

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION**

NOTICE OF INTENDED ACTION

AGENCY NAME:

Department of Environmental Management

RULE NO. & TITLE:

- 335-3-8-.05 NO_x Budget Trading Program (Repeal/New)
- 335-3-8-.06 Authorized Account Representative for NO_x Budget Sources (Repeal/New)
- 335-3-8-.07 Permits (Repeal)
- 335-3-8-.08 Compliance Certification (Repeal)
- 335-3-8-.09 NO_x Allowance Allocations (Repeal)
- 335-3-8-.10 NO_x Allowance Tracking System (Repeal)
- 335-3-8-.11 NO_x Allowance Transfers (Repeal)
- 335-3-8-.12 Monitoring and Reporting (Repeal)
- 335-3-8-.13 Individual Unit Opt Ins (Repeal)
- 335-3-8-.14 New Combustion Sources (Repeal/New)
- 335-3-8-.15 Standards for New Combined Cycle Electric Generating Units (Repeal/New)
- 335-3-8-.16 CAIR NO_x Annual Trading Program (Repeal)
- 335-3-8-.17 CAIR Designated Representative for CAIR NO_x Sources (Repeal)
- 335-3-8-.18 CAIR Permits (Repeal)
- 335-3-8-.20 CAIR NO_x Allowance Allocations (Repeal)
- 335-3-8-.21 CAIR NO_x Allowance Tracking System (Repeal)
- 335-3-8-.22 CAIR NO_x Allowance Transfers (Repeal)
- 335-3-8-.23 CAIR Monitoring and Reporting (Repeal)
- 335-3-8-.24 CAIR NO_x Opt-in Units (Repeal)
- 335-3-8-.25 CAIR NO_x Ozone Season Trading Program (Repeal)
- 335-3-8-.26 CAIR Designated Representative for CAIR NO_x Ozone Season Sources (Repeal)
- 335-3-8-.27 CAIR NO_x Ozone Season Permits (Repeal)
- 335-3-8-.29 CAIR NO_x Ozone Season Allowance Allocations (Repeal)
- 335-3-8-.30 CAIR NO_x Ozone Season Allowance Tracking System (Repeal)
- 335-3-8-.31 CAIR NO_x Ozone Season Allowance Transfers (Repeal)
- 335-3-8-.32 CAIR NO_x Ozone Season Monitoring and Reporting (Repeal)
- 335-3-8-.33 CAIR NO_x Ozone Season Opt-in Units (Repeal)

INTENDED ACTION: Revise Division 3 of the ADEM Administrative Code with the deletion of Rules 335-3-8-.05 (NO_x Budget Trading Program); 335-3-8-.06 (Authorized Account Representative for NO_x Budget Sources); 335-3-8-.07 (Permits); 335-3-8-.08 (Compliance Certification); 335-3-8-.09 (NO_x Allowance Allocations); 335-3-8-.10 (NO_x Allowance Tracking

System); 335-3-8-.11 (NO_x Allowance Transfers); 335-3-8-.12 (Monitoring and Reporting); 335-3-8-.13 (Individual Unit Opt Ins); 335-3-8-.16 (CAIR NO_x Annual Trading Program); 335-3-8-.17 (CAIR Designated Representative for CAIR NO_x Sources); 335-3-8-.18 (CAIR Permits); Rule 335-3-8-.20 (CAIR NO_x Allowance Allocations); 335-3-8-.21 (CAIR NO_x Allowance Tracking System); Rule 335-3-8-.22 (CAIR NO_x Allowance Transfers); 335-3-8-.23 (CAIR Monitoring and Reporting); Rule 335-3-8-.24 (CAIR NO_x Opt-in Units); 335-3-8-.25 (CAIR NO_x Ozone Season Trading Program); Rule 335-3-8-.26 (CAIR Designated Representative for CAIR NO_x Ozone Season Sources); Rule 335-3-8-.27 (CAIR NO_x Ozone Season Permits); Rule 335-3-8-.29 (CAIR NO_x Ozone Season Allowance Allocations); 335-3-8-.30 (CAIR NO_x Ozone Season Allowance Tracking System); Rule 335-3-8-.31 (CAIR NO_x Ozone Season Allowance Transfers); 335-3-8-.32 (CAIR NO_x Ozone Season Monitoring and Reporting); and 335-3-8-.33 (CAIR NO_x Ozone Season Opt-in Units). Rules 334-3-8-.14 (New Combustion Sources) and 334-3-8-.15 (Standards for New Combined Cycle Electric Generating Units) are being relocated to 335-3-8-.05 and 335-3-8-.06; respectively.

SUBSTANCE OF PROPOSED ACTION:

Revisions to the Division 3 Code are being proposed to delete Rules 335-3-8-.05; 335-3-8-.06; 335-3-8-.07; 335-3-8-.08; 335-3-8-.09; 335-3-8-.10; 335-3-8-.11; 335-3-8-.12; 335-3-8-.13; 335-3-8-.14; 335-3-8-.15; 335-3-8-.16; 335-3-8-.17; 335-3-8-.18; 335-3-8-.20; 335-3-8-.21; 335-3-8-.22; 335-3-8-.23; 335-3-8-.24; 335-3-8-.25; 335-3-8-.26; 335-3-8-.27; 335-3-8-.29; 335-3-8-.30; 335-3-8-.31; 335-3-8-.32; and 335-3-8-.33 in order to be consistent with Federal Rules. Rules 334-3-8-.14 (New Combustion Sources); and 334-3-8-.15 (Standards for New Combined Cycle Electric Generating Units) are being relocated to 335-3-8-.05 and 335-3-8-.06; respectively.

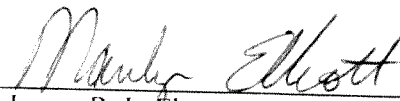
TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., November 9, 2011, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 10, 2011.

CONTACT PERSON AT AGENCY:

Chris Howard (334) 271-7878



Lance R. LeFleur
Director

335-3-8-.12 REPEAL Monitoring and Reporting. Reserved.

~~(1) General requirements. The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x Budget unit, shall comply with the monitoring and reporting requirements as provided in this rule and in 40 CFR 75, Subpart H. For purposes of complying with such requirements, the definitions in rule 335-3-8-.05(2) and in 40 CFR, § 72.2 shall apply, and the terms "affected unit", "designated representative", and "continuous emission monitoring system" (or "CEMS") in 40 CFR 75 shall be replaced by the terms "NO_x Budget unit", "NO_x authorized account representative", and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in rule 335-3-8-.05(2).~~

~~(a) Requirements for installation, certification, and data accounting. The owner or operator of each NO_x Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt in permit is submitted and not denied or withdrawn, as provided in rule 335-3-8-.13:~~

~~1. Install all monitoring systems required under this rule for monitoring NO_x mass. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input, and flow, in accordance with 40 CFR, §§ 75.72 and 75.75.~~

~~2. Install all monitoring systems for monitoring heat input, if required under paragraph (7) of this rule for developing NO_x allowance allocations.~~

~~3. Successfully complete all certification tests required under paragraph (2) of this rule and meet all other provisions of this rule and 40 CFR 75 applicable to the monitoring systems under subparagraphs (a)1. and 2. of this paragraph.~~

~~4. Record, and report data from the monitoring systems under subparagraphs (a)1. and 2. of this paragraph.~~

~~(b) Compliance dates. The owner or operator must meet the requirements of subparagraphs (a)1. through (a)3. of this paragraph on or before the following dates and must record and report data on and after the following dates:~~

~~1. NO_x Budget units for which the owner or operator intends to apply for early reduction credits under rule 335-3-8-.10(6)(c), must comply with the requirements of this rule by May 1 of the control period prior to the control period for which such early reduction credits are requested.~~

~~2. Except for NO_x Budget units under subparagraph (b)1. above, NO_x Budget units under rule 335-3-8-.05(4) that commence operation before January 1, 2002, must comply with the requirements of this rule by May 1, 2003.~~

~~3. NO_x Budget units under rule 335 3 8 .05(4) that commence operation on or after January 1, 2002 and that report on an annual basis under subparagraph (5)(b) of this rule must comply with the requirements of this rule by the later of the following dates:~~

~~(i) May 1, 2003; or~~

~~(ii) The earlier of:~~

~~(I) 180 calendar days after the date on which the unit commences operation or,~~

~~(II) For units under rule 335 3 8 .05(4)(a)1., 90 unit operating days after the date on which the unit commences commercial operation.~~

~~4. NO_x Budget units under rule 335 3 8 .05(4) that commence operation on or after January 1, 2002 and that report on a control season basis under subparagraph (5)(b) of this rule must comply with the requirements of this rule by the later of the following dates:~~

~~(i) The earlier of:~~

~~(I) 180 calendar days after the date on which the unit commences operation or,~~

~~(II) For units under rule 335 3 8 .05(4)(a)1., 90 unit operating days after the date on which the unit commences commercial operation.~~

~~(ii) However, if the applicable deadline under subparagraph (b)4.(i) of this paragraph does not occur during a control period, May 1 immediately following the date determined in accordance with subparagraph (b)4.(i) of this paragraph.~~

~~5. For a NO_x Budget unit with a new stack or flue for which construction is completed after the applicable deadline under subparagraphs (b)1., (b)2. or (b)3. of this paragraph or rule 335 3 8 .13:~~

~~(i) 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue;~~

~~(ii) However, if the unit reports on a control season basis under subparagraph (5)(d) of this rule and the applicable deadline under subparagraph (b)5.(i) of this paragraph does not occur during the control period, May 1 immediately following the applicable deadline in subparagraph (b)5.(i) of this paragraph.~~

~~6. For a unit for which an application for a NO_x Budget opt in permit is submitted and not denied or withdrawn, the compliance dates specified under rule 335 3 8 .13.~~

~~(c) Reporting data prior to initial certification.~~

~~1. The owner or operator of a NO_x Budget unit that misses the certification deadline under subparagraph (b)1. is not eligible to apply for early reduction credits. The owner or operator of the unit becomes subject to the certification deadline under subparagraph (b)2. of this paragraph.~~

~~2. The owner or operator of a NO_x Budget unit under subparagraphs (b)3. or (b)4. of this paragraph must determine, record and report NO_x mass, heat input rate (if required for purposes of allocations) and any other values required to determine NO_x mass emissions (e.g. NO_x emission rate and heat input or NO_x concentration and stack flow) using the provisions of 40 CFR, § 75.70(g), from the date and hour that the unit starts operating until the date and hour on which the continuous emission monitoring system, excepted monitoring system under Appendix D or E of Part 75, or excepted monitoring methodology under § 75.19 is provisionally certified.~~

~~(d) Prohibitions.~~

~~1. No owner or operator of a NO_x Budget unit or a non NO_x Budget unit monitored under 40 CFR, § 75.72(b)(2)(ii) shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with paragraph (6) of this rule.~~

~~2. No owner or operator of a NO_x Budget unit or a non NO_x Budget unit monitored under 40 CFR, § 75.72(b)(2)(ii) shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this rule and 40 CFR 75, except as provided for in § 75.74.~~

~~3. No owner or operator of a NO_x Budget unit or a non NO_x Budget unit monitored under 40 CFR, § 75.72(b)(2)(ii) shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this rule and 40 CFR 75 except as provided for in § 75.74.~~

~~4. No owner or operator of a NO_x Budget unit or a non NO_x Budget unit monitored under 40 CFR, § 75.72(b)(2)(ii) shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this rule, except under any one of the following circumstances:~~

~~(i) During the period that the unit is covered by a retired unit exemption under rule 335-3-8-.05(5) that is in effect;~~

~~(ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this rule and 40 CFR 75, by the Department for use at~~

that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with subparagraph (2)(b)2. below.

(2) Initial certification and recertification procedures.

(a) The owner or operator of a NO_x Budget unit that is subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR 75, except that:

1. If, prior to January 1, 1998, the Administrator approved a petition under 40 CFR, § 75.17(a) or (b) for apportioning the NO_x emission rate measured in a common stack or a petition under 40 CFR, § 75.66 for an alternative to a requirement in 40 CFR, § 75.17, the NO_x authorized account representative shall resubmit the petition to the Administrator under subparagraph (6)(a) of this rule to determine if the approval applies under the NO_x Budget Trading Program.

2. For any additional CEMS required under the common stack provisions in 40 CFR, § 75.72, or for any NO_x concentration CEMS used under the provisions of 40 CFR, § 75.71(a)(2), the owner or operator shall meet the requirements of subparagraph (b) of this paragraph.

(b) The owner or operator of a NO_x Budget unit that is not subject to an Acid Rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR, § 75.19 shall also meet the requirements of subparagraph (c) of this paragraph and the owner or operator of a unit that qualifies to use an alternative monitoring system under Subpart E of 40 CFR 75 shall also meet the requirements of subparagraph (d) of this paragraph. The owner or operator of a NO_x Budget unit that is subject to an Acid Rain emissions limitation, but requires additional CEMS under the common stack provisions in 40 CFR, § 75.72, or that uses a NO_x concentration CEMS under 40 CFR, § 75.71(a)(2) also shall comply with the following initial certification and recertification procedures.

1. Requirements for initial certification. The owner or operator shall ensure that each monitoring system required by 40 CFR 75, Subpart H (which includes the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR, § 75.20. The owner or operator shall ensure that all applicable certification tests are successfully completed by the deadlines specified in subparagraph (1)(b) of this rule. In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this part in a location where no such monitoring system was previously installed, initial certification according to 40 CFR, § 75.20 is required.

~~2. Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the requirements of 40 CFR, § 75.21 or 40 CFR 75, Appendix B, the owner or operator shall recertify the monitoring system according to 40 CFR, § 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the stack flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR, § 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.~~

~~3. Certification approval process for initial certifications and recertification.~~

~~(i) Notification of certification. The NO_x authorized account representative shall submit to the Department, and the appropriate EPA Regional Office, a written notice of the dates of certification in accordance with paragraph (4) of this rule.~~

~~(ii) Certification application. The NO_x authorized account representative shall submit to the Department a certification application for each monitoring system required under 40 CFR 75, Subpart H. A complete certification application shall include the information specified in 40 CFR 75, Subpart H.~~

~~(iii) Except for units using the low mass emission excepted methodology under 40 CFR, § 75.19, the provisional certification date for a monitor shall be determined using the procedures set forth in 40 CFR, § 75.20(a)(3). A provisionally certified monitor may be used under the NO_x Budget Trading Program for a period not to exceed 120 days after receipt by the Department of the complete certification application for the monitoring system or component thereof under subparagraph (b)3.(ii) of this paragraph. Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of 40 CFR 75, will be considered valid quality assured data (retroactive to the date and time of provisional certification), provided that the Department does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application by the Department.~~

~~(iv) Certification application formal approval process. The Department will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under subparagraph (b)3.(ii) of this paragraph. In the event the Department does not issue such a notice within such 120 day period, each monitoring system which meets the applicable performance requirements~~

of 40 CFR 75 and is included in the certification application will be deemed certified for use under the NO_x Budget Trading Program.

~~(I) Approval notice.~~ If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR 75, then the Department will issue a written notice of approval of the certification application within 120 days of receipt.

~~(II) Incomplete application notice.~~ A certification application will be considered complete when all of the applicable information required to be submitted under subparagraph (b)3.(ii) of this paragraph has been received by the Department. If the certification application is not complete, then the Department will issue a written notice of incompleteness that sets a reasonable date by which the NO_x authorized account representative must submit the additional information required to complete the certification application. If the NO_x authorized account representative does not comply with the notice of incompleteness by the specified date, then the Department may issue a notice of disapproval under subparagraph (b)3.(iv)(III) of this paragraph.

~~(III) Disapproval notice.~~ If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this part, or if the certification application is incomplete and the requirement for disapproval under subparagraph (b)3.(iv)(II) of this paragraph has been met, the Department will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the Department and the data measured and recorded by each uncertified monitoring system or component thereof shall not be considered valid quality assured data beginning with the date and hour of provisional certification. The owner or operator shall follow the procedures for loss of certification in subparagraph (b)3.(v) of this paragraph for each monitoring system or component thereof which is disapproved for initial certification.

~~(IV) Audit decertification.~~ The Department may issue a notice of disapproval of the certification status of a monitor in accordance with subparagraph (3)(b) of this rule.

~~(v) Procedures for loss of certification.~~ If the Department issues a notice of disapproval of a certification application under subparagraph (b)3.(iv)(III) of this paragraph or a notice of disapproval of certification status under subparagraph (b)3.(iv)(IV) of this paragraph, then:

~~(I) The owner or operator shall substitute the following values, for each hour of unit operation during the period of invalid data specified under § 75.20(a)(4)(iii), § 75.20(b)(5), § 75.20(h)(4), or § 75.21(e) and continuing until the time, date, and hour specified under 40 CFR 75.20(a)(5)(i):~~

~~I. For units that the owner or operator intends to monitor or monitors for NO_x emission rate and heat input rate or intends to determine or determines NO_x mass emissions using the low mass emission excepted~~

methodology under 40 CFR, § 75.19, the maximum potential NO_x emission rate and the maximum potential hourly heat input of the unit;

~~II. For units that the owner or operator intends to monitor or monitors for NO_x mass emissions using a NO_x pollutant concentration monitor and a flow monitor, the maximum potential concentration of NO_x and the maximum potential flow rate of the unit under Section 2.1 of Appendix A of 40 CFR 75;~~

~~(II) The NO_x authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with subparagraphs (b)3.(i) and (ii) of this paragraph; and~~

~~(III) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the Department's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.~~

~~(c) Initial certification and recertification procedures for low mass emission units using the excepted methodologies under 40 CFR, § 75.19. The owner or operator of a gas fired or oil fired unit using the low mass emissions excepted methodology under 40 CFR, § 75.19 and not subject to an Acid Rain emissions limitation shall meet the applicable general operating requirements of 40 CFR, § 75.10, and the applicable requirements of 40 CFR, § 75.19. The owner or operator of such a unit shall also meet the applicable certification and recertification procedures of subparagraph (b) of this rule, except that the excepted methodology shall be deemed provisionally certified for use under the NO_x Budget Trading Program as of the following dates:~~

~~1. For a unit that does not have monitoring equipment initially certified or recertified for the NO_x Budget Trading Program as of the date on which the NO_x authorized account representative submits the certification application under § 75.19 for the unit, starting on the date of such submission until the completion of the period for the Department's review.~~

~~2. For a unit that has monitoring equipment initially certified or recertified for the NO_x Budget Trading Program as of the date on which the NO_x authorized account representative submits the certification application under § 75.19 for the unit, and that reports data on an annual basis under rule 335-3-8-12(5)(d), starting January 1 of the year after the year of such submission until the completion of the period for the Department's review.~~

~~3. For a unit that has monitoring equipment initially certified or recertified for the NO_x Budget Trading Program as of the date on which the NO_x authorized account representative submits the certification application under § 75.19 for the unit, and that reports data on a control season basis under rule 335-3-8-12(5)(d), starting May 1 of the control period after the year of such submission until the completion of the period for the Department's review.~~

~~(d) Certification/recertification procedures for alternative monitoring systems. The NO_x authorized account representative representing the owner or~~

~~operator of each unit applying to monitor using an alternative monitoring system approved by the Administrator and, if applicable, the Department under 40 CFR 75, Subpart E shall apply for certification to the Department prior to use of the system under the NO_x Trading Program. The NO_x authorized account representative shall apply for recertification following a replacement, modification or change according to the procedures in subparagraph (b) of this paragraph. The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in subparagraph (b)3. of this paragraph and 40 CFR, § 75.20(f).~~

~~(3) Out of control periods.~~

~~(a) Whenever any monitoring system fails to meet the quality assurance requirements of 40 CFR 75, Appendix B, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR 75.~~

~~(b) Audit decertification. Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any system or component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under paragraph (2) of this rule or the applicable provisions 40 CFR 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Department will issue a notice of disapproval of the certification status of such system or component. For the purposes of this subparagraph, an audit shall be either a field audit or an audit of any information submitted to the Department or the Administrator. By issuing the notice of disapproval, the Department revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component shall not be considered valid quality assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests. The owner or operator shall follow the initial certification or recertification procedures in paragraph (2) of this rule for each disapproved system.~~

~~(4) Notifications. The NO_x authorized account representative for a NO_x Budget unit shall submit written notice to the Department and the Administrator in accordance with 40 CFR, § 75.61, except that if the unit is not subject to an Acid Rain emissions limitation, the notification is only required to be sent to the Department.~~

~~(5) Recordkeeping and reporting.~~

~~(a) General provisions.~~

~~1. The NO_x authorized account representative shall comply with all recordkeeping and reporting requirements in this paragraph and with the requirements of rule 335-3-8-06(1)(e).~~

~~2. If the NO_x authorized account representative for a NO_x Budget unit subject to an Acid Rain Emission limitation who signed and certified any submission that is made under Subpart F or G of 40 CFR 75 and which includes data and information required under this rule or 40 CFR 75, Subpart H is not the same person as the designated representative or the alternative designated representative for the unit under 40 CFR 72, the submission must also be signed by the designated representative or the alternative designated representative.~~

~~(b) Monitoring plans.~~

~~1. The owner or operator of a unit subject to an Acid Rain emissions limitation shall comply with requirements of 40 CFR, § 75.62, except that the monitoring plan shall also include all of the information required by 40 CFR 75, Subpart H.~~

~~2. The owner or operator of a unit that is not subject to an Acid Rain emissions limitation shall comply with requirements of 40 CFR, § 75.62, except that the monitoring plan is only required to include the information required by 40 CFR 75, Subpart H.~~

~~(c) Certification applications. The NO_x authorized account representative shall submit an application to the Department within 45 days after completing all initial certification or recertification tests required under paragraph (2) of this rule including the information required under 40 CFR 75, Subpart H.~~

~~(d) Quarterly reports. The NO_x authorized account representative shall submit quarterly reports, as follows:~~

~~1. If a unit is subject to an Acid Rain emission limitation or if the owner or operator of the NO_x budget unit chooses to meet the annual reporting requirements of this rule, the NO_x authorized account representative shall submit a quarterly report for each calendar quarter beginning with:~~

~~(i) For units that elect to comply with the early reduction credit provisions under rule 335-3-8-10(6)(c), the calendar quarter that includes the date of initial provisional certification under subparagraphs (2)(b)3.(iii) or (2)(c) of this rule. Data should be recorded and reported from the date and hour corresponding to the date and hour of provisional certification;~~

~~(ii) For units commencing operation prior to May 1, 2002 that are not required to certify monitors by the date under subparagraph (1)(b)1. of this rule, the earlier of the calendar quarter that includes the date of initial provisional certification under subparagraph (2)(b)3.(iii) or (2)(c) of this rule or, if the certification tests are not completed by May 1, 2003, the partial calendar quarter from May 1, 2003 through June 30, 2003. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2003; or~~

~~(iii) For a unit that commences operation on or after May 1, 2002, the calendar quarter in which the unit commences operation, data shall be~~

~~reported from the date and hour corresponding to when the unit commenced operation.~~

~~2. If a NO_x budget unit is not subject to an Acid Rain emission limitation, then the NO_x authorized account representative shall either:~~

~~(i) Meet all of the requirements of 40 CFR 75 related to monitoring and reporting NO_x mass emissions during the entire year and meet the reporting deadlines specified in subparagraph (d)1. of this paragraph; or~~

~~(ii) Submit quarterly reports only for the periods from the earlier of May 1 or the date and hour that the owner or operator successfully completes all of the recertification tests required under 40 CFR, § 75.74(d)(3) through September 30 of each year in accordance with the provisions of 40 CFR, § 75.74(e)(6). The NO_x authorized account representative shall submit a quarterly report for each calendar quarter, beginning with:~~

~~(I) For units that elect to comply with the early reduction credit provisions under rule 335-3-8-10(6)(c), the calendar quarter that includes the date of initial provisional certification under subparagraphs (2)(b)3.(iii) or (2)(c) of this rule. Data should be recorded and reported from the date and hour corresponding to the date and hour of provisional certification;~~

~~(II) For units commencing operation prior to May 1, 2002 that are not required to certify monitors by the date under subparagraph (1)(b)1. of this rule, the earlier of the calendar quarter that includes the date of initial provisional certification under subparagraph (2)(b)3.(iii) or (2)(c) of this rule, or if the certification tests are not completed by May 1, 2003, the partial calendar quarter from May 1, 2003 through June 30, 2003. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1, 2003; or~~

~~(III) For units that commence operation on or after May 1, 2002 during the control period, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation; or~~

~~(IV) For units that commence operation on or after May 1, 2002 and before May 1 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under subparagraph (2)(b)3.(iii) or (2)(c) of this rule or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.~~

~~(V) For units that commence operation on or after May 1, 2002 and after September 30 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification~~

~~under subparagraph (2)(b)3.(iii) or (2)(c) of this rule or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.~~

~~3. The NO_x authorized account representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75 and 40 CFR, § 75.64.~~

~~(i) For units subject to an Acid Rain Emissions limitation, quarterly reports shall include all of the data and information required in 40 CFR 75, Subpart H for each NO_x Budget unit (or group of units using a common stack) as well as information required in 40 CFR 75, Subpart G.~~

~~(ii) For units not subject to an Acid Rain Emissions limitation, quarterly reports are only required to include all of the data and information required in 40 CFR 75, Subpart H for each NO_x Budget unit (or group of units using a common stack).~~

~~4. Compliance certification. The NO_x authorized account representative shall submit to the Administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:~~

~~(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this rule and 40 CFR 75, including the quality assurance procedures and specifications; and~~

~~(ii) For a unit with add on NO_x emission controls and for all hours where data are substituted in accordance with 40 CFR, § 75.34(a)(1), the add on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate NO_x emissions; and~~

~~(iii) For a unit that is reporting on a control period basis under subparagraph (d) of this paragraph, the NO_x emission rate and NO_x concentration values substituted for missing data under 40 CFR 75, Subpart D are calculated using only values from a control period and do not systematically underestimate NO_x emissions.~~

~~(6) Petitions.~~

~~(a) The NO_x authorized account representative of a NO_x Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under 40 CFR, § 75.66 to the Administrator requesting approval to apply an alternative to any requirement of this rule.~~

~~1. Application of an alternative to any requirement of this rule is in accordance with this rule only to the extent that the petition is approved by the Administrator, in consultation with the Department.~~

~~2. Notwithstanding subparagraph (a)1. of this paragraph, if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR, § 75.72, the petition is governed by subparagraph (b) of this paragraph.~~

~~(b) The NO_x authorized account representative of a NO_x Budget unit that is not subject to an Acid Rain emissions limitation may submit a petition under 40 CFR, § 75.66 to the Department and the Administrator requesting approval to apply an alternative to any requirement of this rule.~~

~~1. The NO_x authorized account representative of a NO_x Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under 40 CFR, § 75.66 to the Department and the Administrator requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR, § 75.72 or a NO_x concentration CEMS used under 40 CFR, § 75.71(a)(2).~~

~~2. Application of an alternative to any requirement of this rule is in accordance with this rule only to the extent the petition under subparagraph (b) of this paragraph is approved by both the Department and the Administrator.~~

~~(7) Additional requirements to provide heat input data for allocations purposes.~~

~~(a) The owner or operator of a unit that elects to monitor and report NO_x mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR 75.~~

~~(b) The owner or operator of a unit that elects to monitor and report NO_x mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR 75 for any source that is applying for early reduction credits under rule 335 3 8 .10(6).~~

~~(8) Alabama emission reporting requirements for NO_x Budget Units.~~

~~(a) The owner or operator of a NO_x budget unit under rule 335 3 8 .05(4) shall submit NO_x ozone season emissions data as follows:~~

~~1. Annual reporting. For each NO_x budget unit, beginning with emission year 2004 and every year thereafter, by March 31st of the calendar year following the emission year being reported, the data specified in 40 CFR, §§ 51.122(c)(1) and (2) must be submitted to the Department.~~

~~2. Triennial reporting. For each NO_x budget unit, beginning with emission year 2005 and every third year thereafter, by March 31st of the calendar year following the emission year being reported, the data specified in 40 CFR, § 51.122(e)(3) must be submitted to the Department.~~

~~3. Year 2003 reporting. For each NO_x budget unit, by March 31, 2004, the data specified in 40 CFR, § 51.122(e)(3) must be submitted to the Department.~~

~~4. Year 2007 reporting. For each NO_x budget unit, by March 31, 2008, the data specified in 40 CFR, § 51.122(e)(3) must be submitted to the Department.~~

~~(b) The data required under subparagraph (a) of this paragraph shall be submitted electronically to the Department in a format prescribed and provided by the Department.~~

Author: Ronald W. Gore.

Statutory Authority: ~~Code of Alabama 1975, §§ 22-22A-5, 22-22A-6, 22-22A-8, 22-28-14, 22-28-19, and 22-28-20.~~

History: ~~Effective Date: April 6, 2001.~~

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