**Section 217.150 Applicability**

a) Applicability

1) The provisions of this Subpart and Subparts E, F, G, H, I, and M of this Part apply to the following:

A) All sources that are located in either one of the following areas and that emit or have the potential to emit NOx in an amount equal to or greater than 100 tons per year:

i) The area composed of the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, the Townships of Aux Sable and Goose Lake in Grundy County, and the Township of Oswego in Kendall County; or

ii) The area composed of the Metro East area counties of Jersey, Madison, Monroe, and St. Clair, and the Township of Baldwin in Randolph County; and

B) Any industrial boiler, process heater, glass melting furnace, cement kiln, lime kiln, iron and steel reheat, annealing, or galvanizing furnace, aluminum reverberatory or crucible furnace, or fossil fuel-fired stationary boiler at such sources described in subsection (a)(1)(A) of this Section that emits NOx in an amount equal to or greater than 15 tons per year and equal to or greater than five tons per ozone season.

2) For purposes of this Section, "potential to emit" means the quantity of NOx that potentially could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8,760 hours per year or the quantity of NOx that potentially could be emitted by a stationary source as established in a federally enforceable permit.

b) If a source ceases to fulfill the emissions criteria of subsection (a) of this Section, the requirements of this Subpart and Subpart E, F, G, H, I, or M of this Part continue to apply to any emission unit that was ever subject to the provisions of any of those Subparts.

c) The provisions of this Subpart do not apply to afterburners, flares, and incinerators.

d) Where a construction permit, for which the application was submitted to the Agency prior to the adoption of this Subpart, is issued that relies on decreases in emissions of NOx from existing emission units for purposes of netting or emission offsets, such NOx decreases remain creditable notwithstanding any requirements that may apply to the existing emission units pursuant to this Subpart and Subpart E, F, G, H, I, or M of this Part.

e) The owner or operator of an emission unit that is subject to this Subpart and Subpart E, F, G, H, I, or M of this Part must operate such unit in a manner consistent with good air pollution control practice to minimize NOx emissions.

(Source: Added at 33 Ill. Reg. 13345, effective August 31, 2009)