**Section 225.310 Compliance Requirements**

a) The designated representative of a CAIR SO2 unit must comply with the requirements of the CAIR SO2 Trading Program for Illinois as set forth in this Subpart C and 40 CFR 96, subpart AAA (CAIR SO2 Trading Program General Provisions, excluding 40 CFR 96.204, and 96.206); 40 CFR 96, subpart BBB (CAIR Designated Representative for CAIR SO2 Sources); 40 CFR 96, subpart FFF (CAIR SO2 Allowance Tracking System); 40 CFR 96, subpart GGG (CAIR SO2 Allowance Transfers); and 40 CFR 96, subpart HHH (Monitoring and Reporting); as incorporated by reference in Section 225.140 .

b) Permit requirements:

1) The owner or operator of each source with one or more CAIR SO2 units at the source must apply for a permit issued by the Agency with federally enforceable conditions covering the CAIR SO2 Trading Program ("CAIR permit") that complies with the requirements of Section 225.320 (Permit Requirements).

2) The owner or operator of each CAIR SO2 source and each CAIR SO2 unit at the source must operate the CAIR SO2 unit in compliance with its CAIR permit.

c) Monitoring requirements:

1) The owner or operator of each CAIR SO2 source and each CAIR SO2 unit at the source must comply with the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HHH. The CAIR designated representative of each CAIR SO2 source and each CAIR SO2 unit at the CAIR SO2 source must comply with those sections of the monitoring, reporting and recordkeeping requirements of 40 CFR 96, subpart HHH, applicable to the CAIR designated representative.

2) The compliance of each CAIR SO2 source with the 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 HHH and 40 CFR 75.

d) Emission requirements:

1) By the allowance transfer deadline, midnight of March 1, 2010, and by midnight of March 1 of each subsequent year if March 1 is a business day, the owner or operator of each CAIR SO2 source and each CAIR SO2 unit at the source must hold a tonnage equivalent in CAIR SO2 allowances available for compliance deductions pursuant to 40 CFR 96.254(a) and (b) in the CAIR SO2 source's CAIR SO2 compliance account. If March 1 is not a business day, the allowance transfer deadline means by midnight of the first business day thereafter. The number of allowances held on the allowance transfer deadline may not be less than the total tonnage equivalent of the tons of SO2 emissions for the control period from all CAIR SO2 units at the CAIR SO2 source, as determined in accordance with 40 CFR 96, subpart HHH.

2) Each ton of excess emissions of SO2 emitted by a CAIR SO2 source for each day of a control period, starting in 2010 will constitute a separate violation of this Subpart C, the Clean Air Act, and the Act.

3) Each CAIR SO2 unit will be subject to the requirements of subsection (d)(1) of this Section for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitoring certification requirements pursuant to 40 CFR 96.270(b)(1) or (2) and for each control period thereafter.

4) CAIR SO2 allowances must be held in, deducted from, or transferred into or among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts FFF and GGG.

5) In order to comply with the requirements of subsection (d)(1) of this Section, a CAIR SO2 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 allowance is allocated.

6) A CAIR SO2 allowance is a limited authorization to emit SO2 in accordance with the CAIR SO2 Trading Program. No provision of the CAIR SO2 Trading Program, the CAIR permit application, the CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.205, 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 SO2 allowance does not constitute a property right.

8) Upon recordation by USEPA pursuant to 40 CFR 96 subpart FFF or subpart GGG, every allocation, transfer, or deduction of a CAIR SO2 allowance to or from a CAIR SO2 source's compliance account is deemed to amend automatically, and become a part of, any CAIR permit of the CAIR SO2 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 SO2 source and each CAIR SO2 unit at the source must keep on site at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) 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 SO2 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 96.213, changing the CAIR designated representative.

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

C) Copies of all reports, compliance certifications, and other submissions and all records made or required pursuant to the CAIR SO2 Trading Program or documents necessary to demonstrate compliance with the requirements of the CAIR SO2 Trading Program or with the requirements of this Subpart C.

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 SO2 Trading Program.

2) The CAIR designated representative of a CAIR SO2 source and each CAIR SO2 unit at the source must submit to the Agency and USEPA the reports and compliance certifications required pursuant to the CAIR SO2 Trading Program, including those pursuant to 40 CFR 96, subpart HHH.

f) Liability:

1) No revision of a permit for a CAIR SO2 unit may excuse any violation of the requirements of this Subpart C or the requirements of the CAIR SO2 Trading Program.

2) Each CAIR SO2 source and each CAIR SO2 unit must meet the requirements of the CAIR SO2 Trading Program.

3) Any provision of the CAIR SO2 Trading Program that applies to a CAIR SO2 source (including any provision applicable to the CAIR designated representative of a CAIR SO2 source) will also apply to the owner and operator of the CAIR SO2 source and to the owner and operator of each CAIR SO2 unit at the source.

4) Any provision of the CAIR SO2 Trading Program that applies to a CAIR SO2 unit (including any provision applicable to the CAIR designated representative of a CAIR SO2 unit) will also apply to the owner and operator of the CAIR SO2 unit.

5) The CAIR designated representative of a CAIR SO2 unit that has excess SO2 emissions in any control period must surrender the allowances as required for deduction pursuant to 40 CFR 96.254(d)(1).

6) The owner or operator of a CAIR SO2 unit that has excess SO2 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 96.254(d)(2).

g) Effect on other authorities: No provision of the CAIR SO2 Trading Program, a CAIR permit application, a CAIR permit, or a retired unit exemption pursuant to 40 CFR 96.205 will be construed as exempting or excluding the owner and operator and, to the extent applicable, the CAIR designated representative of a CAIR SO2 source or a CAIR SO2 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)