**Section 201.169 Special Provisions for Certain Operating Permits**

a) Applicability:

1) Operating permits issued pursuant to Section 39 of the Act for sources of air pollution that are not subject to the requirements of Section 39.5 of the Act and are not required to have a federally enforceable State operating permit are subject to the provisions of this Section.

2) This Section only applies to sources that meet the requirements of subsection (a)(1) above and whose permit has not expired pursuant to a renewal request under subsection (b)(2) of this Section. If this Section no longer applies to a source and its permit has not expired pursuant to a renewal request under subsection (b)(2) of this Section, the terms and conditions of the permit shall remain in effect until the permit is superseded by a new or revised permit or is withdrawn.

3) Nothing in this Subpart shall be construed as exempting persons with permits issued pursuant to this Section from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 procedures for new and modified emission units.

b) Expiration and Renewal:

1) The Agency may request the renewal of an operating permit subject to this Section for reasons including, but not limited to, a change in the requirements applicable to the source; an indication that the information on the source's application is inaccurate; or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.

2) Notwithstanding Section 201.162 of this Subpart, an operating permit subject to this Section shall expire 180 days after the Agency sends a written request for renewal of the permit. A permit shall terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.

3) In its request for renewal pursuant to subsection (b)(2) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Section or the ability of the source to comply with any requirement.

4) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.168 of this Subpart, or a determination that a permit application is incomplete based upon insufficiencies such as, but not limited to, a failure to submit information requested under subsection (b)(3) above or Section 201.158 of this Subpart.

c) Requirement for a Revised Permit:

1) Persons with operating permits subject to this Section must obtain a revised permit prior to any of the following changes at the source:

A) An increase in emissions above the amount the emission unit or the source is permitted to emit; or

B) A modification; or

C) A change in operations that will result in the source's noncompliance with a condition in the existing permit; or

D) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

2) If changes in the source's emission units or control equipment remove a source from the applicability of this Section, an owner or operator shall apply for a construction permit under Section 201.152 of this Subpart, if applicable, and either a federally enforceable State operating permit or a Clean Air Act Permit Program (CAAPP) permit pursuant to Section 39.5 of the Act.

(Source: Added at 22 Ill. Reg. 11451, effective June 23, 1998)