**Section 217.840 Agency Action**

a) The Agency shall notify the owner or operator submitting a NOx emission reduction proposal in writing of its decision with respect to the proposal within 90 days after receipt of such proposal and, if applicable, of NOx emissions data to verify that the specified reductions have occurred. The owner or operator of the emission reduction source may extend the deadline for Agency action in writing. If the Agency disapproves or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for the disapproval or conditional approval of the proposal. The following shall be considered a final Agency action for the purposes of appeal: if the Agency fails to take action within such 90 day period, subject to any extension, or if the Agency disapproves a proposal. If the Agency conditionally approves a proposal, the owner or operator of the emission reduction source has 30 days to submit a modified proposal addressing the specific items listed by the Agency. If the owner and operator of the emission reduction source does not submit a modified emission reduction proposal within such 30 day period, the conditional approval shall be deemed to be a disapproval, and shall be deemed to be a final action for purposes of appeal.

b) The NOx emissions reduction proposal will not be effective until:

1) After the owner or operator of the emission reduction source has obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or

2) If NOx emission reductions are being obtained by the shut down of an emission reduction unit, the owner or operator of the emission reduction unit has either:

A) Obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or

B) Withdrawn the applicable permit and the Agency has:

i) Provided USEPA with a copy of the proposal and notice of the Agency's proposed approval of the emission reduction proposal, and USEPA has not disapproved such proposal;

ii) Published notice and offered an opportunity to comment, pursuant to 35 Ill. Adm. Code 252, on such permit withdrawal, its proposed approval of the emission reduction proposal for the shut down of the emission reduction unit and the creditable NOx emission reductions that will be created by the shut down.

c) If the Agency approves the proposal, and subject to the provisions of subsection (b) of this Section, the Agency shall submit an allocation to USEPA for the creditable reductions created pursuant to the requirements of this Subpart subject to the following:

1) Any allowances generated pursuant to this Subpart shall be issued to the recipient emission unit identified in the proposal, for each control period in which the NOx emissions reductions are verified, and the requirements of this Subpart continue to be met;

2) The owner or operator of the emission reduction source has, by the November 1 following the control period that the emission reduction unit has reduced NOx emissions, verified the NOx emission reductions in accordance with Section 217.845 of this Subpart, and obtained a permit containing federally enforceable conditions addressing the requirements of this Subpart;

3) The allowances shall be issued by May 1 after the control period in which the reduction has occurred, for use in any future control period.

(Source: Added at 25 Ill. Reg. 5914, effective April 17, 2001)