**Section 217.392 Compliance**

a) On and after January 1, 2008, an owner or operator of an affected engine listed in Appendix G may not operate the affected engine unless the requirements of this Subpart Q are met.

b) On and after May 1, 2010, an owner or operator of a unit identified by Section 217.386(a)(2), and that is not listed in Appendix G, may not operate the affected unit unless the requirements of this Subpart Q are met or the affected unit is exempt pursuant to Section 217.386(b).

c) Owners and operators of an affected unit may use NOx allowances to meet the compliance requirements in Section 217.388 as specified in this subsection (c). A NOx allowance is defined as an allowance used to meet the requirements of a NOx trading program in which the State of Illinois participates where one allowance is equal to one ton of NOx emissions.

1) NOx allowances may be used only under the following circumstances:

A) An anomalous or unforeseen operating scenario inconsistent with historical operations for a particular ozone season or calendar year that causes an exceedance of an emissions or operating hour limitation;

B) To achieve compliance for no more than two events in any rolling five-year period;

C) If the anomalous or unforeseen operating scenario occurs during an ozone season, it counts as a single event for purposes of the calendar year even if there is an exceedance of both an ozone season emission limitation and an annual emissions limitation as a result of such operating scenario; and

D) For a unit that is not listed in Appendix G.

2) The owner or operator of the affected unit must surrender to the Agency a NOx allowance for each ton or portion of a ton of NOx by which actual emissions exceed allowed emissions, as follows:

A) Where a low usage limitation under Section 217.388(a)(3)(B) has been exceeded, the owner or operator of the affected unit must calculate the NOx emissions resulting from the number of hours that exceeded the operating hour low usage limit and surrender to the Agency one NOx allowance for each ton or portion of a ton of NOx that was calculated.

B) For noncompliance with a limitation in an emissions averaging plan that includes low usage units, the owner or operator of the affected low usage unit must calculate the NOx emissions using the applicable allowable emissions concentration from Section 217.388(a)(1).

C) For noncompliance with a seasonal limit in Section 217.388(a)(2), only a NOx ozone season allowance must be used.

D) For noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2), only a NOx annual allowance may be used.

E) Notwithstanding the provisions of subsections (c)(2)(C) and (c)(2)(D) of this Section, if a NOx annual trading program does not exist, a NOx ozone season allowance may be used for noncompliance with the emissions concentration limits in Section 217.388(a)(1), low usage limitations in Section 217.388(a)(3) or an annual limitation in an emissions averaging plan in Section 217.388(a)(2).

3) The owner or operator must submit a report documenting the circumstances that required the use of NOx allowances and identify what actions will be taken in subsequent years to address these circumstances and must transfer the NOx allowances to the Agency's federal NOx retirement account. The report and the transfer of allowances must be submitted by October 31 for exceedances during the ozone season and March 1 for exceedances of the emissions concentration limits, the annual emissions averaging plan limits, or low usage limitations. The report must contain the NATS serial numbers of the NOx allowances.

(Source: Amended at 33 Ill. Reg. 11999, effective August 6, 2009)