWh - ER_A lb/MWh) / 2000 lb$ 35683569Where:35703571A=3572MWh_g =The number of allowances for a particular project.3573MWh_g =The number of <u>MWh_megawatt hours of electricity generated during a control period by a project.</u>	3566		1	,			
3568Where:3570 $A = $ 3571 $A = $ 3572 $MWh_g = $ 3573The number of MWhmegawatt hours of electricity generated during a control period by a project.	3567		А	=	(MWh	h_{g} × 0.10 × (ER _B lb/MWh - ER _A lb/MWh) / 2000 lb	
3569Where:3570 $A =$ The number of allowances for a particular project.3571 $A =$ The number of <u>MWhmegawatt hours of electricity</u> 3572 $MWh_g =$ The number of <u>MWhmegawatt hours of electricity</u> 3573 a control period by a project.	3568				`		
3570A=The number of allowances for a particular project.3571A=The number of allowances for a particular project.3572MWhg=The number of MWhmegawatt hours of electricity generated during a control period by a project.	3569			Where	:		
3571A=The number of allowances for a particular project.3572 $MWh_g =$ The number of <u>MWhmegawatt hours</u> of electricity generated during a control period by a project.	3570						
$ MWh_g = MWh_g = The number of MWhmegawatt hours of electricity generated during a control period by a project. $	3571			А	=	The number of allowances for a particular project.	
3573 generated during a control period by a project.	3572			MWhg	=	The number of <u>MWhmegawatt hour</u> s of electricity	
	3573			-		generated during a control period by a project.	

3574		ER_{B}	=	Average NO _x emission rate based on CEMS data
3575				from the most recent two control periods prior to
3576				the replacement or improvement of the control
3577				equipment in lb/MWh, unless subject to a consent
3578				decree or court order. For units subject to a consent
3579				decree or court order, entered into before May 30,
3580				2006, ER _B is limited to emission rates or limits that
3581				are lower than the emission rate or limit required in
3582				the consent decree or court order. On or after May
3583				30, 2006, ER _B is limited to emission rates or limits
3584				specified in the consent decree or court order. If
3585				such limit is not expressed in lb/MWh, the limit
3586				shall be converted into lb/MWh using a heat rate of
3587				10 mmBtu/1 MW.
3588		ER.	=	Average NO_x emission rate for the applicable
3589		A		control period data based on CEMS data in
3590				lb/MWh
3591				
3592	5) Foi	r highly effi	cient p	ower generation and clean technology IGCC projects
3593	bur	suant to Se	ctions 2	225.560(a)(4)(B), (a)(4)(C) and (c)(2) of this Subpart.
3594	the	number of	allowa	nces must shall be calculated using the number of
3595	me	gawatt hour	rs of ele	ectricity the project generates during a control period
3596	and	the follow	ing for	mula:
3597			0 -	
3598	А	=	(MWh	$_{a}$) × (1.0 lb/MWh – ER lb/MWh) / 2000 lb
3599			(
3600		Where		
3601				
3602		А	=	The number of allowances for a particular project.
3603		MWh _o	=	The number of megawatt hours of electricity
3604		0		generated during a control period by a project.
3605		ER	=	Average NO_x emission rate for the control period
3606				based on CEMS data in 1b/MWh.
3607				
3608	6) For	a CASA p	roject t	hat commencesed construction before December 31,
3609	201	12, in additi	on to th	ne allowances allocated pursuant to under subsections
3610	(b)	(1) through	(b)(5)	of this Section, a project sponsor may also request
3611	add	litional allo	wances	under the early adopter project category pursuant to
3612	Sec	ction 225.46	60(e) of	this Section based on the following formula:
3613				C
3614			10 ± 0) $10 \times \Sigma \Lambda$
	А	=	1.0 ± 0	$J_{\rm c} 10 \times \Delta A_{\rm i}$
3615	А	=	1.0 ± 0	$0.10 \times 2 A_1$
3615 3616	А	= Where	1.0 + 0	$2.10 \times 2 A_1$
3615 3616 3617	A	= Where:	1.0 + t	$2.10 \times 2 A_1$
3615 3616 3617 3618	A	= Where: A	=	The number of allowances for a particular project as
3615 3616 3617 3618 3619	A	= Where: A	=	The number of allowances for a particular project as determined in subsections (b)(1) through (b)(5) of

$\begin{array}{llllllllllllllllllllllllllllllllllll$	of ion
 3622 subsection (b)(1), (b)(2), (b)(3), (b)(4) or (b)(5) 3623 this Section for a given project. 3624 3625 Section 225.570 CASA Applications 3626 3627 a) A project sponsor may request allowances if the project commenced construct on or after the dates listed below. The project sponsor may request and be allocated allowances from more than one CASA category for a project, if applicable. 	of
 this Section for a given project. Section 225.570 CASA Applications a) A project sponsor may request allowances if the project commenced construct on or after the dates listed below. The project sponsor may request and be allocated allowances from more than one CASA category for a project, if applicable. 	ion
 3624 3625 Section 225.570 CASA Applications 3626 3627 a) A project sponsor may request allowances if the project commenced construct on or after the dates listed below. The project sponsor may request and be allocated allowances from more than one CASA category for a project, if applicable. 	ion
 3625 Section 225.570 CASA Applications 3626 3627 a) A project sponsor may request allowances if the project commenced construct 3628 on or after the dates listed below. The project sponsor may request and be 3629 allocated allowances from more than one CASA category for a project, if 3630 applicable. 	ion
 3626 3627 a) A project sponsor may request allowances if the project commenced construct 3628 on or after the dates listed below. The project sponsor may request and be 3629 allocated allowances from more than one CASA category for a project, if applicable. 	ion
3627a)A project sponsor may request allowances if the project commenced construct3628on or after the dates listed below. The project sponsor may request and be3629allocated allowances from more than one CASA category for a project, if3630applicable.	ion
3628on or after the dates listed below. The project sponsor may request and be3629allocated allowances from more than one CASA category for a project, if3630applicable.	
3629allocated allowances from more than one CASA category for a project, if3630applicable.	
3630 applicable.	
2621	
5051	
3632 1) Demand side management, energy efficient new construction, and supp	oly
3633 side energy efficiency and conservation projects that commenced	-
3634 construction on or after January 1, 2003;	
3635	
3636 2) Fluidized bed coal combustion projects, highly efficient power generat	ion
3637 operations projects, or renewable energy emission units, which	
3638 commenced construction on or after January 1, 2001; and	
3639	
3640 3) All other projects on or after July 1, 2006.	
3641	
b) Beginning with the 2009 control period and each control period thereafter, a	
3643 project sponsor may request allowances from the CASA. The application mus	st be
3644 submitted to the Agency by May 1 of the control period for which the allowar	ces
3645 are being requested.	
3646	
3647 c) The allocation will shall be based on the electricity conserved or generated in t	he
3648 control period preceding the calendar year in which the application is submitted	d.
3649 To apply for a CAIR NO _x allocation from the CASA, project sponsors must	
3650 provide the Agency with the following information:	
3651	
3652 1) Identification of the project sponsor, including name, address, type of	
3653 organization, certification that the project sponsor has met the definition	n of
3654 "project sponsor" as set forth in Section 225,130, and name(s) of the	
3655 principals or corporate officials.	I
3656	
3657 2) The number of the CAIR NO _x general or compliance account for the	
3658 project and the name of the associated CAIR account representative.	
3659	
3660 3) A description of the project or projects location the role of the project	
3661 sponsor in the projects and a general explanation of how the amount of	f
3662 energy conserved or generated was measured verified and calculated	and
3663 the number of allowances requested and the with the supporting	and
3664 calculations The number of allowances requested willshall be calculated	ted
3665 using the applicable formula from Section 225.570(b) of this Section	

3666				
3667	4)	Detaile	ed inform	mation to support the request for allowances, including the
3668	,	followi	ing type	es of documentation for the measurement and verification of
3669		the NO	$\sigma_{\rm v}$ emiss	ions reductions, electricity generated, or electricity
3670		conserv	ved usir	ig established measurement verification procedures as
3671		applica	ble Th	the measurement and verification required willshall depend
3672		on the	type of	project proposed
3673			cype or	project proposed.
3674		Δ)	As ann	licable documentation of the project's base and control
3675		11)	neriod	conditions and resultant base and control period energy
3676			data u	sing the procedures and methods included in M&V
3677			Guidal	inas: Magsurement and Varification for Federal Energy
2679			Drojog	the incorporated by reference in Section 225, 140 of this Dart
2670			er otho	is, incorporated by reference in Section 225.140 of this rate,
2690			or othe	a memod approved by the Agency. Examples include.
3080			.)	Energy computing and demand mofiles
3081			1)	Energy consumption and demand profiles;
3082				
3683			11)	Occupancy type;
3684				
3685			111)	Density and periods;
3686			• 、	
3687			1V)	Space conditions or plant throughput for each operating
3688				period and season. (For example, in a building this would
3689				include the light level and color, space temperature,
3690				humidity and ventilation);
3691				
3692			v)	Equipment inventory, nameplate data, location, condition;
3693				and
3694				
3695			vi)	Equipment operating practices (schedules and set points,
3696				actual temperatures/pressures).
3697				
3698		B)	Emissi	ons data, including, if applicable, CEMS data;
3699				
3700		C)	Inform	ation for rated–energy efficiency including supporting
3701		<i>,</i>	docum	entation and calculations; and
3702				<i>,</i>
3703		D)	Electri	city, in MWh, generated or conserved for the applicable
3704		,	control	period.
3705				I
3706	5)	Notwit	hstandi	ng the requirements of subsections (c)(4) of this Section.
3707	-)	applica	tions fo	or fewer than five allowances may propose other reliable and
3708		applica	ble met	thods of quantification acceptable to the Agency
3709		"FF"		
3710	6)	Anv ad	Iditiona	l information requested by the Agency to determine the
3711	~;	correct	ness of	the requested number of allowances including site
- / I I		2011001		and requested number of uno numbers, morutaning site

3712 3713				information, project specifications, supporting calculations, operating procedures, and maintenance procedures.
3714				
3715			7)	The following certification by the responsible official for the project
3716			.)	sponsor and the applicable CAIR account representative for the project
3717				sponsor and me approacte er me account representative for the project.
3718				"I am authorized to make this submission on behalf of the project sponsor
3719				and the holder of the CAIR NO, general account or compliance account
3720				for which the submission is made. L certify under penalty of law that I
3721				have personally examined and am familiar with the statements and
3721				information submitted in this application and all its attachments. Based on
3722				my inquiry of those individuals with primary responsibility for obtaining
2724				the information. I cortify that the statements and information are to the
2725				hast of my knowledge and belief true accurate and complete. I am aware
2726				that there are significant nonaltics for submitting false statements and
3/20				information on amitting required statements and information "
3121				information of omitting required statements and information.
3728		-1)	A :	and an answer as a stant all arrays from the CACA for a show is started.
3729		d)	A proj	ect sponsor may request anowances from the CASA for each project a total
3/30			numbe	r of control periods not to exceed the number of control periods listed
3/31			below.	After a project has been allocated allowances from CASA, subsequent
3/32			reques	ts for the project from the project sponsor $\frac{\text{must}\text{snall}}{\text{must}\text{snall}}$ include the information
3/33			require	ed by subsections (c)(1), (c)(2), (c)(3) and (c)(7) of this Section, a
3734			descrip	otion of any changes, or further improvements made to the project, and
3735			inform	ation specified in subsections $(c)(5)$ and $(c)(6)$ as specifically requested by
3736			the Ag	ency.
3737				
3738			1)	For energy efficiency and conservation projects (except for efficient
3739				operation and renewable energy projects), for a total of eight control
3740				periods.
3741			-	
3742			2)	For early adopter projects, for a total of ten control periods.
3743				
3744			3)	For air pollution control equipment upgrades for a total of 15 control
3745				periods.
3746				
3747			<u>4</u> 3)	For renewable energy projects, clean coal technology, and highly efficient
3748				power generation projects, for each year that the project is in operation.
3749				
3750		e)	A proj	ect sponsor must keep copies of all CASA applications and the
3751			docum	entation used to support the application for at least five years.
3752	_			
3753	Sectior	n 225.5′	75	Agency Action on CASA Applications
3754				
3755		a)	By <u>Se</u>	otemberOctober 1, 2009, and each SeptemberOctober 1 thereafter, the
3756			Agenc	y <u>willshall</u> determine the total number of allowances that are approvable for

3757		allocat	ion to project sponsors based upon the applications submitted pursuant to
3758		Section	n 225.570 of this Subpart.
3759			
3760		1)	The Agency willshall determine the number of CAIR NO _x allowances that
3761		,	are approvable based on the formulas and the criteria for such projects.
3762			The Agency willshall notify a project sponsor within 90 days after receipt
3763			of an application if the project is not approvable, the number of
3764			allowances requested is not approvable, or additional information is
3765			needed by the Agency to complete its review of the application.
3766			
3767		2)	If the total number of CAIR NO _x allowances requested for approved
3768)	projects is less than or equal to the number of CAIR NO _x allowances in
3769			the CASA project category the number of allowances that are approved
3770			shall be allocated to each CAIR NO _x compliance or general account
3771			
3772		3)	If more CAIR NO _x allowances are requested than the number of CAIR
3773		2)	NO _x allowances in a given CASA project category allowances willshall
3774			he allocated on a pro-rata basis based on the number of allowances
3775			available subject to further adjustment as provided for by subjection (b)
3776			of this Section CAIR NO. allowances willshall be allocated transferred
3777			or used as whole allowances. The number of whole allowances willshall
3778			be determined by rounding down for decimals less than 0.5 and rounding
3779			up for decimals of 0.5 or greater
3780			up for deeminars of 0.5 of greater.
3781	b)	For co	ntrol periods 2011 and thereafter. Lif there are after the completion of the
3782	0)	nroced	hures in subsection (a) of this Section for a control period, any CAIR NO
3783		allowa	nces not allocated to a $CASA$ project for the control period:
3784		anowa	nees not unocated to a Cristia project for the control period.
3785		1)	The remaining allowances will accrue in each CASA project category will
3786		1)	accrue up to twice the number of allowances that are assigned to the
3787			project category each control period as set forth in Section 225 565 of this
3788			Subpart
3789			Subpart.
3700		2)	For control period 2011 and thereafter. If any allowances remain after
3701		2)	allocations pursuant to subsection (a) of this Section the Agency will
3702			allocate these allowances pro-rate to projects that received fewer
3792			allowances than requested based on the number of allowances not
2704			allocated but approved by the Agency for the project under CASA. No
2705			project may be allocated more allowances than approved by the Agency
3796			for the applicable in a project category that are in excess of twice the
3790			number assign for the control period as set forth in Section 225 565 of this
3708			Subpart shall be redistributed to project estagories that have fewer than
2700			twice the number of allowances assigned to that project estagery for the
2800			antrol period
2800 2801			control period.
3801			

3802 3803 3804 3805 3806 3807 3808 3809 3810 3811	3)	For control period 2011 and thereafter, If any allowances remain after the allocation of allowances pursuant to subsection (b)(2) of this Section the Agency will then distribute pro-rata the remaining shall then reallocate allowances to projects that received fewer allowances than requested and approved on a pro-rata basis, based on the total number of approved allowances for the projectsproject categories that have fewer than twice the number of allowances assigned to the project category. The pro-rata distribution will be based on the difference between two times the project category and the number of allowances that remain in the project category.
3812	4)	For control period 2011 and thereafter, if after the redistribution of
3813	,	allowances pursuant to subsection (b)(2) any allowances remain, these
3814		allowances shall be reassigned to project categories that have fewer than
3815		twice the number of allowances annually assigned to that project category
3816		as set forth in Section 225.565 of this Subpart, after the allocation in
3817		subsection (b)(3) of this Section.
3818		
3819	5)	The Agency shall repeat the process of allocating allowances to CASA
3820		projects that received fewer allowances than requested and approved, and
3821		to reassigning allowances to project categories as set forth in subsections
3822		(b)(2), (b)(3), and (b)(4) of this Section, until no allowances remain to be
3823		reassigned between project categories and the approved allowance
3824		requests have been filled. If allowances still remain <u>undistributed after the</u>
3825		allocations and distributions in the above subsections are
3826		<u>completed</u> unallocated, the Agency may elect to retire any CAIR NO_x
3827		allowances that have not been distributed to any CASA category, remain
3828		after all approved requests for allowances have been met and each project
3827 2820		category has accrued twice the number of allowances assigned for that
3831		the National Ambient Air Quality Standards pursuant to the CAA.

STATE OF ILLINOIS)) SS SANGAMON COUNTY)

AFFIDAVIT

I, Rob Kaleel, upon my oath, do hereby state as follows:

- I am employed as the Manager of the Air Quality Planning Section of the Division of Air Pollution Control in the Bureau of Air for the Illinois Environmental Protection Agency ("Illinois EPA").
- 2. In my current position as Section Manager, my responsibilities include oversight of staff that provides technical support for regulatory initiatives needed to address air quality issues in Illinois, including the regulatory proposal to implement the Federal Clean Air Interstate Rule. I have also been closely involved with the development of Illinois' State Implementation Plans to address the PM2.5 and ozone nonattainment areas in Illinois.
- 3. I have reviewed the Motion to Amend Rulemaking Proposal ("Motion") submitted in the rulemaking docketed as PCB R06-26.
- 4. To the best of my knowledge, the factual information and representations contained within the Motion are true and accurate.

FURTHER AFFIANT SAYETH NOT.

Rob Kaleel

Subscribed and sworn to before me

this ______, 2006.

Notary Public

STATE OF ILLINOIS)) SS SANGAMON COUNTY)

AFFIDAVIT

I, Jim Ross, upon my oath, do hereby state as follows:

- I am employed as the Manager of the Division of Air Pollution Control in the Bureau of Air for the Illinois Environmental Protection Agency ("Illinois EPA").
- 2. In my current position as Division Manager, I supervise a staff of over 150 engineers, specialists, and administrative support personnel in developing, monitoring, and enforcing the State and Federal air pollution control requirements. In particular, and more recently, I have been overseeing Illinois EPA's efforts in the development of several rulemaking efforts, including the proposed rule to implement the Federal Clean Air Interstate Rule.
- 3. I have reviewed the Motion to Amend Rulemaking Proposal ("Motion") submitted in the rulemaking docketed as PCB R06-26.
- 4. To the best of my knowledge, the factual information and representations contained within the Motion are true and accurate.

FURTHER AFFIANT SAYETH NOT.

Jim Ross

Subscribed and sworn to before me

this ______, 2006.

Notary Public

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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IN THE MATTER OF: PROPOSED Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225. Subparts A, C, D and E

R2006 - 026 (Rulemaking – Air)

MOTION TO AMEND RULEMAKING PROPOSAL

NOW COMES the Proponent, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (Illinois EPA), by its attorneys, and pursuant to 35 Ill. Adm. Code 101.500 and 102.402, moves that the Illinois Pollution Control Board (Board) amend proposed new Part 225. In support of its Motion, the Illinois EPA states as follows:

On May 30, 2006, the Illinois EPA filed a proposal with the Board to add new Subparts to Part 225, 35 Ill. Adm. Code Part 225, entitled "Control of Emissions from Large Combustion Sources." New subparts A, C, D and E, add SO₂, NO_x Annual and NO_x Ozone Season Trading Programs in Part 225. The Illinois EPA's proposal is intended to meet certain obligations of the State of Illinois under the federal Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*; specifically, to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Clean Air Interstate Rule (CAIR), *see*, 70 *Fed. Reg.* 25161 (May 12, 2005). Under CAIR, states are required to submit State plans to the United States Environmental Protection Agency (USEPA) by no later than September 11, 2006. *Id.* at 25319; 40 CFR § 51.123(d)(1).

The Illinois EPA engaged in extensive outreach on this proposal. In January 2006, the Illinois EPA commenced regular meetings with representatives of the affected sources and public interest groups and the Illinois EPA distributed working drafts of the proposed rule to such parties. After the filing of the rulemaking proposal, a number of changes and clarifications were found to be necessary as a result of communications with USEPA, issues that arose during the first hearing in this rulemaking held in Springfield, formatting and stylistic changes to conform with the changes made in the Board's Second Notice issued in the proposed mercury rulemaking (R06-025), and correction of typos. Therefore, the Illinois EPA is now proposing to amend the rulemaking proposal as set forth in this motion.

- 1) The following changes have been made to conform with changes to the Second Notice in R06-25:
 - A) The term "shall" has been replaced by the terms "will," "must," or "may" as applicable and the term "such" has either been deleted or replaced by a more specific term, e.g., the, these. (R06-25.)
 - B) The lead in paragraph for Section 225.130 now conforms with R06-25.
 - C) All "§" symbols have been deleted.
 - D) References to "of this Subpart" and "of this Part" have been deleted.
 - E) References to "with regard to" have been replaced by the phrase "for the purpose of."
 - F) The definition for "cogeneration unit" has been restricted to the Subparts implementing the CAIR trading programs, as it is not clear that USEPA would approve the definition as the Board has proposed it in its Second Notice for R06-25.
 - G) The term "under" has been replaced with the term "pursuant to."
- 2) The following changes have been made at the recommendation of USEPA:
 - A) The definitions for "CAIR authorized account representative" and "CAIR designated representative" have been clarified to include all three trading programs and to reflect amendments made to the definition as a result of the April 28, 2006, *Federal Register*.
 - B) The definition for "CAIR NO_x compliance account" has been amended to reflect the federal term "compliance account" and to reflect both the annual NO_x and NO_x ozone season trading programs.

- C) The definition for "coal-fired" has been amended to reflect the difference between the definition for the NO_x and the SO_2 trading programs.
- D) The definition for "combustion turbine" has been amended to include "duct burners" which reflects the change made to the definition pursuant to the April 28, 2006, *Federal Register*.
- E) The term "affected unit" has been replaced throughout Illinois EPA's proposal with the specific program that applies to the particular unit, as the term "affected unit" is used in the federal Acid Rain program; hence, use of the term to refer to CAIR units that are not also Acid Rain units.
- F) The definition for "commence commercial operation" has been updated to reflect amendments that USEPA made to the definition on April 28, 2006. The most significant amendment is the deletion of subsection (c) of the definition.
- G) The definition for "commence operation" reflects changes made by USEPA to the definition on April 28, 2006. The most significant amendment is the deletion of subsection (b) of the definition.
- H) The definition for "nameplate capacity" reflects changes made by USEPA to the definition on April 28, 2006. The changes were only minor and included the addition of the phrase "as of such installation" and "as of such completion."
- I) The definition for "repowered" reflects a request by USEPA that the term "unit" be used instead of the term "electric generating unit."
- J) The definition for "useful thermal energy" reflects a request by USEPA that the term "heating" be used instead of "heat."
- K) Section 225.140 (Incorporations by Reference) has been amended to reflect that last date that subsections (a) through (f) had been updated by USEPA.
- L) Sections 225.300, 225.400, and 225.500 reflect a request by USEPA that Illinois' CAIR rule use the applicability language verbatim from the April 28, 2006, *Federal Register*. The most significant change is the deletion of the exemption for industrial boilers listed in 35 Ill. Adm. Code 217.Appendix D. USEPA's position is that the status of any one of these boilers could change over time from one that is industrial in nature to one that is selling power to the grid.
- M) Sections 225.310(d), 225.410(d), and 225.510(d) reflect a request by USEPA that several changes be made to the subsection to conform to the federal requirements. Specifically, in subsection (d)(1) the term "owner or operator" should be used instead of the term "CAIR designated representative." In addition, a more detailed description of the allowance transfer deadline has been added pursuant to amendments made by USEPA on April 28, 2006. In subsection (d)(3), there is the

addition of the phrase "and for each control period thereafter." In subsection (d)(4), the phrase "into or" is added. In subsection (d)(5), there is a substitution of the phrase "deducted" and "compliance according to subsection (d)(1) of this Section, for" instead of "utilized," and the terms "calendar" and "before" have been added. Finally, in subsection (d)(8), the term "compliance account" has been added.

- N) In Section 225.310(d)(1), USEPA requested that, with respect to the CAIR SO₂ trading program, a clarification be made as to the value of an allowance. For the CAIR SO₂ trading program an allowance has a different value depending on the year it is allocated (vintage) and it retains that value no matter when it is used for compliance or traded; hence, the use of the term "tonnage" in lieu of use of the term "ton."
- Sections 225.310(e)(1)(D) & (f)(4), 225.410(e)(1)(D) & (f)(4), and 225.510(e)(1)(D) & (f)(4) reflect a request by USEPA that several changes be made to these subsections to conform to the federal requirements. Specifically, the requirement that the owner or operator submit any documents used to demonstrate compliance has been added and the last sentence has been deleted, respectively.
- P) Sections 225.320(a)(1) & (2) & (c), 225.410(a)(1) & (2) & (c), and 225.510(a)(1) & (2) & (c) reflect a request by USEPA that several changes be made to these subsections to conform to the federal requirements. Specifically, in subsection (a)(1), a requirement has been added that owners or operators submit any supplemental information requested by the Illinois EPA. In subsection (a)(2), a reference to the Illinois EPA's authority to issue permits has been added. A new subsection (c) has been added to reflect that the applicable definitions will be incorporated by reference into the permit and all allocations, transfers or deductions of allowances automatically amend the applicable permit upon recordation by USEPA in the source's compliance account.
- Q) Section 225.325 has been revamped to reflect that with respect to the CAIR SO_2 trading program a clarification has been made as to the value of an allowance. For the CAIR SO_2 trading program an allowance has a different value depending on the year it is allocated (vintage) and it retains that value no matter when it is used for compliance or traded; hence, the use of the term "tonnage" in lieu of use of the term "ton." It also reflects that while the Illinois EPA does not have the authority to issue SO_2 allowances, other states that have adopted the opt-in provisions may.
- R) Section 225.430 (Timing for Annual Allocations) has been amended to reflect the timing required by the federal CAIR rule for NO_x allowance allocations. Subsection (a) now provides that the Illinois EPA will make the initial allocations for control periods 2009, 2010, and 2011 no later than July 31, 2007. This will enable affected sources to submit their preference for calculating converted gross

output and allow the Illinois EPA sufficient time to make the necessary calculations after the proposal is adopted. Subsection (b) now provides that the Illinois EPA will submit allocations four years in advance of the applicable deadline, so the allocations for the 2012 control period will be made in 2008 and not in 2009. Subsection (c) of Section 225.430 now provides that allowances from the New Unit Set-Aside (NUSA) will be reported to USEPA by October 31 of the applicable control period; hence, new units will not receive allowances for compliance for the first year of commercial operation. These changes are required by 40 CFR 51.123(p).

- S) Section 225.530 (Timing for Ozone Season Allocations) has been amended to reflect the timing required by the federal CAIR rule for NO_x allowance allocations. Subsection (a) now provides that the Illinois EPA will make the initial allocations for control periods 2009, 2010, and 2011 no later than July 31, 2007. This will enable affected sources to submit their preference for calculating converted gross output and allow the Illinois EPA sufficient time to make the necessary calculations after the proposal is adopted. Subsection (b) now provides that the Illinois EPA will submit allocations four years in advance of the applicable deadline, so the allocations for the 2012 control period will be made in 2008 and not in 2009. Subsection (c) of Section 225.530 now provides that allowances from the NUSA will be reported to USEPA by July 31 of the applicable control period; new units will not receive allowances for compliance for the first year of commercial operation. These changes are required by 40 CFR 51.123(aa).
- T) Sections 225.435 and 225.535 (Methodology for Calculating Allocations) have been amended to reflect the change in dates that allocations must be made. As allocations are required to be made four years in advance of the applicable control period, gross electrical output data for the 2012 and 2013 control period must be from 2006, 2007 and 2008. Such data may not be available, hence, a new subsection (b) was added to allow owners and operators a choice of using heat input for those control periods.
- U) Sections 225.440 and 225.540 Allocations have been clarified in subsection (b) to limit allocation of allowances to whole allowances on a pro-rata basis.
- V) Sections 225.445 and 225.545 (New Unit Set-Aside (NUSA) have been amended to reflect the submittal date requirements of 40 CFR 51.123. Subsection (b) has been amended to require that applications be submitted not later than March 1 after the first control period that the unit has operated. This change means that new units will not receive an allocation for the control period in which they commence operation, but instead will receive an allocation beginning with the second control period of operation. Subsection (f) has been amended to state that the Illinois EPA will notify CAIR designated representatives of NUSA allocations by June 1 of the applicable control period. Subsection (g) for the annual program reflects that allocations from the Annual NUSA will be submitted to USEPA no

later than October 31 of the applicable control period. For the Ozone Season NUSA, the allocations will be submitted to USEPA no later than July 31 of the applicable control period.

- W) Sections 225.455 and 225.555 (Clean Air Set-Aside) (CASA) are amended to reflect a comment that new subsection (d) contained conflicting language. Either a project sponsor aggregates enough projects that would make it eligible for one allowance or the request can be rounded up. The proposal requires that the aggregation equal at least one whole allowance.
- 3) The following amendments are being proposed as a result of comments made at the October 10, 2006 hearing:
 - A) A definition for "commence construction" has been added. A suggestion had been made that the term "commence commercial operation" be used; however, that term applies only to units that sell electricity to the grid. Although many of the projects may ultimately result in sales of electricity, it would exclude projects that include demand-side energy projects, e.g., Energy Star buildings.
 - B) A definition for "project sponsor" has been amended to lessen the possibility that two or more organizations or people could submit applications for the same project. The revised definition designates the individual or organization that provides the majority of the funding for the project unless another person or entity is designated in writing as the project sponsor.
 - C) In Sections 225.430 and 225.530 (Timing for Allocations), subsection (d) has been amended to clarify that the Illinois EPA will be allocating allowances from the CASA in 2009 for 2009, based on reductions allocations made in 2008. These allocations will be made by October 1 of each year, so the allowances allocated from the CAIR NO_x Ozone Season CASA may be used for compliance in the year they are allocated.
 - D) Sections 225.435 and 225.535 (Methodology for Calculating Allocations) have been amended to reflect that the Illinois EPA clarify that affected units have a choice for control periods 2009 through 2013 whether gross electrical output or heat input is used to calculate converted gross output. Subsection (a) requires that the owner or operator submit a statement making the election by June 1, 2007, for control periods 2009 through 2011. New subsection (b) requires that the election be made in writing by June 1, 2008, for control periods 2012 and 2013.
 - E) Sections 225.450 and 225.550 (Monitoring, Recordkeeping and Reporting Requirements for Gross Electrical Output and Useful Thermal Energy) have been amended to reflect the date changes required by USEPA for the Illinois EPA to submit allocations and requests by the public at hearing to allow other measurement systems for gross electrical output. Subsection (a) has been amended to require a system for measuring gross electrical output no later than

January 1, 2008. This system may be a wattmeter or other system that meets either the requirements of 40 CFR 60 or 75, as applicable. Subsection (b) has also been amended to delay the installation of a system for measuring gross electrical output until 2008. Subsection (c) has been amended to require that gross electrical output for the initial allocations, control periods 2009-2011, be submitted to the Illinois EPA no later than June 1, 2007, and for the 2012 control period, that it be submitted no later than June 1, 2008. Subsection (d) has also been delayed one year. Designated representatives will be required to submit quarterly data at the end of the first quarter of 2008. Subsection (e) has been amended to reflect the new requirements for measuring gross electrical output and maintaining a monitoring plan.

- F) Sections 225.455 and 225.555 (Clean Air Set-Aside (CASA)) is amended to reflect a comment that the Illinois EPA does not make findings of noncompliance and to reflect the new definition for "project sponsor." Subsection (b) has been amended to reflect that allowances received by a unit that is found to be out of compliance must be restored to the Illinois EPA. Subsection (c) has been deleted. It had required the Illinois EPA to reject a project if more than one project sponsor applied for allowances from the CASA.
- G) Sections 225.460 and 225.560 (Energy Efficiency and Conservation, Renewable Energy, and Clean Technology Projects) have been amended to reflect several clarifications to the rule. Subsection (a)(1) has been has been amended to reflect that lighting retrofits are demand side management projects. Subsection (a)(4)(A) has been amended to reflect that combined heat and power projects that are also CAIR NO_x units or CAIR NO_x Ozone Season units are not eligible to receive allowances from the CASA. Subsection (d) has been amended to clarify which projects are not eligible to receive allowances from the CASA. Subsection (e) has been amended to clarify that projects that are specifically excluded by definition in subsections (a) through (c) may not apply as another type project.
- H) Sections 225.465 and 225.565 (CASA Allowances) have also been clarified to reflect the changes made in Sections 225.460 and 225.560. Subsection (b)(1) has been amended to reflect that combined heat and power projects are eligible at a different rate for CASA allowances than other projects listed as supply-side projects. Subsection (b)(4) reflects the clarifications made concerning projects taken pursuant to consent decrees and court orders. This issue was also addressed in the Illinois EPA's Post Hearing Comments. Subsection (b)(5) reflects that the entire clean technology category uses this formula to calculate the number of allowances that the project may be eligible to receive.
- Sections 225.470 and 225.570 (CASA Applications) have been amended to reflect the new definition for "project sponsor." Subsection (c)(1) has been amended to require that the project sponsor submit as part of its application a certification that it has met the definition of "project sponsor."

J) Sections 225.475 and 225.575 (Agency Action on CASA Applications) have been amended to reflect new dates and the tipping scheme for excess allowances. Subsection (a) has been amended to require that the Illinois EPA notify project sponsors by September 1 of the applicable control period of the number of allowances that are approvable for a project. The later date would have precluded the Illinois EPA from allocating, and USEPA from recording, allowances from the Ozone Season CASA in time for a source that is also a project sponsor to use the allowance for compliance during the applicable control period. Subsection (b) reflects the new tipping scheme that was testified to at the First Hearing.

WHEREFORE, for the reasons set forth above, the Illinois EPA moves that the Board

amend proposed new Part 225 as set forth herein.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:

Rachel L. Doctors Assistant Counsel Division of Legal Counsel

DATED: November 27, 2006

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