

**TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES**

**PART 217
NITROGEN OXIDES EMISSIONS
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Authority: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5 (2004)].

Source: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective April 17, 2001; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R07-19 at 33 Ill. Reg. 11999, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13345, effective August 31, 2009; amended in R09-20 at 33 Ill. Reg. 15754, effective November 2, 2009; amended in R11-17 at 35 Ill. Reg. 7391, effective April 22, 2011; amended in R11-24 at 35 Ill. Reg. 14627, effective August 22, 2011; amended in R11-08 at 35 Ill. Reg. 16600, effective September 27, 2011; amended in R09-19 at 35 Ill. Reg. 18801, effective October 25, 2011; amended in R15-21 at 39 Ill. Reg. 16213, effective December 7, 2015; amended in _____ at Ill. Reg. _____, effective _____.

SUBPART W: NO_x TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

Section 217.750 Purpose (Repeal)

~~The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) during the ozone control period (May 1 through September 30 of each year, except that in 2004, "control period" means May 31 through September 30) from electrical generating units~~

~~(EGUs) by determining source allocations and implementing the NO_x Trading Program pursuant to 40 CFR 96, as authorized by Section 9.9 of the Act [415 ILCS 5/9.9].~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.751 Sunset Provisions (Repeal)

~~The provisions of this Subpart W shall not apply for any control period in 2009 or thereafter. Noncompliance with the provisions of this Subpart that occurred prior to 2009 is subject to the applicable provisions of this Subpart.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.752 Severability (Repeal)

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

(Source: Repealed at Ill. Reg. , effective)

Section 217.754 Applicability (Repeal)

- ~~a) — The following fossil fuel fired stationary boilers, combustion turbines or combined cycle systems are electrical generating units (EGUs) and are subject to this Subpart:~~
- ~~1) — Any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D of this Part.~~
 - ~~2) — Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less and has the potential to use more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is greater than this calculated number, the unit is an EGU subject to the provisions of this Subpart.~~
- ~~b) — Those units that meet the above criteria and are subject to the NO_x Trading Program emissions limitations contained in this Subpart are budget EGUs.~~

e) ~~Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget EGU under subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions meeting the requirements of subsection (c)(1) of this Section. Starting with the effective date of such permit, the EGU shall not be a budget EGU and shall be subject only to the requirements of this subsection (c).~~

1) ~~For each control period under this subsection (c), the federally enforceable permit conditions must:~~

A) ~~Restrict the EGU to burning only natural gas, fuel oil, or natural gas and fuel oil;~~

B) ~~Limit the EGU's potential NO_x mass emissions for the control period to 25 tons or less;~~

C) ~~Restrict the EGU's operating hours during the control period to the number calculated by dividing 25 tons of potential NO_x mass emissions by the EGU's maximum potential hourly NO_x mass emissions;~~

D) ~~Require that the EGU's potential NO_x mass emissions be calculated by using the monitoring provisions of 40 CFR 75 or, if the EGU does not rely on these monitoring provisions, by using the applicable default rate, as follows:~~

i) ~~Select the applicable default NO_x emission rate from one of the following:~~

~~0.7 lb/mmbtu for combustion turbines burning natural gas exclusively during the control period;~~

~~1.2 lbs/mmbtu for combustion turbines burning any fuel oil during the control period;~~

~~1.5 lbs/mmbtu for boilers burning natural gas exclusively during the control period; or~~

~~2 lbs/mmbtu for boilers burning any fuel oil during the control period.~~

ii) ~~Multiply the default NO_x emission rate under subsection (c)(1)(D)(i) of this Section by the EGU's unit-specific maximum rated heat input (mmbtu), which is the higher of the manufacturer's maximum~~

~~rated hourly heat input or the highest observed hourly heat input. The owner or operator of the EGU may request in the permit application required by this subsection (c) that the Agency use a lower value for the EGU's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The owner or operator must also demonstrate that such lower value is representative of the EGU's current capabilities because modifications have been made to the EGU that permanently limit the EGU's capacity;~~

- ~~E) — Require that the owner or operator of the EGU retain for five years, at the source that includes the EGU, records demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of the permit related to these restrictions were met; and~~
 - ~~F) — Require that the owner or operator of the EGU report to the Agency the EGU's hours of operation (treating any partial hour of operation as a whole hour of operation), heat input, and fuel use by type during each control period. This report shall be submitted by November 1 of each year the EGU elects low emitter status.~~
- 2) — The Agency will notify USEPA in writing of each EGU electing low emitter status pursuant to the requirements of subsection (e)(1) of this Section and when any of the following occurs:
- A) — The permit with federally enforceable conditions that includes the restrictions in subsection (e)(1) of this Section is issued by the Agency;
 - B) — Such permit is revised to remove any such restriction;
 - C) — Such permit includes any such restriction that is no longer applicable; or
 - D) — The EGU does not comply with any such restriction.
- 3) — The EGU shall become a budget EGU, subject to the requirements of this Subpart if, for any control period under subsection (c) of

~~this Section, the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section is removed from the EGU's permit or otherwise becomes no longer applicable, or the EGU does not comply with the fuel use restriction or the operating hours restriction under subsection (c)(1) of this Section. Such EGU shall be treated as commencing operation and, for a unit under subsection (a)(1) of this Section, commencing commercial operation, on September 30 of the year prior to the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the EGU does not comply with the fuel use restriction or the operating hours restriction.~~

~~4) The owner or operator of an EGU to which the Agency has ever allocated allowances may elect low emitter status. In that case, the Agency will reduce the EGU trading budget by the number of allowances corresponding to the amount of NO_x emissions the EGU is permitted to emit during the control period as set forth in the EGU's federally enforceable state operating permit.~~

~~d) Notwithstanding the provisions in subsection (a) of this Section, sources may opt in to the NO_x Trading Program and will receive allowance allocations consistent with applicable requirements, if they meet the requirements for a budget opt-in unit pursuant to Sections 217.774 through 217.782 of this Part.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.756 Compliance Requirements (Repeal)

All EGUs subject to the requirements of this Subpart must comply with the following:

~~a) The requirements of this Subpart and 40 CFR 96 (excluding 40 CFR 96.4(b) and 96.55(c), and excluding 40 CFR 96, Subparts C, E, and I) as incorporated by reference in Section 217.104 of this Part.~~

~~b) Permit requirements:~~

~~1) The owner or operator of each source with one or more budget EGUs at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the NO_x Trading Program ("budget permit") that complies with the requirements of Section 217.758 of this Part.~~

~~2) The owner or operator of each budget source and each budget EGU at the source must operate the budget EGU in compliance with such budget permit.~~

e) ~~Monitoring requirements:~~

- 1) ~~The owner or operator of each budget source and each budget EGU at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each budget source and each budget EGU at the source must comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.~~
- 2) ~~The compliance of each budget EGU with the budget emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.~~

d) ~~NO_x requirements:~~

- 1) ~~By November 30 of each year, the allowance transfer deadline, the account representative of each budget source and each budget EGU at the source shall hold allowances available for compliance deductions under 40 CFR 96.54 in the budget EGU's compliance account or the source's overdraft account. The number of allowances held shall not be less than the budget EGU's total tons of NO_x emissions for the control period, rounded to the nearest whole ton, as determined in accordance with 40 CFR 96, subpart H, plus any number necessary to account for actual utilization (e.g., for testing, start up, malfunction, and shut down) under 40 CFR 96.42(e) for the control period.~~
- 2) ~~Each ton of NO_x emitted in excess of the number of NO_x allowances held by the owner or operator for each budget EGU for each control period shall constitute a separate violation of this Part and the Act.~~
- 3) ~~A budget EGU shall be subject to the monitoring and NO_x requirements of subsections (e)(1) and (d)(1) of this Section starting on the later of May 31, 2004, the date on which the EGU commences OR THE FIRST DAY OF THE CONTROL SEASON SUBSEQUENT TO THE CALENDAR YEAR IN WHICH ALL OF THE OTHER STATES SUBJECT TO THE PROVISIONS OF THE NO_x SIP CALL (63 Fed. Reg. 57355 (October 27, 1998)) THAT ARE LOCATED IN USEPA REGION V OR THAT ARE CONTIGUOUS TO ILLINOIS HAVE ADOPTED REGULATIONS TO IMPLEMENT NO_x TRADING PROGRAMS AND OTHER REQUIRED REDUCTIONS OF NO_x EMISSIONS PURSUANT TO THE NO_x SIP CALL, AND~~

~~SUCH REGULATIONS HAVE RECEIVED FINAL APPROVAL BY USEPA AS PART OF THE RESPECTIVE STATES' SIPS FOR OZONE, OR A FINAL FIP FOR OZONE PROMULGATED BY USEPA IS EFFECTIVE. [415 ILCS 5/9.9(f)]~~

- 4) ~~Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts F and G, and Sections 217.774 through 217.782 of this Part.~~
 - 5) ~~In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance is allocated.~~
 - 6) ~~An allowance allocated by the Agency or USEPA under the NO_x Trading Program is a limited authorization to emit one ton of NO_x in accordance with the NO_x Trading Program. No provision of the NO_x Trading Program, the budget permit application, the budget permit, or a retired unit exemption under 40 CFR 96.5, and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.~~
 - 7) ~~An allowance allocated by the Agency or USEPA under the NO_x Trading Program does not constitute a property right.~~
 - 8) ~~Upon recordation by USEPA under 40 CFR 96, subpart F or G, or Section 217.782 of this Part, every allocation, transfer, or deduction of an allowance to or from a budget EGU's compliance account or to or from the overdraft account of the budget source where the budget EGU is located is deemed to amend automatically, and become a part of, any budget permit of the budget EGU. This automatic amendment of the budget permit shall be deemed an operation of law and will not require any further review.~~
- e) ~~Recordkeeping and reporting requirements:~~
- 1) ~~Unless otherwise provided, the owner or operator of the budget source and each budget EGU at the source shall keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.~~

A) ~~The account certificate of representation of the account representative for the source and each budget EGU at the source, all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and documents must be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.~~

B) ~~All emissions monitoring information, in accordance with 40 CFR 96, subpart H, provided that to the extent that 40 CFR 96, subpart H provides for a three year period for recordkeeping, the three year period shall apply.~~

C) ~~Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Trading Program or documents necessary to demonstrate compliance with the requirements of the NO_x Trading Program or with the requirements of this Subpart.~~

D) ~~Copies of all documents used to complete a budget permit application and any other submission under the NO_x Trading Program.~~

2) ~~The account representative of a budget source and each budget EGU at the source must submit to the Agency and USEPA the reports and compliance certifications required under the NO_x Trading Program, including those under 40 CFR 96, subparts D and H, and Section 217.774 of this Part.~~

f) ~~Liability:~~

1) ~~No revision of a permit for a budget EGU shall excuse any violation of the requirements of the NO_x Trading Program that occurs prior to the date that the revision to such budget permit takes effect.~~

2) ~~Each budget source and each budget EGU shall meet the requirements of the NO_x Trading Program.~~

3) ~~Any provision of the NO_x Trading Program that applies to a budget source (including any provision applicable to the account representative of a budget source) shall also apply to the owner and~~

operator of such budget source and to the owner and operator of each budget EGU at the source.

- 4) ~~Any provision of the NO_x Trading Program that applies to a budget EGU (including any provision applicable to the account representative of a budget EGU) shall also apply to the owner and operator of such budget EGU. Except with regard to the requirements applicable to budget EGUs with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget EGU shall not be liable for any violation by any other budget EGU of which they are not an owner or operator or the account representative.~~
- 5) ~~The account representative of a budget EGU that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).~~
- 6) ~~The owner or operator of a budget EGU that has excess emissions in any control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.~~
- g) ~~Effect on other authorities. No provision of the NO_x Trading Program, a budget permit application, a budget permit, a low-emitter exemption under Section 217.754(e) of this Subpart, or a retired unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner and operator and, to the extent applicable, the account representative of a budget source or budget EGU, from compliance with any other regulation promulgated under the CAA, the Act, an approved State implementation plan, or a federally enforceable permit.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.758 Permitting Requirements (Repeal)

- a) ~~Budget permit requirements:~~
 - 1) ~~Each source with a budget EGU is required to submit a complete permit application addressing all applicable NO_x Trading Program requirements for a permit meeting the requirements of this Section, applicable to each budget EGU at the source. Each budget permit (including any draft or proposed budget permit, if applicable) will contain elements required for a complete budget permit application under subsection (b)(2) of this Section.~~

- 2) ~~Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable NO_x Trading Program requirements and shall be a complete and segregable portion of the source's entire permit under subsection (a)(1) of this Section.~~
- 3) ~~No budget permit shall be issued, and no NO_x allowance account shall be established for a budget EGU at a source, until the Agency and USEPA have received a complete account certificate of representation under 40 CFR 96, subpart B, for an account representative of the source and the budget EGU at the source.~~
- 4) ~~For budget EGUs that commenced operation before November 1, 2003, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before November 1, 2003.~~
- 5) ~~For budget EGUs that commenced operation before August 1, 2003, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such unit must submit a budget permit application meeting the requirements of this Section on or before August 1, 2003.~~
- 6) ~~For budget EGUs that are subject to Section 39.5 of the Act and that commence operation on or after August 1, 2003, and for budget EGUs not subject to Section 39.5 of the Act and that commence operation on or after November 1, 2003, the owner or operator of such units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201 and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Section.~~

b) ~~Budget permit applications:~~

- 1) ~~Duty to apply. The owner or operator of any source with one or more budget EGUs shall submit to the Agency a complete budget permit application for the source under subsection (b)(2) of this Section by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section. The owner or operator of any source with one or more budget EGUs shall reapply for a budget permit for the source as required by this Subpart, 35 Ill. Adm. Code 201, and Sections 39 and 39.5 of the Act.~~

- ~~2) Information requirements for budget permit applications. A complete budget permit application shall include the following elements concerning the source for which the application is submitted:~~
- ~~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 shall also be included, if applicable;~~
 - ~~B) Identification of each budget EGU at the source. An explanation of whether each EGU is a budget EGU under Section 217.754 or 217.774 of this Part;~~
 - ~~C) The compliance requirements of Section 217.756 of this Part; and~~
 - ~~D) For each opt in unit at the source the following certification statements by the account representative:
 - ~~i) "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part is not a budget EGU under Section 217.754 of this Part and is not covered by a retired unit exemption that is in effect under 40 CFR 96.5."~~
 - ~~ii) If the application is for an initial budget permit, "I certify that each unit for which this permit application is submitted under Section 217.774 of this Part, and has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under Section 217.774(d) of this Part."~~~~
- ~~3) An application for a budget permit shall be treated as a modification of the EGU's existing federally enforceable permit, if such a permit has been issued for that EGU, and shall be subject to the same procedural requirements. When the Agency issues a budget permit, it shall be incorporated into and become part of that EGU's existing federally enforceable permit.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.760 NO_x Trading Budget (Repeal)

~~The NO_x trading budget available for allowance allocations for each control period shall be determined as follows:~~

- ~~a) The total base EGU trading budget is 30,701 tons per control period subject, however, to the following:
 - ~~1) In 2004 through 2006, 5% of this number shall be allocated to the new source set aside under Section 217.768 of this Part, resulting in an EGU trading budget of 29,166 tons available for allocation per control period; and~~
 - ~~2) In 2007 and thereafter, 2% of this amount shall be allocated to the new source set aside, resulting in an EGU trading budget of 30,087 tons available for allocation per control period.~~~~
- ~~b) The Agency must adjust the total base EGU trading budget available for allocation in subsection (a) of this Section to remove allowances from budget EGUs opting to become exempt pursuant to the requirements for low emitters in Section 217.754(c)(4) of this Part.~~
- ~~e) If USEPA adjusts the total base EGU trading budget for any reason, the Agency will adjust the budget pro rata.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.762 Methodology for Calculating NO_x Allocations for Budget Electrical Generating Units (EGUs) (Repeal)

~~The methodology for calculating the allowances to be allocated to budget EGUs is based on the following emission rates and heat inputs:~~

- ~~a) The applicable NO_x emission rates are as follows:
 - ~~1) For budget EGUs listed in Appendix F: 0.15 lb/mmbtu.~~
 - ~~2) For budget EGUs not listed in Appendix F: The more stringent of 0.15 lb/mmbtu or the permitted NO_x emission rate, but not less than 0.055 lb/mmbtu.~~~~
- ~~b) Heat input (HI) (in mmbtu/control period) is determined as follows:
 - ~~1) The budget EGU's two highest heat inputs from the control periods four to six years prior to the year for which the allocation is being~~~~

made are averaged. However, for a budget EGU that did not commence commercial operation at least six years prior to the control period for which the allocation is being made, the heat inputs for the following control periods shall be used:

A) — If the budget EGU has heat input for the control period four years prior to the year for which the NO_x allocation is being made, but not for the control periods five and six years prior, the heat input for that control period four years prior shall be used; or

B) — If the budget EGU has heat inputs for the control periods four and five years prior to the year for which the NO_x allocation is being made, but not for the control period six years prior, the heat input for the control periods four and five years prior shall be averaged.

2) — The budget EGU's heat input in subsection (b)(1) of this Section for the control period in each year will be determined in accordance with:

A) — 40 CFR 75, as incorporated by reference in Section 217.104 of this Part, if the budget EGU was otherwise subject to its requirements for the year; or

B) — The best available data reported to the Agency for the budget EGU if the budget EGU was not subject to the requirements of 40 CFR 75, for the year.

c) — The general equation for determining allowances is:

$$A = \frac{HI \times ER}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = The NO_x emission rate in lbs/mmbtu as determined in Section 217.762(a) of this Part.

A = allowances of NO_x/control period.

(Source: Repealed at Ill. Reg. , effective)

Section 217.764 NO_x Allocations for Budget EGUs (Repeal)

~~For each control period, the Agency will allocate the total number of NO_x allowances in the trading budget apportioned to budget EGUs under Section 217.760 of this Part. These allocations will be issued as provided in subsections (a) through (f) of this Section and Section 217.768 for this Part of new sources. Specifically:~~

- ~~a) In 2004, 2005, and 2006 (or the first three years of the program):~~
- ~~1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 7 of Appendix F of this Part for that budget EGU, as well as any allowances that are not allocated from the new source set aside to budget EGUs in subsection (a)(2) of this Section. Any such allowances from the new source set aside will be allocated to budget EGUs listed in Appendix F of this Part pursuant to 217.768(j) of this Part.~~
 - ~~2) The Agency will allocate allowances from the new source set aside to budget EGUs that commenced commercial operation on or after January 1, 1995, pursuant to Section 217.768 of this Part.~~
 - ~~3) The Agency will report these allocations to USEPA at the time it submits the SIP.~~
- ~~b) In 2007 (or the fourth year of the program):~~
- ~~1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.~~
 - ~~2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2003, allowances as calculated in the following equation:~~

$$A = \frac{0.80 \times (HI \times ER)}{2000}$$

~~Where:~~

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (b)(2) of this Section, if the total number of allowances determined by subsection (b)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will prorate the number of NO_x allowances available to budget EGUs pursuant to the criteria in subsection (b)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.
- 4) If the total number of allowances allocated pursuant to subsection (b)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (b)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:
 - A) For budget EGUs in subsection (b)(1) of this Section, the pro rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.
 - B) For budget EGUs in subsection (b)(2) of this Section, the pro rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.
- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2003 and that have not operated for the full 2003 control period.

6) ~~The Agency will report these allocations to USEPA by April 1, 2004, except for allocations from the new source set aside, which the Agency will report by May 1, 2007.~~

e) ~~In 2008 (or the fifth year of the program):~~

1) ~~The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 8 of Appendix F for that budget EGU, and any allowances that are not allocated to budget EGUs under subsection (b)(2) of this Section will be allocated as provided in subsection (b)(4) of this Section.~~

2) ~~The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2004, allowances as calculated in the following equation:~~

$$A = \frac{0.80 \times (HI \times ER)}{2000}$$

Where:

HI = ~~heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.~~

ER = ~~the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.~~

A = ~~allowances of NO_x/control period.~~

3) ~~Notwithstanding subsection (c)(2) of this Section, if the total number of allowances determined by subsection (c)(2) of this Section is more than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the Agency will prorate the number of NO_x allowances available to budget EGUs pursuant to the criteria in subsection (c)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 6,017.~~

4) ~~If the total number of allowances allocated pursuant to subsection (c)(2) of this Section is less than 6,017, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (c)(1) of this Section, the~~

Agency will allocate the remaining allowances to budget EGUs as follows:

- A) For budget EGUs in subsection (c)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.
- B) For budget EGUs in subsection (c)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.
- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2004 and that have not operated for the full 2004 control period.
- 6) The Agency will report these allocations to USEPA by April 1, 2005, except for allocations from the new source set-aside, which the Agency will report by May 1, 2008.
- d) In 2009 (or the sixth year of the program):
 - 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (d)(2) of this Section will be allocated as provided in subsection (d)(4) of this Section.
 - 2) The Agency will apportion to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2005, allowances calculated in the following equation:

$$A = \frac{0.50 \times (HI \times ER)}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (d)(2) of this Section, if the total number of allowances determined by subsection (d)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will prorate the total number of NO_x allowances available to budget EGUs that received allowances pursuant to the criteria in subsection (d)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043.
- 4) If the total number of allowances allocated pursuant to subsection (d)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (d)(1) of this Section, the Agency will allocate the remaining allowances to budget EGUs as follows:
 - A) For budget EGUs in subsection (d)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.
 - B) For budget EGUs in subsection (d)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.
- 5) The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2005 and that have not operated for the full 2005 control period.
- 6) As of April 30, 2009, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (d).

- 7) The Agency will report these allocations to USEPA by April 1, 2006, except for allocations from the new source set aside, which the Agency will report by May 1, 2009.
- e) In 2010 (or the seventh year of the program):
- 1) The Agency will allocate to each budget EGU that is listed in Appendix F of this Part the number of allowances listed in Column 9 of Appendix F for that budget EGU and any allowances that are not allocated to budget EGUs under subsection (e)(2) of this Section as provided in subsection (e)(4) of this Section.
 - 2) The Agency will assign to each budget EGU that commenced commercial operation on or after January 1, 1995, and before May 1, 2006, allowances as calculated in the following equation:

$$A = \frac{0.50 \times (HI \times ER)}{2000}$$

Where:

HI = heat input (in mmbtu/control period) as determined in Section 217.762(b) of this Part.

ER = the NO_x emission rate in lbs/mmbtu, as determined in Section 217.762(a)(2) of this Part.

A = allowances of NO_x/control period.

- 3) Notwithstanding subsection (e)(2) of this Section, if the total number of allowances determined by subsection (e)(2) of this Section is more than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the Agency will prorate the total number of NO_x allowances allocated to budget EGUs that received allowances pursuant to the criteria in subsection (e)(2) of this Section so that the total number of allowances allocated to these budget EGUs does not exceed 15,043.
- 4) If the total number of allowances allocated pursuant to subsection (e)(2) of this Section is less than 15,043, which is the number of allowances remaining in the trading budget after allocations have been made to budget EGUs in subsection (e)(1) of this Section, the

Agency will allocate the remaining allowances to budget EGUs as follows:

- A) — For budget EGUs in subsection (e)(1) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(1) of this Part.
 - B) — For budget EGUs in subsection (e)(2) of this Section, the pro-rata allocation shall be determined by the heat input calculated pursuant to Section 217.762(b) of this Part, multiplied by the emission rate in Section 217.762(a)(2) of this Part.
- 5) — The Agency will allocate allowances from the new source set-aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after May 1, 2006 and that have not operated for the full 2006 control period.
- 6) — As of April 30, 2010, if the number of allowances in the new source set-aside exceeds 3% of the total number of tons of NO_x emissions in the trading-budget apportioned to budget EGUs as determined pursuant to Section 217.768(i) and (j) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (e).
- 7) — The Agency will report these allocations to USEPA by April 1, 2007, except for allocations from the new source set-aside, which the Agency will report by May 1, 2010.
- f) — In 2011 (or the eighth year) of the program and annually thereafter:
- 1) — The Agency will apportion the available NO_x allowances to each budget EGU based on its heat input determined in Section 217.762(b) of this Part, multiplied by:
 - A) — For budget EGUs that commenced commercial operation prior to January 1, 1995, the NO_x emission rate determined in Section 217.762(a)(1) of this Part.
 - B) — For budget EGUs that commenced commercial operation on or after January 1, 1995, the NO_x emission rate determined in Section 217.762(a)(2) of this Part.

- 2) ~~The Agency will allocate allowances from the new source set aside, pursuant to Section 217.768 of this Part, to budget EGUs that commenced commercial operation after the control period four years prior to the year in which allocations are made and that have not operated for the full control period four years prior to the year in which the allocations are being made.~~
- 3) ~~As of April 30, 2011, if the number of allowances in the new source set aside exceeds 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs as determined pursuant to Section 217.768(e) and (f) of this Part, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to this subsection (f).~~
- 4) ~~The Agency will report these allocations to USEPA by April 1 of each year that is three years prior to the year in which the allocations are being made, except for allocations from the new source set aside, which the Agency will report by May 1 of each year in which the allocations are being made.~~

~~BOARD NOTE: Because of litigation involving the NO_x SIP Call, Michigan v. EPA, No. 98-1497, 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, the dates set forth under each year will be considered to adjust correspondingly.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.768 New Source Set-Asides for "New" Budget EGUs (Repeal)

- a) ~~"New" budget EGUs~~
 - 1) ~~A "new" budget EGU is one that commenced commercial operation on or after January 1, 1995, and does not receive allowances pursuant to Section 217.764 of this Part.~~
 - 2) ~~"New" budget EGUs must have an allowance for every ton of NO_x emitted during the control period as provided in Section 217.756(d) of this Part.~~
 - 3) ~~A "new" budget EGU may request from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in subsection (e) of this Section.~~
- b) ~~The Agency shall apportion allowances from the new source set aside as follows:~~

- ~~1) For 2004, 2005, and 2006, to budget EGUs that commenced commercial operation on or after January 1, 1995; and~~
 - ~~2) For 2007 and thereafter, to budget EGUs that have not operated the full control period four years prior to the control period for which the allocation is being made.~~
- e) ~~The Agency will establish a new source set aside for each control period. Each new source set aside will be allocated allowances equal to:~~
- ~~1) 5% of the EGU trading budget in 2004, 2005, and 2006, which is 1,535 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget;~~
 - ~~2) 2% of the EGU of the trading budget in 2007 and thereafter, which is 614 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget.~~
 - ~~3) As of April 30 of the applicable year, beginning in 2009 and thereafter, if the number of allowances in the new source set aside is greater than or equal to 3% of the total number of tons of NO_x emissions in the trading budget apportioned to budget EGUs, which is 921 allowances, subject to adjustment to reflect additions or deletions to the EGU trading budget, pursuant to subsections (i) and (j) of this Section, the number of allowances above 3% will be allocated to budget EGUs receiving allowances pursuant to Section 217.764 of this Part. These allowances shall be allocated on a pro-rata basis.~~
- d) ~~The account representative of a "new" budget EGU under subsection (a) of this Section may obtain allowances from the new source set aside by submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the budget EGU and before March 1 of the control period for which the allocation is requested.~~
- e) ~~In an allocation request under subsection (d) of this Section, the account representative may request allowances for a control period in a number that does not exceed the projected heat input in mmbtu during the applicable control period multiplied by the more stringent of 0.15 lb/mmbtu or the permitted emission rate, but no more stringent than 0.055 lb/mmbtu. The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:~~

- 1) For "new" budget EGUs that have heat input from at least three control periods prior to the allocation year, the average of the budget EGU's two highest seasonal heat inputs from the control periods one to three years prior to the allocation year;
 - 2) For "new" budget EGUs that have heat input from only two control periods prior to the allocation year, the average of the budget EGU's seasonal heat inputs from the control periods one and two years prior to the allocation year;
 - 3) For "new" budget EGUs that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or
 - 4) For "new" budget EGUs that have commenced commercial operation but have not operated for at least 77 days of the control period prior to the allocation year, the budget EGU's maximum design heat input for the control period as designated in the construction permit.
- f) Beginning in 2007, the Agency will review and allocate allowances pursuant to each allocation request, contingent upon receiving payment pursuant to subsection (k) of this Section, by April 15 of the applicable year, as follows:
- 1) Upon receipt of the allocation request, the Agency will determine whether the request is consistent with the requirements of subsections (d) and (e) of this Section and will make any necessary adjustments to the request to ensure that the control period and the number of allowances requested are consistent with those requirements of subsections (d) and (e) of this Section.
 - 2) If the new source set aside for the control period for which allowances are requested has a number of allowances greater than or equal to the total number requested by all "new" budget EGUs, the Agency will allocate the number of allowances requested to the "new" budget EGUs.
 - 3) If the new source set aside for the control period for which allowances are requested has a number of allowances less than the total number of allowances requested by all "new" budget EGUs, the Agency will allocate the available allowances to the "new" budget EGUs on a pro-rata basis, based on the number of allowances requested.

- g) For "new" budget EGUs that commenced commercial operation on or after January 1, 1995, but prior to January 1, 2004, the Agency will notify the account representative of the number of allowances that have been allocated to the "new" budget EGU by March 30 of the applicable year. There will be no charge for allowances received under this subsection.
- h) For "new" budget EGUs that commenced commercial operation on or after January 1, 2004, the Agency will notify by March 30 of the applicable year the account representative of the number of allowances that are eligible for purchase for the "new" budget EGU pursuant to the requirements of subsection (k) of this Section. If the Agency does not receive payment by April 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the allowances offered. The Agency will make available for purchase those forfeited allowances on a pro rata basis to "new" budget EGUs that received allocations pursuant to subsection (f)(2) of this Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (k) of this Section, to the extent applicable.
- i) For "new" budget EGUs that have commenced commercial operation but have operated for 76 or fewer days of the control period in 2003, USEPA will deduct allowances to account for the actual utilization of the EGU during the 2004 control period consistent with the provisions of 40 CFR 96.42(e). Any allowances allocated by the Agency for such "new" budget EGUs that are not used for compliance during the 2004 control period shall be returned to the Agency's new source set aside account.
- j) For the years 2004, 2005, and 2006, any allowances that are not allocated pursuant to subsections (g), (h) and (i) of this Section will be allocated on a pro rata basis to the budget EGUs listed in Appendix F of this Part. There will be no charge for allowances received under this subsection.
- k) Fees for new source set aside allowances:
- 1) "New" budget EGUs that commence commercial operation on or after January 1, 2004, that obtain allowances allocated from the new source set aside shall pay for such allocations pursuant to Section 9.9 of the Act.
 - 2) The price of allowances from the new source set aside shall be:
 - A) The average price at which NO_x allowances are traded in the interstate NO_x Trading Program for the preceding control period; and

- ~~B) For 2004 only, the price shall be the average price at which NO_x allowances were traded in 2003 in the Ozone Transport Region.~~
- ~~3) The fees collected by the Agency from the sale of allowances will be distributed pro rata to budget EGUs receiving allowances pursuant to Section 217.764 of this Part on the basis of allocated allowances subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.~~
- ~~1) A "new" budget EGU will become an existing budget EGU and will receive allowances pursuant to the requirements of Section 217.764 of this Part, as follows:~~
- ~~1) For a budget EGU that commences commercial operation between and including January 1, 1995, and April 30, 2003, the budget EGU will be allocated allowances in 2004 for the 2007 control period and will become an existing budget EGU on May 1, 2007.~~
- ~~2) For a budget EGU that commences commercial operation after April 30, 2003, the budget EGU will become an existing budget EGU in the control period for which it receives an allocation pursuant to Section 217.764 of this Part. It will be considered a "new" budget EGU and will receive its allowances from the new source set aside in the intervening years from start up until it receives allocations pursuant to Section 217.764 of this Part.~~

~~BOARD NOTE: Because of litigation involving the NO_x SIP Call, Michigan v. EPA, No. 98-1497 2000 WL 180650 (D.C. Cir. March 3, 2000), the years defining the control periods may change. Should this occur, other dates in this Section will be considered to adjust as necessary.~~

~~(Source: Repealed at Ill. Reg. , effective)~~

~~Section 217.770 Early Reduction Credits for Budget EGUs (Repeal)~~

~~If a budget EGU reduces its NO_x emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001, 2002, or 2003 control period, for use in the 2004 control period, or later control periods authorized by USEPA, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget EGU in accordance with the following:~~

- ~~a) Each budget EGU for which the account representative requests any ERCs under subsection (d) of this Section shall monitor NO_x emissions in accordance with 40 CFR 96, subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the~~

control period for which ERCs will first be requested and for each control period for which ERCs will be requested. For example, if ERCs are requested for reductions made in the 2001 control period, the budget EGU must have implemented the applicable monitoring for the 2000 control period. The unit's monitoring system availability shall be not less than 90% during the control period prior to the control period in which the NO_x emissions reduction is made and the unit must be in compliance with any applicable State or federal emissions or emissions related requirements.

b) — The NO_x emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96, subpart H.

e) — Each budget EGU for which ERCs are requested under subsection (d) of this Section must have reduced its NO_x emission rate for each control period for which ERCs are requested, as follows:

1) — For budget EGUs subject to the requirements of Title IV of the CAA and not included in a NO_x averaging plan pursuant to 40 CFR 72 and 76, as incorporated by reference in Section 217.104 of this Part, at least 30% less than the NO_x emission rate specified in the applicable Title IV permit or other applicable federally enforceable permit.

2) — For budget EGUs subject to the requirements of Title IV of the CAA and included in a NO_x averaging plan pursuant to 40 CFR 72 and 76, at least 30% less than the annual emission rate required in the NO_x averaging plan in the applicable Title IV permit or other applicable federally enforceable permit.

3) — For budget EGUs not subject to the requirements of Title IV of the CAA, at least 30% less than the actual NO_x emissions rate (lbs/mmBtu) for the 2000 control period.

d) — The account representative of a budget EGU that meets the requirements of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for a EGU based on NO_x emission rate reductions made by the EGU in control periods 2001, 2002, and 2003, in accordance with subsection (e) of this Section.

1) — The number of ERCs for any applicable control period shall be an amount equal to the unit's heat input for such control period multiplied by the difference between the EGU's NO_x emission rate (meeting the requirements of subsection (e) of this Section for the applicable control period) and the EGU's actual NO_x emission rate for the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton.

- 2) Upon request of the account representative, the ERC allowance allocation for a particular EGU may be deposited in the source's general account rather than in the unit's compliance account.
- 3) The early reduction request must be submitted in a format specified by the Agency by:
 - A) November 1, 2001, for reductions made in the 2001 control period;
 - B) November 1, 2002, for reductions made in the 2002 control period; and
 - C) November 1, 2003, for reductions made in the 2003 control period.
- e) In the event that the date for implementing the NO_x SIP Call, May 31, 2004, is delayed, the early reduction request must be submitted in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NO_x SIP Call (63 Fed. Reg. 57356).
- f) The Agency will allocate ERCs to the budget EGUs meeting the requirements of subsections (a) through (c) of this Section and covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:
 - 1) Upon receipt of each ERC request, the Agency will accept the request only if the requirements of subsections (a) through (d) of this Section are met and will make any necessary adjustment to the request to ensure that the amount of the ERCs requested meets the requirements of subsections (b) through (d) of this Section;
 - 2) The Agency shall allocate at least 15,261 ERCs over three years, as follows:
 - A) If USEPA has approved this Subpart as a SIP revision, not more than one half of the total ERC allowances for reductions made in the control period in 2001;
 - B) Not more than one half of the total ERC allowances for reductions made in the control period in 2002; and
 - C) Any ERC allowances not allocated pursuant to subsection (f)(2)(A) or (B) of this Section, for reductions made in the control period in 2003.

- 3) — ~~If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate to each budget EGU one allowance for each accepted ERC request;~~
- 4) — ~~If the number of ERC allowances requested for a reduction achieved in the control period in 2003 is greater than the number of ERC allowances designated for that control period in subsection (f)(2)(A) of this Section, the Agency will allocate to each budget EGU allowances for accepted requests on a pro-rata basis.~~
- g) — ~~The Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be allocated to each budget EGU for that control period as follows:~~
 - 1) — ~~By March 1, 2002, for ERCs requested for and earned in the 2001 control period;~~
 - 2) — ~~By March 1, 2003, for ERCs requested for and earned in the 2002 control period; and~~
 - 3) — ~~By March 1, 2004, for ERCs requested for and earned in the 2003 control period.~~
- h) — ~~By May 1, 2004, the Agency will submit to USEPA the ERC allocations made by the Agency under this Section. USEPA will record such allocations to the extent that they are consistent with the requirements of this Section.~~
- i) — ~~ERC allowances recorded under subsection (h) of this Section may be deducted for compliance under 40 CFR 96.54, as incorporated by reference in Section 217.104 of this Part, for the control period in 2004 or such additional control periods as may be specified by USEPA. Notwithstanding 40 CFR 96.55(a), USEPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40 CFR 96.54 for the control period in 2004.~~
- j) — ~~ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.774 Opt-In Units (Repeal)

- a) ~~Any operating fossil fuel-fired stationary boiler, combustion turbine, combined cycle system, cement kiln or stationary internal combustion engine in the State may qualify under this Subpart to become a budget opt-in unit if it:~~
 - 1) ~~Is not a budget EGU under Section 217.754 of this Part;~~
 - 2) ~~Vents all of its emissions to a stack;~~
 - 3) ~~Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this Section;~~
 - 4) ~~Is not covered by a retired unit exemption under 40 CFR 96.5;~~
 - 5) ~~Is not covered by the low emitter exemption under Section 217.754(e) of this Part; and~~
 - 6) ~~Is not located at a source listed in Appendix D of this Part.~~
- b) ~~Except as otherwise provided in this Part, a budget opt-in unit shall be treated as a budget EGU for purposes of applying this Subpart and 40 CFR 96.~~
- e) ~~Authorized account representative:~~
 - 1) ~~If an opt-in unit is located at the same source as one or more budget EGUs, it shall have the same account representative as those budget EGUs.~~
 - 2) ~~If the opt-in unit is not located at the same source as one or more budget EGUs, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.~~
- d) ~~To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.778(f) of this Part, submit to the Agency:~~
 - 1) ~~A budget permit application for the unit that:~~
 - A) ~~Meets the requirements under Section 217.758 of this Part;~~
~~and~~

~~B) — Contains provisions for a change in the regulatory status of the unit to a budget opt-in unit under Section 217.754 of this Part pursuant to the provisions of Section 217.780(b) of this Part.~~

~~2) — A monitoring plan for the unit in accordance with 40 CFR 96, subpart H.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.776 Opt-In Process (Repeal)

~~The owner or operator of a unit meeting the qualifications of Section 217.774(a) of this Part may submit an application for a budget permit for a budget opt-in unit under Section 217.774(d) of this Part. The Agency will issue or deny a budget permit for such opt-in unit in accordance with Section 217.758 of this Part and the following:~~

- ~~a) — The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NO_x emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A determination of sufficiency shall not be construed as acceptance or approval of that unit's monitoring plan.~~
- ~~b) — If the Agency determines that the unit's monitoring plan is sufficient under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, subpart H, the NO_x emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart H, for one full control period during which the monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable State or federal emissions or emissions-related requirements.~~
- ~~c) — Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmbtu) for the control period and the unit's baseline NO_x emission rate shall be calculated as the unit's total NO_x emissions (in lbs) for the control period divided by the unit's baseline heat rate.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.778 Budget Opt-In Units: Withdrawal from NO_x Trading Program
(Repeal)

- a) ~~Requesting withdrawal. To withdraw from the NO_x Trading Program, the account representative of a budget opt in unit shall submit to the Agency a request to withdraw from the NO_x Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.~~

- b) ~~Conditions for withdrawal.~~
 - 1) ~~Before a budget opt in unit may withdraw from the NO_x Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:
 - A) ~~For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.~~

 - B) ~~If the budget opt in unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the budget opt in unit's compliance account, or the overdraft account of the NO_x budget source where the budget opt in unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.~~~~

 - 2) ~~After the requirements for withdrawal under subsection (b)(1) of this Section are met, USEPA will deduct from the opt in unit's compliance account, or the overdraft account of the budget source where the budget opt in unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Part for the same or earlier control period for which the withdrawal is to be effective. USEPA will close the budget opt in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt in unit. The account representative for the budget opt in unit shall become the account representative for the general account.~~

- e) ~~A budget opt in unit that withdraws from the NO_x Trading Program shall comply with all requirements under the NO_x Trading Program concerning all years for which such budget opt in unit was a budget opt in unit, even~~

~~if such requirements arise or must be complied with after the withdrawal takes effect.~~

~~d) — Notification.~~

~~1) — After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.~~

~~2) — If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the budget opt-in unit that the opt-in unit's request to withdraw its budget permit is denied. If the budget opt-in unit's request to withdraw is denied, the budget opt-in unit shall remain subject to the requirements for a budget opt-in unit.~~

~~e) — Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the budget opt-in unit's request to withdraw, the account representative of the budget opt-in unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.~~

~~f) — Ability to return to the NO_x Trading Program. Once an opt-in unit withdraws from the NO_x Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.774(d) of this Part for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.780 Opt-In Units: Change in Regulatory Status (Repeal)

~~a) — Notification. When an opt-in unit becomes a budget opt-in unit under Section 217.754(d) of this Part, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days after such change.~~

~~b) — Any permit application that provides for a change in the regulatory status of a unit to a budget opt-in unit pursuant to Section 217.774(d)(1)(B) of this Part and is included in a budget permit is effective on the date on which such opt-in unit becomes a budget opt-in unit under Section 217.754 of this Part.~~

e) ~~USEPA action.~~

- 1) ~~USEPA will deduct from the compliance account for the budget opt in unit under this Section, or the overdraft account of the budget source where the budget opt in unit is located, allowances equal in number to and allocated for the same or a prior control period as:~~
 - A) ~~Any allowances allocated to the budget unit (as an opt in unit) under Section 217.782 of this Part for any control period after the last control period during which the unit's budget permit was effective; and~~
 - B) ~~If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the budget opt in unit (as an opt in unit) under Section 217.782 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.~~
- 2) ~~The account representative shall ensure that the compliance account of the budget opt in unit under subsection (b) of this Section, or the overdraft account of the budget source where the budget opt in unit is located, contains the allowances necessary for completion of the deduction under subsection (e)(1) of this Section. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.~~
- 3) ~~For every control period during which any budget permit under subsection (b) of this Section is effective, the budget opt in unit under subsection (b) of this Section will be treated, solely for purposes of allowance allocations under Section 217.764 or 217.768 of this Part, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.764 or 217.768 of this Part.~~
- 4) ~~Notwithstanding subsection (e)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will~~

be allocated to the budget opt in unit under subsection (b) of this Section or under Section 217.764 or 217.768 of this Part for the control period: the number of allowances otherwise allocated to the budget opt in unit under Section 217.764 or 217.768 of this Part for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

- d) — When the owner or operator of an opt in unit does not renew the budget permit for the budget opt in unit issued pursuant to Section 217.774(d), USEPA will deduct from the budget opt in unit's compliance account, or the overdraft account of the budget source where the budget opt in unit is located, allowances equal in number to and allocated for the same or a prior control period as any allowances allocated to the budget opt in unit under Section 217.782 of this Part for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the budget opt in unit's compliance account or the overdraft account of the budget source where the budget opt in unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.
- e) — After the deduction under subsection (d) of this Section is completed, USEPA will close the opt in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt in unit. The account representative for the opt in unit shall become the account representative for the general account.

(Source: Repealed at Ill. Reg. , effective)

Section 217.782 Allowance Allocations to Budget Opt-In Units (Repeal)

a) — Allowance allocations:

- 1) — By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will allocate allowances to the budget opt in unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.

- ~~2) By no later than the December 31 after the first control period for which the budget permit is in effect and the December 31 of each year thereafter, the Agency will allocate allowances to the budget opt-in unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.~~
- ~~b) For each control period for which the budget opt-in unit has a budget permit, the budget opt-in unit will be allocated allowances in accordance with the following procedures:~~
- ~~1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:~~
- ~~A) The opt-in unit's baseline heat input determined pursuant to Section 217.776(e) of this Part; or~~
- ~~B) The opt-in unit's heat input, for the control period in the year prior to the year of the control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, subpart H.~~
- ~~2) The Agency will allocate allowances to the budget opt-in unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:~~
- ~~A) The unit's baseline NO_x emission rate (in lbs/mmbtu) determined pursuant to Section 217.776(e) of this Part; or~~
- ~~B) The lowest NO_x emissions limitation (calculated in lbs/mmbtu) under State or federal law that is applicable to the budget opt-in unit for the year of the control period for which the allocations are being calculated during the control period, regardless of the averaging period to which the emissions limitation applies.~~

(Source: Repealed at Ill. Reg. , effective)

SUBPART X: VOLUNTARY NO_x EMISSIONS REDUCTION PROGRAM

Section 217.800 Purpose (Repeal)

~~The purpose of this Subpart is to implement Section 9.9(d)(3) of the Act by providing a method by which additional NO_x allowances may be generated for use by emission units subject to the requirements of Subparts U or W of this Part. [415 ILCS 5/9.9(d)(3)]~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.805 Emission Unit Eligibility (Repeal)

~~Any owner or operator of a stationary source may submit a proposal, as provided in Section 217.835 of this Subpart, for voluntarily reducing NO_x emissions during the control period, if each emission unit from which NO_x reductions at the source will be obtained meets the following criteria:~~

- ~~a) Discharges through a stack;~~
- ~~b) Is fossil fuel fired;~~
- ~~c) Is not subject to the requirements of Subparts T, U, V or W of this Part;~~
- ~~d) Is not a retired unit pursuant to 40 CFR 96.5;~~
- ~~e) Has not elected to become an opt-in unit pursuant to Section 217.754 or Section 217.774 of this Part; and~~
- ~~f) Is not a stationary internal combustion engine that emits more than one ton of NO_x per day during the ozone control period.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.810 Participation Requirements (Repeal)

- ~~a) Any owner or operator of a source (emission reduction source) with one or more emission units meeting the requirements of Section 217.805 of this Subpart and seeking to make quantifiable, verifiable and federally enforceable voluntary reductions of NO_x emissions during the control period from one or more emission units (emission reduction units) must comply with the following requirements:
 - ~~1) Submit a NO_x emission reduction proposal that meets the requirements of Section 217.835 of this Subpart;~~
 - ~~2) Request an emission cap on NO_x emissions from all NO_x emission units at the emission reduction source that are not otherwise subject to Subparts U or W of this Part, and that are the same type of emission unit as the emission reduction unit (e.g., if the emission reduction unit is a boiler, combined cycle system or turbine, then the emission cap must include all boilers, combined cycle systems or turbines that are not otherwise subject to Subparts U or W of this Part, or if the emission unit is a cement kiln, then the emission cap must include all cement kilns), provided,~~~~

however, the owner or operator of the source may submit a demonstration in accordance with Section 217.835 of this Subpart that any like kind emission unit or units should not be included in the NO_x emission cap;

- 3) Demonstrate how the NO_x emission cap required by subsection (a)(2) of this Section is to be determined, in accordance with Sections 217.820 and 217.845 of this Subpart, which cap reflects the NO_x emission reduction specified in the proposal;
- 4) Permit requirements:
 - A) Obtain a permit, or an amendment to an existing permit, for the source, with federally enforceable conditions containing the commitments in the NO_x emission reduction proposal and the emissions cap by the later of May 1, 2003, or the date on which the reduction in NO_x emissions will commence and operate the source in compliance with such permit; or
 - B) For each emission unit that will be generating voluntary NO_x emissions by ceasing operation, withdrawing the applicable permit, or requesting a revision to the permit to reflect the shut-down of the emission reduction unit, by the later of May 1, 2003, or the date specified in the NO_x reduction proposal.
- 5) Submit an emissions baseline determination for each unit subject to the NO_x emission cap in accordance with the requirements of Section 217.820 of this Subpart.
- 6) Monitoring requirements:
 - A) To the extent applicable, each emission reduction unit at the source shall comply with the monitoring requirements of Section 217.850 of this Subpart.
 - B) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction unit with the emissions limitation set forth in the NO_x emission reduction proposal and the federally enforceable permit conditions required pursuant to subsection (a)(4) of this Section.

~~c) — The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction source with the emissions cap set forth in the NO_x emission reduction proposal and the federally enforceable permit condition required pursuant to subsection (a)(4) of this Section.~~

~~b) — The owner or operator of the emission reduction source is required to submit an annual certification to the Agency that the source has complied with the cap on NO_x emissions for the source and that the NO_x emission reductions specified in the approved proposal were made pursuant to the requirements of Section 217.850 of this Subpart.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.815 NO_x Emission Reductions and the Subpart X NO_x Trading Budget
(Repeal)

~~a) — NO_x emission reductions may be recognized under this Subpart if they are quantifiable, verifiable, and federally enforceable, and meet one or more of the following criteria:~~

~~1) — Due to the use of any NO_x emission reduction technology (e.g., combustion or post-combustion control technology or fuel switching) at the emission reduction unit pursuant to federally enforceable conditions in the permit for the unit addressing such control technology or fuel switching, NO_x emissions from the emission reduction unit for any control period beginning in 2003 are or will be lower than such unit's emissions baseline. The amount of actual NO_x emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO_x emission reductions shall be determined in accordance with Section 217.825 of this Subpart;~~

~~2) — The emission reduction unit is permanently shut down after January 1, 1995, and the owner or operator requests a revision to the relevant operating permit to reflect the shut down of the emission reduction unit. The amount of actual NO_x emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO_x emission reductions shall be determined in accordance with Section 217.825 of this Subpart;~~

- 3) ~~During any control period beginning in 2003, the emission reduction unit's control period NO_x emission rate or hours of operation is reduced pursuant to federally enforceable conditions in a permit for such unit, resulting in an actual reduction in NO_x emissions from such unit's emissions baseline. The amount of actual NO_x emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO_x emission reductions shall be determined in accordance with Section 217.825 of this Subpart.~~
- b) ~~USEPA shall adjust the State's trading portion of the statewide NO_x budget, as established in the NO_x SIP Call, 63 Fed. Reg. 57356 (October 27, 1998), and create allowances for the creditable portion, as set forth in Section 217.825 of this Subpart, of verifiable, quantifiable, and federally enforceable NO_x emission reductions meeting the requirements of this Subpart (the Subpart X NO_x Trading Budget), and allowances from the Subpart X NO_x Trading Budget shall be allocated to recipient emission units in accordance with this Subpart.~~
- c) ~~The Agency shall submit an allocation to USEPA for the creditable portion of verifiable, quantifiable, and federally enforceable NO_x emission reductions meeting the requirements of this Subpart, which allocation may be used for the purposes of demonstrating compliance with the requirements of Subparts U and W of this Part.~~
- d) ~~If USEPA adjusts or fails to adjust the Subpart X NO_x Trading Budget as to any individual emission reduction unit, the Subpart X NO_x Trading Budget shall not be adjusted pro rata, and only the allowance allocation for that emission reduction unit will be adjusted.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.820 Baseline Emissions Determination (Repeal)

- a) ~~An emission unit's emissions baseline shall be determined as follows:~~
- 1) ~~By multiplying the unit's actual emissions during the 1995 calendar year, as reported in the annual emission report submitted in accordance with 35 Ill. Adm. Code 254, by 5/12ths; or~~
 - 2) ~~If the NO_x emissions from the unit were not included in the emission reduction source's 1995 annual emissions report submitted to the Agency pursuant to 35 Ill. Adm. Code 254, by determining the base case amount included for such unit in the~~

~~NO_x SIP Call inventory, as specified in the "Technical Support Document for Illinois' Statewide NO_x Budget" (63 Fed. Reg. 17349 (Nov. 7, 1997)).~~

- ~~b) — If the NO_x baseline emissions for the 1995 control period cannot be determined by either of the methods listed in subsection (a)(1) or (2) of this Section, such actual NO_x baseline emissions shall be determined based on the average emission rate multiplied by the average number of hours of operation from two of the three control periods, as selected by the emission reduction source, prior to the year the emission reduction proposal is effective. The unit's emission rate and hours of operation will be determined based on the unit's reported NO_x emission rate and hours of operation in the most recent annual emission reports for such unit submitted in accordance with 35 Ill. Adm. Code 254.~~

~~(Source: Repealed at Ill. Reg. , effective)~~

~~Section 217.825 Calculation of Creditable NO_x Emission Reductions (Repeal)~~

~~For actual NO_x emission reductions achieved pursuant to Section 217.815(a) of this Subpart, the gross amount of control period actual NO_x emission reductions shall be determined pursuant to Section 217.820 of this Subpart. Eighty percent of the actual NO_x emission reductions achieved pursuant to Section 217.815(a) shall be creditable. Twenty percent of the actual NO_x emission reductions shall be retired for the benefit of air quality.~~

~~(Source: Repealed at Ill. Reg. , effective)~~

~~Section 217.830 Limitations on NO_x Emission Reductions (Repeal)~~

- ~~a) — Each NO_x allowance issued for NO_x emission reductions meeting the requirements of this Subpart is a limited authorization to emit one ton of NO_x in accordance with the federal NO_x Trading Program as set forth in Subpart U or W of this Part, as applicable. No provision of the federal NO_x Trading Program, the emission reduction proposal, the permit application, the permit, or of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.~~
- ~~b) — Any NO_x allowance issued in accordance with this Subpart does not constitute a property right.~~

~~(Source: Repealed at Ill. Reg. , effective)~~

Section 217.835 NO_x Emission Reduction Proposal (Repeal)

- a) ~~A NO_x emission reduction proposal shall include the following:~~
- ~~1) Information identifying each emission unit at the source that emits NO_x, whether the unit is subject to Subpart T, U, V, W or X of this Part, and the baseline emissions for each emission unit subject to the NO_x emission cap as determined in accordance with Section 217.820 of this Subpart;~~
 - ~~2) Information identifying each emission reduction unit from which the NO_x emission reductions have been or will be achieved;~~
 - ~~3) An explanation of the method used to achieve the NO_x emission reductions;~~
 - ~~4) The amount of the NO_x emission reductions, including supporting calculations and documentation, such as fuel usage information;~~
 - ~~5) The emission units subject to the NO_x emission cap in accordance with Section 217.810(a) of this Subpart, and if all like-kind or same-type emission units are not proposed to be included within the NO_x emission cap, an explanation of how the owner or operator of the emission reduction source will ensure that production shifting will not occur, such that the emission reduction source will achieve real, verifiable, and quantifiable NO_x emission reductions;~~
 - ~~6) The control period NO_x emission cap to be achieved by the emission reduction source, including both the baseline emissions for each recipient unit subject to the NO_x emission cap and the NO_x emission reductions from the emission reduction units included in the proposal;~~
 - ~~7) The name and address of the owner or operator of each emission unit to which the NO_x allowances will be allocated, the Subpart of this Part (i.e., Subpart U or W) to which each unit is subject, including the name, telephone number, and account number of the account representative for each such unit; and~~

- 8) — Certification by the owner or operator of each unit that is the subject of each proposed emission reduction proposal of his/her acceptance of the terms of the proposal and certification that the emission reductions specified in the proposal have been or will be achieved.
- b) — The owner or operator of a source submitting an emission reduction proposal must notify the Agency in writing within 30 days of any event or circumstance that makes the NO_x emission reduction proposal incorrect or incomplete.
- e) — The owner or operator of a source with an approved emission reduction proposal may request to withdraw its emission reduction proposal, and cease to create NO_x allowances under this Subpart, as follows:
- 1) — Requesting withdrawal: To withdraw from participation under this Subpart, the owner or operator of an emission reduction unit shall submit to the Agency a written request to withdraw from participation and to withdraw or revise the applicable permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.
 - 2) — Conditions for withdrawal: Before an emission reduction source may withdraw its approved emission reduction proposal, and the federally enforceable permit may be withdrawn under this Section, the owner or operator must submit to the Agency an annual compliance certification report in accordance with Section 217.855 of this Subpart for the control period immediately before the withdrawal is to be effective.
 - 3) — An emission reduction source that withdraws from this Subpart shall comply with all requirements under its approved emission reduction proposal and federally enforceable permit conditions addressing such proposal concerning all years for which the emission reduction source was in the program, even if such requirements arise or must be complied with after the withdrawal takes effect.
 - 4) — Notification:
 - A) — After the requirements for withdrawal under subsections (a) and (b) of this Section are met, the Agency will revise the permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a)

and (b) of this Section have been met and that is prior to May 1 or after September 30.

~~B) — If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator of the emission reduction source that the request to withdraw its permit is denied. If the request to withdraw is denied, the source shall remain subject to the requirements of its approved emission reduction proposal and federally enforceable permit conditions addressing the proposal and the requirements of this Subpart.~~

~~5) — Reapplication upon failure to meet conditions of withdrawal: If the Agency denies the request of the owner or operator of the emission reduction source's request to withdraw, the owner or operator of the source may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.~~

~~6) — Upon successful withdrawal from the program, the emission reduction source shall no longer be subject to the provisions of this Subpart.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.840 Agency Action (Repeal)

~~a) — The Agency shall notify the owner or operator submitting a NO_x emission reduction proposal in writing of its decision with respect to the proposal within 90 days after receipt of such proposal and, if applicable, of NO_x emissions data to verify that the specified reductions have occurred. The owner or operator of the emission reduction source may extend the deadline for Agency action in writing. If the Agency disapproves or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for the disapproval or conditional approval of the proposal. The following shall be considered a final Agency action for the purposes of appeal: if the Agency fails to take action within such 90 day period, subject to any extension, or if the Agency disapproves a proposal. If the Agency conditionally approves a proposal, the owner or operator of the emission reduction source has 30 days to submit a modified proposal addressing the specific items listed by the Agency. If the owner and operator of the emission reduction source does not submit a modified emission reduction proposal within such 30 day period, the conditional approval shall be deemed to be a disapproval, and shall be deemed to be a final action for purposes of appeal.~~

- b) — The NO_x emissions reduction proposal will not be effective until:
- 1) — After the owner or operator of the emission reduction source has obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or
 - 2) — If NO_x emission reductions are being obtained by the shut down of an emission reduction unit, the owner or operator of the emission reduction unit has either:
 - A) — Obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or
 - B) — Withdrawn the applicable permit and the Agency has:
 - i) — Provided USEPA with a copy of the proposal and notice of the Agency's proposed approval of the emission reduction proposal, and USEPA has not disapproved such proposal;
 - ii) — Published notice and offered an opportunity to comment, pursuant to 35 III. Adm. Code 252, on such permit withdrawal, its proposed approval of the emission reduction proposal for the shut down of the emission reduction unit and the creditable NO_x emission reductions that will be created by the shut down.
- e) — If the Agency approves the proposal, and subject to the provisions of subsection (b) of this Section, the Agency shall submit an allocation to USEPA for the creditable reductions created pursuant to the requirements of this Subpart subject to the following:
- 1) — Any allowances generated pursuant to this Subpart shall be issued to the recipient emission unit identified in the proposal, for each control period in which the NO_x emissions reductions are verified, and the requirements of this Subpart continue to be met;
 - 2) — The owner or operator of the emission reduction source has, by the November 1 following the control period that the emission reduction unit has reduced NO_x emissions, verified the NO_x emission reductions in accordance with Section 217.845 of this Subpart, and obtained a permit containing federally enforceable conditions addressing the requirements of this Subpart;

- 3) ~~The allowances shall be issued by May 1 after the control period in which the reduction has occurred, for use in any future control period.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.845 Emissions Determination Methods (Repeal)

~~The owner or operator of an emission reduction source must demonstrate that it has obtained the NO_x emission reductions, and has not exceeded its NO_x emission cap, as specified in its approved NO_x emission reduction proposal, as follows:~~

- a) ~~If the NO_x emission reductions are generated pursuant to Section 217.815(a)(1) of this Subpart, the NO_x emission rate for each emission reduction unit shall be determined as follows:~~
 - 1) ~~Through the use of continuous emissions monitoring in accordance with Section 217.850 of this Subpart; or~~
 - 2) ~~Through the use of any test methods and procedures provided in 40 CFR 60 and approved by the Agency, or any other method approved by the Agency when included as federally enforceable conditions in a permit issued or revised pursuant to this Subpart.~~
- b) ~~If the NO_x emission reductions are generated pursuant to Section 217.815(a)(3) of this Subpart, submit an initial compliance demonstration plan to the Agency 120 days prior to the control period date that the emission reduction unit will commence NO_x emission reductions in compliance with an approved emissions reduction proposal. Such demonstration shall be based on the actual NO_x emission rate measured in accordance with Section 217.850 of this Subpart.~~
- e) ~~If the emission reduction unit's compliance with the NO_x emission reduction proposal is determined in accordance with subsection (a)(2) of this Section, conducting an initial test 90 days prior to the date the specified emission reductions will be obtained, or within 45 days of the Agency's request for NO_x emission reductions already obtained, and notifying the Agency in writing of any test performed to comply with the requirements of this Subpart at least 30 days prior to the test. The Agency may at any time require annual control period testing of any emission unit at the NO_x emission reduction source, and may require such testing as part of its approval of a NO_x emission reduction proposal.~~

- d) ~~By the November 1 following each control period in which NO_x emission reductions are generated, the owner or operator of an emission reduction source must:~~
- 1) ~~Submit a compliance certification, including supporting data, that the NO_x emission cap, as specified in its approved NO_x emission reduction proposal, has not been exceeded; and~~
 - 2) ~~Monitor and report the NO_x emissions during each control period from all NO_x emission units at the source subject to the NO_x emission cap in accordance with Sections 217.850 and 217.855 of this Subpart.~~
- e) ~~The owner or operator of an emission reduction source shall, 120 days prior to the date that the emission reduction source will commence NO_x emission reductions in compliance with an approved emissions reduction proposal, submit to the Agency a performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.850 Emissions Monitoring (Repeal)

- a) ~~The owner or operator of an emission reduction source shall install, calibrate, maintain, and operate during the control period on each NO_x emission unit at the source subject to the NO_x emission cap a continuous emission monitoring system (CEMS), or an alternative approved by the Agency and included in a federally enforceable permit condition, for measuring NO_x emissions to the atmosphere.~~
- b) ~~The CEMS shall be operated and data recorded during all periods of operation of the emission unit at the source during the control period, except for periods of CEMS breakdowns and repairs as provided in subsection (c) of this Section.~~
- e) ~~CEMS quality assurance data must be recorded during calibration checks and zero and span adjustments.~~
- d) ~~The 1-hour average NO_x emissions measured by the CEMS shall be:~~
 - 1) ~~Expressed in lbs/hr or in lbs/mmbtu and heat input;~~
 - 2) ~~Calculated using the data points required under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart; and~~

- 3) ~~Calculated using at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quarter of an hour) if data are unavailable as a result of the performance of calibration, quality assurance, or preventive maintenance activities.~~
- e) ~~The procedures under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart, shall be followed for installation, evaluation, and operation of each CEMS.~~
- f) ~~For monitoring systems measuring NO_x in lbs/hr, if NO_x emission data are not obtained because of CEMS breakdown, repairs, calibration checks, or zero and span adjustments, NO_x emission data shall be obtained by using the data substitution procedures contained in 40 CFR 75, subpart D, incorporated by reference in Section 217.104 of this Part.~~
- g) ~~For monitoring systems measuring NO_x in lbs/mmbtu, if NO_x emission data are not obtained because of CEMS breakdown, repairs, calibration checks, or zero and span adjustments, NO_x emission data shall be obtained by using the rolling hourly average of emission data recorded for the previous 30 day period of operation if the data capture for such period is 95% or greater and the period of missing data is equal to or less than 24 consecutive hours. If the data capture for such previous 30 day period is less than 95% or the period of missing data is greater than 24 consecutive hours, the data shall be obtained by using the highest hourly average recorded during the previous 30 days of operation.~~
- h) ~~The CEMS shall be subject to the quality assurance procedures and requirements of 40 CFR 60, Appendix F, incorporated by reference in Section 217.104 of this Part.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.855 Reporting (Repeal)

- a) ~~By the November 1 of each year beginning in 2003, or the year of the first control period for which NO_x emission reductions were generated in accordance with this Subpart, an owner or operator of an emission reduction source must, as a seasonal component of the annual emission report for the source pursuant to 35 Ill. Adm. Code 254, report to the Agency the total control period NO_x emissions of each NO_x emission unit at the source subject to the NO_x emission cap.~~
- b) ~~Within 30 days after receipt of such data or evaluation, the owner or operator of each emission reduction source shall submit to the Agency the~~

~~performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.860 Recordkeeping (Repeal)

- ~~a) The owner or operator of an emission reduction source shall keep and maintain the following records for each NO_x emission unit at the source subject to the NO_x emission cap:~~
- ~~1) Daily, monthly, and control period operating hours;~~
 - ~~2) Type and quantity of each fuel used daily during the control period;~~
 - ~~3) Control period capacity factor of individual fuels fired and all fuels fired;~~
 - ~~4) Monitoring records; and~~
 - ~~5) To the extent applicable, the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.~~
- ~~b) The owner or operator of an emission reduction source shall maintain records of the following information for each operating day for each NO_x emission unit subject to the NO_x emission cap:~~
- ~~1) Calendar date;~~
 - ~~2) The average hourly NO_x mass emission rate expressed as lbs/hr;~~
 - ~~3) The control period total NO_x mass emissions to date;~~
 - ~~4) Identification of times when emission data have been excluded from the calculation of NO_x mass emissions, the reasons for excluding the data, and any corrective actions taken;~~

- 5) ~~Identification of the times when the pollutant concentration exceeded full span of the CEMS;~~
 - 6) ~~Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with the Performance Specifications in 40 CFR 60, Appendix B; and~~
 - 7) ~~Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60, Appendix F.~~
- e) ~~The owner or operator of any NO_x emission reduction source subject to the continuous monitoring requirements for NO_x under this Subpart, shall submit a compliance certification containing the information recorded under subsection (b) of this Section. All compliance certification reports shall be postmarked by November 1 or the next business day if November 1 falls on a Saturday or Sunday, of each control period in which NO_x emission reductions are generated.~~
- d) ~~Maintenance of records: Unless otherwise provided, the owner or operator of a NO_x emission reduction source shall keep on-site at the source, each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Agency.~~
- 1) ~~The emission reduction proposal and all documents that demonstrate the accuracy of the statements in the proposal for each year the emission reduction source generates NO_x reductions under this Subpart and for 5 years thereafter.~~
 - 2) ~~All emissions monitoring information required pursuant to this Subpart; provided that to the extent that 40 CFR 60 provides for a 3 year period for recordkeeping, the 3 year period shall apply.~~
 - 3) ~~Copies of all reports, compliance certifications, and other submissions and all records made or required under this Subpart.~~
 - 4) ~~Copies of all documents used to complete any permit application and supporting documents and any other submission to demonstrate compliance with the requirements of this Subpart.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.865 Enforcement (Repeal)

- a) ~~Excess emissions requirements: The owner or operator of an emission reduction source for which NO_x reductions have been recognized pursuant to this Section and that has excess NO_x emissions in any control period for which NO_x allowances have been issued must:~~
- 1) ~~For the first control period during which the emission reduction source has excess NO_x emissions, purchase NO_x allowances in an amount equal to 2 times the excess NO_x emissions in accordance with the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;~~
 - 2) ~~For the second control period during which the emission reduction source has excess NO_x emissions, purchase allowances in an amount equal to 3 times the excess NO_x emissions in accordance with the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;~~
 - 3) ~~If the emission reduction source has excess NO_x emissions for 3 control periods, purchase allowances in an amount equal to 4 times the excess NO_x emissions pursuant to the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions, and the NO_x emission reduction proposal shall be automatically revoked. The emission reduction source will thereafter not be able to generate NO_x emission reductions for which NO_x allowances may be issued under this Subpart.~~
- b) ~~All allowances surrendered to the Agency pursuant to subsections (a)(1) through (a)(3) of this Section shall be retired to benefit air quality.~~
- c) ~~Nothing in this Subpart limits the authority of the State or the federal government to seek penalties and injunctive relief for any violation of this Subpart or any permit condition. Nothing in this Subpart limits the right of the State or the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Act or regulations promulgated thereunder or the CAA or applicable federal environmental laws and regulations.~~

(Source: Repealed at Ill. Reg. , effective)

Section 217.Appendix F Allowances for Electrical Generating Units (Repeal)

Company Name/ID #	Generating Unit Designation	EGU Designation	NO _x Budget Allowances	80% of NO _x Budget Allowances	50% of NO _x Budget Allowances	2004, 2005, 2006 Allowances	2007, 2008 Allowances	2009, 2010 Allowances
1	2	3	4	5	6	7	8	9
Company Totals			No NSSA	No NSSA	No NSSA	5% NSSA	2% NSSA	2% NSSA

Ameren Energy Generating Company

135803AA A	Coffeen-1	Coffeen-1	550	440	275	523	431	270
135803AA A	Coffeen-2	Coffeen-2	945	756	473	898	741	463
077806AA A	G. Tower 3	Boiler 7	55	44	28	52	43	27
077806AA A	G. Tower 3	Boiler 8	44	35	22	42	35	22
077806AA A	G. Tower 4	Boiler 9	199	159	100	189	156	98
033801AA A	Hutsonville 3	Boiler 5	161	129	81	153	126	79
033801AA A	Hutsonville 4	Boiler 6	129	103	65	123	101	63
135805AA A	Meredosia 1	Boiler 1	33	26	17	31	26	16
135805AA A	Meredosia 1	Boiler 2	23	18	12	22	18	11
135805AA A	Meredosia 2	Boiler 3	23	18	12	21	18	11
135805AA A	Meredosia 2	Boiler 4	28	22	14	27	22	14
135805AA A	Meredosia 3	Boiler 5	432	346	216	410	339	212
135805AA A	Meredosia 4	Boiler 6	28	22	14	27	22	13
079808AA A	Newton-1	Newton-1	1,101	881	551	1,046	863	539

079808AA A	Newton-2	Newton-2	1,074	859	537	1,020	842	526
Ameren Eng. Gen. Co. Totals			4,825	3,860	2,413	4,584	3,783	2,364

AES

057801AA A	D. Creek	D. Creek	914	731	457	868	717	448
143805AA G	Edwards-1	Edwards-1	251	201	126	239	197	123
143805AA G	Edwards-2	Edwards-2	368	294	184	350	288	180
143805AA G	Edwards-3	Edwards-3	655	524	328	622	513	321
AES Totals			2,188	1,750	1,094	2,079	1,715	1,072

CWLP

167120AA O	Dallman-1	Boiler-31	141	113	71	134	111	69
167120AA O	Dallman-2	Boiler-32	202	162	101	192	158	99
167120AA O	Dallman-3	Boiler-33	474	379	237	450	372	232
167120AG Q	G-Turbine #2	G-Turbine #2	91	73	46	86	71	45
167120AA O	Lakeside-7	Lakeside-7	47	38	24	45	37	23
167120AA O	Lakeside-8	Lakeside-8	42	34	21	40	33	21
CWLP Totals			997	798	499	947	782	489

Midwest Generation

063806AA F	Collins-1	Collins-1	302	242	151	287	237	148
063806AA F	Collins-2	Collins-2	305	244	153	290	239	150
063806AA F	Collins-3	Collins-3	469	375	235	446	368	230
063806AA F	Collins-4	Collins-4	290	232	145	275	227	142
063806AA F	Collins-5	Collins-5	458	366	229	435	359	224
031600AIN	Crawford-7	Crawford-7	365	292	183	347	286	179
031600AIN	Crawford-8	Crawford-8	463	370	232	440	363	227
031600AM I	Fisk-19	Fisk-19	523	418	262	497	410	256

031600AM	Fisk-Partner	GT 31-1	9	7	5	9	7	4
031600AM	Fisk-Partner	GT 31-2	9	7	5	9	7	4
031600AM	Fisk-Partner	GT 32-1	9	7	5	9	7	4
031600AM	Fisk-Partner	GT 32-2	9	7	5	9	7	4
031600AM	Fisk-Partner	GT 33-1	9	7	5	8	7	5
031600AM	Fisk-Partner	GT 33-2	9	7	5	8	7	5
031600AM	Fisk-Partner	GT 34-1	9	7	5	8	7	5
031600AM	Fisk-Partner	GT 34-2	9	7	5	8	7	5
197809AA	Johet-6	Boher-5	119	95	60	113	93	58
197809AA	Johet-7	Boher-7	455	364	228	432	357	223
197809AA	Johet-7	Boher-7	709	567	355	673	556	347
197809AA	Johet-8	Boher-8	748	598	374	711	587	367
197809AA	Johet-8	Boher-8	497	398	249	472	390	244
179801AA	Poweren-5	Boher-5	739	591	370	702	579	362
179801AA	Poweren-5	Boher-5	739	591	370	702	579	362
179801AA	Poweren-6	Boher-6	739	591	370	702	579	362
179801AA	Poweren-6	Boher-6	739	591	370	702	579	362
097190AA	Waukegan	Boher-17	199	159	100	189	156	98
097190AA	Waukegan	Waukegan	376	301	188	357	295	184
097190AA	Waukegan	Waukegan	667	534	334	634	523	327
097190AA	Peaker	GT 31-1	5	4	3	4	4	2
097190AA	Peaker	GT 31-2	5	4	3	5	4	2

097190AA E	Peaker	GT-32-1	5	4	3	5	4	3
097190AA E	Peaker	GT-32-2	5	4	3	5	4	3
197810AA K	Will County 1	Will County 1	364	291	182	346	285	178
197810AA K	Will County 2	Will County 2	354	283	177	336	278	173
197810AA K	Will County 3	Will County 3	449	359	225	427	352	220
197810AA K	Will County 4	Will County 4	766	613	383	728	601	375
Midwest Generation Totals			11,926	9,541	5,963	11,330	9,350	5,844

Dom. Energy

021814AA B	Kineaid-1	Kineaid-1	792	634	396	752	621	388
021814AA B	Kineaid-2	Kineaid-2	873	698	437	829	684	428
Dom. Energy Totals			1,665	1,332	833	1,581	1,305	816

El. Energy Inc.

127855AA E	Joppa-1	Joppa-1	481	385	241	457	377	236
127855AA E	Joppa-2	Joppa-2	515	412	258	489	404	252
127855AA E	Joppa-3	Joppa-3	513	410	257	487	402	251
127855AA E	Joppa-4	Joppa-4	384	307	192	365	301	188
127855AA E	Joppa-5	Joppa-5	463	370	232	440	363	227
127855AA E	Joppa-6	Joppa-6	524	419	262	498	411	257
El. Energy Inc. Totals			2,880	2,304	1,440	2,736	2,258	1,411

DMG

157851AA A	Baldwin-1	Baldwin-1	1,114	891	557	1,058	873	546
157851AA A	Baldwin-2	Baldwin-2	931	745	466	884	730	456
157851AA A	Baldwin-3	Baldwin-3	1,318	1,054	659	1,252	1,034	646
125804AA B	Havana 1-5	Boiler-1	0	0	0	0	0	0

125804AA B	Havana 1-5	Boiler-2	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler-3	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler-4	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler-5	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler-6	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler-7	0	0	0	0	0	0
125804AA B	Havana 1-5	Boiler-8	0	0	0	0	0	0
125804AA B	Havana-6	Boiler-9	547	438	274	520	429	268
155010AA A	Hennepin-1	Hennepin-1	149	119	75	142	117	73
155010AA A	Hennepin-2	Hennepin-2	540	432	270	513	423	265
183814AA A	Vermilion 1	Vermilion 1	17	14	9	16	13	8
183814AA A	Vermilion 2	Vermilion 2	31	25	16	30	24	15
119020AA E	Wood River-1	Wood River-1	0	0	0	0	0	0
119020AA E	Wood River-2	Wood River-2	0	0	0	0	0	0
119020AA E	Wood River-3	Wood River-3	0	0	0	0	0	0
119020AA E	Wood River-4	Wood River-4	219	175	110	208	172	107
119020AA E	Wood River-5	Wood River-5	714	571	357	678	560	350
DMG Totals			5,580	4,464	2,790	5,301	4,375	2,734

SIPCO

199856AA C	Marion-1	Marion-1	14	11	7	13	11	7
199856AA C	Marion-2	Marion-2	10	8	5	10	8	5
199856AA C	Marion-3	Marion-3	30	24	15	29	23	15
199856AA C	Marion-4	Marion-4	511	409	256	485	401	250

SIPCO Totals	565	452	283	537	443	277
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Union Electric

119105AA A	Turbine	Turbine	4	3	2	4	3	2
119105AA A	Venice-1	Venice-1	10	8	5	9	8	5
119105AA A	Venice-2	Venice-2	13	10	7	12	10	6
119105AA A	Venice-3	Venice-3	6	5	3	6	5	3
119105AA A	Venice-4	Venice-4	7	6	4	7	5	4
119105AA A	Venice-5	Venice-5	15	12	8	14	12	7
119105AA A	Venice-6	Venice-6	16	13	8	15	13	8
119105AA A	Venice-7	Venice-7	2	2	1	2	1	1
119105AA A	Venice-8	Venice-8	2	2	1	2	2	1
Union Electric Totals			75	60	38	71	59	37

TOTAL	30,701	24,561	15,351	29,166	24,070	15,044
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(Source: Repealed at Ill. Reg. , effective)