

(C) ON OR AFTER JANUARY 1, 2012, AFFECTED FACILITIES COLLECTIVELY MAY NOT EMIT MORE THAN 16,667 TONS OF OXIDES OF NITROGEN PER YEAR.

(D) ON OR AFTER JANUARY 1, 2013, AFFECTED FACILITIES COLLECTIVELY MAY NOT EMIT MORE THAN 37,235 TONS OF SULFUR DIOXIDE PER YEAR.

(E) (1) THE DEPARTMENT SHALL SET EMISSIONS BUDGETS FOR EACH AFFECTED FACILITY TO IMPLEMENT THE EMISSIONS LIMITATIONS IN SUBSECTIONS (A), (B), (C), AND (D) OF THIS SECTION.

(2) (I) THIS PARAGRAPH APPLIES TO AN AFFECTED FACILITY THAT IS OWNED, LEASED, OPERATED, OR CONTROLLED BY A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS MORE THAN ONE AFFECTED FACILITY.

(II) AN AFFECTED FACILITY MAY EMIT MORE THAN THE EMISSIONS BUDGET SET FOR THE FACILITY UNDER PARAGRAPH (1) OF THIS SUBSECTION AS LONG AS THE PERSON OWNING, LEASING, OPERATING, OR CONTROLLING THE AFFECTED FACILITY DOES NOT EXCEED THE CUMULATIVE EMISSIONS BUDGET FOR ALL OF THE AFFECTED FACILITIES THAT THE PERSON OWNS, LEASES, OPERATES, OR CONTROLS.

(3) IF AN AFFECTED FACILITY PERMANENTLY CEASES OPERATION, THE DEPARTMENT:

(I) SHALL SUBTRACT THE EMISSIONS BUDGET FOR THAT AFFECTED FACILITY FROM THE EMISSIONS LIMITATIONS ESTABLISHED IN SUBSECTIONS (A), (B), (C), AND (D) OF THIS SECTION; AND

(II) MAY NOT INCREASE EXISTING EMISSIONS BUDGETS FOR ALL OTHER AFFECTED FACILITIES.

(F) (1) ON OR AFTER JANUARY 1, 2010, A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY SHALL ACHIEVE A MINIMUM 80% CAPTURE OF MERCURY FOR EACH AFFECTED FACILITY, CALCULATED AS A ROLLING 12-MONTH AVERAGE.

(2) ON OR AFTER JANUARY 1, 2013, A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY SHALL ACHIEVE A MINIMUM 90% CAPTURE OF MERCURY FOR EACH AFFECTED FACILITY, CALCULATED AS A ROLLING 12-MONTH AVERAGE.

(3) A PERSON THAT OWNS, LEASES, OPERATES, OR CONTROLS AN AFFECTED FACILITY SHALL DEMONSTRATE COMPLIANCE WITH THIS SUBSECTION THROUGH THE DIRECT MONITORING OF MERCURY EMISSIONS ON A CONTINUOUS BASIS, ACCORDING TO THE REQUIREMENTS OF 40 C.F.R. PART 60, 60.49A(P), 60.4170-60.4176, AND 40 C.F.R. PART 75, SUBPART I.

(4) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH A PROCEDURE TO BE USED TO DETERMINE A BASELINE AMOUNT OF MERCURY AT EACH AFFECTED FACILITY FOR PURPOSES OF CALCULATING THE CAPTURE RATE REQUIRED UNDER THIS SUBSECTION.