**Section 225.510 Compliance Requirements**

a) The designated representative of a CAIR NOx Ozone Season unit must comply with the requirements of the CAIR NOx Ozone Season Trading Program for Illinois as set forth in this Subpart E and 40 CFR 96, subpart AAAA (CAIR NOx Ozone Season Trading Program General Provisions) (excluding 40 CFR 96.304, 96.305(b)(2), and 96.306); 40 CFR 96, subpart BBBB (CAIR Designated Representative for CAIR NOx Ozone Season Sources); 40 CFR 96, subpart FFFF (CAIR NOx Ozone Season Allowance Tracking System); 40 CFR 96, subpart GGGG (CAIR NOx Ozone Season Allowance Transfers); and 40 CFR 96, subpart HHHH (Monitoring and Reporting); as incorporated by reference in Section 225.140.

b) Permit requirements:

1) The designated representative of each source with one or more CAIR NOx Ozone Season units at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the CAIR NOx Ozone Season Trading Program ("CAIR permit") that complies with the requirements of Section 225.520 (Permit Requirements).

2) The owner or operator of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must operate the CAIR NOx Ozone Season unit in compliance with its CAIR permit.

c) Monitoring requirements:

1) The owner or operator of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must comply with the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HHHH; 40 CFR 75; and Section 225.550. The CAIR designated representative of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must comply with those sections of the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HHHH, applicable to a CAIR designated representative.

2) The compliance of each CAIR NOx Ozone Season source with the CAIR NOx Ozone Season emissions limitation pursuant to subsection (d) of this Section will be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart HHHH.

d) Emission requirements:

1) By the allowance transfer deadline, midnight of November 30, 2009, and by midnight of November 30 of each subsequent year if November 30 is a business day, the owner or operator of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must hold allowances available for compliance deductions pursuant to 40 CFR 96.354(a) in the CAIR NOx Ozone Season source's compliance account. If November 30 is not a business day, the allowance transfer deadline means by midnight of the first business day thereafter. The number of allowances held may not be less than the tons of NOx emissions for the control period from all CAIR NOx Ozone Season units at the CAIR NOx Ozone Season source, as determined in accordance with 40 CFR 96, subpart HHHH.

2) Each ton of excess emissions of a CAIR NOx Ozone Season source for each day in a control period, starting in 2009 will constitute a separate violation of this Subpart E, the Act, and the CAA.

3) Each CAIR NOx Ozone Season unit will be subject to the requirements of subsection (d)(1) of this Section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitoring certification requirements pursuant to 40 CFR 96.370(b)(1), (b)(2) or (b)(3) and for each control period thereafter.

4) CAIR NOx Ozone Season allowances must be held in, deducted from, or transferred into or among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts FFFF and GGGG.

5) In order to comply with the requirements of subsection (d)(1) of this Section, a CAIR NOx Ozone Season allowance may not be deducted for compliance according to subsection (d)(1) of this Section for a control period in a calendar year before the year for which the CAIR NOx Ozone Season allowance is allocated.

6) A CAIR NOx Ozone Season allowance is a limited authorization to emit one ton of NOx in accordance with the CAIR NOx Ozone Season Trading Program. No provision of the CAIR NOx Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.305, and no provision of law, will be construed to limit the authority of the United States or the State to terminate or limit this authorization.

7) A CAIR NOx Ozone Season allowance does not constitute a property right.

8) Upon recordation by USEPA pursuant to 40 CFR 96, subpart FFFF or GGGG, every allocation, transfer, or deduction of a CAIR NOx Ozone Season allowance to or from a CAIR NOx Ozone Season source compliance account is deemed to amend automatically, and become a part of, any CAIR permit of the CAIR NOx Ozone Season source. This automatic amendment of the CAIR permit will be deemed an operation of law and will not require any further review.

e) Recordkeeping and reporting requirements:

1) Unless otherwise provided, the owner or operator of the CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(E) of this Section for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the Agency or USEPA.

A) The certificate of representation for the CAIR designated representative for the source and each CAIR NOx Ozone Season unit at the source, all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents must be retained on site at the source beyond such five-year period until the documents are superseded because of the submission of a new certificate of representation, pursuant to 40 CFR 96.313, changing the CAIR designated representative.

B) All emissions monitoring information, in accordance with 40 CFR 96, subpart HHHH.

C) Copies of all reports, compliance certifications, and other submissions and all records made or required pursuant to the CAIR NOx Ozone Season Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR NOx Ozone Season Trading Program or with the requirements of this Subpart E.

D) Copies of all documents used to complete a CAIR permit application and any other submission or documents used to demonstrate compliance pursuant to the CAIR NOx Ozone Season Trading Program.

E) Copies of all records and logs for gross electrical output and useful thermal energy required by Section 225.550.

2) The CAIR designated representative of a CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source must submit to the Agency and USEPA the reports and compliance certifications required pursuant to the CAIR NOx Ozone Season Trading Program, including those pursuant to 40 CFR 96, subpart HHHH and Section 225.550.

f) Liability:

1) No revision of a permit for a CAIR NOx Ozone Season unit may excuse any violation of the requirements of this Subpart E or the requirements of the CAIR NOx Ozone Season Trading Program.

2) Each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit must meet the requirements of the CAIR NOx Ozone Season Trading Program.

3) Any provision of the CAIR NOx Ozone Season Trading Program that applies to a CAIR NOx Ozone Season source (including any provision applicable to the CAIR designated representative of a CAIR NOx Ozone Season source) will also apply to the owner and operator of the CAIR NOx Ozone Season source and to the owner and operator of each CAIR NOx Ozone Season unit at the source.

4) Any provision of the CAIR NOx Ozone Season Trading Program that applies to a CAIR NOx Ozone Season unit (including any provision applicable to the CAIR designated representative of a CAIR NOx Ozone Season unit) will also apply to the owner and operator of the CAIR NOx Ozone Season unit.

5) The CAIR designated representative of a CAIR NOx Ozone Season unit that has excess emissions in any control period must surrender the allowances as required for deduction pursuant to 40 CFR 96.354(d)(1).

6) The owner or operator of a CAIR NOx Ozone Season unit that has excess NOx emissions in any control period must pay any fine, penalty, or assessment or comply with any other remedy imposed pursuant to the Act and 40 CFR 96.354(d)(2).

g) Effect on other authorities: No provision of the CAIR NOx Ozone Season Trading Program, a CAIR permit application, a CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.305 will be construed as exempting or excluding the owner and operator and, to the extent applicable, the CAIR designated representative of a CAIR NOx Ozone Season source or a CAIR NOx Ozone Season unit from compliance with any other regulation promulgated pursuant to the CAA, the Act, any State regulation or permit, or a federally enforceable permit.

(Source: Added at 31 Ill. Reg. 12864, effective August 31, 2007)