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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nitrogen Oxides Emissions
- 2) Code Citation: 35 Ill. Adm. Code 217
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
217.100	Amended
217.101	Amended
217.102	Amended
217.104	Amended
217.750	New
217.752	New
217.754	New
217.756	New
217.758	New
217.760	New
217.762	New
217.764	New
217.768	New
217.770	New
217.772	New
217.774	New
217.776	New
217.778	New
217.780	New
217.782	New
APPENDIX D	New
APPENDIX F	New
- 4) Statutory Authority: Implementing Sections 9, 9.1, 9.9, and 10 and authorized by Sections 27 and 28.5 of the Illinois Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27, and 28.5]
- 5) Effective Date of Amendments: December 26, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes, the phenol disulfonic acid method as published in 40 CFR 60, Appendix A, Method 7 (1999); 40 CFR 96, subpart B, D, G and H (1999); 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) and (b), 96.56 and 96.57 (1999); and 40 CFR 72, 75, and 76 (1999)
- 8) A copy of the adopted amendment, including the material incorporated by reference, is on file in the Board's office at 100 W. Randolph, Suite 11-500, Chicago, Illinois, and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 4, 2000, 24 Ill. Reg. 11493

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In the Table of Contents, the following changes should be made:
- a) Section 217.762, deleted the quotation marks.
 - b) Section 217.764, added "Budget" before "EGUs".
 - c) Section 217.774, changed "Opt-in" to "Opt-In".
 - d) Section 217.776, changed "Opt-in" to "Opt-In".
 - e) Section 217.778, changed "Opt-in" to "Opt-In".
 - f) Section 217.778, deleted the word "the".
 - g) Section 217.780, changed "Opt-in" to "Opt-In".
 - h) Section 217.782, changed "Opt-in" to "Opt-In".
 - i) APPENDIX A through APPENDIX F, changed "Appendix" to "APPENDIX".
 - j) AUTHORITY:, changed "Section 27" to "Sections 27 and 28.5".
 - k) AUTHORITY:, "5B415 ILCS 5/9.9, 10 and 27.5D" to "[415 ILCS 5/9.9, 10, 27, and 28.5.]".
 - l) AUTHORITY:, delete the period after "5" and add a period at the end.
 - m) SOURCE:, omitted duplicate "Ill. Reg. ___".

In Section 217.101, deleted "and".

In Section 217.101, deleted the period after "(1999)" and added "and".

In Section 217.101, added "(c) Determination of Nitrogen Oxide Emissions from Stationary Sources (Instrumental Analyzer Procedure). 40 CFR 60, Appendix A, Method 7E (1999)".

In Section 217.104, changed "Subparts" to "subparts".

In Section 217.750, added after the word year ", except that in 2004, "control period" means May 31 through September 30".

In Section 217.750, deleted the period after "Act".

In Section 217.754, deleted "(501)".

In Section 217.754, added "(c)" after "subsection".

In Section 217.754, before "subsection (c)" added "this".

In Section 217.754, deleted "of this Section".

In Section 217.754, added a comma after "or".

In Section 217.754, deleted the period after the semicolon.

In Section 217.754, added a comma after "(mmbtu)".

In Section 217.754, added "(c)" after "subsection".

In Section 217.754, added a comma after "years".

In Section 217.754, changed "opt-into" to "opt-in to".

In Section 217.756, deleted the comma after "(b)" and added "and".

In Section 217.756, changed "Subpart" to "subpart".

In Section 217.756, changed "Subpart" to "subpart".

In Section 217.756, changed "Subpart" to "subpart".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, changed "May 1, 2003" to "May 31, 2004".
- In Section 217.756, changed "[63 Fed. Reg. 57355 (October 27, 1998)]" to "(63 Fed. Reg. 57355 (October 27, 1998))".
- In Section 217.756, changed "Subparts" to "subparts".
- In Section 217.756, before the period add "5B415 ILCS 5/9.9(f)5D".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, added after "Program" "or with the requirements of this Subpart".
- In Section 217.756, changed "part" to "CFR".
- In Section 217.756, changed "Subparts" to "subparts".
- In Section 217.756, changed "Subpart" to "subpart".
- In Section 217.756, deleted "Excess emissions requirements".
- In Section 217.756, deleted ":".
- In Section 217.756, replaced "A Surrender" with "surrender".
- In Section 217.756, replaced ";" and " with a period.
- In Section 217.756, added "6" and deleted "B"; replaced "Pay" with "The owner or operator of a budget EGU that has excess emissions in any control period shall pay".
- In Section 217.756, replaced "40 CFR 96.4(b)" with "Section 217.754(c) of this Subpart".
- In Section 217.758, changed "Subpart" to "subpart".
- In Section 217.758, changed "2002" to "2003".
- In Section 217.758, after "explanation" added "of".
- In Section 217.758, added hard return and "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".
- In Section 217.760, changed "2003" to "2004".
- In Section 217.760, changed "2005" to "2006".
- In Section 217.760, changed "2006" to "2007".
- In Section 217.760, changed "may" to "must".
- In Section 217.760, changed "pro-rata" to "pro rata".
- In Section 217.762, deleted the quotation marks.
- In Section 217.762, after "(b)" added "(1)".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 217.762, changed "Where" to "Where:".

In Section 217.764, changed "three-percent (3%) to "3%".

In Section 217.764, added "Budget" before "EGUs".

In Section 217.764, after "Section" added "and Section 217.768 of this Part for new sources".

In Section 217.764, changed "Specifically," to "Specifically:".

In Section 217.764, deleted "2003,".

In Section 217.764, deleted "and".

In Section 217.764, after "2005" added ", and 2006".

In Section 217.764, changed "2006" to "2007".

In Section 217.764, deleted the comma after "Part".

In Section 217.764, changed "2002" to "2003".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted the comma after "2003".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2003, and".

In Section 217.764, changed "2002" to "2003".

In Section 217.764, changed "2003" to "2004".

In Section 217.764, changed "2006" to "2007".

In Section 217.764, changed "2007" to "2008".

In Section 217.764, deleted the comma after "Part".

In Section 217.764, changed "2003" to "2004".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, changed "mmbtu" to "mmbtu".

In Section 217.764, before "217.762(a)(2)" added "Section".

In Section 217.764, before "the" added "if".

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, changed "6, 017" to "6,017".

In Section 217.764, changed "Part" to "Section".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2004, and".

In Section 217.764, changed "2003" to "2004".

In Section 217.764, changed "2004" to "2005".

In Section 217.764, changed "2007" to "2008".

In Section 217.764, changed "2008" to "2009".

In Section 217.764, changed "Part," to "Part".

In Section 217.764, changed "2004" to "2005".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, deleted the comma after "2004".

In Section 217.764, after "Section," added "if".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2005, and".

In Section 217.764, changed "2004" to "2005".

In Section 217.764, changed "2008" to "2009".

In Section 217.764, after "subsection" added "(d)".

In Section 217.764, changed "2005" to "2006".

In Section 217.764, changed "2008" to "2009".

In Section 217.764, changed "2009" to "2010".

In Section 217.764, changed "Part," to "Part".

In Section 217.764, deleted the comma after "2005".

In Section 217.764, changed "2005" to "2006".

In Section 217.764, changed "Equation 1 as follows:" to "the following equation:".

In Section 217.764, deleted "Eq. 1:".

In Section 217.764, changed "Sections" to "Section".

In Section 217.764, after the comma added "if".

In Section 217.764, changed "pro-rate" to "prorate".

In Section 217.764, after "EGUs" added "that commenced commercial operation after May 1, 2006, and".

In Section 217.764, changed "2005" to "2006".

In Section 217.764, changed "2009" to "2010".

In Section 217.764, after "subsection" added "(e)".

In Section 217.764, changed "2006" to "2007".

In Section 217.764, changed "2009" to "2010".

In Section 217.764, changed "2010" to "2011".

In Section 217.764, changed "thereafter," to "thereafter:".

In Section 217.764, added a double return, inserted "1)", changed "the" to "The".

In Section 217.764, changed "1" to "A".

In Section 217.764, replaced "; and" with a period.

In Section 217.764, deleted the comma after "2006".

In Section 217.764, changed "2" to "B".

In Section 217.764, changed "3" to "2".

In Section 217.764, after "EGUs" added "that commenced commercial operation after the control period four years prior to the year in which allocations are made and".

In Section 217.764, changed "4" to "3".

In Section 217.764, changed "2010" to "2011".

In Section 217.764, changed "subsection" to "subsection (f)".

In Section 217.764, changed "5" to "4".

In Section 217.768, changed "three-percent (3%) to "3%".

In Section 217.768, deleted "2003,".

In Section 217.768, deleted "and".

In Section 217.768, after "2005," added "and 2006,".

In Section 217.768, changed "2006" to "2007".

In Section 217.768, deleted "2003,".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 217.768, deleted "and".
 In Section 217.768, after "2005," added "and 2006,".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, after "subject" added "to".
 In Section 217.768, changed "2008" to "2009".
 In Section 217.768, changed "new-source" to "new source".
 In Section 217.768, changed "five percent (5%) to "5%".
 In Section 217.768, changed "two percent (2%) to "2%".
 In Section 217.768, deleted after "EGU" "of the".
 In Section 217.768, changed "EGU" to "EGUs".
 In Section 217.768, after the word "have" added "commenced commercial operation but have".
 In Section 217.768, deleted "more than".
 In Section 217.768, replaced "half of a full" with "at least 77 days of the".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2003," to "2004,".
 In Section 217.768, added "have" after "that".
 In Section 217.768, changed "commence" to "commenced".
 In Section 217.768, after "operation" added "but have operated".
 In Section 217.768, deleted "less".
 In Section 217.768, changed "than one-half" to "76 or fewer days".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, deleted "2003,".
 In Section 217.768, deleted "and".
 In Section 217.768, after "2005," added "and 2006,".
 In Section 217.768, deleted the comma after "Section".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "2003" to "2004".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, changed "2006" to "2007".
 In Section 217.768, changed "2002" to "2003".
 In Section 217.768, changed "180650," to "180650".

In Section 217.770, changed "2001 or 2002" to "2001, 2002, or 2003".
 In Section 217.770, changed "2003 and/or" to "the".
 In Section 217.770, changed "2004" to "2004 control period, or later control periods authorized by USEPA".
 In Section 217.770, changed "Subpart" to "subpart".
 In Section 217.770, after "requested." inserted "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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2000 control period."
 In Section 217.770, changed "80" to "90".
 In Section 217.770, changed "Subpart" to "subpart". In Section 217.770, deleted ":".
 In Section 217.770, changed "permit; or" to "permit."
 In Section 217.770, changed "percent" to "%".
 In Section 217.770, added a comma after "2001".
 In Section 217.770, deleted "and".
 In Section 217.770, after "2002" added ", and 2003,".
 In Section 217.770, deleted "such".
 In Section 217.770, deleted "or".
 In Section 217.770, changed "period." to "period; and", added double return "C) November 1, 2003, for reductions made in the 2003 control period."
 In Section 217.770, replaced "1, 2003" with "31, 2004".
 In Section 217.770, after the word "submitted" added "in accordance with any rulemaking or guidance by USEPA on the distribution of the Compliance Supplement Pool under the NOx SIP Call (63 Fed. Reg. 57356)."
 In Section 217.770, deleted "by November 1 of the year two years before the implementation date for the reductions made in the control period two years before the implementation date, and by November 1 of the year preceding the implementation date for the reductions made in the control period preceding the implementation date. Should this occur, the other dates in this Section shall be adjusted accordingly."
 In Section 217.770, changed "two" to "three".
 In Section 217.770, replaced "Not" with "If USEPA has approved this Subpart as a SIP revision, not".
 In Section 217.770, changed "7,630" to "one-half of the total".
 In Section 217.770, deleted "and".
 In Section 217.770, replaced "At least 7,631" with "Not more than one-half of the total".
 In Section 217.770, deleted ", plus any ERC allowances".
 In Section 217.770, deleted "not allocated pursuant to subsection (f)(2)(A) of this Section,".
 In Section 217.770, changed "2002." to "2002; and", inserted a new line "C) Any ERC allowances not allocated pursuant to subsections (f)(2)(A) or (B) of this Section, for reductions made in the control period in 2003."
 In Section 217.770, changed "2001" to "2003".
 In Section 217.770, added "the" after "in".
 In Section 217.770, changed "2001" to "2003".
 In Section 217.770, changed "(e)" to "(f)".
 In Section 217.770, replaced "basis; and" with "basis."
 In Section 217.770, deleted entire line.
 In Section 217.770, deleted entire line.
 In Section 217.770, deleted entire line.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 217.770, changed "May" to "March".
 In Section 217.770, deleted "and".
 In Section 217.770, changed "May" to "March".
 In Section 217.770, changed "subsections" to "subsection".
 In Section 217.770, deleted "." and added "; and"; added a double return and "3) By March 1, 2004, for ERCs requested for and earned in the 2003 control period."
 In Section 217.770, changed "2003" to "2004".
 In Section 217.770, changed "Section;" to "Section."
 In Section 217.770, changed "periods" to "period".
 In Section 217.770, deleted "2003 or".
 In Section 217.770, after "2004" added "or such additional control periods as may be specified by USEPA".
 In Section 217.770, changed "2003 or 2004; and" to "2004."

 In Section 217.774, changed "Opt-in" to "Opt-In".
 In Section 217.774, deleted "or".
 In Section 217.774, after "system" added ", cement kiln or stationary internal combustion engine".
 In Section 217.774, deleted "or, for a unit that does not vent all of its emissions to a stack, obtains a permit with federally enforceable conditions specifying the applicable conditions for participation in the NOx Trading Program".
 In Section 217.774, deleted "and". In Section 217.774, changed "Part." to "Part; and".
 In Section 217.774, added 2 hard returns and "6) Is not located at a source listed in Appendix D of this Part."
 In Section 217.774, changed "Account Representative" to "account representative".
 In Section 217.774, changed "Subpart" to "subpart".

 In Section 217.776, changed "Subpart" to "subpart".
 In Section 217.776, changed "Subpart" to "subpart".
 In Section 217.776, changed "Subpart" to "subpart".
 In Section 217.776, changed "80" to "90".
 In Section 217.776, changed percent "percent" to "2%".
 In Section 217.776, changed "Opt-in" to "Opt-In".
 In Section 217.776, deleted "before".
 In Section 217.776, added a hard return after "withdrawal.", inserted "1)" before "Before".
 In Section 217.776, changed "1" to "A".
 In Section 217.776, changed "2" to "B".
 In Section 217.776, changed "3" to "2".

 In Section 217.778, changed "subsections" to "subsection".
 In Section 217.778, deleted "and (b)(2)".
 In Section 217.778, replaced "the control" with "the same or earlier control".

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

In Section 217.778, changed "Notification:" to "Notification."
 In Section 217.778, changed "withdraw" to "withdrawn".
 In Section 217.778, deleted underlining.
 In Section 217.780, changed "Opt-in" to "Opt-In".
 In Section 217.780, changed "of" to "after".
 In Section 217.780, after "and" added "is".
 In Section 217.780, changed "permit," to "permit".
 In Section 217.780, changed "USEPA's" to "USEPA".
 In Section 217.780, deleted one space between the word "unit" and the parenthesis.
 In Section 217.780, changed "Section under" to "Section or under".

 In Section 217.782, changed "Subpart" to "subpart".
 In Section 217.782, replaced "opt-in for" with "opt-in unit for".
 In Section 217.782, deleted "the control period in".
 In Section 217.782, deleted "prior to the year".
 In Section 217.782, changed "217.778" to "217.776".

 In Section 217.APPENDIX F, changed "Allowance Allocations" to "Allowances".
 In Section 217.APPENDIX F, changed "For" to "for".
 In Section 217.APPENDIX F, in column 7 changed "2003, 2004, 2005" to "2004, 2005, 2006"; in column 8 changed "2006, 2007" to "2007, 2008"; in column 9 changed "2008, 2009" to "2009, 2010".

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
217.104	Amendment	24 Ill. Reg. 13579, September 8, 2000
217.600	New Section	24 Ill. Reg. 13579, September 8, 2000
217.602	New Section	24 Ill. Reg. 13579, September 8, 2000
217.604	New Section	24 Ill. Reg. 13579, September 8, 2000
217.606	New Section	24 Ill. Reg. 13579, September 8, 2000
217.608	New Section	24 Ill. Reg. 13579, September 8, 2000
217.610	New Section	24 Ill. Reg. 13579, September 8, 2000
217.650	New Section	24 Ill. Reg. 16467, November 13, 2000
217.652	New Section	24 Ill. Reg. 16467, November 13, 2000
217.654	New Section	24 Ill. Reg. 16467, November 13, 2000
217.656	New Section	24 Ill. Reg. 16467, November 13, 2000
217.658	New Section	24 Ill. Reg. 16467, November 13, 2000
217.660	New Section	24 Ill. Reg. 16467, November 13, 2000
217.662	New Section	24 Ill. Reg. 16467, November 13, 2000

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.664	New Section	24 Ill. Reg. 16467, November 13, 2000
217.666	New Section	24 Ill. Reg. 16467, November 13, 2000
217.668	New Section	24 Ill. Reg. 16467, November 13, 2000
217.670	New Section	24 Ill. Reg. 16467, November 13, 2000
217.672	New Section	24 Ill. Reg. 16467, November 13, 2000
217.674	New Section	24 Ill. Reg. 16467, November 13, 2000
217.676	New Section	24 Ill. Reg. 16467, November 13, 2000
217.678	New Section	24 Ill. Reg. 16467, November 13, 2000
217.680	New Section	24 Ill. Reg. 16467, November 13, 2000
217.682	New Section	24 Ill. Reg. 16467, November 13, 2000
217.800	New Section	24 Ill. Reg. 16467, November 13, 2000
217.805	New Section	24 Ill. Reg. 16467, November 13, 2000
217.810	New Section	24 Ill. Reg. 16467, November 13, 2000
217.815	New Section	24 Ill. Reg. 16467, November 13, 2000
217.820	New Section	24 Ill. Reg. 16467, November 13, 2000
217.825	New Section	24 Ill. Reg. 16467, November 13, 2000
217.830	New Section	24 Ill. Reg. 16467, November 13, 2000
217.835	New Section	24 Ill. Reg. 16467, November 13, 2000
217.840	New Section	24 Ill. Reg. 16467, November 13, 2000
217.845	New Section	24 Ill. Reg. 16467, November 13, 2000
217.850	New Section	24 Ill. Reg. 16467, November 13, 2000
217.855	New Section	24 Ill. Reg. 16467, November 13, 2000
217.860	New Section	24 Ill. Reg. 16467, November 13, 2000
217.865	New Section	24 Ill. Reg. 16467, November 13, 2000
Appendix E	New Section	24 Ill. Reg. 16467, November 13, 2000

- 15) Summary and Purpose of the Amendment: A complete description of this Section 28.5 fast-track rulemaking is included in the Board's December 21, 2000 opinion and order in docket R01-9, which is available from the address below. Specifically, the rule implements a nitrogen oxide (NOx) emissions trading program for large fossil fuel electrical generating units. The United States Environmental Protection Agency has ordered Illinois, and 21 other states, to reduce their NOx emissions. This rule implements the program to reduce the NOx emissions in Illinois.

- 16) Information and questions regarding this adopted amendment may be directed to:

Catherine Glenn
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St.
 Suite 11-500
 Chicago IL 60601
 (312) 814-6923

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the above address. Please refer to the Docket number

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R01-9 in your request, or download from the Board's Web site at www.ipcb.state.il.us.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

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

SUBPART A: GENERAL PROVISIONS

Section	
217.100	Scope and Organization
217.101	Measurement Methods
217.102	Abbreviations and Units
217.103	Definitions
217.104	Incorporations by Reference

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	
217.121	New Emission Sources

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

Section	
217.141	Existing Emission Sources in Major Metropolitan Areas

SUBPART K: PROCESS EMISSION SOURCES

Section	
217.301	Industrial Processes

SUBPART O: CHEMICAL MANUFACTURE

Section	
217.381	Nitric Acid Manufacturing Processes

SUBPART V: ELECTRIC POWER GENERATION

Section	
217.521	Lake of Egypt Power Plant

SUBPART W: NO(x) TRADING PROGRAM FOR ELECTRICAL
GENERATING UNITS

Section	
217.750	Purpose

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

217.752	<u>Severability</u>
217.754	<u>Applicability</u>
217.756	<u>Compliance Requirements</u>
217.758	<u>Permitting Requirements</u>
217.760	<u>NO(x) Trading Budget</u>
217.762	<u>Methodology For Calculating NO(x) Allocations for Budget electrical Generating Units (EGUs)</u>
217.764	<u>NO(x) Allocations for Budget EGUs</u>
217.768	<u>New Source Set-Asides for "New" Budget EGUs</u>
217.770	<u>Early Reduction Credits for Budget EGUs</u>
217.774	<u>Opt-In Units</u>
217.776	<u>Opt-In Process</u>
217.778	<u>Budget Opt-In Units; Withdrawal from NO(x) Trading Program</u>
217.780	<u>Opt-In Units; Change in Regulatory Status</u>
217.782	<u>Allowance Allocations to Budget Opt-In Units</u>

APPENDIX A	Rule into Section Table
APPENDIX B	Section into Rule Table
APPENDIX C	Compliance Dates
APPENDIX D	<u>Non-Electrical Generating Units</u>
APPENDIX F	<u>Allowances for Electrical Generating Units</u>

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act (415 ILCS 5/9.9, 10, 27, and 28.5).

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, R71-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, p. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended ... R01-9 at 25 Ill. Reg. 128, effective

~~DEC 28 1988~~

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 217.100 Scope and Organization

- This Part sets standards and limitations for emission of oxides of nitrogen from stationary sources.
- Permits for sources subject to this Part may be required pursuant to 35 Ill. Adm. Code 201.
- Notwithstanding the provisions of this Part the air quality standards contained in 35 Ill. Adm. Code 243 may not be violated.
- ~~This Part is divided into Subparts which are grouped as follows:~~
 - ~~Subpart A---General Provisions;~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Subparts B-D:--Fuel-Combustion-Sources-and-Incinerators;
 3) Subparts K-M:--Process-Emission-Sources;
 4) Subparts N-Bnd:--Industry-and-Site-specific-rules;
 d)e) These rules have been grouped for convenience of the public; the scope of each is determined by its language and history.

(Source: Amended at 25 Ill. Reg. 128, effective
DEC 28 2000)

Section 217.101 Measurement Methods

Measurement of nitrogen oxides shall be according to:

- a) The phenol disulfonic acid method as published in 40 CFR 60, Appendix A, 36-Ped-Reg-15,710, Method 7 (1999);
 b) Continuous emissions monitoring pursuant to 40 CFR 75 (1999); and
 c) Determination of Nitrogen Oxides Emissions from Stationary Sources (Instrumental Analyzer Procedure), 40 CFR 60, Appendix A, Method 7E (1999).

(Source: Amended at 25 Ill. Reg. 128, effective
DEC 28 2000)

Section 217.102 Abbreviations and Units

- a) The following abbreviations are used in this Part:

btu	British thermal unit (60° F)
EGU	Electrical Generating Unit
kg	kilogram
kg/MW-hr	kilograms per megawatt-hour, usually used as an hourly emission rate
lb	pound
NO(x)	Nitrogen Oxides
lbs/mmbtu	pounds per million btu, usually used as an hourly emission rate
Mg	megagram or metric tonne
mmbtu	million British thermal units
mmbtu/hr	million British thermal units per hour
MWe	megawatt of electricity
MW	megawatt; one million watts
MW-hr	megawatt-hour
peoc	potential electrical output capacity
ppm	parts per million
ppmv	parts per million by volume
T	English ton

- b) The following conversion factors have been used in this Part:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

English	Metric
2.205 lb	1 kg
1 T	0.907 Mg
1 lb/T	0.500 kg/Mg
mmbtu/hr	0.293 MW
1 lb/mmbtu	1.548 kg/MW-hr

(Source: Amended at 25 Ill. Reg. 128, effective
DEC 26 2000)

Section 217.104 Incorporations by Reference

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

- a) The phenol disulfonic acid method, as published in 40 CFR 60, Appendix A, 36-Ped-Reg-15,710, Method 7 (1999);
 b) 40 CFR 96, subparts B, D, G and H (1999);
 c) 40 CFR 96.1 through 96.3, 96.5 through 96.7, 96.50 through 96.54, 96.55(a) & (b), 96.56 and 96.57 (1999); and
 d) 40 CFR 72, 75 & 76 (1999).

(Source: Amended at 25 Ill. Reg. 128, effective
DEC 26 2000)

SUBPART W: NO(x) TRADING PROGRAM FOR ELECTRICAL GENERATING UNITS

Section 217.750 Purpose

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: Added at 25 Ill. Reg. 128, effective
DEC 26 2000)

Section 217.752 Severability

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

(Source: Added at 25 Ill. Reg. 128, effective
DEC 26 2000)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 217.754 Applicability

- 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 0.0489 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.
- c) 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 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 (c)(1) of this Section and when any of the following occurs:
 - A) The permit with federally enforceable conditions that includes the restrictions in subsection (c)(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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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: Added at 25 Ill. Reg. 12.8, effective
DEC 26 2000)

Section 217.756 Compliance Requirements

1) 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.
- c) 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

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 M, provided that to the extent that 40 CFR 96, subpart M 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 P 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.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

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 M, 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(c) 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: Added DEC 26 2000 25 Ill. Reg. 12 6 effective

Section 217.758 Permitting Requirements

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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."
- 2) 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: Added at 25 Ill. Reg. 128, effective
DEC 26 2000)

Section 217.760 NO(x) Trading Budget

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 217.760 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 30,007 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.
- c) If USEPA adjusts the total base EGU trading budget for any reason, the Agency will adjust the budget pro rata.

(Source: Added at 25 Ill. Reg. 128, effective
DEC 26 2000)

Section 217.762 Methodology for Calculating NO(x) Allocations for Budget

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Electrical Generating Units (EGUs)

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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

A = allowances of NO_x/control period.

(Source: Added at 25 Ill. Reg. 128 effective
DEC 26 2000)

Section 217.764 NO_x Allocations for Budget EGUs

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 of this Part for 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(1) 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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-asides, which the Agency will report by May 1, 2007.
- c) 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:

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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:

$$A = 0.50 \times (HI \times ER) / 2000$$

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 3% of the total number of tons of NO(x)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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).

- 2) 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.
- 3) 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:

$$A = 0.50 \times (HI \times ER) / 2000$$

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,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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: Added at 25 Ill. Reg. 128, effective
DEC 26 2000)

Section 217.768 New Source Set-Asides for "New" Budget EGUs

- 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 217.764(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.
- c) 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 1,525 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 26.42(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.
- ii) 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 P 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 18650 (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: Added 25 Ill. Reg. 32 8, effective

DEC 28, 2000)

Section 217.770 Early Reduction Credits for Budget EGUs

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,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subpart H.

- c) 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/mbtu) 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 (c) 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 (c) 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 BGU 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 BGU 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 BGU 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CFR 96.54 for the control period in 2004.

- 1) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).

(Source: Added at 25 Ill. Reg. 128, effective 11/26/04)

Section 217.774 Opt-In Units

- 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 BGU 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(c) 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 BGU for purposes of applying this Subpart and 40 CFR 96.
- c) Authorized account representative:
 - 1) If an opt-in unit is located at the same source as one or more budget BGUs, it shall have the same account representative as those budget BGUs.
 - 2) If the opt-in unit is not located at the same source as one or more budget BGUs, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.12.
- 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.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: DEC 28 2000 added at 25 Ill. Reg. 128 effective)

Section 217.776 Opt-In Process

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 M. 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 M, the NO(x) emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart M, 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: DEC 28 2000 added at 25 Ill. Reg. 128 effective)

Section 217.778 Budget Opt-In Units: Withdrawal from NO(x) Trading Program

- 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 217.792 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.
- c) 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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: Added at 25 Ill. Reg. 128, effective DEC 26 2000)

Section 217.780 Opt-In Units: Change in Regulatory Status

- 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.
- c) 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 (c)(1) of this Section. If the compliance account or overdraft account does not

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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.

- 2) 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 (c)(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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

account.

(Source: Added at 25 Ill. Reg. 72 B, effective JUL 20 1988)

Section 217.782 Allowance Allocations to Budget Opt-In Units

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(c) 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(c) 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: Added at 25 Ill. Reg. 72 B, effective DEC 1 1980)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 217.APPENDIX D Non-Electrical Generating Units

COMPANY ID #/NAME	UNIT DESIGNATION	UNIT DESCRIPTION
1	2	3
A. E. STALEY MANUFACTURING CO.		
115015ABX	85070061299	COAL-FIRED BOILER 1
115015ABX	85070061299	COAL-FIRED BOILER 2
115015ABX	73020084129	BOILER #25
ARCHER DANIELS MIDLAND CO EAST PLANT		
115015AAE	85060030081	COAL-FIRED BOILER 1
115015AAE	85060030081	COAL-FIRED BOILER 2
115015AAE	85060030081	COAL-FIRED BOILER 3
115015AAE	85060030082	COAL-FIRED BOILER 4
115015AAE	85060030082	COAL-FIRED BOILER 5
115015AAE	85060030082	COAL-FIRED BOILER 6
115015AAE	85060030083	GAS-FIRED BOILER 7
115015AAE	85060030083	GAS-FIRED BOILER 8
CPC INTERNATIONAL INC.		
031012ABI	91020069160	COAL-FIRED BOILER 6
031012ABI	73020146041	BOILER SERIAL 15813
031012ABI	73020146042	BOILER SERIAL 15812
031012ABI	73020146043	GAS FIRED BOILER NO 4
031012ABI	73020147045	BOILER SERIAL 18245
031012ABI	73020147046	GAS FIRED BOILER NO 5
GREAT LAKES NAVAL STATION		
097811AAC	78080071011	BOILER #5
097811AAC	78080071011	BOILER #6
INDIAN REFINING LIMITED PARTNERSHIP		
101805AAC	72110297015	BOILER 18601
101805AAC	72110297016	BOILER 18602
101805AAC	72110297017	BOILER 18603
JEFFERSON SMURFIT CORPORATION		
119010AAL	72120426001	BLR 7-COAL FIRED
MARATHON OIL CO ILLINOIS REFINING DIVISION		
033808AAB	72111291055	BOILER #3 OIL, REF GAS FIRED
033808AAB	72111291056	BOILER #4 REF GAS, OIL FIRED

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

MOBIL JOLIET REFINING CORP
197800AAA 72110567002

197800AAA 86010009043

PEKIN ENERGY COMPANY
179060ACR 73020087019

QUANTUM - USI DIVISION
063800AAC 72100016013
063800AAC 72100016013
063800AAC 72100016014
063800AAC 72100016016
063800AAC 72100016017

QUANTUM - USI DIVISION
041804AAB 72121207108
041804AAB 72121207109
041804AAB 72121207110
041804AAB 72121207111
041804AAB 72121207112

SHELL OIL CO WOOD RIVER MFG COMPLEX
119090AAA 72110633080
119090AAA 72110633081
119090AAA 72110633082

U S STEEL - SOUTH WORKS
031600ALZ 82010044013
031600ALZ 82010044014

UNIV OF ILL - ABBOTT POWER PLANT
019010ADA 82090027006

UNO-VEN COMPANY
197090AAI 72110253037

AUX BOILER-REFINERY
GAS FURNACE IF COGEN
DOWN
STATIONARY GAS
TURBINE

BOILER #1
BOILER #2
#3 GAS FIRED BOILER
#5 GAS FIRED BOILER
#6 BOILER

BOILER NO 1
BOILER NO 2
BOILER NO 3
BOILER NO 4
BOILER NO 5

BOILER NO 15
BOILER NO 16
BOILER NO 17

NO. 6 BOILER, #5 POWER
STATION (FUEL-NAT.GAS)
NO 1 BLR NG

BOILER #7 (265 MBTU)

BOILER 43-B-1

(Source: Added at 25 Ill. Reg. effective 01/26/00)

128 effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 217 APPENDIX F Allowances for Electrical Generating Units

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 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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 Engl	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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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 I	Fisk Peaker	GT 31-1	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 31-2	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 32-1	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 32-2	9	7	5	9	7	4
031600AM I	Fisk Peaker	GT 33-1	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT 33-2	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT 34-1	9	7	5	8	7	5
031600AM I	Fisk Peaker	GT 34-2	9	7	5	8	7	5
197809AA O	Joliet 6	Boiler 5	119	95	60	113	93	58
197809AA O	Joliet 7	Boiler 71	455	364	228	432	357	223
197809AA O	Joliet 7	Boiler 72	709	567	355	673	556	347
197809AA O	Joliet 8	Boiler 81	748	598	374	711	587	367
197809AA O	Joliet 8	Boiler 82	497	398	249	472	390	244
179801AA A	Powerton 5	Boiler 52	739	591	370	702	579	362
179801AA A	Powerton 5	Boiler 51	739	591	370	702	579	362
179801AA A	Powerton 6	Boiler 61	739	591	370	702	579	362

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

179301AA A	Powerton 6	Boiler 62	739	591	370	702	579	362
097190AA C	Waukegan 6	Boiler 17	199	159	100	189	156	98
097190AA C	Waukegan 7	Waukegan 7	376	301	188	357	295	184
097190AA C	Waukegan 8	Waukegan 8	667	534	334	634	523	327
097190AA C	Peaker	GT 31-1	5	4	3	4	4	2
097190AA C	Peaker	GT 31-2	5	4	3	5	4	2
097190AA C	Peaker	GT 32-1	5	4	3	5	4	3
097190AA C	Peaker	GT 32-2	5	4	3	5	4	3
197810AA K	Will County 1	Will County 1	364	291	182	346	285	176
197810AA K	Will County 2	Will County 2	354	283	177	336	278	175
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	Kincaid 1	Kincaid 1	792	634	396	752	621	388
021814AA B	Kincaid 2	Kincaid 2	873	698	437	829	684	428
Dom. Energy Totals			1,665	1,332	833	1,581	1,305	816

El. Energy Inc.

127855AA C	Joppa 1	Joppa 1	481	385	241	457	377	236
127855AA C	Joppa 2	Joppa 2	515	412	258	489	404	252
127855AA C	Joppa 3	Joppa 3	513	410	257	487	402	251

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

127855AA C	Joppa 4	Joppa 4	384	307	192	365	301	188
127855AA C	Joppa 5	Joppa 5	463	370	232	440	363	227
127855AA C	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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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: Added at 25 Ill. Reg. 128, effective DEC 26, 2000)

RECEIVED

SEP 27 2001

AIR PROGRAMS
BRANCH

LRB9207178TAcS

HB1599 Enrolled

1 AN ACT regarding Illinois resource development and energy 38
2 security.

3 Be it enacted by the People of the State of Illinois, 42
4 represented in the General Assembly: 43

5 Section 1. Short title. This Act may be cited as the 46
6 Illinois Resource Development and Energy Security Act. 47

Clerk of the House



Originated in the House of Representatives

PUBLIC ACT 92-12

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30 Section 950. The Environmental Protection Act is amended 3877
31 by changing Section 9.9 and adding Section 9.10 as follows: 3878

32 (415 ILCS 5/9.9) 3881
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1	Sec. 9.9. Nitrogen oxides trading system.	3883
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2 3955
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7 (f) Notwithstanding any provisions in subparts T, U, and 3962
8 W of Section 217 of Title 35 of the Illinois Administrative 3963
9 Code to the contrary, compliance with the regulations 3964
10 promulgated by the Board pursuant to subsections (b) and (d) 3965
11 of this Section is required by May 31, 2004. The--regulations 3966
12 promulgated--by-the-Board-pursuant-to-subsections-(b)-and-(d) 3967
13 of-this-Section-shall-not-be-enforced-until-the-later-of--May 3968
14 17-2003,--or-the-first-day-of-the-control-season-subsequent-to 3969
15 the-calendar-year-in-which-all-of-the-other-states-subject-to 3970
16 the--provisions-of-the-NOx-SIP-Call-that-are-located-in-USEPA 3971
17 Region-V-or-that-are--contiguous--to--Illinois--have--adopted 3972
18 regulations--to--implement--NOx--trading--programs--and-other 3975
19 required-reductions-of-NOx-emissions-pursuant-to-the-NOx--SIP
20 Call,--and--such--regulations-have-received-final-approval-by 3976
21 USEPA-as-part-of-the-respective-states--SIPS-for-ozon,--or--a 3977
22 final--PIP--for--ozone--promulgated-by-USEPA-is-effective-for 3979
23 such-other-states.
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28 Section 999. Effective date. This Act takes effect on 4251
 29 July 1, 2001.

APPROVED

this 22nd day of June, 20 01 A.D.,

George H. Ryan

Michael J. Madigan
Speaker, House of Representatives

[Signature]
President of the Senate