**Section 205.405 Exclusions from Further Reductions**

a) VOM emissions from the following emission units, if satisfying subsection(a)(1), (a)(2) or (a)(3) of this Section prior to May 1, 1999, shall be excluded from the VOM emissions reductions requirements specified in Section 205.400(c) and (e) of this Subpart as long as such emission units continue to satisfy subsection (a)(1), (a)(2) or (a)(3) of this Section:

1) Emission units that comply with any NESHAP or MACT standard promulgated pursuant to the CAA;

2) Direct combustion emission units designed and used for comfort heating purposes, fuel combustion emission units and internal combustion engines; and

3) An emission unit for which a LAER demonstration has been approved by the Agency on or after November 15, 1990.

b) When it is determined that an emission unit is using, prior to May 1, 1999, BAT for controlling VOM emissions, VOM emissions from such emission unit shall not be subject to the VOM emissions reductions requirement specified in Section 205.400(c) or (e) of this Subpart as long as such emission unit continues to use such BAT. The owner or operator of a source may request such exclusion from further reductions by providing the following information, in addition to the information required in Section 205.310 of this Part, in its ERMS application:

1) Identification of each emission unit for which exclusion is requested, including the year of initial operation of such emission unit;

2) Identification of all requirements applicable to the emission unit;

3) A demonstration that the emission unit is using BAT for controlling VOM emissions;

4) Identification of the permitted VOM emissions from the emission unit;

5) VOM emissions from the emission unit for each seasonal allotment period used in the baseline emissions determination for the source; and

6) A description and quantification of any reductions in VOM emissions that were achieved at the emission unit or source based on its use of BAT.

c) As part of its review of an ERMS application or application for a modified allotment, the Agency may determine that any such emission unit qualifies for exclusion from further reductions under subsection (a) or (b) of this Section. The Agency shall make its proposed determination in a draft CAAPP permit or FESOP subject to public notice and participation, accompanied by an explanation of its proposed action.

(Source: Amended at 29 Ill. Reg. 8848, effective June 13, 2005)