**Section 204.860 Exemptions**

a) The requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 do not apply to a particular major stationary source or major modification, if:

1) The source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution and the Governor of Illinois exempts it from those requirements; or

2) The source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

A) Coal cleaning plants (with thermal dryers);

B) Kraft pulp mills;

C) Portland cement plants;

D) Primary zinc smelters;

E) Iron and steel mills;

F) Primary aluminum ore reduction plants;

G) Primary copper smelters;

H) Municipal incinerators capable of charging more than 50 tons of refuse per day;

I) Hydrofluoric, sulfuric, or nitric acid plants;

J) Petroleum refineries;

K) Lime plants;

L) Phosphate rock processing plants;

M) Coke oven batteries;

N) Sulfur recovery plants;

O) Carbon black plants (furnace process);

P) Primary lead smelters;

Q) Fuel conversion plants;

R) Sintering plants;

S) Secondary metal production plants;

T) Chemical process plants. The term "chemical processing plant" shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS Code 325193 or 312140;

U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;

V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

W) Taconite ore processing plants;

X) Glass fiber processing plants;

Y) Charcoal production plants;

Z) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input;

AA) Any other stationary source category that, as of August 7, 1980, is being regulated under section 111 or 112 of the CAA (42 USC 7411 or 7412); or

3) The source is a portable stationary source that has previously received a permit under 40 CFR 52.21 or this Part and:

A) The owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary;

B) The emissions from the source would not exceed its allowable emissions;

C) The emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and

D) Reasonable notice is given to the Agency prior to the relocation identifying the proposed new location and the probable duration of operation at the new location. Such notice shall be given to the Agency not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the Agency.

b) The requirements of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under section 107 of the CAA (42 USC 7407). Nonattainment designations for revoked NAAQS, as contained in 40 CFR 81 (incorporated by reference in Section 204.100), shall not be viewed as current designations under section 107 of the CAA (42 USC 7407) for purposes of determining the applicability of Sections 204.810, 204.820, 204.830, 204.840, 204.850, 204.1100, 204.1110, 204.1120, 204.1130, 204.1140, 204.1200, and 204.1400 to a major stationary source or major modification after the revocation of that NAAQS is effective.

c) The requirements of Sections 204.1110, 204.1130, and 204.1140 shall not apply to a major stationary source or major modification with respect to a particular pollutant if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

1) Would impact no Class I area and no area where an applicable increment is known to be violated; and

2) Would be temporary.

d) The requirements of Sections 204.1110, 204.1130, and 204.1140 as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT would be less than 50 tpy.