**Section 201.540 Enforcement Authority**

Nothing in this Subpart limits the State's authority to seek penalties and injunctive relief for any violation of any applicable State law or regulation. Nothing in this Subpart limits the right of the federal government or any person to directly enforce against owners or operators due to actions or omissions that constitute violations of permits required by the CAA or applicable laws and regulations.

a) Any owner or operator of a source that commences construction or modification of an emission unit and submits a Notification pursuant to Section 201.510 that is incomplete, or fails to submit any Notification, is deemed to have constructed without the benefit of a permit under Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a) unless the Agency has issued a construction permit other than a PBR for the emission unit pursuant to Section 9(b) of the Act. A violation exists even if it is determined that the Notification was incomplete after construction or modification has already occurred.

b) Any owner or operator of a source that submits a Notification and commences operation of an emission unit covered by a PBR, but fails to submit a complete application for a minor modification to the CAAPP permit in accordance with Section 39.5(14) of the Act, is deemed to have operated without the benefit of a permit under Section 39.5(6)(b) of the Act. A violation exists even if it is determined that the application for a minor permit modification was incomplete after operation has already occurred.

c) Any owner or operator of an emission unit covered by a PBR that violates any condition of this Subpart or the applicable PBR Subpart is deemed to have violated Sections 39.12(e) and 9(b) of the Act, as well as any other applicable State or federal regulation or portion of the Act. If such a violation occurs after the emission unit has commenced operation, the owner or operator is also deemed to have violated Section 39.5(6)(a) of the Act.

(Source: Added at 41 Ill. Reg. 4140, effective March 24, 2017)