**Section 187.202 Eligibility for Participation**

a) Except as provided in subsection (b) of this Section, any person subject to a requirement of the Act or a regulation promulgated thereunder may participate in the pilot program.

b) The following persons shall not be eligible to participate in the pilot program:

1) Any person that is currently subject to an environmental enforcement action under the Act or regulations promulgated thereunder;

2) Any person that has failed to renew any permit, or submit a complete Clean Air Act Permit Program permit application, as may be required by the Act or regulations promulgated thereunder; and

3) Any person that has failed to pay a required fee or penalty to the State of Illinois.

c) In determining whether a person is eligible to participate in the pilot program, the Agency may consider the person's past environmental performance, including, but not limited to, pre-enforcement and enforcement actions and previously adjudicated violations.