**Section 217.865 Enforcement**

a) Excess emissions requirements: The owner or operator of an emission reduction source for which NOx reductions have been recognized pursuant to this Section and that has excess NOx emissions in any control period for which NOx allowances have been issued must:

1) For the first control period during which the emission reduction source has excess NOx emissions, purchase NOx allowances in an amount equal to 2 times the excess NOx emissions in accordance with the federal NOx Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;

2) For the second control period during which the emission reduction source has excess NOx emissions, purchase allowances in an amount equal to 3 times the excess NOx emissions in accordance with the federal NOx Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions;

3) If the emission reduction source has excess NOx emissions for 3 control periods, purchase allowances in an amount equal to 4 times the excess NOx emissions pursuant to the federal NOx Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions, and the NOx emission reduction proposal shall be automatically revoked. The emission reduction source will thereafter not be able to generate NOx emission reductions for which NOx allowances may be issued under this Subpart.

b) All allowances surrendered to the Agency pursuant to subsections (a)(1) through (a)(3) of this Section shall be retired to benefit air quality.

c) Nothing in this Subpart limits the authority of the State or the federal government to seek penalties and injunctive relief for any violation of this Subpart or any permit condition. Nothing in this Subpart limits the right of the State or the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Act or regulations promulgated thereunder or the CAA or applicable federal environmental laws and regulations.

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