**Section 212.203 Controlled Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972, Using Solid Fuel Exclusively**

Notwithstanding Sections 212.201 and 212.202 of this Subpart, any fuel combustion emission unit for which construction or modification commenced prior to April 14, 1972, using solid fuel exclusively may, in any one hour period, emit up to, but not exceed 0.31 kg/MW-hr (0.20 lbs/mmbtu), if as of April 14, 1972, any one of the following conditions was met:

a) The emission unit had an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/mmbtu) of actual heat input, and the emission control of such emission unit is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmbtu) from such original design or acceptance performance test conditions; or

b) The emission unit was in full compliance with the terms and conditions of a variance granted by the Pollution Control Board (Board) sufficient to achieve an hourly emission rate less than 0.31 kg/MW-hr (0.20 lbs/mmbtu), and construction has commenced on equipment or modifications prescribed under that program; and emission control of such emission unit is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmbtu) from original design or equipment performance test conditions, whichever is stricter; or

c) The emission unit had an hourly emission rate based on original design or equipment performance test conditions, whichever is stricter, which was less than 0.31 kg/MW-hr (0.20 lbs/mmbtu) of actual heat input, and the emission control of such emission unit is not allowed to degrade more than 0.077 kg/MW-hr (0.05 lbs/mmbtu) from that rate demonstrated by the most recent stack test, submitted to and accepted by the Agency prior to April 1, 1985, provided that:

1) Owners and operators of emission units subject to this subsection shall have applied for a new operating permit by January 9, 1987; and

2) The application for a new operating permit shall have included a demonstration that the proposed emission rate, if greater than the emission rate allowed by subsections (a) or (b) of this Section, will not under any foreseeable operating conditions and potential meteorological conditions cause or contribute to a violation of any applicable primary or secondary ambient air quality standard for particulate matter, or violate any applicable prevention of significant deterioration (PSD) increment, or violate 35 Ill. Adm. Code 201.141.

(Source: Amended at 20 Ill. Reg. 7605, effective May 22, 1996)