**Section 225.235 Units Scheduled for Permanent Shut Down**

a) The emission standards of Section 225.230(a) are not applicable to an EGU that will be permanently shut down as described in this Section:

1) The owner or operator of an EGU that relies on this Section must complete the following actions before June 30, 2009:

A) Have notified the Agency that it is planning to permanently shut down the EGU by the applicable date specified in subsection (a)(3) or (4) of this Section. This notification must include a description of the actions that have already been taken to allow the shut down of the EGU and a description of the future actions that must be accomplished to complete the shut down of the EGU, with the anticipated schedule for those actions and the anticipated date of permanent shut down of the unit.

B) Have applied for a construction permit or be actively pursuing a federally enforceable agreement that requires the EGU to be permanently shut down in accordance with this Section.

C) Have applied for revisions to the operating permits for the EGU to include provisions that terminate the authorization to operate the unit in accordance with this Section.

2) The owner or operator of an EGU that relies on this Section must, before June 30, 2010, complete the following actions:

A) Have obtained a construction permit or entered into a federally enforceable agreement as described in subsection (a)(1)(B) of this Section; or

B) Have obtained revised operating permits in accordance with subsection (a)(1)(C) of this Section.

3) The plan for permanent shut down of the EGU must provide for the EGU to be permanently shut down by no later than the applicable date specified below:

A) If the owner or operator of the EGU is not constructing a new EGU or other generating unit to specifically replace the existing EGU, by December 31, 2010.

B) If the owner or operator of the EGU is constructing a new EGU or other generating unit to specifically replace the existing EGU, by December 31, 2011.

4) The owner or operator of the EGU must permanently shut down the EGU by the date specified in subsection (a)(3) of this Section, unless the owner or operator submits a demonstration to the Agency before the specified date showing that circumstances beyond its reasonable control (such as protracted delays in construction activity, unanticipated outage of another EGU, or protracted shakedown of a replacement unit) have occurred that interfere with the plan for permanent shut down of the EGU, in which case the Agency may accept the demonstration as substantiated and extend the date for shut down of the EGU as follows:

A) If the owner or operator of the EGU is not constructing a new EGU or other generating unit to specifically replace the existing EGU, for up to one year, i.e., permanent shut down of the EGU to occur by no later than December 31, 2011; or

B) If the owner or operator of the EGU is constructing a new EGU or other generating unit to specifically replace the existing EGU, for up to 18 months, i.e., permanent shutdown of the EGU to occur by no later than June 30, 2013; provided, however, that after December 31, 2012, the existing EGU must only operate as a back-up unit to address periods when the new generating units are not in service.

b) Notwithstanding Sections 225.230 and 225.232, any EGU that is not required to comply with Section 225.230 pursuant to this Section must not be included when determining whether any other EGUs at the source or other sources are in compliance with Section 225.230.

c) If an EGU, for which the owner or operator of the source has relied upon this Section in lieu of complying with Section 225.230(a) is not permanently shut down as required by this Section, the EGU must be considered to be a new EGU subject to the emission standards in Section 225.237(a) beginning in the month after the EGU was required to be permanently shut down, in addition to any other penalties that may be imposed for failure to permanently shut down the EGU in accordance with this Section.

d) An EGU that has completed the requirements of subsection (a) of this Section is exempt from the monitoring and testing requirements in Sections 225.239 and 225.240.

e) An EGU that is scheduled for permanent shut down pursuant to Section 225.294(b) is exempt from the monitoring and testing requirements in Sections 225.239 and 225.240.

(Source: Amended at 33 Ill. Reg. 10427, effective June 26, 2009)