Section 202.303 Monitoring and Testing

The Agency may require that equipment testing and monitoring, as authorized elsewhere in this Chapter, accompany the construction or operation of emission sources under a permit containing an ACS.

Section 202.304 Compliance Dates

a) No owner or operator subject to a permit utilizing an ACS is relieved of the responsibility for achieving and maintaining a reduction of emissions as expeditiously as practicable, but not later than the compliance date required under other applicable regulations.

b) Notwithstanding subsection (a), an owner or operator may demonstrate compliance with 35 Ill. Adm. Code 215 pursuant to an Agency approved alternative compliance plan contained in a permit utilizing an ACS which is applied for prior to December 31, 1982. The Agency shall approve such an alternative compliance plan if, and only if, the applicant demonstrates that:

1) The alternative compliance plan extends the compliance date for each emission source subject to the ACS no longer than necessary to enable that emission source to utilize the ACS, but in no case later than December 31, 1987;

2) The emission source belongs to a category of emission sources having a compliance date of December 31, 1982 or later under 35 Ill. Adm. Code 215;

3) The use of an ACS will result in either greater or faster overall emission reductions than would otherwise be achieved; and

4) Such extension is consistent with the requirements of the Clean Air Act.

Section 202.305 Public Participation

The initial issuance of a permit containing an ACS shall be subject to applicable Agency public participation procedures (35 Ill. Adm. Code 166) prior to issuance. At a minimum, the Agency shall provide an opportunity for public comment.

Section 202.306 Standards for Issuance

The Agency shall issue a permit containing an ACS if, and only if, the permit applicant demonstrates that:

a) The ACS provides, in the aggregate with respect to each regulated pollutant, equivalent or less total emissions than would otherwise be required.

b) The impact of the ACS is environmentally equivalent to that which would otherwise be achieved and maintained under existing requirements.

c) The methods for assuring compliance with the conditions and requirements of the permit under the ACS are equivalent to those that are associated with otherwise applicable requirements.

d) The ACS complies with any applicable requirements contained in 35 Ill. Adm. Code 203, 230 or 231.

e) USEPA has not disapproved the proposed ACS or any compliance schedule it may contain due to the existence of a federal enforcement action pending against a participant in the ACS.

f) The ACS does not permit an increase in emissions of any pollutant which is listed or regulated pursuant to Section 112 of the Clean Air Act (42 U.S.C. 7412 et seq.).

(Source: Amended at 7 Ill. Reg. 8091, effective June 27, 1983)

Section 202.307 Notification to USEPA

Upon issuance of an ACS permit, the Agency shall notify USEPA of emission limitations, alternative compliance plans, and any other permit conditions applicable to emission sources under an ACS.

(Source: Amended at 7 Ill. Reg. 8091, effective June 27, 1983)

SUBPART D: PERMIT DURATION, REVISION AND RENEWAL

Section 202.401 Duration

a) A permit containing an ACS shall be issued for no longer than five years, or for such shorter period as the Agency may specify as necessary for periodic review of the ACS or to accomplish the purposes of the Act or of this Chapter. However, an ACS permit may not be issued for a period of time which is greater than the useful life of an emission source which contributes an emission reduction to the ACS. The burden of proving the useful life of the emission source is on the applicant.

b) Upon the initial issuance or renewal of an ACS permit, the Agency shall consider all factors which it reasonably construes as bearing upon the useful life of an emission source which contributes an emission reduction to the ACS. Where a shutdown emission source contributes an emission reduction to an ACS, the Agency shall specify the useful life of the shutdown emission source in a permit condition. Factors which the Agency considers shall include, as a minimum: