**Section 106.200 General**

a) Description

1) Heated Effluent Demonstration

A) The owner or operator of a source of heated effluent that discharges 150 megawatts (0.5 billion British thermal units per hour) or more must demonstrate, under 35 Ill. Adm. Code 302.211(f), that discharges from that source have not caused and cannot be reasonably expected to cause significant ecological damage to the receiving waters.

B) The owner or operator must make the demonstration under subsection (a)(1)(A) not less than 5 years nor more than 6 years after operations commence.

C) If the Board finds that the proof of the owner or operator under subsection (a)(1)(A) is inadequate, the Board's order will include a requirement that the owner or operator perform appropriate corrective measures within a reasonable time as determined by the Board.

2) Artificial Cooling Lake Demonstration

A) If a discharger wishes to have the Board establish specific thermal standards for its discharge to an artificial cooling lake under 35 Ill. Adm. Code 302.211(j)(5) that would apply to the discharge in lieu of the applicable provisions of the thermal water quality standards set forth in 35 Ill. Adm. Code 302.211 and 303, the discharger must demonstrate, under 35 Ill. Adm. Code 302.211(j)(3), that the artificial cooling lake receiving the heated effluent will be environmentally acceptable and within the intent of the Act.

B) If the Board finds that the proof of the discharger under subsection (a)(2)(A) is adequate, the Board will establish, under 35 Ill. Adm. Code 302.211(j)(5), specific thermal standards to be applied to the discharge to the artificial cooling lake in lieu of the applicable provisions of the thermal water quality standards set forth in 35 Ill. Adm. Code 302.211 and 303.

C) A Board order providing alternate thermal standards under subsection (a)(2)(B) will include, but not be limited to, the following conditions:

i) Under 35 Ill. Adm. Code 302.211(j)(1), all discharges from the artificial cooling lake to other waters of the State must comply with the applicable provisions of 35 Ill. Adm. Code 302.211(b) through (e); and

ii) Under 35 Ill. Adm. Code 302.211(j)(2), the heated effluent discharged to the artificial cooling lake must comply with all applicable provisions of 35 Ill. Adm. Code Subtitle C, Chapter I, except 35 Ill. Adm. Code 302.211(b) through (e).

3) Sulfur Dioxide Demonstrations. Any owner or operator of a fuel combustion emission source may petition the Board, under 35 Ill. Adm. Code 214.185 and this Subpart, for approval of substitute standards from those set forth in 35 Ill. Adm. Code 214.183 and 214.184.

b) Initiation of Proceeding. The owner or operator may initiate a heated effluent, artificial cooling lake or sulfur dioxide demonstration by filing with the Clerk a petition in accordance with this Subpart.

c) Parties. The owner or operator must be named the petitioner and the Agency must be named the respondent.

d) Filing and Service. Filing and service must be in accordance with 35 Ill. Adm. Code 101.Subparts C and J.

(Source: Amended at 41 Ill. Reg. 10104, effective July 5, 2017)