

**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.

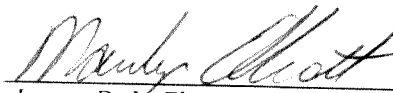
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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-.32 REPEAL CAIR NO_x Ozone Season Monitoring and Reporting-Reserved.

~~(1) General Requirements. The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NO_x Ozone Season unit, shall comply with the monitoring, recordkeeping, 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-.25(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 deemed to refer to the terms "CAIR NO_x Ozone Season unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in rule 335-3-8-.25(2). The owner or operator of a unit that is not a CAIR NO_x Ozone Season unit but that is monitored under 40 CFR § 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NO_x Ozone Season unit.~~

~~(a) Requirements for installation, certification, and data accounting. The owner or operator of each CAIR NO_x Ozone Season unit shall:~~

~~1. Install all monitoring systems required under this rule for monitoring NO_x mass emissions and individual unit heat input [including all systems required to monitor NO_x emission rate, NO_x concentration, stack gas moisture content, stack gas flow rate, CO₂ or O₂ concentration, and fuel flow rate, as applicable, in accordance with 40 CFR §§ 75.71 and 75.72];~~

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

~~3. Record, report, and quality assure the data from the monitoring systems under subparagraph (a)1. of this paragraph.~~

~~(b) Compliance deadlines. Except as provided in subparagraph (c) of this paragraph, the owner or operator shall meet the monitoring system certification and other requirements of subparagraphs (a)1. and 2. of this paragraph on or before the following dates. The owner or operator shall record, report, and quality assure the data from the monitoring systems under subparagraph (a)1. of this paragraph on and after the following dates.~~

~~1. For the owner or operator of a CAIR NO_x Ozone Season unit that commences commercial operation before July 1, 2007, by May 1, 2008.~~

~~2. For the owner or operator of a CAIR NO_x Ozone Season unit that commences commercial operation on or after July 1, 2007 and that reports on an annual basis under subparagraph (5)(d) of this rule, by the later of the following dates:~~

~~(i) 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation; or~~

~~(ii) May 1, 2008.~~

~~3. For the owner or operator of a CAIR NO_x Ozone Season unit that commences commercial operation on or after July 1, 2007 and that reports on a control period basis under subparagraph (5)(d)2.(ii), by the later of the following dates:~~

~~(i) 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation; or~~

~~(ii) If the compliance date under subparagraph (b)3.(i) of this paragraph is not during a control period, May 1 immediately following the compliance date under subparagraph (b)3.(i) of this paragraph.~~

~~4. For the owner or operator of a CAIR NO_x Ozone Season unit for which construction of a new stack or flue or installation of add-on NO_x emission controls is completed after the applicable deadline under subparagraphs (b)1., 2., 6., or 7. of this paragraph and that reports on an annual basis under subparagraph (5)(d) of this rule, by 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO_x emissions controls.~~

~~5. For the owner or operator of a CAIR NO_x Ozone Season unit for which construction of a new stack or flue or installation of add-on NO_x emission controls is completed after the applicable deadline under subparagraphs (b)1., 3., 6., or 7. of this paragraph and that reports on a control period basis under subparagraph (5)(d)2.(ii), by the later of the following dates:~~

~~(i) 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO_x emissions controls; or~~

~~(ii) If the compliance date under subparagraph (b)5.(i) of this paragraph is not during a control period, May 1 immediately following the compliance date under subparagraph (b)5.(i) of this paragraph.~~

~~6. Notwithstanding the dates in subparagraphs (b)1., 2., and 3. of this paragraph, for the owner or operator of a unit for which a CAIR NO_x Ozone Season opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under rule 335 3 8 .33, by the date specified in rule 335 3 8 .33(5)(b).~~

~~7. Notwithstanding the dates in subparagraphs (b)1., 2., and 3. of this paragraph, for the owner or operator of a CAIR NO_x Ozone Season opt-in unit under rule 335 3 8 .33, by the date on which the CAIR NO_x Ozone Season opt-in unit enters the CAIR NO_x Ozone Season Trading Program as provided in rule 335 3 8 .33(5)(g).~~

~~(c) Reporting data. The owner or operator of a CAIR NO_x Ozone Season unit that does not meet the applicable compliance date set forth in paragraph (b) of this paragraph for any monitoring system under subparagraph (a)1. of this paragraph shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for NO_x concentration, NO_x emission rate, stack gas flow rate, stack gas moisture content, fuel flow rate, and any other parameters required to determine NO_x mass emissions and heat input in accordance with 40 CFR § 75.31(b)(2) or (c)(3), section 2.4 of Appendix D to 40 CFR 75, or section 2.5 of Appendix E to 40 CFR 75, as applicable.~~

~~(d) Prohibitions.~~

~~1. No owner or operator of a CAIR NO_x Ozone Season unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this rule without having obtained prior written approval in accordance with paragraph (6) of this rule.~~

~~2. No owner or operator of a CAIR NO_x Ozone Season unit 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.~~

~~3. No owner or operator of a CAIR NO_x Ozone Season unit 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 or heat input, 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.~~

~~4. No owner or operator of a CAIR NO_x Ozone Season unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this rule, except under any one of the following circumstances:~~

~~(i) During the period that the unit is covered by an exemption under rule 335-3-8-.25(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 CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with subparagraph (2)(d)3.(i).~~

~~(e) Long term cold storage. The owner or operator of a CAIR NO_x Ozone Season unit is subject to the applicable provisions of 40 CFR 75 concerning units in long term cold storage.~~

~~(2) Initial certification and recertification procedures.~~

~~(a) The owner or operator of a CAIR NO_x Ozone Season unit shall be exempt from the initial certification requirements of this paragraph for a monitoring system under subparagraph (1)(a)1. of this rule if the following conditions are met:~~

~~1. The monitoring system has been previously certified in accordance with 40 CFR 75; and~~

~~2. The applicable quality assurance and quality control requirements of 40 CFR § 75.21 and Appendix B, Appendix D, and Appendix E to 40 CFR 75 are fully met for the certified monitoring system described in subparagraph (a)1. of this paragraph.~~

~~(b) The recertification provisions of this paragraph shall apply to a monitoring system under subparagraph (1)(a)1. of this rule exempt from initial certification requirements under subparagraph (a) of this paragraph.~~

~~(c) If the Administrator has previously 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 § 75.12 or 40 CFR § 75.17, the CAIR designated representative shall resubmit the petition to the Administrator under subparagraph (6)(a) of this rule to determine whether the approval applies under the CAIR NO_x Ozone Season Trading Program.~~

~~(d) Except as provided in subparagraph (a) of this paragraph, the owner or operator of a CAIR NO_x Ozone Season unit shall comply with the following initial certification and recertification procedures for a continuous monitoring system (i.e., a continuous emission monitoring system and an excepted monitoring system under appendices D and E to 40 CFR 75) under subparagraph (1)(a)1. The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR § 75.19 or that qualifies to use an alternative monitoring system under Subpart E of 40 CFR 75 shall comply with the procedures in subparagraph (e) or (f) of this paragraph respectively.~~

~~1. Requirements for initial certification. The owner or operator shall ensure that each continuous monitoring system under subparagraph (1)(a)1. of this rule (including the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR § 75.20 by the applicable deadline in subparagraph (1)(b) of this rule. In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this rule in a location where no such monitoring system~~

was previously installed, initial certification in accordance with 40 CFR § 75.20 is required.

~~2. Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under subparagraph (1)(a)1. of this rule that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the quality assurance and quality control requirements of 40 CFR § 75.21 or 40 CFR 75, Appendix B, the owner or operator shall recertify the monitoring system in accordance with 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 may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR § 75.20(b). Examples of changes to a continuous emission monitoring system that 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. Any fuel flowmeter systems, and any excepted NO_x monitoring system under 40 CFR 75, Appendix E, under subparagraph (1)(a)1. of this rule are subject to the recertification requirements in 40 CFR § 75.20(g)(6).~~

~~3. Approval process for initial certification and recertification. Subparagraphs (d)3.(i) through (iv) of this paragraph apply to both initial certification and recertification of a continuous monitoring system under subparagraph (1)(a)1. of this rule. For recertifications, replace the words "certification" and "initial certification" with the word "recertification", replace the word "certified" with the word "recertified," and follow the procedures in 40 CFR §§ 75.20(b)(5) and (g)(7) in lieu of the procedures in subparagraph (d)3.(v) of this paragraph.~~

~~(i) Notification of certification. The CAIR designated representative shall submit to the Department, the appropriate EPA Regional Office, and the Administrator written notice of the dates of certification testing, in accordance with paragraph (4) of this rule.~~

~~(ii) Certification application. The CAIR designated representative shall submit to the Department a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR § 75.63.~~

~~(iii) Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR § 75.20(a)(3). A provisionally certified monitoring system may be used under the CAIR NO_x Ozone Season Trading Program for a period not to exceed 120 days after receipt by the Department of the complete certification application for the monitoring system under subparagraph (d)3.(ii) of this paragraph. Data measured and recorded by the provisionally certified monitoring system, 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 the date of receipt of the complete certification application by the Department.~~

~~(iv) Certification application 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 (d)3.(ii) of this paragraph. In the event the Department does not issue such a notice within such 120 day period, each monitoring system that meets the applicable performance requirements of 40 CFR 75 and is included in the certification application will be deemed certified for use under the CAIR NO_x Ozone Season 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. 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 CAIR designated representative must submit the additional information required to complete the certification application. If the CAIR designated representative does not comply with the notice of incompleteness by the specified date, then the Department may issue a notice of disapproval under subparagraph (d)3.(iv)(III) of this paragraph. The 120 day review period shall not begin before receipt of a complete certification application.~~

~~(iii) Disapproval notice. If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR 75 or if the certification application is incomplete and the requirement for disapproval under subparagraph (d)3.(iv)(II) of this paragraph is met, then 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 shall not be considered valid quality assured data beginning with the date and hour of provisional certification [as defined under 40 CFR § 75.20(a)(3)]. The owner or operator shall follow the procedures for loss of certification in subparagraph (d)3.(v) of this paragraph for each monitoring system that is disapproved for initial certification.~~

~~(iv) Audit decertification. The Department or, for a CAIR NO_x Ozone Season opt in unit or a unit for which a CAIR opt in permit application is submitted and not withdrawn and a CAIR opt in permit is not yet issued or denied under rule 335 3 8 .33, the Administrator 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 or the Administrator issues a notice of disapproval of a certification application under subparagraph (d)3.(iv)(III) of this paragraph or a notice of disapproval of certification status under subparagraph (d)3.(iv)(IV) of this paragraph, then:~~

~~(i) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of unit operation during the period of invalid data specified under 40 CFR § 75.20(a)(4)(iii), 40 CFR § 75.20(g)(7), or 40 CFR § 75.21(e) and continuing until the applicable date and hour specified under 40 CFR § 75.20(a)(5)(i) or (g)(7):~~

~~I. For a disapproved NO_x emission rate (i.e., NO_x diluent) system, the maximum potential NO_x emission rate, as defined in 40 CFR § 72.2.~~

~~II. For a disapproved NO_x pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of NO_x and the maximum potential flow rate, as defined in Sections 2.1.2.1 and 2.1.4.1 of 40 CFR 75, Appendix A.~~

~~III. For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO₂ concentration or the minimum potential O₂ concentration (as applicable), as defined in Sections 2.1.5, 2.1.3.1, and 2.1.3.2 of 40 CFR 75, Appendix A.~~

~~IV. For a disapproved fuel flowmeter system, the maximum potential fuel flow rate, as defined in Section 2.4.2.1 of 40 CFR 75, Appendix D.~~

~~V. For a disapproved excepted NO_x monitoring system under 40 CFR 75, Appendix E, the fuel specific maximum potential NO_x emission rate, as defined in 40 CFR § 72.2.~~

~~(ii) The CAIR designated representative shall submit a notification of certification retest dates and a new certification application in accordance with subparagraphs (d)3.(i) and (ii) of this paragraph.~~

~~(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 or the Administrator's notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.~~

~~(e) Initial certification and recertification procedures for units using the low mass emission excepted methodology under 40 CFR § 75.19. The owner or operator of a unit qualified to use the low mass emissions (LME) excepted methodology under 40 CFR § 75.19 shall meet the applicable certification and recertification requirements in 40 CFR §§ 75.19(a)(2) and 75.20(h). If the owner or operator of such a unit elects to certify a fuel flowmeter system for heat input determination, the owner or operator shall also meet the certification and recertification requirements in 40 CFR § 75.20(g).~~

~~(f) Certification/recertification procedures for alternative monitoring systems. The CAIR designated representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by the Administrator and, if applicable, the Department under 40 CFR 75, Subpart E shall comply with the applicable notification and application procedures of 40 CFR § 75.20(f).~~

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

~~(a) Whenever any monitoring system fails to meet the quality assurance and quality control requirements or data validation requirements of 40 CFR 75, data shall be substituted using the applicable missing data procedures in Subpart D or Subpart H of, or Appendix D or Appendix E to, 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 monitoring system 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 of 40 CFR 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the Department or, for a CAIR NO_x Ozone Season opt in unit or a unit for which a CAIR opt in permit application is submitted and not withdrawn and a CAIR opt in permit is not yet issued or denied under rule 335 3 8 .33, the Administrator will issue a notice of disapproval of the certification status of such monitoring system. For the purposes of this paragraph, 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 or the Administrator revokes prospectively the certification status of the monitoring system. The data measured and recorded by the monitoring system 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 for the monitoring system. The owner or operator shall follow the applicable initial certification or recertification procedures in paragraph (2) of this rule for each disapproved monitoring system.~~

~~(4) Notifications. The CAIR designated representative for a CAIR NO_x Ozone Season unit shall submit written notice to the Department and the Administrator in accordance with 40 CFR § 75.61.~~

~~(5) Recordkeeping and reporting.~~

~~(a) General provisions. The CAIR designated representative shall comply with all recordkeeping and reporting requirements in this paragraph, the applicable recordkeeping and reporting requirements under 40 CFR § 75.73, and the requirements of rule 335 3 8 .26(1)(e).~~

~~(b) Monitoring Plans. The owner or operator of a CAIR NO_x Ozone Season unit shall comply with requirements of 40 CFR § 75.73(c) and (e) and,~~

~~for a unit for which a CAIR opt in permit application is submitted and not withdrawn and a CAIR opt in permit is not yet issued or denied under rule 335-3-8-.33 and rules 335-3-8-.33(4) and (5)(a).~~

~~(c) Certification Applications. The CAIR designated 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 § 75.63.~~

~~(d) Quarterly reports. The CAIR designated representative shall submit quarterly reports, as follows:~~

~~1. If the CAIR NO_x Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NO_x emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this rule, the CAIR designated representative shall meet the requirements of 40 CFR 75, Subpart H (concerning monitoring of NO_x mass emissions) for such unit for the entire year and shall report the NO_x mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:~~

~~(i) For a unit that commences commercial operation before July 1, 2007, the calendar quarter covering May 1, 2008 through June 30, 2008;~~

~~(ii) For a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under subparagraph (1)(b) of this rule, unless that quarter is the third or fourth quarter of 2007 or the first quarter of 2008, in which case reporting shall commence in the quarter covering May 1, 2008 through June 30, 2008;~~

~~(iii) Notwithstanding subparagraphs (d)1.(i) and (ii) of this paragraph, for a unit for which a CAIR opt in permit application is submitted and not withdrawn and a CAIR opt in permit is not yet issued or denied under rule 335-3-8-.33, the calendar quarter corresponding to the date specified in rule 335-3-8-.33(5)(b); and~~

~~(iv) Notwithstanding subparagraphs (d)1.(i) and (ii) of this paragraph, for a CAIR NO_x Ozone Season opt in unit under rule 335-3-8-.33, the calendar quarter corresponding to the date on which the CAIR NO_x Ozone Season opt in unit enters the CAIR NO_x Ozone Season Trading Program as provided in rule 335-3-8-.33(5)(g).~~

~~2. If the CAIR NO_x Ozone Season unit is not subject to an Acid Rain emissions limitation or a CAIR NO_x emissions limitation, then the CAIR designated representative shall either:~~

~~(i) Meet the requirements of 40 CFR 75, Subpart H (concerning monitoring of NO_x mass emissions) for such unit for the entire year and report the NO_x mass emissions data and heat input data for such unit in accordance with subparagraph (d)1., of this paragraph; or~~

~~(ii) Meet the requirements of 40 CFR 75, Subpart H for the control period [including the requirements in 40 CFR § 75.74(c)] and report NO_x mass emissions data and heat input data [including the data described in 40 CFR § 75.74(c)(6)] for such unit only for the control period of each year and report, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:~~

~~(I) For a unit that commences commercial operation before July 1, 2007, the calendar quarter covering May 1, 2008 through June 30, 2008;~~

~~(II) For a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under subparagraph (1)(b), unless that date is not during a control period, in which case reporting shall commence in the quarter that includes May 1 through June 30 of the first control period after such date;~~

~~(III) Notwithstanding subparagraphs (d)2.(ii)(I) and 2.(ii)(II) of this paragraph, for a unit for which a CAIR opt in permit application is submitted and not withdrawn and a CAIR opt in permit is not yet issued or denied under rule 335 3 8 .33, the calendar quarter corresponding to the date specified in rule 335 3 8 .33(5)(b); and~~

~~(IV) Notwithstanding subparagraphs (d)2.(ii)(I) and 2.(ii)(II) of this paragraph, for a CAIR NO_x Ozone Season opt in unit under rule 335 3 8 .33, the calendar quarter corresponding to the date on which the CAIR NO_x Ozone Season opt in unit enters the CAIR NO_x Ozone Season Trading Program as provided in rule 335 3 8 .33(5)(g).~~

~~3. The CAIR designated 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 § 75.73(f).~~

~~4. For CAIR NO_x Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR 75 as applicable, in addition to the NO_x mass emission data, heat input data, and other information required by this rule.~~

~~(e) Compliance certification. The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) 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:~~

~~1. 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;~~

~~2. For a unit with add on NO_x emission controls and for all hours where NO_x 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 quality assurance/quality control program under 40 CFR 75, Appendix B and the substitute data values do not systematically underestimate NO_x emissions; and~~

~~3. For a unit that is reporting on a control period basis under subparagraph (d)2.(ii) 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) Except as provided in subparagraph (b)2. of this paragraph, the CAIR designated representative of a CAIR NO_x Ozone Season 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. 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 in writing by the Administrator, in consultation with the Department.~~

~~(b) The CAIR designated representative of a CAIR NO_x Ozone Season 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. 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 in writing by both the Department and the Administrator.~~

~~1. The CAIR designated representative of a CAIR NO_x Ozone Season 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 continuous emission monitoring system required under 40 CFR § 75.72. Application of an alternative to any such requirement is in accordance with this rule only to the extent that the petition is approved in writing by both the Department and the Administrator.~~

~~**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: July 11, 2006.~~

~~**Amended:** April 3, 2007; March 31, 2009.~~