**Section 201.505 Applicability**

a) An owner or operator of a source is eligible to obtain a PBR for a proposed new or modified emission unit if:

1) The proposed emission unit will be located at a CAAPP source that has a CAAPP permit pursuant to Section 39.5 of the Act;

2) There is a PBR that has been adopted and become effective within this Part that is applicable to the proposed emission unit;

3) The proposed emission unit, either alone or as part of a larger project, is not subject to any pre-construction permitting requirements for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act; and

4) The proposed emission unit is not an element in a larger project that otherwise requires a construction permit pursuant to this Part or the Act.

b) A PBR does not:

1) Exempt any owner or operator from the requirements of the CAA or the Act, including determining whether construction or modification of an emission unit, by itself or as part of a project, constitutes a major modification or major source;

2) Exempt any owner or operator from any requirement to notify the Agency or list insignificant activities and emissions levels for CAAPP permit purposes;

3) Relieve the owner or operator of a source from the requirement of including the emissions associated with the emission unit in any pre-construction permitting application for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act;

4) Relieve the owner or operator of the emission unit from any applicable requirements of Section 39.5 of the Act for the emission unit, including any requirement to submit a timely application for a new or modified CAAPP permit that addresses the emission unit; or

5) Relieve the owner or operator of the source from compliance with other applicable statutes and regulations of the United States or the State of Illinois, or with applicable local laws, ordinances, and regulations.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)