**Section 204.1200 Additional Requirements for Sources Impacting Federal Class I Areas**

a) Notice to Federal Land Managers. The Agency shall provide written notice of any permit application for a proposed major stationary source or major modification, the emissions from which may affect a Class I area, to the Federal Land Manager and the federal official charged with direct responsibility for management of any lands within any such area. Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days after receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the Federal Class I area. The Agency shall also provide the Federal Land Manager and such federal officials with a copy of the preliminary determination required by 35 Ill. Adm. Code 252, and shall make available to them any materials used in making that determination, promptly after the Agency makes such determination. Finally, the Agency shall also notify all affected Federal Land Managers within 30 days after receipt of any advance notification of any such permit application.

b) Federal Land Manager. The Federal Land Manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values (including visibility) of such lands and to consider, in consultation with the Agency, whether a proposed source or modification will have an adverse impact on such values.

c) Visibility Analysis. The Agency shall consider any analysis performed by the Federal Land Manager, provided within 30 days after the notification required by subsection (a), that shows that a proposed new major stationary source or major modification may have an adverse impact on visibility in any Federal Class I area. When the Agency finds that such an analysis does not demonstrate to its satisfaction that an adverse impact on visibility will result in the Federal Class I area, the Agency must, in the notice of public hearing on the permit application, either explain its decision or give notice as to where the explanation can be obtained.

d) Denial; Impact On Air Quality Related Values. The Federal Land Manager of any such lands may demonstrate to the Agency that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values (including visibility) of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the Agency concurs with such demonstration, it shall not issue the permit.

e) Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the Federal Land Manager that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies, the Agency may, provided that the applicable requirements of this Part are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of SO2, PM2.5, PM10, and NOX would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants:

|  |  |
| --- | --- |
| Pollutant | Maximum allowable increase  (micrograms per cubic meter) |
| PM2.5: |  |
| Annual arithmetic mean | 4 |
| 24-hr maximum | 9 |
| PM10: |  |
| Annual arithmetic mean | 17 |
| 24-hr maximum | 30 |
| SO2: |  |
| Annual arithmetic mean | 20 |
| 24-hr maximum | 91 |
| 3-hr maximum | 325 |
| NO2: |  |
| Annual arithmetic mean | 25 |

f) Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence. The owner or operator of a proposed source or modification that cannot be approved under subsection (e) may demonstrate to the Governor that the source cannot be constructed by reason of any maximum allowable increase for SO2 for a period of 24 hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this subsection would not adversely affect the air quality related values of the area (including visibility). The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his or her concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such variance is granted, the Agency shall issue a permit to such source or modification under subsection (h), provided that the applicable requirements of this Part are otherwise met.

g) Variance by the Governor with the President's Concurrence. In any case in which the Governor recommends a variance in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if the President finds that the variance is in the national interest. If the variance is approved, the Agency shall issue a permit under subsection (h), provided that the applicable requirements of this Part are otherwise met.

h) Emissions Limitations for Presidential or Gubernatorial Variance. In the case of a permit issued under subsection (f) or (g), the source or modification shall comply with such emission limitations as may be necessary to assure that emissions of SO2 from the source or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to assure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

|  |  |  |
| --- | --- | --- |
| MAXIMUM ALLOWABLE INCREASE  (Micrograms per cubic meter) | | |
| Period of exposure | Low Terrain | High Terrain |
| 24-hr maximum | 36 | 62 |
| 3-hr maximum | 130 | 221 |