DIVISION OF ENVIRONMENTAL QUALITY

DRAFT OPERATING AIR PERMIT

PERMIT NUMBER: 1819-AOP-R14

IS ISSUED TO:
Jonesboro City Water and Light
1400 Hanley Drive
Jonesboro, AR 72401
Craighead County
AFIN: 16-00412

PURSUANT TO THE RULES OF THE ARKANSAS OPERATING AIR PERMIT PROGRAM, RULE 26: THIS PERMIT AUTHORIZES THE ABOVE REFERENCED PERMITTEE TO INSTALL, OPERATE, AND MAINTAIN THE EQUIPMENT AND EMISSION UNITS DESCRIBED IN THE PERMIT APPLICATION AND ON THE FOLLOWING PAGES. THIS PERMIT IS VALID BETWEEN:

AND

THE PERMITTEE IS SUBJECT TO ALL LIMITS AND CONDITIONS CONTAINED HEREIN.

Signed:

Demetria Kimbrough
Deputy Director, Office of Air Quality

Date

Jonesboro City Water and Light
Permit #: 1819-AOP-R14
AFIN: 16-00412

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List of Acronyms and Abbreviations

Ark. Code Ann.	Arkansas Code Annotated
AFIN	Arkansas DEQ Facility Identification Number
C.F.R.	Code of Federal Regulations
CO	Carbon Monoxide
COMS	Continuous Opacity Monitoring System
HAP	Hazardous Air Pollutant
Hp	Horsepower
lb/hr	Pound Per Hour
NESHAP	National Emission Standards (for) Hazardous Air Pollutants
MVAC	Motor Vehicle Air Conditioner
No.	Number
NO_x	Nitrogen Oxide
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter Equal To Or Smaller Than Ten Microns
$PM_{2.5}$	Particulate Matter Equal To Or Smaller Than 2.5 Microns
SNAP	Significant New Alternatives Program (SNAP)
SO_2	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction Plan
Tpy	Tons Per Year
UTM	Universal Transverse Mercator
VOC	Volatile Organic Compound

SECTION I: FACILITY INFORMATION

PERMITTEE:	Jonesboro City Water and Light
AFIN:	16-00412
PERMIT NUMBER:	1819-AOP-R14
FACILITY ADDRESS:	1400 Hanley Drive Jonesboro, AR 72401
MAILING ADDRESS:	P. O. Box 1289 Jonesboro, AR 72403
COUNTY:	Craighead County
CONTACT NAME:	Mark Brand
CONTACT POSITION:	Electric Maintenance Supervisor
TELEPHONE NUMBER:	(870) 930-3399
REVIEWING ENGINEER:	Jesse Smith
UTM North South (Y):	Zone 15: 3969340 m
UTM East West (X):	Zone 15: 705690.09 m

SECTION II: INTRODUCTION

Summary of Permit Activity

Jonesboro City Water and Light (JCWL) owns and operates the Northwest Substation at 1400 Hanley Drive in Jonesboro, Arkansas. With this renewal, HAP emissions were lowered slightly for the turbines when operated while firing fuel oil. Lead hourly emissions were also updated due to rounding for SN-01 and SN-02. Yearly HAP emissions decreased by 0.13 tpy as a result of this renewal and modification to the permit.

Process Description

The Northwest Substation is comprised of five simple-cycle combustion turbines and associated electric generators. The five turbine/generators are utilized for reliability in the electrical power system. Water injection is used to control NO_x emissions.

The two original simple-cycle combustion turbines (SN-01 and SN-02) are General Electric LM2500 series turbines capable of producing approximately twenty-three (23) megawatts of power each. Each unit is permitted to fire either natural gas or fuel oil.

The other three simple-cycle combustion turbines are General Electric LM6000 series turbines. The No. 3 unit (SN-04) is capable of producing approximately forty-five (45) megawatts of power and the No. 4 unit (SN-06) is capable of producing approximately forty-nine (49) megawatts of power. Both SN-04 and SN-06 are permitted to fire either natural gas or fuel oil. The No. 5 unit (SN-07) produces approximately forty-five (45) megawatts of power and is permitted to fire only natural gas.

The Northwest Substation uses two evaporative cooling tower systems (Insignificant sources) to provide cooling for the turbine inlet air (SN-04, 06, & 07) and the generator and turbine lube oil coolers. The cooling towers are equipped with drift eliminators to control particulate emissions.

The Northwest Substation utilizes a single fuel oil storage tank (SN-03). The tank is a vertical fixed roof tank with a storage capacity of 564,020 gallons. The tank has a shell height of fifteen feet and a diameter of eighty feet.

One black start generator (SN-08) rated at 759 HP is used to provide startup power to the combustion turbines in the event of a loss of off-site power.

Rules and Regulations

The following table contains the rules and regulations applicable to this permit.

Rules and Regulations
Arkansas Air Pollution Control Code, Rule 18, effective March 14, 2016

Rules and Regulations
Rules of the Arkansas Plan of Implementation for Air Pollution Control, Rule 19, effective May 6, 2022
Rules of the Arkansas Operating Air Permit Program, Rule 26, effective March 14, 2016
40 C.F.R. Part 60, Subpart GG - *Standards of Performance for Stationary Gas Turbines*
40 C.F.R. Part 63, Subpart ZZZZ - *National Emission Standard for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines*
40 C.F.R. Part 64 - *Compliance Assurance Monitoring*
40 C.F.R. Parts 72, 73, and 75 - Acid Rain Provisions
40 C.F.R. Part 82 - *Protection of Stratospheric Ozone*

Emission Summary

The following table is a summary of emissions from the facility. This table, in itself, is not an enforceable condition of the permit.

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
Total Allowable Emissions		PM	76.6	91.3
		PM_{10}	76.6	91.3
		$PM_{2.5}$	See Note*	
		SO_2	241.3	221.6
		VOC	93.7	114.1
		CO	129.6	154.8
		NO_X	317.1	243.3
		Lead	1.872E-02	0.09
HAPs		Total HAPs**	2.15	13.59

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
01	General Electric LM 2500 Combustion Turbine Natural Gas Fired 228 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Total HAPs**	8.0 8.0 8.0 10.0 25.0 38.9 0.24	91.1*** 91.1*** 221.5*** 113.8*** 153.6*** 239.0*** 13.58***
01	General Electric LM 2500 Combustion Turbine Fuel Oil Fired 234 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Lead Total HAPs**	10.0 10.0 38.0 10.0 25.0 41.0 3.20E-03 0.29	 0.09***
02	General Electric LM 2500 Combustion Turbine Natural Gas Fired 228 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Total HAPs**	8.0 8.0 8.0 10.0 25.0 38.9 0.24	
02	General Electric LM 2500 Combustion Turbine Fuel Oil Fired 234 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Lead Total HAPs**	10.0 10.0 38.0 10.0 25.0 41.0 3.20E-03 0.29	
04	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Total HAPs**	16.0 16.0 15.0 20.0 25.0 56.0 0.46	
04	General Electric LM 6000 Combustion	PM PM_{10} SO_2	20.0 20.0 75.0	

EMISSION SUMMARY				
Source Number	Description	Pollutant	Emission Rates	
			lb/hr	tpy
	Turbine Fuel Oil Fired 440 MM Btu/hr	VOC CO NO_x Lead Total HAPs**	20.0 25.0 81.0 6.16E-03 0.55	
06	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Total HAPs**	16.0 16.0 15.0 20.0 25.0 56.0 0.46	
06	General Electric LM 6000 Combustion Turbine Fuel Oil Fired 440 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Lead Total HAPs**	20.0 20.0 75.0 20.0 25.0 81.0 6.16E-03 0.55	
07	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM PM_{10} SO_2 VOC CO NO_x Total HAPs**	16.0 16.0 15.0 20.0 25.0 56.0 0.46	
03	Vertical Fuel Oil Storage Tank 15' High x 80' Diameter (1999)	VOC	13.2	0.1
08	Black Start Generator	PM PM_{10} SO_2 VOC CO NO_x Total HAPs**	0.6 0.6 0.3 0.5 4.6 17.1 0.01	0.2 0.2 0.1 0.2 1.2 4.3 0.01

*$PM_{2.5}$ limits are source specific, if required. Not all sources have $PM_{2.5}$ limits.

**HAPs included in the VOC totals. Other HAPs are not included in any other totals unless specifically stated.
***Emission limits for combustion products from the turbines are a PAL based on Specific Condition 3.

SECTION III: PERMIT HISTORY

Permit No. 1819-A was issued on June 3, 1999 to Jonesboro - City Water and Light for the installation and operation of a peaking power plant powered by two 23 MW GE LM-2500 turbines. Permit limits were listed as PM/PM_{10} - 17.6 tpy, SO_2 - 26.8 tpy, VOC - 21.4 tpy, CO - 89.9 tpy and NO_x - 83.5 tpy.

Permit No. 1819-AOP-R0 was issued on March 10, 2000 to Jonesboro - City Water and Light for the addition of a third unit at the power plant which was driven by a 45 MW GE LM-6000 turbine. Hours of operation limits were taken to classify the unit as a peaking unit as defined in 40 C.F.R. § 75. Permit limits were listed as PM/PM_{10} - 75.0 tpy, SO_2 - 83.9 tpy, VOC - 89.0 tpy, CO - 239.0 tpy, NO_x - 239.0 tpy and acetaldehyde - 14.1 tpy.

Permit No. 1819-AOP-R1 was issued on May 17, 2001 to Jonesboro - City Water and Light to allow the GE LM6000 unit to also be fired for a limited amount of time on fuel oil. Permit limits were listed as PM/PM_{10} - 72.1 tpy, SO_2 - 93.6 tpy, VOC - 88.6 tpy, CO - 239.0 tpy, NO_x - 239.0 tpy and acetaldehyde - 14.1 tpy.

Permit No. 1819-AOP-R2 was issued on March 18, 2003 to Jonesboro - City Water and Light to allow the second GE LM6000 unit to be installed at the facility. Permit limits were listed as PM/PM_{10} – 75.6 tpy, SO_2 - 93.6 tpy, VOC – 89.1 tpy, CO - 239.0 tpy, NO_x - 239.0 tpy and acetaldehyde - 14.1 tpy.

Permit No. 1819-AOP-R3 was issued on January 26, 2004 to Jonesboro - City Water and Light to allow 4 minor changes to the permit. These included revising emission limits to agree with the stack testing and to revise the annual emission limits formulas. Permit limits were listed as PM/PM_{10} – 71.7 tpy, SO_2 – 221.5 tpy, VOC – 85.5 tpy, CO – 153.6 tpy, NO_x - 239.0 tpy and acetaldehyde - 14.1 tpy.

Permit No. 1819-AOP-R4 was issued on March 6, 2005 to Jonesboro – City Water and Light to renew its initial Title V permit. No changes occurred in the emission units or processes at the facility. The criteria emission limits remain unchanged for the facility. The non-criteria pollutant emission limits for the turbines were recalculated based on the latest AP-42 factors for stationary turbines (Table 3.1-3, Emission Factors for HAPs from NG Fired Stationary Gas Turbines and Table 3.1-4 and 3.1-5 – Emission Factors for HAPs from Oil Fired Stationary Gas Turbines). Based on the re-calculated emission limits, the facility was no longer a major source for HAP emissions and will not be subject to 40 C.F.R. 63, Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.

Permit No. 1819-AOP-R5 was issued on March 16, 2007. This permit modification allowed for the installation of a new GE LM6000 turbine driven generator (SN-07) rated approximately 45 MW and a new Cooling Tower (SN-05B) to cool the inlet air to SN-04, SN-06, and SN-07. Cooling Tower SN-05 was renamed SN-05A. The annual plantwide limits for combustion emissions from turbines SN-02, SN-03, SN-04, and SN-06 remained the same as previously permitted. The emissions from SN-07 were bubbled together with the other simple-cycle

combustion turbines. Permitted emission increases from the addition of SN-07 and SN-05B include 3.5 tpy of PM/PM_{10}.

Permit No. 1819-AOP-R6 was issued on August 8, 2008. The permit modification was issued to remove the 700 hour operating limit for the 45 MW natural gas fired generator (SN-07). There were no permitted emissions changes associated with this permitting action.

Permit No. 1819-AOP-R7 was issued on January 29, 2009. This modification incorporated the facility's Clean Air Interstate Rule (CAIR) permit application. There were no permitted emissions changes associated with this action.

Permit No. 1819-AOP-R8 was issued on October 22, 2010 to renew the facility's Title V permit. In addition, the following changes were made: (1) Specific Condition # 3 was revised so that emissions are calculated based on fuel consumption instead of hours of operation; (2) the black start generator was established as an Insignificant Activity (A-1); and (3) several specific conditions were modified to clarify requirements. Updating calculations and emission factors resulted in small emission changes. Total permitted annual emission rate increases include: 0.0118 tpy Acrolein, 0.002 tpy Benzene, 0.0006 tpy 1,3-Butadiene, 1.32 tpy Formaldehyde, 0.0004 tpy Arsenic, 0.00001 tpy Beryllium, 0.0001 tpy Cadmium, 0.00002 tpy Mercury, and 1.01 tpy Toluene. Total permitted annual emission rate decreases include 0.0001 tpy Lead, 0.06 tpy Manganese, and 0.004 tpy Selenium.

Permit No. 1819-AOP-R9 was issued on August 16, 2011. With this application, JCWL removed historical references to their Acid Rain affected units, SN-04, SN-06, and SN-07, and replaced it with low mass emitter (LME) language. This change did not change permitted emissions. Also, JCWL lowered the diesel fuel sulfur content limit to less than or equal to 0.05% to reflect the lower sulfur content which has become standard from fuel suppliers. This permitting activity also corrected an error in permitted emissions in Permit No. 1819-AOP-R8. Permitted Manganese emissions totaled 4.64 tpy, while the total should have been 4.62 tpy. Also, the black start generator, formerly an insignificant activity, is subject to 40 C.F.R. 63, Subpart ZZZZ and was permitted as source SN-08. Emissions from SN-08 increased permitted emissions as follows: PM and PM_{10} by 0.2 tpy each; SO_2 by 1.4 tpy; VOC by 0.2 tpy; CO by 1.2 tpy; NO_x by 4.3 tpy; Acrolein and 1,3-Butadiene by 0.0001 tpy each; Benzene and PAH by 0.001 tpy each, and Formaldehyde by 0.01 tpy each. Permitted Manganese emissions were reduced by 0.02 tpy.

Permit No. 1819-AOP-R10 was issued on March 25, 2015. With this application, JCWL modified the emission factor in Specific Condition 3 of the Title V Air Permit to more accurately reflect NO_x stack test results for three turbines (SN-04, SN-06, and SN-07). This change increased the facility's hour of operation capabilities, which in turn increased the annual limits for other criteria pollutants. The total permitted emission increases include 22.9 tpy of PM/PM_{10} and 28.4 tpy of VOC.

Permit No. 1819-AOP-R11 was issued on August 31, 2015. With this application, JCWL renewed the facility's existing Title V permit. The NO_X hourly emissions were updated due to

the stack test results mentioned in the previous modification. The HAP emissions were also updated to be in line with the new department standards for NCAPs. There were no changes in the total permitted emission rates.

Permit No. 1819-AOP-R12 was issued on August 19, 2020 to renew the facility's existing Title V permit. Emissions from the Black Start Generator (SN-08) were updated based on emission factor changes. The insignificant activities list was updated to include the previously permitted cooling towers (SN-05A and SN-05B). Emission changes as a result of these modifications were as follows: a decrease of 7 tpy PM/PM_{10} and a decrease of 1.3 tpy SO_2.

Permit No. 1819-AOP-R13 was issued on December 4, 2023. With this application, the method of calculation for NO_X emissions for SN-04, SN-06, and SN-07 was updated to use the latest testing results. As a result of this modification, lead emissions increased by 0.0081 tpy.

SECTION IV: SPECIFIC CONDITIONS

SN-01, SN-02, SN-04, SN-06, & SN-07
General Electric Turbine Drive Generators

Source Description

The two original simple-cycle turbine units are General Electric LM2500 turbines capable of producing approximately twenty-three (23) megawatts each. Each simple cycle turbine is fired with either natural gas or fuel oil. The fuel burns in a combustor with air pressurized by the axial air compressor. Combustion products exit the combustor and drive the power turbine which powers both the electric generator and the axial air compressor. Hot turbine exhaust gases are discharged from the power turbines through stacks designated as SN-01 for the first power turbine and SN-02 for the second power turbine. These two turbines are subject to 40 C.F.R. § 60 Subpart GG - *New Source Performance Standards for Stationary Gas Turbines.* The non-criteria pollutant emission limits for the turbines have been recalculated based on the latest AP-42 factors for stationary turbines (Table 3.1-3, Emission Factors for HAPs from NG Fired Stationary Gas Turbines and Table 3.1-4 and 3.1-5 – Emission Factors for HAPs from Oil Fired Stationary Gas Turbines). The facility is no longer a major emitter of HAP emissions and therefore is not subject to 40 C.F.R. § 63 Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines as it is currently permitted.

The third, fourth, and fifth turbine units are General Electric LM6000 turbines. The third and fifth units are capable of producing approximately forty-five (45) megawatts and the fourth unit capable of producing approximately forty-nine (49) megawatts. The fuel burns in a combustor with air pressurized by the axial air compressor. Combustion products exit the combustor and drive the power turbine which powers both the electric generator and the axial air compressor. Hot turbine exhaust gases are discharged from the power turbine through stacks designated as SN-04, SN-06, and SN-07. These turbines are subject to 40 C.F.R. § 60 Subpart GG - *New Source Performance Standards for Stationary Gas Turbines*. They are also subject to regulation by the Federal Acid Rain Program, specifically the requirements of 40 C.F.R. §§ 72, 73, and 75. This permit contains Specific Conditions limiting emissions for SN-04, SN-06 and SN-07 such that they can be classified as Low Mass Emitter (LME) units as defined in 40 C.F.R. § 75.19. All five turbines are water injected to control the level of nitrogen oxides emissions.

The criteria pollutants permitted in pounds per hour for SN-01, SN-02, SN-04, SN-06 and SN-07 are based on maximum capacity of the equipment and the fuel utilized. The tons per year emission limits for criteria pollutants for these turbines for all pollutants are based on limiting fuel consumed by the formula included in the permit in Specific Condition 3 to prevent exceeding the permit limits. All HAP emission limits are based on potential to emit.

The potential uncontrolled emissions from SN-01, SN-02, SN-04, SN-06, and SN-07 turbines fulfill the applicability criteria of the Compliance Assurance Monitoring (CAM) Rule (40 Code of Federal Regulations (C.F.R.) Part §64). Accordingly, the (CAM) Plan for the facility is provided in Appendix B. Per § 64.2(a), the aforementioned sources are regulated under the

CAM Rule because they meet the following criteria: (1) each unit is subject to emission limitations for NO_x, (2) each source is equipped with a control device (i.e., water injection), and (3) each unit has potential pre-control emissions of NO_x that exceed the applicable major source threshold (i.e., 100 tons per year). In accordance with § 64.3, Jonesboro has developed a CAM Plan for these sources. The Plan establishes the operating parameters that will be monitored in order to demonstrate compliance with the NO_x emission limits at each source.

Specific Conditions

1. The permittee shall not exceed the emission rates set forth in the following table. The lb/hr emission limits are based on the maximum capacity of the equipment. Compliance with the ton per year limits for SN-01, SN-02, SN-04, and SN-06 will be demonstrated by calculation results from the formulas contained in Specific Condition 3. Compliance with the ton per year limits for SN-07 will be demonstrated by Specific Conditions 3 and 4. [Rule 19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
01	General Electric LM 2500 Combustion Turbine Natural Gas Fired 228 MM Btu/hr	PM_{10}	8.0	91.1**
		SO_2	8.0	221.5**
		VOC	10.0	113.8**
		CO	25.0	153.6**
		NO_x	38.9	239.0**
		Lead	-	0.09**
01	General Electric LM 2500 Combustion Turbine Fuel Oil Fired 234 MM Btu/hr	PM_{10}	10.0	
		SO_2	38.0	
		VOC	10.0	
		CO	25.0	
		NO_x	41.0	
		Lead	3.20E-03	
02	General Electric LM 2500 Combustion Turbine Natural Gas Fired 228 MM Btu/hr	PM_{10}	8.0	
		SO_2	8.0	
		VOC	10.0	
		CO	25.0	
		NO_x	38.9	

SN	Description	Pollutant	lb/hr	tpy
02	General Electric LM 2500 Combustion Turbine Fuel Oil Fired 234 MM Btu/hr	PM_{10}	10.0	
		SO_2	38.0	
		VOC	10.0	
		CO	25.0	
		NO_x	41.0	
		Lead	3.20E-03	
04	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM_{10}	16.0	
		SO_2	15.0	
		VOC	20.0	
		CO	25.0	
		NO_x	56.0	
04	General Electric LM 6000 Combustion Turbine Fuel Oil Fired 440 MM Btu/hr	PM_{10}	20.0	
		SO_2	75.0	
		VOC	20.0	
		CO	25.0	
		NO_x	81.0	
		Lead	6.16E-03	
06	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM_{10}	16.0	
		SO_2	15.0	
		VOC	20.0	
		CO	25.0	
		NO_x	56.0	
06	General Electric LM 6000 Combustion Turbine Fuel Oil Fired 440 MM Btu/hr	PM_{10}	20.0	
		SO_2	75.0	
		VOC	20.0	
		CO	25.0	
		NO_x	81.0	
		Lead	6.16E-03	
07	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM_{10}	16.0	
		SO_2	15.0	
		VOC	20.0	
		CO	25.0	
		NO_x	56.0	

** - The annual emissions for SN-01, SN-02, SN-04, SN-06, and SN-07 are bubbled together.

2. The permittee shall not exceed the emission rates set forth in the following table. The lb/hr emission limits are based on the maximum capacity of the equipment. Compliance with the ton per year limits for SN-01, SN-02, SN-04, and SN-06 will be demonstrated by calculation results from the formulas contained in Specific Condition 3. Compliance with the ton per year limits for SN-07 will be demonstrated by Specific Conditions 3 and 4. [Rule 18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
01	General Electric LM 2500 Combustion Turbine Natural Gas Fired 228 MM Btu/hr	PM Total HAPs*	8.0 0.24	91.1** 13.58**
01	General Electric LM 2500 Combustion Turbine Fuel Oil Fired 234 MM Btu/hr	PM Total HAPs*	10.0 0.29	**
02	General Electric LM 2500 Combustion Turbine Natural Gas Fired 228 MM Btu/hr	PM Total HAPs*	8.0 0.24	**
02	General Electric LM 2500 Combustion Turbine Fuel Oil Fired 234 MM Btu/hr	PM Total HAPs*	10.0 0.29	**
04	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM Total HAPs*	16.0 0.46	**
04	General Electric LM 6000 Combustion Turbine Fuel Oil Fired 440 MM Btu/hr	PM Total HAPs*	20.0 0.55	**
06	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM Total HAPs*	16.0 0.46	**
06	General Electric LM 6000 Combustion Turbine Fuel Oil Fired 440 MM Btu/hr	PM Total HAPs*	20.0 0.55	**

SN	Description	Pollutant	lb/hr	tpy
07	General Electric LM 6000 Combustion Turbine Natural Gas Fired 440 MM Btu/hr	PM Total HAPs*	16.0 0.46	**

* - HAPs included in the PM or VOC totals. HAPs are not included in any other totals unless specifically stated
** - The annual emissions for SN-01, SN-02, SN-04, SN-06, and SN-07 are bubbled together.

3. Rolling 12-month emissions, in tons, shall be calculated using the following formulas during each month the facility is operated:

CO (tpy) = [(111.84 lb/MMSCF x NG12) + (15.24 lb/MGal x DF12) + (57.95 lb/MMSCF x NG467) + (7.90 lb/MGal x DF46)] / 2000
NO_x (tpy) = [(174.03 lb/MMSCF x NG12) + (25.00 lb/MGal x DF12) + (NGEF4 lb/MMSCF x NG4) + (NGEF6 lb/MMSCF x NG6) + (NGEF7 lb/MMSCF x NG7) + (25.59 lb/MGal x DF46)] / 2000
SO_2 (tpy) = [(35.79 lb/MMSCF x NG12) + (23.17 lb/MGal x DF12) + (34.77 lb/MMSCF x NG467) + (23.69 lb/MGal x DF46)] / 2000
VOC (tpy) = [(44.74 lb/MMSCF x NG12) + (6.10 lb/MGal x DF12) + (46.36 lb/MMSCF x NG467) + (6.32 lb/MGal x DF46)] / 2000
PM_{10} (tpy) = [35.79 lb/MMSCF x NG12) + (6.10 lb/MGal x DF12) + (37.09 lb/MMSCF x NG467) + (6.32 lb/MGal x DF46)] / 2000
PM (tpy) = [35.79 lb/MMSCF x NG12) + (6.10 lb/MGal x DF12) + (37.09 lb/MMSCF x NG467) + (6.32 lb/MGal x DF46)] / 2000

Where:

DF12 = total diesel fuel consumed by SN-01 and SN-02 during previous 12 months, M gal
NG12 = total NG consumed by SN-01 and SN-02 during previous 12 months, MM SCF
DF46 = total diesel fuel consumed by SN-04 and SN-06 during previous 12 months, M gal.
NG4 = NG consumed by SN-04 during previous 12 months, MM SCF
NG6 = NG consumed by SN-06 during previous 12 months, MM SCF
NG7 = NG consumed by SN-07 during previous 12 months, MM SCF
NGEF4 = NG combustion emission factor established by the latest performance test for SN-04
NGEF6 = NG combustion emission factor established by the latest performance test for SN-06
NGEF7 = NG combustion emission factor established by the latest performance test for SN-07
M gal equals 1,000 gallons
MM SCF equals 1,000,000 standard cubic feet.

The emission factors shall reflect the latest stack test result for each unit. A resultant from the above formulas of greater than the limits listed in Specific Conditions 1 and 2, for SN-01, SN-02, SN-04, SN-06, and SN-07, shall be considered a violation of this permit. The results of these calculations shall be completed by the fifteenth of the month for the previous month, kept on site, and made available to Department personnel upon request. A copy of the results of these calculations for each month operated shall be submitted in accordance with General Provision 7. [Rule 19.705, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 70.6]

4. The permittee shall use only natural gas as a fuel for the combustion turbine (SN-07). [Rule 19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

5. The permittee shall maintain monthly records of each fuel consumed at each of the following sources: SN-01, SN-02, SN-04, SN-06, and SN-07. The permittee shall update these records by the 15th day of the month following the month to which the records pertain. For each fuel at each source, a rolling 12-month total and each individual month's data shall be maintained on-site, made available to Department personnel upon request and submitted in accordance with General Provision 7.

   Consumption of any fuel other than natural gas in SN-07 shall be considered a violation of this permit. [Rule 19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

6. Visible emissions may not exceed the limits specified in the following table of this permit as measured by EPA Reference Method. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Limit	Regulatory Citation
SN-01, SN-02, SN-04, SN-06, & SN-07 (gas fired)	5 %	[Rule 18.501 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]
SN-01, SN-02, SN-04, SN-06 (oil fired)	20 %	[Rule 19.503 and 40 C.F.R. § 52 Subpart E]

7. One observation of the opacity from either SN-01 or SN-02 and one observation of the opacity from either SN-04 or SN-06 (while they are being fired with fuel oil) shall be measured during each calendar year using personnel trained, but not necessarily certified, in EPA Reference Method 9. Should visible emissions appear in excess of the permitted opacity, the permittee shall immediately take action to identify the cause of the visible emissions, implement corrective action, and document that visible emissions did not appear to be in excess of the permitted opacity following the corrective action. The permittee shall maintain records that contain the records of the visible emissions while firing with fuel oil in order to demonstrate compliance with Specific Condition 6. These records shall be updated yearly, kept on site, and made available to Department personnel upon request. [Rule 18.1004 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

8. The facility shall use only fuel oil with a sulfur content of less than 0.05 weight percent when firing on fuel oil. [Rule 19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

9. The permittee shall maintain monthly records that demonstrate compliance with Specific Condition 8. Records shall be updated by the fifteenth day of the month following the month for which the records pertain. These records shall be kept on site, and shall be made available to Department personnel upon request. [Rule 19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

10. The five (5) simple-cycle turbines, SN-01, SN-02, SN-04, SN-06, and SN-07, are subject to the provisions of NSPS Subpart GG. The permittee shall demonstrate compliance with NSPS Subpart GG by compliance with Specific Conditions 11 through 26. [Rule 19.705 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

NSPS Requirements

11. Pipeline quality natural gas shall be the only natural gas fired at the facility. Pipeline quality natural gas contains less than 20.0 grains or less of total sulfur per hundred standard cubic feet, and either composed of at least 70% methane by volume or has a gross calorific value between 950 and 1,100 BTU per standard cubic foot. [Rule 19.304 and 40 C.F.R. § 60.331(u)]

12. The permittee is not required to operate the water injection equipment when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine. [Rule 19.304 and 40 C.F.R. § 60.332(f)]

13. The permittee shall conduct an initial performance test for NO_x and SO_2 emissions from the LM-6000 Combustion Turbine (SN-07) as required by 40 C.F.R. § 60.8. The initial performance testing was completed July 23-25, 2007. [Rule 19.304 and 40 C.F.R. § 60.8]

14. On and after the date on which the performance test required to be conducted by § 60.8 is completed, the permittee shall not cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

    $STD = 0.0075(14.4)/Y + F$

    Where:

    a. STD = allowable ISO corrected NO_x emission concentration (percent by volume at 15 percent oxygen and on a dry basis).

b. Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measure at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour; and
c. F = NO_x emission allowance for fuel-bound nitrogen as defined in the table below.

The use of an emission allowance for fuel-bound nitrogen, F, is optional. The permittee may select an F value of zero. Alternately, if the permittee elects to apply a NO_x emission allowance for fuel-bound nitrogen, the value of F shall be defined according to the nitrogen content of the fuel during the most recent performance test as follows:

Fuel-bound Nitrogen (% by weight)	F (NO_x percent by volume)
$N \leq 0.015$	0
$0.015 < N \leq 0.1$	0.04(N)
$0.1 < N \leq 0.25$	0.004 + 0.0067*(N-0.1)
$N > 0.25$	0.005

[Rule 19.304 and 40 C.F.R. §§ 60.332(a)(1), 60.332(a)(3), and 60.332(a)(4)]

15. On and after the date on which the performance test required to be conducted by § 60.8 is completed, the permittee shall not cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain sulfur dioxide in excess of:

a. 0.015 percent by volume at 15 percent oxygen and on a dry basis; or
b. 0.8 percent by weight (8000 ppmw).

[Rule 19.304 and 40 C.F.R. §§ 60.333(a) and (b)]

16. The permittee shall comply with the monitoring of operations requirements of 40 C.F.R. § 60.334 for the stationary gas turbines SN-01, SN-02, SN-04, SN-06, and SN-07. These requirements include, but are not limited to, the following:

a. The permittee shall install, calibrate, maintain and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.

[Rule 19.304 and 40 C.F.R. § 60.334(a)]

17. The steam or water to fuel ratio or other parameters that are continuously monitored as described in Specific Condition 16 shall be monitored during the performance test required under § 60.8, to establish acceptable values and ranges, or as outlined in 40 C.F.R. § 60.334(g). [Rule 19.304 and 40 C.F.R. § 60.334(g)]

18. The owner or operator of any stationary gas turbine shall monitor the total sulfur content of the fuel being fired in the turbine. The sulfur content of the fuel must be determined using one of the following:

    a. The sulfur content of the liquid fuel must be determined using total sulfur methods described in § 60.335(b)(10)(i); or
    b. If the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4000 ppmw), ASTM D 4084-82, 94, D 5504-01, D 6228-98, or Gas Processors Association Standard 23777-86 (all of which are incorporated by reference-see § 60.17), which measure the major sulfur compounds may be used; or
    c. The owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas as provided by § 60.331(u), as referenced by Specific Condition 11. The owner or operator shall use one of the following sources of information to make the required demonstration:
        i. The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or
        ii. Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of Appendix D to § 75 is required., or
    d. The owner or operator may determine sulfur in the gaseous fuel using the EPA approved Custom Fuel Monitoring Schedule (Appendix C).

    [Rule 19.304 and 40 C.F.R. §§ 60.334(h)(1), 60.334(h)(3)(i), and 60.334(h)(3)(ii)]

19. If the owner or operator claims an allowance for fuel bound nitrogen (i.e., if an F-value greater than zero is being or will be used by the owner or operator to calculate STD in § 60.332), the owner or operator of any stationary gas turbine shall monitor the nitrogen content of the fuel combusted in the turbine as follows:

    a. For liquid fuel, the nitrogen content shall be determined using methods described in § 60.335(b)(9)(i) or an approved alternative.
    b. For pipeline quality natural gas, monitoring of nitrogen content is not required per the EPA granted Custom Fuel Monitoring Schedule (Appendix C)

    [Rule 19.304 and 40 C.F.R. §§ 60.334(h) and 60.335(b)(9)]

20. The frequency of determining the sulfur and nitrogen content of the gaseous fuel shall be as follows:

    a. Monitoring of nitrogen content of pipeline quality natural gas is not required per the EPA granted Custom Fuel Monitoring Schedule (Appendix C) and

b. For owners and operators that elect not to demonstrate sulfur content using § 60.334(h)(3), as referenced by Specific Condition 18.c, and for which the fuel is supplied without intermediate bulk storage, the sulfur content value of the gaseous fuel shall be determined and recorded once per unit operating day; or
c. Notwithstanding the requirements of Specific Condition 20.b, operators or fuel vendors may develop custom schedules for determination of the total sulfur content of gaseous fuels, based on the design and operation of the affected facility and the characteristics of the fuel supply. Reference JCWL's EPA approved custom fuel monitoring schedule documented in Appendix C.

[Rule 19.304 and 40 C.F.R. § 60.334(i)(2)]

21. The frequency of determining the sulfur and nitrogen content of the liquid fuel shall be determined as follows:

a. The requirements of 40 C.F.R. § 60.334 (i)(1) or,
b. The EPA approved Alternative Monitoring Plan (Appendix D), which states, in part:
    i. A fuel lot is considered to be the amount of oil purchased from one supplier under one invoice and intended as one shipment or delivery
    ii. No other fuels shall be blended with the fuel oil from the trucks in one shipment in the storage tank.
    iii. A sample will be taken from each truck comprising the single shipment from a single supplier.
    iv. Samples from all trucks in a single shipment from a single supplier will be mixed to obtain a combined representative sample.
    v. This sample shall be tested for fuel nitrogen and sulfur content by an approved ASTM method or approved alternative method.
    vi. Records of the number of trucks comprising a single shipment from a single supplier shall be kept, along with records of the number of individual samples taken per shipment, and the results of the analysis for nitrogen and sulfur. These records shall be kept for a period of three years and be available at the request of any federal, state, or local agency.
    vii. Should any sulfur analysis indicate non-compliance, or the nitrogen analysis indicate a change in the fuel bound nitrogen content, the owner or operator will notify ADEQ and this alternative monitoring method approval is revoked.

[Rule 19.304 and 40 C.F.R. §§ 60.334(i)(2) and 60.334(i)(3)]

22. Excess emissions shall be reported for all periods of unit operation, including startup, shutdown and malfunction. For the purpose of reports required under § 60.7(c), periods of excess emissions and monitor downtime that shall be reported as defined in § 60.334(j) and its subparts. [Rule 19.304 and 40 C.F.R. § 60.334(j)]

23. Performance tests required in § 60.8 shall be conducted using one of the following methods for determining nitrogen oxides:

    a. EPA Method 20; or
    b. ASTM D6522-00 (incorporated by reference, see § 60.17); or
    c. EPA Method 7E and either EPA Method 3 or 3A in appendix A of 40 C.F.R. § 60 to determine NO_x and diluent concentration.

    [Rule 19.304 and 40 C.F.R. §§ 60.335(a)(1) through (3)]

24. The sampling traverse points are to be selected and sampled for equal time intervals as defined below:

    a. Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures). The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.; or
    b. The owner or operator may test at fewer points than are specified in Method 1 or Method 20 if the following conditions are met:
        i. The owner or operator may perform a stratification test for NO_x and diluent pursuant to:
            1. The procedures specified in section 6.5.6.1(a) through (e) appendix A to § 75.
        ii. Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:
            1. If each of the individual traverse point NO_x concentrations, normalized to 15 percent O_2, is within ± 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NO_x concentration during the stratification test; or
            2. If each of the individual traverse point NO_x concentrations, normalized to 15 percent O_2, is within ± 5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.; or
    c. Manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in § 60.8 to ISO standard day conditions.

[Rule 19.304 and 40 C.F.R. §§ 60.335(a)(4) through (6) and 60.335(c)(1)]

25. The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in § 60.332 and shall meet the performance test requirements of § 60.8 as follows:

a. For each run of the performance test, the mean nitrogen oxides emission concentration (NO_{xo}) corrected to 15 percent O_2 shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$NO_x = (NO_{xo})(Pr/P_o)^{0.5}[e^{19(Ho-0.00633)}] (288/T_a)^{1.53}$$

Where:
NO_x = emission rate at 15% O_2 and ISO standard ambient conditions, ppm by volume
NO_{xo} = observed NO_x concentration, ppm by volume at 15%
Pf = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg
P_o = observed combustor inlet absolute pressure at test, mm Hg
H_o = specific humidity of ambient air, gram H_2O per gram air
e = transcendental constant, 2.718
T_a = ambient temperature, ^oK.Ta = ambient temperature, ^oK.

b. The 3-run performance test required by § 60.8 must be performed within ± 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in § 60.331).

[Rule 19.304 and 40 C.F.R. §§ 60.335(b)(1) and (2)]

26. The permittee shall measure the emissions of both of the General Electric LM2500 simple-cycle combustion turbines, SN-01 and SN-02, while using fuel oil and while using natural gas (2 separate tests), and all three of the General Electric LM6000 simple-cycle combustion turbines, SN-04, SN-06, and SN-07, while using natural gas, and SN-04 and SN06 General Electric LM6000 simple-cycle combustion turbines while using fuel oil. Periodic performance testing shall be performed every five (5) years on one of each

model of engines installed with each LM2500 unit being tested alternated every five (5) years and with each LM6000 unit being tested alternated every five (5) years. The turbines shall be tested for NO_x and SO_2 using EPA Method 20, and CO using EPA Method 10. These three pollutant tests shall be done simultaneously. The turbine shall be tested in accordance with the New Source Performance Standard, Subpart GG, §§ 60.335 (a) and (b), except when superseded by the EPA approved custom fuel monitoring schedules (Appendix C and Appendix D). The water to fuel ratio used during each test point (30, 50, 75, and 100 percent of peak load or at four points in the normal operating range of the gas turbine) shall be submitted in the report. The test results shall be submitted to the Department (Compliance Section Manager) within 30 days after the completion of the testing. A summary of history and future testing requirements for the turbines is shown in the tables below:

Summary of History and Future Requirements for Testing of LM2500 units SN-01 and SN-02 (in chronological order)
SN-01 and SN-02 were initially tested in March 2000 (re-testing on both units was completed in August 2002 to better define parametric monitoring setpoints).
SN-02 was tested in August 2004 (less than five years after the March 2000 testing).
SN-01 was tested in July 2009 (less than five years after the August 2004 testing).
SN-02 was tested in July 2014 (less than five years after the July 2009 testing).
SN-01 was tested in June 2019 (less than five years after the July 2014 testing).
SN-02 was tested in June 2024 (less than five years after the June 2019 testing).
SN-01 shall be tested within five years of the June 2024, or prior, testing.

Summary of History and Future Requirements for Testing of LM6000 units SN-04, SN-06 and SN-07 (in chronological order)
SN-04 was initially tested in November 2000 for natural gas combustion only (re-testing was completed in January 2002 after diesel combustion was permitted).
SN-06 was initially tested in July 2003.
SN-04 was tested in August 2004 (less than five years after the November 2000 testing).
SN-07 was initially tested in July 2007 (SN-04 and SN-06 also underwent testing in July 2007 to better define parametric monitoring setpoints).
SN-06 was tested in July 2009 (less than five years after the August 2004 testing).
SN-07 was tested in July 2014 (less than five years after the August 2009 testing).
SN-04 was tested in June 2019 (less than five years after the July 2014 testing).
SN-06 was tested in June 2024 (less than five years after the June 2019 testing).
SN-07 shall be tested within five years of the June 2024, or prior, testing.

[Rule 19.304 and 40 C.F.R. § 60 Subpart GG]

CAM Requirements

27. The permittee shall monitor the water to fuel ratio fired in the turbines while they are operating. The permittee shall demonstrate compliance for the daily average of water to fuel ratio by targeting the operational ratio and operating within the limits as set forth by Specific Condition #1. For SN-01 and SN-02, the operational ratio is derived from curves established by the latest stack test on the most recent unit, as stated in Specific Condition #26. For SN-04, SN-06, or SN-07, the operational ratio is derived from curves established by the latest stack test for each unit, as stated in Specific Condition #26. [Rule 19.304 and 40 C.F.R. § 64]

28. The permittee shall maintain daily records that demonstrate compliance with Specific Condition #27. Records shall be updated by the fifteenth day of the month following the month for which the records pertain. These records are required only for days the turbines are operating, shall be kept on site, and shall be made available to Department personnel upon request. [Rule 19.705 and 40 C.F.R. § 52 Subpart E]

Acid Rain Requirements

29. The General Electric LM6000 units (SN-04, SN-06, and SN-07) are subject to and shall comply with all applicable provisions of the Acid Rain Program (40 C.F.R. §§ 72, 73, and 75). [Rule 19.304 and 40 C.F.R. §§ 72, 73, and 75]

    a. Pursuant to 40 C.F.R. §§ 75.14 (c) and (d) Continuous Opacity Monitoring - SN-04, SN-06, and SN-07 are exempt from the requirement for a continuous opacity monitor based on using only natural gas fuel and/or low sulfur diesel fuel units.
    b. Pursuant to 40 C.F.R. § 75.19, SN-04, SN-06, and SN-07 are "Low Mass Emitter units" as defined:
        i. SN-04, SN-06, and SN-07 emit 50 tons or less of NO_x per ozone season per unit.
        ii. SN-04, SN-06, and SN-07 emit 100 tons or less of NO_x per year per unit.
        iii. SN-04, SN-06, and SN-07 emit 25 tons or less of SO_2 per year per unit.

30. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by calculating emissions using the methods specified in 40 C.F.R. § 75.19 required for tracking LME Compliance in the EPA Emission Collection and Monitoring Plan System (ECMPS). [Rule 19.304 and 40 C.F.R. § 75.19]

SN	Description	Pollutant	Tons per Year	Tons per Ozone Season
04	General Electric LM 6000 Combustion Turbine	NO_x	100	50

SN	Description	Pollutant	Tons per Year	Tons per Ozone Season
06	General Electric LM 6000 Combustion Turbine	NO_x	100	50
07	General Electric LM 6000 Combustion Turbine	NO_x	100	50
04	General Electric LM 6000 Combustion Turbine	SO_2	25	N/A
06	General Electric LM 6000 Combustion Turbine	SO_2	25	N/A
07	General Electric LM 6000 Combustion Turbine	SO_2	25	N/A

31. The permittee shall maintain monthly records that demonstrate compliance with Specific Condition 30. Records shall be updated by the fifteenth day of the month following the month for which the records pertain. The ozone season totals, calendar year totals, and each individual month's data shall be maintained on-site, made available to Department personnel upon request, and submitted in accordance with General Provision 7. [Rule 19.705 and 40 C.F.R. § 52 Subpart E]

Applicability and qualification.

32. For units that meet the requirements of this paragraph (a)(1) and paragraphs (a)(2) and (b) of 40 C.F.R. § 75.19 the low mass emissions (LME) excepted methodology in paragraph (c) of 40 C.F.R. § 75.19 may be used in lieu of continuous emission monitoring systems or, if applicable, in lieu of methods under appendices D, E, and G to 40 C.F.R. § 75, for the purpose of determining unit heat input, NO_x, SO_2, and CO_2 mass emissions, and NO_x emission rate under 40 C.F.R. § 75. If the owner or operator of a qualifying unit elects to use the LME methodology, it must be used for all parameters that are required to be monitored by the applicable program(s). For example, for an Acid Rain Program LME unit, the methodology must be used to estimate SO_2, NO_x, and CO_2 mass emissions, NO_x emission rate, and unit heat input. [Rule 19.304 and 40 C.F.R. § 75.19(a)(1)]

33. A low mass emissions unit is an affected unit that is gas-fired, or oil-fired (as defined in § 72.2 of this chapter), and for which: [Rule 19.304 and 40 C.F.R. § 75.19(a)(1)(i)]

    a. An initial demonstration is provided, in accordance with paragraph (a)(2) of 40 C.F.R. § 75.19, which shows that the unit emits:
        i. No more than 25 tons of SO_2 annually and less than 100 tons of NO_x annually, for Acid Rain Program affected units. If the unit is also subject to the provisions of subpart H of 40 C.F.R. § 75, no more than 50 of the allowable annual tons of NO_x may be emitted during the ozone season; or
    b. An annual demonstration is provided thereafter, using one of the allowable methodologies in paragraph (c) of 40 C.F.R. § 75.19, showing that the low mass

emissions unit continues to emit no more than the applicable number of tons of SO_2 and/or NO_x specified in paragraph (a)(1)(i)(A) of 40 C.F.R. § 75.19.

34. For a unit that reports emission data on a year-round basis, begin using the methodology in the first unit operating hour in the calendar year designated in the certification application as the first year that the methodology will be used. [Rule 19.304 and 40 C.F.R. § 75.19(a)(1)(ii)(A)]

35. A unit may initially qualify as a low mass emissions unit if the designated representative submits a certification application to use the LME methodology (as described in § 75.63(a)(1)(ii) and in this paragraph, (a)(2)) and the Administrator (or permitting authority, as applicable) certifies the use of such methodology. The certification application shall be submitted no later than 45 days prior to the date on which use of the low mass emissions methodology is expected to commence, and the application must contain: [Rule 19.304 and 40 C.F.R. § 75.19(a)(2)]

    a. A statement identifying the projected date on which the LME methodology will first be used. The projected commencement date shall be consistent with paragraphs (a)(1)(ii) and (b)(4) of 40 C.F.R. § 75.19, as applicable; and
    b. Either:
        i. Actual SO_2 and/or NO_x mass emissions data (as applicable) for each of the three calendar years (or ozone seasons) prior to the calendar year in which the certification application is submitted demonstrating to the satisfaction of the Administrator or (if applicable) the permitting authority, that the unit emitted less than the applicable number of tons of SO_2 and/or NO_x specified in paragraph (a)(1)(i)(A) of 40 C.F.R. § 75.19. For the purposes of this paragraph, (a)(2)(ii)(A), the required actual SO_2 or NO_x mass emissions for each qualifying year or ozone season shall be determined using the SO_2, NO_x and heat input data reported to the Administrator in the electronic quarterly reports required under § 75.64 or under the Ozone Transport Commission (OTC) NO_x Budget Trading Program. Notwithstanding this requirement, in the absence of such electronic reports, an estimate of the actual emissions for each of the previous three years (or ozone seasons) shall be provided, using either the maximum rated heat input methodology described in paragraph (c)(3)(i) of 40 C.F.R. § 75.19 or procedures consistent with the long term fuel flow heat input methodology described in paragraph (c)(3)(ii) of 40 C.F.R. § 75.19, in conjunction with the appropriate SO_2 or NO_x emission rate from paragraph (c)(1)(i) of 40 C.F.R. § 75.19 for SO_2, and paragraph (c)(1)(ii) or (c)(1)(iv) of 40 C.F.R. § 75.19 for NO_x. Alternatively, the initial estimate of the NO_x emission rate may be based on historical emission test data that is representative of operation at normal load or historical data from a CEMS certified under § 60 of this chapter or under a state CEM program; or
        ii. When the three full years (or ozone seasons) of actual SO_2 and NO_x mass emissions data (or reliable estimates thereof) described under paragraph

(a)(2)(ii)(A) of 40 C.F.R. § 75.19 do not exist, the designated representative may submit an application to use the low mass emissions excepted methodology based upon a combination of actual historical SO_2 and NO_x mass emissions data and projected SO_2 and NO_x mass emissions, totaling three years (or ozone seasons). Except as provided in paragraph (a)(3) of 40 C.F.R. § 75.19, actual data must be used for any years (or ozone seasons) in which such data exists and projected data should be used for any remaining future years (or ozone seasons) needed to provide emissions data for three consecutive calendar years (or ozone seasons). For example, if a unit commenced operation two years ago, the designated representative may submit actual, historical data for the previous two years and one year of projected emissions for the current calendar year or, for a new unit, the designated representative may submit three years of projected emissions, beginning with the current calendar year. Any actual or projected annual emissions must demonstrate to the satisfaction of the Administrator that the unit will emit less than the applicable number of tons of SO_2 and/or NO_x specified in paragraph (a)(1)(i)(A) of 40 C.F.R. § 75.19. Projected emissions shall be calculated using either the appropriate default emission rates from paragraphs (c)(1)(i) and (c)(1)(ii) of 40 C.F.R. § 75.19 (or, alternatively for NO_x, a conservative estimate of the NO_x emission rate, as described in paragraph (a)(4) of 40 C.F.R. § 75.19), in conjunction with projections of unit operating hours or fuel type and fuel usage, according to one of the allowable calculation methodologies in paragraph (c) of 40 C.F.R. § 75.19; and

c. A description of the methodology from paragraph (c) of 40 C.F.R. § 75.19 that will be used to demonstrate on-going compliance under paragraph (b) of 40 C.F.R. § 75.19; and
d. Appropriate documentation demonstrating that the unit is eligible to use projected emissions to qualify for LME status under paragraph (a)(3) of 40 C.F.R. § 75.19 (if applicable).

36. When the owner or operator elects to demonstrate initial LME qualification and on-going compliance using a fuel-and-unit-specific NO_x emission rate in accordance with paragraph (c)(1)(iv) of 40 C.F.R. § 75.19, there will be instances (e.g., for a new or newly-affected unit) where it is not possible to determine that NO_x emission rate prior to submitting the certification application. In such cases, if the generic default NO_x emission rates in Table LM-2 of 40 C.F.R. § 75.19 are inappropriately high for the unit, the owner or operator may use a more representative, but conservatively high estimate of the expected NO_x emission rate, for the purposes of the initial monitoring plan submittal and to calculate the unit's projected annual or ozone season emissions under paragraph (a)(2)(ii)(B) of 40 C.F.R. § 75.19. For example, the NO_x emission rate could, as described in paragraph (a)(2)(ii)(A) of 40 C.F.R. § 75.19, be estimated using historical CEM data or historical emission test data that is representative of operation at normal load. The NO_x emission limit specified in the operating permit for the unit could also be

used to estimate the NO_x emission rate (except for units equipped with SCR (selective catalytic reduction) or SNCR (selective non-catalytic reduction), or, consistent with paragraph (c)(1)(iv)(C)(4) of 40 C.F.R. § 75.19, for a unit that uses SCR or SNCR to control NO_x emissions, an estimated default NO_x emission rate of 0.15 lb/mmBtu could be used. However, these estimated NO_x emission rates may not be used for reporting purposes in the time period extending from the first hour in which the LME methodology is used to the date and hour on which the fuel-and-unit-specific NO_x emission rate testing is completed. Rather, in that interval, the owner or operator shall either report the appropriate default NO_x emission rate from Table LM-2, or shall report the maximum potential NO_x emission rate, calculated in accordance with §72.2 of this chapter and section 2.1.2.1 of appendix A to 40 C.F.R. § 75. Then, beginning with the first unit operating hour after completion of the tests, the appropriate default NO_x emission rate(s) obtained from the fuel-and-unit-specific testing shall be used for emissions reporting. [Rule 19.304 and 40 C.F.R. § 75.19(a)(4)]

On-going qualification and disqualification.

37. Once a low mass emissions unit has qualified for and has started using the low mass emissions excepted methodology, an annual demonstration is required, showing that the unit continues to emit no more than the applicable number of tons of SO_2 and/or NO_x specified in paragraph (a)(1)(i)(A) of 40 C.F.R. § 75.19. The calculation methodology used for the annual demonstration shall be the methodology described in the certification application under paragraph (a)(2)(iii) of 40 C.F.R. § 75.19. [Rule 19.304 and 40 C.F.R. § 75.19(b)(1)]

38. If a new or newly-affected unit initially qualifies to use the low mass emissions excepted methodology under 40 C.F.R. § 75.19 and the owner or operator wants to use the low mass emissions methodology for the unit, he or she must: [Rule 19.304 and 40 C.F.R. § 75.19(b)(4)]

    a. Keep the records specified in paragraph (c)(2) of 40 C.F.R. § 75.19, beginning with the date and hour of commencement of commercial operation, for a new unit subject to an Acid Rain emission limitation, and beginning with the date and hour of the commencement of operation, for a new unit subject to a NO_x mass reduction program under subpart H of 40 C.F.R. § 75. For newly-affected units, the records in paragraph (c)(2) of 40 C.F.R. § 75.19 shall be kept as follows:
        i. For Acid Rain Program units, begin keeping the records as of the first hour of commercial operation of the unit following the date on which the unit becomes affected; or
        ii. For units subject to a NO_x mass reduction program under subpart H of 40 C.F.R. § 75, begin keeping the records as of the first hour of unit operation following the date on which the unit becomes an affected unit;
    b. Use these records to determine the cumulative heat input and SO_2, CO_2, and/or NO_x mass emissions in order to continue to qualify as a low mass emissions unit; and

c. Determine the cumulative SO_2 and/or NO_x mass emissions according to paragraph (c) of § 75.19 using the same procedures used after the certification deadline for the unit, for purposes of demonstrating eligibility to use the excepted methodology set forth in 40 C.F.R. § 75.19. For example, use the default emission rates in Tables LM-1, LM-2, and LM-3 of 40 C.F.R. § 75.19 or use the fuel-and-unit-specific NO_x emission rate determined according to paragraph (c)(1)(iv) of 40 C.F.R. § 75.19. For Acid Rain Program LME units, the Administrator will not count SO_2 mass emissions calculated for the period between commencement of commercial operation and the certification deadline for the unit under § 75.4 against SO_2 allowances to be held in the unit account.

Low mass emissions excepted methodology, calculations, and values—(1) *Determination of* SO_2, NO_x, *and* CO_2 *emission rates.*

39. If the unit combusts only natural gas and/or fuel oil, use Table LM-1 of 40 C.F.R. § 75.19 to determine the appropriate SO_2 emission rate for use in calculating hourly SO_2 mass emissions under 40 C.F.R. § 75.19. Alternatively, for fuel oil combustion, a lower, fuel-specific SO_2 emission factor may be used in lieu of the applicable emission factor from Table LM-1, if a federally enforceable permit condition is in place that limits the sulfur content of the oil. If this alternative is chosen, the fuel-specific SO_2 emission rate in lb/mmBtu shall be calculated by multiplying the fuel sulfur content limit (weight percent sulfur) by 1.01. In addition, the owner or operator shall periodically determine the sulfur content of the oil combusted in the unit, using one of the oil sampling and analysis options described in section 2.2 of appendix D to 40 C.F.R. § 75, and shall keep records of these fuel sampling results in a format suitable for inspection and auditing. Alternatively, the required oil sampling and associated recordkeeping may be performed using a consensus standard (e.g., ASTM, API, etc.) that is prescribed in the unit's Federally-enforceable operating permit, in an applicable State regulation, or in another applicable Federal regulation. If the unit combusts gaseous fuel(s) other than natural gas, the owner or operator shall use the procedures in section 2.3.6 of appendix D to 40 C.F.R. § 75 to document the total sulfur content of each such fuel and to determine the appropriate default SO_2 emission rate for each such fuel. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(i)]

40. If the unit combusts only natural gas and/or fuel oil, use either the appropriate NO_x emission factor from Table LM-2 of 40 C.F.R. § 75.19, or a fuel-and-unit-specific NO_x emission rate determined according to paragraph (c)(1)(iv) of 40 C.F.R. § 75.19, to calculate hourly NO_x mass emissions under 40 C.F.R. § 75.19. If the unit combusts a gaseous fuel other than pipeline natural gas or natural gas, the owner or operator shall determine a fuel-and-unit-specific NO_x emission rate according to paragraph (c)(1)(iv) of 40 C.F.R. § 75.19. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(ii)]

41. If the unit combusts only natural gas and/or fuel oil, use Table LM-3 of 40 C.F.R. § 75.19 to determine the appropriate CO_2 emission rate for use in calculating hourly CO_2 mass emissions under 40 C.F.R. § 75.19 (Acid Rain Program units, only). If the unit combusts

a gaseous fuel other than pipeline natural gas or natural gas, the owner or operator shall determine a fuel-and-unit-specific CO_2 emission rate for the fuel, as follows: [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iii)]

a. Derive a carbon-based F-factor for the fuel, using fuel sampling and analysis, as described in section 3.3.6 of appendix F to 40 C.F.R. § 75;
b. Use Equation G-4 in appendix G to 40 C.F.R. § 75 to derive the default CO_2 emission rate. Rearrange the equation, solving it for the ratio of W_{CO2}/H (this ratio will yield an emission rate, in units of tons/mmBtu). Then, substitute the carbon-based F-factor determined in paragraph (c)(1)(iii)(A) of 40 C.F.R. § 75.19 into the rearranged equation to determine the default CO_2 emission rate for the unit.

42. In lieu of using the default NO_x emission rate from Table LM-2 of 40 C.F.R. § 75.19, the owner or operator may, for each fuel combusted by a low mass emissions unit, determine a fuel-and-unit-specific NO_x emission rate for the purpose of calculating NO_x mass emissions under 40 C.F.R. § 75.19. This option may be used by any unit which qualifies to use the low mass emission excepted methodology under paragraph (a) of 40 C.F.R. § 75.19, and also by groups of units which combust fuel from a common source of supply and which use the long term fuel flow methodology under paragraph (c)(3)(ii) of 40 C.F.R. § 75.19 to determine heat input. The testing must be completed in a timely manner, such that the test results are reported electronically no later than the end of the calendar year or ozone season in which the LME methodology is first used. If this option is chosen, the following procedures shall be used. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)]

43. Except as otherwise provided in paragraphs (c)(1)(iv)(F), (c)(1)(iv)(G), and (c)(1)(iv)(I) of 40 C.F.R. § 75.19, determine a fuel-and-unit-specific NO_x emission rate by conducting a four load NO_x emission rate test procedure as specified in section 2.1 of appendix E to 40 C.F.R. § 75, for each type of fuel combusted in the unit. For a group of units sharing a common fuel supply, the appendix E testing must be performed on each individual unit in the group, unless some or all of the units in the group belong to an identical group of units, as defined in paragraph (c)(1)(iv)(B) of 40 C.F.R. § 75.19, in which case, representative testing may be conducted on units in the identical group of units, as described in paragraph (c)(1)(iv)(B) of 40 C.F.R. § 75.19. For the purposes of 40 C.F.R. § 75.19, make the following modifications to the appendix E test procedures: [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)(A)]

a. Do not measure the heat input as required under 2.1.3 of appendix E to § 75.
b. Do not plot the test results as specified under 2.1.6 of appendix E to § 75.
c. Do not correct the NO_x concentration to 15% O_2.
d. If the testing is performed on an uncontrolled diffusion flame turbine, a correction to the observed average NO_x concentration from each run of the test must be applied using the following Equation LM-1a.

$$NO_{X_{corr}} = NO_{X_{obs}} \left(\frac{P_r}{P_o}\right)^{0.5} e^{19(H_o - H_r)} \left(\frac{T_r}{T_a}\right)^{1.53} \qquad (Eq.\ LM\text{-}1a)$$

Where:
$NO_{X_{corr}}$ = Corrected NO_X concentration (ppm).
$NO_{X_{obs}}$ = Average measured NO_X concentration for each run of the test (ppm).
P_r = Average annual atmospheric pressure (or average ozone season atmospheric pressure for a Subpart H unit that reports data only during the ozone season) at the nearest weather station (e.g., a standardized NOAA weather station located at the airport) for the year (or ozone season) prior to the year of the test (mm Hg).
P_o = Observed atmospheric pressure during the test run (mm Hg).
H_r = Average annual atmospheric humidity ratio (or average ozone season humidity ratio for a Subpart H unit that reports data only during the ozone season) at the nearest weather station, for the year (or ozone season) prior to the year of the test (g H_2O/g air).
H_o = Observed humidity ratio during the test run (g H_2O/g air).
T_r = Average annual atmospheric temperature (or average ozone season atmospheric temperature for a Subpart H unit that reports data only during the ozone season) at the nearest weather station, for the year (or ozone season) prior to the year of the test (° K).
T_a = Observed atmospheric temperature during the test run (° K).

44. Representative Appendix E testing may be done on low mass emission units in a group of identical units. All of the units in a group of identical units must combust the same fuel type but do not have to share a common fuel supply. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)(B)]

    a. To be considered identical, all low mass emission units must be of the same size (based on maximum rated hourly heat input), manufacturer and model, and must have the same history of modifications (e.g., have the same controls installed, the same types of burners and have undergone major overhauls at the same frequency (based on hours of operation)). Also, under similar operating conditions, the stack or turbine outlet temperature of each unit must be within ±50 degrees Fahrenheit of the average stack or turbine outlet temperature for all of the units.
    b. If all of the low mass emission units in the group qualify as identical, then representative testing of the units in the group may be performed according to Table LM-4 of § 75.19.
    c. If the acceptance criteria in paragraph (c)(1)(iv)(B)(*1*) of § 75.19 are not met then the group of low mass emission units is not considered an identical group of units and individual Appendix E testing of each unit is required.
    d. Fuel and unit specific NO_X emission rates determined according to paragraphs (c)(1)(iv)(F) and (c)(1)(iv)(G) of § 75.19 may be used in lieu of Appendix E testing for one or more low mass emission units in a group of identical units.

45. Based on the results of the Appendix E testing, determine the fuel-and-unit-specific NO_X emission rate as follows: [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)(C)]

    a. Except for LME units that use selective catalytic reduction (SCR) or selective non-catalytic reduction (SNCR) to control NO_X emissions, the highest three-run

average NO_x emission rate obtained at any load in the Appendix E test for a particular type of fuel shall be the fuel-and-unit-specific NO_x emission rate, for that type of fuel.

b. For a group of identical low mass emissions units (except for units that use SCR or SNCR to control NO_x emissions), the fuel-and-unit-specific NO_x emission rate for all units in the group, for a particular type of fuel, shall be the highest three-run average NO_x emission rate obtained at any tested load from any unit tested in the group, for that type of fuel.

c. Except as provided in paragraphs (c)(1)(iv)(C)(*7*) and (c)(1)(iv)(C)(*8*) of § 75.19, for an individual low mass emissions unit which uses SCR or SNCR to control NO_x emissions, the fuel-and-unit-specific NO_x emission rate for each type of fuel combusted in the unit shall be the higher of:
    i. The highest three-run average emission rate from any load of the Appendix E test for that type of fuel; or
    ii. 0.15 lb/mmBtu.

d. Except as provided in paragraphs (c)(1)(iv)(C)(7) and (c)(1)(iv)(C)(8) of § 75.19, for a group of identical low mass emissions units that are all equipped with SCR or SNCR to control NO_x emissions, the fuel-and-unit-specific NO_x emission rate for each unit in the group of units, for a particular type of fuel, shall be the higher of:
    i. The highest three-run average NO_x emission rate at any load from all Appendix E tests of all tested units in the group, for that type of fuel; or
    ii. 0.15 lb/mmBtu.

e. Notwithstanding the requirements of paragraphs (c)(1)(iv)(C)(4) and (c)(1)(iv)(C)(6) of § 75.19, for a unit (or group of identical units) equipped with SCR (or SNCR) and water (or steam) injection to control NO_x emissions:
    i. If the appendix E testing is performed when the water (or steam) injection is in use *and* either upstream of the SCR or SNCR or during a time period when the SCR or SNCR is out of service; then
    ii. The highest three-run average emission rate from the appendix E testing may be used as the fuel-and-unit-specific NO_x emission rate for the unit (or, if applicable, for each unit in the group), for each unit operating hour in which the water-to-fuel ratio is within the acceptable range established during the Appendix E testing.

f. Notwithstanding the requirements of paragraphs (c)(1)(iv)(C)(4) and (c)(1)(iv)(C)(6) of § 75.19, for a unit (or group of identical units) equipped with SCR (or SNCR) and uses dry low-NO_x technology to control NO_x emissions:
    i. If the Appendix E testing is performed during a time period when the dry low-NO_x controls are in use, but the SCR or SNCR is out of service; then
    ii. The highest three-run average emission rate from the Appendix E testing may be used as the fuel-and-unit-specific NO_x emission rate for the unit (or, if applicable, for each unit in the group), for each unit operating hour in which the parametric data described in paragraph (c)(1)(iv)(H)(*2*) of § 75.19 demonstrate that the dry low-NO_x controls are operating in the premixed or low-NO_x mode.

g. For an individual combustion turbine (or a group of identical turbines) that operate principally at base load (or at a set point temperature), but are capable of operating at a higher peak load (or higher internal operating temperature), the fuel-and-unit-specific NO_x emission rate for the unit (or for each unit in the group) shall be as follows:
   i. If the testing is done only at base load, use the three-run average NO_x emission rate for base load operating hours and 1.15 times that emission rate for peak load operating hours; or
   ii. If the testing is done at both base load and peak load, use the three-run average NO_x emission rate from the base load testing for base load operating hours and the three-run average NO_x emission rate from the peak load testing for peak load operating hours.

46. For each low mass emissions unit, or group of identical units for which the provisions of paragraph (c)(1)(iv) of § 75.19 are used to account for NO_x emission rate, the owner or operator shall determine a new fuel-and-unit-specific NO_x emission rate every five years (20 calendar quarters), unless changes in the fuel supply, physical changes to the unit, changes in the manner of unit operation, or changes to the emission controls occur which may cause a significant increase in the unit's actual NO_x emission rate. If such changes occur, the fuel-and-unit-specific NO_x emission rate(s) shall be re-determined according to paragraph (c)(1)(iv) of § 75.19. Testing shall be done at the number of loads specified in paragraph (c)(1)(iv)(A) or (c)(1)(iv)(I) of § 75.19, as applicable. If a low mass emissions unit belongs to a group of identical units and it is required to retest to determine a new fuel-and-unit-specific NO_x emission rate because of changes in the fuel supply, physical changes to the unit, changes in the manner of unit operation or changes to the emission controls occur which may cause a significant increase in the unit's actual NO_x emission rate, any other unit in that group of identical units is not required to re-determine the fuel-and-unit-specific NO_x emission rate unless such unit also undergoes changes in the fuel supply, physical changes to the unit, changes in the manner of unit operation or changes to the emission controls occur which may cause a significant increase in the unit's actual NO_x emission rates.

47. Low mass emission units may use the results of Appendix E testing, if such test results are available from a test conducted no more than five years prior to the time of initial certification, to determine the appropriate fuel-and-unit-specific NO_x emission rate(s). However, fuel-and-unit-specific NO_x emission rates from historical testing may not be used longer than five years after the Appendix E testing was conducted. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)(F)]

48. For low mass emission units with add-on NO_x emission controls, and for units that use dry low-NO_x technology, the owner or operator shall, during every hour of unit operation during the test period, monitor and record parameters, as required under paragraph (e)(5) of § 75.19, which indicate that the NO_x emission controls are operating properly. After the test period, these same parameters shall be monitored and recorded and kept for all operating hours in order to determine whether the NO_x controls are operating properly

and to allow the determination of the correct NO_x emission rate as required under paragraph (c)(1)(iv) of § 75.19. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)(H)]

49. For low mass emission units with steam or water injection, the steam-to-fuel or water-to-fuel ratio used during the testing must be documented. The water-to-fuel or steam-to-fuel ratio must be maintained during unit operations for a unit to use the fuel and unit specific NO_x emission rate determined during the test. Owners or operators must include in the monitoring plan the acceptable range of the water-to-fuel or steam-to-fuel ratio, which will be used to indicate hourly, proper operation of the NO_x controls for each unit. The water-to-fuel or steam-to-fuel ratio shall be monitored and recorded during each hour of unit operation. If the water-to-fuel or steam-to-fuel ratio is not within the acceptable range in a given hour the fuel and unit specific NO_x emission rate may not be used for that hour, and the appropriate default NO_x emission rate from Table LM-2 shall be reported instead. [Rule 19.304 and 40 C.F.R. § 75.19(c)(1)(iv)(H)(*1*)]

Records of operating time, fuel usage, unit output and NO_x *emission control operating status.*

50. The owner or operator shall keep the following records on-site, for three years, in a form suitable for inspection, except that for unmanned facilities, the records may be kept at a central location, rather than on-site: [Rule 19.304 and 40 C.F.R. § 75.19(c)(2)]

    a. For each low mass emissions unit, the owner or operator shall keep hourly records which indicate whether or not the unit operated during each clock hour of each calendar year. The owner or operator may report partial operating hours or may assume that for each hour the unit operated the operating time is a whole hour. Units using partial operating hours and the maximum rated hourly heat input to calculate heat input for each hour must report partial operating hours.
    b. For each low mass emissions unit, the owner or operator shall keep hourly records indicating the type(s) of fuel(s) combusted in the unit during each hour of unit operation.
    c. For each low mass emissions unit using the long term fuel flow methodology under paragraph (c)(3)(ii) of § 75.19 to determine hourly heat input, the owner or operator shall keep hourly records of unit load (in megawatts or thousands of pounds of steam per hour), for the purpose of apportioning heat input to the individual unit operating hours.
    d. For each low mass emissions unit with add-on NO_x emission controls of any kind and each unit that uses dry low-NO_x technology, the owner or operator shall keep hourly records of the hourly value of the parameter(s) specified in (c)(1)(iv)(H) of § 75.19 used to indicate proper operation of the unit's NO_x controls.

Heat input.

51. Hourly, quarterly and annual heat input for a low mass emissions unit shall be determined using either the maximum rated hourly heat input method under paragraph (c)(3)(i) of §

75.19 or the long term fuel flow method under paragraph (c)(3)(ii) of § 75.19. [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)]

Maximum rated hourly heat input method.

52. For the purposes of the mass emission calculation methodology of paragraph (c)(3) of § 75.19, HIhr, the hourly heat input (mmBtu) to a low mass emissions unit shall be deemed to equal the maximum rated hourly heat input, as defined in § 72.2 of this chapter, multiplied by the operating time of the unit for each hour. The owner or operator may choose to record and report partial operating hours or may assume that a unit operated for a whole hour for each hour the unit operated. However, the owner or operator of a unit may petition the Administrator under § 75.66 for a lower value for maximum rated hourly heat input than that defined in § 72.2 of this chapter. The Administrator may approve such lower value if the owner or operator demonstrates that either the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative, and such a lower value is representative, of the unit's current capabilities because modifications have been made to the unit, limiting its capacity permanently. [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(i)(A)]

53. The quarterly heat input, HI_{qtr}, in mmBtu, shall be determined using Equation LM-1:

$$HI_{qtr} = \sum_{1}^{n} HI_{hr} \qquad (Eq.\ LM\text{-}1)$$

Where:
n = Number of unit operating hours in the quarter.
HI_{hr} = Hourly heat input under paragraph (c)(3)(i)(A) of § 75.19 (mmBtu).

[Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(i)(B)]

54. The year-to-date cumulative heat input (mmBtu) shall be the sum of the quarterly heat input values for all of the calendar quarters in the year to date. [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(i)(C)]

55. For a unit subject to the provisions of subpart H of § 75, which is not required to report emission data on a year-round basis and elects to report only during the ozone season, the quarterly heat input for the second calendar quarter of the year shall, for compliance purposes, include only the heat input for the months of May and June, and the cumulative ozone season heat input shall be the sum of the heat input values for May, June and the third calendar quarter of the year. [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(i)(D)]

Long term fuel flow heat input method.

56. The owner or operator may, for the purpose of demonstrating that a low mass emissions unit or group of low mass emission units sharing a common fuel supply meets the

requirements of § 75.19, use records of long-term fuel flow, to calculate hourly heat input to a low mass emissions unit. [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(ii)]

57. This option may be used for a group of low mass emission units only if: [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(ii)(A)]

    a. The low mass emission units combust fuel from a common source of supply; and
    b. Records are kept of the total amount of fuel combusted by the group of low mass emission units and the hourly output (in megawatts or pounds of steam) from each unit in the group; and
    c. All of the units in the group are low mass emission units

58. For each fuel used during the quarter, the volume in standard cubic feet (for gas) or gallons (for oil) may be determined using any of the following methods; [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(ii)(B)]

    a. A fuel flow meter certified and maintained according to appendix D to § 75.

59. Except as provided in paragraph (c)(3)(ii)(C)(3) of § 75.19, for each fuel combusted during a quarter, the gross calorific value of the fuel shall be determined by either: [Rule 19.304 and 40 C.F.R. § 75.19(c)(3)(ii)(C)]
    a. Using the applicable procedures for gas and oil analysis in sections 2.2 and 2.3 of appendix D to § 75. If this option is chosen the highest gross calorific value recorded during the previous calendar year shall be used (or, for a new or newly-affected unit, if there are no sample results from the previous year, use the highest GCV from the samples taken in the current year); or
    b. Using the appropriate default gross calorific value listed in Table LM-5 of § 75.19.

Calculation of SO_2, NO_x *and* CO_2 *mass emissions.*

60. The owner or operator shall, for the purpose of demonstrating that a low mass emissions unit meets the requirements of § 75.19, calculate SO_2, NO_x and CO_2 mass emissions in accordance with the following. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)]

SO_2 *mass emissions.*

61. The hourly SO_2 mass emissions (lbs) for a low mass emissions unit (Acid Rain Program units, only) shall be determined using Equation LM-9 and the appropriate fuel-based SO_2 emission factor for the fuels combusted in that hour. If more than one fuel is combusted in the hour, use the highest emission factor for all of the fuels combusted in the hour. If records are missing as to which fuel was combusted in the hour, use the highest emission factor for all of the fuels capable of being combusted in the unit.

$$WSO_2 = EFSO_2 \times HI_{hr} \quad \text{(Eq. LM-9)}$$

Where:
WSO_2 = Hourly SO_2 mass emissions (lbs.)
$EFSO_2$ = Either the SO_2 emission factor from Table LM-1 of § 75.19 or the fuel-and-unit-specific SO_2 emission rate from paragraph (c)(1)(i) of § 75.19 (lb/mmBtu).
HI_{hr} = Either the maximum rated hourly heat input under paragraph (c)(3)(i)(A) of § 75.19 or the hourly heat input under paragraph (c)(3)(ii) of § 75.19 (mmBtu).

[Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(i)(A)]

62. The quarterly SO_2 mass emissions (tons) for the low mass emissions unit shall be the sum of all the hourly SO_2 mass emissions in the quarter, as determined under paragraph (c)(4)(i)(A) of § 75.19, divided by 2000 lb/ton. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(i)(B)]

63. The year-to-date cumulative SO_2 mass emissions (tons) for the low mass emissions unit shall be the sum of the quarterly SO_2 mass emissions, as determined under paragraph (c)(4)(i)(B) of § 75, §75.19, for all of the calendar quarters in the year to date. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(i)(C)]

64. The hourly NO_x mass emissions for the low mass emissions unit (lbs) shall be determined using Equation LM-10. If more than one fuel is combusted in the hour, use the highest emission rate for all of the fuels combusted in the hour. If records are missing as to which fuel was combusted in the hour, use the highest emission factor for all of the fuels capable of being combusted in the unit. For low mass emission units with NO_x emission controls of any kind and for which a fuel-and-unit-specific NO_x emission rate is determined under paragraph (c)(1)(iv) of § 75.19, for any hour in which the parameters under paragraph (c)(1)(iv)(A) of § 75.19 do not show that the NO_x emission controls are operating properly, use the NO_x emission rate from Table LM-2 of § 75.19 for the fuel combusted during the hour with the highest NO_x emission rate.

$$WNO_x = EFNO_x \times HI_{hr} \quad \text{(Eq. LM-10)}$$

Where:
WNO_x = Hourly NO_x mass emissions (lbs).
$EFNO_x$ = Either the NO_x emission factor from Table LM-2 of § 75.19 or the fuel-and-unit-specific NO_x emission rate determined under paragraph (c)(1)(iv) of § 75.19 (lb/mmBtu).
HI_{hr} = Either the maximum rated hourly heat input from paragraph (c)(3)(i)(A) of § 75.19 or the hourly heat input as determined under paragraph (c)(3)(ii) of § 75.19 (mmBtu).

[Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(ii)(A)]

65. The quarterly NO_x mass emissions (tons) for the low mass emissions unit shall be the sum of all of the hourly NO_x mass emissions in the quarter, as determined under paragraph (c)(4)(ii)(A) of § 75.19, divided by 2000 lb/ton. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(ii)(B)]

66. The year-to-date cumulative NO_x mass emissions (tons) for the low mass emissions unit shall be the sum of the quarterly NO_x mass emissions, as determined under paragraph (c)(4)(ii)(B) of § 75.19, for all of the calendar quarters in the year to date. For a unit subject to the provisions of subpart H of § 75, which is not required to report emission data on a year-round basis and elects to report only during the ozone season, the ozone season NO_x mass emissions for the unit shall be the sum of the quarterly NO_x mass emissions, as determined under paragraph (c)(4)(ii)(B) of § 75.19, for the second and third calendar quarters of the year, and the second quarter report shall include emissions data only for May and June. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(ii)(C)]

CO_2 Mass Emissions.

67. The hourly CO_2 mass emissions (tons) for the affected low mass emissions unit (Acid Rain Program units, only) shall be determined using Equation LM-11 and the appropriate fuel-based CO_2 emission factor from Table LM-3 of § 75.19 for the fuel being combusted in that hour. If more than one fuel is combusted in the hour, use the highest emission factor for all of the fuels combusted in the hour. If records are missing as to which fuel was combusted in the hour, use the highest emission factor for all of the fuels capable of being combusted in the unit.

$$WCO_2 = EFCO_2 \times HI_{hr} \quad \text{(Eq. LM-11)}$$

Where:
WCO_2 = Hourly CO_2 mass emissions (tons).
EF_{CO2} = Either the fuel-based CO_2 emission factor from Table LM-3 of § 75.19 or the fuel-and-unit-specific CO_2 emission rate from paragraph (c)(1)(iii) of § 75.19 (tons/mmBtu).
HI_{hr} = Either the maximum rated hourly heat input from paragraph (c)(3)(i)(A) of § 75.19 or the hourly heat input as determined under paragraph (c)(3)(ii) of § 75.19 (mmBtu).

[Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(iii)(A)]

68. The quarterly CO_2 mass emissions (tons) for the low mass emissions unit shall be the sum of all of the hourly CO_2 mass emissions in the quarter, as determined under paragraph (c)(4)(iii)(A)of § 75.19. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(iii)(B)]

69. The year-to-date cumulative CO_2 mass emissions (tons) for the low mass emissions unit shall be the sum of all of the quarterly CO_2 mass emissions, as determined under paragraph (c)(4)(iii)(B) of § 75.19, for all of the calendar quarters in the year to date. [Rule 19.304 and 40 C.F.R. § 75.19(c)(4)(iii)(C)]

70. Each unit that qualifies under § 75.19 to use the low mass emissions methodology must follow the recordkeeping and reporting requirements pertaining to low mass emissions units in subparts F and G of § 75. [Rule 19.304 and 40 C.F.R. § 75.19(d)]

71. The quality control and quality assurance requirements in §75.21 are not applicable to a low mass emissions unit for which the low mass emissions excepted methodology under paragraph (c) of § 75.19 is being used in lieu of a continuous emission monitoring system or an excepted monitoring system under appendix D or E to § 75, except for fuel flowmeters used to meet the provisions in paragraph (c)(3)(ii) of § 75.19. However, the owner or operator of a low mass emissions unit shall implement the following quality assurance and quality control provisions: [Rule 19.304 and 40 C.F.R. § 75.19(e)]

    a. For low mass emission units or groups of units which use the long term fuel flow methodology under paragraph (c)(3)(ii) of § 75.19 and which use a certified fuel flow meter to determine fuel usage, the owner or operator shall comply with the quality control quality assurance requirements for a fuel flow meter under section 2.1.6 of appendix D of § 75.
    b. For each low mass emissions unit for which fuel-and-unit-specific NO_x emission rates are determined in accordance with paragraph (c)(1)(iv) of § 75.19, the owner or operator shall keep, at the facility, records which document the results of all NO_x emission rate tests conducted according to appendix E to § 75. If CEMS data are used to determine the fuel-and-unit-specific NO_x emission rates under paragraph (c)(1)(iv)(G) of § 75.19, the owner or operator shall keep, at the facility, records of the CEMS data and the data analysis performed to determine a fuel-and-unit-specific NO_x emission rate. The appendix E test records and historical CEMS data records shall be kept until the fuel and unit specific NO_x emission rates are re-determined.

§ 75, TABLE LM-1 - SO_2 EMISSION FACTORS (LB/MMBTU) FOR VARIOUS FUEL TYPES

Fuel type	SO_2 emission factors
Pipeline Natural Gas	0.0006 lb/mmBtu.
Other Natural Gas	0.06 lb/mmBtu.
Residual Oil	2.1 lb/mmBtu.
Diesel Fuel	0.5 lb/mmBtu.

§ 75, TABLE LM-2 – NO_x EMISSION RATES (LB/MMBTU) FOR VARIOUS BOILER/FUEL TYPES

Unit type	Fuel type	NO_x emission rate
Turbine	Gas	0.7
Turbine	Oil	1.2
Boiler	Gas	1.5
Boiler	Oil	2

§ 75, TABLE LM-3—CO_2 EMISSION FACTORS (TON/MMBTU) FOR GAS AND OIL

Fuel type	CO_2 emission factors
Pipeline (or other) Natural Gas	0.059 ton/mmBtu.
Oil	0.081 ton/mmBtu.

§ 75, TABLE LM-4—IDENTICAL UNIT TESTING REQUIREMENTS

Number of identical units in the group	Number of appendix E tests required
2	1
3 to 6	2
7	3
>7	n tests; where n = number of units divided by 3 and rounded to nearest integer.

§ 75, TABLE LM-5—DEFAULT GROSS CALORIFIC VALUES (GCVS) FOR VARIOUS FUELS

Fuel	GCV for use in equation LM-2 or LM-3
Pipeline Natural Gas	1050 Btu/scf.
Other Natural Gas	1100 Btu/scf.
Residual Oil	19,700 Btu/lb or 167,500 Btu/gallon.
Diesel Fuel	20,500 Btu/lb or 151,700 Btu/gallon.

SN-03
Fuel Oil Storage Tank

Source Description

A fuel storage tank is utilized for storing the fuel oil for the turbines. The tank has a shell height of fifteen feet (15') and a diameter of eighty feet (80'). This tank has a storage capacity of 564,020 gallons. The net emissions are calculated based on throughput of 1,128,000 gallons per year. The fuel oil storage tank is not subject to 40 C.F.R. 60 Subpart Kb - *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984* because the tank stores a liquid with a true maximum vapor pressure of less than 3.5 kPa.

Specific Conditions

72. The permittee shall not exceed the emission rates set forth in the following table. The emission limits are based on the maximum capacity of the equipment. Compliance will be demonstrated by compliance with Specific Condition 3. [Rule 19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
03	Fuel Storage Tank – 15' x 80'	VOC	13.2	0.1

SN-08
Black Start Generator

Source Description

This generator, rated at 759 HP, is used to provide startup power to the combustion turbines in the event of loss of off-site power.

Specific Conditions

73. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Condition 75. [Rule 19.501 *et seq.* and 40 C.F.R. § 52 Subpart E]

SN	Description	Pollutant	lb/hr	tpy
08	Black Start Generator	PM_{10}	0.6	0.2
		SO_2	0.3	0.1
		VOC	0.5	0.2
		CO	4.6	1.2
		NO_x	17.1	4.3

74. The permittee shall not exceed the emission rates set forth in the following table. The permittee shall demonstrate compliance with this condition by Specific Condition 75. [Rule 18.801 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

SN	Description	Pollutant	lb/hr	tpy
08	Black Start Generator	PM	0.6	0.2
		Total HAPs*	0.01	0.01

* - HAPs included in the PM or VOC totals. HAPs are not included in any other totals unless specifically stated.

75. The permittee shall not operate the black start generator more than 500 hours per rolling 12-month period. [Rule 19.705, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 70.6]

76. The permittee shall maintain monthly records to demonstrate compliance with Specific Condition 75. Records shall be updated by the fifteenth day of the month following the month for which the records pertain. These records shall be kept on site, and shall be made available to Department personnel upon request. [Rule 19.705, Rule 18.1004 and

Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

NESHAP Conditions for SN-08

77. SN-08 is subject to 40 C.F.R. § 63 Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*. The permittee shall comply with all applicable requirements under 40 C.F.R. § 63 Subpart ZZZZ no later than May 3, 2013. These requirements include, but are not limited to the following: [Rule 19.304 and § 63 Subpart ZZZZ]

a. The permittee must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop its own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [Rule 19.304 and 40 C.F.R. § 63.25(e)]
b. Except during periods of startup, the permittee shall change oil and filter every 500 hours of operation or annually, whichever comes first. [Rule 19.304 and 40 C.F.R. § 63.6640, Table 2d]
c. Except during periods of startup, the permittee shall inspect the air cleaner every 1000 hours of operation or annually, whichever comes first. [Rule 19.304 and 40 C.F.R. § 63.6640, Table 2d]
d. Except during periods of startup, the permittee shall inspect all hoses and belts every 500 hours of operation or annually, whichever comes first and replace as necessary. [Rule 19.304 and 40 C.F.R. § 63.6640, Table 2d]
e. The permittee must install a non-resettable hour meter if one is not already installed. [Rule 19.304 and 40 C.F.R. § 63.6625(f)]
f. The permittee must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply. [Rule 19.304 and 40 C.F.R. § 63.25 (h)]
g. The permittee has the option of utilizing an oil analysis program to extend the specified oil change requirement in Specific Condition 77. The oil analysis must be performed at the same frequency specified for changing the oil in Specific Condition 77(b). The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or

operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [Rule 19.304 and 40 C.F.R. § 63.6625(i)]

h. The permittee must operate and maintain the source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [Rule 19.304 and 40 C.F.R. § 63.6605(b)]
i. The permittee must demonstrate continuous compliance with each limitation and operating limitation in Table 2d to this subpart that apply to you according to methods specified in Table 6 to this subpart. [Rule 19.304 and 40 C.F.R. § 63.6640(a)]
j. The permittee must report each instance in which each operating limitation in Table 2d to this subpart that applies to you was not met. These instances are deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in § 63.6650. [Rule 19.304 and 40 C.F.R. § 63.6640(b)]
k. The permittee must operate the emergency stationary RICE according to the requirements in Specific Condition 77(k)(i) through (v). Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1)(i) through (iii) of § 63.6640, is prohibited. If you do not operate the engine according to the requirements in Specific Condition 77(k)(i) through (v), the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines. [Rule 19.304 and 40 C.F.R. § 63.6640(f)]
    i. There is no time limit on the use of emergency stationary RICE in emergency situations. [Rule 19. and 40 C.F.R. § 63.6640(f)(1)]
    ii. The permittee may operate the emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local

standards require maintenance and testing of emergency RICE beyond 100 hours per year. [Rule 19.304 and 40 C.F.R. § 63.6640(f)(2)(i)]

iii. The permittee may operate the emergency stationary RICE for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3. [Rule 19. and 40 C.F.R. § 63.6640(f)(2)(ii)]

iv. Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency. [Rule 19.304 and 40 C.F.R. § 63.6640(f)(2)(iii)]

v. The permittee may operate the emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power. [Rule 19.304 and 40 C.F.R. § 63.6640(f)(4)]

1. Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or nonemergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system. [Rule 19.304 and 40 C.F.R. § 63.6640(f)(4)(i)]

2. The 50 hours per year for nonemergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
    a. The engine is dispatched by the local balancing authority or local transmission and distribution system operator.
    b. The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
    c. The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
    d. The power is provided only to the facility itself or to support the local transmission and distribution system.
    e. The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[Rule 19.304 and 40 C.F.R. § 63.6640(f)(4)(ii)]

l. The permittee must keep records of the occurrence and duration of each malfunction of operation (*i.e.,* process equipment) or the air pollution control and monitoring equipment; records of all required maintenance performed on the air pollution control and monitoring equipment; and of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation. [Rule 19.304 and 40 C.F.R. §§ 63.6655(a)(2)(4)(5)]

m. The permittee must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the permittee operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan and the requirements above. [Rule 19.304 and 40 C.F.R. § 63.6655(e)]

n. The permittee must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation; including what classified the operation as emergency and how many hours are spent for non-emergency operation. [Rule 19.304 and 40 C.F.R. § 63.6655(f)]

o. The permittee must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). [Rule 19.304 and 40 C.F.R. § 63.6660(b)]

p. The permittee must submit compliance reports as specified in 40 C.F.R. § 63.6650. [Rule 19.304 and 40 C.F.R. § 63.6650]

SECTION V: COMPLIANCE PLAN AND SCHEDULE

Jonesboro City Water and Light will continue to operate in compliance with those identified regulatory provisions. The facility will examine and analyze future rules and regulations that may apply and determine their applicability with any necessary action taken on a timely basis.

SECTION VI: PLANTWIDE CONDITIONS

1. The permittee shall notify the Director in writing within thirty (30) days after commencing construction, completing construction, first placing the equipment and/or facility in operation, and reaching the equipment and/or facility target production rate. [Rule 19.704, 40 C.F.R. § 52 Subpart E, and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

2. If the permittee fails to start construction within eighteen months or suspends construction for eighteen months or more, the Director may cancel all or part of this permit. [Rule 19.410(B) and 40 C.F.R. § 52 Subpart E]

3. The permittee must test any equipment scheduled for testing, unless otherwise stated in the Specific Conditions of this permit or by any federally regulated requirements, within the following time frames: (1) new equipment or newly modified equipment within sixty (60) days of achieving the maximum production rate, but no later than 180 days after initial start up of the permitted source or (2) operating equipment according to the time frames set forth by the Division of Environmental Quality or within 180 days of permit issuance if no date is specified. The permittee must notify the Division of Environmental Quality of the scheduled date of compliance testing at least fifteen (15) business days in advance of such test. The permittee shall submit the compliance test results to the Division of Environmental Quality within sixty (60) calendar days after completing the testing. [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

4. The permittee must provide:

    a. Sampling ports adequate for applicable test methods;
    b. Safe sampling platforms;
    c. Safe access to sampling platforms; and
    d. Utilities for sampling and testing equipment.

    [Rule 19.702 and/or Rule 18.1002 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

5. The permittee must operate the equipment, control apparatus and emission monitoring equipment within the design limitations. The permittee shall maintain the equipment in good condition at all times. [Rule 19.303 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

6. This permit subsumes and incorporates all previously issued air permits for this facility. [Rule 26 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

7. Unless otherwise specified in the permit, approval to construct any new major stationary source or a major modification subject to 40 C.F.R. § 52.21 shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Division of Environmental Quality may extend the 18-month period upon a satisfactory showing that an extension is justified. [Rule 19.901 *et seq.* and 40 C.F.R. § 52 Subpart E]

8. The permittee must prepare and implement a Startup, Shutdown, and Malfunction Plan (SSM). If the Department requests a review of the SSM, the permittee will make the SSM available for review. The permittee must keep a copy of the SSM at the source's location and retain all previous versions of the SSM plan for five years. [Rule 19.304, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 63.6(e)(3)]

Acid Rain (Title IV)

9. The Director prohibits the permittee to cause any emissions exceeding any allowances the source lawfully holds under Title IV of the Act or the regulations promulgated under the Act. No permit revision is required for increases in emissions allowed by allowances acquired pursuant to the acid rain program, if such increases do not require a permit revision under any other applicable requirement. This permit establishes no limit on the number of allowances held by the permittee. However, the source may not use allowances as a defense for noncompliance with any other applicable requirement of this permit or the Act. The permittee will account for any such allowance according to the procedures established in regulations promulgated under Title IV of the Act. A copy of the facility's Acid Rain Permit is attached in an appendix to this Title V permit. [Rule 26.701 and 40 C.F.R. § 70.6(a)(4)]

Transport Rule (TR) NO_X Ozone Season Group 2 Trading Program Requirements

10. The permittee shall comply with the following Cross-State Air Pollution Rule (CSAPR) NO_X Ozone Season Group 2 Trading Program Requirements. The unit-specific monitoring provisions are attached to this Title V permit. [40 C.F.R. § 97 Subpart EEEEE and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

    a. Designated representative requirements.
    The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 C.F.R. §§ 97.813 through 97.818.
    b. Emissions monitoring, reporting, and recordkeeping requirements.
        i. The owners and operators, and the designated representative, of each TR NO_X Ozone Season Group 2 source and each TR NO_X Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting,

and recordkeeping requirements of 40 C.F.R. §§ 97.830 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.831 (initial monitoring system certification and recertification procedures), 97.832 (monitoring system out-of-control periods), 97.833 (notifications concerning monitoring), 97.834 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.835 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).

ii. The emissions data determined in accordance with 40 C.F.R. §§ 97.830 through 97.835 shall be used to calculate allocations of TR NO_X Ozone Season Group 2 allowances under 40 C.F.R. §§ 97.811(a)(2) and (b) and 97.812 and to determine compliance with the TR NO_X Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 C.F.R. §§ 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

c. NO_X emissions requirements.

i. TR NO_X Ozone Season Group 2 emissions limitation.

1. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_X Ozone Season Group 2 source and each TR NO_X Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, TR NO_X Ozone Season Group 2 allowances available for deduction for such control period under 40 C.F.R. § 97.824(a) in an amount not less than the tons of total NO_X emissions for such control period from all TR NO_X Ozone Season Group 2 units at the source.
2. If total NO_X emissions during a control period in a given year from the TR NO_X Ozone Season Group 2 units at a TR NO_X Ozone Season Group 2 source are in excess of the TR NO_X Ozone Season Group 2 emissions limitation set forth in paragraph (c)(1)(i) above, then:
    a. The owners and operators of the source and each TR NO_X Ozone Season Group 2 unit at the source shall hold the TR NO_X Ozone Season Group 2 allowances required for deduction under 40 C.F.R. § 97.824(d); and
    b. The owners and operators of the source and each TR NO_X Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such

control period shall constitute a separate violation of 40 C.F.R. § 97 Subpart EEEEE and the Clean Air Act.

ii. TR NO_X Ozone Season Group 2 assurance provisions.

1. If total NO_X emissions during a control period in a given year from all base TR NO_X Ozone Season Group 2 units at base TR NO_X Ozone Season Group 2 sources in the State exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_X emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO_X Ozone Season Group 2 allowances available for deduction for such control period under 40 C.F.R. § 97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 C.F.R. § 97.825(b), of multiplying—
    a. The quotient of the amount by which the common designated representative's share of such NO_X emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State for such control period, by which each common designated representative's share of such NO_X emissions exceeds the respective common designated representative's assurance level; and
    b. The amount by which total NO_X emissions from all base TR NO_X Ozone Season Group 2 units at base TR NO_X Ozone Season Group 2 sources in the State for such control period exceed the State assurance level.
2. The owners and operators shall hold the TR NO_X Ozone Season Group 2 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.
3. Total NO_X emissions from all base TR NO_X Ozone Season Group 2 units at base TR NO_X Ozone Season Group 2 sources in the State during a control period in a given year exceed the state assurance level if such total NO_X emissions exceed the sum, for such control period, of the State NO_X Ozone Season Group 2 trading budget under 40 C.F.R. § 97.810(a) and the state's variability limit under 40 C.F.R. § 97.810(b).

4. It shall not be a violation of 40 C.F.R. § 97 Subpart EEEEE or of the Clean Air Act if total NO_X emissions from all base TR NO_X Ozone Season Group 2 units at base TR NO_X Ozone Season Group 2 sources in the State during a control period exceed the State assurance level or if a common designated representative's share of total NO_X emissions from the base TR NO_X Ozone Season Group 2 units at base TR NO_X Ozone Season Group 2 sources in the State during a control period exceeds the common designated representative's assurance level.
5. To the extent the owners and operators fail to hold TR NO_X Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
    a. The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    b. Each TR NO_X Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 C.F.R. § 97 Subpart EEEEE and the Clean Air Act.

iii. Compliance periods.
1. A TR NO_X Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 C.F.R. § 97.830(b) and for each control period thereafter.
2. A base TR NO_X Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 C.F.R. § 97.830(b) and for each control period thereafter.

iv. Vintage of TR NO_X Ozone Season Group 2 allowances held for compliance.
1. A TR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR NO_X Ozone Season Group 2 allowance that was allocated or auctioned for such control period or a control period in a prior year.
2. A TR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a TR NO_X Ozone Season Group 2 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

v. Allowance Management System requirements. Each TR NO_X Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 C.F.R. § 97 Subpart EEEEE.

vi. Limited authorization. A TR NO_X Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO_X during the control period in one year. Such authorization is limited in its use and duration as follows:

1. Such authorization shall only be used in accordance with the TR NO_X Ozone Season Group 2 Trading Program; and
2. Notwithstanding any other provision of 40 C.F.R. § 97 Subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

vii. Property right. A TR NO_X Ozone Season Group 2 allowance does not constitute a property right.

d. Title V permit requirements.

i. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO_X Ozone Season Group 2 allowances in accordance with 40 C.F.R. § 97 Subpart EEEEE.

ii. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 C.F.R. §§ 97.830 through 97.835, and the requirements for a continuous emission monitoring system (pursuant to 40 C.F.R. § 75 Subparts B and H), an excepted monitoring system (pursuant to 40 C.F.R. § 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 C.F.R. § 75.19), and an alternative monitoring system (pursuant to 40 C.F.R. § 75 Subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 C.F.R. §§ 97.806(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

e. Additional recordkeeping and reporting requirements.

i. Unless otherwise provided, the owners and operators of each TR NO_X Ozone Season Group 2 source and each TR NO_X Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.

1. The certificate of representation under 40 C.F.R. § 97.816 for the designated representative for the source and each TR NO_X Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because

of the submission of a new certificate of representation under 40 C.F.R. § 97.816 changing the designated representative.

2. All emissions monitoring information, in accordance with 40 C.F.R. § 97 Subpart EEEEE.
3. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO_X Ozone Season Group 2 Trading Program.

ii. The designated representative of a TR NO_X Ozone Season Group 2 source and each TR NO_X Ozone Season Group 2 unit at the source shall make all submissions required under the TR NO_X Ozone Season Group 2 Trading Program, except as provided in 40 C.F.R. § 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 C.F.R. §§ 70 and 71.

f. Liability.
   i. Any provision of the TR NO_X Ozone Season Group 2 Trading Program that applies to a TR NO_X Ozone Season Group 2 source or the designated representative of a TR NO_X Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the TR NO_X Ozone Season Group 2 units at the source.
   ii. Any provision of the TR NO_X Ozone Season Group 2 Trading Program that applies to a TR NO_X Ozone Season Group 2 unit or the designated representative of a TR NO_X Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

g. Effect on other authorities.
   No provision of the TR NO_X Ozone Season Group 2 Trading Program or exemption under 40 C.F.R. § 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO_X Ozone Season Group 2 source or TR NO_X Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

Title VI Provisions

11. The permittee must comply with the standards for labeling of products using ozone-depleting substances. [40 C.F.R. § 82 Subpart E]

    a. All containers containing a class I or class II substance stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced to interstate commerce pursuant to § 82.106.
    b. The placement of the required warning statement must comply with the requirements pursuant to § 82.108.

c. The form of the label bearing the required warning must comply with the requirements pursuant to § 82.110.
d. No person may modify, remove, or interfere with the required warning statement except as described in § 82.112.

12. The permittee must comply with the standards for recycling and emissions reduction, except as provided for MVACs in Subpart B. [40 C.F.R. § 82 Subpart F]

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156.
b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158.
c. Persons performing maintenance, service repair, or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161.
d. Persons disposing of small appliances, MVACs, and MVAC like appliances must comply with record keeping requirements pursuant to § 82.166. ("MVAC like appliance" as defined at § 82.152)
e. Persons owning commercial or industrial process refrigeration equipment must comply with leak repair requirements pursuant to § 82.156.
f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to § 82.166.

13. If the permittee manufactures, transforms, destroys, imports, or exports a class I or class II substance, the permittee is subject to all requirements as specified in 40 C.F.R. § 82 Subpart A, Production and Consumption Controls.

14. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 C.F.R. § 82 Subpart B, Servicing of Motor Vehicle Air Conditioners.

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air tight sealed refrigeration system used as refrigerated cargo, or the system used on passenger buses using HCFC 22 refrigerant.

15. The permittee can switch from any ozone depleting substance to any alternative listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 C.F.R. § 82 Subpart G.

Permit Shield

16. Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements, as of the date of permit issuance, included in and specifically identified in the following table of this condition. The permit specifically identifies the following as applicable requirements based upon the information submitted by the permittee in an application dated January 31, 2025.

Applicable Regulations

Source No.	Regulation	Description
Facility	Rule 19	Rules of the Arkansas Plan of Implementation for Air Pollution Control
Facility	Rule 26	Rules of the Arkansas Operating Air Permit Program
SN-04, SN-06, SN-07	40 C.F.R. §§ 72, 73,75, and 76	Title IV Federal Clean Air Act Amendments
SN-01, SN-02, SN-04, SN-06, SN-07	40 C.F.R. § 60 – Subpart GG	Standards of Performance for Stationary Gas Turbines
SN-01, SN-02, SN-04, SN-06, SN-07	40 C.F.R. § 64	Compliance Assurance Monitoring
SN-08	40 C.F.R. § 63 Subpart ZZZZ	*National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*
Facility	40 C.F.R. § 97	Cross-State Air Pollution Rule (CSAPR)
Facility	40 C.F.R. § 82	Stratospheric Ozone Protection

The permit specifically identifies the following as inapplicable based upon information submitted by the permittee in an application dated January 31, 2025.

Inapplicable Regulations

Source No.	Regulation	Description
SN-01, SN-02, SN-04, SN-06, SN-07	40 C.F.R. § 63 Subpart YYYY	National Emission Standards for Hazardous Air Pollutants: Combustion Turbines
SN-01, SN-02, SN-04, SN-06, SN-07	40 C.F.R. § 63 Subpart ZZZZ	National Emission Standards for Hazardous Air Pollutants: Internal Combustion Engines
SN-01, SN-02, SN-04, SN-06, SN-07	40 C.F.R. § 60 Subpart KKKK	Standards of Performance for Stationary Combustion Turbines
Facility	40 C.F.R. 52.21	Prevention of Significant Deterioration

Source No.	Regulation	Description
SN-03	40 C.F.R. § 60 Subpart Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels
SN-01, SN-02, SN-04, SN-06, SN-07	40 C.F.R. § 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines

SECTION VII: INSIGNIFICANT ACTIVITIES

The Division of Environmental Quality deems the following types of activities or emissions as insignificant on the basis of size, emission rate, production rate, or activity in accordance with Group A of the Insignificant Activities list found in Rule 18 and Rule 19 Appendix A. Group B insignificant activities may be listed but are not required to be listed in permits. Insignificant activity emission determinations rely upon the information submitted by the permittee in an application dated January 31, 2025. [Rule 26.304 and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

Description	Category
Diesel Storage Tank, 425 gal	A-3
Water Treatment Plant NaOH Tank, 7,000 gal	A-4
Water Treatment Plant Sulfuric Acid Tank, 7,000 gal	A-13
Waste acid/caustic storage tank, 55 gal	A-13
Two (2) Cooling Towers with real time TDS monitors	A-13

SECTION VIII: GENERAL PROVISIONS

1. Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Rule 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the sole origin of and authority for the terms or conditions are not required under the Clean Air Act or any of its applicable requirements, and are not federally enforceable under the Clean Air Act. Arkansas Pollution Control & Ecology Commission Rule 18 was adopted pursuant to the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*). Any terms or conditions included in this permit which specify and reference Arkansas Pollution Control & Ecology Commission Rule 18 or the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. § 8-4-101 *et seq.*) as the origin of and authority for the terms or conditions are enforceable under this Arkansas statute. [40 C.F.R. § 70.6(b)(2)]

2. This permit shall be valid for a period of five (5) years beginning on the date this permit becomes effective and ending five (5) years later. [40 C.F.R. § 70.6(a)(2) and Rule 26.701(B)]

3. The permittee must submit a complete application for permit renewal at least six (6) months before permit expiration. Permit expiration terminates the permittee's right to operate unless the permittee submitted a complete renewal application at least six (6) months before permit expiration. If the permittee submits a complete application, the existing permit will remain in effect until the Division of Environmental Quality takes final action on the renewal application. The Division of Environmental Quality will not necessarily notify the permittee when the permit renewal application is due. [Rule 26.406]

4. Where an applicable requirement of the Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.* (Act) is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, the permit incorporates both provisions into the permit, and the Director or the Administrator can enforce both provisions. [40 C.F.R. § 70.6(a)(1)(ii) and Rule 26.701(A)(2)]

5. The permittee must maintain the following records of monitoring information as required by this permit.

    a. The date, place as defined in this permit, and time of sampling or measurements;
    b. The date(s) analyses performed;
    c. The company or entity performing the analyses;
    d. The analytical techniques or methods used;
    e. The results of such analyses; and
    f. The operating conditions existing at the time of sampling or measurement.

    [40 C.F.R. § 70.6(a)(3)(ii)(A) and Rule 26.701(C)(2)]

6. The permittee must retain the records of all required monitoring data and support information for at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [40 C.F.R. § 70.6(a)(3)(ii)(B) and Rule 26.701(C)(2)(b)]

7. The permittee must submit reports of all required monitoring every six (6) months. If the permit establishes no other reporting period, the reporting period shall end on the last day of the month six months after the issuance of the initial Title V permit and every six months thereafter. The report is due on the first day of the second month after the end of the reporting period. The first report due after issuance of the initial Title V permit shall contain six months of data and each report thereafter shall contain 12 months of data. The report shall contain data for all monitoring requirements in effect during the reporting period. If a monitoring requirement is not in effect for the entire reporting period, only those months of data in which the monitoring requirement was in effect are required to be reported. The report must clearly identify all instances of deviations from permit requirements. A responsible official as defined in Rule 26.2 must certify all required reports. The permittee will send the reports electronically using https://eportal.adeq.state.ar.us or mail them to the address below:

    Division of Environmental Quality
    Office of Air Quality
    ATTN: Compliance Inspector Supervisor
    5301 Northshore Drive
    North Little Rock, AR 72118-5317

    [40 C.F.R. § 70.6(a)(3)(iii)(A) and Rule 26.701(C)(3)(a)]

8. The permittee shall report to the Division of Environmental Quality all deviations from permit requirements, including those attributable to upset conditions as defined in the permit.

    a. For all upset conditions (as defined in Rule 19.601), the permittee will make an initial report to the Division of Environmental Quality by the next business day after the discovery of the occurrence. The initial report may be made by telephone and shall include:

        i. The facility name and location;
        ii. The process unit or emission source deviating from the permit limit;
        iii. The permit limit, including the identification of pollutants, from which deviation occurs;
        iv. The date and time the deviation started;
        v. The duration of the deviation;

vi. The emissions during the deviation;
vii. The probable cause of such deviations;
viii. Any corrective actions or preventive measures taken or being taken to prevent such deviations in the future; and
ix. The name of the person submitting the report.

The permittee shall make a full report in writing to the Division of Environmental Quality within five (5) business days of discovery of the occurrence. The report must include, in addition to the information required by the initial report, a schedule of actions taken or planned to eliminate future occurrences and/or to minimize the amount the permit's limits were exceeded and to reduce the length of time the limits were exceeded. The permittee may submit a full report in writing (by facsimile, overnight courier, or other means) by the next business day after discovery of the occurrence, and the report will serve as both the initial report and full report.

b. For all deviations, the permittee shall report such events in semi-annual reporting and annual certifications required in this permit. This includes all upset conditions reported in 8a above. The semi-annual report must include all the information as required by the initial and full reports required in 8a.

[Rule 19.601, Rule 19.602, Rule 26.701(C)(3)(b), and 40 C.F.R. § 70.6(a)(3)(iii)(B)]

9. If any provision of the permit or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end, provisions of this Rule are declared to be separable and severable. [40 C.F.R. § 70.6(a)(5), Rule 26.701(E), and Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

10. The permittee must comply with all conditions of this Part 70 permit. Any permit noncompliance with applicable requirements as defined in Rule 26 constitutes a violation of the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.* and is grounds for enforcement action; for permit termination, revocation and reissuance, for permit modification; or for denial of a permit renewal application. [40 C.F.R. § 70.6(a)(6)(i) and Rule 26.701(F)(1)]

11. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit. [40 C.F.R. § 70.6(a)(6)(ii) and Rule 26.701(F)(2)]

12. The Division of Environmental Quality may modify, revoke, reopen and reissue the permit or terminate the permit for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [40 C.F.R. § 70.6(a)(6)(iii) and Rule 26.701(F)(3)]

13. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 C.F.R. § 70.6(a)(6)(iv) and Rule 26.701(F)(4)]

14. The permittee must furnish to the Director, within the time specified by the Director, any information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee must also furnish to the Director copies of records required by the permit. For information the permittee claims confidentiality, the Division of Environmental Quality may require the permittee to furnish such records directly to the Director along with a claim of confidentiality. [40 C.F.R. § 70.6(a)(6)(v) and Rule 26.701(F)(5)]

15. The permittee must pay all permit fees in accordance with the procedures established in Rule 9. [40 C.F.R. § 70.6(a)(7) and Rule 26.701(G)]

16. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes provided for elsewhere in this permit. [40 C.F.R. § 70.6(a)(8) and Rule 26.701(H)]

17. If the permit allows different operating scenarios, the permittee shall, contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility a record of the operational scenario. [40 C.F.R. § 70.6(a)(9)(i) and Rule 26.701(I)(1)]

18. The Administrator and citizens may enforce under the Act all terms and conditions in this permit, including any provisions designed to limit a source's potential to emit, unless the Division of Environmental Quality specifically designates terms and conditions of the permit as being federally unenforceable under the Act or under any of its applicable requirements. [40 C.F.R. § 70.6(b) and Rule 26.702(A) and (B)]

19. Any document (including reports) required by this permit pursuant to 40 C.F.R. § 70 must contain a certification by a responsible official as defined in Rule 26.2. [40 C.F.R. § 70.6(c)(1) and Rule 26.703(A)]

20. The permittee must allow an authorized representative of the Division of Environmental Quality, upon presentation of credentials, to perform the following: [40 C.F.R. § 70.6(c)(2) and Rule 26.703(B)]

    a. Enter upon the permittee's premises where the permitted source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
    b. Have access to and copy, at reasonable times, any records required under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
d. As authorized by the Act, sample or monitor at reasonable times substances or parameters for assuring compliance with this permit or applicable requirements.

21. The permittee shall submit a compliance certification with the terms and conditions contained in the permit, including emission limitations, standards, or work practices. The permittee must submit the compliance certification annually. If the permit establishes no other reporting period, the reporting period shall end on the last day of the anniversary month of the initial Title V permit. The report is due on the first day of the second month after the end of the reporting period. The permittee must also submit the compliance certification to the Administrator as well as to the Division of Environmental Quality. All compliance certifications required by this permit must include the following: [40 C.F.R. § 70.6(c)(5) and Rule 26.703(E)(3)]

a. The identification of each term or condition of the permit that is the basis of the certification;
b. The compliance status;
c. Whether compliance was continuous or intermittent;
d. The method(s) used for determining the compliance status of the source, currently and over the reporting period established by the monitoring requirements of this permit; and
e. Such other facts as the Division of Environmental Quality may require elsewhere in this permit or by § 114(a)(3) and § 504(b) of the Act.

22. Nothing in this permit will alter or affect the following: [Rule 26.704(C)]

a. The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
b. The liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance;
c. The applicable requirements of the acid rain program, consistent with § 408(a) of the Act; or
d. The ability of EPA to obtain information from a source pursuant to § 114 of the Act.

23. This permit authorizes only those pollutant emitting activities addressed in this permit. [Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311]

24. The permittee may request in writing and at least 15 days in advance of the deadline, an extension to any testing, compliance or other dates in this permit. No such extensions are authorized until the permittee receives written Division of Environmental Quality approval. The Division of Environmental Quality may grant such a request, at its discretion in the following circumstances:

a. Such an extension does not violate a federal requirement;
b. The permittee demonstrates the need for the extension; and
c. The permittee documents that all reasonable measures have been taken to meet the current deadline and documents reasons it cannot be met.

[Rule 18.314(A), Rule 19.416(A), Rule 26.1013(A), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

25. The permittee may request in writing and at least 30 days in advance, temporary emissions and/or testing that would otherwise exceed an emission rate, throughput requirement, or other limit in this permit. No such activities are authorized until the permittee receives written Division of Environmental Quality approval. Any such emissions shall be included in the facility's total emissions and reported as such. The Division of Environmental Quality may grant such a request, at its discretion under the following conditions:

a. Such a request does not violate a federal requirement;
b. Such a request is temporary in nature;
c. Such a request will not result in a condition of air pollution;
d. The request contains such information necessary for the Division of Environmental Quality to evaluate the request, including but not limited to, quantification of such emissions and the date/time such emission will occur;
e. Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and
f. The permittee maintains records of the dates and results of such temporary emissions/testing.

[Rule 18.314(B), Rule 19.416(B), Rule 26.1013(B), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

26. The permittee may request in writing and at least 30 days in advance, an alternative to the specified monitoring in this permit. No such alternatives are authorized until the permittee receives written Division of Environmental Quality approval. The Division of Environmental Quality may grant such a request, at its discretion under the following conditions:

a. The request does not violate a federal requirement;
b. The request provides an equivalent or greater degree of actual monitoring to the current requirements; and
c. Any such request, if approved, is incorporated in the next permit modification application by the permittee.

[Rule 18.314(C), Rule 19.416(C), Rule 26.1013(C), Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

27. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations. [Rule 18.1001, Rule 19.701, Ark. Code Ann. § 8-4-203 as referenced by Ark. Code Ann. §§ 8-4-304 and 8-4-311, and 40 C.F.R. § 52 Subpart E]

Appendix A

ADEQ CEMS Conditions

Arkansas Department of Environmental Quality

CONTINUOUS EMISSION MONITORING SYSTEMS CONDITIONS

Revised September 2013

PREAMBLE

These conditions are intended to outline the requirements for facilities required to operate Continuous Emission Monitoring Systems/Continuous Opacity Monitoring Systems (CEMS/COMS). Generally there are three types of sources required to operate CEMS/COMS:

1. CEMS/COMS required by 40 CFR Part 60 or 63,
2. CEMS required by 40 CFR Part 75,
3. CEMS/COMS required by ADEQ permit for reasons other than Part 60, 63 or 75.

These CEMS/COMS conditions are not intended to supercede Part 60, 63 or 75 requirements.

- Only CEMS/COMS in the third category (those required by ADEQ permit for reasons other than Part 60, 63, or 75) shall comply with SECTION II, MONITORING REQUIREMENTS and SECTION IV, QUALITY ASSURANCE/QUALITY CONTROL.

- All CEMS/COMS shall comply with Section III, NOTIFICATION AND RECORDKEEPING.

SECTION I

DEFINITIONS

Continuous Emission Monitoring System (CEMS) - The total equipment required for the determination of a gas concentration and/or emission rate so as to include sampling, analysis and recording of emission data.

Continuous Opacity Monitoring System (COMS) - The total equipment required for the determination of opacity as to include sampling, analysis and recording of emission data.

Calibration Drift (CD) - The difference in the CEMS output reading from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustments took place.

Back-up CEMS (Secondary CEMS) - A CEMS with the ability to sample, analyze and record stack pollutant to determine gas concentration and/or emission rate. This CEMS is to serve as a back-up to the primary CEMS to minimize monitor downtime.

Excess Emissions - Any period in which the emissions exceed the permit limits.

Monitor Downtime - Any period during which the CEMS/COMS is unable to sample, analyze and record a minimum of four evenly spaced data points over an hour, except during one daily zero-span check during which two data points per hour are sufficient.

Out-of-Control Period - Begins with the time corresponding to the completion of the fifth, consecutive, daily CD check with a CD in excess of two times the allowable limit, or the time corresponding to the completion of the daily CD check preceding the daily CD check that results in a CD in excess of four times the allowable limit and the time corresponding to the completion of the sampling for the Relative Accuracy Test Audit (RATA), Relative Accuracy Audit (RAA), or Cylinder Gas Audit (CGA) which exceeds the limits outlined in Section IV. Out-of-Control Period ends with the time corresponding to the completion of the CD check following corrective action with the results being within the allowable CD limit or the completion of the sampling of the subsequent successful RATA, RAA, or CGA.

Primary CEMS - The main reporting CEMS with the ability to sample, analyze, and record stack pollutant to determine gas concentration and/or emission rate.

Relative Accuracy (RA) - The absolute mean difference between the gas concentration or emission rate determined by the CEMS and the value determined by the reference method plus the 2.5 percent error confidence coefficient of a series of tests divided by the mean of the reference method tests of the applicable emission limit.

Span Value – The upper limit of a gas concentration measurement range.

SECTION II

MONITORING REQUIREMENTS

** Only CEMS/COMS required by ADEQ permit for reasons other than Part 60, 63 or 75 shall comply with this section.

A. For new sources, the installation date for the CEMS/COMS shall be no later than thirty (30) days from the date of start-up of the source.

B. For existing sources, the installation date for the CEMS/COMS shall be no later than sixty (60) days from the issuance of the permit unless the permit requires a specific date.

C. Within sixty (60) days of installation of a CEMS/COMS, a performance specification test (PST) must be completed. PST's are defined in 40 CFR, Part 60, Appendix B, PS 1-9. The Department may accept alternate PST's for pollutants not covered by Appendix B on a case-by-case basis. Alternate PST's shall be approved, in writing, by the ADEQ CEM Coordinator prior to testing.

D. Each CEMS/COMS shall have, as a minimum, a daily zero-span check. The zero-span shall be adjusted whenever the 24-hour zero or 24-hour span drift exceeds two times the limits in the applicable performance specification in 40 CFR, Part 60, Appendix B. Before any adjustments are made to either the zero or span drifts measured at the 24-hour interval, the excess zero and span drifts measured must be quantified and recorded.

E. All CEMS/COMS shall be in continuous operation and shall meet minimum frequency of operation requirements of 95% up-time for each quarter for each pollutant measured. Percent of monitor down-time is calculated by dividing the total minutes the monitor is not in operation by the total time in the calendar quarter and multiplying by one hundred. Failure to maintain operation time shall constitute a violation of the CEMS conditions.

F. Percent of excess emissions are calculated by dividing the total minutes of excess emissions by the total time the source operated and multiplying by one hundred. Failure to maintain compliance may constitute a violation of the CEMS conditions.

G. All CEMS measuring emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive fifteen minute period unless more cycles are required by the permit. For each CEMS, one-hour averages shall be computed from four or more data points equally spaced over each one hour period unless more data points are required by the permit.

All COMS shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

I. When the pollutant from a single affected facility is released through more than one point, a

CEMS/COMS shall be installed on each point unless installation of fewer systems is approved, in writing, by the ADEQ CEM Coordinator. When more than one CEM/COM is used to monitor emissions from one affected facility the owner or operator shall report the results as required from each CEMS/COMS.

SECTION III

NOTIFICATION AND RECORD KEEPING

** All CEMS/COMS shall comply with this section.

A. When requested to do so by an owner or operator, the ADEQ CEM Coordinator will review plans for installation or modification for the purpose of providing technical advice to the owner or operator.

B. Each facility which operates a CEMS/COMS shall notify the ADEQ CEM Coordinator of the date for which the demonstration of the CEMS/COMS performance will commence (i.e. PST, RATA, RAA, CGA). Notification shall be received in writing no less than 15 business days prior to testing. Performance test results shall be submitted to the Department within thirty days after completion of testing.

C. Each facility which operates a CEMS/COMS shall maintain records of the occurrence and duration of start up/shut down, cleaning/soot blowing, process problems, fuel problems, or other malfunction in the operation of the affected facility which causes excess emissions. This includes any malfunction of the air pollution control equipment or any period during which a continuous monitoring device/system is inoperative.

D. Each facility required to install a CEMS/COMS shall submit an excess emission and monitoring system performance report to the Department (Attention: Air Division, CEM Coordinator) at least quarterly, unless more frequent submittals are warranted to assess the compliance status of the facility. Quarterly reports shall be postmarked no later than the 30th day of the month following the end of each calendar quarter.

E. All excess emissions shall be reported in terms of the applicable standard. Each report shall be submitted on ADEQ Quarterly Excess Emission Report Forms. Alternate forms may be used with prior written approval from the Department.

F. Each facility which operates a CEMS/COMS must maintain on site a file of CEMS/COMS data including all raw data, corrected and adjusted, repair logs, calibration checks, adjustments, and test audits. This file must be retained for a period of at least five years, and is required to be maintained in such a condition that it can easily be audited by an inspector.

G. Quarterly reports shall be used by the Department to determine compliance with the permit.

SECTION IV

QUALITY ASSURANCE/QUALITY CONTROL

** Only CEMS/COMS required by ADEQ permit for reasons other than Part 60, 63 or 75 shall comply with this section.

A. For each CEMS/COMS a Quality Assurance/Quality Control (QA/QC) plan shall be submitted to the Department (Attn.: Air Division, CEM Coordinator). CEMS quality assurance procedures are defined in 40 CFR, Part 60, Appendix F. This plan shall be submitted within 180 days of the CEMS/COMS installation. A QA/QC plan shall consist of procedure and practices which assures acceptable level of monitor data accuracy, precision, representativeness, and availability.

B. The submitted QA/QC plan for each CEMS/COMS shall not be considered as accepted until the facility receives a written notification of acceptance from the Department.

C. Facilities responsible for one, or more, CEMS/COMS used for compliance monitoring shall meet these minimum requirements and are encouraged to develop and implement a more extensive QA/QC program, or to continue such programs where they already exist. Each QA/QC program must include written procedures which should describe in detail, complete, step-by-step procedures and operations for each of the following activities:

1. Calibration of CEMS/COMS
    a. Daily calibrations (including the approximate time(s) that the daily zero and span drifts will be checked and the time required to perform these checks and return to stable operation)
2. Calibration drift determination and adjustment of CEMS/COMS
    a. Out-of-control period determination
    b. Steps of corrective action
3. Preventive maintenance of CEMS/COMS
    a. CEMS/COMS information
        1) Manufacture
        2) Model number
        3) Serial number
    b. Scheduled activities (check list)
    c. Spare part inventory
4. Data recording, calculations, and reporting
5. Accuracy audit procedures including sampling and analysis methods
6. Program of corrective action for malfunctioning CEMS/COMS

D. A Relative Accuracy Test Audit (RATA), shall be conducted at least once every four calendar quarters. A Relative Accuracy Audit (RAA), or a Cylinder Gas Audit (CGA), may be conducted in the other three quarters but in no more than three quarters in

succession. The RATA should be conducted in accordance with the applicable test procedure in 40 CFR Part 60 Appendix A and calculated in accordance with the applicable performance specification in 40 CFR Part 60 Appendix B. CGA's and RAA's should be conducted and the data calculated in accordance with the procedures outlined on 40 CFR Part 60 Appendix F.

If alternative testing procedures or methods of calculation are to be used in the RATA, RAA or CGA audits prior authorization must be obtained from the ADEQ CEM Coordinator.

E. Criteria for excessive audit inaccuracy.

RATA

All Pollutants except Carbon Monoxide	> 20% Relative Accuracy
Carbon Monoxide	> 10% Relative Accuracy
All Pollutants except Carbon Monoxide	> 10% of the Applicable Standard
Carbon Monoxide	> 5% of the Applicable Standard
Diluent (O_2 & CO_2)	> 1.0 % O2 or CO2
Flow	> 20% Relative Accuracy

CGA

Pollutant	> 15% of average audit value or 5 ppm difference
Diluent (O_2 & CO_2)	> 15% of average audit value or 5 ppm difference

RAA

Pollutant	> 15% of the three run average or > 7.5 % of the applicable standard
Diluent (O_2 & CO_2)	> 15% of the three run average or > 7.5 % of the applicable standard

F. If either the zero or span drift results exceed two times the applicable drift specification in 40 CFR, Part 60, Appendix B for five consecutive, daily periods, the CEMS is out-of-control. If either the zero or span drift results exceed four times the applicable drift specification in Appendix B during a calibration drift check, the CEMS is out-of-control. If the CEMS exceeds the audit inaccuracies listed above, the CEMS is out-of-control. If a CEMS is out-of-control, the data from that out-of-control period is not counted towards meeting the minimum data availability as required and described in the applicable subpart. The end of the out-of-control period is the time corresponding to the completion of the successful daily zero or span drift or completion of the successful CGA, RAA or RATA.

G. A back-up monitor may be placed on an emission source to minimize monitor downtime. This back-up CEMS is subject to the same QA/QC procedure and practices as the primary CEMS. The back-up CEMS shall be certified by a PST. Daily zero-span checks must be performed and recorded in accordance with standard practices. When the primary CEMS goes down, the back-up CEMS may then be engaged to sample, analyze and record the emission source pollutant until repairs are made and the primary unit is placed back in service. Records must be maintained on site when the back-up CEMS is placed in service, these records shall include at a minimum the reason the primary CEMS is out of service, the date and time the primary CEMS was out of service and the date and time the primary CEMS was placed back in service.

Appendix B

Compliance Assurance Monitoring Plan

COMPLIANCE ASSURANCE MONITORING (CAM) PLAN

APPLICABILITY OF CAM RULE

The Jonesboro City Water & Light (Jonesboro) facility uses control devices intended to achieve compliance with emission limitations for NO_x from the five turbines (SN-01, 02, 04, 06, 07). The uncontrolled emissions from these turbines fulfill the applicability criteria of the Compliance Assurance Monitoring (CAM) Rule (40 Code of Federal Regulations (CFR) Part (§) 64). Accordingly, the Compliance Assurance Monitoring (CAM) Plan for the facility is provided in this section of the permit application. The production units affected by the CAM Plan are listed below:

Source Description	Source No.	Controlled NOx Emission Rate (TPY)	Uncontrolled NOx Emission Rate (TPY)
LM-2500 Combustion Turbine	SN-01	239	>239
LM-2500 Combustion Turbine	SN-02	239	>239
LM-6000 Combustion Turbine	SN-04	239	>239
LM-6000 Combustion Turbine	SN-06	239	>239
LM-6000 Combustion Turbine	SN-07	239	>239

Per §64.2(a), the aforementioned sources are regulated under the CAM Rule because they meet the following criteria: (1) each unit is subject to emission limitations for NOx, (2) each source is equipped with a control device (i.e., water injection), and (3) each unit has potential pre-control emissions of NOx that exceed the applicable major source threshold (i.e., 100 tons per year).

In accordance with §64.3, Jonesboro has developed a CAM Plan for the aforementioned sources. The Plan establishes the operating parameters that will be monitored in order to demonstrate compliance with the NOx emission limits at each source.

GENERAL CRITERIA FOR CAM PLAN [PER §64.3(A)]

Criteria	Description
Emission Sources:	SN-01, SN-02, SN-04, , SN-06 and SN-07
Pollutants:	NOx
Applicable Permit Requirements:	NOx Limits
Control Technology:	Water Injection
Control Efficiency:	72.7% (estimated)
General Monitoring Approach:	Predictive Emission Monitoring System (PEMS) for NOx and Continuous Emission Monitoring Systems (CEMS) of fuel consumption and ratio of scrubber water to fuel as required by Subpart GG NSPS for Stationary Gas Turbines.
Rationale for Monitoring Approach:	Per NSPS Requirements
Indicator Monitored:	Gaseous and Oil Fuel Bound Nitrogen (ppm) Fuel Consumption (Gas or Oil) Water to Fuel Ratio
Indicator Range:	N/A

PERFORMANCE CRITERIA FOR CAM PLAN [PER §64.3(B)]

Criteria	Description
Specifications for Obtaining Representative Data:	Fuel Consumption (Gas or Oil) – Continuous Water to Fuel Ratio - Continuous Gaseous and Oil Fuel Bound Nitrogen (ppm) Oil fuel monitored each time fuel is transferred to tank and Gaseous fuel monitoring is completed per Appendix C of the current permit.
Monitoring Frequency:	Fuel Consumption (Gas or Oil) - Continuous Water to Fuel Ratio - Continuous Gaseous and Oil Fuel Bound Nitrogen (ppm) Oil fuel monitored each time fuel is transferred to tank and Gaseous fuel monitoring is completed per Appendix C of the current permit.

PERFORMANCE CRITERIA FOR CAM PLAN [PER §64.3(B)] - CONTINUED

Data Collection Procedures:	Fuel Consumption (Gas or Oil) – Flow Meter Water to Fuel Ratio – Flow Meters Gaseous and Oil Fuel Bound Nitrogen (ppm) Trained plant operators or their elected representative will perform sample collection using generally accepted procedures. PEMS calculations will be performed by a qualified plant employee or their elected representative.
Data Averaging Period:	Fuel Consumption (Gas or Oil) – Continuous Water to Fuel Ratio – Hourly Fuel Bound Nitrogen (ppm) - Any Period
Recordkeeping:	Records will be kept of all emission readings.
Verification Procedures to Confirm Oper. Status:	Maintenance and repair of systems will be performed in accordance with the manufacturer's specifications.
QA/QC Practices:	Plant operators and maintenance personnel will be adequately trained. Maintenance and repair of systems will be performed in accordance with the manufacturer's specifications.

REGULATORY REFERENCES

- Compliance Assurance Monitoring Regulations (40 CFR §64)
- Draft CAM Technical Guidance Document (EPA - August 1998)
- Title V Monitoring Reference Document (EPA - April 2001)

Appendix C

Custom Fuel Monitoring Schedule (Natural Gas)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 12 2003

Mr. Guy Bell
Gas Turbine Power Plant
Jonesboro City Water and Light
1400 Hanley Dr.
Jonesboro, AR 72401

Re: Request for Approval - Custom Fuel Monitoring Schedule,
New Source Performance Standards (NSPS)
40 CFR Part 60, Subpart GG

Dear Mr. Bell:

This letter is in response to your request for approval of a custom fuel monitoring schedule (CFMS), dated November 27, 2002. You stated in your CFMS request that you are seeking approval of the use of certain recordkeeping and reporting requirements as an alternative to the monitoring in NSPS Part 60, Subpart GG. You indicated that the CFMS approval request is for gas turbines located at the Jonesboro, Arkansas facility, owned and operated by Jonesboro City Water and Light ("JCWL").

Your CFMS request letter, dated November 27, 2002,indicated that you have the following gas turbines that fire pipeline quality natural gas:

- Source No. 1 LM2500 Gas Turbine
- Source No. 2 LM2500 Gas Turbine
- Source No. 4 LM6000 Gas Turbine
- Source No. 5 LM6000 Gas Turbine

You stated that these turbines are peaking units that are rarely used and during the past three years, turbines 1,2, and 4 have averaged less than four hundred hours per year. You also stated that historically, JCWL has not operated these turbines for a continuous two week period and therefore the daily monitoring of sulfur and nitrogen content is overly burdensome.

You propose that monitoring of the fuel nitrogen content shall not be required while natural gas is the only fuel fired in the gas turbine. You propose to determine the sulfur content of the fuel using an approved alternative test method, GPA Standard 2377-86, "Test for Hydrogen Sulfide and Carbon Dioxide in Natural Gas Using Length of Stain Tube", and that JCWL will sample the sulfur content of the natural gas once per quarter during the first two quarters of the year. During the third quarter of the year, JCWL will sample the sulfur content of the natural gas for five consecutive days. If after the above required monitoring, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide emissions, represents consistent compliance with the sulfur dioxide emissions limits under 40 CFR 60.333, sample analysis shall be conducted twice per annum, during the second and third quarters of each calendar year. At EPA's request, you also submitted additional data on June 9, 2003 for the fuel sulfur content.

Based upon the data submitted by JCWL and previous determinations, EPA makes the following determinations regarding the gas turbines at your Jonesboro facility.

EPA approves JCWL custom fuel monitoring schedule, as detailed in this letter, in accordance with 40 CFR 60.334(b)(2) and 60.13(i).

JCWL can use the following custom fuel monitoring schedule for fuel nitrogen content and fuel sulfur content when the fuel being fired is pipeline qaulity natural gas as defined in 40 CFR 72.2. When fuel other than pipeline quality natural gas is fired in the turbines, monitoring is required in accordance with 40 CFR 60.334. This decision is consistent with EPA's guidance provided in a policy memorandum dated August 14, 1987.

1. Monitoring of fuel nitrogen content shall not be required while pipeline quality natural gas, as defined in 40 CFR 72.2, is the only fuel fired in the gas turbine.

2. Sulfur Monitoring

a. Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are: ASTM D1072-80; ASTM D3031-81; ASTM D3246-81; and ASTM D4084-82 as referenced in 40 CFR 60.335(d).

b. Effective the date of this custom schedule, sulfur monitoring shall be conducted once per quarter for six consecutive quarters.

c. If, after the monitoring required in 2(b) above, or herein, the sulfur content of the fuel shows little variability, and calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the second and third quarters of each calendar year.

d. Should any sulfur analysis as required in items 2(b) or 2(c) above indicate noncompliance with 40 CFR 60.333, the owner or operator shall notify ADEQ of such excess emissions and the custom schedule shall be re-examined by the EPA. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.

3. If there is a change in fuel supply, the owner or operator must notify ADEQ of such change for re-examination of this custom schedule. A substantial change in fuel quality shall be considered a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.

4. Records of sample analysis and fuel supply pertinent to this custom schedule shall be retained for a period of three years, and be available for inspection by personnel of federal, state, and local air pollution control agencies.

This approval of a CFMS is based on the information submitted to EPA Region 6 on November 27, 2002 and on June 9, 2003. If any information is found that would reverse this determination, then it would become invalid and a new determination would be needed. If any fuel other than natural gas is fired in the unit, then this approval would become invalid and the facility would be required to keep records per 40 CFR 60.334.

If you have any questions concerning this determination, please contact Ms. Anupa Ahuja of my staff, at (214) 665-2701.

Sincerely yours,

William K. Honker, P.E.
Chief
Air/Toxics and Inspection
Coordination Branch

cc: Keith Michaels (ADEQ)
Paul Osmon (ADEQ

Appendix D

Alternative Monitoring Plan (Diesel Fuel)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

Mr. Guy Bell
Gas Turbine Power Plant
Jonesboro City Water and Light
1400 Hanley Dr.
Jonesboro, AR 72401

Re: Request for Approval -
Alternative Monitoring Plan
New Source Performance Standards (NSPS)
40 CFR Part 60, Subpart GG

Dear Mr. Bell:

This letter is in response to your request for approval of an alternative monitoring plan (AMP), dated November 17, 2003. You stated in your AMP request that you are seeking approval of the use of certain monitoring, recordkeeping and reporting requirements as an alternative to the monitoring in NSPS Part 60, Subpart GG. You indicated that the AMP approval request is for gas turbines located at the Jonesboro, Arkansas facility, owned and operated by Jonesboro City Water and Light ("JCWL").

Your request letter, dated November 21, 2003, indicated that you have a fuel oil storage tank that is filled once or twice per year. The filling of this tank may involve as many as 24 truckloads over 1 to 3 days. NSPS Subpart GG requires that sulfur and nitrogen be tested "on each occasion that the fuel is transferred to the storage tank from any other source". You request that each purchase of diesel fuel be considered as one "fuel lot". You propose to take a sample from each truckload in the "fuel lot". These samples would then be combined to obtain a representative sample of the entire lot. This representative sample would then be tested for nitrogen and sulfur content. You stated that sampling every truckload would be burdensome and that JCWL has always purchased low sulfur fuel that tests lower than 0.05 wt%.

EPA approves your request for alternative monitoring as outlined below in accordance with 40 CFR 60.13(i).

1. A fuel lot is considered to be the amount of oil purchased from one supplier under one invoice and intended as one shipment or delivery.

2. No other fuels shall be blended with the fuel oil from the trucks in one shipment in the storage tank.

3. A sample will be taken from each truck comprising the single shipment from a single supplier.

4. Samples from all trucks in a single shipment from a single supplier will be mixed to obtain a combined representative sample.

5. This sample shall be tested for fuel nitrogen and sulfur content by an approved ASTM method or approved alternative method.

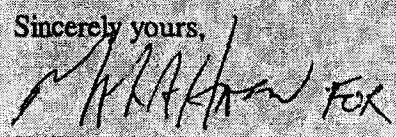
6. Records of the number of trucks comprising a single shipment from a single supplier shall be kept, along with records of the number of individual samples taken per shipment, and the results of the analysis for nitrogen and sulfur. These records will kept for a period of three years and be available at the request of any federal, state, or local agency.

7. Should any sulfur analysis indicate non compliance, or the nitrogen analysis indicate a change in the fuel bound nitrogen content, the owner or operator will notify ADEQ and this alternative monitoring method approval is revoked.

This approval of an alternative monitoring plan is based on the information submitted to EPA Region 6 on November 17, 2003. If any information is found that would reverse this determination, then it would become invalid and a new determination would be needed.

If you have any questions concerning this determination, please contact Ms. Anupa Ahuja of my staff at (214) 665-2701.

Sincerely yours,



William K. Honker, P.E.
Chief
Air/Toxics and Inspection
Coordination Branch

cc: Keith Michaels (ADEQ)

Appendix E

40 C.F.R. Part 60 Subpart GG

Standards of Performance for Stationary Gas Turbines

Subpart GG—Standards of Performance for Stationary Gas Turbines

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§60.330 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities: All stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 million Btu) per hour, based on the lower heating value of the fuel fired.

(b) Any facility under paragraph (a) of this section which commences construction, modification, or reconstruction after October 3, 1977, is subject to the requirements of this part except as provided in paragraphs (e) and (j) of §60.332.

[44 FR 52798, Sept. 10, 1979, as amended at 52 FR 42434, Nov. 5, 1987; 65 FR 61759, Oct. 17, 2000]

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§60.331 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) *Stationary gas turbine* means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on a vehicle for portability.

(b) *Simple cycle gas turbine* means any stationary gas turbine which does not recover heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine, or which does not recover heat from the gas turbine exhaust gases to heat water or generate steam.

(c) *Regenerative cycle gas turbine* means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine.

(d) *Combined cycle gas turbine* means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to heat water or generate steam.

(e) *Emergency gas turbine* means any stationary gas turbine which operates as a mechanical or electrical power source only when the primary power source for a facility has been rendered inoperable by an emergency situation.

(f) *Ice fog* means an atmospheric suspension of highly reflective ice crystals.

(g) *ISO standard day conditions* means 288 degrees Kelvin, 60 percent relative humidity and 101.3 kilopascals pressure.

(h) *Efficiency* means the gas turbine manufacturer's rated heat rate at peak load in terms of heat input per unit of power output based on the lower heating value of the fuel.

(i) *Peak load* means 100 percent of the manufacturer's design capacity of the gas turbine at ISO standard day conditions.

(j) *Base load* means the load level at which a gas turbine is normally operated.

(k) *Fire-fighting turbine* means any stationary gas turbine that is used solely to pump water for extinguishing fires.

(l) *Turbines employed in oil/gas production or oil/gas transportation* means any stationary gas turbine used to provide power to extract crude oil/natural gas from the earth or to move crude oil/natural gas, or products refined from these substances through pipelines.

(m) A *Metropolitan Statistical Area* or *MSA* as defined by the Department of Commerce.

(n) *Offshore platform gas turbines* means any stationary gas turbine located on a platform in an ocean.

(o) *Garrison facility* means any permanent military installation.

(p) *Gas turbine model* means a group of gas turbines having the same nominal air flow, combuster inlet pressure, combuster inlet temperature, firing temperature, turbine inlet temperature and turbine inlet pressure.

(q) *Electric utility stationary gas turbine* means any stationary gas turbine constructed for the purpose of supplying more than one-third of its potential electric output capacity to any utility power distribution system for sale.

(r) *Emergency fuel* is a fuel fired by a gas turbine only during circumstances, such as natural gas supply curtailment or breakdown of delivery system, that make it impossible to fire natural gas in the gas turbine.

(s) *Unit operating hour* means a clock hour during which any fuel is combusted in the affected unit. If the unit combusts fuel for the entire clock hour, it is considered to be a full unit operating hour. If the unit combusts fuel for only part of the clock hour, it is considered to be a partial unit operating hour.

(t) *Excess emissions* means a specified averaging period over which either:

(1) The NO_x emissions are higher than the applicable emission limit in §60.332;

(2) The total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in §60.333; or

(3) The recorded value of a particular monitored parameter is outside the acceptable range specified in the parameter monitoring plan for the affected unit.

(u) *Natural gas* means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per 100 standard cubic feet. Equivalents of this in other units are as follows: 0.068 weight percent total sulfur, 680 parts per million by weight (ppmw) total sulfur, and 338 parts per million by volume (ppmv) at 20 degrees Celsius total sulfur. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 British thermal units (Btu) per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.

(v) *Duct burner* means a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary gas turbine, internal combustion engine, kiln, etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.

(w) *Lean premix stationary combustion turbine* means any stationary combustion turbine where the air and fuel are thoroughly mixed to form a lean mixture for combustion in the combustor. Mixing may occur before or in the combustion chamber. A unit which is capable of operating in both lean premix and diffusion flame modes is considered a lean premix stationary combustion turbine when it is in the lean premix mode, and it is considered a diffusion flame stationary combustion turbine when it is in the diffusion flame mode.

(x) *Diffusion flame stationary combustion turbine* means any stationary combustion turbine where fuel and air are injected at the combustor and are mixed only by diffusion prior to ignition. A unit which is capable of operating in both lean premix and diffusion flame modes is considered a lean premix stationary combustion turbine when it is in the lean premix mode, and it is considered a diffusion flame stationary combustion turbine when it is in the diffusion flame mode.

(y) *Unit operating day* means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

[44 FR 52798, Sept. 10, 1979, as amended at 47 FR 3770, Jan. 27, 1982; 65 FR 61759, Oct. 17, 2000; 69 FR 41359, July 8, 2004]

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§60.332 Standard for nitrogen oxides.

(a) On and after the date on which the performance test required by §60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i), (j), (k), and (l) of this section.

(1) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0075\frac{(14.4)}{Y} + F$$

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where:

STD = allowable ISO corrected (if required as given in §60.335(b)(1)) NO_x emission concentration (percent by volume at 15 percent oxygen and on a dry basis),

Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour, and

F = NO_x emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of this section.

(2) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0150\frac{(14.4)}{Y} + F$$

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where:

STD = allowable ISO corrected (if required as given in §60.335(b)(1)) NO_x emission concentration (percent by volume at 15 percent oxygen and on a dry basis),

Y = manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour), or actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour, and

F = NO_x emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of this section.

(3) The use of F in paragraphs (a)(1) and (2) of this section is optional. That is, the owner or operator may choose to apply a NO_x allowance for fuel-bound nitrogen and determine the appropriate F-value in accordance with paragraph (a)(4) of this section or may accept an F-value of zero.

(4) If the owner or operator elects to apply a NO_x emission allowance for fuel-bound nitrogen, F shall be defined according to the nitrogen content of the fuel during the most recent performance test required under §60.8 as follows:

Fuel-bound nitrogen (percent by weight)	F (NO_x percent by volume)
N .015	0
0.015 <N≤0.1	0.04 (N)
0.1<N≤0.25	0.004+0.0067(N-0.1)
N >0.25	0.005

Where:

N = the nitrogen content of the fuel (percent by weight).

or:

Manufacturers may develop and submit to EPA custom fuel-bound nitrogen allowances for each gas turbine model they manufacture. These fuel-bound nitrogen allowances shall be substantiated with data and must be approved for use by the Administrator before the initial performance test required by §60.8. Notices of approval of custom fuel-bound nitrogen allowances will be published in the FEDERAL REGISTER.

(b) Electric utility stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired shall comply with the provisions of paragraph (a)(1) of this section.

(c) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired, shall comply with the provisions of paragraph (a)(2) of this section.

(d) Stationary gas turbines with a manufacturer's rated base load at ISO conditions of 30 megawatts or less except as provided in §60.332(b) shall comply with paragraph (a)(2) of this section.

(e) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired and that have commenced construction prior to October 3, 1982 are exempt from paragraph (a) of this section.

(f) Stationary gas turbines using water or steam injection for control of NO_x emissions are exempt from paragraph (a) when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine.

(g) Emergency gas turbines, military gas turbines for use in other than a garrison facility, military gas turbines installed for use as military training facilities, and fire fighting gas turbines are exempt from paragraph (a) of this section.

(h) Stationary gas turbines engaged by manufacturers in research and development of equipment for both gas turbine emission control techniques and gas turbine efficiency improvements are exempt from paragraph (a) on a case-by-case basis as determined by the Administrator.

(i) Exemptions from the requirements of paragraph (a) of this section will be granted on a case-by-case basis as determined by the Administrator in specific geographical areas where mandatory water restrictions are required by governmental agencies because of drought conditions. These exemptions will be allowed only while the mandatory water restrictions are in effect.

(j) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour that commenced construction, modification, or reconstruction between the dates of October 3, 1977, and January 27, 1982, and were required in the September 10, 1979, FEDERAL REGISTER (44 FR 52792) to comply with paragraph (a)(1) of this section, except electric utility stationary gas turbines, are exempt from paragraph (a) of this section.

(k) Stationary gas turbines with a heat input greater than or equal to 10.7 gigajoules per hour (10 million Btu/hour) when fired with natural gas are exempt from paragraph (a)(2) of this section when being fired with an emergency fuel.

(l) Regenerative cycle gas turbines with a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) are exempt from paragraph (a) of this section.

[44 FR 52798, Sept. 10, 1979, as amended at 47 FR 3770, Jan. 27, 1982; 65 FR 61759, Oct. 17, 2000; 69 FR 41359, July 8, 2004]

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§60.333 Standard for sulfur dioxide.

On and after the date on which the performance test required to be conducted by §60.8 is completed, every owner or operator subject to the provision of this subpart shall comply with one or the other of the following conditions:

(a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.

(b) No owner or operator subject to the provisions of this subpart shall burn in any stationary gas turbine any fuel which contains total sulfur in excess of 0.8 percent by weight (8000 ppmw).

[44 FR 52798, Sept. 10, 1979, as amended at 69 FR 41360, July 8, 2004]

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§60.334 Monitoring of operations.

(a) Except as provided in paragraph (b) of this section, the owner or operator of any stationary gas turbine subject to the provisions of this subpart and using water or steam injection to control NO_x emissions shall install, calibrate, maintain and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.

(b) The owner or operator of any stationary gas turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which uses water or steam injection to control NO_x emissions may, as an alternative to operating the continuous monitoring system described in paragraph (a) of this section, install, certify, maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) consisting of NO_x and O_2monitors. As an alternative, a CO_2 monitor may be used to adjust the measured NO_x concentrations to 15 percent O_2 by either converting the CO_2 hourly averages to equivalent O_2 concentrations using Equation F-14a or F-14b in appendix F to part 75 of this chapter and making the adjustments to 15 percent O_2, or by using the CO_2 readings directly to make the adjustments, as described in Method 20. If the option to use a CEMS is chosen, the CEMS shall be installed, certified, maintained and operated as follows:

(1) Each CEMS must be installed and certified according to PS 2 and 3 (for diluent) of 40 CFR part 60, appendix B, except the 7-day calibration drift is based on unit operating days, not calendar days. Appendix F, Procedure 1 is not required. The relative accuracy test audit (RATA) of the NO_x and diluent monitors may be performed individually or on a combined basis, *i.e.*, the relative accuracy tests of the CEMS may be performed either:

(i) On a ppm basis (for NO_x) and a percent O_2 basis for oxygen; or

(ii) On a ppm at 15 percent O_2 basis; or

(iii) On a ppm basis (for NO_x) and a percent CO_2 basis (for a CO_2 monitor that uses the procedures in Method 20 to correct the NO_x data to 15 percent O_2).

(2) As specified in §60.13(e)(2), during each full unit operating hour, each monitor must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each 15-minute quadrant of the hour, to validate the hour. For partial unit operating hours, at least one valid data point must be

obtained for each quadrant of the hour in which the unit operates. For unit operating hours in which required quality assurance and maintenance activities are performed on the CEMS, a minimum of two valid data points (one in each of two quadrants) are required to validate the hour.

(3) For purposes of identifying excess emissions, CEMS data must be reduced to hourly averages as specified in §60.13(h).

(i) For each unit operating hour in which a valid hourly average, as described in paragraph (b)(2) of this section, is obtained for both NO_x and diluent, the data acquisition and handling system must calculate and record the hourly NO_xemissions in the units of the applicable NO_x emission standard under §60.332(a), *i.e.*, percent NO_x by volume, dry basis, corrected to 15 percent O_2 and International Organization for Standardization (ISO) standard conditions (if required as given in §60.335(b)(1)). For any hour in which the hourly average O_2 concentration exceeds 19.0 percent O_2, a diluent cap value of 19.0 percent O_2 may be used in the emission calculations.

(ii) A worst case ISO correction factor may be calculated and applied using historical ambient data. For the purpose of this calculation, substitute the maximum humidity of ambient air (Ho), minimum ambient temperature (T_a), and minimum combustor inlet absolute pressure (P_o) into the ISO correction equation.

(iii) If the owner or operator has installed a NO_x CEMS to meet the requirements of part 75 of this chapter, and is continuing to meet the ongoing requirements of part 75 of this chapter, the CEMS may be used to meet the requirements of this section, except that the missing data substitution methodology provided for at 40 CFR part 75, subpart D, is not required for purposes of identifying excess emissions. Instead, periods of missing CEMS data are to be reported as monitor downtime in the excess emissions and monitoring performance report required in §60.7(c).

(c) For any turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which does not use steam or water injection to control NO_x emissions, the owner or operator may, but is not required to, for purposes of determining excess emissions, use a CEMS that meets the requirements of paragraph (b) of this section. Also, if the owner or operator has previously submitted and received EPA, State, or local permitting authority approval of a procedure for monitoring compliance with the applicable NO_x emission limit under §60.332, that approved procedure may continue to be used.

(d) The owner or operator of any new turbine constructed after July 8, 2004, and which uses water or steam injection to control NO_x emissions may elect to use either the requirements in paragraph (a) of this section for continuous water or steam to fuel ratio monitoring or may use a NO_x CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of this section.

(e) The owner or operator of any new turbine that commences construction after July 8, 2004, and which does not use water or steam injection to control NO_x emissions, may, but is not required to, elect to use a NO_x CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of this section. Other acceptable monitoring approaches include periodic testing approved by EPA or the State or local permitting authority or continuous parameter monitoring as described in paragraph (f) of this section.

(f) The owner or operator of a new turbine that commences construction after July 8, 2004, which does not use water or steam injection to control NO_x emissions may, but is not required to, perform continuous parameter monitoring as follows:

(1) For a diffusion flame turbine without add-on selective catalytic reduction controls (SCR), the owner or operator shall define at least four parameters indicative of the unit's NO_x formation characteristics and shall monitor these parameters continuously.

(2) For any lean premix stationary combustion turbine, the owner or operator shall continuously monitor the appropriate parameters to determine whether the unit is operating in low-NO_x mode.

(3) For any turbine that uses SCR to reduce NO_x emissions, the owner or operator shall continuously monitor appropriate parameters to verify the proper operation of the emission controls.

(4) For affected units that are also regulated under part 75 of this chapter, if the owner or operator elects to monitor NO_x emission rate using the methodology in appendix E to part 75 of this chapter, or the low mass emissions methodology in §75.19 of this chapter, the requirements of this paragraph (f) may be met by performing the parametric monitoring described in section 2.3 of appendix E or in §75.19(c)(1)(iv)(H) of this chapter.

(g) The steam or water to fuel ratio or other parameters that are continuously monitored as described in paragraphs (a), (d) or (f) of this section shall be monitored during the performance test required under §60.8, to establish acceptable values and ranges. The owner or operator may supplement the performance test data with engineering analyses, design specifications, manufacturer's recommendations and other relevant information to define the acceptable parametric ranges more precisely. The owner or operator shall develop and keep on-site a parameter monitoring plan which explains the procedures used to document proper operation of the NO_x emission controls. The plan shall include the parameter(s) monitored and the acceptable range(s) of the parameter(s) as well as the basis for designating the parameter(s) and acceptable range(s). Any supplemental data such as engineering analyses, design specifications, manufacturer's recommendations and other relevant information shall be included in the monitoring plan. For affected units that are also subject to part 75 of this chapter and that use the low mass emissions methodology in §75.19 of this chapter or the NO_xemission measurement methodology in appendix E to part 75, the owner or operator may meet the requirements of this paragraph by developing and keeping on-site (or at a central location for unmanned facilities) a quality-assurance plan, as described in §75.19 (e)(5) or in section 2.3 of appendix E and section 1.3.6 of appendix B to part 75 of this chapter.

(h) The owner or operator of any stationary gas turbine subject to the provisions of this subpart:

(1) Shall monitor the total sulfur content of the fuel being fired in the turbine, except as provided in paragraph (h)(3) of this section. The sulfur content of the fuel must be determined using total sulfur methods described in §60.335(b)(10). Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4000 ppmw), ASTM D4084-82, 94, D5504-01, D6228-98, or Gas Processors Association Standard 2377-86 (all of which are incorporated by reference-see §60.17), which measure the major sulfur compounds may be used; and

(2) Shall monitor the nitrogen content of the fuel combusted in the turbine, if the owner or operator claims an allowance for fuel bound nitrogen (*i.e.*, if an F-value greater than zero is being or will be used by the owner or operator to calculate STD in §60.332). The nitrogen content of the fuel shall be determined using methods described in §60.335(b)(9) or an approved alternative.

(3) Notwithstanding the provisions of paragraph (h)(1) of this section, the owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in §60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:

(i) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or

(ii) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of this chapter is required.

(4) For any turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and for which a custom fuel monitoring schedule has previously been approved, the owner or operator may, without submitting a special petition to the Administrator, continue monitoring on this schedule.

(i) The frequency of determining the sulfur and nitrogen content of the fuel shall be as follows:

(1) *Fuel oil.* For fuel oil, use one of the total sulfur sampling options and the associated sampling frequency described in sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of appendix D to part 75 of this chapter (*i.e.*, flow proportional sampling, daily sampling, sampling from the unit's storage tank after each addition of fuel to the tank, or sampling each delivery prior to combining it with fuel oil already in the intended storage tank). If an emission allowance is being claimed for fuel-bound nitrogen, the nitrogen content of the oil shall be determined and recorded once per unit operating day.

(2) *Gaseous fuel.* Any applicable nitrogen content value of the gaseous fuel shall be determined and recorded once per unit operating day. For owners and operators that elect not to demonstrate sulfur content using options in paragraph (h)(3) of this section, and for which the fuel is supplied without intermediate bulk storage, the sulfur content value of the gaseous fuel shall be determined and recorded once per unit operating day.

(3) *Custom schedules.* Notwithstanding the requirements of paragraph (i)(2) of this section, operators or fuel vendors may develop custom schedules for determination of the total sulfur content of gaseous fuels, based on the design and operation of the affected facility and the characteristics of the fuel supply. Except as provided in paragraphs (i)(3)(i) and (i)(3)(ii) of this section, custom schedules shall be substantiated with data and shall be approved by the Administrator before they can be used to comply with the standard in §60.333.

(i) The two custom sulfur monitoring schedules set forth in paragraphs (i)(3)(i)(A) through (D) and in paragraph (i)(3)(ii) of this section are acceptable, without prior Administrative approval:

(A) The owner or operator shall obtain daily total sulfur content measurements for 30 consecutive unit operating days, using the applicable methods specified in this subpart. Based on the results of the 30 daily samples, the required frequency for subsequent monitoring of the fuel's total sulfur content shall be as specified in paragraph (i)(3)(i)(B), (C), or (D) of this section, as applicable.

(B) If none of the 30 daily measurements of the fuel's total sulfur content exceeds 0.4 weight percent (4000 ppmw), subsequent sulfur content monitoring may be performed at 12 month intervals. If any of the samples taken at 12-month intervals has a total sulfur content between 0.4 and 0.8 weight percent (4000 and 8000 ppmw), follow the procedures in paragraph (i)(3)(i)(C) of this section. If any measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section.

(C) If at least one of the 30 daily measurements of the fuel's total sulfur content is between 0.4 and 0.8 weight percent (4000 and 8000 ppmw), but none exceeds 0.8 weight percent (8000 ppmw), then:

(*1*) Collect and analyze a sample every 30 days for three months. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, follow the procedures in paragraph (i)(3)(i)(C)(*2*) of this section.

(*2*) Begin monitoring at 6-month intervals for 12 months. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, follow the procedures in paragraph (i)(3)(i)(C)(*3*) of this section.

(*3*) Begin monitoring at 12-month intervals. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, continue to monitor at this frequency.

(D) If a sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), immediately begin daily monitoring according to paragraph (i)(3)(i)(A) of this section. Daily monitoring shall continue until 30 consecutive daily samples, each having a sulfur content no greater than 0.8 weight percent (8000 ppmw), are obtained. At that point, the applicable procedures of paragraph (i)(3)(i)(B) or (C) of this section shall be followed.

(ii) The owner or operator may use the data collected from the 720-hour sulfur sampling demonstration described in section 2.3.6 of appendix D to part 75 of this chapter to determine a custom sulfur sampling schedule, as follows:

(A) If the maximum fuel sulfur content obtained from the 720 hourly samples does not exceed 20 grains/100 scf (*i.e.*, the maximum total sulfur content of natural gas as defined in §60.331(u)), no additional monitoring of the sulfur content of the gas is required, for the purposes of this subpart.

(B) If the maximum fuel sulfur content obtained from any of the 720 hourly samples exceeds 20 grains/100 scf, but none of the sulfur content values (when converted to weight percent sulfur) exceeds 0.4 weight percent (4000 ppmw), then the minimum required sampling frequency shall be one sample at 12 month intervals.

(C) If any sample result exceeds 0.4 weight percent sulfur (4000 ppmw), but none exceeds 0.8 weight percent sulfur (8000 ppmw), follow the provisions of paragraph (i)(3)(i)(C) of this section.

(D) If the sulfur content of any of the 720 hourly samples exceeds 0.8 weight percent (8000 ppmw), follow the provisions of paragraph (i)(3)(i)(D) of this section.

(j) For each affected unit that elects to continuously monitor parameters or emissions, or to periodically determine the fuel sulfur content or fuel nitrogen content under this subpart, the owner or operator shall submit reports of excess emissions and monitor downtime, in accordance with §60.7(c). Excess emissions shall be reported for all periods of unit operation, including startup, shutdown and malfunction. For the purpose of reports required under §60.7(c), periods of excess emissions and monitor downtime that shall be reported are defined as follows:

(1) Nitrogen oxides.

(i) For turbines using water or steam to fuel ratio monitoring:

(A) An excess emission shall be any unit operating hour for which the average steam or water to fuel ratio, as measured by the continuous monitoring system, falls below the acceptable steam or water to fuel ratio needed to demonstrate compliance with §60.332, as established during the performance test required in §60.8. Any unit operating hour in which no water or steam is injected into the turbine shall also be considered an excess emission.

(B) A period of monitor downtime shall be any unit operating hour in which water or steam is injected into the turbine, but the essential parametric data needed to determine the steam or water to fuel ratio are unavailable or invalid.

(C) Each report shall include the average steam or water to fuel ratio, average fuel consumption, ambient conditions (temperature, pressure, and humidity), gas turbine load, and (if applicable) the nitrogen content of the fuel during each excess emission. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in §60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of §60.335(b)(1).

(ii) If the owner or operator elects to take an emission allowance for fuel bound nitrogen, then excess emissions and periods of monitor downtime are as described in paragraphs (j)(1)(ii)(A) and (B) of this section.

(A) An excess emission shall be the period of time during which the fuel-bound nitrogen (N) is greater than the value measured during the performance test required in §60.8 and used to determine the allowance. The excess emission begins on the date and hour of the sample which shows that N is greater than the performance test value, and ends with the date and hour of a subsequent sample which shows a fuel nitrogen content less than or equal to the performance test value.

(B) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour that a required sample is taken, if invalid results are obtained. The period of monitor downtime ends on the date and hour of the next valid sample.

(iii) For turbines using NO_x and diluent CEMS:

(A) An hour of excess emissions shall be any unit operating hour in which the 4-hour rolling average NO_xconcentration exceeds the applicable emission limit in §60.332(a)(1) or (2). For the purposes of this subpart, a "4-hour rolling average NO_x concentration" is the arithmetic average of the average NO_x concentration measured by the CEMS for a given hour (corrected to 15 percent O_2 and, if required under §60.335(b)(1), to ISO standard conditions) and the three unit operating hour average NO_x concentrations immediately preceding that unit operating hour.

(B) A period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour, for either NO_x concentration or diluent (or both).

(C) Each report shall include the ambient conditions (temperature, pressure, and humidity) at the time of the excess emission period and (if the owner or operator has claimed an emission allowance for fuel bound nitrogen) the nitrogen content of the fuel during the period of excess emissions. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in §60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of §60.335(b)(1).

(iv) For owners or operators that elect, under paragraph (f) of this section, to monitor combustion parameters or parameters that document proper operation of the NO_x emission controls:

(A) An excess emission shall be a 4-hour rolling unit operating hour average in which any monitored parameter does not achieve the target value or is outside the acceptable range defined in the parameter monitoring plan for the unit.

(B) A period of monitor downtime shall be a unit operating hour in which any of the required parametric data are either not recorded or are invalid.

(2) Sulfur dioxide. If the owner or operator is required to monitor the sulfur content of the fuel under paragraph (h) of this section:

(i) For samples of gaseous fuel and for oil samples obtained using daily sampling, flow proportional sampling, or sampling from the unit's storage tank, an excess emission occurs each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 weight percent and ending on the date and hour that a subsequent sample is taken that demonstrates compliance with the sulfur limit.

(ii) If the option to sample each delivery of fuel oil has been selected, the owner or operator shall immediately switch to one of the other oil sampling options (*i.e.*, daily sampling, flow proportional sampling, or sampling from the unit's storage tank) if the sulfur content of a delivery exceeds 0.8 weight percent. The owner or operator shall continue to use one of the other sampling options until all of the oil from the delivery has been combusted, and shall evaluate excess emissions according to paragraph (j)(2)(i) of this section. When all of the fuel from the delivery has been burned, the owner or operator may resume using the as-delivered sampling option.

(iii) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour of a required sample, if invalid results are obtained. The period of monitor downtime shall include only unit operating hours, and ends on the date and hour of the next valid sample.

(3) *Ice fog.* Each period during which an exemption provided in §60.332(f) is in effect shall be reported in writing to the Administrator quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(4) *Emergency fuel.* Each period during which an exemption provided in §60.332(k) is in effect shall be included in the report required in §60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

(5) All reports required under §60.7(c) shall be postmarked by the 30th day following the end of each 6-month period.

[44 FR 52798, Sept. 10, 1979, as amended at 47 FR 3770, Jan. 27, 1982; 65 FR 61759, Oct. 17, 2000; 69 FR 41360, July 8, 2004; 71 FR 9457, Feb. 24, 2006]

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§60.335 Test methods and procedures.

(a) The owner or operator shall conduct the performance tests required in §60.8, using either

(1) EPA Method 20,

(2) ASTM D6522-00 (incorporated by reference, see §60.17), or

(3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to this part, to determine NO_x and diluent concentration.

(4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.

(5) Notwithstanding paragraph (a)(4) of this section, the owner or operator may test at few points than are specified in Method 1 or Method 20 if the following conditions are met:

(i) You may perform a stratification test for NO_x and diluent pursuant to

(A) [Reserved]

(B) The procedures specified in section 6.5.6.1(a) through (e) appendix A to part 75 of this chapter.

(ii) Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:

(A) If each of the individual traverse point NO_x concentrations, normalized to 15 percent O_2, is within 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NO_x concentration during the stratification test; or

(B) If each of the individual traverse point NO_x concentrations, normalized to 15 percent O_2, is within 5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.

(6) Other acceptable alternative reference methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in §60.332 and shall meet the performance test requirements of §60.8 as follows:

(1) For each run of the performance test, the mean nitrogen oxides emission concentration (NO_{xo}) corrected to 15 percent O_2 shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$NO_x = (NO_{xo})(P_r/P_o)^{0.5}\, e^{19\,(Ho-0.00633)}\, (288\ °K/T_a)^{1.53}$$

Where:

NO_x = emission concentration of NO_x at 15 percent O_2 and ISO standard ambient conditions, ppm by volume, dry basis,

NO_{xo} = mean observed NO_x concentration, ppm by volume, dry basis, at 15 percent O_2,

P_r = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure. Alternatively, you may use 760 mm Hg (29.92 in Hg),

P_o = observed combustor inlet absolute pressure at test, mm Hg. Alternatively, you may use the barometric pressure for the date of the test,

H_o = observed humidity of ambient air, g H_2O/g air,

e = transcendental constant, 2.718, and

T_a = ambient temperature, °K.

(2) The 3-run performance test required by §60.8 must be performed within 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in §60.331).

(3) For a combined cycle turbine system with supplemental heat (duct burner), the owner or operator may elect to measure the turbine NO_x emissions after the duct burner rather than directly after the turbine. If the owner or operator elects to use this alternative sampling location, the applicable NO_x emission limit in §60.332 for the combustion turbine must still be met.

(4) If water or steam injection is used to control NO_x with no additional post-combustion NO_x control and the owner or operator chooses to monitor the steam or water to fuel ratio in accordance with §60.334(a), then that monitoring system must be operated concurrently with each EPA Method 20, ASTM D6522-00 (incorporated by reference, see §60.17), or EPA Method 7E run and shall be used to determine the fuel consumption and the steam or water to fuel ratio necessary to comply with the applicable §60.332 NO_x emission limit.

(5) If the owner operator elects to claim an emission allowance for fuel bound nitrogen as described in §60.332, then concurrently with each reference method run, a representative sample of the fuel used shall be collected and analyzed, following the applicable procedures described in §60.335(b)(9). These data shall be used to determine the maximum fuel nitrogen content for which the established water (or steam) to fuel ratio will be valid.

(6) If the owner or operator elects to install a CEMS, the performance evaluation of the CEMS may either be conducted separately (as described in paragraph (b)(7) of this section) or as part of the initial performance test of the affected unit.

(7) If the owner or operator elects to install and certify a NO_x CEMS under §60.334(e), then the initial performance test required under §60.8 may be done in the following alternative manner:

(i) Perform a minimum of 9 reference method runs, with a minimum time per run of 21 minutes, at a single load level, between 90 and 100 percent of peak (or the highest physically achievable) load.

(ii) Use the test data both to demonstrate compliance with the applicable NO_x emission limit under §60.332 and to provide the required reference method data for the RATA of the CEMS described under §60.334(b).

(iii) The requirement to test at three additional load levels is waived.

(8) If the owner or operator elects under §60.334(f) to monitor combustion parameters or parameters indicative of proper operation of NO_x emission controls, the appropriate parameters shall be continuously monitored and recorded during each run of the initial performance test, to establish acceptable operating ranges, for purposes of the parameter monitoring plan for the affected unit, as specified in §60.334(g).

(9) To determine the fuel bound nitrogen content of fuel being fired (if an emission allowance is claimed for fuel bound nitrogen), the owner or operator may use equipment and procedures meeting the requirements of:

(i) For liquid fuels, ASTM D2597-94 (Reapproved 1999), D6366-99, D4629-02, D5762-02 (all of which are incorporated by reference, *see* §60.17); or

(ii) For gaseous fuels, shall use analytical methods and procedures that are accurate to within 5 percent of the instrument range and are approved by the Administrator.

(10) If the owner or operator is required under §60.334(i)(1) or (3) to periodically determine the sulfur content of the fuel combusted in the turbine, a minimum of three fuel samples shall be collected during the performance test. Analyze the samples for the total sulfur content of the fuel using:

(i) For liquid fuels, ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00 or D1552-01 (all of which are incorporated by reference, *see* §60.17); or

(ii) For gaseous fuels, ASTM D1072-80, 90 (Reapproved 1994); D3246-81, 92, 96; D4468-85 (Reapproved 2000); or D6667-01 (all of which are incorporated by reference, see §60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the prior approval of the Administrator.

(11) The fuel analyses required under paragraphs (b)(9) and (b)(10) of this section may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.

(c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) Instead of using the equation in paragraph (b)(1) of this section, manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in §60.8 to ISO standard day conditions.

[69 FR 41363, July 8, 2004, as amended at 71 FR 9458, Feb. 24, 2006; 79 FR 11250, Feb. 27, 2014]

Appendix F

Acid Rain Permit

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: [X] New [ ] Revised

STEP 1

Identify the source by plant name, State, and ORIS code.

Plant Name: City Water & Light Plant of the City of Jonesboro State: AR ORIS Code: 56505

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a." For new units, enter the requested information in columns "c" and "d."

a	b	c	d
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
	Yes		
SN04	Yes	05/16/2000	11/16/2000
SN06	Yes	05/13/2003	11/13/2003
SN07	Yes	05/01/2007	11/01/2007
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

Plant Name (from Step 1) City Water & Light Plant of the City of Jonesboro, AR

STEP 3

Read the standard requirements

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:

(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and

(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;

(2) The owners and operators of each affected source and each affected unit at the source shall:

(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and

(ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.

(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the source shall:

(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and

(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:

(i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or

(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

STEP 3, Cont'd.

Nitrogen Oxides Requirements The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

(1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting
authority:
(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

Plant Name (from Step 1)	City Water & Light Plant of the City of Jonesboro, AR

Step 3, Cont'd.

Liability, Cont'd.

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:
(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
(2) Limiting the number of allowances a unit can hold; *provided,* that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the certification statement, sign, and date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	Ron Bowen	
Signature		Date 3-06-07

Appendix G

40 C.F.R. Part 97 Subpart EEEEE

CSAPR NOX Ozone Season Group 2 Trading Program

Subpart EEEEE—CSAPR NO_X Ozone Season Group 2 Trading Program

Source:81 FR 74621, Oct. 26, 2016, unless otherwise noted.

§ 97.801 Purpose.

This subpart sets forth the general, designated representative, allowance, and monitoring provisions for the Cross-State Air Pollution Rule (CSAPR) NO_X Ozone Season Group 2 Trading Program, under section 110 of the Clean Air Act and § 52.38 of this chapter, as a means of mitigating interstate transport of ozone and nitrogen oxides.

§ 97.802 Definitions.

The terms used in this subpart shall have the meanings set forth in this section as follows, provided that any term that includes the acronym "CSAPR" shall be considered synonymous with a term that is used in a SIP revision approved by the Administrator under § 52.38 or § 52.39 of this chapter and that is substantively identical except for the inclusion of the acronym "TR" in place of the acronym "CSAPR":

Acid Rain Program means a multi-state SO_2 and NO_X air pollution control and emission reduction program established by the Administrator under title IV of the Clean Air Act and parts 72 through 78 of this chapter.

Administrator means the Administrator of the United States Environmental Protection Agency or the Director of the Clean Air Markets Division (or its successor determined by the Administrator) of the United States Environmental Protection Agency, the Administrator's duly authorized representative under this subpart.

Allocate or *allocation* means, with regard to CSAPR NO_X Ozone Season Group 2 allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart, §§ 97.526 and 97.1026, and any SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter, of the amount of such CSAPR NO_X Ozone Season Group 2 allowances to be initially credited, at no cost to the recipient, to:

(1) A CSAPR NO_X Ozone Season Group 2 unit;

(2) A new unit set-aside;

(3) An Indian country new unit set-aside; or

(4) An entity not listed in paragraphs (1) through (3) of this definition;

(5) Provided that, if the Administrator, State, or permitting authority initially credits, to a CSAPR NO_X Ozone Season Group 2 unit qualifying for an initial credit, a credit in the amount of zero CSAPR NO_X Ozone Season Group 2 allowances, the CSAPR NO_X Ozone Season Group 2 unit

will be treated as being allocated an amount (*i.e.,* zero) of CSAPR NO_X Ozone Season Group 2 allowances.

Allowance Management System means the system by which the Administrator records allocations, auctions, transfers, and deductions of CSAPR NO_X Ozone Season Group 2 allowances under the CSAPR NO_X Ozone Season Group 2 Trading Program. Such allowances are allocated, auctioned, recorded, held, transferred, or deducted only as whole allowances.

Allowance Management System account means an account in the Allowance Management System established by the Administrator for purposes of recording the allocation, auction, holding, transfer, or deduction of CSAPR NO_X Ozone Season Group 2 allowances.

Allowance transfer deadline means, for a control period before 2021, midnight of March 1 immediately after such control period or, for a control period in 2021 or thereafter, midnight of June 1 immediately after such control period (or if such March 1 or June 1 is not a business day, midnight of the first business day thereafter) and is the deadline by which a CSAPR NO_X Ozone Season Group 2 allowance transfer must be submitted for recordation in a CSAPR NO_X Ozone Season Group 2 source's compliance account in order to be available for use in complying with the source's CSAPR NO_X Ozone Season Group 2 emissions limitation for such control period in accordance with §§ 97.806 and 97.824.

Alternate designated representative means, for a CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source, in accordance with this subpart, to act on behalf of the designated representative in matters pertaining to the CSAPR NO_X Ozone Season Group 2 Trading Program. If the CSAPR NO_X Ozone Season Group 2 source is also subject to the Acid Rain Program, CSAPR NO_X Annual Trading Program, CSAPR SO_2 Group 1 Trading Program, or CSAPR SO_2 Group 2 Trading Program, then this natural person shall be the same natural person as the alternate designated representative as defined in the respective program.

Assurance account means an Allowance Management System account, established by the Administrator under § 97.825(b)(3) for certain owners and operators of a group of one or more CSAPR NO_X Ozone Season Group 2 sources and units in a given State (and Indian country within the borders of such State), in which are held CSAPR NO_X Ozone Season Group 2 allowances available for use for a control period in a given year in complying with the CSAPR NO_X Ozone Season Group 2 assurance provisions in accordance with §§ 97.806 and 97.825.

Auction means, with regard to CSAPR NO_X Ozone Season Group 2 allowances, the sale to any person by a State or permitting authority, in accordance with a SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(8) or (9) of this chapter, of such CSAPR NO_X Ozone Season Group 2 allowances to be initially recorded in an Allowance Management System account.

Authorized account representative means, for a general account, the natural person who is authorized, in accordance with this subpart, to transfer and otherwise dispose of CSAPR NO_X Ozone Season Group 2 allowances held in the general account and, for a CSAPR NO_X Ozone Season Group 2 source's compliance account, the designated representative of the source.

Automated data acquisition and handling system or *DAHS* means the component of the continuous emission monitoring system, or other emissions monitoring system approved for use under this subpart, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by this subpart.

Biomass means—

(1) Any organic material grown for the purpose of being converted to energy;

(2) Any organic byproduct of agriculture that can be converted into energy; or

(3) Any material that can be converted into energy and is nonmerchantable for other purposes, that is segregated from other material that is nonmerchantable for other purposes, and that is:

(i) A forest-related organic resource, including mill residues, precommercial thinnings, slash, brush, or byproduct from conversion of trees to merchantable material; or

(ii) A wood material, including pallets, crates, dunnage, manufacturing and construction materials (other than pressure-treated, chemically-treated, or painted wood products), and landscape or right-of-way tree trimmings.

Boiler means an enclosed fossil- or other-fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

Bottoming-cycle unit means a unit in which the energy input to the unit is first used to produce useful thermal energy, where at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

Business day means a day that does not fall on a weekend or a federal holiday.

Certifying official means a natural person who is:

(1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy- or decision-making functions for the corporation;

(2) For a partnership or sole proprietorship, a general partner or the proprietor respectively; or

(3) For a local government entity or State, federal, or other public agency, a principal executive officer or ranking elected official.

Clean Air Act means the Clean Air Act, 42 U.S.C. 7401, *et seq.*

Coal means "coal" as defined in § 72.2 of this chapter.

Cogeneration system means an integrated group, at a source, of equipment (including a boiler, or combustion turbine, and a generator) designed to produce useful thermal energy for industrial, commercial, heating, or cooling purposes and electricity through the sequential use of energy.

Cogeneration unit means a stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine that is a topping-cycle unit or a bottoming-cycle unit:

(1) Operating as part of a cogeneration system; and

(2) Producing on an annual average basis—

(i) For a topping-cycle unit,

(A) Useful thermal energy not less than 5 percent of total energy output; and

(B) Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 percent of total energy input, if useful thermal energy produced is 15 percent or more of total energy output, or not less than 45 percent of total energy input, if useful thermal energy produced is less than 15 percent of total energy output; or

(ii) For a bottoming-cycle unit, useful power not less than 45 percent of total energy input;

(3) Provided that the requirements in paragraph (2) of this definition shall not apply to a calendar year referenced in paragraph (2) of this definition during which the unit did not operate at all;

(4) Provided that the total energy input under paragraphs (2)(i)(B) and (2)(ii) of this definition shall equal the unit's total energy input from all fuel, except biomass if the unit is a boiler; and

(5) Provided that, if, throughout its operation during the 12-month period or a calendar year referenced in paragraph (2) of this definition, a unit is operated as part of a cogeneration system and the cogeneration system meets on a system-wide basis the requirement in paragraph (2)(i)(B) or (2)(ii) of this definition, the unit shall be deemed to meet such requirement during that 12-month period or calendar year.

Combustion turbine means an enclosed device comprising:

(1) If the device is simple cycle, a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

(2) If the device is combined cycle, the equipment described in paragraph (1) of this definition and any associated duct burner, heat recovery steam generator, and steam turbine.

Commence commercial operation means, with regard to a unit:

(1) To have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, except as provided in § 97.805.

(i) For a unit that is a CSAPR NO_X Ozone Season Group 2 unit under § 97.804 on the later of January 1, 2005 or the date the unit commences commercial operation as defined in the introductory text of paragraph (1) of this definition and that subsequently undergoes a physical change or is moved to a new location or source, such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

(ii) For a unit that is a CSAPR NO_X Ozone Season Group 2 unit under § 97.804 on the later of January 1, 2005 or the date the unit commences commercial operation as defined in the introductory text of paragraph (1) of this definition and that is subsequently replaced by a unit at the same or a different source, such date shall remain the replaced unit's date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (1) or (2) of this definition as appropriate.

(2) Notwithstanding paragraph (1) of this definition and except as provided in § 97.805, for a unit that is not a CSAPR NO_X Ozone Season Group 2 unit under § 97.804 on the later of January 1, 2005 or the date the unit commences commercial operation as defined in the introductory text of paragraph (1) of this definition, the unit's date for commencement of commercial operation shall be the date on which the unit becomes a CSAPR NO_X Ozone Season Group 2 unit under § 97.804.

(i) For a unit with a date for commencement of commercial operation as defined in the introductory text of paragraph (2) of this definition and that subsequently undergoes a physical change or is moved to a different location or source, such date shall remain the date of commencement of commercial operation of the unit, which shall continue to be treated as the same unit.

(ii) For a unit with a date for commencement of commercial operation as defined in the introductory text of paragraph (2) of this definition and that is subsequently replaced by a unit at the same or a different source, such date shall remain the replaced unit's date of commencement of commercial operation, and the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (1) or (2) of this definition as appropriate.

Common designated representative means, with regard to a control period in a given year, a designated representative where, as of April 1 immediately after the allowance transfer deadline for such a control period before 2021, or as of July 1 immediately after such deadline for such a control period in 2021 or thereafter, the same natural person is authorized under §§ 97.813(a) and 97.815(a) as the designated representative for a group of one or more CSAPR NO_X Ozone Season Group 2 sources and units in a State (and Indian country within the borders of such State).

Common designated representative's assurance level means, with regard to a specific common designated representative and a State (and Indian country within the borders of such State) and control period in a given year for which the State assurance level is exceeded as described in § 97.806(c)(2)(iii):

(1) The amount (rounded to the nearest allowance) equal to the sum of the total amount of CSAPR NO_X Ozone Season Group 2 allowances allocated for such control period to the group of one or more CSAPR NO_X Ozone Season Group 2 units in such State (and such Indian country) having the common designated representative for such control period and the total amount of CSAPR NO_X Ozone Season Group 2 allowances purchased by an owner or operator of such CSAPR NO_X Ozone Season Group 2 units in an auction for such control period and submitted by the State or the permitting authority to the Administrator for recordation in the compliance accounts for such CSAPR NO_X Ozone Season Group 2 units in accordance with the CSAPR NO_X Ozone Season Group 2 allowance auction provisions in a SIP revision approved by the Administrator under § 52.38(b)(8) or (9) of this chapter, multiplied by the sum of the State NO_X Ozone Season Group 2 trading budget under § 97.810(a) and the State's variability limit under § 97.810(b) for such control period, and divided by such State NO_X Ozone Season Group 2 trading budget;

(2) Provided that the allocations of CSAPR NO_X Ozone Season Group 2 allowances for any control period taken into account for purposes of this definition shall exclude any CSAPR NO_X Ozone Season Group 2 allowances allocated for such control period under § 97.526 or § 97.1026.

Common designated representative's share means, with regard to a specific common designated representative for a control period in a given year and a total amount of NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units in a State (and Indian country within the borders of such State) during such control period, the total tonnage of NO_X emissions during such control period from the group of one or more CSAPR NO_X Ozone Season Group 2 units in such State (and such Indian country) having the common designated representative for such control period.

Common stack means a single flue through which emissions from 2 or more units are exhausted.

Compliance account means an Allowance Management System account, established by the Administrator for a CSAPR NO_X Ozone Season Group 2 source under this subpart, in which any

CSAPR NO_X Ozone Season Group 2 allowance allocations to the CSAPR NO_X Ozone Season Group 2 units at the source are recorded and in which are held any CSAPR NO_X Ozone Season Group 2 allowances available for use for a control period in a given year in complying with the source's CSAPR NO_X Ozone Season Group 2 emissions limitation in accordance with §§ 97.806 and 97.824.

Continuous emission monitoring system or *CEMS* means the equipment required under this subpart to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes and using an automated data acquisition and handling system (DAHS), a permanent record of NO_X emissions, stack gas volumetric flow rate, stack gas moisture content, and O_2 or CO_2 concentration (as applicable), in a manner consistent with part 75 of this chapter and §§ 97.830 through 97.835. The following systems are the principal types of continuous emission monitoring systems:

(1) A flow monitoring system, consisting of a stack flow rate monitor and an automated data acquisition and handling system and providing a permanent, continuous record of stack gas volumetric flow rate, in standard cubic feet per hour (scfh);

(2) A NO_X concentration monitoring system, consisting of a NO_X pollutant concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of NO_X emissions, in parts per million (ppm);

(3) A NO_X emission rate (or NO_X-diluent) monitoring system, consisting of a NO_X pollutant concentration monitor, a diluent gas (CO_2 or O_2) monitor, and an automated data acquisition and handling system and providing a permanent, continuous record of NO_X concentration, in parts per million (ppm), diluent gas concentration, in percent CO_2 or O_2, and NO_X emission rate, in pounds per million British thermal units (lb/mmBtu);

(4) A moisture monitoring system, as defined in § 75.11(b)(2) of this chapter and providing a permanent, continuous record of the stack gas moisture content, in percent H_2O;

(5) A CO_2 monitoring system, consisting of a CO_2 pollutant concentration monitor (or an O_2 monitor plus suitable mathematical equations from which the CO_2 concentration is derived) and an automated data acquisition and handling system and providing a permanent, continuous record of CO_2 emissions, in percent CO_2; and

(6) An O_2 monitoring system, consisting of an O_2 concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of O_2, in percent O_2.

Control period means the period starting May 1 of a calendar year, except as provided in § 97.806(c)(3), and ending on September 30 of the same year, inclusive.

CSAPR NO_X Annual Trading Program means a multi-state NO_X air pollution control and emission reduction program established in accordance with subpart AAAAA of this part and § 52.38(a) of this chapter (including such a program that is revised in a SIP revision approved by the Administrator under § 52.38(a)(3) or (4) of this chapter or that is established in a SIP revision approved by the Administrator under § 52.38(a)(5) of this chapter), as a means of mitigating interstate transport of fine particulates and NO_X.

CSAPR NO_X Ozone Season Expanded Group 2 allowance means a CSAPR NO_X Ozone Season Group 2 allowance allocated for a control period after 2022 under this subpart or § 97.1026(e)(1)(ii) or (e)(2)(ii) to a unit in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) or allocated or auctioned for a control period after 2022 in accordance with the provisions of a SIP revision approved after November 6, 2024 for such a State by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter.

CSAPR NO_X Ozone Season Group 2 allowance means a limited authorization issued and allocated or auctioned by the Administrator under this subpart, § 97.526, or § 97.1026, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter, to emit one ton of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 2 Trading Program, where each CSAPR NO_X Ozone Season Group 2 allowance is either a CSAPR NO_X Ozone Season Original Group 2 allowance or a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

CSAPR NO_X Ozone Season Group 2 allowance deduction or *deduct CSAPR NO_X Ozone Season Group 2 allowances* means the permanent withdrawal of CSAPR NO_X Ozone Season Group 2 allowances by the Administrator from a compliance account (*e.g.,* in order to account for compliance with the CSAPR NO_X Ozone Season Group 2 emissions limitation) or from an assurance account (*e.g.,* in order to account for compliance with the assurance provisions under §§ 97.806 and 97.825).

CSAPR NO_X Ozone Season Group 2 allowances held or *hold CSAPR NO_X Ozone Season Group 2 allowances* means the CSAPR NO_X Ozone Season Group 2 allowances treated as included in an Allowance Management System account as of a specified point in time because at that time they:

(1) Have been recorded by the Administrator in the account or transferred into the account by a correctly submitted, but not yet recorded, CSAPR NO_X Ozone Season Group 2 allowance transfer in accordance with this subpart; and

(2) Have not been transferred out of the account by a correctly submitted, but not yet recorded, CSAPR NO_X Ozone Season Group 2 allowance transfer in accordance with this subpart.

CSAPR NO_X Ozone Season Group 2 emissions limitation means, for a CSAPR NO_X Ozone Season Group 2 source, the tonnage of NO_X emissions authorized in a control period in a given year by the CSAPR NO_X Ozone Season Group 2 allowances available for deduction for the source under § 97.824(a) for such control period.

CSAPR NO_X Ozone Season Group 2 source means a source that includes one or more CSAPR NO_X Ozone Season Group 2 units.

CSAPR NO_X Ozone Season Group 2 Trading Program means a multi-state NO_X air pollution control and emission reduction program established in accordance with this subpart and § 52.38(b)(1), (b)(2)(ii), and (b)(7) through (9), (13), (14), and (16) of this chapter (including such a program that is revised in a SIP revision approved by the Administrator under § 52.38(b)(7) or (8) of this chapter or that is established in a SIP revision approved by the Administrator under § 52.38(b)(9) of this chapter), as a means of mitigating interstate transport of ozone and NO_X.

CSAPR NO_X Ozone Season Group 2 unit means a unit that is subject to the CSAPR NO_X Ozone Season Group 2 Trading Program.

CSAPR NO_X Ozone Season Group 3 allowance means a limited authorization issued and allocated or auctioned by the Administrator under subpart GGGGG of this part or § 97.826, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(10), (11), or (12) of this chapter, to emit one ton or less of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 3 Trading Program.

CSAPR NO_X Ozone Season Group 3 Trading Program means a multi-state NO_X air pollution control and emission reduction program established in accordance with subpart GGGGG of this part and § 52.38(b)(1), (b)(2)(iii), and (b)(10) through (14) and (17) of this chapter (including such a program that is revised in a SIP revision approved by the Administrator under § 52.38(b)(10) or (11) of this chapter or that is established in a SIP revision approved by the Administrator under § 52.38(b)(12) of this chapter), as a means of mitigating interstate transport of ozone and NO_X.

CSAPR NO_X Ozone Season Original Group 2 allowance means a CSAPR NO_X Ozone Season Group 2 allowance other than a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

CSAPR SO_2 Group 1 Trading Program means a multi-state SO_2 air pollution control and emission reduction program established in accordance with subpart CCCCC of this part and § 52.39(a), (b), (d) through (f), and (j) through (l) of this chapter (including such a program that is revised in a SIP revision approved by the Administrator under § 52.39(d) or (e) of this chapter or that is established in a SIP revision approved by the Administrator under § 52.39(f) of this chapter), as a means of mitigating interstate transport of fine particulates and SO_2.

CSAPR SO_2 Group 2 Trading Program means a multi-state SO_2 air pollution control and emission reduction program established in accordance with subpart DDDDD of this part and § 52.39(a), (c), (g) through (k), and (m) of this chapter (including such a program that is revised in a SIP revision approved by the Administrator under § 52.39(g) or (h) of this chapter or that is established in a SIP revision approved by the Administrator under § 52.39(i) of this chapter), as a means of mitigating interstate transport of fine particulates and SO_2.

Designated representative means, for a CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source, in accordance with this subpart, to represent and legally bind each owner and operator in matters pertaining to the CSAPR NO_X Ozone Season Group 2 Trading Program. If the CSAPR NO_X Ozone Season Group 2 source is also subject to the Acid Rain Program, CSAPR NO_X Annual Trading Program, CSAPR SO_2 Group 1 Trading Program, or CSAPR SO_2 Group 2 Trading Program, then this natural person shall be the same natural person as the designated representative as defined in the respective program.

Emissions means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the Administrator by the designated representative, and as modified by the Administrator:

(1) In accordance with this subpart; and

(2) With regard to a period before the unit or source is required to measure, record, and report such air pollutants in accordance with this subpart, in accordance with part 75 of this chapter.

Excess emissions means any ton of emissions from the CSAPR NO_X Ozone Season Group 2 units at a CSAPR NO_X Ozone Season Group 2 source during a control period in a given year that exceeds the CSAPR NO_X Ozone Season Group 2 emissions limitation for the source for such control period.

Fossil fuel means—

(1) Natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material; or

(2) For purposes of applying the limitation on "average annual fuel consumption of fossil fuel" in § 97.804(b)(2)(i)(B) and (b)(2)(ii), natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material for the purpose of creating useful heat.

Fossil-fuel-fired means, with regard to a unit, combusting any amount of fossil fuel in 2005 or any calendar year thereafter.

General account means an Allowance Management System account, established under this subpart, that is not a compliance account or an assurance account.

Generator means a device that produces electricity.

Heat input means, for a unit for a specified period of unit operating time, the product (in mmBtu) of the gross calorific value of the fuel (in mmBtu/lb) fed into the unit multiplied by the fuel feed rate (in lb of fuel/time) and unit operating time, as measured, recorded, and reported to the Administrator by the designated representative and as modified by the Administrator in accordance with this subpart and excluding the heat derived from preheated combustion air, recirculated flue gases, or exhaust.

Heat input rate means, for a unit, the quotient (in mmBtu/hr) of the amount of heat input for a specified period of unit operating time (in mmBtu) divided by unit operating time (in hr) or, for a unit and a specific fuel, the amount of heat input attributed to the fuel (in mmBtu) divided by the unit operating time (in hr) during which the unit combusts the fuel.

Indian country means "Indian country" as defined in 18 U.S.C. 1151.

Life-of-the-unit, firm power contractual arrangement means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy generated by any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract:

(1) For the life of the unit;

(2) For a cumulative term of no less than 30 years, including contracts that permit an election for early termination; or

(3) For a period no less than 25 years or 70 percent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

Maximum design heat input rate means, for a unit, the maximum amount of fuel per hour (in Btu/hr) that the unit is capable of combusting on a steady state basis as of the initial installation of the unit as specified by the manufacturer of the unit.

Monitoring system means any monitoring system that meets the requirements of this subpart, including a continuous emission monitoring system, an alternative monitoring system, or an excepted monitoring system under part 75 of this chapter.

Nameplate capacity means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe, rounded to the nearest tenth) that the generator is capable of producing on a steady state basis and during continuous operation (when not restricted by seasonal or other deratings) as of such installation as specified by the manufacturer of the

generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output that the generator is capable of producing on a steady state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount (in MWe, rounded to the nearest tenth) as of such completion as specified by the person conducting the physical change.

Natural gas means "natural gas" as defined in § 72.2 of this chapter.

Newly affected CSAPR NO_X Ozone Season Group 2 unit means a unit that was not a CSAPR NO_X Ozone Season Group 2 unit when it began operating but that thereafter becomes a CSAPR NO_X Ozone Season Group 2 unit.

Nitrogen oxides means all oxides of nitrogen except nitrous oxide (N_2O), reported on an equivalent molecular weight basis as nitrogen dioxide (NO_2).

Operate or *operation* means, with regard to a unit, to combust fuel.

Operator means, for a CSAPR NO_X Ozone Season Group 2 source or a CSAPR NO_X Ozone Season Group 2 unit at a source respectively, any person who operates, controls, or supervises a CSAPR NO_X Ozone Season Group 2 unit at the source or the CSAPR NO_X Ozone Season Group 2 unit and shall include, but not be limited to, any holding company, utility system, or plant manager of such source or unit.

Owner means, for a CSAPR NO_X Ozone Season Group 2 source or a CSAPR NO_X Ozone Season Group 2 unit at a source respectively, any of the following persons:

(1) Any holder of any portion of the legal or equitable title in a CSAPR NO_X Ozone Season Group 2 unit at the source or the CSAPR NO_X Ozone Season Group 2 unit;

(2) Any holder of a leasehold interest in a CSAPR NO_X Ozone Season Group 2 unit at the source or the CSAPR NO_X Ozone Season Group 2 unit, provided that, unless expressly provided for in a leasehold agreement, "owner" shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based (either directly or indirectly) on the revenues or income from such CSAPR NO_X Ozone Season Group 2 unit; and

(3) Any purchaser of power from a CSAPR NO_X Ozone Season Group 2 unit at the source or the CSAPR NO_X Ozone Season Group 2 unit under a life-of-the-unit, firm power contractual arrangement.

Permanently retired means, with regard to a unit, a unit that is unavailable for service and that the unit's owners and operators do not expect to return to service in the future.

Permitting authority means "permitting authority" as defined in §§ 70.2 and 71.2 of this chapter.

Potential electrical output capacity means, for a unit (in MWh/yr), 33 percent of the unit's maximum design heat input rate (in Btu/hr), divided by 3,413 Btu/kWh, divided by 1,000 kWh/MWh, and multiplied by 8,760 hr/yr.

Receive or *receipt of* means, when referring to the Administrator, to come into possession of a document, information, or correspondence (whether sent in hard copy or by authorized electronic transmission), as indicated in an official log, or by a notation made on the document, information, or correspondence, by the Administrator in the regular course of business.

Recordation, record, or *recorded* means, with regard to CSAPR NO_X Ozone Season Group 2 allowances, the moving of CSAPR NO_X Ozone Season Group 2 allowances by the Administrator into, out of, or between Allowance Management System accounts, for purposes of allocation, auction, transfer, or deduction.

Reference method means any direct test method of sampling and analyzing for an air pollutant as specified in § 75.22 of this chapter.

Replacement, replace, or *replaced* means, with regard to a unit, the demolishing of a unit, or the permanent retirement and permanent disabling of a unit, and the construction of another unit (the replacement unit) to be used instead of the demolished or retired unit (the replaced unit).

Sequential use of energy means:

(1) The use of reject heat from electricity production in a useful thermal energy application or process; or

(2) The use of reject heat from a useful thermal energy application or process in electricity production.

Serial number means, for a CSAPR NO_X Ozone Season Group 2 allowance, the unique identification number assigned to each CSAPR NO_X Ozone Season Group 2 allowance by the Administrator.

Solid waste incineration unit means a stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine that is a "solid waste incineration unit" as defined in section 129(g)(1) of the Clean Air Act.

Source means all buildings, structures, or installations located in one or more contiguous or adjacent properties under common control of the same person or persons. This definition does not change or otherwise affect the definition of "major source", "stationary source", or "source" as set forth and implemented in a title V operating permit program or any other program under the Clean Air Act.

State means one of the States that is subject to the CSAPR NO_X Ozone Season Group 2 Trading Program pursuant to § 52.38(b)(1), (b)(2)(ii), and (b)(7) through (9), (13), (14), and (16) of this chapter.

Submit or *serve* means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

(1) In person;

(2) By United States Postal Service; or

(3) By other means of dispatch or transmission and delivery;

(4) Provided that compliance with any "submission" or "service" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

Topping-cycle unit means a unit in which the energy input to the unit is first used to produce useful power, including electricity, where at least some of the reject heat from the electricity production is then used to provide useful thermal energy.

Total energy input means, for a unit, total energy of all forms supplied to the unit, excluding energy produced by the unit. Each form of energy supplied shall be measured by the lower heating value of that form of energy calculated as follows:

$LHV = HHV - 10.55 (W + 9H)$

where:

LHV = lower heating value of the form of energy in Btu/lb,

HHV = higher heating value of the form of energy in Btu/lb,

W = weight % of moisture in the form of energy, and

H = weight % of hydrogen in the form of energy.

Total energy output means, for a unit, the sum of useful power and useful thermal energy produced by the unit.

Unit means a stationary, fossil-fuel-fired boiler, stationary, fossil-fuel-fired combustion turbine, or other stationary, fossil-fuel-fired combustion device. A unit that undergoes a physical change or is moved to a different location or source shall continue to be treated as the same unit. A unit (the replaced unit) that is replaced by another unit (the replacement unit) at the same or a different source shall continue to be treated as the same unit, and the replacement unit shall be treated as a separate unit.

Unit operating day means, with regard to a unit, a calendar day in which the unit combusts any fuel.

Unit operating hour or *hour of unit operation* means, with regard to a unit, an hour in which the unit combusts any fuel.

Useful power means, with regard to a unit, electricity or mechanical energy that the unit makes available for use, excluding any such energy used in the power production process (which process includes, but is not limited to, any on-site processing or treatment of fuel combusted at the unit and any on-site emission controls).

Useful thermal energy means thermal energy that is:

(1) Made available to an industrial or commercial process (not a power production process), excluding any heat contained in condensate return or makeup water;

(2) Used in a heating application (*e.g.,* space heating or domestic hot water heating); or

(3) Used in a space cooling application (*i.e.,* in an absorption chiller).

Utility power distribution system means the portion of an electricity grid owned or operated by a utility and dedicated to delivering electricity to customers.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23199, Apr. 30, 2021; 88 FR 36900, June 5, 2023; 88 FR 49305, July 31, 2023; 89 FR 87971, Nov. 6, 2024]

§ 97.803 Measurements, abbreviations, and acronyms.

Measurements, abbreviations, and acronyms used in this subpart are defined as follows:

Btu—British thermal unit

CO_2—carbon dioxide

CSAPR—Cross-State Air Pollution Rule

H_2O—water

hr—hour

kWh—kilowatt-hour

lb—pound

mmBtu—million Btu

MWe—megawatt electrical

MWh—megawatt-hour

NO_X—nitrogen oxides

O_2—oxygen

ppm—parts per million

scfh—standard cubic feet per hour

SIP—State implementation plan

SO_2—sulfur dioxide

TR—Transport Rule

yr—year

§ 97.804 Applicability.

(a) Except as provided in paragraph (b) of this section:

(1) The following units in a State (and Indian country within the borders of such State) shall be CSAPR NO_X Ozone Season Group 2 units, and any source that includes one or more such units shall be a CSAPR NO_X Ozone Season Group 2 source, subject to the requirements of this subpart: Any stationary, fossil-fuel-fired boiler or stationary, fossil-fuel-fired combustion turbine serving at any time, on or after January 1, 2005, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

(2) If a stationary boiler or stationary combustion turbine that, under paragraph (a)(1) of this section, is not a CSAPR NO_X Ozone Season Group 2 unit begins to combust fossil fuel or to serve a generator with nameplate capacity of more than 25 MWe producing electricity for sale, the unit shall become a CSAPR NO_X Ozone Season Group 2 unit as provided in paragraph (a)(1) of this section on the first date on which it both combusts fossil fuel and serves such generator.

(b) Any unit in a State (and Indian country within the borders of such State) that otherwise is a CSAPR NO_X Ozone Season Group 2 unit under paragraph (a) of this section and that meets the requirements set forth in paragraph (b)(1)(i) or (b)(2)(i) of this section shall not be a CSAPR NO_X Ozone Season Group 2 unit:

(1)

(i) Any unit:

(A) Qualifying as a cogeneration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) Not supplying in 2005 or any calendar year thereafter more than one-third of the unit's potential electrical output capacity or 219,000 MWh, whichever is greater, to any utility power distribution system for sale.

(ii) If, after qualifying under paragraph (b)(1)(i) of this section as not being a CSAPR NO_X Ozone Season Group 2 unit, a unit subsequently no longer meets all the requirements of paragraph (b)(1)(i) of this section, the unit shall become a CSAPR NO_X Ozone Season Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January 1 after the first calendar year during which the unit no longer meets the requirements of paragraph (b)(1)(i)(B) of this section. The unit shall thereafter continue to be a CSAPR NO_X Ozone Season Group 2 unit.

(2)

(i) Any unit:

(A) Qualifying as a solid waste incineration unit throughout the later of 2005 or the 12-month period starting on the date the unit first produces electricity and continuing to qualify as a solid waste incineration unit throughout each calendar year ending after the later of 2005 or such 12-month period; and

(B) With an average annual fuel consumption of fossil fuel for the first 3 consecutive calendar years of operation starting no earlier than 2005 of less than 20 percent (on a Btu basis) and an average annual fuel consumption of fossil fuel for any 3 consecutive calendar years thereafter of less than 20 percent (on a Btu basis).

(ii) If, after qualifying under paragraph (b)(2)(i) of this section as not being a CSAPR NO_X Ozone Season Group 2 unit, a unit subsequently no longer meets all the requirements of paragraph (b)(2)(i) of this section, the unit shall become a CSAPR NO_X Ozone Season Group 2 unit starting on the earlier of January 1 after the first calendar year during which the unit first no longer qualifies as a solid waste incineration unit or January 1 after the first 3 consecutive calendar years after 2005 for which the unit has an average annual fuel consumption of fossil fuel of 20 percent or more. The unit shall thereafter continue to be a CSAPR NO_X Ozone Season Group 2 unit.

(c) A certifying official of an owner or operator of any unit or other equipment may submit a petition (including any supporting documents) to the Administrator at any time for a determination concerning the applicability, under paragraphs (a) and (b) of this section or a SIP

revision approved under § 52.38(b)(8) or (9) of this chapter, of the CSAPR NO_X Ozone Season Group 2 Trading Program to the unit or other equipment.

(1) ***Petition content.*** The petition shall be in writing and include the identification of the unit or other equipment and the relevant facts about the unit or other equipment. The petition and any other documents provided to the Administrator in connection with the petition shall include the following certification statement, signed by the certifying official: "I am authorized to make this submission on behalf of the owners and operators of the unit or other equipment for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(2) ***Response.*** The Administrator will issue a written response to the petition and may request supplemental information determined by the Administrator to be relevant to such petition. The Administrator's determination concerning the applicability, under paragraphs (a) and (b) of this section, of the CSAPR NO_X Ozone Season Group 2 Trading Program to the unit or other equipment shall be binding on any State or permitting authority unless the Administrator determines that the petition or other documents or information provided in connection with the petition contained significant, relevant errors or omissions.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23200, Apr. 30, 2021]

§ 97.805 Retired unit exemption.

(a)

(1) Any CSAPR NO_X Ozone Season Group 2 unit that is permanently retired shall be exempt from § 97.806(b) and (c)(1), § 97.824, and §§ 97.830 through 97.835.

(2) The exemption under paragraph (a)(1) of this section shall become effective the day on which the CSAPR NO_X Ozone Season Group 2 unit is permanently retired. Within 30 days of the unit's permanent retirement, the designated representative shall submit a statement to the Administrator. The statement shall state, in a format prescribed by the Administrator, that the unit was permanently retired on a specified date and will comply with the requirements of paragraph (b) of this section.

(b)

(1) A unit exempt under paragraph (a) of this section shall not emit any NO_X, starting on the date that the exemption takes effect.

(2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under paragraph (a) of this section shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under paragraph (a) of this section shall comply with the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.

(4) A unit exempt under paragraph (a) of this section shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under this subpart, as a unit that commences commercial operation on the first date on which the unit resumes operation.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23200, Apr. 30, 2021]

§ 97.806 Standard requirements.

(a) ***Designated representative requirements.*** The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§ 97.813 through 97.818.

(b) ***Emissions monitoring, reporting, and recordkeeping requirements.***

(1) The owners and operators, and the designated representative, of each CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§ 97.830 through 97.835.

(2) The emissions data determined in accordance with §§ 97.830 through 97.835 shall be used to calculate allocations of CSAPR NO_X Ozone Season Group 2 allowances under §§ 97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NO_X Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§ 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

(c) ***NO_X emissions requirements*** —

(1) ***CSAPR NO_X Ozone Season Group 2 emissions limitation.***

(i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO_X Ozone Season Group 2 allowances available for deduction for such source for such control period under § 97.824(a) in an amount not less than the tons of total NO_X emissions for such control period from all CSAPR NO_X Ozone Season Group 2 units at the source.

(ii) If total NO_X emissions during a control period in a given year from the CSAPR NO_X Ozone Season Group 2 units at a CSAPR NO_X Ozone Season Group 2 source are in excess of the CSAPR NO_X Ozone Season Group 2 emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall hold the CSAPR NO_X Ozone Season Group 2 allowances required for deduction under § 97.824(d); and

(B) The owners and operators of the source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(2) ***CSAPR NO_X Ozone Season Group 2 assurance provisions.***

(i) If total NO_X emissions during a control period in a given year from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) exceed the State assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_X emissions during such control period exceeds the common designated representative's assurance level for the State and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO_X Ozone Season Group 2 allowances available for deduction for such group for such control period under § 97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with § 97.825(b), of multiplying—

(A) The quotient of the amount by which the common designated representative's share of such NO_X emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the State (and Indian country within the borders of such State) for such control period, by

which each common designated representative's share of such NO_X emissions exceeds the respective common designated representative's assurance level; and

(B) The amount by which total NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) for such control period exceed the State assurance level.

(ii) The owners and operators shall hold the CSAPR NO_X Ozone Season Group 2 allowances required under paragraph (c)(2)(i) of this section, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.

(iii) Total NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period in a given year exceed the State assurance level if such total NO_X emissions exceed the sum, for such control period, of the State NO_X Ozone Season Group 2 trading budget under § 97.810(a) and the State's variability limit under § 97.810(b).

(iv) It shall not be a violation of this subpart or of the Clean Air Act if total NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period exceed the State assurance level or if a common designated representative's share of total NO_X emissions from the CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in a State (and Indian country within the borders of such State) during a control period exceeds the common designated representative's assurance level.

(v) To the extent the owners and operators fail to hold CSAPR NO_X Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) of this section,

(A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(B) Each CSAPR NO_X Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) of this section and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

(3) ***Compliance periods.***

(i) A CSAPR NO_X Ozone Season Group 2 unit shall be subject to the requirements under paragraphs (c)(1) and (2) of this section for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under § 97.830(b) and for each control period thereafter.

(ii) [Reserved]

(4) ***Vintage and type of CSAPR NO_X Ozone Season Group 2 allowances held for compliance.***

(i) A CSAPR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) of this section for a control period in a given year must be a CSAPR NO_X Ozone Season Group 2 allowance that was allocated or auctioned for such control period or a control period in a prior year.

(ii) A CSAPR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) of this section for a control period in a given year must be a CSAPR NO_X Ozone Season Group 2 allowance that was allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year.

(iii) Except as provided in paragraph (c)(4)(iv) of this section, a CSAPR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(i), (c)(1)(ii)(A), and (c)(2)(i) through (iii) of this section must be a CSAPR NO_X Ozone Season Original Group 2 allowance.

(iv) A CSAPR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(i), (c)(1)(ii)(A), and (c)(2)(i) through (iii) of this section for a source or group of sources in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022 must be a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

(5) ***Allowance Management System requirements.*** Each CSAPR NO_X Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with this subpart.

(6) ***Limited authorization.*** A CSAPR NO_X Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO_X during the control period in one year. Such authorization is limited in its use and duration as follows:

(i) Such authorization shall only be used in accordance with the CSAPR NO_X Ozone Season Group 2 Trading Program; and

(ii) Notwithstanding any other provision of this subpart, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(7) ***Property right.*** A CSAPR NO_X Ozone Season Group 2 allowance does not constitute a property right.

(d) ***Title V permit requirements.***

(1) No title V permit revision shall be required for any allocation, holding, deduction, or transfer of CSAPR NO_X Ozone Season Group 2 allowances in accordance with this subpart.

(2) A description of whether a unit is required to monitor and report NO_X emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under § 75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§ 97.830 through 97.835 may be added to, or changed in, a title V permit using minor permit modification procedures in accordance with §§ 70.7(e)(2) and 71.7(e)(1) of this chapter, provided that the requirements applicable to the described monitoring and reporting (as added or changed, respectively) are already incorporated in such permit. This paragraph explicitly provides that the addition of, or change to, a unit's description as described in the prior sentence is eligible for minor permit modification procedures in accordance with §§ 70.7(e)(2)(i)(B) and 71.7(e)(1)(i)(B) of this chapter.

(e) ***Additional recordkeeping and reporting requirements.***

(1) Unless otherwise provided, the owners and operators of each CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.

(i) The certificate of representation under § 97.816 for the designated representative for the source and each CSAPR NO_X Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under § 97.816 changing the designated representative.

(ii) All emissions monitoring information, in accordance with this subpart.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO_X Ozone Season Group 2 Trading Program.

(2) The designated representative of a CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO_X Ozone Season Group 2 Trading Program, except as provided in § 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71 of this chapter.

(f) ***Liability.***

(1) Any provision of the CSAPR NO_X Ozone Season Group 2 Trading Program that applies to a CSAPR NO_X Ozone Season Group 2 source or the designated representative of a CSAPR NO_X Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO_X Ozone Season Group 2 units at the source.

(2) Any provision of the CSAPR NO_X Ozone Season Group 2 Trading Program that applies to a CSAPR NO_X Ozone Season Group 2 unit or the designated representative of a CSAPR NO_X Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

(g) ***Effect on other authorities.*** No provision of the CSAPR NO_X Ozone Season Group 2 Trading Program or exemption under § 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO_X Ozone Season Group 2 source or CSAPR NO_X Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

[81 FR 74621, Oct. 26, 2016, as amended at 88 FR 36900, June 5, 2023; 88 FR 49305, July 31, 2023; 89 FR 87972, Nov. 6, 2024]

§ 97.807 Computation of time.

(a) Unless otherwise stated, any time period scheduled, under the CSAPR NO_X Ozone Season Group 2 Trading Program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.

(b) Unless otherwise stated, any time period scheduled, under the CSAPR NO_X Ozone Season Group 2 Trading Program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.

(c) Unless otherwise stated, if the final day of any time period, under the CSAPR NO_X Ozone Season Group 2 Trading Program, is not a business day, the time period shall be extended to the next business day.

§ 97.808 Administrative appeal procedures.

The administrative appeal procedures for decisions of the Administrator under the CSAPR NO_X Ozone Season Group 2 Trading Program are set forth in part 78 of this chapter.

§ 97.809 [Reserved]

§ 97.810 State NO_X Ozone Season Group 2 trading budgets, new unit set-asides, Indian country new unit set-asides, and variability limits.

(a) The State NO_X Ozone Season Group 2 trading budgets, new unit set-asides, and Indian country new unit set-asides for allocations of CSAPR NO_X Ozone Season Group 2 allowances for the control periods in the years indicated are as follows:

(1) ***Alabama.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 13,211 tons.

(ii) The new unit set-aside for 2017 and thereafter is 255 tons.

(iii) The Indian country new unit set-aside for 2017 and thereafter is 13 tons.

(2) ***Arkansas.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 is 12,048 tons and for 2018 and thereafter is 9,210 tons.

(ii) The new unit set-aside for 2017 is 240 tons and for 2018 and thereafter is 185 tons.

(iii) [Reserved]

(3) [Reserved]

(4) ***Illinois.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 14,601 tons.

(ii) The new unit set-aside for 2017 through 2020 is 302 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 8,059 tons.

(v) The new unit set-aside for 2024 and thereafter is 244 tons.

(vi) [Reserved]

(5) ***Indiana.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 23,303 tons.

(ii) The new unit set-aside for 2017 through 2020 is 468 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 11,245 tons.

(v) The new unit set-aside for 2024 and thereafter is 227 tons.

(vi) [Reserved]

(6) ***Iowa.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 11,272 tons.

(ii) The new unit set-aside for 2017 and thereafter is 324 tons.

(iii) The Indian country new unit set-aside for 2017 and thereafter is 11 tons.

(7) ***Kansas.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 8,027 tons.

(ii) The new unit set-aside for 2017 and thereafter is 148 tons.

(iii) The Indian country new unit set-aside for 2017 and thereafter is 8 tons.

(8) ***Kentucky.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 21,115 tons.

(ii) The new unit set-aside for 2017 through 2020 is 426 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2023 and thereafter is 14,051 tons.

(v) The new unit set-aside for 2023 and thereafter is 283 tons.

(vi) [Reserved]

(9) ***Louisiana.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 18,639 tons.

(ii) The new unit set-aside for 2017 through 2020 is 352 tons.

(iii) The Indian country new unit set-aside for 2017 through 2020 is 19 tons.

(iv) The NO_X Ozone Season Group 2 trading budget for 2023 and thereafter is 14,818 tons.

(v) The new unit set-aside for 2023 and thereafter is 430 tons.

(vi) The Indian country new unit set-aside for 2023 and thereafter is 15 tons.

(10) ***Maryland.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 3,828 tons.

(ii) The new unit set-aside for 2017 through 2020 is 152 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 1,348 tons.

(v) The new unit set-aside for 2024 and thereafter is 122 tons.

(vi) [Reserved]

(11) ***Michigan.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 17,023 tons.

(ii) The new unit set-aside for 2017 through 2020 is 665 tons.

(iii) The Indian country new unit set-aside for 2017 through 2020 is 17 tons.

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 9,786 tons.

(v) The new unit set-aside for 2024 and thereafter is 382 tons.

(vi) The Indian country new unit set-aside for 2024 and thereafter is 10 tons.

(12) ***Mississippi.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 6,315 tons.

(ii) The new unit set-aside for 2017 and thereafter is 120 tons.

(iii) The Indian country new unit set-aside for 2017 and thereafter is 6 tons.

(13) ***Missouri.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 15,780 tons.

(ii) The new unit set-aside for 2017 and thereafter is 324 tons.

(iii) [Reserved]

(14) ***New Jersey.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 2,062 tons.

(ii) The new unit set-aside for 2017 through 2020 is 192 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 1,253 tons.

(v) The new unit set-aside for 2024 and thereafter is 27 tons.

(vi) [Reserved]

(15) ***New York.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 5,135 tons.

(ii) The new unit set-aside for 2017 through 2020 is 252 tons.

(iii) The Indian country new unit set-aside for 2017 through 2020 is 5 tons.

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 3,403 tons.

(v) The new unit set-aside for 2024 and thereafter is 167 tons.

(vi) The Indian country new unit set-aside for 2024 and thereafter is 3 tons.

(16) ***Ohio.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 19,522 tons.

(ii) The new unit set-aside for 2017 through 2020 is 401 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 9,773 tons.

(v) The new unit set-aside for 2024 and thereafter is 290 tons.

(vi) [Reserved]

(17) ***Oklahoma.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 11,641 tons.

(ii) The new unit set-aside for 2017 and thereafter is 221 tons.

(iii) The Indian country new unit set-aside for 2017 and thereafter is 12 tons.

(18) ***Pennsylvania.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 17,952 tons.

(ii) The new unit set-aside for 2017 through 2020 is 541 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 8,373 tons.

(v) The new unit set-aside for 2024 and thereafter is 339 tons.

(vi) [Reserved]

(19) ***Tennessee.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 7,736 tons.

(ii) The new unit set-aside for 2017 and thereafter is 156 tons.

(iii) [Reserved]

(20) ***Texas.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 and thereafter is 52,301 tons.

(ii) The new unit set-aside for 2017 and thereafter is 998 tons.

(iii) The Indian country new unit set-aside for 2017 and thereafter is 52 tons.

(21) ***Virginia.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 9,223 tons.

(ii) The new unit set-aside for 2017 through 2020 is 562 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 3,663 tons.

(v) The new unit set-aside for 2024 and thereafter is 150 tons.

(vi) [Reserved]

(22) ***West Virginia.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2020 is 17,815 tons.

(ii) The new unit set-aside for 2017 through 2020 is 356 tons.

(iii) [Reserved]

(iv) The NO_X Ozone Season Group 2 trading budget for 2023 and thereafter is 12,884 tons.

(v) The new unit set-aside for 2023 and thereafter is 261 tons.

(vi) [Reserved]

(23) ***Wisconsin.***

(i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2022 and for 2024 and thereafter is 7,915 tons.

(ii) The new unit set-aside for 2017 through 2022 and for 2024 and thereafter is 151 tons.

(iii) The Indian country new unit set-aside for 2017 through 2022 and for 2024 and thereafter is 8 tons.

(b) The States' variability limits for the State NO_X Ozone Season Group 2 trading budgets for the control periods in the years indicated are as follows:

(1) The variability limit for Alabama for 2017 and thereafter is 2,774 tons.

(2) The variability limit for Arkansas for 2017 is 2,530 tons and for 2018 and thereafter is 1,934 tons.

(3) [Reserved]

(4)

(i) The variability limit for Illinois for 2017 through 2020 is 3,066 tons.

(ii) The variability limit for Illinois for 2024 and thereafter is 1,692 tons.

(5)

(i) The variability limit for Indiana for 2017 through 2020 is 4,894 tons.

(ii) The variability limit for Indiana for 2024 and thereafter is 2,361 tons.

(6) The variability limit for Iowa for 2017 and thereafter is 2,367 tons.

(7) The variability limit for Kansas for 2017 and thereafter is 1,686 tons.

(8)

(i) The variability limit for Kentucky for 2017 through 2020 is 4,434 tons.

(ii) The variability limit for Kentucky for 2023 and thereafter is 2,951 tons.

(9)

(i) The variability limit for Louisiana for 2017 through 2020 is 3,914 tons.

(ii) The variability limit for Louisiana for 2023 and thereafter is 3,112 tons.

(10)

(i) The variability limit for Maryland for 2017 through 2020 is 804 tons.

(ii) The variability limit for Maryland for 2024 and thereafter is 283 tons.

(11)

(i) The variability limit for Michigan for 2017 through 2020 is 3,575 tons.

(ii) The variability limit for Michigan for 2024 and thereafter is 2,055 tons.

(12) The variability limit for Mississippi for 2017 and thereafter is 1,326 tons.

(13) The variability limit for Missouri for 2017 and thereafter is 3,314 tons.

(14)

(i) The variability limit for New Jersey for 2017 through 2020 is 433 tons.

(ii) The variability limit for New Jersey for 2024 and thereafter is 263 tons.

(15)

(i) The variability limit for New York for 2017 through 2020 is 1,078 tons.

(ii) The variability limit for New York for 2024 and thereafter is 715 tons.

(16)

(i) The variability limit for Ohio for 2017 through 2020 is 4,100 tons.

(ii) The variability limit for Ohio for 2024 and thereafter is 2,052 tons.

(17) The variability limit for Oklahoma for 2017 and thereafter is 2,445 tons.

(18)

(i) The variability limit for Pennsylvania for 2017 through 2020 is 3,770 tons.

(ii) The variability limit for Pennsylvania for 2024 and thereafter is 1,758 tons.

(19) The variability limit for Tennessee for 2017 and thereafter is 1,625 tons.

(20) The variability limit for Texas for 2017 and thereafter is 10,983 tons.

(21)

(i) The variability limit for Virginia for 2017 through 2020 is 1,937 tons.

(ii) The variability limit for Virginia for 2024 and thereafter is 769 tons.

(22)

(i) The variability limit for West Virginia for 2017 through 2020 is 3,741 tons.

(ii) The variability limit for West Virginia for 2023 and thereafter is 2,706 tons.

(23) The variability limit for Wisconsin for 2017 through 2022 and for 2024 and thereafter is 1,662 tons.

(c) Each State NO_X Ozone Season Group 2 trading budget in this section includes any tons in a new unit set-aside or Indian country new unit set-aside but does not include any tons in a variability limit.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23200, Apr. 30, 2021; 88 FR 36901, June 5, 2023; 88 FR 49305, July 31, 2023; 88 FR 67108, Sept. 29, 2023; 89 FR 87972, Nov. 6, 2024; 90 FR 21434, May 20, 2025]

§ 97.811 Timing requirements for CSAPR NO_X Ozone Season Group 2 allowance allocations.

(a) ***Existing units.***

(1) CSAPR NO_X Ozone Season Group 2 allowances are allocated, for the control periods in 2017 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a CSAPR NO_X Ozone Season Group 2 unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a CSAPR NO_X Ozone Season Group 2 unit.

(2) Notwithstanding paragraph (a)(1) of this section:

(i) If a unit provided an allocation of CSAPR NO_X Ozone Season Original Group 2 allowances in the applicable notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2016, during the control period in two consecutive years, such unit will not be allocated the CSAPR NO_X Ozone Season Original Group 2 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year.

(ii) If a unit provided an allocation of CSAPR NO_X Ozone Season Expanded Group 2 allowances in the applicable notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2020, during the control period in two consecutive years, such unit will not be allocated the CSAPR NO_X Ozone Season Expanded Group 2 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year.

(iii) All CSAPR NO_X Ozone Season Group 2 allowances that would otherwise have been allocated to a unit described in paragraph (a)(2)(i) or (ii) of this section will be allocated to the

new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate CSAPR NO_X Ozone Season Group 2 allowances to the unit in accordance with paragraph (b) of this section.

(b) ***New units*** —

(1) ***New unit set-asides.***

(i)

(A) By June 1 of each year from 2017 through 2020, the Administrator will calculate the CSAPR NO_X Ozone Season Group 2 allowance allocation to each CSAPR NO_X Ozone Season Group 2 unit in a State and areas of Indian country within the borders of the State subject to the State's SIP authority, in accordance with § 97.812(a)(2) through (7) and (12) and §§ 97.806(b)(2) and 97.830 through 97.835, for the control period in the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(B) By March 1, 2022 and March 1 of each year thereafter, the Administrator will calculate the CSAPR NO_X Ozone Season Group 2 allowance allocation to each CSAPR NO_X Ozone Season Group 2 unit in a State and areas of Indian country within the borders of the State subject to the State's SIP authority, in accordance with § 97.812(a)(2) through (7), (10), and (12) and §§ 97.806(b)(2) and 97.830 through 97.835, for the control period in the year before the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(ii) For each notice of data availability required in paragraph (b)(1)(i) of this section, the Administrator will provide an opportunity for submission of objections to the calculations referenced in such notice.

(A) Objections shall be submitted by the deadline specified in each notice of data availability required in paragraph (b)(1)(i) of this section and shall be limited to addressing whether the calculations (including the identification of the CSAPR NO_X Ozone Season Group 2 units) are in accordance with the provisions referenced in paragraph (b)(1)(i)(A) or (B) of this section, as applicable.

(B) The Administrator will adjust the calculations to the extent necessary to ensure that they are in accordance with the provisions referenced in paragraph (b)(1)(i)(A) or (B) of this section, as applicable. By August 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(1)(i)(A) of this section, or by May 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(1)(i)(B) of this section, the Administrator will promulgate a notice of data availability of the results of the calculations incorporating any adjustments that the Administrator determines to be necessary and the reasons

for accepting or rejecting any objections submitted in accordance with paragraph (b)(1)(ii)(A) of this section.

(iii) If the new unit set-aside for a control period before 2021 contains any CSAPR NO_X Ozone Season Group 2 allowances that have not been allocated in the applicable notice of data availability required in paragraph (b)(1)(ii) of this section, the Administrator will promulgate, by December 15 immediately after such notice, a notice of data availability that identifies any CSAPR NO_X Ozone Season Group 2 units that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending November 30 of the year of such control period.

(iv) For each notice of data availability required in paragraph (b)(1)(iii) of this section, the Administrator will provide an opportunity for submission of objections to the identification of CSAPR NO_X Ozone Season Group 2 units in such notice.

(A) Objections shall be submitted by the deadline specified in each notice of data availability required in paragraph (b)(1)(iii) of this section and shall be limited to addressing whether the identification of CSAPR NO_X Ozone Season Group 2 units in such notice is in accordance with paragraph (b)(1)(iii) of this section.

(B) The Administrator will adjust the identification of CSAPR NO_X Ozone Season Group 2 units in each notice of data availability required in paragraph (b)(1)(iii) of this section to the extent necessary to ensure that it is in accordance with paragraph (b)(1)(iii) of this section and will calculate the CSAPR NO_X Ozone Season Group 2 allowance allocation to each CSAPR NO_X Ozone Season Group 2 unit in accordance with § 97.812(a)(9), (10), and (12) and §§ 97.806(b)(2) and 97.830 through 97.835. By February 15 immediately after the promulgation of each notice of data availability required in paragraph (b)(1)(iii) of this section, the Administrator will promulgate a notice of data availability of any adjustments of the identification of CSAPR NO_X Ozone Season Group 2 units that the Administrator determines to be necessary, the reasons for accepting or rejecting any objections submitted in accordance with paragraph (b)(1)(iv)(A) of this section, and the results of such calculations.

(v) To the extent any CSAPR NO_X Ozone Season Group 2 allowances are added to the new unit set-aside after promulgation of each notice of data availability required in paragraph (b)(1)(iv) of this section for a control period before 2021, or in paragraph (b)(1)(ii) of this section for a control period in 2021 or thereafter, the Administrator will promulgate additional notices of data availability, as deemed appropriate, of the allocation of such CSAPR NO_X Ozone Season Group 2 allowances in accordance with § 97.812(a)(10).

(2) ***Indian country new unit set-asides.***

(i)

(A) By June 1 of each year from 2017 through 2020, the Administrator will calculate the CSAPR NO_X Ozone Season Group 2 allowance allocation to each CSAPR NO_X Ozone Season Group 2 unit in areas of Indian country within the borders of a State not subject to the State's SIP authority, in accordance with § 97.812(b)(2) through (7) and (12) and §§ 97.806(b)(2) and 97.830 through 97.835, for the control period in the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(B) By March 1, 2022 and March 1 of each year thereafter, the Administrator will calculate the CSAPR NO_X Ozone Season Group 2 allowance allocation to each CSAPR NO_X Ozone Season Group 2 unit in areas of Indian country within the borders of a State not subject to the State's SIP authority, in accordance with § 97.812(b)(2) through (7), (10), and (12) and §§ 97.806(b)(2) and 97.830 through 97.835, for the control period in the year before the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(ii) For each notice of data availability required in paragraph (b)(2)(i) of this section, the Administrator will provide an opportunity for submission of objections to the calculations referenced in such notice.

(A) Objections shall be submitted by the deadline specified in each notice of data availability required in paragraph (b)(2)(i) of this section and shall be limited to addressing whether the calculations (including the identification of the CSAPR NO_X Ozone Season Group 2 units) are in accordance with the provisions referenced in paragraph (b)(2)(i)(A) or (B) of this section, as applicable.

(B) The Administrator will adjust the calculations to the extent necessary to ensure that they are in accordance with the provisions referenced in paragraph (b)(2)(i)(A) or (B) of this section, as applicable. By August 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(2)(i)(A) of this section, or by May 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(2)(i)(B) of this section, the Administrator will promulgate a notice of data availability of the results of the calculations incorporating any adjustments that the Administrator determines to be necessary and the reasons for accepting or rejecting any objections submitted in accordance with paragraph (b)(2)(ii)(A) of this section.

(iii) If the Indian country new unit set-aside for a control period before 2021 contains any CSAPR NO_X Ozone Season Group 2 allowances that have not been allocated in the applicable notice of data availability required in paragraph (b)(2)(ii) of this section, the Administrator will promulgate, by December 15 immediately after such notice, a notice of data availability that identifies any CSAPR NO_X Ozone Season Group 2 units that commenced commercial operation

during the period starting January 1 of the year before the year of such control period and ending November 30 of the year of such control period.

(iv) For each notice of data availability required in paragraph (b)(2)(iii) of this section, the Administrator will provide an opportunity for submission of objections to the identification of CSAPR NO_X Ozone Season Group 2 units in such notice.

(A) Objections shall be submitted by the deadline specified in each notice of data availability required in paragraph (b)(2)(iii) of this section and shall be limited to addressing whether the identification of CSAPR NO_X Ozone Season Group 2 units in such notice is in accordance with paragraph (b)(2)(iii) of this section.

(B) The Administrator will adjust the identification of CSAPR NO_X Ozone Season Group 2 units in each notice of data availability required in paragraph (b)(2)(iii) of this section to the extent necessary to ensure that it is in accordance with paragraph (b)(2)(iii) of this section and will calculate the CSAPR NO_X Ozone Season Group 2 allowance allocation to each CSAPR NO_X Ozone Season Group 2 unit in accordance with § 97.812(b)(9), (10), and (12) and §§ 97.806(b)(2) and 97.830 through 97.835. By February 15 immediately after the promulgation of each notice of data availability required in paragraph (b)(2)(iii) of this section, the Administrator will promulgate a notice of data availability of any adjustments of the identification of CSAPR NO_X Ozone Season Group 2 units that the Administrator determines to be necessary, the reasons for accepting or rejecting any objections submitted in accordance with paragraph (b)(2)(iv)(A) of this section, and the results of such calculations.

(v) To the extent any CSAPR NO_X Ozone Season Group 2 allowances are added to the Indian country new unit set-aside after promulgation of each notice of data availability required in paragraph (b)(2)(iv) of this section for a control period before 2021, or in paragraph (b)(2)(ii) of this section for a control period in 2021 or thereafter, the Administrator will promulgate additional notices of data availability, as deemed appropriate, of the allocation of such CSAPR NO_X Ozone Season Group 2 allowances in accordance with § 97.812(b)(10).

(c) ***Units incorrectly allocated CSAPR NO_X Ozone Season Group 2 allowances.***

(1) For each control period in 2017 and thereafter, if the Administrator determines that CSAPR NO_X Ozone Season Group 2 allowances were allocated under paragraph (a) of this section, or under a provision of a SIP revision approved under § 52.38(b)(7), (8), or (9) of this chapter, where such control period and the recipient are covered by the provisions of paragraph (c)(1)(i) of this section or were allocated under § 97.812(a)(2) through (7), (9), and (12) and (b)(2) through (7), (9), and (12), or under a provision of a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, where such control period and the recipient are covered by the provisions of paragraph (c)(1)(ii) of this section, then the Administrator will notify the designated representative of the recipient and will act in accordance with the procedures set forth in paragraphs (c)(2) through (5) of this section:

(i)

(A) The recipient is not actually a CSAPR NO_X Ozone Season Group 2 unit under § 97.804 as of May 1, 2017 and is allocated CSAPR NO_X Ozone Season Group 2 allowances for such control period or, in the case of an allocation under a provision of a SIP revision approved under § 52.38(b)(7), (8), or (9) of this chapter, the recipient is not actually a CSAPR NO_X Ozone Season Group 2 unit as of May 1, 2017 and is allocated CSAPR NO_X Ozone Season Group 2 allowances for such control period that the SIP revision provides should be allocated only to recipients that are CSAPR NO_X Ozone Season Group 2 units as of May 1, 2017; or

(B) The recipient is not located as of May 1 of the control period in the State from whose NO_X Ozone Season Group 2 trading budget the CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraph (a) of this section, or under a provision of a SIP revision approved under § 52.38(b)(7), (8), or (9) of this chapter, were allocated for such control period.

(ii) The recipient is not actually a CSAPR NO_X Ozone Season Group 2 unit under § 97.804 as of May 1 of such control period and is allocated CSAPR NO_X Ozone Season Group 2 allowances for such control period or, in the case of an allocation under a provision of a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, the recipient is not actually a CSAPR NO_X Ozone Season Group 2 unit as of May 1 of such control period and is allocated CSAPR NO_X Ozone Season Group 2 allowances for such control period that the SIP revision provides should be allocated only to recipients that are CSAPR NO_X Ozone Season Group 2 units as of May 1 of such control period.

(2) Except as provided in paragraph (c)(3) or (4) of this section, the Administrator will not record such CSAPR NO_X Ozone Season Group 2 allowances under § 97.821.

(3) If the Administrator already recorded such CSAPR NO_X Ozone Season Group 2 allowances under § 97.821 and if the Administrator makes the determination under paragraph (c)(1) of this section before making deductions for the source that includes such recipient under § 97.824(b) for such control period, then the Administrator will deduct from the account in which such CSAPR NO_X Ozone Season Group 2 allowances were recorded an amount of CSAPR NO_X Ozone Season Group 2 allowances allocated for the same or a prior control period equal to the amount of such already recorded CSAPR NO_X Ozone Season Group 2 allowances. The authorized account representative shall ensure that there are sufficient CSAPR NO_X Ozone Season Group 2 allowances in such account for completion of the deduction.

(4) If the Administrator already recorded such CSAPR NO_X Ozone Season Group 2 allowances under § 97.821 and if the Administrator makes the determination under paragraph (c)(1) of this section after making deductions for the source that includes such recipient under § 97.824(b) for such control period, then the Administrator will not make any deduction to take account of such already recorded CSAPR NO_X Ozone Season Group 2 allowances.

(5)

(i) With regard to the CSAPR NO_X Ozone Season Group 2 allowances that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(i) of this section, the Administrator will:

(A) Transfer such CSAPR NO_X Ozone Season Group 2 allowances to the new unit set-aside for such control period (or a subsequent control period) for the State from whose NO_X Ozone Season Group 2 trading budget the CSAPR NO_X Ozone Season Group 2 allowances were allocated; or

(B) If the State has a SIP revision approved under § 52.38(b)(8) or (9) of this chapter covering such control period, include such CSAPR NO_X Ozone Season Group 2 allowances in the portion of the State NO_X Ozone Season Group 2 trading budget that may be allocated for such control period (or a subsequent control period) in accordance with such SIP revision.

(ii) With regard to the CSAPR NO_X Ozone Season Group 2 allowances that were not allocated from the Indian country new unit set-aside for such control period and that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(ii) of this section, the Administrator will:

(A) Transfer such CSAPR NO_X Ozone Season Group 2 allowances to the new unit set-aside for such control period (or a subsequent control period); or

(B) If the State has a SIP revision approved under § 52.38(b)(8) or (9) of this chapter covering such control period, include such CSAPR NO_X Ozone Season Group 2 allowances in the portion of the State NO_X Ozone Season Group 2 trading budget that may be allocated for such control period (or a subsequent control period) in accordance with such SIP revision.

(iii) With regard to the CSAPR NO_X Ozone Season Group 2 allowances that were allocated from the Indian country new unit set-aside for such control period and that are not recorded, or that are deducted as an incorrect allocation, in accordance with paragraphs (c)(2) and (3) of this section for a recipient under paragraph (c)(1)(ii) of this section, the Administrator will transfer such CSAPR NO_X Ozone Season Group 2 allowances to the Indian country new unit set-aside for such control period (or a subsequent control period).

(d) ***Recall of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods in 2021 through 2024.***

(1) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b) of this chapter, the provisions of this paragraph and paragraphs (d)(2) through (7) of this section shall apply with regard to each CSAPR NO_X Ozone Season Original Group 2 allowance that was allocated for a control period in 2021 through 2024 to any unit (including a permanently retired unit qualifying for an exemption under § 97.805) in a State listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of

such a State) and that was initially recorded under § 97.821(d) or (e)(1) in the compliance account for the source that includes the unit, whether such CSAPR NO_X Ozone Season Original Group 2 allowance was allocated pursuant to this subpart or pursuant to a SIP revision approved under § 52.38(b) of this chapter and whether such CSAPR NO_X Ozone Season Original Group 2 allowance remains in such compliance account or has been transferred to another Allowance Management System account.

(2)

(i) For each CSAPR NO_X Ozone Season Original Group 2 allowance described in paragraph (d)(1) of this section that was allocated for a given control period and initially recorded in a given source's compliance account, one CSAPR NO_X Ozone Season Original Group 2 allowance that was allocated for the same or an earlier control period and initially recorded in the same or any other Allowance Management System account must be surrendered in accordance with the procedures in paragraphs (d)(3) and (4) of this section.

(ii)

(A) The surrender requirement under paragraph (d)(2)(i) of this section corresponding to each CSAPR NO_X Ozone Season Original Group 2 allowance described in paragraph (d)(1) of this section initially recorded in a given source's compliance account shall apply to such source's current owners and operators, except as provided in paragraph (d)(2)(ii)(B) of this section.

(B) If the owners and operators of a given source as of a given date assumed ownership and operational control of the source through a transaction that did not also provide rights to direct the use or transfer of a given CSAPR NO_X Ozone Season Original Group 2 allowance described in paragraph (d)(1) of this section with regard to such source (whether recordation of such CSAPR NO_X Ozone Season Original Group 2 allowance in the source's compliance account occurred before such transaction or was anticipated to occur after such transaction), then the surrender requirement under paragraph (d)(2)(i) of this section corresponding to such CSAPR NO_X Ozone Season Original Group 2 allowance shall apply to the most recent former owners and operators of the source before the occurrence of such a transaction.

(C) The Administrator will not adjudicate any private legal dispute among the owners and operators of a source or among the former owners and operators of a source, including any disputes relating to the requirements to surrender CSAPR NO_X Ozone Season Original Group 2 allowances for the source under paragraph (d)(2)(i) of this section.

(3)

(i) As soon as practicable on or after June 29, 2021, the Administrator will send a notification to the designated representative for each source described in paragraph (d)(1) of this section identifying the amounts of CSAPR NO_X Ozone Season Original Group 2 allowances allocated

for each control period after 2020 and recorded in the source's compliance account and the corresponding surrender requirements for the source under paragraph (d)(2)(i) of this section.

(ii) As soon as practicable on or after July 14, 2021, the Administrator will deduct from the compliance account for each source described in paragraph (d)(1) of this section CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy the surrender requirements for the source under paragraph (d)(2)(i) of this section until all such surrender requirements for the source are satisfied or until no more CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such surrender requirements remain in such compliance account.

(iii) As soon as practicable after completion of the deductions under paragraph (d)(3)(ii) of this section, the Administrator will identify for each source described in paragraph (d)(1) of this section the amounts, if any, of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for each control period after 2020 and recorded in the source's compliance account for which the corresponding surrender requirements under paragraph (d)(2)(i) of this section have not been satisfied and will send a notification concerning such identified amounts to the designated representative for the source.

(iv) With regard to each source for which unsatisfied surrender requirements under paragraph (d)(2)(i) of this section remain after the deductions under paragraph (d)(3)(ii) of this section:

(A) Except as provided in paragraph (d)(3)(iv)(B) of this section, not later than September 15, 2021, the owners and operators of the source shall hold sufficient CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such unsatisfied surrender requirements under paragraph (d)(2)(i) of this section in the source's compliance account.

(B) With regard to any portion of such unsatisfied surrender requirements that apply to former owners and operators of the source pursuant to paragraph (d)(2)(ii)(B) of this section, not later than September 15, 2021, such former owners and operators shall hold sufficient CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such portion of the unsatisfied surrender requirements under paragraph (d)(2)(i) of this section either in the source's compliance account or in another Allowance Management System account identified to the Administrator on or before such date in a submission by the authorized account representative for such account.

(C) As soon as practicable on or after September 15, 2021, the Administrator will deduct from the Allowance Management System account identified in accordance with paragraph (d)(3)(iv)(A) or (B) of this section CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy the surrender requirements for the source under paragraph (d)(2)(i) of this section until all such surrender requirements for the source are satisfied or until no more CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such surrender requirements remain in such account.

(v) When making deductions under paragraph (d)(3)(ii) or (iv) of this section to address the surrender requirements under paragraph (d)(2)(i) of this section for a given source:

(A) The Administrator will make deductions to address any surrender requirements with regard to first the 2021 control period, then the 2022 control period, then the 2023 control period, and finally the 2024 control period.

(B) When making deductions to address the surrender requirements with regard to a given control period, the Administrator will first deduct CSAPR NO_X Ozone Season Original Group 2 allowances allocated for such given control period and will then deduct CSAPR NO_X Ozone Season Original Group 2 allowances allocated for each successively earlier control period in sequence.

(C) When deducting CSAPR NO_X Ozone Season Original Group 2 allowances allocated for a given control period from a given Allowance Management System account, the Administrator will first deduct CSAPR NO_X Ozone Season Original Group 2 allowances initially recorded in the account under § 97.821 (if the account is a compliance account) in the order of recordation and will then deduct CSAPR NO_X Ozone Season Original Group 2 allowances recorded in the account under § 97.526(d) or § 97.823 in the order of recordation.

(4)

(i) To the extent the surrender requirements under paragraph (d)(2)(i) of this section corresponding to any CSAPR NO_X Ozone Season Original Group 2 allowances allocated for a control period after 2020 and initially recorded in a given source's compliance account have not been fully satisfied through the deductions under paragraph (d)(3) of this section, as soon as practicable on or after November 15, 2021, the Administrator will deduct such initially recorded CSAPR NO_X Ozone Season Original Group 2 allowances from any Allowance Management System accounts in which such CSAPR NO_X Ozone Season Original Group 2 allowances are held, making such deductions in any order determined by the Administrator, until all such surrender requirements for such source have been satisfied or until all such CSAPR NO_X Ozone Season Original Group 2 allowances have been deducted, except as provided in paragraph (d)(4)(ii) of this section.

(ii) If no person with an ownership interest in a given CSAPR NO_X Ozone Season Original Group 2 allowance as of January 31, 2021 was an owner or operator of the source in whose compliance account such CSAPR NO_X Ozone Season Original Group 2 allowance was initially recorded, was a direct or indirect parent or subsidiary of an owner or operator of such source, or was directly or indirectly under common ownership with an owner or operator of such source, the Administrator will not deduct such CSAPR NO_X Ozone Season Original Group 2 allowance under paragraph (d)(4)(i) of this section. For purposes of this paragraph, each owner or operator of a source shall be deemed to be a person with an ownership interest in any CSAPR NO_X Ozone Season Original Group 2 allowance held in that source's compliance account. The limitation

established by this paragraph on the deductibility of certain CSAPR NO_X Ozone Season Original Group 2 allowances under paragraph (d)(4)(i) of this section shall not be construed as a waiver of the surrender requirements under paragraph (d)(2)(i) of this section corresponding to such CSAPR NO_X Ozone Season Original Group 2 allowances.

(iii) Not less than 45 days before the planned date for any deductions under paragraph (d)(4)(i) of this section, the Administrator will send a notification to the authorized account representative for the Allowance Management System account from which such deductions will be made identifying the CSAPR NO_X Ozone Season Original Group 2 allowances to be deducted and the data upon which the Administrator has relied and specifying a process for submission of any objections to such data. Any objections must be submitted to the Administrator not later than 15 days before the planned date for such deductions as indicated in such notification.

(5) To the extent the surrender requirements under paragraph (d)(2)(i) of this section corresponding to any CSAPR NO_X Ozone Season Original Group 2 allowances allocated for a control period after 2020 and initially recorded in a given source's compliance account have not been fully satisfied through the deductions under paragraphs (d)(3) and (4) of this section:

(i) The persons identified in accordance with paragraph (d)(2)(ii) of this section with regard to such source and each such CSAPR NO_X Ozone Season Original Group 2 allowance shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(ii) Each such CSAPR NO_X Ozone Season Original Group 2 allowance, and each day in such control period, shall constitute a separate violation of this subpart and the Clean Air Act.

(6) The Administrator will record in the appropriate Allowance Management System accounts all deductions of CSAPR NO_X Ozone Season Original Group 2 allowances under paragraphs (d)(3) and (4) of this section.

(7)

(i) Each submission, objection, or other written communication from a designated representative, authorized account representative, or other person to the Administrator under paragraph (d)(2), (3), or (4) of this section shall be sent electronically to the email address *CSAPR@epa.gov*. Each such communication from a designated representative must contain the certification statement set forth in § 97.814(a), and each such communication from the authorized account representative for a general account must contain the certification statement set forth in § 97.820(c)(2)(ii).

(ii) Each notification from the Administrator to a designated representative or authorized account representative under paragraph (d)(3) or (4) of this section will be sent electronically to the email address most recently received by the Administrator for such representative. In any such

notification, the Administrator may provide information by means of a reference to a publicly accessible website where the information is available.

(e) ***Recall of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods in 2023 and 2024.***

(1) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b) of this chapter, the provisions of this paragraph (e)(1) and paragraphs (e)(2) through (7) of this section shall apply with regard to each CSAPR NO_X Ozone Season Original Group 2 allowance that was allocated for a control period in 2023 or 2024 to any unit (including a permanently retired unit qualifying for an exemption under § 97.805) in a State listed in § 52.38(b)(2)(ii)(C) of this chapter and not listed in § 52.38(b)(2)(iii)(D)(*2*) of this chapter (and Indian country within the borders of such a State) and that was initially recorded under § 97.821(e)(1) in the compliance account for the source that includes the unit, whether such CSAPR NO_X Ozone Season Original Group 2 allowance was allocated pursuant to this subpart or pursuant to a SIP revision approved under § 52.38(b) of this chapter and whether such CSAPR NO_X Ozone Season Original Group 2 allowance remains in such compliance account or has been transferred to another Allowance Management System account.

(2)

(i) For each CSAPR NO_X Ozone Season Original Group 2 allowance described in paragraph (e)(1) of this section that was allocated for a given control period and initially recorded in a given source's compliance account, one CSAPR NO_X Ozone Season Original Group 2 allowance that was allocated for the same or an earlier control period and initially recorded in the same or any other Allowance Management System account must be surrendered in accordance with the procedures in paragraphs (e)(3) and (4) of this section.

(ii)

(A) The surrender requirement under paragraph (e)(2)(i) of this section corresponding to each CSAPR NO_X Ozone Season Original Group 2 allowance described in paragraph (e)(1) of this section initially recorded in a given source's compliance account shall apply to such source's current owners and operators, except as provided in paragraph (e)(2)(ii)(B) of this section.

(B) If the owners and operators of a given source as of a given date assumed ownership and operational control of the source through a transaction that did not also provide rights to direct the use or transfer of a given CSAPR NO_X Ozone Season Original Group 2 allowance described in paragraph (e)(1) of this section with regard to such source (whether recordation of such CSAPR NO_X Ozone Season Original Group 2 allowance in the source's compliance account occurred before such transaction or was anticipated to occur after such transaction), then the surrender requirement under paragraph (e)(2)(i) of this section corresponding to such CSAPR

NO_X Ozone Season Original Group 2 allowance shall apply to the most recent former owners and operators of the source before the occurrence of such a transaction.

(C) The Administrator will not adjudicate any private legal dispute among the owners and operators of a source or among the former owners and operators of a source, including any disputes relating to the requirements to surrender CSAPR NO_X Ozone Season Original Group 2 allowances for the source under paragraph (e)(2)(i) of this section.

(3)

(i) As soon as practicable on or after August 4, 2023, the Administrator will send a notification to the designated representative for each source described in paragraph (e)(1) of this section identifying the amounts of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for each control period after 2022 and recorded in the source's compliance account and the corresponding surrender requirements for the source under paragraph (e)(2)(i) of this section.

(ii) As soon as practicable on or after August 21, 2023, the Administrator will deduct from the compliance account for each source described in paragraph (e)(1) of this section CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy the surrender requirements for the source under paragraph (e)(2)(i) of this section until all such surrender requirements for the source are satisfied or until no more CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such surrender requirements remain in such compliance account.

(iii) As soon as practicable after completion of the deductions under paragraph (e)(3)(ii) of this section, the Administrator will identify for each source described in paragraph (e)(1) of this section the amounts, if any, of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for each control period after 2022 and recorded in the source's compliance account for which the corresponding surrender requirements under paragraph (e)(2)(i) of this section have not been satisfied and will send a notification concerning such identified amounts to the designated representative for the source.

(iv) With regard to each source for which unsatisfied surrender requirements under paragraph (e)(2)(i) of this section remain after the deductions under paragraph (e)(3)(ii) of this section:

(A) Except as provided in paragraph (e)(3)(iv)(B) of this section, not later than September 15, 2023, the owners and operators of the source shall hold sufficient CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such unsatisfied surrender requirements under paragraph (e)(2)(i) of this section in the source's compliance account.

(B) With regard to any portion of such unsatisfied surrender requirements that apply to former owners and operators of the source pursuant to paragraph (e)(2)(ii)(B) of this section, not later than September 15, 2023, such former owners and operators shall hold sufficient CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such portion of the unsatisfied

surrender requirements under paragraph (e)(2)(i) of this section either in the source's compliance account or in another Allowance Management System account identified to the Administrator on or before such date in a submission by the authorized account representative for such account.

(C) As soon as practicable on or after September 15, 2023, the Administrator will deduct from the Allowance Management System account identified in accordance with paragraph (e)(3)(iv)(A) or (B) of this section CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy the surrender requirements for the source under paragraph (e)(2)(i) of this section until all such surrender requirements for the source are satisfied or until no more CSAPR NO_X Ozone Season Original Group 2 allowances eligible to satisfy such surrender requirements remain in such account.

(v) When making deductions under paragraph (e)(3)(ii) or (iv) of this section to address the surrender requirements under paragraph (e)(2)(i) of this section for a given source:

(A) The Administrator will make deductions to address any surrender requirements with regard to first the 2023 control period and then the 2024 control period.

(B) When making deductions to address the surrender requirements with regard to a given control period, the Administrator will first deduct CSAPR NO_X Ozone Season Original Group 2 allowances allocated for such given control period and will then deduct CSAPR NO_X Ozone Season Original Group 2 allowances allocated for each successively earlier control period in sequence.

(C) When deducting CSAPR NO_X Ozone Season Original Group 2 allowances allocated for a given control period from a given Allowance Management System account, the Administrator will first deduct CSAPR NO_X Ozone Season Original Group 2 allowances initially recorded in the account under § 97.821 (if the account is a compliance account) in the order of recordation and will then deduct CSAPR NO_X Ozone Season Original Group 2 allowances recorded in the account under § 97.526(d) or § 97.823 in the order of recordation.

(4)

(i) To the extent the surrender requirements under paragraph (e)(2)(i) of this section corresponding to any CSAPR NO_X Ozone Season Original Group 2 allowances allocated for a control period after 2022 and initially recorded in a given source's compliance account have not been fully satisfied through the deductions under paragraph (e)(3) of this section, as soon as practicable on or after November 15, 2023, the Administrator will deduct such initially recorded CSAPR NO_X Ozone Season Original Group 2 allowances from any Allowance Management System accounts in which such CSAPR NO_X Ozone Season Original Group 2 allowances are held, making such deductions in any order determined by the Administrator, until all such surrender requirements for such source have been satisfied or until all such CSAPR NO_X Ozone

Season Original Group 2 allowances have been deducted, except as provided in paragraph (e)(4)(ii) of this section.

(ii) If no person with an ownership interest in a given CSAPR NO_X Ozone Season Original Group 2 allowance as of April 30, 2022, was an owner or operator of the source in whose compliance account such CSAPR NO_X Ozone Season Original Group 2 allowance was initially recorded, was a direct or indirect parent or subsidiary of an owner or operator of such source, or was directly or indirectly under common ownership with an owner or operator of such source, the Administrator will not deduct such CSAPR NO_X Ozone Season Original Group 2 allowance under paragraph (e)(4)(i) of this section. For purposes of this paragraph (e)(4)(ii), each owner or operator of a source shall be deemed to be a person with an ownership interest in any CSAPR NO_X Ozone Season Original Group 2 allowance held in that source's compliance account. The limitation established by this paragraph (e)(4)(ii) on the deductibility of certain CSAPR NO_X Ozone Season Original Group 2 allowances under paragraph (e)(4)(i) of this section shall not be construed as a waiver of the surrender requirements under paragraph (e)(2)(i) of this section corresponding to such CSAPR NO_X Ozone Season Original Group 2 allowances.

(iii) Not less than 45 days before the planned date for any deductions under paragraph (e)(4)(i) of this section, the Administrator will send a notification to the authorized account representative for the Allowance Management System account from which such deductions will be made identifying the CSAPR NO_X Ozone Season Original Group 2 allowances to be deducted and the data upon which the Administrator has relied and specifying a process for submission of any objections to such data. Any objections must be submitted to the Administrator not later than 15 days before the planned date for such deductions as indicated in such notification.

(5) To the extent the surrender requirements under paragraph (e)(2)(i) of this section corresponding to any CSAPR NO_X Ozone Season Original Group 2 allowances allocated for a control period after 2022 and initially recorded in a given source's compliance account have not been fully satisfied through the deductions under paragraphs (e)(3) and (4) of this section:

(i) The persons identified in accordance with paragraph (e)(2)(ii) of this section with regard to such source and each such CSAPR NO_X Ozone Season Original Group 2 allowance shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and

(ii) Each such CSAPR NO_X Ozone Season Original Group 2 allowance, and each day in such control period, shall constitute a separate violation of this subpart and the Clean Air Act.

(6) The Administrator will record in the appropriate Allowance Management System accounts all deductions of CSAPR NO_X Ozone Season Original Group 2 allowances under paragraphs (e)(3) and (4) of this section.

(7)

(i) Each submission, objection, or other written communication from a designated representative, authorized account representative, or other person to the Administrator under paragraph (e)(2), (3), or (4) of this section shall be sent electronically to the email address *CSAPR@epa.gov*. Each such communication from a designated representative must contain the certification statement set forth in § 97.814(a), and each such communication from the authorized account representative for a general account must contain the certification statement set forth in § 97.820(c)(2)(ii).

(ii) Each notification from the Administrator to a designated representative or authorized account representative under paragraph (e)(3) or (4) of this section will be sent electronically to the email address most recently received by the Administrator for such representative. In any such notification, the Administrator may provide information by means of a reference to a publicly accessible website where the information is available.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23200, Apr. 30, 2021; 88 FR 36901, June 5, 2023; 88 FR 49306, July 31, 2023; 89 FR 87973, Nov. 6, 2024]

§ 97.812 CSAPR NO_X Ozone Season Group 2 allowance allocations to new units.

(a) ***Allocations from new unit set-asides.*** For each control period in 2017 and thereafter and for the CSAPR NO_X Ozone Season Group 2 units in each State and areas of Indian country within the borders of the State subject to the State's SIP authority, the Administrator will allocate CSAPR NO_X Ozone Season Group 2 allowances to the CSAPR NO_X Ozone Season Group 2 units as follows:

(1) The CSAPR NO_X Ozone Season Group 2 allowances will be allocated to the following CSAPR NO_X Ozone Season Group 2 units, except as provided in paragraph (a)(10) of this section:

(i) CSAPR NO_X Ozone Season Group 2 units that are not allocated an amount of CSAPR NO_X Ozone Season Group 2 allowances in the notice of data availability issued under § 97.811(a)(1) and that have deadlines for certification of monitoring systems under § 97.830(b) not later than September 30 of the year of the control period;

(ii) CSAPR NO_X Ozone Season Group 2 units whose allocation of an amount of CSAPR NO_X Ozone Season Group 2 allowances for such control period in the notice of data availability issued under § 97.811(a)(1) is covered by § 97.811(c)(2) or (3);

(iii) CSAPR NO_X Ozone Season Group 2 units that are allocated an amount of CSAPR NO_X Ozone Season Group 2 allowances for such control period in the notice of data availability issued under § 97.811(a)(1), which allocation is terminated for such control period pursuant to § 97.811(a)(2), and that operate during the control period immediately preceding such control period, for allocations for a control period before 2021, or that operate during such control period, for allocations for a control period in 2021 or thereafter; or

(iv) For purposes of paragraph (a)(9) of this section, CSAPR NO_X Ozone Season Group 2 units under § 97.811(c)(1)(ii) whose allocation of an amount of CSAPR NO_X Ozone Season Group 2 allowances for such control period in the notice of data availability issued under § 97.811(b)(1)(ii)(B) is covered by § 97.811(c)(2) or (3).

(2) The Administrator will establish a separate new unit set-aside for the State for each such control period. Each such new unit set-aside will be allocated CSAPR NO_X Ozone Season Group 2 allowances in an amount equal to the applicable amount of tons of NO_X emissions as set forth in § 97.810(a) and will be allocated additional CSAPR NO_X Ozone Season Group 2 allowances (if any) in accordance with § 97.811(a)(2) and (c)(5) and paragraph (b)(10) of this section.

(3) The Administrator will determine, for each CSAPR NO_X Ozone Season Group 2 unit described in paragraph (a)(1) of this section, an allocation of CSAPR NO_X Ozone Season Group 2 allowances for the latest of the following control periods and for each subsequent control period:

(i) The control period in 2017;

(ii)

(A) The first control period after the control period in which the CSAPR NO_X Ozone Season Group 2 unit commences commercial operation, for allocations for a control period before 2021; or

(B) The control period containing the deadline for certification of the CSAPR NO_X Ozone Season Group 2 unit's monitoring systems under § 97.830(b), for allocations for a control period in 2021 or thereafter;

(iii) For a unit described in paragraph (a)(1)(ii) of this section, the first control period in which the CSAPR NO_X Ozone Season Group 2 unit operates in the State and areas of Indian country within the borders of the State subject to the State's SIP authority after operating in another jurisdiction and for which the unit is not already allocated one or more CSAPR NO_X Ozone Season Group 2 allowances; and

(iv) For a unit described in paragraph (a)(1)(iii) of this section, the first control period after the control period in which the unit resumes operation, for allocations for a control period before 2021, or the control period in which the unit resumes operation, for allocations for a control period in 2021 or thereafter.

(4)

(i) The allocation to each CSAPR NO_X Ozone Season Group 2 unit described in paragraphs (a)(1)(i) through (iii) of this section and for each control period described in paragraph (a)(3) of this section will be an amount equal to the unit's total tons of NO_X emissions during the

immediately preceding control period, for allocations for a control period before 2021, or the unit's total tons of NO_X emissions during the control period, for allocations for a control period in 2021 or thereafter.

(ii) The Administrator will adjust the allocation amount in paragraph (a)(4)(i) of this section in accordance with paragraphs (a)(5) through (7) and (12) of this section.

(5) The Administrator will calculate the sum of the allocation amounts of CSAPR NO_X Ozone Season Group 2 allowances determined for all such CSAPR NO_X Ozone Season Group 2 units under paragraph (a)(4)(i) of this section in the State and areas of Indian country within the borders of the State subject to the State's SIP authority for such control period.

(6) If the amount of CSAPR NO_X Ozone Season Group 2 allowances in the new unit set-aside for the State for such control period is greater than or equal to the sum under paragraph (a)(5) of this section, then the Administrator will allocate the amount of CSAPR NO_X Ozone Season Group 2 allowances determined for each such CSAPR NO_X Ozone Season Group 2 unit under paragraph (a)(4)(i) of this section.

(7) If the amount of CSAPR NO_X Ozone Season Group 2 allowances in the new unit set-aside for the State for such control period is less than the sum under paragraph (a)(5) of this section, then the Administrator will allocate to each such CSAPR NO_X Ozone Season Group 2 unit the amount of the CSAPR NO_X Ozone Season Group 2 allowances determined under paragraph (a)(4)(i) of this section for the unit, multiplied by the amount of CSAPR NO_X Ozone Season Group 2 allowances in the new unit set-aside for such control period, divided by the sum under paragraph (a)(5) of this section, and rounded to the nearest allowance.

(8) For a control period before 2021, the Administrator will notify the public, through the promulgation of the notices of data availability described in § 97.811(b)(1)(i) and (ii), of the amount of CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraphs (a)(2) through (7) and (12) of this section for such control period to each CSAPR NO_X Ozone Season Group 2 unit eligible for such allocation.

(9) For a control period before 2021, if, after completion of the procedures under paragraphs (a)(5) through (8) of this section for such control period, any unallocated CSAPR NO_X Ozone Season Group 2 allowances remain in the new unit set-aside for the State for such control period, the Administrator will allocate such CSAPR NO_X Ozone Season Group 2 allowances as follows—

(i) The Administrator will determine, for each unit described in paragraph (a)(1) of this section that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending November 30 of the year of such control period, the positive difference (if any) between the unit's emissions during such control period and the

amount of CSAPR NO_X Ozone Season Group 2 allowances referenced in the notice of data availability required under § 97.811(b)(1)(ii) for the unit for such control period;

(ii) The Administrator will determine the sum of the positive differences determined under paragraph (a)(9)(i) of this section;

(iii) If the amount of unallocated CSAPR NO_X Ozone Season Group 2 allowances remaining in the new unit set-aside for the State for such control period is greater than or equal to the sum determined under paragraph (a)(9)(ii) of this section, then the Administrator will allocate the amount of CSAPR NO_X Ozone Season Group 2 allowances determined for each such CSAPR NO_X Ozone Season Group 2 unit under paragraph (a)(9)(i) of this section; and

(iv) If the amount of unallocated CSAPR NO_X Ozone Season Group 2 allowances remaining in the new unit set-aside for the State for such control period is less than the sum under paragraph (a)(9)(ii) of this section, then the Administrator will allocate to each such CSAPR NO_X Ozone Season Group 2 unit the amount of the CSAPR NO_X Ozone Season Group 2 allowances determined under paragraph (a)(9)(i) of this section for the unit, multiplied by the amount of unallocated CSAPR NO_X Ozone Season Group 2 allowances remaining in the new unit set-aside for such control period, divided by the sum under paragraph (a)(9)(ii) of this section, and rounded to the nearest allowance.

(10) If, after completion of the procedures under paragraphs (a)(9) and (12) of this section for a control period before 2021, or under paragraphs (a)(2) through (7) and (12) of this section for a control period in 2021 or thereafter, any unallocated CSAPR NO_X Ozone Season Group 2 allowances remain in the new unit set-aside for the State for such control period, the Administrator will allocate to each CSAPR NO_X Ozone Season Group 2 unit that is in the State and areas of Indian country within the borders of the State subject to the State's SIP authority, is allocated an amount of CSAPR NO_X Ozone Season Group 2 allowances in the notice of data availability issued under § 97.811(a)(1), and continues to be allocated CSAPR NO_X Ozone Season Group 2 allowances for such control period in accordance with § 97.811(a)(2), an amount of CSAPR NO_X Ozone Season Group 2 allowances equal to the following: The total amount of such remaining unallocated CSAPR NO_X Ozone Season Group 2 allowances in such new unit set-aside, multiplied by the unit's allocation under § 97.811(a) for such control period, divided by the remainder of the amount of tons in the applicable State NO_X Ozone Season Group 2 trading budget minus the sum of the amounts of tons in such new unit set-aside and the Indian country new unit set-aside for the State for such control period, and rounded to the nearest allowance.

(11)

(i) For a control period before 2021, the Administrator will notify the public, through the promulgation of the notices of data availability described in § 97.811(b)(1)(iii), (iv), and (v), of the amount of CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraphs

(a)(9), (10), and (12) of this section for such control period to each CSAPR NO_X Ozone Season Group 2 unit eligible for such allocation.

(ii) For a control period in 2021 or thereafter, the Administrator will notify the public, through the promulgation of the notices of data availability described in § 97.811(b)(1)(i), (ii), and (v), of the amount of CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraphs (a)(2) through (7), (10), and (12) of this section for such control period to each CSAPR NO_X Ozone Season Group 2 unit eligible for such allocation.

(12) Notwithstanding the requirements of paragraphs (a)(2) through (11) of this section, if the calculations of allocations from a new unit set-aside for a control period before 2021 under paragraph (a)(7) of this section, paragraphs (a)(6) and (a)(9)(iv) of this section, or paragraphs (a)(6), (a)(9)(iii), and (a)(10) of this section, or for a control period in 2021 or thereafter under paragraph (a)(7) of this section or paragraphs (a)(6) and (10) of this section, would otherwise result in total allocations from such new unit set-aside unequal to the total amount of such new unit set-aside, then the Administrator will adjust the results of such calculations as follows. The Administrator will list the CSAPR NO_X Ozone Season Group 2 units in descending order based on such units' allocation amounts under paragraph (a)(7), (a)(9)(iv), or (a)(10) of this section, as applicable, and, in cases of equal allocation amounts, in alphabetical order of the relevant sources' names and numerical order of the relevant units' identification numbers, and will adjust each unit's allocation amount under such paragraph upward or downward by one CSAPR NO_X Ozone Season Group 2 allowance (but not below zero) in the order in which the units are listed, and will repeat this adjustment process as necessary, until the total allocations from such new unit set-aside equal the total amount of such new unit set-aside.

(b) ***Allocations from Indian country new unit set-asides.*** For each control period in 2017 and thereafter and for the CSAPR NO_X Ozone Season Group 2 units in areas of Indian country within the borders of each State not subject to the State's SIP authority, the Administrator will allocate CSAPR NO_X Ozone Season Group 2 allowances to the CSAPR NO_X Ozone Season Group 2 units as follows:

(1) The CSAPR NO_X Ozone Season Group 2 allowances will be allocated to the following CSAPR NO_X Ozone Season Group 2 units, except as provided in paragraph (b)(10) of this section:

(i) CSAPR NO_X Ozone Season Group 2 units that are not allocated an amount of CSAPR NO_X Ozone Season Group 2 allowances in the notice of data availability issued under § 97.811(a)(1) and that have deadlines for certification of monitoring systems under § 97.830(b) not later than September 30 of the year of the control period; or

(ii) For purposes of paragraph (b)(9) of this section, CSAPR NO_X Ozone Season Group 2 units under § 97.811(c)(1)(ii) whose allocation of an amount of CSAPR NO_X Ozone Season Group 2

allowances for such control period in the notice of data availability issued under § 97.811(b)(2)(ii)(B) is covered by § 97.811(c)(2) or (3).

(2) The Administrator will establish a separate Indian country new unit set-aside for the State for each such control period. Each such Indian country new unit set-aside will be allocated CSAPR NO_X Ozone Season Group 2 allowances in an amount equal to the applicable amount of tons of NO_X emissions as set forth in § 97.810(a) and will be allocated additional CSAPR NO_X Ozone Season Group 2 allowances (if any) in accordance with § 97.811(c)(5).

(3) The Administrator will determine, for each CSAPR NO_X Ozone Season Group 2 unit described in paragraph (b)(1) of this section, an allocation of CSAPR NO_X Ozone Season Group 2 allowances for the later of the following control periods and for each subsequent control period:

(i) The control period in 2017; and

(ii)

(A) The first control period after the control period in which the CSAPR NO_X Ozone Season Group 2 unit commences commercial operation, for allocations for a control period before 2021; or

(B) The control period containing the deadline for certification of the CSAPR NO_X Ozone Season Group 2 unit's monitoring systems under § 97.830(b), for allocations for a control period in 2021 or thereafter.

(4)

(i) The allocation to each CSAPR NO_X Ozone Season Group 2 unit described in paragraph (b)(1)(i) of this section and for each control period described in paragraph (b)(3) of this section will be an amount equal to the unit's total tons of NO_X emissions during the immediately preceding control period, for allocations for a control period before 2021, or the unit's total tons of NO_X emissions during the control period, for allocations for a control period in 2021 or thereafter.

(ii) The Administrator will adjust the allocation amount in paragraph (b)(4)(i) of this section in accordance with paragraphs (b)(5) through (7) and (12) of this section.

(5) The Administrator will calculate the sum of the allocation amounts of CSAPR NO_X Ozone Season Group 2 allowances determined for all such CSAPR NO_X Ozone Season Group 2 units under paragraph (b)(4)(i) of this section in areas of Indian country within the borders of the State not subject to the State's SIP authority for such control period.

(6) If the amount of CSAPR NO_X Ozone Season Group 2 allowances in the Indian country new unit set-aside for the State for such control period is greater than or equal to the sum under

paragraph (b)(5) of this section, then the Administrator will allocate the amount of CSAPR NO_X Ozone Season Group 2 allowances determined for each such CSAPR NO_X Ozone Season Group 2 unit under paragraph (b)(4)(i) of this section.

(7) If the amount of CSAPR NO_X Ozone Season Group 2 allowances in the Indian country new unit set-aside for the State for such control period is less than the sum under paragraph (b)(5) of this section, then the Administrator will allocate to each such CSAPR NO_X Ozone Season Group 2 unit the amount of the CSAPR NO_X Ozone Season Group 2 allowances determined under paragraph (b)(4)(i) of this section for the unit, multiplied by the amount of CSAPR NO_X Ozone Season Group 2 allowances in the Indian country new unit set-aside for such control period, divided by the sum under paragraph (b)(5) of this section, and rounded to the nearest allowance.

(8) For a control period before 2021, the Administrator will notify the public, through the promulgation of the notices of data availability described in § 97.811(b)(2)(i) and (ii), of the amount of CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraphs (b)(2) through (7) and (12) of this section for such control period to each CSAPR NO_X Ozone Season Group 2 unit eligible for such allocation.

(9) For a control period before 2021, if, after completion of the procedures under paragraphs (b)(5) through (8) of this section for such control period, any unallocated CSAPR NO_X Ozone Season Group 2 allowances remain in the Indian country new unit set-aside for the State for such control period, the Administrator will allocate such CSAPR NO_X Ozone Season Group 2 allowances as follows—

(i) The Administrator will determine, for each unit described in paragraph (b)(1) of this section that commenced commercial operation during the period starting January 1 of the year before the year of such control period and ending November 30 of the year of such control period, the positive difference (if any) between the unit's emissions during such control period and the amount of CSAPR NO_X Ozone Season Group 2 allowances referenced in the notice of data availability required under § 97.811(b)(2)(ii) for the unit for such control period;

(ii) The Administrator will determine the sum of the positive differences determined under paragraph (b)(9)(i) of this section;

(iii) If the amount of unallocated CSAPR NO_X Ozone Season Group 2 allowances remaining in the Indian country new unit set-aside for the State for such control period is greater than or equal to the sum determined under paragraph (b)(9)(ii) of this section, then the Administrator will allocate the amount of CSAPR NO_X Ozone Season Group 2 allowances determined for each such CSAPR NO_X Ozone Season Group 2 unit under paragraph (b)(9)(i) of this section; and

(iv) If the amount of unallocated CSAPR NO_X Ozone Season Group 2 allowances remaining in the Indian country new unit set-aside for the State for such control period is less than the sum under paragraph (b)(9)(ii) of this section, then the Administrator will allocate to each such

CSAPR NO_X Ozone Season Group 2 unit the amount of the CSAPR NO_X Ozone Season Group 2 allowances determined under paragraph (b)(9)(i) of this section for the unit, multiplied by the amount of unallocated CSAPR NO_X Ozone Season Group 2 allowances remaining in the Indian country new unit set-aside for such control period, divided by the sum under paragraph (b)(9)(ii) of this section, and rounded to the nearest allowance.

(10) If, after completion of the procedures under paragraphs (b)(9) and (12) of this section for a control period before 2021, or under paragraphs (b)(2) through (7) and (12) of this section for a control period in 2021 or thereafter, any unallocated CSAPR NO_X Ozone Season Group 2 allowances remain in the Indian country new unit set-aside for the State for such control period, the Administrator will:

(i) Transfer such unallocated CSAPR NO_X Ozone Season Group 2 allowances to the new unit set-aside for the State for such control period; or

(ii) If the State has a SIP revision approved under § 52.38(b)(8) or (9) of this chapter covering such control period, include such unallocated CSAPR NO_X Ozone Season Group 2 allowances in the portion of the State NO_X Ozone Season Group 2 trading budget that may be allocated for such control period in accordance with such SIP revision.

(11)

(i) For a control period before 2021, the Administrator will notify the public, through the promulgation of the notices of data availability described in § 97.811(b)(2)(iii), (iv), and (v), of the amount of CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraphs (b)(9), (10), and (12) of this section for such control period to each CSAPR NO_X Ozone Season Group 2 unit eligible for such allocation.

(ii) For a control period in 2021 or thereafter, the Administrator will notify the public, through the promulgation of the notices of data availability described in § 97.811(b)(2)(i), (ii), and (v), of the amount of CSAPR NO_X Ozone Season Group 2 allowances allocated under paragraphs (b)(2) through (7), (10), and (12) of this section for such control period to each CSAPR NO_X Ozone Season Group 2 unit eligible for such allocation.

(12) Notwithstanding the requirements of paragraphs (b)(2) through (11) of this section, if the calculations of allocations from an Indian country new unit set-aside for a control period before 2021 under paragraph (b)(7) of this section or paragraphs (b)(6) and (b)(9)(iv) of this section, or for a control period in 2021 or thereafter under paragraph (b)(7) of this section, would otherwise result in total allocations from such Indian country new unit set-aside unequal to the total amount of such Indian country new unit set-aside, then the Administrator will adjust the results of such calculations as follows. The Administrator will list the CSAPR NO_X Ozone Season Group 2 units in descending order based on such units' allocation amounts under paragraph (b)(7) or (b)(9)(iv) of this section, as applicable, and, in cases of equal allocation amounts, in alphabetical

order of the relevant sources' names and numerical order of the relevant units' identification numbers, and will adjust each unit's allocation amount under such paragraph upward or downward by one CSAPR NO_X Ozone Season Group 2 allowance (but not below zero) in the order in which the units are listed, and will repeat this adjustment process as necessary, until the total allocations from such Indian country new unit set-aside equal the total amount of such Indian country new unit set-aside.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23203, Apr. 30, 2021; 88 FR 36902, June 5, 2023]

§ 97.813 Authorization of designated representative and alternate designated representative.

(a) Except as provided under § 97.815, each CSAPR NO_X Ozone Season Group 2 source, including all CSAPR NO_X Ozone Season Group 2 units at the source, shall have one and only one designated representative, with regard to all matters under the CSAPR NO_X Ozone Season Group 2 Trading Program.

(1) The designated representative shall be selected by an agreement binding on the owners and operators of the source and all CSAPR NO_X Ozone Season Group 2 units at the source and shall act in accordance with the certification statement in § 97.816(a)(4)(iii).

(2) Upon and after receipt by the Administrator of a complete certificate of representation under § 97.816:

(i) The designated representative shall be authorized and shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the source and each CSAPR NO_X Ozone Season Group 2 unit at the source in all matters pertaining to the CSAPR NO_X Ozone Season Group 2 Trading Program, notwithstanding any agreement between the designated representative and such owners and operators; and

(ii) The owners and operators of the source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall be bound by any decision or order issued to the designated representative by the Administrator regarding the source or any such unit.

(b) Except as provided under § 97.815, each CSAPR NO_X Ozone Season Group 2 source may have one and only one alternate designated representative, who may act on behalf of the designated representative. The agreement by which the alternate designated representative is selected shall include a procedure for authorizing the alternate designated representative to act in lieu of the designated representative.

(1) The alternate designated representative shall be selected by an agreement binding on the owners and operators of the source and all CSAPR NO_X Ozone Season Group 2 units at the source and shall act in accordance with the certification statement in § 97.816(a)(4)(iii).

(2) Upon and after receipt by the Administrator of a complete certificate of representation under § 97.816,

(i) The alternate designated representative shall be authorized;

(ii) Any representation, action, inaction, or submission by the alternate designated representative shall be deemed to be a representation, action, inaction, or submission by the designated representative; and

(iii) The owners and operators of the source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall be bound by any decision or order issued to the alternate designated representative by the Administrator regarding the source or any such unit.

(c) Except in this section, § 97.802, and §§ 97.814 through 97.818, whenever the term "designated representative" (as distinguished from the term "common designated representative") is used in this subpart, the term shall be construed to include the designated representative or any alternate designated representative.

§ 97.814 Responsibilities of designated representative and alternate designated representative.

(a) Except as provided under § 97.818 concerning delegation of authority to make submissions, each submission under the CSAPR NO_X Ozone Season Group 2 Trading Program shall be made, signed, and certified by the designated representative or alternate designated representative for each CSAPR NO_X Ozone Season Group 2 source and CSAPR NO_X Ozone Season Group 2 unit for which the submission is made. Each such submission shall include the following certification statement by the designated representative or alternate designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(b) The Administrator will accept or act on a submission made for a CSAPR NO_X Ozone Season Group 2 source or a CSAPR NO_X Ozone Season Group 2 unit only if the submission has been made, signed, and certified in accordance with paragraph (a) of this section and § 97.818.

§ 97.815 Changing designated representative and alternate designated representative; changes in owners and operators; changes in units at the source.

(a) ***Changing designated representative.*** The designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation under § 97.816. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous designated representative before the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new designated representative and the owners and operators of the CSAPR NO_X Ozone Season Group 2 source and the CSAPR NO_X Ozone Season Group 2 units at the source.

(b) ***Changing alternate designated representative.*** The alternate designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation under § 97.816. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate designated representative before the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new alternate designated representative, the designated representative, and the owners and operators of the CSAPR NO_X Ozone Season Group 2 source and the CSAPR NO_X Ozone Season Group 2 units at the source.

(c) ***Changes in owners and operators.***

(1) In the event an owner or operator of a CSAPR NO_X Ozone Season Group 2 source or a CSAPR NO_X Ozone Season Group 2 unit at the source is not included in the list of owners and operators in the certificate of representation under § 97.816, such owner or operator shall be deemed to be subject to and bound by the certificate of representation, the representations, actions, inactions, and submissions of the designated representative and any alternate designated representative of the source or unit, and the decisions and orders of the Administrator, as if the owner or operator were included in such list.

(2) Within 30 days after any change in the owners and operators of a CSAPR NO_X Ozone Season Group 2 source or a CSAPR NO_X Ozone Season Group 2 unit at the source, including the addition or removal of an owner or operator, the designated representative or any alternate designated representative shall submit a revision to the certificate of representation under § 97.816 amending the list of owners and operators to reflect the change.

(d) ***Changes in units at the source.*** Within 30 days of any change in which units are located at a CSAPR NO_X Ozone Season Group 2 source (including the addition or removal of a unit), the designated representative or any alternate designated representative shall submit a certificate of representation under § 97.816 amending the list of units to reflect the change.

(1) If the change is the addition of a unit that operated (other than for purposes of testing by the manufacturer before initial installation) before being located at the source, then the certificate of representation shall identify, in a format prescribed by the Administrator, the entity from whom the unit was purchased or otherwise obtained (including name, address, telephone number, and

facsimile number (if any)), the date on which the unit was purchased or otherwise obtained, and the date on which the unit became located at the source.

(2) If the change is the removal of a unit, then the certificate of representation shall identify, in a format prescribed by the Administrator, the entity to which the unit was sold or that otherwise obtained the unit (including name, address, telephone number, and facsimile number (if any)), the date on which the unit was sold or otherwise obtained, and the date on which the unit became no longer located at the source.

§ 97.816 Certificate of representation.

(a) A complete certificate of representation for a designated representative or an alternate designated representative shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the CSAPR NO_X Ozone Season Group 2 source, and each CSAPR NO_X Ozone Season Group 2 unit at the source, for which the certificate of representation is submitted, including source name, source category and NAICS code (or, in the absence of a NAICS code, an equivalent code), State, plant code, county, latitude and longitude, unit identification number and type, identification number and nameplate capacity (in MWe, rounded to the nearest tenth) of each generator served by each such unit, actual or projected date of commencement of commercial operation, and a statement of whether such source is located in Indian country. If a projected date of commencement of commercial operation is provided, the actual date of commencement of commercial operation shall be provided when such information becomes available.

(2) The name, address, email address (if any), telephone number, and facsimile transmission number (if any) of the designated representative and any alternate designated representative.

(3) A list of the owners and operators of the CSAPR NO_X Ozone Season Group 2 source and of each CSAPR NO_X Ozone Season Group 2 unit at the source.

(4) The following certification statements by the designated representative and any alternate designated representative—

(i) "I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the source and each CSAPR NO_X Ozone Season Group 2 unit at the source."

(ii) "I certify that I have all the necessary authority to carry out my duties and responsibilities under the CSAPR NO_X Ozone Season Group 2 Trading Program on behalf of the owners and operators of the source and of each CSAPR NO_X Ozone Season Group 2 unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions,

or submissions and by any decision or order issued to me by the Administrator regarding the source or unit."

(iii) "Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CSAPR NO_X Ozone Season Group 2 unit, or where a utility or industrial customer purchases power from a CSAPR NO_X Ozone Season Group 2 unit under a life-of-the-unit, firm power contractual arrangement, I certify that: I have given a written notice of my selection as the `designated representative' or `alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the source and of each CSAPR NO_X Ozone Season Group 2 unit at the source; and CSAPR NO_X Ozone Season Group 2 allowances and proceeds of transactions involving CSAPR NO_X Ozone Season Group 2 allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CSAPR NO_X Ozone Season Group 2 allowances by contract, CSAPR NO_X Ozone Season Group 2 allowances and proceeds of transactions involving CSAPR NO_X Ozone Season Group 2 allowances will be deemed to be held or distributed in accordance with the contract."

(5) The signature of the designated representative and any alternate designated representative and the dates signed.

(b) Unless otherwise required by the Administrator, documents of agreement referred to in the certificate of representation shall not be submitted to the Administrator. The Administrator shall not be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(c) A certificate of representation under this section, § 97.516, or § 97.1016 that complies with the provisions of paragraph (a) of this section except that it contains the phrase "TR NO_X Ozone Season" or the phrase "CSAPR NO_X Ozone Season Group 3" in place of the phrase "CSAPR NO_X Ozone Season Group 2" in the required certification statements will be considered a complete certificate of representation under this section, and the certification statements included in such certificate of representation will be interpreted for purposes of this subpart as if the phrase "CSAPR NO_X Ozone Season Group 2" appeared in place of the phrase "TR NO_X Ozone Season" or the phrase "CSAPR NO_X Ozone Season Group 3".

[81 FR 74621, Oct. 26, 2016, as amended at 88 FR 49306, July 31, 2023]

§ 97.817 Objections concerning designated representative and alternate designated representative.

(a) Once a complete certificate of representation under § 97.816 has been submitted and received, the Administrator will rely on the certificate of representation unless and until a

superseding complete certificate of representation under § 97.816 is received by the Administrator.

(b) Except as provided in paragraph (a) of this section, no objection or other communication submitted to the Administrator concerning the authorization, or any representation, action, inaction, or submission, of a designated representative or alternate designated representative shall affect any representation, action, inaction, or submission of the designated representative or alternate designated representative or the finality of any decision or order by the Administrator under the CSAPR NO_X Ozone Season Group 2 Trading Program.

(c) The Administrator will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any designated representative or alternate designated representative, including private legal disputes concerning the proceeds of CSAPR NO_X Ozone Season Group 2 allowance transfers.

§ 97.818 Delegation by designated representative and alternate designated representative.

(a) A designated representative may delegate, to one or more natural persons, his or her authority to make an electronic submission to the Administrator provided for or required under this subpart.

(b) An alternate designated representative may delegate, to one or more natural persons, his or her authority to make an electronic submission to the Administrator provided for or required under this subpart.

(c) In order to delegate authority to a natural person to make an electronic submission to the Administrator in accordance with paragraph (a) or (b) of this section, the designated representative or alternate designated representative, as appropriate, must submit to the Administrator a notice of delegation, in a format prescribed by the Administrator, that includes the following elements:

(1) The name, address, email address, telephone number, and facsimile transmission number (if any) of such designated representative or alternate designated representative;

(2) The name, address, email address, telephone number, and facsimile transmission number (if any) of each such natural person (referred to in this section as an "agent");

(3) For each such natural person, a list of the type or types of electronic submissions under paragraph (a) or (b) of this section for which authority is delegated to him or her; and

(4) The following certification statements by such designated representative or alternate designated representative:

(i) "I agree that any electronic submission to the Administrator that is made by an agent identified in this notice of delegation and of a type listed for such agent in this notice of

delegation and that is made when I am a designated representative or alternate designated representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under 40 CFR 97.818(d) shall be deemed to be an electronic submission by me."

(ii) "Until this notice of delegation is superseded by another notice of delegation under 40 CFR 97.818(d), I agree to maintain an email account and to notify the Administrator immediately of any change in my email address unless all delegation of authority by me under 40 CFR 97.818 is terminated.".

(d) A notice of delegation submitted under paragraph (c) of this section shall be effective, with regard to the designated representative or alternate designated representative identified in such notice, upon receipt of such notice by the Administrator and until receipt by the Administrator of a superseding notice of delegation submitted by such designated representative or alternate designated representative, as appropriate. The superseding notice of delegation may replace any previously identified agent, add a new agent, or eliminate entirely any delegation of authority.

(e) Any electronic submission covered by the certification in paragraph (c)(4)(i) of this section and made in accordance with a notice of delegation effective under paragraph (d) of this section shall be deemed to be an electronic submission by the designated representative or alternate designated representative submitting such notice of delegation.

(f)

(1) A notice of delegation submitted under paragraph (c) of this section or § 97.518(c) that complies with the provisions of paragraph (c) of this section except that it contains the terms "40 CFR 97.518(d)" and "40 CFR 97.518" in place of the terms "40 CFR 97.818(d)" and "40 CFR 97.818", respectively, in the required certification statements will be considered a valid notice of delegation submitted under paragraph (c) of this section, and the certification statements included in such notice of delegation will be interpreted for purposes of this subpart as if the terms "40 CFR 97.818(d)" and "40 CFR 97.818" appeared in place of the terms "40 CFR 97.518(d)" and "40 CFR 97.518", respectively.

(2) A notice of delegation submitted under paragraph (c) of this section or § 97.1018(c) that complies with the provisions of paragraph (c) of this section except that it contains the terms "40 CFR 97.1018(d)" and "40 CFR 97.1018" in place of the terms "40 CFR 97.818(d)" and "40 CFR 97.818", respectively, in the required certification statements will be considered a valid notice of delegation submitted under paragraph (c) of this section, and the certification statements included in such notice of delegation will be interpreted for purposes of this subpart as if the terms "40 CFR 97.818(d)" and "40 CFR 97.818" appeared in place of the terms "40 CFR 97.1018(d)" and "40 CFR 97.1018", respectively.

[81 FR 74621, Oct. 26, 2016, as amended at 88 FR 49306, July 31, 2023]

§ 97.819 [Reserved]

§ 97.820 Establishment of compliance accounts, assurance accounts, and general accounts.

(a) ***Compliance accounts.*** Upon receipt of a complete certificate of representation under § 97.816, the Administrator will establish a compliance account for the CSAPR NO_X Ozone Season Group 2 source for which the certificate of representation was submitted, unless the source already has a compliance account. The designated representative and any alternate designated representative of the source shall be the authorized account representative and the alternate authorized account representative respectively of the compliance account.

(b) ***Assurance accounts.*** The Administrator will establish assurance accounts for certain owners and operators and States in accordance with § 97.825(b)(3).

(c) ***General accounts*** —

(1) ***Application for general account.***

(i) Any person may apply to open a general account, for the purpose of holding and transferring CSAPR NO_X Ozone Season Group 2 allowances, by submitting to the Administrator a complete application for a general account. Such application shall designate one and only one authorized account representative and may designate one and only one alternate authorized account representative who may act on behalf of the authorized account representative.

(A) The authorized account representative and alternate authorized account representative shall be selected by an agreement binding on the persons who have an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances held in the general account.

(B) The agreement by which the alternate authorized account representative is selected shall include a procedure for authorizing the alternate authorized account representative to act in lieu of the authorized account representative.

(ii) A complete application for a general account shall include the following elements in a format prescribed by the Administrator:

(A) Name, mailing address, email address (if any), telephone number, and facsimile transmission number (if any) of the authorized account representative and any alternate authorized account representative;

(B) An identifying name for the general account;

(C) A list of all persons subject to a binding agreement for the authorized account representative and any alternate authorized account representative to represent their ownership interest with respect to the CSAPR NO_X Ozone Season Group 2 allowances held in the general account;

(D) The following certification statement by the authorized account representative and any alternate authorized account representative: "I certify that I was selected as the authorized account representative or the alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the CSAPR NO_X Ozone Season Group 2 Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Administrator regarding the general account."; and

(E) The signature of the authorized account representative and any alternate authorized account representative and the dates signed.

(iii) Unless otherwise required by the Administrator, documents of agreement referred to in the application for a general account shall not be submitted to the Administrator. The Administrator shall not be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(iv) An application for a general account under paragraph (c)(1) of this section, § 97.520(c)(1), or § 97.1020(c)(1) that complies with the provisions of paragraph (c)(1) of this section except that it contains the phrase "TR NO_X Ozone Season" or the phrase "CSAPR NO_X Ozone Season Group 3" in place of the phrase "CSAPR NO_X Ozone Season Group 2" in the required certification statement will be considered a complete application for a general account under paragraph (c)(1) of this section, and the certification statement included in such application for a general account will be interpreted for purposes of this subpart as if the phrase "CSAPR NO_X Ozone Season Group 2" appeared in place of the phrase "TR NO_X Ozone Season" or the phrase "CSAPR NO_X Ozone Season Group 3".

(2) ***Authorization of authorized account representative and alternate authorized account representative.***

(i) Upon receipt by the Administrator of a complete application for a general account under paragraph (c)(1) of this section, the Administrator will establish a general account for the person or persons for whom the application is submitted, and upon and after such receipt by the Administrator:

(A) The authorized account representative of the general account shall be authorized and shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances held in the general account in all matters pertaining to the CSAPR NO_X Ozone Season Group 2 Trading Program, notwithstanding any agreement between the authorized account representative and such person.

(B) Any alternate authorized account representative shall be authorized, and any representation, action, inaction, or submission by any alternate authorized account representative shall be deemed to be a representation, action, inaction, or submission by the authorized account representative.

(C) Each person who has an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances held in the general account shall be bound by any decision or order issued to the authorized account representative or alternate authorized account representative by the Administrator regarding the general account.

(ii) Except as provided in paragraph (c)(5) of this section concerning delegation of authority to make submissions, each submission concerning the general account shall be made, signed, and certified by the authorized account representative or any alternate authorized account representative for the persons having an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances held in the general account. Each such submission shall include the following certification statement by the authorized account representative or any alternate authorized account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the CSAPR NO_X Ozone Season Group 2 allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(iii) Except in this section, whenever the term "authorized account representative" is used in this subpart, the term shall be construed to include the authorized account representative or any alternate authorized account representative.

(iv) A certification statement submitted in accordance with paragraph (c)(2)(ii) of this section that contains the phrase "TR NO_X Ozone Season" or the phrase "CSAPR NO_X Ozone Season Group 3" will be interpreted for purposes of this subpart as if the phrase "CSAPR NO_X Ozone Season Group 2" appeared in place of the phrase "TR NO_X Ozone Season" or the phrase "CSAPR NO_X Ozone Season Group 3".

(3) ***Changing authorized account representative and alternate authorized account representative; changes in persons with ownership interest.***

(i) The authorized account representative of a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (c)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous authorized account representative before the time and

date when the Administrator receives the superseding application for a general account shall be binding on the new authorized account representative and the persons with an ownership interest with respect to the CSAPR NO_X Ozone Season Group 2 allowances in the general account.

(ii) The alternate authorized account representative of a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (c)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate authorized account representative before the time and date when the Administrator receives the superseding application for a general account shall be binding on the new alternate authorized account representative, the authorized account representative, and the persons with an ownership interest with respect to the CSAPR NO_X Ozone Season Group 2 allowances in the general account.

(iii)

(A) In the event a person having an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances in the general account is not included in the list of such persons in the application for a general account, such person shall be deemed to be subject to and bound by the application for a general account, the representation, actions, inactions, and submissions of the authorized account representative and any alternate authorized account representative of the account, and the decisions and orders of the Administrator, as if the person were included in such list.

(B) Within 30 days after any change in the persons having an ownership interest with respect to CSAPR NO_X Ozone Season Group 2 allowances in the general account, including the addition or removal of a person, the authorized account representative or any alternate authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the CSAPR NO_X Ozone Season Group 2 allowances in the general account to include the change.

(4) ***Objections concerning authorized account representative and alternate authorized account representative.***

(i) Once a complete application for a general account under paragraph (c)(1) of this section has been submitted and received, the Administrator will rely on the application unless and until a superseding complete application for a general account under paragraph (c)(1) of this section is received by the Administrator.

(ii) Except as provided in paragraph (c)(4)(i) of this section, no objection or other communication submitted to the Administrator concerning the authorization, or any representation, action, inaction, or submission of the authorized account representative or any alternate authorized account representative of a general account shall affect any representation, action, inaction, or submission of the authorized account representative or any alternate

authorized account representative or the finality of any decision or order by the Administrator under the CSAPR NO_X Ozone Season Group 2 Trading Program.

(iii) The Administrator will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the authorized account representative or any alternate authorized account representative of a general account, including private legal disputes concerning the proceeds of CSAPR NO_X Ozone Season Group 2 allowance transfers.

(5) ***Delegation by authorized account representative and alternate authorized account representative.***

(i) An authorized account representative of a general account may delegate, to one or more natural persons, his or her authority to make an electronic submission to the Administrator provided for or required under this subpart.

(ii) An alternate authorized account representative of a general account may delegate, to one or more natural persons, his or her authority to make an electronic submission to the Administrator provided for or required under this subpart.

(iii) In order to delegate authority to a natural person to make an electronic submission to the Administrator in accordance with paragraph (c)(5)(i) or (ii) of this section, the authorized account representative or alternate authorized account representative, as appropriate, must submit to the Administrator a notice of delegation, in a format prescribed by the Administrator, that includes the following elements:

(A) The name, address, email address, telephone number, and facsimile transmission number (if any) of such authorized account representative or alternate authorized account representative;

(B) The name, address, email address, telephone number, and facsimile transmission number (if any) of each such natural person (referred to in this section as an "agent");

(C) For each such natural person, a list of the type or types of electronic submissions under paragraph (c)(5)(i) or (ii) of this section for which authority is delegated to him or her;

(D) The following certification statement by such authorized account representative or alternate authorized account representative: "I agree that any electronic submission to the Administrator that is made by an agent identified in this notice of delegation and of a type listed for such agent in this notice of delegation and that is made when I am an authorized account representative or alternate authorized account representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under 40 CFR 97.820(c)(5)(iv) shall be deemed to be an electronic submission by me."; and

(E) The following certification statement by such authorized account representative or alternate authorized account representative: "Until this notice of delegation is superseded by another

notice of delegation under 40 CFR 97.820(c)(5)(iv), I agree to maintain an email account and to notify the Administrator immediately of any change in my email address unless all delegation of authority by me under 40 CFR 97.820(c)(5) is terminated.".

(iv) A notice of delegation submitted under paragraph (c)(5)(iii) of this section shall be effective, with regard to the authorized account representative or alternate authorized account representative identified in such notice, upon receipt of such notice by the Administrator and until receipt by the Administrator of a superseding notice of delegation submitted by such authorized account representative or alternate authorized account representative, as appropriate. The superseding notice of delegation may replace any previously identified agent, add a new agent, or eliminate entirely any delegation of authority.

(v) Any electronic submission covered by the certification in paragraph (c)(5)(iii)(D) of this section and made in accordance with a notice of delegation effective under paragraph (c)(5)(iv) of this section shall be deemed to be an electronic submission by the authorized account representative or alternate authorized account representative submitting such notice of delegation.

(vi)

(A) A notice of delegation submitted under paragraph (c)(5)(iii) of this section or § 97.520(c)(5)(iii) that complies with the provisions of paragraph (c)(5)(iii) of this section except that it contains the terms "40 CFR 97.520(c)(5)(iv)" and "40 CFR 97.520(c)(5)" in place of the terms "40 CFR 97.820(c)(5)(iv)" and "40 CFR 97.820(c)(5)", respectively, in the required certification statements will be considered a valid notice of delegation submitted under paragraph (c)(5)(iii) of this section, and the certification statements included in such notice of delegation will be interpreted for purposes of this subpart as if the terms "40 CFR 97.820(c)(5)(iv)" and "40 CFR 97.820(c)(5)" appeared in place of the terms "40 CFR 97.520(c)(5)(iv)" and "40 CFR 97.520(c)(5)", respectively.

(B) A notice of delegation submitted under paragraph (c)(5)(iii) of this section or § 97.1020(c)(5)(iii) that complies with the provisions of paragraph (c)(5)(iii) of this section except that it contains the terms "40 CFR 97.1020(c)(5)(iv)" and "40 CFR 97.1020(c)(5)" in place of the terms "40 CFR 97.820(c)(5)(iv)" and "40 CFR 97.820(c)(5)", respectively, in the required certification statements will be considered a valid notice of delegation submitted under paragraph (c)(5)(iii) of this section, and the certification statements included in such notice of delegation will be interpreted for purposes of this subpart as if the terms "40 CFR 97.820(c)(5)(iv)" and "40 CFR 97.820(c)(5)" appeared in place of the terms "40 CFR 97.1020(c)(5)(iv)" and "40 CFR 97.1020(c)(5)", respectively.

(6) ***Closing a general account.***

(i) The authorized account representative or alternate authorized account representative of a general account may submit to the Administrator a request to close the account. Such request shall include a correctly submitted CSAPR NO_X Ozone Season Group 2 allowance transfer under § 97.822 for any CSAPR NO_X Ozone Season Group 2 allowances in the account to one or more other Allowance Management System accounts.

(ii) If a general account has no CSAPR NO_X Ozone Season Group 2 allowance transfers to or from the account for a 12-month period or longer and does not contain any CSAPR NO_X Ozone Season Group 2 allowances, the Administrator may notify the authorized account representative for the account that the account will be closed after 30 days after the notice is sent. The account will be closed after the 30-day period unless, before the end of the 30-day period, the Administrator receives a correctly submitted CSAPR NO_X Ozone Season Group 2 allowance transfer under § 97.822 to the account or a statement submitted by the authorized account representative or alternate authorized account representative demonstrating to the satisfaction of the Administrator good cause as to why the account should not be closed.

(d) ***Account identification.*** The Administrator will assign a unique identifying number to each account established under paragraph (a), (b), or (c) of this section.

(e) ***Responsibilities of authorized account representative and alternate authorized account representative.*** After the establishment of a compliance account or general account, the Administrator will accept or act on a submission pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of CSAPR NO_X Ozone Season Group 2 allowances in the account, only if the submission has been made, signed, and certified in accordance with §§ 97.814(a) and 97.818 or paragraphs (c)(2)(ii) and (c)(5) of this section.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23204, Apr. 30, 2021; 88 FR 49306, July 31, 2023]

§ 97.821 Recordation of CSAPR NO_X Ozone Season Group 2 allowance allocations and auction results.

(a) By January 9, 2017, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2017.

(b) By January 9, 2017, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2018, unless the State in which the source is located notifies the Administrator in writing by December 27, 2016 of the State's intent to submit to the

Administrator a complete SIP revision by April 1, 2017 meeting the requirements of § 52.38(b)(7)(i) through (iv) of this chapter.

(1) If, by April 1, 2017 the State does not submit to the Administrator such complete SIP revision, the Administrator will record by April 15, 2017 in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2018.

(2) If the State submits to the Administrator by April 1, 2017 and the Administrator approves by October 1, 2017 such complete SIP revision, the Administrator will record by October 1, 2017 in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source as provided in such approved, complete SIP revision for the control period in 2018.

(3) If the State submits to the Administrator by April 1, 2017 and the Administrator does not approve by October 1, 2017 such complete SIP revision, the Administrator will record by October 1, 2017 in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2018.

(c) By July 1, 2018, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Group 2 allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.811(a), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control periods in 2019 and 2020.

(d) By July 1, 2019, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Group 2 allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.811(a), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control periods in 2021 and 2022.

(e)

(1) By July 1, 2020, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Original Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Original Group 2

allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.811(a), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control periods in 2023 and 2024.

(2) After the Administrator has carried out the procedures in § 97.811(d), for sources in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State), by September 5, 2023, or, with regard to sources in West Virginia, as soon as practicable on or after September 29, 2023, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Expanded Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control periods in 2023 and 2024.

(3) After the Administrator has carried out the procedures in § 97.811(d), for sources in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State), as soon as practicable on or after December 6, 2024, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Expanded Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2024, with the following adjustments:

(i) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Gilbert Generating Station (plant ID 2393) will be the quantity allocated in accordance with § 97.811(a) minus 3.

(ii) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Warren (plant ID 3132) will be the quantity allocated in accordance with § 97.811(a) plus 3.

(iii) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Baldwin Energy Complex (plant ID 889) will be the quantity allocated in accordance with § 97.811(a) minus 50.

(iv) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Midland Cogeneration Venture (plant ID 10745) will be the quantity allocated in accordance with § 97.811(a) plus 50.

(v) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for PEI Power Corporation (plant ID 50279) will be the quantity allocated in accordance with § 97.811(a) minus 8.

(4) After the Administrator has carried out the procedures in § 97.811(e), for sources in a State listed in § 52.38(b)(2)(iii)(D)(5) of this chapter (and Indian country within the borders of such a State), as soon as practicable on or after December 6, 2024, the Administrator will record in each

CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Original Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2024.

(f) By July 1, 2024, or, for sources in a State listed in § 52.38(b)(2)(iii)(D)(*4*) or (5) of this chapter (and Indian country within the borders of such a State), as soon as practicable on or after December 6, 2024, and by July 1 of each year thereafter, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Group 2 allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.811(a), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control period in the year after the year of the applicable recordation deadline under this paragraph.

(g)

(1) By August 1 of each year from 2017 through 2020, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Group 2 allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.812(a)(2) through (8) and (12), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control period in the year of the applicable recordation deadline under this paragraph.

(2) By May 1, 2022 and May 1 of each year thereafter, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Group 2 allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.812(a), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control period in the year before the year of the applicable recordation deadline under this paragraph.

(h)

(1) By August 1 of each year from 2017 through 2020, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.812(b)(2) through (8) and (12) for the control period in the year of the applicable recordation deadline under this paragraph.

(2) By May 1, 2022 and May 1 of each year thereafter, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.812(b) for the control period in the year before the year of the applicable recordation deadline under this paragraph.

(i) By February 15 of each year from 2018 through 2021, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.812(a)(9) through (12) for the control period in the year before the year of the applicable recordation deadline under this paragraph.

(j) By February 15 of each year from 2018 through 2021, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.812(b)(9) through (12) for the control period in the year before the year of the applicable recordation deadline under this paragraph.

(k) By the date 15 days after the date on which any allocation or auction results, other than an allocation or auction results described in paragraphs (a) through (j) of this section, of CSAPR NO_X Ozone Season Group 2 allowances to a recipient is made by or are submitted to the Administrator in accordance with § 97.811 or § 97.812 or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, the Administrator will record such allocation or auction results in the appropriate Allowance Management System account.

(l) When recording the allocation or auction of CSAPR NO_X Ozone Season Group 2 allowances to a CSAPR NO_X Ozone Season Group 2 unit or other entity in an Allowance Management System account, the Administrator will assign each CSAPR NO_X Ozone Season Group 2 allowance a unique identification number that will include digits identifying the year of the control period for which the CSAPR NO_X Ozone Season Group 2 allowance is allocated or auctioned.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23204, Apr. 30, 2021; 87 FR 52481, Aug. 26, 2022; 88 FR 49307, July 31, 2023; 88 FR 67108, Sept. 29, 2023; 89 FR 87973, Nov. 6, 2024]

§ 97.822 Submission of CSAPR NO_X Ozone Season Group 2 allowance transfers.

(a) An authorized account representative seeking recordation of a CSAPR NO_X Ozone Season Group 2 allowance transfer shall submit the transfer to the Administrator.

(b) A CSAPR NO_X Ozone Season Group 2 allowance transfer shall be correctly submitted if:

(1) The transfer includes the following elements, in a format prescribed by the Administrator:

(i) The account numbers established by the Administrator for both the transferor and transferee accounts;

(ii) The serial number of each CSAPR NO_X Ozone Season Group 2 allowance that is in the transferor account and is to be transferred; and

(iii) The name and signature of the authorized account representative of the transferor account and the date signed; and

(2) When the Administrator attempts to record the transfer, the transferor account includes each CSAPR NO_X Ozone Season Group 2 allowance identified by serial number in the transfer.

§ 97.823 Recordation of CSAPR NO_X Ozone Season Group 2 allowance transfers.

(a) Within 5 business days (except as provided in paragraph (b) of this section) of receiving a CSAPR NO_X Ozone Season Group 2 allowance transfer that is correctly submitted under § 97.822, the Administrator will record a CSAPR NO_X Ozone Season Group 2 allowance transfer by moving each CSAPR NO_X Ozone Season Group 2 allowance from the transferor account to the transferee account as specified in the transfer.

(b) A CSAPR NO_X Ozone Season Group 2 allowance transfer to or from a compliance account that is submitted for recordation after the allowance transfer deadline for a control period and that includes any CSAPR NO_X Ozone Season Group 2 allowances allocated or auctioned for any control period before such allowance transfer deadline will not be recorded until after the Administrator completes the deductions from such compliance account under § 97.824 for the control period immediately before such allowance transfer deadline.

(c) Where a CSAPR NO_X Ozone Season Group 2 allowance transfer is not correctly submitted under § 97.822, the Administrator will not record such transfer.

(d) Within 5 business days of recordation of a CSAPR NO_X Ozone Season Group 2 allowance transfer under paragraphs (a) and (b) of the section, the Administrator will notify the authorized account representatives of both the transferor and transferee accounts.

(e) Within 10 business days of receipt of a CSAPR NO_X Ozone Season Group 2 allowance transfer that is not correctly submitted under § 97.822, the Administrator will notify the authorized account representatives of both accounts subject to the transfer of:

(1) A decision not to record the transfer, and

(2) The reasons for such non-recordation.

§ 97.824 Compliance with CSAPR NO_X Ozone Season Group 2 emissions limitation.

(a) ***Availability for deduction for compliance.*** CSAPR NO_X Ozone Season Group 2 allowances are available to be deducted for compliance with a source's CSAPR NO_X Ozone Season Group 2 emissions limitation for a control period in a given year only if the CSAPR NO_X Ozone Season Group 2 allowances:

(1) Were allocated or auctioned for such control period or a control period in a prior year;

(2) Are held in the source's compliance account as of the allowance transfer deadline for such control period;

(3) Are CSAPR NO_X Ozone Season Original Group 2 allowances, if the deductions are not for compliance with the CSAPR NO_X Ozone Season Group 2 emissions limitation of a source in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022; and

(4) Are CSAPR NO_X Ozone Season Expanded Group 2 allowances, if the deductions are for compliance with the CSAPR NO_X Ozone Season Group 2 emissions limitation of a source in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022.

(b) ***Deductions for compliance.*** After the recordation, in accordance with § 97.823, of CSAPR NO_X Ozone Season Group 2 allowance transfers submitted by the allowance transfer deadline for a control period in a given year, the Administrator will deduct from each source's compliance account CSAPR NO_X Ozone Season Group 2 allowances available under paragraph (a) of this section in order to determine whether the source meets the CSAPR NO_X Ozone Season Group 2 emissions limitation for such control period, as follows:

(1) Until the amount of CSAPR NO_X Ozone Season Group 2 allowances deducted equals the number of tons of total NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units at the source for such control period; or

(2) If there are insufficient CSAPR NO_X Ozone Season Group 2 allowances to complete the deductions in paragraph (b)(1) of this section, until no more CSAPR NO_X Ozone Season Group 2 allowances available under paragraph (a) of this section remain in the compliance account.

(c) ***Selection of CSAPR NO_X Ozone Season Group 2 allowances for deduction*** —

(1) ***Identification by serial number.*** The designated representative for a source may request that specific CSAPR NO_X Ozone Season Group 2 allowances, identified by serial number, in the source's compliance account be deducted for emissions or excess emissions for a control period in a given year in accordance with paragraph (b) or (d) of this section. In order to be complete, such request shall be submitted to the Administrator by the allowance transfer deadline for such control period and include, in a format prescribed by the Administrator, the identification of the CSAPR NO_X Ozone Season Group 2 source and the appropriate serial numbers.

(2) ***First-in, first-out.*** The Administrator will deduct CSAPR NO_X Ozone Season Group 2 allowances under paragraph (b) or (d) of this section from the source's compliance account in accordance with a complete request under paragraph (c)(1) of this section or, in the absence of such request or in the case of identification of an insufficient amount of CSAPR NO_X Ozone Season Group 2 allowances in such request, on a first-in, first-out accounting basis in the following order:

(i) Any CSAPR NO_X Ozone Season Group 2 allowances that were recorded in the compliance account pursuant to § 97.821 and not transferred out of the compliance account, in the order of recordation; and then

(ii) Any other CSAPR NO_X Ozone Season Group 2 allowances that were transferred to and recorded in the compliance account pursuant to this subpart or that were recorded in the compliance account pursuant to § 97.526 or § 97.1026, in the order of recordation.

(d) ***Deductions for excess emissions.*** After making the deductions for compliance under paragraph (b) of this section for a control period in a year in which the CSAPR NO_X Ozone Season Group 2 source has excess emissions, the Administrator will deduct from the source's compliance account an amount of CSAPR NO_X Ozone Season Group 2 allowances, allocated or auctioned for a control period in a prior year or the control period in the year of the excess emissions or in the immediately following year, equal to two times the number of tons of the source's excess emissions, provided that—

(1) The allowances deducted shall be CSAPR NO_X Ozone Season Original Group 2 allowances, if the excess emissions are not from a source in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022; and

(2) The allowances deducted shall be CSAPR NO_X Ozone Season Expanded Group 2 allowances, if the excess emissions are from a source in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022.

(e) ***Recordation of deductions.*** The Administrator will record in the appropriate compliance account all deductions from such an account under paragraphs (b) and (d) of this section.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23204, Apr. 30, 2021; 88 FR 49307, July 31, 2023; 88 FR 67108, Sept. 29, 2023; 89 FR 87974, Nov. 6, 2024]

§ 97.825 Compliance with CSAPR NO_X Ozone Season Group 2 assurance provisions.

(a) ***Availability for deduction.*** CSAPR NO_X Ozone Season Group 2 allowances are available to be deducted for compliance with the CSAPR NO_X Ozone Season Group 2 assurance provisions for a control period in a given year by the owners and operators of a group of one or more

CSAPR NO_X Ozone Season Group 2 sources and units in a State (and Indian country within the borders of such State) only if the CSAPR NO_X Ozone Season Group 2 allowances:

(1) Were allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year;

(2) Are held in the assurance account, established by the Administrator for such owners and operators of such group of CSAPR NO_X Ozone Season Group 2 sources and units in such State (and Indian country within the borders of such State) under paragraph (b)(3) of this section, as of the deadline established in paragraph (b)(4) of this section;

(3) Are CSAPR NO_X Ozone Season Original Group 2 allowances, if the deductions are not for compliance with the CSAPR NO_X Ozone Season Group 2 assurance provisions by the owners and operators of a group of sources in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022; and

(4) Are CSAPR NO_X Ozone Season Expanded Group 2 allowances, if the deductions are for compliance with the CSAPR NO_X Ozone Season Group 2 assurance provisions by the owners and operators of a group of sources in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022.

(b) ***Deductions for compliance.*** The Administrator will deduct CSAPR NO_X Ozone Season Group 2 allowances available under paragraph (a) of this section for compliance with the CSAPR NO_X Ozone Season Group 2 assurance provisions for a State for a control period in a given year in accordance with the following procedures:

(1) By June 1 of each year from 2018 through 2021 and August 1 of each year thereafter, the Administrator will:

(i) Calculate, for each State (and Indian country within the borders of such State), the total NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) during the control period in the year before the year of this calculation deadline and the amount, if any, by which such total NO_X emissions exceed the State assurance level as described in § 97.806(c)(2)(iii); and

(ii) For the set of any States (and Indian country within the borders of such States) for which the results of the calculations required in paragraph (b)(1)(i) of this section indicate that total NO_X emissions exceed the respective State assurance levels for such control period—

(A) Calculate, for each such State (and Indian country within the borders of such State) and such control period and each common designated representative for such control period for a group of one or more CSAPR NO_X Ozone Season Group 2 sources and units in such State (and such Indian country), the common designated representative's share of the total NO_X emissions from

all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in such State (and such Indian country), the common designated representative's assurance level, and the amount (if any) of CSAPR NO_X Ozone Season Group 2 allowances that the owners and operators of such group of sources and units must hold in accordance with the calculation formula in § 97.806(c)(2)(i); and

(B) Promulgate a notice of data availability of the results of the calculations required in paragraphs (b)(1)(i) and (b)(1)(ii)(A) of this section, including separate calculations of the NO_X emissions from each CSAPR NO_X Ozone Season Group 2 source in each such State (and Indian country within the borders of such State).

(2) The Administrator will provide an opportunity for submission of objections to the calculations referenced by each notice of data availability required in paragraph (b)(1)(ii) of this section.

(i) Objections shall be submitted by the deadline specified in such notice and shall be limited to addressing whether the calculations referenced in such notice are in accordance with § 97.806(c)(2)(iii), §§ 97.806(b) and 97.830 through 97.835, the definitions of "common designated representative", "common designated representative's assurance level", and "common designated representative's share" in § 97.802, and the calculation formula in § 97.806(c)(2)(i).

(ii) The Administrator will adjust the calculations to the extent necessary to ensure that they are in accordance with the provisions referenced in paragraph (b)(2)(i) of this section. By October 1 immediately after the promulgation of such notice, the Administrator will promulgate a notice of data availability of the results of the calculations incorporating any adjustments that the Administrator determines to be necessary and the reasons for accepting or rejecting any objections submitted in accordance with paragraph (b)(2)(i) of this section.

(3) For any State (and Indian country within the borders of such State) referenced in each notice of data availability required in paragraph (b)(2)(ii) of this section as having CSAPR NO_X Ozone Season Group 2 units with total NO_X emissions exceeding the State assurance level for a control period in a given year, the Administrator will establish one assurance account for each set of owners and operators referenced, in the notice of data availability required under paragraph (b)(2)(ii) of this section, as all of the owners and operators of a group of CSAPR NO_X Ozone Season Group 2 sources and units in the State (and Indian country within the borders of such State) having a common designated representative for such control period and as being required to hold CSAPR NO_X Ozone Season Group 2 allowances.

(4)

(i) As of midnight of November 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(2)(ii) of this section, the owners and operators described in paragraph (b)(3) of this section shall hold in the assurance account established for them and for

the appropriate CSAPR NO_X Ozone Season Group 2 sources, CSAPR NO_X Ozone Season Group 2 units, and State (and Indian country within the borders of such State) under paragraph (b)(3) of this section a total amount of CSAPR NO_X Ozone Season Group 2 allowances, available for deduction under paragraph (a) of this section, equal to the amount such owners and operators are required to hold with regard to such sources, units and State (and Indian country within the borders of such State) as calculated by the Administrator and referenced in such notice.

(ii) Notwithstanding the allowance-holding deadline specified in paragraph (b)(4)(i) of this section, if November 1 is not a business day, then such allowance-holding deadline shall be midnight of the first business day thereafter.

(5) After November 1 (or the date described in paragraph (b)(4)(ii) of this section) immediately after the promulgation of each notice of data availability required in paragraph (b)(2)(ii) of this section and after the recordation, in accordance with § 97.823, of CSAPR NO_X Ozone Season Group 2 allowance transfers submitted by midnight of such date, the Administrator will determine whether the owners and operators described in paragraph (b)(3) of this section hold, in the assurance account for the appropriate CSAPR NO_X Ozone Season Group 2 sources, CSAPR NO_X Ozone Season Group 2 units, and State (and Indian country within the borders of such State) established under paragraph (b)(3) of this section, the amount of CSAPR NO_X Ozone Season Group 2 allowances available under paragraph (a) of this section that the owners and operators are required to hold with regard to such sources, units, and State (and Indian country within the borders of such State) as calculated by the Administrator and referenced in the notice required in paragraph (b)(2)(ii) of this section.

(6) Notwithstanding any other provision of this subpart and any revision, made by or submitted to the Administrator after the promulgation of the notice of data availability required in paragraph (b)(2)(ii) of this section for a control period in a given year, of any data used in making the calculations referenced in such notice, the amounts of CSAPR NO_X Ozone Season Group 2 allowances that the owners and operators are required to hold in accordance with § 97.806(c)(2)(i) for such control period shall continue to be such amounts as calculated by the Administrator and referenced in such notice required in paragraph (b)(2)(ii) of this section, except as follows:

(i) If any such data are revised by the Administrator as a result of a decision in or settlement of litigation concerning such data on appeal under part 78 of this chapter of such notice, or on appeal under section 307 of the Clean Air Act of a decision rendered under part 78 of this chapter on appeal of such notice, then the Administrator will use the data as so revised to recalculate the amounts of CSAPR NO_X Ozone Season Group 2 allowances that owners and operators are required to hold in accordance with the calculation formula in § 97.806(c)(2)(i) for such control period with regard to the CSAPR NO_X Ozone Season Group 2 sources, CSAPR NO_X Ozone Season Group 2 units, and State (and Indian country within the borders of such State) involved, provided that such litigation under part 78 of this chapter, or the proceeding

under part 78 of this chapter that resulted in the decision appealed in such litigation under section 307 of the Clean Air Act, was initiated no later than 30 days after promulgation of such notice required in paragraph (b)(2)(ii) of this section.

(ii) [Reserved]

(iii) If the revised data are used to recalculate, in accordance with paragraph (b)(6)(i) of this section, the amount of CSAPR NO_X Ozone Season Group 2 allowances that the owners and operators are required to hold for such control period with regard to the CSAPR NO_X Ozone Season Group 2 sources, CSAPR NO_X Ozone Season Group 2 units, and State (and Indian country within the borders of such State) involved—

(A) Where the amount of CSAPR NO_X Ozone Season Group 2 allowances that the owners and operators are required to hold increases as a result of the use of all such revised data, the Administrator will establish a new, reasonable deadline on which the owners and operators shall hold the additional amount of CSAPR NO_X Ozone Season Group 2 allowances in the assurance account established by the Administrator for the appropriate CSAPR NO_X Ozone Season Group 2 sources, CSAPR NO_X Ozone Season Group 2 units, and State (and Indian country within the borders of such State) under paragraph (b)(3) of this section. The owners' and operators' failure to hold such additional amount, as required, before the new deadline shall not be a violation of the Clean Air Act. The owners' and operators' failure to hold such additional amount, as required, as of the new deadline shall be a violation of the Clean Air Act. Each CSAPR NO_X Ozone Season Group 2 allowance that the owners and operators fail to hold as required as of the new deadline, and each day in such control period, shall be a separate violation of the Clean Air Act.

(B) For the owners and operators for which the amount of CSAPR NO_X Ozone Season Group 2 allowances required to be held decreases as a result of the use of all such revised data, the Administrator will record, in all accounts from which CSAPR NO_X Ozone Season Group 2 allowances were transferred by such owners and operators for such control period to the assurance account established by the Administrator for the appropriate CSAPR NO_X Ozone Season Group 2 sources, CSAPR NO_X Ozone Season Group 2 units, and State (and Indian country within the borders of such State) under paragraph (b)(3) of this section, a total amount of the CSAPR NO_X Ozone Season Group 2 allowances held in such assurance account equal to the amount of the decrease. If CSAPR NO_X Ozone Season Group 2 allowances were transferred to such assurance account from more than one account, the amount of CSAPR NO_X Ozone Season Group 2 allowances recorded in each such transferor account will be in proportion to the percentage of the total amount of CSAPR NO_X Ozone Season Group 2 allowances transferred to such assurance account for such control period from such transferor account.

(C) Each CSAPR NO_X Ozone Season Group 2 allowance held under paragraph (b)(6)(iii)(A) of this section as a result of recalculation of requirements under the CSAPR NO_X Ozone Season Group 2 assurance provisions for such control period must be a CSAPR NO_X Ozone Season

Group 2 allowance allocated for a control period in a year before or the year immediately following, or in the same year as, the year of such control period.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23205, Apr. 30, 2021; 88 FR 36903, June 5, 2023; 88 FR 49307, July 31, 2023; 88 FR 67108, Sept. 29, 2023]

§ 97.826 Banking and conversion.

(a) A CSAPR NO_X Ozone Season Group 2 allowance may be banked for future use or transfer in a compliance account or a general account in accordance with paragraph (b) of this section.

(b) Any CSAPR NO_X Ozone Season Group 2 allowance that is held in a compliance account or a general account will remain in such account unless and until the CSAPR NO_X Ozone Season Group 2 allowance is deducted or transferred under § 97.811(c), (d), or (e), § 97.823, § 97.824, § 97.825, § 97.827, or § 97.828, or paragraph (c), (d), or (e) of this section.

(c) At any time after the allowance transfer deadline for the last control period for which a State NO_X Ozone Season Group 2 trading budget is established under § 97.810(a) for a given State and after completion of the procedures under paragraphs (d)(1) and (2) of this section, the Administrator may record a transfer of any CSAPR NO_X Ozone Season Group 2 allowances held in the compliance account for a source in such State (and Indian country within the borders of such State) to a general account identified or established by the Administrator with the source's designated representative as the authorized account representative and with the owners and operators of the source (as indicated on the certificate of representation for the source) as the persons represented by the authorized account representative. The Administrator will notify the designated representative not less than 15 days before making such a transfer.

(d) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b)(8) or (9) of this chapter:

(1) By August 13, 2021, the Administrator will temporarily suspend acceptance of CSAPR NO_X Ozone Season Group 2 allowance transfers submitted under § 97.822 and, before resuming acceptance of such transfers, will take the following actions:

(i) The Administrator will determine each of the following values:

(A) The total amount of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for the control periods in 2017 through 2020 attributable to the States listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of such States), computed as the sum of the State NO_X Ozone Season Group 2 trading budgets under § 97.810(a) for such States for all such control periods plus the product of 1.5 multiplied by the sum of the variability limits under § 97.810(b) for such States for the control period in 2017.

(B) The total tons of NO_X emissions reported in accordance with §§ 97.806(b) and 97.830 through 97.835 for all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X Ozone Season Group 2 sources in the States listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of such States) for the control periods in 2017 through 2020.

(C) The full-season CSAPR NO_X Ozone Season Group 3 allowance bank target, computed as the sum for all States listed in § 52.38(b)(2)(iii)(A) of this chapter of the variability limits under § 97.1010(e) for such States for the control period in 2022.

(D) A conversion factor, computed as the quotient, rounded down to the nearest whole number, of the remainder of the total amount of CSAPR NO_X Ozone Season Original Group 2 allowances determined under paragraph (d)(1)(i)(A) of this section minus the total tons of NO_X emissions determined under paragraph (d)(1)(i)(B) of this section divided by the full-season CSAPR NO_X Ozone Season Group 3 allowance bank target determined under paragraph (d)(1)(i)(C) of this section.

(E) The adjusted CSAPR NO_X Ozone Season Group 3 allowance bank target, computed as the product, rounded to the nearest allowance, of the full-season CSAPR NO_X Ozone Season Group 3 allowance bank target determined under paragraph (d)(1)(i)(C) of this section multiplied by a fraction whose numerator is the number of days from June 29, 2021 through September 30, 2021, inclusive, and whose denominator is 153.

(ii) The Administrator will allocate CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 to sources in States listed in § 52.38(b)(2)(iii)(A) of this chapter (and Indian country within the borders of such States) as follows:

(A) The Administrator will determine for each such source the source's maximum share, computed as the quotient, rounded down to the nearest whole number, of the amount of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods before 2021 held in the source's compliance account divided by the conversion factor determined under paragraph (d)(1)(i)(D) of this section.

(B) The Administrator will determine a source allocation scaling factor, computed as the lesser of 1.0000 or the quotient, expressed to four decimal places, of the adjusted CSAPR NO_X Ozone Season Group 3 allowance bank target determined under paragraph (d)(1)(i)(E) of this section divided by the sum for all such sources of the maximum shares under paragraph (d)(1)(ii)(A) of this section.

(C) The Administrator will allocate to each such source an amount of CSAPR NO_X Ozone Season Group 3 allowances computed as the product, rounded to the nearest allowance, of such source's maximum share under paragraph (d)(1)(ii)(A) of this section multiplied by the source allocation scaling factor determined under paragraph (d)(1)(ii)(B) of this section.

(iii) If the sum for all sources of the allocations under paragraph (d)(1)(ii)(C) of this section is less than the adjusted CSAPR NO_X Ozone Season Group 3 allowance bank target determined under paragraph (d)(1)(i)(E) of this section, the Administrator will allocate CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 to general accounts as follows:

(A) The Administrator will determine for each general account the account's maximum share, computed as the quotient, rounded down to the nearest whole number, of the amount of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods before 2021 held in the account divided by the conversion factor determined under paragraph (d)(1)(i)(D) of this section.

(B) The Administrator will determine a general account allocation scaling factor, computed as the lesser of 1.0000 or the quotient, expressed to four decimal places, of the remainder of the adjusted CSAPR NO_X Ozone Season Group 3 allowance bank target determined under paragraph (d)(1)(i)(E) of this section minus the sum for all sources of the allocations under paragraph (d)(1)(ii)(C) of this section divided by the sum for all general accounts of the maximum shares under paragraph (d)(1)(iii)(A) of this section.

(C) The Administrator will allocate to each general account an amount of CSAPR NO_X Ozone Season Group 3 allowances computed as the product, rounded to the nearest allowance, of such account's maximum share under paragraph (d)(1)(iii)(A) of this section multiplied by the general account allocation scaling factor determined under paragraph (d)(1)(iii)(B) of this section.

(iv) For the compliance account of each source, and for each general account, to which an amount of CSAPR NO_X Ozone Season Group 3 allowances greater than zero is allocated under paragraph (d)(1)(ii)(C) or (d)(1)(iii)(C) of this section, respectively:

(A) The Administrator will determine the amount of CSAPR NO_X Ozone Season Original Group 2 allowances required to be deducted from the account, computed as the product of the amount of CSAPR NO_X Ozone Season Group 3 allowances allocated to the source or general account under paragraph (d)(1)(ii)(C) or (d)(1)(iii)(C) of this section multiplied by the conversion factor determined under paragraph (d)(1)(i)(D) of this section. The Administrator will deduct CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods before 2021 from the account on a first-in, first-out basis in the order set forth in § 97.824(c)(2)(i) and (ii).

(B) The Administrator will record in the account the allocations of CSAPR NO_X Ozone Season Group 3 allowances under paragraph (d)(1)(ii)(C) or (d)(1)(iii)(C) of this section and the deductions of CSAPR NO_X Ozone Season Original Group 2 allowances under paragraph (d)(1)(iv)(A) of this section.

(2)

(i) During the period beginning February 1, 2022 and ending February 28, 2022, the designated representative for a source in a State listed in § 52.38(b)(2)(iii)(A) of this chapter (and Indian country within the borders of such a State) may request that the Administrator allocate additional CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 to the source pursuant to paragraph (d)(2)(ii) of this section. Any such request shall be submitted to the Administrator electronically at the email address *CSAPR@epa.gov*.

(ii) For each source covered by a request under paragraph (d)(2)(i) of this section, as soon as practicable on or after March 1, 2022, the Administrator will deduct from the source's compliance account, on a first-in, first-out basis in the order set forth in § 97.824(c)(2)(i) and (ii), the maximum number of sets of 18 CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods before 2021 available in the compliance account. The Administrator will then allocate to the source one CSAPR NO_X Ozone Season Group 3 allowance for the control period in 2021 for each set of 18 CSAPR NO_X Ozone Season Original Group 2 allowances deducted. The Administrator will record the allocations and deductions under this paragraph in the source's compliance account.

(3) [Reserved]

(e) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b)(8) or (9) of this chapter:

(1) By September 18, 2023, the Administrator will temporarily suspend acceptance of CSAPR NO_X Ozone Season Group 2 allowance transfers submitted under § 97.822 and, before resuming acceptance of such transfers, will take the following actions with regard to every general account and every compliance account except a compliance account for a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(ii)(A) or (b)(2)(iii)(D)(*1*) through (*3*) of this chapter (and Indian country within the borders of such a State):

(i) The Administrator will deduct all CSAPR NO_X Ozone Season Original Group 2 allowances allocated for the control periods in 2017 through 2022 from each such account.

(ii) The Administrator will determine a conversion factor equal to the greater of 1.0000 or the quotient, expressed to four decimal places, of—

(A) The sum of all CSAPR NO_X Ozone Season Original Group 2 allowances deducted from all such accounts under paragraph (e)(1)(i) of this section; divided by

(B) The product of the sum of the trading budgets for the control period in 2024 under § 97.1010(a)(1)(i) for all States listed in § 52.38(b)(2)(iii)(B) and (C) of this chapter and not listed in § 52.38(b)(2)(iii)(D)(*2*) or (*3*) of this chapter multiplied by 0.21 and further multiplied by a fraction whose numerator is the number of days from August 4, 2023 through September 30, 2023, inclusive, and whose denominator is 153.

(iii) The Administrator will allocate and record in each such account an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2023 computed as the quotient, rounded up to the nearest allowance, of the number of CSAPR NO_X Ozone Season Original Group 2 allowances deducted from such account under paragraph (e)(1)(i) of this section divided by the conversion factor determined under paragraph (e)(1)(ii) of this section, except as provided in paragraph (e)(1)(iv) or (v) of this section.

(iv) Where, pursuant to paragraph (e)(1)(i) of this section, the Administrator deducts CSAPR NO_X Ozone Season Original Group 2 allowances from the compliance account for a source in a State not listed in § 52.38(b)(2)(iii) of this chapter (and Indian country within the borders of such a State), the Administrator will not record CSAPR NO_X Ozone Season Group 3 allowances in that compliance account but instead will allocate and record the amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2023 computed for such source in accordance with paragraph (e)(1)(iii) of this section in a general account identified by the designated representative for such source, provided that if the designated representative fails to identify such a general account in a submission to the Administrator by September 18, 2023, the Administrator may record such CSAPR NO_X Ozone Season Group 3 allowances in a general account identified or established by the Administrator with the designated representative as the authorized account representative and with the owners and operators of such source (as indicated on the certificate of representation for the source) as the persons represented by the authorized account representative.

(v)

(A) In computing any amounts of CSAPR NO_X Ozone Season Group 3 allowances to be allocated to and recorded in general accounts under paragraph (e)(1)(iii) of this section, the Administrator may group multiple general accounts whose ownership interests are held by the same or related persons or entities and treat the group of accounts as a single account for purposes of such computation.

(B) Following a computation for a group of general accounts in accordance with paragraph (e)(1)(v)(A) of this section, the Administrator will allocate to and record in each individual account in such group a proportional share of the quantity of CSAPR NO_X Ozone Season Group 3 allowances computed for such group, basing such shares on the respective quantities of CSAPR NO_X Ozone Season Original Group 2 allowances removed from such individual accounts under paragraph (e)(1)(i) of this section.

(C) In determining the proportional shares under paragraph (e)(1)(v)(B) of this section, the Administrator may employ any reasonable adjustment methodology to truncate or round each such share up or down to a whole number and to cause the total of such whole numbers to equal the amount of CSAPR NO_X Ozone Season Group 3 allowances computed for such group of accounts in accordance with paragraph (e)(1)(v)(A) of this section, even where such adjustments

cause the numbers of CSAPR NO_X Ozone Season Group 3 allowances allocated to some individual accounts to equal zero.

(2) [Reserved]

(f) Notwithstanding any other provision of this subpart or any SIP revision approved under § 52.38(b)(8) or (9) of this chapter, CSAPR NO_X Ozone Season Expanded Group 2 allowances or CSAPR NO_X Ozone Season Group 3 allowances may be used to satisfy requirements to hold CSAPR NO_X Ozone Season Original Group 2 allowances under this subpart and CSAPR NO_X Ozone Season Group 3 allowances may be used to satisfy requirements to hold CSAPR NO_X Ozone Season Expanded Group 2 allowances under this subpart as follows, provided that nothing in this paragraph (f) alters the time as of which any such allowance holding requirement must be met or limits any consequence of a failure to timely meet any such allowance holding requirement:

(1)

(i) Except as provided in paragraph (f)(1)(ii) of this section, after the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for a control period in 2017 through 2020 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Original Group 2 allowances divided by the conversion factor determined under paragraph (d)(1)(i)(D) of this section.

(ii) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and § 97.1026(e)(1) and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for a control period in 2017 through 2020 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in 2023 (or any later control period for which the allowance transfer deadline defined in § 97.802 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Original Group 2 allowances divided by the conversion factor determined under paragraph (d)(1)(i)(D) of this section.

(2) After the Administrator has carried out the procedures set forth in paragraph (e)(1) of this section and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season

Group 2 source in a State listed in § 52.38(b)(2)(ii)(C) of this chapter and not listed in § 52.38(b)(iii)(D)(*2*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for a control period in 2017 through 2022 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2023 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Original Group 2 allowances divided by the conversion factor determined under paragraph (e)(1)(ii) of this section.

(3) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program for the control period in the current year and required to demonstrate compliance under such program for such control period by holding CSAPR NO_X Ozone Season Expanded Group 2 allowances may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.802 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in the current year.

(4) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 3 Trading Program for the control period in the current year may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.802 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in the current year.

(5) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 3 Trading Program for the control period in the current year may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.802 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in the current year.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23205, Apr. 30, 2021; 88 FR 36903, June 5, 2023; 88 FR 49307, July 31, 2023; 88 FR 67108, Sept. 29, 2023; 89 FR 87974, Nov. 6, 2024]

§ 97.827 Account error.

The Administrator may, at his or her sole discretion and on his or her own motion, correct any error in any Allowance Management System account. Within 10 business days of making such correction, the Administrator will notify the authorized account representative for the account.

§ 97.828 Administrator's action on submissions.

(a) The Administrator may review and conduct independent audits concerning any submission under the CSAPR NO_X Ozone Season Group 2 Trading Program and make appropriate adjustments of the information in the submission.

(b) The Administrator may deduct CSAPR NO_X Ozone Season Group 2 allowances from or transfer CSAPR NO_X Ozone Season Group 2 allowances to a compliance account or an assurance account, based on the information in a submission, as adjusted under paragraph (a) of this section, and record such deductions and transfers.

§ 97.829 [Reserved]

§ 97.830 General monitoring, recordkeeping, and reporting requirements.

The owners and operators, and to the extent applicable, the designated representative, of a CSAPR NO_X Ozone Season Group 2 unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this subpart and subpart H of part 75 of this chapter. For purposes of applying such requirements, the definitions in § 97.802 and in § 72.2 of this chapter shall apply, the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in part 75 of this chapter shall be deemed to refer to the terms "CSAPR NO_X Ozone Season Group 2 unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") respectively as defined in § 97.802, and the term "newly affected unit" shall be deemed to mean "newly affected CSAPR NO_X Ozone Season Group 2 unit". The owner or operator of a unit that is not a CSAPR NO_X Ozone Season Group 2 unit but that is monitored under § 75.72(b)(2)(ii) of this chapter shall comply with the same monitoring, recordkeeping, and reporting requirements as a CSAPR NO_X Ozone Season Group 2 unit.

(a) ***Requirements for installation, certification, and data accounting.*** The owner or operator of each CSAPR NO_X Ozone Season Group 2 unit shall:

(1) Install all monitoring systems required under this subpart 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, CO_2 or O_2 concentration, and fuel flow rate, as applicable, in accordance with §§ 75.71 and 75.72 of this chapter);

(2) Successfully complete all certification tests required under § 97.831 and meet all other requirements of this subpart and part 75 of this chapter applicable to the monitoring systems under paragraph (a)(1) of this section; and

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

(b) ***Compliance deadlines.*** Except as provided in paragraph (e) of this section, the owner or operator of a CSAPR NO_X Ozone Season Group 2 unit shall meet the monitoring system certification and other requirements of paragraphs (a)(1) and (2) of this section on or before the latest of the following dates and shall record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section on and after the latest of the following dates:

(1)

(i) May 1, 2017, for a unit other than a unit described in paragraph (b)(1)(ii) or (iii) of this section;

(ii) May 1, 2023, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020;

(iii) May 1, 2024, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020, or a unit in a State listed in § 52.38(b)(2)(iii)(D)(*5*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2022;

(2) 180 calendar days after the date on which the unit commences commercial operation; or

(3) Where data for the unit are reported on a control period basis under § 97.834(d)(1)(ii)(B), and where the compliance date under paragraph (b)(2) of this section is not in a month from May through September, May 1 immediately after the compliance date under paragraph (b)(2) of this section.

(4) The owner or operator of a CSAPR NO_X Ozone Season Group 2 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 paragraph (b)(1), (2), or (3) of this section shall meet the requirements of § 75.4(e)(1) through (4) of this chapter, except that:

(i) Such requirements shall apply to the monitoring systems required under § 97.830 through § 97.835, rather than the monitoring systems required under part 75 of this chapter;

(ii) NO_X emission rate, NO_X concentration, stack gas moisture content, stack gas volumetric flow rate, and O_2 or CO_2 concentration data shall be determined and reported, rather than the data listed in § 75.4(e)(2) of this chapter; and

(iii) Any petition for another procedure under § 75.4(e)(2) of this chapter shall be submitted under § 97.835, rather than § 75.66 of this chapter.

(c) ***Reporting data.*** The owner or operator of a CSAPR NO_X Ozone Season Group 2 unit that does not meet the applicable compliance date set forth in paragraph (b) of this section for any monitoring system under paragraph (a)(1) of this section 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 § 75.31(b)(2) or (c)(3) of this chapter, section 2.4 of appendix D to part 75 of this chapter, or section 2.5 of appendix E to part 75 of this chapter, as applicable.

(d) ***Prohibitions.***

(1) No owner or operator of a CSAPR NO_X Ozone Season Group 2 unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this subpart without having obtained prior written approval in accordance with § 97.835.

(2) No owner or operator of a CSAPR NO_X Ozone Season Group 2 unit shall operate the unit so as to discharge, or allow to be discharged, NO_X to the atmosphere without accounting for all such NO_X in accordance with the applicable provisions of this subpart and part 75 of this chapter.

(3) No owner or operator of a CSAPR NO_X Ozone Season Group 2 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 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 subpart and part 75 of this chapter.

(4) No owner or operator of a CSAPR NO_X Ozone Season Group 2 unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this subpart, except under any one of the following circumstances:

(i) During the period that the unit is covered by an exemption under § 97.805 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 subpart and part 75 of this chapter, by the Administrator 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 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 § 97.831(d)(3)(i).

(e) ***Long-term cold storage.*** The owner or operator of a CSAPR NO_X Ozone Season Group 2 unit is subject to the applicable provisions of § 75.4(d) of this chapter concerning units in long-term cold storage.

[81 FR 74621, Oct. 26, 2016, as amended at 88 FR, 49308 July 31, 2023; 89 FR 87975, Nov. 6, 2024]

§ 97.831 Initial monitoring system certification and recertification procedures.

(a) The owner or operator of a CSAPR NO_X Ozone Season Group 2 unit shall be exempt from the initial certification requirements of this section for a monitoring system under § 97.830(a)(1) if the following conditions are met:

(1) The monitoring system has been previously certified in accordance with part 75 of this chapter; and

(2) The applicable quality-assurance and quality-control requirements of § 75.21 of this chapter and appendices B, D, and E to part 75 of this chapter are fully met for the certified monitoring system described in paragraph (a)(1) of this section.

(b) The recertification provisions of this section shall apply to a monitoring system under § 97.830(a)(1) that is exempt from initial certification requirements under paragraph (a) of this section.

(c) If the Administrator has previously approved a petition under § 75.17(a) or (b) of this chapter for apportioning the NO_X emission rate measured in a common stack or a petition under § 75.66 of this chapter for an alternative to a requirement in § 75.12 or § 75.17 of this chapter, the designated representative shall resubmit the petition to the Administrator under § 97.835 to determine whether the approval applies under the CSAPR NO_X Ozone Season Group 2 Trading Program.

(d) Except as provided in paragraph (a) of this section, the owner or operator of a CSAPR NO_X Ozone Season Group 2 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 part 75 of this chapter) under § 97.830(a)(1). The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under § 75.19 of this chapter or that qualifies to use an alternative monitoring system under subpart E of part 75 of this chapter shall comply with the procedures in paragraph (e) or (f) of this section respectively.

(1) ***Requirements for initial certification.*** The owner or operator shall ensure that each continuous monitoring system under § 97.830(a)(1) (including the automated data acquisition and handling system) successfully completes all of the initial certification testing required under § 75.20 of this chapter by the applicable deadline in § 97.830(b). In addition, whenever the

owner or operator installs a monitoring system to meet the requirements of this subpart in a location where no such monitoring system was previously installed, initial certification in accordance with § 75.20 of this chapter 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 § 97.830(a)(1) 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 § 75.21 of this chapter or appendix B to part 75 of this chapter, the owner or operator shall recertify the monitoring system in accordance with § 75.20(b) of this chapter. 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 § 75.20(b) of this chapter. 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 system, and any excepted NO_X monitoring system under appendix E to part 75 of this chapter, under § 97.830(a)(1) are subject to the recertification requirements in § 75.20(g)(6) of this chapter.

(3) ***Approval process for initial certification and recertification.*** For initial certification of a continuous monitoring system under § 97.830(a)(1), paragraphs (d)(3)(i) through (v) of this section apply. For recertifications of such monitoring systems, paragraphs (d)(3)(i) through (iv) of this section and the procedures in § 75.20(b)(5) and (g)(7) of this chapter (in lieu of the procedures in paragraph (d)(3)(v) of this section) apply, provided that in applying paragraphs (d)(3)(i) through (iv) of this section, the words “certification” and “initial certification” are replaced by the word “recertification” and the word “certified” is replaced by the word “recertified”.

(i) ***Notification of certification.*** The designated representative shall submit to the appropriate EPA Regional Office and the Administrator written notice of the dates of certification testing, in accordance with § 97.833.

(ii) ***Certification application.*** The designated representative shall submit to the Administrator a certification application for each monitoring system. A complete certification application shall include the information specified in § 75.63 of this chapter.

(iii) ***Provisional certification date.*** The provisional certification date for a monitoring system shall be determined in accordance with § 75.20(a)(3) of this chapter. A provisionally certified monitoring system may be used under the CSAPR NO_X Ozone Season Group 2 Trading Program for a period not to exceed 120 days after receipt by the Administrator of the complete

certification application for the monitoring system under paragraph (d)(3)(ii) of this section. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of part 75 of this chapter, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the Administrator 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 Administrator.

(iv) ***Certification application approval process.*** The Administrator 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 paragraph (d)(3)(ii) of this section. In the event the Administrator does not issue such a notice within such 120-day period, each monitoring system that meets the applicable performance requirements of part 75 of this chapter and is included in the certification application will be deemed certified for use under the CSAPR NO_X Ozone Season Group 2 Trading Program.

(A) ***Approval notice.*** If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of part 75 of this chapter, then the Administrator will issue a written notice of approval of the certification application within 120 days of receipt.

(B) ***Incomplete application notice.*** If the certification application is not complete, then the Administrator will issue a written notice of incompleteness that sets a reasonable date by which the designated representative must submit the additional information required to complete the certification application. If the designated representative does not comply with the notice of incompleteness by the specified date, then the Administrator may issue a notice of disapproval under paragraph (d)(3)(iv)(C) of this section.

(C) ***Disapproval notice.*** If the certification application shows that any monitoring system does not meet the performance requirements of part 75 of this chapter or if the certification application is incomplete and the requirement for disapproval under paragraph (d)(3)(iv)(B) of this section is met, then the Administrator 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 Administrator 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 § 75.20(a)(3) of this chapter).

(D) ***Audit decertification.*** The Administrator may issue a notice of disapproval of the certification status of a monitor in accordance with § 97.832(b).

(v) ***Procedures for loss of certification.*** If the Administrator issues a notice of disapproval of a certification application under paragraph (d)(3)(iv)(C) of this section or a notice of disapproval of certification status under paragraph (d)(3)(iv)(D) of this section, then:

(A) 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 § 75.20(a)(4)(iii), § 75.20(g)(7), or § 75.21(e) of this chapter and continuing until the applicable date and hour specified under § 75.20(a)(5)(i) or (g)(7) of this chapter:

(*1*) For a disapproved NO_X emission rate (*i.e.,* NO_X-diluent) system, the maximum potential NO_X emission rate, as defined in § 72.2 of this chapter.

(*2*) 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 appendix A to part 75 of this chapter.

(*3*) For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO_2 concentration or the minimum potential O_2 concentration (as applicable), as defined in sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to part 75 of this chapter.

(*4*) For a disapproved fuel flowmeter system, the maximum potential fuel flow rate, as defined in section 2.4.2.1 of appendix D to part 75 of this chapter.

(*5*) For a disapproved excepted NO_X monitoring system under appendix E to part 75 of this chapter, the fuel-specific maximum potential NO_X emission rate, as defined in § 72.2 of this chapter.

(B) The designated representative shall submit a notification of certification retest dates and a new certification application in accordance with paragraphs (d)(3)(i) and (ii) of this section.

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

(e) The owner or operator of a unit qualified to use the low mass emissions (LME) excepted methodology under § 75.19 of this chapter shall meet the applicable certification and recertification requirements in §§ 75.19(a)(2) and 75.20(h) of this chapter. 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 § 75.20(g) of this chapter.

(f) The designated representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by the Administrator under subpart E of part 75 of this chapter shall comply with the applicable notification and application procedures of § 75.20(f) of this chapter.

[81 FR 74621, Oct. 26, 2016, as amended at 86 FR 23207, Apr. 30, 2021]

§ 97.832 Monitoring system out-of-control periods.

(a) ***General provisions.*** Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of part 75 of this chapter, data shall be substituted using the applicable missing data procedures in subpart D or subpart H of, or appendix D or appendix E to, part 75 of this chapter.

(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 § 97.831 or the applicable provisions of part 75 of this chapter, both at the time of the initial certification or recertification application submission and at the time of the audit, 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 Administrator or any State or permitting authority. By issuing the notice of disapproval, 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 § 97.831 for each disapproved monitoring system.

§ 97.833 Notifications concerning monitoring.

The designated representative of a CSAPR NO_X Ozone Season Group 2 unit shall submit written notice to the Administrator in accordance with § 75.61 of this chapter.

§ 97.834 Recordkeeping and reporting.

(a) ***General provisions.*** The designated representative shall comply with all recordkeeping and reporting requirements in paragraphs (b) through (e) of this section, the applicable recordkeeping and reporting requirements under § 75.73 of this chapter, and the requirements of § 97.814(a).

(b) ***Monitoring plans.*** The owner or operator of a CSAPR NO_X Ozone Season Group 2 unit shall comply with the requirements of § 75.73(c) and (e) of this chapter.

(c) ***Certification applications.*** The designated representative shall submit an application to the Administrator within 45 days after completing all initial certification or recertification tests required under § 97.831, including the information required under § 75.63 of this chapter.

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

(1)

(i) If a CSAPR NO_X Ozone Season Group 2 unit is subject to the Acid Rain Program or the CSAPR NO_X Annual Trading Program or if the owner or operator of such unit chooses to report on an annual basis under this subpart, then the designated representative shall meet the requirements of subpart H of part 75 of this chapter (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 for the entire year.

(ii) If a CSAPR NO_X Ozone Season Group 2 unit is not subject to the Acid Rain Program or the CSAPR NO_X Annual Trading Program, then the designated representative shall either:

(A) Meet the requirements of subpart H of part 75 of this chapter for such unit for the entire year and report the NO_X mass emissions data and heat input data for such unit for the entire year in accordance with paragraph (d)(1)(i) of this section; or

(B) Meet the requirements of subpart H of part 75 of this chapter (including the requirements in § 75.74(c) of this chapter) for such unit for the control period and report the NO_X mass emissions data and heat input data (including the data described in § 75.74(c)(6) of this chapter) for such unit only for the control period of each year.

(2) The designated representative shall report the NO_X mass emissions data and heat input data for a CSAPR NO_X Ozone Season Group 2 unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter indicated under paragraph (d)(1) of this section beginning by the latest of:

(i)

(A) The calendar quarter covering May 1, 2017, through June 30, 2017, for a unit other than a unit described in paragraph (d)(2)(i)(B) or (C) of this section;

(B) The calendar quarter covering May 1, 2023, through June 30, 2023, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020;

(C) The calendar quarter covering May 1, 2024, through June 30, 2024, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020, or a unit in a State listed in § 52.38(b)(2)(iii)(D)(5) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2022;

(ii) The calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under § 97.830(b); or

(iii) For a unit that reports on a control period basis under paragraph (d)(1)(ii)(B) of this section, if the calendar quarter under paragraph (d)(2)(ii) of this section does not include a month from May through September, the calendar quarter covering May 1 through June 30 immediately after the calendar quarter under paragraph (d)(2)(ii) of this section.

(3) The designated representative shall submit each quarterly report to the Administrator within 30 days after the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in § 75.73(f) of this chapter.

(4) For CSAPR NO_X Ozone Season Group 2 units that are also subject to the Acid Rain Program, CSAPR NO_X Annual Trading Program, CSAPR SO_2 Group 1 Trading Program, or CSAPR SO_2 Group 2 Trading Program, quarterly reports shall include the applicable data and information required by subparts F through H of part 75 of this chapter as applicable, in addition to the NO_X mass emission data, heat input data, and other information required by this subpart.

(5) The Administrator may review and conduct independent audits of any quarterly report in order to determine whether the quarterly report meets the requirements of this subpart and part 75 of this chapter, including the requirement to use substitute data.

(i) The Administrator will notify the designated representative of any determination that the quarterly report fails to meet any such requirements and specify in such notification any corrections that the Administrator believes are necessary to make through resubmission of the quarterly report and a reasonable time period within which the designated representative must respond. Upon request by the designated representative, the Administrator may specify reasonable extensions of such time period. Within the time period (including any such extensions) specified by the Administrator, the designated representative shall resubmit the quarterly report with the corrections specified by the Administrator, except to the extent the designated representative provides information demonstrating that a specified correction is not necessary because the quarterly report already meets the requirements of this subpart and part 75 of this chapter that are relevant to the specified correction.

(ii) Any resubmission of a quarterly report shall meet the requirements applicable to the submission of a quarterly report under this subpart and part 75 of this chapter, except for the deadline set forth in paragraph (d)(3) of this section.

(e) ***Compliance certification.*** The 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 subpart and part 75 of this chapter, 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 § 75.34(a)(1) of this chapter, the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to part 75 of this chapter 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 paragraph (d)(1)(ii)(B) of this section, the NO_X emission rate and NO_X concentration values substituted for missing data under subpart D of part 75 of this chapter are calculated using only values from a control period and do not systematically underestimate NO_X emissions.

[81 FR 74621, Oct. 26, 2016, as amended at 88 FR 49308, July 31, 2023; 89 FR 87975, Nov. 6, 2024]

§ 97.835 Petitions for alternatives to monitoring, recordkeeping, or reporting requirements.

(a) The designated representative of a CSAPR NO_X Ozone Season Group 2 unit may submit a petition under § 75.66 of this chapter to the Administrator, requesting approval to apply an alternative to any requirement of §§ 97.830 through 97.834.

(b) A petition submitted under paragraph (a) of this section shall include sufficient information for the evaluation of the petition, including, at a minimum, the following information:

(1) Identification of each unit and source covered by the petition;

(2) A detailed explanation of why the proposed alternative is being suggested in lieu of the requirement;

(3) A description and diagram of any equipment and procedures used in the proposed alternative;

(4) A demonstration that the proposed alternative is consistent with the purposes of the requirement for which the alternative is proposed and with the purposes of this subpart and part 75 of this chapter and that any adverse effect of approving the alternative will be *de minimis;* and

(5) Any other relevant information that the Administrator may require.

(c) Use of an alternative to any requirement referenced in paragraph (a) of this section is in accordance with this subpart only to the extent that the petition is approved in writing by the Administrator and that such use is in accordance with such approval.

Appendix H

40 C.F.R. Part 63 Subpart ZZZZ

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines

Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Contents

SOURCE: 69 FR 33506, June 15, 2004, unless otherwise noted.

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WHAT THIS SUBPART COVERS

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§63.6580 What is the purpose of subpart ZZZZ?

Subpart ZZZZ establishes national emission limitations and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines (RICE) located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

[73 FR 3603, Jan. 18, 2008]

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§63.6585 Am I subject to this subpart?

You are subject to this subpart if you own or operate a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.

(a) A stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

(b) A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons (9.07 megagrams) or more per year or any combination of HAP at a rate of 25 tons (22.68 megagrams) or more per year, except that for oil and gas production facilities, a major source of HAP emissions is determined for each surface site.

(c) An area source of HAP emissions is a source that is not a major source.

(d) If you are an owner or operator of an area source subject to this subpart, your status as an entity subject to a standard or other requirements under this subpart does not subject you to the obligation to obtain a permit under 40 CFR part 70 or 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

(e) If you are an owner or operator of a stationary RICE used for national security purposes, you may be eligible to request an exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C.

(f) The emergency stationary RICE listed in paragraphs (f)(1) through (3) of this section are not subject to this subpart. The stationary RICE must meet the definition of an emergency stationary RICE in §63.6675, which includes operating according to the provisions specified in §63.6640(f).

(1) Existing residential emergency stationary RICE located at an area source of HAP emissions that do not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) and that do not operate for the purpose specified in §63.6640(f)(4)(ii).

(2) Existing commercial emergency stationary RICE located at an area source of HAP emissions that do not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) and that do not operate for the purpose specified in §63.6640(f)(4)(ii).

(3) Existing institutional emergency stationary RICE located at an area source of HAP emissions that do not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) and that do not operate for the purpose specified in §63.6640(f)(4)(ii).

[69 FR 33506, June 15, 2004, as amended at 73 FR 3603, Jan. 18, 2008; 78 FR 6700, Jan. 30, 2013]

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§63.6590 What parts of my plant does this subpart cover?

This subpart applies to each affected source.

(a) *Affected source.* An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand.

(1) *Existing stationary RICE.*

(i) For stationary RICE with a site rating of more than 500 brake horsepower (HP) located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before December 19, 2002.

(ii) For stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iii) For stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if you commenced construction or reconstruction of the stationary RICE before June 12, 2006.

(iv) A change in ownership of an existing stationary RICE does not make that stationary RICE a new or reconstructed stationary RICE.

(2) *New stationary RICE.* (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

(3) *Reconstructed stationary RICE.* (i) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after December 19, 2002.

(ii) A stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.

(iii) A stationary RICE located at an area source of HAP emissions is reconstructed if you meet the definition of reconstruction in §63.2 and reconstruction is commenced on or after June 12, 2006.

(b) *Stationary RICE subject to limited requirements.* (1) An affected source which meets either of the criteria in paragraphs (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of §63.6645(f).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that does not operate or is not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(2) A new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of §63.6645(f)

and the requirements of §§63.6625(c), 63.6650(g), and 63.6655(c). These stationary RICE do not have to meet the emission limitations and operating limitations of this subpart.

(3) The following stationary RICE do not have to meet the requirements of this subpart and of subpart A of this part, including initial notification requirements:

(i) Existing spark ignition 2 stroke lean burn (2SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(ii) Existing spark ignition 4 stroke lean burn (4SLB) stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(iii) Existing emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that does not operate or is not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(iv) Existing limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions;

(v) Existing stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(c) *Stationary RICE subject to Regulations under 40 CFR Part 60.* An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of this section must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

(1) A new or reconstructed stationary RICE located at an area source;

(2) A new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(3) A new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake HP located at a major source of HAP emissions;

(4) A new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(5) A new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis;

(6) A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

(7) A new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9674, Mar. 3, 2010; 75 FR 37733, June 30, 2010; 75 FR 51588, Aug. 20, 2010; 78 FR 6700, Jan. 30, 2013]

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§63.6595 When do I have to comply with this subpart?

(a) *Affected sources.* (1) If you have an existing stationary RICE, excluding existing non-emergency CI stationary RICE, with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the applicable emission limitations, operating limitations and other requirements no later than June 15, 2007. If you have an existing non-emergency CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, an existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary CI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013. If you have an existing stationary SI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions, or an existing stationary SI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations, operating limitations, and other requirements no later than October 19, 2013.

(2) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart no later than August 16, 2004.

(3) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions after August 16, 2004, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(4) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(5) If you start up your new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(6) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions before January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart no later than January 18, 2008.

(7) If you start up your new or reconstructed stationary RICE located at an area source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of your affected source.

(b) *Area sources that become major sources.* If you have an area source that increases its emissions or its potential to emit such that it becomes a major source of HAP, the compliance dates in paragraphs (b)(1) and (2) of this section apply to you.

(1) Any stationary RICE for which construction or reconstruction is commenced after the date when your area source becomes a major source of HAP must be in compliance with this subpart upon startup of your affected source.

(2) Any stationary RICE for which construction or reconstruction is commenced before your area source becomes a major source of HAP must be in compliance with the provisions of this subpart that are applicable to RICE located at major sources within 3 years after your area source becomes a major source of HAP.

(c) If you own or operate an affected source, you must meet the applicable notification requirements in §63.6645 and in 40 CFR part 63, subpart A.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3604, Jan. 18, 2008; 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 78 FR 6701, Jan. 30, 2013]

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EMISSION AND OPERATING LIMITATIONS

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§63.6600 What emission limitations and operating limitations must I meet if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

(a) If you own or operate an existing, new, or reconstructed spark ignition 4SRB stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 1a to this subpart and the operating limitations in Table 1b to this subpart which apply to you.

(b) If you own or operate a new or reconstructed 2SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, a new or reconstructed 4SLB stationary RICE with a site rating of more than 500 brake HP located at major source of HAP emissions, or a new or reconstructed CI stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

(c) If you own or operate any of the following stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the emission limitations in Tables 1a, 2a, 2c, and 2d to this subpart or operating limitations in Tables 1b and 2b to this subpart: an existing 2SLB stationary RICE; an existing 4SLB stationary RICE; a stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis; an emergency stationary RICE; or a limited use stationary RICE.

(d) If you own or operate an existing non-emergency stationary CI RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations in Table 2c to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010]

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§63.6601 What emission limitations must I meet if I own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP and less than or equal to 500 brake HP located at a major source of HAP emissions?

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart. If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at major source of HAP emissions manufactured on or after January 1, 2008, you must comply with the emission limitations in Table 2a to this subpart and the operating limitations in Table 2b to this subpart which apply to you.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 9675, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010]

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§63.6602 What emission limitations and other requirements must I meet if I own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions, you must comply with the emission limitations and other requirements in Table 2c to this subpart which apply to you. Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

[78 FR 6701, Jan. 30, 2013]

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§63.6603 What emission limitations, operating limitations, and other requirements must I meet if I own or operate an existing stationary RICE located at an area source of HAP emissions?

Compliance with the numerical emission limitations established in this subpart is based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in §63.6620 and Table 4 to this subpart.

(a) If you own or operate an existing stationary RICE located at an area source of HAP emissions, you must comply with the requirements in Table 2d to this subpart and the operating limitations in Table 2b to this subpart that apply to you.

(b) If you own or operate an existing stationary non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP that meets either paragraph (b)(1) or (2) of this section, you do not have to meet the numerical CO emission limitations specified in Table 2d of this subpart. Existing stationary non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP that meet either paragraph (b)(1) or (2) of this section must meet the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of this subpart.

(1) The area source is located in an area of Alaska that is not accessible by the Federal Aid Highway System (FAHS).

(2) The stationary RICE is located at an area source that meets paragraphs (b)(2)(i), (ii), and (iii) of this section.

(i) The only connection to the FAHS is through the Alaska Marine Highway System (AMHS), or the stationary RICE operation is within an isolated grid in Alaska that is not connected to the statewide electrical grid referred to as the Alaska Railbelt Grid.

(ii) At least 10 percent of the power generated by the stationary RICE on an annual basis is used for residential purposes.

(iii) The generating capacity of the area source is less than 12 megawatts, or the stationary RICE is used exclusively for backup power for renewable energy.

(c) If you own or operate an existing stationary non-emergency CI RICE with a site rating of more than 300 HP located on an offshore vessel that is an area source of HAP and is a nonroad vehicle that is an Outer Continental Shelf (OCS) source as defined in 40 CFR 55.2, you do not have to meet the numerical CO emission limitations specified in Table 2d of this subpart. You must meet all of the following management practices:

(1) Change oil every 1,000 hours of operation or annually, whichever comes first. Sources have the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement.

(2) Inspect and clean air filters every 750 hours of operation or annually, whichever comes first, and replace as necessary.

(3) Inspect fuel filters and belts, if installed, every 750 hours of operation or annually, whichever comes first, and replace as necessary.

(4) Inspect all flexible hoses every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.

(d) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 1 or Tier 2 emission standards in Table 1 of 40 CFR 89.112 and that is subject to an enforceable state or local standard that requires the engine to be replaced no later than June 1, 2018, you may until January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018, choose to comply with the management practices that are shown for stationary non-emergency CI RICE with a site rating of less than or equal to 300 HP in Table 2d of this subpart instead of the applicable emission limitations in Table 2d, operating limitations in Table 2b, and crankcase ventilation system requirements in §63.6625(g). You must comply with the emission limitations in Table 2d and operating limitations in Table 2b that apply for non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions by January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018. You must also comply with the crankcase ventilation system requirements in §63.6625(g) by January 1, 2015, or 12 years after the installation date of the engine (whichever is later), but not later than June 1, 2018.

(e) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 3 (Tier 2 for engines above 560 kilowatt (kW)) emission standards in Table 1 of 40 CFR 89.112, you may comply with the requirements under this part by meeting the requirements for Tier 3 engines (Tier 2 for engines above 560 kW) in 40 CFR part 60 subpart IIII instead of the emission limitations and other requirements that would otherwise apply under this part for existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions.

(f) An existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP must meet the definition of remote stationary RICE in §63.6675 on the initial compliance date for the engine, October 19, 2013, in order to be considered a remote stationary RICE under this subpart. Owners and operators of existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that meet the definition of remote stationary RICE in §63.6675 of this subpart as of October 19, 2013 must evaluate the status of their stationary RICE every 12 months. Owners and operators must keep records of the initial and annual evaluation of the status of the engine. If the evaluation indicates that the stationary RICE no longer meets the definition of remote stationary RICE in §63.6675 of this subpart, the owner or operator must comply with all of the requirements for existing non-emergency SI 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at area sources of HAP that are not remote stationary RICE within 1 year of the evaluation.

[75 FR 9675, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011; 78 FR 6701, Jan. 30, 2013]

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§63.6604 What fuel requirements must I meet if I own or operate a stationary CI RICE?

(a) If you own or operate an existing non-emergency, non-black start CI stationary RICE with a site rating of more than 300 brake HP with a displacement of less than 30 liters per cylinder that uses diesel fuel, you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel.

(b) Beginning January 1, 2015, if you own or operate an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in §63.6640(f)(4)(ii), you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.

(c) Beginning January 1, 2015, if you own or operate a new emergency CI stationary RICE with a site rating of more than 500 brake HP and a displacement of less than 30 liters per cylinder located at a major source of HAP that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii), you must use diesel fuel that meets the requirements in 40 CFR 80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.

(d) Existing CI stationary RICE located in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, at area sources in areas of Alaska that meet either §63.6603(b)(1) or §63.6603(b)(2), or are on offshore vessels that meet §63.6603(c) are exempt from the requirements of this section.

[78 FR 6702, Jan. 30, 2013]

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GENERAL COMPLIANCE REQUIREMENTS

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§63.6605 What are my general requirements for complying with this subpart?

(a) You must be in compliance with the emission limitations, operating limitations, and other requirements in this subpart that apply to you at all times.

(b) At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[75 FR 9675, Mar. 3, 2010, as amended at 78 FR 6702, Jan. 30, 2013]

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TESTING AND INITIAL COMPLIANCE REQUIREMENTS

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§63.6610 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions?

If you own or operate a stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct the initial performance test or other initial compliance demonstrations in Table 4 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions in §63.7(a)(2).

(b) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you must demonstrate initial compliance with either the proposed emission limitations or the promulgated emission limitations no later than February 10, 2005 or no later than 180 days after startup of the source, whichever is later, according to §63.7(a)(2)(ix).

(c) If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004 and own or operate stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, and you chose to comply with the proposed emission limitations when demonstrating initial compliance, you must conduct a second performance test to demonstrate compliance with the promulgated emission limitations by December 13, 2007 or after startup of the source, whichever is later, according to §63.7(a)(2)(ix).

(d) An owner or operator is not required to conduct an initial performance test on units for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (d)(1) through (5) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

(5) The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3605, Jan. 18, 2008]

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§63.6611 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate a new or reconstructed 4SLB SI stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions?

If you own or operate a new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must conduct an initial performance test within 240 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions specified in Table 4 to this subpart, as appropriate.

[73 FR 3605, Jan. 18, 2008, as amended at 75 FR 51589, Aug. 20, 2010]

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§63.6612 By what date must I conduct the initial performance tests or other initial compliance demonstrations if I own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions?

If you own or operate an existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing stationary RICE located at an area source of HAP emissions you are subject to the requirements of this section.

(a) You must conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 to this subpart that apply to you within 180 days after the compliance date that is specified for your stationary RICE in §63.6595 and according to the provisions in §63.7(a)(2).

(b) An owner or operator is not required to conduct an initial performance test on a unit for which a performance test has been previously conducted, but the test must meet all of the conditions described in paragraphs (b)(1) through (4) of this section.

(1) The test must have been conducted using the same methods specified in this subpart, and these methods must have been followed correctly.

(2) The test must not be older than 2 years.

(3) The test must be reviewed and accepted by the Administrator.

(4) Either no process or equipment changes must have been made since the test was performed, or the owner or operator must be able to demonstrate that the results of the performance test, with or without adjustments, reliably demonstrate compliance despite process or equipment changes.

[75 FR 9676, Mar. 3, 2010, as amended at 75 FR 51589, Aug. 20, 2010]

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§63.6615 When must I conduct subsequent performance tests?

If you must comply with the emission limitations and operating limitations, you must conduct subsequent performance tests as specified in Table 3 of this subpart.

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§63.6620 What performance tests and other procedures must I use?

(a) You must conduct each performance test in Tables 3 and 4 of this subpart that applies to you.

(b) Each performance test must be conducted according to the requirements that this subpart specifies in Table 4 to this subpart. If you own or operate a non-operational stationary RICE that is subject to performance testing, you do not need to start up the engine solely to conduct the performance test. Owners and operators of a non-operational engine can conduct the performance test when the engine is started up again. The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load for the stationary RICE listed in paragraphs (b)(1) through (4) of this section.

(1) Non-emergency 4SRB stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(2) New non-emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 brake HP located at a major source of HAP emissions.

(3) New non-emergency 2SLB stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(4) New non-emergency CI stationary RICE with a site rating of greater than 500 brake HP located at a major source of HAP emissions.

(c) [Reserved]

(d) You must conduct three separate test runs for each performance test required in this section, as specified in §63.7(e)(3). Each test run must last at least 1 hour, unless otherwise specified in this subpart.

(e)(1) You must use Equation 1 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \quad (Eq.\ 1)$$

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Where:

C_i = concentration of carbon monoxide (CO), total hydrocarbons (THC), or formaldehyde at the control device inlet,

C_o = concentration of CO, THC, or formaldehyde at the control device outlet, and

R = percent reduction of CO, THC, or formaldehyde emissions.

(2) You must normalize the CO, THC, or formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide (CO_2). If pollutant concentrations are to be corrected to 15 percent oxygen and CO_2 concentration is measured in lieu of oxygen concentration measurement, a CO_2correction factor is needed. Calculate the CO_2 correction factor as described in paragraphs (e)(2)(i) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209\ F_d}{F_c} \quad (Eq.\ 2)$$

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Where:

F_o = Fuel factor based on the ratio of oxygen volume to the ultimate CO_2 volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.

F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm^3/J ($dscf/10^6$ Btu).

F_c = Ratio of the volume of CO_2 produced to the gross calorific value of the fuel from Method 19, dsm^3/J ($dscf/10^6$ Btu)

(ii) Calculate the CO_2 correction factor for correcting measurement data to 15 percent O_2, as follows:

$$X_{CO2} = \frac{5.9}{F_o} \quad (Eq.\ 3)$$

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Where:

X_{co2} = CO_2 correction factor, percent.

5.9 = 20.9 percent O_2—15 percent O_2, the defined O_2 correction value, percent.

(iii) Calculate the CO, THC, and formaldehyde gas concentrations adjusted to 15 percent O_2 using CO_2 as follows:

$$C_{adj} = C_d \frac{X_{CO2}}{\%CO_2} \quad (Eq.\ 4)$$

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Where:

C_{adj} = Calculated concentration of CO, THC, or formaldehyde adjusted to 15 percent O_2.

C_d = Measured concentration of CO, THC, or formaldehyde, uncorrected.

X_{CO2} = CO_2 correction factor, percent.

$\%CO_2$ = Measured CO_2 concentration measured, dry basis, percent.

(f) If you comply with the emission limitation to reduce CO and you are not using an oxidation catalyst, if you comply with the emission limitation to reduce formaldehyde and you are not using NSCR, or if you comply with the emission limitation to limit the concentration of formaldehyde in the stationary RICE exhaust and you are not using an oxidation catalyst or NSCR, you must petition the Administrator for operating limitations to be established during the initial performance test and continuously monitored thereafter; or for approval of no operating limitations. You must not conduct the initial performance test until after the petition has been approved by the Administrator.

(g) If you petition the Administrator for approval of operating limitations, your petition must include the information described in paragraphs (g)(1) through (5) of this section.

(1) Identification of the specific parameters you propose to use as operating limitations;

(2) A discussion of the relationship between these parameters and HAP emissions, identifying how HAP emissions change with changes in these parameters, and how limitations on these parameters will serve to limit HAP emissions;

(3) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations;

(4) A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and

(5) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.

(h) If you petition the Administrator for approval of no operating limitations, your petition must include the information described in paragraphs (h)(1) through (7) of this section.

(1) Identification of the parameters associated with operation of the stationary RICE and any emission control device which could change intentionally (*e.g.,* operator adjustment, automatic controller adjustment, etc.) or unintentionally (*e.g.,*wear and tear, error, etc.) on a routine basis or over time;

(2) A discussion of the relationship, if any, between changes in the parameters and changes in HAP emissions;

(3) For the parameters which could change in such a way as to increase HAP emissions, a discussion of whether establishing limitations on the parameters would serve to limit HAP emissions;

(4) For the parameters which could change in such a way as to increase HAP emissions, a discussion of how you could establish upper and/or lower values for the parameters which would establish limits on the parameters in operating limitations;

(5) For the parameters, a discussion identifying the methods you could use to measure them and the instruments you could use to monitor them, as well as the relative accuracy and precision of the methods and instruments;

(6) For the parameters, a discussion identifying the frequency and methods for recalibrating the instruments you could use to monitor them; and

(7) A discussion of why, from your point of view, it is infeasible or unreasonable to adopt the parameters as operating limitations.

(i) The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report: the engine model number, the engine manufacturer, the year of purchase, the manufacturer's site-rated brake horsepower, the ambient temperature, pressure, and humidity during the performance test, and all assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained. If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9676, Mar. 3, 2010; 78 FR 6702, Jan. 30, 2013]

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§63.6625 What are my monitoring, installation, collection, operation, and maintenance requirements?

(a) If you elect to install a CEMS as specified in Table 5 of this subpart, you must install, operate, and maintain a CEMS to monitor CO and either O_2 or CO_2 according to the requirements in paragraphs (a)(1) through (4) of this section. If you are meeting a requirement to reduce CO emissions, the CEMS must be installed at both the inlet and outlet of the control device. If you are meeting a requirement to limit the concentration of CO, the CEMS must be installed at the outlet of the control device.

(1) Each CEMS must be installed, operated, and maintained according to the applicable performance specifications of 40 CFR part 60, appendix B.

(2) You must conduct an initial performance evaluation and an annual relative accuracy test audit (RATA) of each CEMS according to the requirements in §63.8 and according to the applicable performance specifications of 40 CFR part 60, appendix B as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.

(3) As specified in §63.8(c)(4)(ii), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. You must have at least two data points, with each representing a different 15-minute period, to have a valid hour of data.

(4) The CEMS data must be reduced as specified in §63.8(g)(2) and recorded in parts per million or parts per billion (as appropriate for the applicable limitation) at 15 percent oxygen or the equivalent CO_2 concentration.

(b) If you are required to install a continuous parameter monitoring system (CPMS) as specified in Table 5 of this subpart, you must install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (6) of this section. For an affected source that is complying with the emission

limitations and operating limitations on March 9, 2011, the requirements in paragraph (b) of this section are applicable September 6, 2011.

(1) You must prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements outlined in paragraphs (b)(1)(i) through (v) of this section and in §63.8(d). As specified in §63.8(f)(4), you may request approval of monitoring system quality assurance and quality control procedures alternative to those specified in paragraphs (b)(1) through (5) of this section in your site-specific monitoring plan.

(i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations;

(ii) Sampling interface (*e.g.,* thermocouple) location such that the monitoring system will provide representative measurements;

(iii) Equipment performance evaluations, system accuracy audits, or other audit procedures;

(iv) Ongoing operation and maintenance procedures in accordance with provisions in §63.8(c)(1)(ii) and (c)(3); and

(v) Ongoing reporting and recordkeeping procedures in accordance with provisions in §63.10(c), (e)(1), and (e)(2)(i).

(2) You must install, operate, and maintain each CPMS in continuous operation according to the procedures in your site-specific monitoring plan.

(3) The CPMS must collect data at least once every 15 minutes (see also §63.6635).

(4) For a CPMS for measuring temperature range, the temperature sensor must have a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit) or 1 percent of the measurement range, whichever is larger.

(5) You must conduct the CPMS equipment performance evaluation, system accuracy audits, or other audit procedures specified in your site-specific monitoring plan at least annually.

(6) You must conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must monitor and record your fuel usage daily with separate fuel meters to measure the volumetric flow rate of each fuel. In addition, you must operate your stationary RICE in a manner which reasonably minimizes HAP emissions.

(d) If you are operating a new or reconstructed emergency 4SLB stationary RICE with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source of HAP emissions, you must install a non-resettable hour meter prior to the startup of the engine.

(e) If you own or operate any of the following stationary RICE, you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions:

(1) An existing stationary RICE with a site rating of less than 100 HP located at a major source of HAP emissions;

(2) An existing emergency or black start stationary RICE with a site rating of less than or equal to 500 HP located at a major source of HAP emissions;

(3) An existing emergency or black start stationary RICE located at an area source of HAP emissions;

(4) An existing non-emergency, non-black start stationary CI RICE with a site rating less than or equal to 300 HP located at an area source of HAP emissions;

(5) An existing non-emergency, non-black start 2SLB stationary RICE located at an area source of HAP emissions;

(6) An existing non-emergency, non-black start stationary RICE located at an area source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis.

(7) An existing non-emergency, non-black start 4SLB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(8) An existing non-emergency, non-black start 4SRB stationary RICE with a site rating less than or equal to 500 HP located at an area source of HAP emissions;

(9) An existing, non-emergency, non-black start 4SLB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year; and

(10) An existing, non-emergency, non-black start 4SRB stationary RICE with a site rating greater than 500 HP located at an area source of HAP emissions that is operated 24 hours or less per calendar year.

(f) If you own or operate an existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions or an existing emergency stationary RICE located at an area source of HAP emissions, you must install a non-resettable hour meter if one is not already installed.

(g) If you own or operate an existing non-emergency, non-black start CI engine greater than or equal to 300 HP that is not equipped with a closed crankcase ventilation system, you must comply with either paragraph (g)(1) or paragraph (2) of this section. Owners and operators must follow the manufacturer's specified maintenance requirements for operating and maintaining the open or closed crankcase ventilation systems and replacing the crankcase filters, or can request the Administrator to approve different maintenance requirements that are as protective as manufacturer requirements. Existing CI engines located at area sources in areas of Alaska that meet either §63.6603(b)(1) or §63.6603(b)(2) do not have to meet the requirements of this paragraph (g). Existing CI engines located on offshore vessels that meet §63.6603(c) do not have to meet the requirements of this paragraph (g).

(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or

(2) Install an open crankcase filtration emission control system that reduces emissions from the crankcase by filtering the exhaust stream to remove oil mist, particulates and metals.

(h) If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.

(i) If you own or operate a stationary CI engine that is subject to the work, operation or management practices in items 1 or 2 of Table 2c to this subpart or in items 1 or 4 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

(j) If you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 6, 7, or 8 of Table 2c to this subpart or in items 5, 6, 7, 9, or 11 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 business days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 business days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.

[69 FR 33506, June 15, 2004, as amended at 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51589, Aug. 20, 2010; 76 FR 12866, Mar. 9, 2011; 78 FR 6703, Jan. 30, 2013]

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§63.6630 How do I demonstrate initial compliance with the emission limitations, operating limitations, and other requirements?

(a) You must demonstrate initial compliance with each emission limitation, operating limitation, and other requirement that applies to you according to Table 5 of this subpart.

(b) During the initial performance test, you must establish each operating limitation in Tables 1b and 2b of this subpart that applies to you.

(c) You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in §63.6645.

(d) Non-emergency 4SRB stationary RICE complying with the requirement to reduce formaldehyde emissions by 76 percent or more can demonstrate initial compliance with the formaldehyde emission limit by testing for THC instead of formaldehyde. The testing must be conducted according to the requirements in Table 4 of this subpart. The average reduction of emissions of THC determined from the performance test must be equal to or greater than 30 percent.

(e) The initial compliance demonstration required for existing non-emergency 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year must be conducted according to the following requirements:

(1) The compliance demonstration must consist of at least three test runs.

(2) Each test run must be of at least 15 minute duration, except that each test conducted using the method in appendix A to this subpart must consist of at least one measurement cycle and include at least 2 minutes of test data phase measurement.

(3) If you are demonstrating compliance with the CO concentration or CO percent reduction requirement, you must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using appendix A to this subpart.

(4) If you are demonstrating compliance with the THC percent reduction requirement, you must measure THC emissions using Method 25A, reported as propane, of 40 CFR part 60, appendix A.

(5) You must measure O_2 using one of the O_2 measurement methods specified in Table 4 of this subpart. Measurements to determine O_2 concentration must be made at the same time as the measurements for CO or THC concentration.

(6) If you are demonstrating compliance with the CO or THC percent reduction requirement, you must measure CO or THC emissions and O_2 emissions simultaneously at the inlet and outlet of the control device.

[69 FR 33506, June 15, 2004, as amended at 78 FR 6704, Jan. 30, 2013]

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CONTINUOUS COMPLIANCE REQUIREMENTS

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§63.6635 How do I monitor and collect data to demonstrate continuous compliance?

(a) If you must comply with emission and operating limitations, you must monitor and collect data according to this section.

(b) Except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, you must monitor continuously at all times that the stationary RICE is operating. A monitoring malfunction is any sudden, infrequent, not reasonably

preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(c) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. You must, however, use all the valid data collected during all other periods.

[69 FR 33506, June 15, 2004, as amended at 76 FR 12867, Mar. 9, 2011]

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§63.6640 How do I demonstrate continuous compliance with the emission limitations, operating limitations, and other requirements?

(a) You must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you according to methods specified in Table 6 to this subpart.

(b) You must report each instance in which you did not meet each emission limitation or operating limitation in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you. These instances are deviations from the emission and operating limitations in this subpart. These deviations must be reported according to the requirements in §63.6650. If you change your catalyst, you must reestablish the values of the operating parameters measured during the initial performance test. When you reestablish the values of your operating parameters, you must also conduct a performance test to demonstrate that you are meeting the required emission limitation applicable to your stationary RICE.

(c) The annual compliance demonstration required for existing non-emergency 4SLB and 4SRB stationary RICE with a site rating of more than 500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year must be conducted according to the following requirements:

(1) The compliance demonstration must consist of at least one test run.

(2) Each test run must be of at least 15 minute duration, except that each test conducted using the method in appendix A to this subpart must consist of at least one measurement cycle and include at least 2 minutes of test data phase measurement.

(3) If you are demonstrating compliance with the CO concentration or CO percent reduction requirement, you must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using appendix A to this subpart.

(4) If you are demonstrating compliance with the THC percent reduction requirement, you must measure THC emissions using Method 25A, reported as propane, of 40 CFR part 60, appendix A.

(5) You must measure O_2 using one of the O_2 measurement methods specified in Table 4 of this subpart. Measurements to determine O_2 concentration must be made at the same time as the measurements for CO or THC concentration.

(6) If you are demonstrating compliance with the CO or THC percent reduction requirement, you must measure CO or THC emissions and O_2 emissions simultaneously at the inlet and outlet of the control device.

(7) If the results of the annual compliance demonstration show that the emissions exceed the levels specified in Table 6 of this subpart, the stationary RICE must be shut down as soon as safely possible, and appropriate corrective action must be taken (e.g., repairs, catalyst cleaning, catalyst replacement). The stationary RICE must be retested within 7 days of being restarted and the emissions must meet the levels specified in Table 6 of this subpart. If the retest shows that the emissions continue to exceed the specified levels, the stationary RICE must again be shut down as soon as safely possible, and the stationary RICE may not operate, except for purposes of startup and testing, until the owner/operator demonstrates through testing that the emissions do not exceed the levels specified in Table 6 of this subpart.

(d) For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR 94.11(a).

(e) You must also report each instance in which you did not meet the requirements in Table 8 to this subpart that apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing emergency stationary RICE, an existing limited use stationary RICE, or an existing stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in Table 8 to this subpart, except for the initial notification requirements: a new or reconstructed stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new or reconstructed emergency stationary RICE, or a new or reconstructed limited use stationary RICE.

(f) If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary RICE in emergency situations.

(2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

(ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(4) Emergency stationary RICE located at area sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. Except as provided in paragraphs (f)(4)(i) and (ii) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.

(ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3606, Jan. 18, 2008; 75 FR 9676, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010; 78 FR 6704, Jan. 30, 2013]

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NOTIFICATIONS, REPORTS, AND RECORDS

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§63.6645 What notifications must I submit and when?

(a) You must submit all of the notifications in §§63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to you by the dates specified if you own or operate any of the following;

(1) An existing stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.

(2) An existing stationary RICE located at an area source of HAP emissions.

(3) A stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

(4) A new or reconstructed 4SLB stationary RICE with a site rating of greater than or equal to 250 HP located at a major source of HAP emissions.

(5) This requirement does not apply if you own or operate an existing stationary RICE less than 100 HP, an existing stationary emergency RICE, or an existing stationary RICE that is not subject to any numerical emission standards.

(b) As specified in §63.9(b)(2), if you start up your stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart, you must submit an Initial Notification not later than December 13, 2004.

(c) If you start up your new or reconstructed stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions on or after August 16, 2004, you must submit an Initial Notification not later than 120 days after you become subject to this subpart.

(d) As specified in §63.9(b)(2), if you start up your stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions before the effective date of this subpart and you are required to submit an initial notification, you must submit an Initial Notification not later than July 16, 2008.

(e) If you start up your new or reconstructed stationary RICE with a site rating of equal to or less than 500 brake HP located at a major source of HAP emissions on or after March 18, 2008 and you are required to submit an initial notification, you must submit an Initial Notification not later than 120 days after you become subject to this subpart.

(f) If you are required to submit an Initial Notification but are otherwise not affected by the requirements of this subpart, in accordance with §63.6590(b), your notification should include the information in §63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions).

(g) If you are required to conduct a performance test, you must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in §63.7(b)(1).

(h) If you are required to conduct a performance test or other initial compliance demonstration as specified in Tables 4 and 5 to this subpart, you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii).

(1) For each initial compliance demonstration required in Table 5 to this subpart that does not include a performance test, you must submit the Notification of Compliance Status before the close of business on the 30th day following the completion of the initial compliance demonstration.

(2) For each initial compliance demonstration required in Table 5 to this subpart that includes a performance test conducted according to the requirements in Table 3 to this subpart, you must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day following the completion of the performance test according to §63.10(d)(2).

(i) If you own or operate an existing non-emergency CI RICE with a site rating of more than 300 HP located at an area source of HAP emissions that is certified to the Tier 1 or Tier 2 emission standards in Table 1 of 40 CFR 89.112 and subject to an enforceable state or local standard requiring engine replacement and you intend to meet management practices rather than emission limits, as specified in §63.6603(d), you must submit a notification by March 3, 2013, stating that you intend to use the provision in §63.6603(d) and identifying the state or local regulation that the engine is subject to.

[73 FR 3606, Jan. 18, 2008, as amended at 75 FR 9677, Mar. 3, 2010; 75 FR 51591, Aug. 20, 2010; 78 FR 6705, Jan. 30, 2013]

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§63.6650 What reports must I submit and when?

(a) You must submit each report in Table 7 of this subpart that applies to you.

(b) Unless the Administrator has approved a different schedule for submission of reports under §63.10(a), you must submit each report by the date in Table 7 of this subpart and according to the requirements in paragraphs (b)(1) through (b)(9) of this section.

(1) For semiannual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for your source in §63.6595.

(2) For semiannual Compliance reports, the first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for your affected source in §63.6595.

(3) For semiannual Compliance reports, each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(4) For semiannual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(5) For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6 (a)(3)(iii)(A), you may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in paragraphs (b)(1) through (b)(4) of this section.

(6) For annual Compliance reports, the first Compliance report must cover the period beginning on the compliance date that is specified for your affected source in §63.6595 and ending on December 31.

(7) For annual Compliance reports, the first Compliance report must be postmarked or delivered no later than January 31 following the end of the first calendar year after the compliance date that is specified for your affected source in §63.6595.

(8) For annual Compliance reports, each subsequent Compliance report must cover the annual reporting period from January 1 through December 31.

(9) For annual Compliance reports, each subsequent Compliance report must be postmarked or delivered no later than January 31.

(c) The Compliance report must contain the information in paragraphs (c)(1) through (6) of this section.

(1) Company name and address.

(2) Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If you had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.6605(b), including actions taken to correct a malfunction.

(5) If there are no deviations from any emission or operating limitations that apply to you, a statement that there were no deviations from the emission or operating limitations during the reporting period.

(6) If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.

(d) For each deviation from an emission or operating limitation that occurs for a stationary RICE where you are not using a CMS to comply with the emission or operating limitations in this subpart, the Compliance report must contain the information in paragraphs (c)(1) through (4) of this section and the information in paragraphs (d)(1) and (2) of this section.

(1) The total operating time of the stationary RICE at which the deviation occurred during the reporting period.

(2) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

(e) For each deviation from an emission or operating limitation occurring for a stationary RICE where you are using a CMS to comply with the emission and operating limitations in this subpart, you must include information in paragraphs (c)(1) through (4) and (e)(1) through (12) of this section.

(1) The date and time that each malfunction started and stopped.

(2) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(3) The date, time, and duration that each CMS was out-of-control, including the information in §63.8(c)(8).

(4) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(5) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(6) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(7) A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.

(8) An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE.

(9) A brief description of the stationary RICE.

(10) A brief description of the CMS.

(11) The date of the latest CMS certification or audit.

(12) A description of any changes in CMS, processes, or controls since the last reporting period.

(f) Each affected source that has obtained a title V operating permit pursuant to 40 CFR part 70 or 71 must report all deviations as defined in this subpart in the semiannual monitoring report required by 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of this subpart along with, or as part of, the semiannual monitoring report required by 40 CFR 70.6(a)(3)(iii)(A) or 40 CFR 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in this subpart, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.

(g) If you are operating as a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must submit an annual report according to Table 7 of this subpart by the date specified unless the Administrator has

approved a different schedule, according to the information described in paragraphs (b)(1) through (b)(5) of this section. You must report the data specified in (g)(1) through (g)(3) of this section.

(1) Fuel flow rate of each fuel and the heating values that were used in your calculations. You must also demonstrate that the percentage of heat input provided by landfill gas or digester gas is equivalent to 10 percent or more of the total fuel consumption on an annual basis.

(2) The operating limits provided in your federally enforceable permit, and any deviations from these limits.

(3) Any problems or errors suspected with the meters.

(h) If you own or operate an emergency stationary RICE with a site rating of more than 100 brake HP that operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in §63.6640(f)(4)(ii), you must submit an annual report according to the requirements in paragraphs (h)(1) through (3) of this section.

(1) The report must contain the following information:

(i) Company name and address where the engine is located.

(ii) Date of the report and beginning and ending dates of the reporting period.

(iii) Engine site rating and model year.

(iv) Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.

(v) Hours operated for the purposes specified in §63.6640(f)(2)(ii) and (iii), including the date, start time, and end time for engine operation for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(vi) Number of hours the engine is contractually obligated to be available for the purposes specified in §63.6640(f)(2)(ii) and (iii).

(vii) Hours spent for operation for the purpose specified in §63.6640(f)(4)(ii), including the date, start time, and end time for engine operation for the purposes specified in §63.6640(f)(4)(ii). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.

(viii) If there were no deviations from the fuel requirements in §63.6604 that apply to the engine (if any), a statement that there were no deviations from the fuel requirements during the reporting period.

(ix) If there were deviations from the fuel requirements in §63.6604 that apply to the engine (if any), information on the number, duration, and cause of deviations, and the corrective action taken.

(2) The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.

(3) The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*). However, if the reporting form specific to this subpart is not

available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in §63.13.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9677, Mar. 3, 2010; 78 FR 6705, Jan. 30, 2013]

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§63.6655 What records must I keep?

(a) If you must comply with the emission and operating limitations, you must keep the records described in paragraphs (a)(1) through (a)(5), (b)(1) through (b)(3) and (c) of this section.

(1) A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).

(2) Records of the occurrence and duration of each malfunction of operation (*i.e.,* process equipment) or the air pollution control and monitoring equipment.

(3) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).

(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(b) For each CEMS or CPMS, you must keep the records listed in paragraphs (b)(1) through (3) of this section.

(1) Records described in §63.10(b)(2)(vi) through (xi).

(2) Previous (*i.e.,* superseded) versions of the performance evaluation plan as required in §63.8(d)(3).

(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in §63.8(f)(6)(i), if applicable.

(c) If you are operating a new or reconstructed stationary RICE which fires landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, you must keep the records of your daily fuel usage monitors.

(d) You must keep the records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.

(e) You must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan if you own or operate any of the following stationary RICE;

(1) An existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions.

(2) An existing stationary emergency RICE.

(3) An existing stationary RICE located at an area source of HAP emissions subject to management practices as shown in Table 2d to this subpart.

(f) If you own or operate any of the stationary RICE in paragraphs (f)(1) through (2) of this section, you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.

(1) An existing emergency stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions that does not meet the standards applicable to non-emergency engines.

(2) An existing emergency stationary RICE located at an area source of HAP emissions that does not meet the standards applicable to non-emergency engines.

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 78 FR 6706, Jan. 30, 2013]

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§63.6660 In what form and how long must I keep my records?

(a) Your records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1).

(b) As specified in §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).

[69 FR 33506, June 15, 2004, as amended at 75 FR 9678, Mar. 3, 2010]

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OTHER REQUIREMENTS AND INFORMATION

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§63.6665 What parts of the General Provisions apply to me?

Table 8 to this subpart shows which parts of the General Provisions in §§63.1 through 63.15 apply to you. If you own or operate a new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions (except new or reconstructed 4SLB engines greater than or equal to 250 and less than or equal to 500 brake HP), a new or reconstructed stationary RICE located at an area source of HAP emissions, or any of the following RICE with a site

rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with any of the requirements of the General Provisions specified in Table 8: An existing 2SLB stationary RICE, an existing 4SLB stationary RICE, an existing stationary RICE that combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, an existing emergency stationary RICE, or an existing limited use stationary RICE. If you own or operate any of the following RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, you do not need to comply with the requirements in the General Provisions specified in Table 8 except for the initial notification requirements: A new stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, a new emergency stationary RICE, or a new limited use stationary RICE.

[75 FR 9678, Mar. 3, 2010]

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§63.6670 Who implements and enforces this subpart?

(a) This subpart is implemented and enforced by the U.S. EPA, or a delegated authority such as your State, local, or tribal agency. If the U.S. EPA Administrator has delegated authority to your State, local, or tribal agency, then that agency (as well as the U.S. EPA) has the authority to implement and enforce this subpart. You should contact your U.S. EPA Regional Office to find out whether this subpart is delegated to your State, local, or tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or tribal agency under 40 CFR part 63, subpart E, the authorities contained in paragraph (c) of this section are retained by the Administrator of the U.S. EPA and are not transferred to the State, local, or tribal agency.

(c) The authorities that will not be delegated to State, local, or tribal agencies are:

(1) Approval of alternatives to the non-opacity emission limitations and operating limitations in §63.6600 under §63.6(g).

(2) Approval of major alternatives to test methods under §63.7(e)(2)(ii) and (f) and as defined in §63.90.

(3) Approval of major alternatives to monitoring under §63.8(f) and as defined in §63.90.

(4) Approval of major alternatives to recordkeeping and reporting under §63.10(f) and as defined in §63.90.

(5) Approval of a performance test which was conducted prior to the effective date of the rule, as specified in §63.6610(b).

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§63.6675 What definitions apply to this subpart?

Terms used in this subpart are defined in the Clean Air Act (CAA); in 40 CFR 63.2, the General Provisions of this part; and in this section as follows:

Alaska Railbelt Grid means the service areas of the six regulated public utilities that extend from Fairbanks to Anchorage and the Kenai Peninsula. These utilities are Golden Valley Electric Association;

Chugach Electric Association; Matanuska Electric Association; Homer Electric Association; Anchorage Municipal Light & Power; and the City of Seward Electric System.

Area source means any stationary source of HAP that is not a major source as defined in part 63.

Associated equipment as used in this subpart and as referred to in section 112(n)(4) of the CAA, means equipment associated with an oil or natural gas exploration or production well, and includes all equipment from the well bore to the point of custody transfer, except glycol dehydration units, storage vessels with potential for flash emissions, combustion turbines, and stationary RICE.

Backup power for renewable energy means an engine that provides backup power to a facility that generates electricity from renewable energy resources, as that term is defined in Alaska Statute 42.45.045(l)(5) (incorporated by reference, see §63.14).

Black start engine means an engine whose only purpose is to start up a combustion turbine.

CAA means the Clean Air Act (42 U.S.C. 7401 *et seq.,* as amended by Public Law 101-549, 104 Stat. 2399).

Commercial emergency stationary RICE means an emergency stationary RICE used in commercial establishments such as office buildings, hotels, stores, telecommunications facilities, restaurants, financial institutions such as banks, doctor's offices, and sports and performing arts facilities.

Compression ignition means relating to a type of stationary internal combustion engine that is not a spark ignition engine.

Custody transfer means the transfer of hydrocarbon liquids or natural gas: After processing and/or treatment in the producing operations, or from storage vessels or automatic transfer facilities or other such equipment, including product loading racks, to pipelines or any other forms of transportation. For the purposes of this subpart, the point at which such liquids or natural gas enters a natural gas processing plant is a point of custody transfer.

Deviation means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including but not limited to any emission limitation or operating limitation;

(2) Fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) Fails to meet any emission limitation or operating limitation in this subpart during malfunction, regardless or whether or not such failure is permitted by this subpart.

(4) Fails to satisfy the general duty to minimize emissions established by §63.6(e)(1)(i).

Diesel engine means any stationary RICE in which a high boiling point liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition. This process is also known as compression ignition.

Diesel fuel means any liquid obtained from the distillation of petroleum with a boiling point of approximately 150 to 360 degrees Celsius. One commonly used form is fuel oil number 2. Diesel fuel also

includes any non-distillate fuel with comparable physical and chemical properties (*e.g.* biodiesel) that is suitable for use in compression ignition engines.

Digester gas means any gaseous by-product of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and CO_2.

Dual-fuel engine means any stationary RICE in which a liquid fuel (typically diesel fuel) is used for compression ignition and gaseous fuel (typically natural gas) is used as the primary fuel.

Emergency stationary RICE means any stationary reciprocating internal combustion engine that meets all of the criteria in paragraphs (1) through (3) of this definition. All emergency stationary RICE must comply with the requirements specified in §63.6640(f) in order to be considered emergency stationary RICE. If the engine does not comply with the requirements specified in §63.6640(f), then it is not considered to be an emergency stationary RICE under this subpart.

(1) The stationary RICE is operated to provide electrical power or mechanical work during an emergency situation. Examples include stationary RICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary RICE used to pump water in the case of fire or flood, etc.

(2) The stationary RICE is operated under limited circumstances for situations not included in paragraph (1) of this definition, as specified in §63.6640(f).

(3) The stationary RICE operates as part of a financial arrangement with another entity in situations not included in paragraph (1) of this definition only as allowed in §63.6640(f)(2)(ii) or (iii) and §63.6640(f)(4)(i) or (ii).

Engine startup means the time from initial start until applied load and engine and associated equipment reaches steady state or normal operation. For stationary engine with catalytic controls, engine startup means the time from initial start until applied load and engine and associated equipment, including the catalyst, reaches steady state or normal operation.

Four-stroke engine means any type of engine which completes the power cycle in two crankshaft revolutions, with intake and compression strokes in the first revolution and power and exhaust strokes in the second revolution.

Gaseous fuel means a material used for combustion which is in the gaseous state at standard atmospheric temperature and pressure conditions.

Gasoline means any fuel sold in any State for use in motor vehicles and motor vehicle engines, or nonroad or stationary engines, and commonly or commercially known or sold as gasoline.

Glycol dehydration unit means a device in which a liquid glycol (including, but not limited to, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water in a contact tower or absorption column (absorber). The glycol contacts and absorbs water vapor and other gas stream constituents from the natural gas and becomes “rich” glycol. This glycol is then regenerated in the glycol dehydration unit reboiler. The “lean” glycol is then recycled.

Hazardous air pollutants (HAP) means any air pollutants listed in or pursuant to section 112(b) of the CAA.

Institutional emergency stationary RICE means an emergency stationary RICE used in institutional establishments such as medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations.

ISO standard day conditions means 288 degrees Kelvin (15 degrees Celsius), 60 percent relative humidity and 101.3 kilopascals pressure.

Landfill gas means a gaseous by-product of the land application of municipal refuse typically formed through the anaerobic decomposition of waste materials and composed principally of methane and CO_2.

Lean burn engine means any two-stroke or four-stroke spark ignited engine that does not meet the definition of a rich burn engine.

Limited use stationary RICE means any stationary RICE that operates less than 100 hours per year.

Liquefied petroleum gas means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production.

Liquid fuel means any fuel in liquid form at standard temperature and pressure, including but not limited to diesel, residual/crude oil, kerosene/naphtha (jet fuel), and gasoline.

Major Source, as used in this subpart, shall have the same meaning as in §63.2, except that:

(1) Emissions from any oil or gas exploration or production well (with its associated equipment (as defined in this section)) and emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other similar units, to determine whether such emission points or stations are major sources, even when emission points are in a contiguous area or under common control;

(2) For oil and gas production facilities, emissions from processes, operations, or equipment that are not part of the same oil and gas production facility, as defined in §63.1271 of subpart HHH of this part, shall not be aggregated;

(3) For production field facilities, only HAP emissions from glycol dehydration units, storage vessel with the potential for flash emissions, combustion turbines and reciprocating internal combustion engines shall be aggregated for a major source determination; and

(4) Emissions from processes, operations, and equipment that are not part of the same natural gas transmission and storage facility, as defined in §63.1271 of subpart HHH of this part, shall not be aggregated.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Natural gas means a naturally occurring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the Earth's surface, of which the principal constituent is methane. Natural gas may be field or pipeline quality.

Non-selective catalytic reduction (NSCR) means an add-on catalytic nitrogen oxides (NO_x) control device for rich burn engines that, in a two-step reaction, promotes the conversion of excess oxygen, NO_x, CO, and volatile organic compounds (VOC) into CO_2, nitrogen, and water.

Oil and gas production facility as used in this subpart means any grouping of equipment where hydrocarbon liquids are processed, upgraded (*i.e.,* remove impurities or other constituents to meet contract specifications), or stored prior to the point of custody transfer; or where natural gas is processed, upgraded, or stored prior to entering the natural gas transmission and storage source category. For purposes of a major source determination, facility (including a building, structure, or installation) means oil and natural gas production and processing equipment that is located within the boundaries of an individual surface site as defined in this section. Equipment that is part of a facility will typically be located within close proximity to other equipment located at the same facility. Pieces of production equipment or groupings of equipment located on different oil and gas leases, mineral fee tracts, lease tracts, subsurface or surface unit areas, surface fee tracts, surface lease tracts, or separate surface sites, whether or not connected by a road, waterway, power line or pipeline, shall not be considered part of the same facility. Examples of facilities in the oil and natural gas production source category include, but are not limited to, well sites, satellite tank batteries, central tank batteries, a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants.

Oxidation catalyst means an add-on catalytic control device that controls CO and VOC by oxidation.

Peaking unit or engine means any standby engine intended for use during periods of high demand that are not emergencies.

Percent load means the fractional power of an engine compared to its maximum manufacturer's design capacity at engine site conditions. Percent load may range between 0 percent to above 100 percent.

Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. For oil and natural gas production facilities subject to subpart HH of this part, the potential to emit provisions in §63.760(a) may be used. For natural gas transmission and storage facilities subject to subpart HHH of this part, the maximum annual facility gas throughput for storage facilities may be determined according to §63.1270(a)(1) and the maximum annual throughput for transmission facilities may be determined according to §63.1270(a)(2).

Production field facility means those oil and gas production facilities located prior to the point of custody transfer.

Production well means any hole drilled in the earth from which crude oil, condensate, or field natural gas is extracted.

Propane means a colorless gas derived from petroleum and natural gas, with the molecular structure C_3H_8.

Remote stationary RICE means stationary RICE meeting any of the following criteria:

(1) Stationary RICE located in an offshore area that is beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

(2) Stationary RICE located on a pipeline segment that meets both of the criteria in paragraphs (2)(i) and (ii) of this definition.

(i) A pipeline segment with 10 or fewer buildings intended for human occupancy and no buildings with four or more stories within 220 yards (200 meters) on either side of the centerline of any continuous 1-mile (1.6 kilometers) length of pipeline. Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(ii) The pipeline segment does not lie within 100 yards (91 meters) of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period. The days and weeks need not be consecutive. The building or area is considered occupied for a full day if it is occupied for any portion of the day.

(iii) For purposes of this paragraph (2), the term pipeline segment means all parts of those physical facilities through which gas moves in transportation, including but not limited to pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies. Stationary RICE located within 50 yards (46 meters) of the pipeline segment providing power for equipment on a pipeline segment are part of the pipeline segment. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas. A building is intended for human occupancy if its primary use is for a purpose involving the presence of humans.

(3) Stationary RICE that are not located on gas pipelines and that have 5 or fewer buildings intended for human occupancy and no buildings with four or more stories within a 0.25 mile radius around the engine. A building is intended for human occupancy if its primary use is for a purpose involving the presence of humans.

Residential emergency stationary RICE means an emergency stationary RICE used in residential establishments such as homes or apartment buildings.

Responsible official means responsible official as defined in 40 CFR 70.2.

Rich burn engine means any four-stroke spark ignited engine where the manufacturer's recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio at full load conditions is less than or equal to 1.1. Engines originally manufactured as rich burn engines, but modified prior to December 19, 2002 with passive emission control technology for NO_x (such as pre-combustion chambers) will be considered lean burn engines. Also, existing engines where there are no manufacturer's recommendations regarding air/fuel ratio will be considered a rich burn engine if the excess oxygen content of the exhaust at full load conditions is less than or equal to 2 percent.

Site-rated HP means the maximum manufacturer's design capacity at engine site conditions.

Spark ignition means relating to either: A gasoline-fueled engine; or any other type of engine with a spark plug (or other sparking device) and with operating characteristics significantly similar to the theoretical Otto combustion cycle. Spark ignition engines usually use a throttle to regulate intake air flow to control power during normal operation. Dual-fuel engines in which a liquid fuel (typically diesel fuel) is used for CI and gaseous fuel (typically natural gas) is used as the primary fuel at an annual average ratio of less than 2 parts diesel fuel to 100 parts total fuel on an energy equivalent basis are spark ignition engines.

Stationary reciprocating internal combustion engine (RICE) means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. Stationary RICE differ from mobile RICE in that a stationary RICE is not a non-road engine as defined at 40 CFR 1068.30, and is not used to propel a motor vehicle or a vehicle used solely for competition.

Stationary RICE test cell/stand means an engine test cell/stand, as defined in subpart PPPPP of this part, that tests stationary RICE.

Stoichiometric means the theoretical air-to-fuel ratio required for complete combustion.

Storage vessel with the potential for flash emissions means any storage vessel that contains a hydrocarbon liquid with a stock tank gas-to-oil ratio equal to or greater than 0.31 cubic meters per liter and an American Petroleum Institute gravity equal to or greater than 40 degrees and an actual annual average hydrocarbon liquid throughput equal to or greater than 79,500 liters per day. Flash emissions occur when dissolved hydrocarbons in the fluid evolve from solution when the fluid pressure is reduced.

Subpart means 40 CFR part 63, subpart ZZZZ.

Surface site means any combination of one or more graded pad sites, gravel pad sites, foundations, platforms, or the immediate physical location upon which equipment is physically affixed.

Two-stroke engine means a type of engine which completes the power cycle in single crankshaft revolution by combining the intake and compression operations into one stroke and the power and exhaust operations into a second stroke. This system requires auxiliary scavenging and inherently runs lean of stoichiometric.

[69 FR 33506, June 15, 2004, as amended at 71 FR 20467, Apr. 20, 2006; 73 FR 3607, Jan. 18, 2008; 75 FR 9679, Mar. 3, 2010; 75 FR 51592, Aug. 20, 2010; 76 FR 12867, Mar. 9, 2011; 78 FR 6706, Jan. 30, 2013]

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Table 1a to Subpart ZZZZ of Part 63—Emission Limitations for Existing, New, and Reconstructed Spark Ignition, 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600 and 63.6640, you must comply with the following emission limitations at 100 percent load plus or minus 10 percent for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following emission limitation, except during periods of startup . . .	During periods of startup you must . . .
1. 4SRB stationary RICE	a. Reduce formaldehyde emissions by 76 percent or more. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may reduce formaldehyde emissions by 75 percent or more until June 15, 2007 or	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1]
	b. Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2	

[1] Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[75 FR 9679, Mar. 3, 2010, as amended at 75 FR 51592, Aug. 20, 2010]

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Table 1b to Subpart ZZZZ of Part 63—Operating Limitations for Existing, New, and Reconstructed SI 4SRB Stationary RICE >500 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600, 63.6603, 63.6630 and 63.6640, you must comply with the following operating limitations for existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following operating limitation, except during periods of startup . . .
1. existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and using NSCR; or existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2 and using NSCR;	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.[1]
2. existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to reduce formaldehyde emissions by 76 percent or more (or by 75 percent or more, if applicable) and not using NSCR; or	Comply with any operating limitations approved by the Administrator.
existing, new and reconstructed 4SRB stationary RICE >500 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppbvd or less at 15 percent O_2 and not using NSCR.	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(f) for a different temperature range.

[78 FR 6706, Jan. 30, 2013]

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Table 2a to Subpart ZZZZ of Part 63—Emission Limitations for New and Reconstructed 2SLB and Compression Ignition Stationary RICE >500 HP and New and Reconstructed 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600 and 63.6640, you must comply with the following emission limitations for new and reconstructed lean burn and new and reconstructed compression ignition stationary RICE at 100 percent load plus or minus 10 percent:

For each . . .	You must meet the following emission limitation, except during periods of startup . . .	During periods of startup you must . . .
1. 2SLB stationary RICE	a. Reduce CO emissions by 58 percent or more; or b. Limit concentration of formaldehyde in the stationary RICE exhaust to 12 ppmvd or less at 15 percent O_2. If you commenced construction or reconstruction between December 19, 2002 and June 15, 2004, you may limit concentration of formaldehyde to 17 ppmvd or less at 15 percent O_2 until June 15, 2007	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[1]
2. 4SLB stationary RICE	a. Reduce CO emissions by 93 percent or more; or	
	b. Limit concentration of formaldehyde in the stationary RICE exhaust to 14 ppmvd or less at 15 percent O_2	
3. CI stationary RICE	a. Reduce CO emissions by 70 percent or more; or	
	b. Limit concentration of formaldehyde in the stationary RICE exhaust to 580 ppbvd or less at 15 percent O_2	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[75 FR 9680, Mar. 3, 2010]

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Table 2b to Subpart ZZZZ of Part 63—Operating Limitations for New and Reconstructed 2SLB and CI Stationary RICE >500 HP Located at a Major Source of HAP Emissions, New and Reconstructed 4SLB Stationary RICE ≥250 HP Located at a Major Source of HAP Emissions, Existing CI Stationary RICE >500 HP

As stated in §§63.6600, 63.6601, 63.6603, 63.6630, and 63.6640, you must comply with the following operating limitations for new and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions; new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions; and existing CI stationary RICE >500 HP:

For each . . .	You must meet the following operating limitation, except during periods of startup . . .
1. New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to reduce CO emissions and using an oxidation catalyst; and New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using an oxidation catalyst.	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst that was measured during the initial performance test; and b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]
2. Existing CI stationary RICE >500 HP complying with the requirement to limit or reduce the concentration of CO in the stationary RICE exhaust and using an oxidation catalyst	a. maintain your catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test; and
	b. maintain the temperature of your stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.[1]
3. New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source of HAP emissions complying with the requirement to reduce CO emissions and not using an oxidation catalyst; and	Comply with any operating limitations approved by the Administrator.
New and reconstructed 2SLB and CI stationary RICE >500 HP located at a major source of HAP emissions and new and reconstructed 4SLB stationary RICE ≥250 HP located at a major source	

of HAP emissions complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and not using an oxidation catalyst; and	
existing CI stationary RICE >500 HP complying with the requirement to limit or reduce the concentration of CO in the stationary RICE exhaust and not using an oxidation catalyst.	

[1]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.8(f) for a different temperature range.

[78 FR 6707, Jan. 30, 2013]

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Table 2c to Subpart ZZZZ of Part 63—Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤500 HP Located at a Major Source of HAP Emissions

As stated in §§63.6600, 63.6602, and 63.6640, you must comply with the following requirements for existing compression ignition stationary RICE located at a major source of HAP emissions and existing spark ignition stationary RICE ≤500 HP located at a major source of HAP emissions:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Emergency stationary CI RICE and black start stationary CI RICE[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first.[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.[3]
2. Non-Emergency, non-black start stationary CI RICE <100 HP	a. Change oil and filter every 1,000 hours of operation or annually,	

	whichever comes first.[2] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
3. Non-Emergency, non-black start CI stationary RICE 100≤HP≤300 HP	Limit concentration of CO in the stationary RICE exhaust to 230 ppmvd or less at 15 percent O_2.	
4. Non-Emergency, non-black start CI stationary RICE 300<HP≤500	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd or less at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
5. Non-Emergency, non-black start stationary CI RICE >500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd or less at 15 percent O_2; or b. Reduce CO emissions by 70 percent or more.	
6. Emergency stationary SI RICE and black start stationary SI RICE.[1]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]	

7. Non-Emergency, non-black start stationary SI RICE <100 HP that are not 2SLB stationary RICE	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary;	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
8. Non-Emergency, non-black start 2SLB stationary SI RICE <100 HP	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[2] b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first, and replace as necessary;	
	c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.[3]	
9. Non-emergency, non-black start 2SLB stationary RICE 100≤HP≤500	Limit concentration of CO in the stationary RICE exhaust to 225 ppmvd or less at 15 percent O_2.	
10. Non-emergency, non-black start 4SLB stationary RICE 100≤HP≤500	Limit concentration of CO in the stationary RICE exhaust to 47 ppmvd or less at 15 percent O_2.	
11. Non-emergency, non-black start 4SRB stationary RICE 100≤HP≤500	Limit concentration of formaldehyde in the stationary RICE exhaust to 10.3 ppmvd or less at 15 percent O_2.	

12. Non-emergency, non-black start stationary RICE 100≤HP≤500 which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	Limit concentration of CO in the stationary RICE exhaust to 177 ppmvd or less at 15 percent O_2.	

[1]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of this subpart, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[2]Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2c of this subpart.

[3]Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices.

[78 FR 6708, Jan. 30, 2013, as amended at 78 FR 14457, Mar. 6, 2013]

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Table 2d to Subpart ZZZZ of Part 63—Requirements for Existing Stationary RICE Located at Area Sources of HAP Emissions

As stated in §§63.6603 and 63.6640, you must comply with the following requirements for existing stationary RICE located at area sources of HAP emissions:

For each . . .	You must meet the following requirement, except during periods of startup . . .	During periods of startup you must . . .
1. Non-Emergency, non-black start CI stationary RICE ≤300 HP	a. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;[1] b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;	Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
2. Non-Emergency, non-black start CI stationary RICE 300<HP≤500	a. Limit concentration of CO in the stationary RICE exhaust to 49 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
3. Non-Emergency, non-black start CI stationary RICE >500 HP	a. Limit concentration of CO in the stationary RICE exhaust to 23 ppmvd at 15 percent O_2; or	
	b. Reduce CO emissions by 70 percent or more.	
4. Emergency stationary CI RICE and black start stationary CI RICE.[2]	a. Change oil and filter every 500 hours of operation or annually, whichever comes first;[1]	
	b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
5. Emergency stationary SI RICE; black start stationary SI RICE; non-emergency, non-black start 4SLB stationary RICE >500 HP that operate	a. Change oil and filter every 500 hours of operation or annually, whichever comes	

24 hours or less per calendar year; non-emergency, non-black start 4SRB stationary RICE >500 HP that operate 24 hours or less per calendar year.[2]	first;[1]; b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.	
6. Non-emergency, non-black start 2SLB stationary RICE	a. Change oil and filter every 4,320 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 4,320 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 4,320 hours of operation or annually, whichever comes first, and replace as necessary.	
7. Non-emergency, non-black start 4SLB stationary RICE ≤500 HP	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever	

	comes first, and replace as necessary.	
8. Non-emergency, non-black start 4SLB remote stationary RICE >500 HP	a. Change oil and filter every 2,160 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 2,160 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 2,160 hours of operation or annually, whichever comes first, and replace as necessary.	
9. Non-emergency, non-black start 4SLB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year	Install an oxidation catalyst to reduce HAP emissions from the stationary RICE.	
10. Non-emergency, non-black start 4SRB stationary RICE ≤500 HP	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1]	
	b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	
11. Non-emergency, non-black start 4SRB remote stationary RICE >500 HP	a. Change oil and filter every 2,160 hours of operation or annually,	

	whichever comes first;[1]	
	b. Inspect spark plugs every 2,160 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 2,160 hours of operation or annually, whichever comes first, and replace as necessary.	
12. Non-emergency, non-black start 4SRB stationary RICE >500 HP that are not remote stationary RICE and that operate more than 24 hours per calendar year	Install NSCR to reduce HAP emissions from the stationary RICE.	
13. Non-emergency, non-black start stationary RICE which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first;[1] b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first, and replace as necessary; and	
	c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary.	

[1]Sources have the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement in Table 2d of this subpart.

[2]If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform

the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[78 FR 6709, Jan. 30, 2013]

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Table 3 to Subpart ZZZZ of Part 63—Subsequent Performance Tests

As stated in §§63.6615 and 63.6620, you must comply with the following subsequent performance test requirements:

For each . . .	Complying with the requirement to . . .	You must . . .
1. New or reconstructed 2SLB stationary RICE >500 HP located at major sources; new or reconstructed 4SLB stationary RICE ≥250 HP located at major sources; and new or reconstructed CI stationary RICE >500 HP located at major sources	Reduce CO emissions and not using a CEMS	Conduct subsequent performance tests semiannually.[1]
2. 4SRB stationary RICE ≥5,000 HP located at major sources	Reduce formaldehyde emissions	Conduct subsequent performance tests semiannually.[1]
3. Stationary RICE >500 HP located at major sources and new or reconstructed 4SLB stationary RICE 250≤HP≤500 located at major sources	Limit the concentration of formaldehyde in the stationary RICE exhaust	Conduct subsequent performance tests semiannually.[1]
4. Existing non-emergency, non-black start CI stationary RICE >500 HP that are not limited use stationary RICE	Limit or reduce CO emissions and not using a CEMS	Conduct subsequent performance tests every 8,760 hours or 3 years, whichever comes first.
5. Existing non-emergency, non-black start CI stationary RICE >500 HP that are limited use stationary RICE	Limit or reduce CO emissions and not using a CEMS	Conduct subsequent performance tests every 8,760 hours or 5 years, whichever comes first.

[1]After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

[78 FR 6711, Jan. 30, 2013]

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Table 4 to Subpart ZZZZ of Part 63—Requirements for Performance Tests

As stated in §§63.6610, 63.6611, 63.6620, and 63.6640, you must comply with the following requirements for performance tests for stationary RICE:

For each . . .	Complying with the requirement to . . .	You must . . .	Using . . .	According to the following requirements . . .
1. 2SLB, 4SLB, and CI stationary RICE	a. reduce CO emissions	i. Select the sampling port location and the number/location of traverse points at the inlet and outlet of the control device; and		(a) For CO and O_2 measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A-1, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A-4.
		ii. Measure the O_2 at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM Method D6522-00 (Reapproved 2005)[e] (heated probe not necessary)	(b) Measurements to determine O_2 must be made at the same time as the measurements for CO concentration.

		iii. Measure the CO at the inlet and the outlet of the control device	(1) ASTM D6522-00 (Reapproved 2005)[abc] (heated probe not necessary) or Method 10 of 40 CFR part 60, appendix A-4	(c) The CO concentration must be at 15 percent O_2, dry basis.
2. 4SRB stationary RICE	a. reduce formaldehyde emissions	i. Select the sampling port location and the number/location of traverse points at the inlet and outlet of the control device; and		(a) For formaldehyde, O_2, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A.
		ii. Measure O_2at the inlet and outlet of the control device; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM Method D6522-00 (Reapproved 2005)[a] (heated probe not necessary)	(a) Measurements to determine O_2 concentration must be made at the same time as the measurements for formaldehyde or THC concentration.

		iii. Measure moisture content at the inlet and outlet of the control device; and	(1) Method 4 of 40 CFR part 60, appendix A-3, or Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03[a]	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde or THC concentration.
		iv. If demonstrating compliance with the formaldehyde percent reduction requirement, measure formalde-hyde at the inlet and the outlet of the control device	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03[a], provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
		v. If demonstrating compliance with the THC percent reduction requirement, measure THC at the inlet and the outlet of the control device	(1) Method 25A, reported as propane, of 40 CFR part 60, appendix A-7	(a) THC concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
3. Stationary RICE	a. limit the concentra-tion of formalde-hyde or CO in the stationary RICE exhaust	i. Select the sampling port location and the number/location of traverse points at the exhaust of the stationary RICE; and		(a) For formaldehyde, CO, O_2, and moisture measurement, ducts ≤6 inches in diameter may be sampled at a single point located at the duct centroid and ducts >6 and ≤12 inches in diameter may be sampled at 3 traverse points located at 16.7, 50.0, and 83.3% of the measurement line (`3-point long line'). If the duct is >12 inches in diameter *and* the sampling port location

				meets the two and half-diameter criterion of Section 11.1.1 of Method 1 of 40 CFR part 60, appendix A, the duct may be sampled at `3-point long line'; otherwise, conduct the stratification testing and select sampling points according to Section 8.1.2 of Method 7E of 40 CFR part 60, appendix A. If using a control device, the sampling site must be located at the outlet of the control device.
		ii. Determine the O_2concentration of the stationary RICE exhaust at the sampling port location; and	(1) Method 3 or 3A or 3B of 40 CFR part 60, appendix A-2, or ASTM Method D6522-00 (Reapproved 2005)[a] (heated probe not necessary)	(a) Measurements to determine O_2 concentration must be made at the same time and location as the measurements for formaldehyde or CO concentration.
		iii. Measure moisture content of the station-ary RICE exhaust at the sampling port location; and	(1) Method 4 of 40 CFR part 60, appendix A-3, or Method 320 of 40 CFR part 63, appendix A, or ASTM D 6348-03[a]	(a) Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde or CO concentration.
		iv. Measure formalde-hyde at the exhaust of the station-ary RICE; or	(1) Method 320 or 323 of 40 CFR part 63, appendix A; or ASTM D6348-03[a], provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or	(a) Formaldehyde concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

			equal to 130	
		v. measure CO at the exhaust of the station-ary RICE	(1) Method 10 of 40 CFR part 60, appendix A-4, ASTM Method D6522-00 (2005)[a][c], Method 320 of 40 CFR part 63, appendix A, or ASTM D6348-03[a]	(a) CO concentration must be at 15 percent O_2, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.

[a]You may also use Methods 3A and 10 as options to ASTM-D6522-00 (2005). You may obtain a copy of ASTM-D6522-00 (2005) from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

[b]You may obtain a copy of ASTM-D6348-03 from at least one of the following addresses: American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, or University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

[79 FR 11290, Feb. 27, 2014]

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Table 5 to Subpart ZZZZ of Part 63—Initial Compliance With Emission Limitations, Operating Limitations, and Other Requirements

As stated in §§63.6612, 63.6625 and 63.6630, you must initially comply with the emission and operating limitations as required by the following:

For each . . .	Complying with the requirement to . . .	You have demonstrated initial compliance if . . .
1. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Reduce CO emissions and using oxidation catalyst, and using a CPMS	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
2. Non-emergency stationary CI RICE >500 HP located at a major	a. Limit the concentration of CO,	i. The average CO concentration determined from the initial

source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	using oxidation catalyst, and using a CPMS	performance test is less than or equal to the CO emission limitation; and
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Reduce CO emissions and not using oxidation catalyst	i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and iii. You have recorded the approved operating parameters (if any) during the initial performance test.
4. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Limit the concentration of CO, and not using oxidation catalyst	i. The average CO concentration determined from the initial performance test is less than or equal to the CO emission limitation; and ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
5. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, non-emergency stationary CI RICE >500 HP located at a major	a. Reduce CO emissions, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at both the inlet and outlet of the oxidation catalyst according to the requirements in §63.6625(a); and ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR

source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP		part 60, appendix B; and
		iii. The average reduction of CO calculated using §63.6620 equals or exceeds the required percent reduction. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average percent reduction achieved during the 4-hour period.
6. Non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP located at an area source of HAP	a. Limit the concentration of CO, and using a CEMS	i. You have installed a CEMS to continuously monitor CO and either O_2 or CO_2 at the outlet of the oxidation catalyst according to the requirements in §63.6625(a); and
		ii. You have conducted a performance evaluation of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B; and
		iii. The average concentration of CO calculated using §63.6620 is less than or equal to the CO emission limitation. The initial test comprises the first 4-hour period after successful validation of the CEMS. Compliance is based on the average concentration measured during the 4-hour period.
7. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction, or the average reduction of emissions of THC determined from the initial performance test is equal to or greater than 30 percent; and
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and

		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
8. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and not using NSCR	i. The average reduction of emissions of formaldehyde determined from the initial performance test is equal to or greater than the required formaldehyde percent reduction or the average reduction of emissions of THC determined from the initial performance test is equal to or greater than 30 percent; and
		ii. You have installed a CPMS to continuously monitor operating parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
9. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and
		iii. You have recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.
10. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP, and existing non-emergency 4SRB stationary RICE >500 HP located at	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. The average formaldehyde concentration, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde emission limitation; and ii. You have installed a CPMS to continuously monitor operating

a major source of HAP		parameters approved by the Administrator (if any) according to the requirements in §63.6625(b); and
		iii. You have recorded the approved operating parameters (if any) during the initial performance test.
11. Existing non-emergency stationary RICE 100≤HP≤500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300<HP≤500 located at an area source of HAP	a. Reduce CO emissions	i. The average reduction of emissions of CO or formaldehyde, as applicable determined from the initial performance test is equal to or greater than the required CO or formaldehyde, as applicable, percent reduction.
12. Existing non-emergency stationary RICE 100≤HP≤500 located at a major source of HAP, and existing non-emergency stationary CI RICE 300<HP≤500 located at an area source of HAP	a. Limit the concentration of formaldehyde or CO in the stationary RICE exhaust	i. The average formaldehyde or CO concentration, as applicable, corrected to 15 percent O_2, dry basis, from the three test runs is less than or equal to the formaldehyde or CO emission limitation, as applicable.
13. Existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install an oxidation catalyst	i. You have conducted an initial compliance demonstration as specified in §63.6630(e) to show that the average reduction of emissions of CO is 93 percent or more, or the average CO concentration is less than or equal to 47 ppmvd at 15 percent O_2;
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b), or you have installed equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1350 °F.
14. Existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install NSCR	i. You have conducted an initial compliance demonstration as specified in §63.6630(e) to show that the average reduction of emissions of CO is 75 percent or more, the average CO concentration is less than or equal to 270 ppmvd at 15 percent O_2, or the average reduction

		of emissions of THC is 30 percent or more;
		ii. You have installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b), or you have installed equipment to automatically shut down the engine if the catalyst inlet temperature exceeds 1250 °F.

[78 FR 6712, Jan. 30, 2013]

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Table 6 to Subpart ZZZZ of Part 63—Continuous Compliance With Emission Limitations, and Other Requirements

As stated in §63.6640, you must continuously comply with the emissions and operating limitations and work or management practices as required by the following:

For each . . .	Complying with the requirement to . . .	You must demonstrate continuous compliance by . . .
1. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE >500 HP located at a major source of HAP	a. Reduce CO emissions and using an oxidation catalyst, and using a CPMS	i. Conducting semiannual performance tests for CO to demonstrate that the required CO percent reduction is achieved[a]; and ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
2. New or reconstructed non-	a. Reduce CO	i. Conducting semiannual

emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, and new or reconstructed non-emergency CI stationary RICE >500 HP located at a major source of HAP	emissions and not using an oxidation catalyst, and using a CPMS	performance tests for CO to demonstrate that the required CO percent reduction is achieved[a]; and ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
3. New or reconstructed non-emergency 2SLB stationary RICE >500 HP located at a major source of HAP, new or reconstructed non-emergency 4SLB stationary RICE ≥250 HP located at a major source of HAP, new or reconstructed non-emergency stationary CI RICE >500 HP located at a major source of HAP, and existing non-emergency stationary CI RICE >500 HP	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using a CEMS	i. Collecting the monitoring data according to §63.6625(a), reducing the measurements to 1-hour averages, calculating the percent reduction or concentration of CO emissions according to §63.6620; and ii. Demonstrating that the catalyst achieves the required percent reduction of CO emissions over the 4-hour averaging period, or that the emission remain at or below the CO concentration limit; and
		iii. Conducting an annual RATA of your CEMS using PS 3 and 4A of 40 CFR part 60, appendix B, as well as daily and periodic data quality checks in accordance with 40 CFR part 60, appendix F, procedure 1.
4. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and using NSCR	i. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and

		iv. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
5. Non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP	a. Reduce formaldehyde emissions and not using NSCR	i. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		ii. Reducing these data to 4-hour rolling averages; and
		iii. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
6. Non-emergency 4SRB stationary RICE with a brake HP ≥5,000 located at a major source of HAP	a. Reduce formaldehyde emissions	Conducting semiannual performance tests for formaldehyde to demonstrate that the required formaldehyde percent reduction is achieved, or to demonstrate that the average reduction of emissions of THC determined from the performance test is equal to or greater than 30 percent.[a]
7. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit[a]; and ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month

		and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
8. New or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP and new or reconstructed non-emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP	a. Limit the concentration of formaldehyde in the stationary RICE exhaust and not using oxidation catalyst or NSCR	i. Conducting semiannual performance tests for formaldehyde to demonstrate that your emissions remain at or below the formaldehyde concentration limit[a]; and ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
9. Existing emergency and black start stationary RICE ≤500 HP located at a major source of HAP, existing non-emergency stationary RICE <100 HP located at a major source of HAP, existing emergency and black start stationary RICE located at an area source of HAP, existing non-emergency stationary CI RICE ≤300 HP located at an area source of HAP, existing non-emergency 2SLB stationary RICE located at an area source of HAP, existing non-emergency stationary SI RICE located at an area source of HAP which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis, existing non-emergency 4SLB and 4SRB stationary RICE ≤500 HP located at an area source of HAP, existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that operate	a. Work or Management practices	i. Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

24 hours or less per calendar year, and existing non-emergency 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that are remote stationary RICE		
10. Existing stationary CI RICE >500 HP that are not limited use stationary RICE	a. Reduce CO emissions, or limit the concentration of CO in the stationary RICE exhaust, and using oxidation catalyst	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
11. Existing stationary CI RICE >500 HP that are not limited use stationary RICE	a. Reduce CO emissions, or limit the concentration of CO in the stationary RICE exhaust, and not using oxidation catalyst	i. Conducting performance tests every 8,760 hours or 3 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the approved operating parameter (if any) data according to

		§63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
12. Existing limited use CI stationary RICE >500 HP	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and using an oxidation catalyst	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and
		ii. Collecting the catalyst inlet temperature data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
		v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
13. Existing limited use CI stationary RICE >500 HP	a. Reduce CO emissions or limit the concentration of CO in the stationary RICE exhaust, and not using an oxidation catalyst	i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde

		concentration limit; and
		ii. Collecting the approved operating parameter (if any) data according to §63.6625(b); and
		iii. Reducing these data to 4-hour rolling averages; and
		iv. Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test.
14. Existing non-emergency 4SLB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install an oxidation catalyst	i. Conducting annual compliance demonstrations as specified in §63.6640(c) to show that the average reduction of emissions of CO is 93 percent or more, or the average CO concentration is less than or equal to 47 ppmvd at 15 percent O_2; and either ii. Collecting the catalyst inlet temperature data according to §63.6625(b), reducing these data to 4-hour rolling averages; and maintaining the 4-hour rolling averages within the limitation of greater than 450 °F and less than or equal to 1350 °F for the catalyst inlet temperature; or iii. Immediately shutting down the engine if the catalyst inlet temperature exceeds 1350 °F.
15. Existing non-emergency 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that are operated more than 24 hours per calendar year	a. Install NSCR	i. Conducting annual compliance demonstrations as specified in §63.6640(c) to show that the average reduction of emissions of CO is 75 percent or more, the average CO concentration is less than or equal to 270 ppmvd at 15 percent O_2, or the average reduction of emissions of THC is 30 percent or more; and either ii. Collecting the catalyst inlet temperature data according to

		§63.6625(b), reducing these data to 4-hour rolling averages; and maintaining the 4-hour rolling averages within the limitation of greater than or equal to 750 °F and less than or equal to 1250 °F for the catalyst inlet temperature; or iii. Immediately shutting down the engine if the catalyst inlet temperature exceeds 1250 °F.

[a]After you have demonstrated compliance for two consecutive tests, you may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or you deviate from any of your operating limitations, you must resume semiannual performance tests.

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Table 7 to Subpart ZZZZ of Part 63—Requirements for Reports

As stated in §63.6650, you must comply with the following requirements for reports:

For each . . .	You must submit a . . .	The report must contain . . .	You must submit the report . . .
1. Existing non-emergency, non-black start stationary RICE 100≤HP≤500 located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE >500 HP located at a major source of HAP; existing non-emergency 4SRB stationary RICE >500 HP located at a major source of HAP; existing non-emergency, non-black start stationary CI RICE >300 HP located at an area source of HAP; new or reconstructed non-emergency stationary RICE >500 HP located at a major source of HAP; and new or reconstructed non-	Compliance report	a. If there are no deviations from any emission limitations or operating limitations that apply to you, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; or	i. Semiannually according to the requirements in §63.6650(b)(1)-(5) for engines that are not limited use stationary RICE subject to numerical emission limitations; and ii. Annually according to the requirements in §63.6650(b)(6)-(9) for engines that are limited use stationary RICE subject to numerical emission limitations.

emergency 4SLB stationary RICE 250≤HP≤500 located at a major source of HAP			
		b. If you had a deviation from any emission limitation or operating limitation during the reporting period, the information in §63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in §63.8(c)(7), the information in §63.6650(e); or	i. Semiannually according to the requirements in §63.6650(b).
		c. If you had a malfunction during the reporting period, the information in §63.6650(c)(4).	i. Semiannually according to the requirements in §63.6650(b).
2. New or reconstructed non-emergency stationary RICE that combusts landfill gas or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis	Report	a. The fuel flow rate of each fuel and the heating values that were used in your calculations, and you must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and	i. Annually, according to the requirements in §63.6650.
		b. The operating limits provided in your federally enforceable permit, and any deviations from these limits; and	i. See item 2.a.i.
		c. Any problems or errors suspected with the meters.	i. See item 2.a.i.
3. Existing non-emergency, non-black start 4SLB and 4SRB stationary RICE >500 HP located at an area source of HAP that are not remote stationary RICE and that	Compliance report	a. The results of the annual compliance demonstration, if conducted during the reporting period.	i. Semiannually according to the requirements in §63.6650(b)(1)-(5).

operate more than 24 hours per calendar year			
4. Emergency stationary RICE that operate or are contractually obligated to be available for more than 15 hours per year for the purposes specified in §63.6640(f)(2)(ii) and (iii) or that operate for the purposes specified in §63.6640(f)(4)(ii)	Report	a. The information in §63.6650(h)(1)	i. annually according to the requirements in §63.6650(h)(2)-(3).

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Table 8 to Subpart ZZZZ of Part 63—Applicability of General Provisions to Subpart ZZZZ.

As stated in §63.6665, you must comply with the following applicable general provisions.

General provisions citation	Subject of citation	Applies to subpart	Explanation
§63.1	General applicability of the General Provisions	Yes.	
§63.2	Definitions	Yes	Additional terms defined in §63.6675.
§63.3	Units and abbreviations	Yes.	
§63.4	Prohibited activities and circumvention	Yes.	
§63.5	Construction and reconstruction	Yes.	
§63.6(a)	Applicability	Yes.	
§63.6(b)(1)-(4)	Compliance dates for new and reconstructed sources	Yes.	
§63.6(b)(5)	Notification	Yes.	
§63.6(b)(6)	[Reserved]		
§63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major sources	Yes.	

§63.6(c)(1)-(2)	Compliance dates for existing sources	Yes.	
§63.6(c)(3)-(4)	[Reserved]		
§63.6(c)(5)	Compliance dates for existing area sources that become major sources	Yes.	
§63.6(d)	[Reserved]		
§63.6(e)	Operation and maintenance	No.	
§63.6(f)(1)	Applicability of standards	No.	
§63.6(f)(2)	Methods for determining compliance	Yes.	
§63.6(f)(3)	Finding of compliance	Yes.	
§63.6(g)(1)-(3)	Use of alternate standard	Yes.	
§63.6(h)	Opacity and visible emission standards	No	Subpart ZZZZ does not contain opacity or visible emission standards.
§63.6(i)	Compliance extension procedures and criteria	Yes.	
§63.6(j)	Presidential compliance exemption	Yes.	
§63.7(a)(1)-(2)	Performance test dates	Yes	Subpart ZZZZ contains performance test dates at §§63.6610, 63.6611, and 63.6612.
§63.7(a)(3)	CAA section 114 authority	Yes.	
§63.7(b)(1)	Notification of performance test	Yes	Except that §63.7(b)(1) only applies as specified in §63.6645.
§63.7(b)(2)	Notification of rescheduling	Yes	Except that §63.7(b)(2) only applies as specified in §63.6645.
§63.7(c)	Quality assurance/test plan	Yes	Except that §63.7(c) only applies as specified in §63.6645.
§63.7(d)	Testing facilities	Yes.	
§63.7(e)(1)	Conditions for conducting	No.	Subpart ZZZZ specifies

	performance tests		conditions for conducting performance tests at §63.6620.
§63.7(e)(2)	Conduct of performance tests and reduction of data	Yes	Subpart ZZZZ specifies test methods at §63.6620.
§63.7(e)(3)	Test run duration	Yes.	
§63.7(e)(4)	Administrator may require other testing under section 114 of the CAA	Yes.	
§63.7(f)	Alternative test method provisions	Yes.	
§63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes.	
§63.7(h)	Waiver of tests	Yes.	
§63.8(a)(1)	Applicability of monitoring requirements	Yes	Subpart ZZZZ contains specific requirements for monitoring at §63.6625.
§63.8(a)(2)	Performance specifications	Yes.	
§63.8(a)(3)	[Reserved]		
§63.8(a)(4)	Monitoring for control devices	No.	
§63.8(b)(1)	Monitoring	Yes.	
§63.8(b)(2)-(3)	Multiple effluents and multiple monitoring systems	Yes.	
§63.8(c)(1)	Monitoring system operation and maintenance	Yes.	
§63.8(c)(1)(i)	Routine and predictable SSM	No	
§63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan	Yes.	
§63.8(c)(1)(iii)	Compliance with operation and maintenance requirements	No	
§63.8(c)(2)-(3)	Monitoring system installation	Yes.	
§63.8(c)(4)	Continuous monitoring system (CMS) requirements	Yes	Except that subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS).
§63.8(c)(5)	COMS minimum procedures	No	Subpart ZZZZ does not

			require COMS.
§63.8(c)(6)-(8)	CMS requirements	Yes	Except that subpart ZZZZ does not require COMS.
§63.8(d)	CMS quality control	Yes.	
§63.8(e)	CMS performance evaluation	Yes	Except for §63.8(e)(5)(ii), which applies to COMS.
		Except that §63.8(e) only applies as specified in §63.6645.	
§63.8(f)(1)-(5)	Alternative monitoring method	Yes	Except that §63.8(f)(4) only applies as specified in §63.6645.
§63.8(f)(6)	Alternative to relative accuracy test	Yes	Except that §63.8(f)(6) only applies as specified in §63.6645.
§63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at §§63.6635 and 63.6640.
§63.9(a)	Applicability and State delegation of notification requirements	Yes.	
§63.9(b)(1)-(5)	Initial notifications	Yes	Except that §63.9(b)(3) is reserved.
		Except that §63.9(b) only applies as specified in §63.6645.	
§63.9(c)	Request for compliance extension	Yes	Except that §63.9(c) only applies as specified in §63.6645.
§63.9(d)	Notification of special compliance requirements for new sources	Yes	Except that §63.9(d) only applies as specified in §63.6645.

§63.9(e)	Notification of performance test	Yes	Except that §63.9(e) only applies as specified in §63.6645.
§63.9(f)	Notification of visible emission (VE)/opacity test	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.9(g)(1)	Notification of performance evaluation	Yes	Except that §63.9(g) only applies as specified in §63.6645.
§63.9(g)(2)	Notification of use of COMS data	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded	Yes	If alternative is in use.
		Except that §63.9(g) only applies as specified in §63.6645.	
§63.9(h)(1)-(6)	Notification of compliance status	Yes	Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. §63.9(h)(4) is reserved.
			Except that §63.9(h) only applies as specified in §63.6645.
§63.9(i)	Adjustment of submittal deadlines	Yes.	
§63.9(j)	Change in previous information	Yes.	
§63.10(a)	Administrative provisions for recordkeeping/reporting	Yes.	
§63.10(b)(1)	Record retention	Yes	Except that the most recent 2 years of data do not have to be retained on site.
§63.10(b)(2)(i)-(v)	Records related to SSM	No.	
§63.10(b)(2)(vi)-	Records	Yes.	

(xi)			
§63.10(b)(2)(xii)	Record when under waiver	Yes.	
§63.10(b)(2)(xiii)	Records when using alternative to RATA	Yes	For CO standard if using RATA alternative.
§63.10(b)(2)(xiv)	Records of supporting documentation	Yes.	
§63.10(b)(3)	Records of applicability determination	Yes.	
§63.10(c)	Additional records for sources using CEMS	Yes	Except that §63.10(c)(2)-(4) and (9) are reserved.
§63.10(d)(1)	General reporting requirements	Yes.	
§63.10(d)(2)	Report of performance test results	Yes.	
§63.10(d)(3)	Reporting opacity or VE observations	No	Subpart ZZZZ does not contain opacity or VE standards.
§63.10(d)(4)	Progress reports	Yes.	
§63.10(d)(5)	Startup, shutdown, and malfunction reports	No.	
§63.10(e)(1) and (2)(i)	Additional CMS Reports	Yes.	
§63.10(e)(2)(ii)	COMS-related report	No	Subpart ZZZZ does not require COMS.
§63.10(e)(3)	Excess emission and parameter exceedances reports	Yes.	Except that §63.10(e)(3)(i)(C) is reserved.
§63.10(e)(4)	Reporting COMS data	No	Subpart ZZZZ does not require COMS.
§63.10(f)	Waiver for recordkeeping/reporting	Yes.	
§63.11	Flares	No.	
§63.12	State authority and delegations	Yes.	
§63.13	Addresses	Yes.	
§63.14	Incorporation by reference	Yes.	
§63.15	Availability of information	Yes.	

[75 FR 9688, Mar. 3, 2010, as amended at 78 FR 6720, Jan. 30, 2013]

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Appendix A to Subpart ZZZZ of Part 63—Protocol for Using an Electrochemical Analyzer to Determine Oxygen and Carbon Monoxide Concentrations From Certain Engines

1.0 SCOPE AND APPLICATION. WHAT IS THIS PROTOCOL?

This protocol is a procedure for using portable electrochemical (EC) cells for measuring carbon monoxide (CO) and oxygen (O_2) concentrations in controlled and uncontrolled emissions from existing stationary 4-stroke lean burn and 4-stroke rich burn reciprocating internal combustion engines as specified in the applicable rule.

1.1 Analytes. What does this protocol determine?

This protocol measures the engine exhaust gas concentrations of carbon monoxide (CO) and oxygen (O_2).

Analyte	CAS No.	Sensitivity
Carbon monoxide (CO)	630-08-0	Minimum detectable limit should be 2 percent of the nominal range or 1 ppm, whichever is less restrictive.
Oxygen (O_2)	*7782-44-7*	

1.2 Applicability. When is this protocol acceptable?

This protocol is applicable to 40 CFR part 63, subpart ZZZZ. Because of inherent cross sensitivities of EC cells, you must not apply this protocol to other emissions sources without specific instruction to that effect.

1.3 Data Quality Objectives. How good must my collected data be?

Refer to Section 13 to verify and document acceptable analyzer performance.

1.4 Range. What is the targeted analytical range for this protocol?

The measurement system and EC cell design(s) conforming to this protocol will determine the analytical range for each gas component. The nominal ranges are defined by choosing up-scale calibration gas concentrations near the maximum anticipated flue gas concentrations for CO and O_2, or no more than twice the permitted CO level.

1.5 Sensitivity. What minimum detectable limit will this protocol yield for a particular gas component?

The minimum detectable limit depends on the nominal range and resolution of the specific EC cell used, and the signal to noise ratio of the measurement system. The minimum detectable limit should be 2 percent of the nominal range or 1 ppm, whichever is less restrictive.

2.0 SUMMARY OF PROTOCOL

In this protocol, a gas sample is extracted from an engine exhaust system and then conveyed to a portable EC analyzer for measurement of CO and O_2 gas concentrations. This method provides measurement system performance specifications and sampling protocols to ensure reliable data. You may use additions to, or modifications of vendor supplied measurement systems (e.g., heated or unheated sample lines, thermocouples, flow meters, selective gas scrubbers, etc.) to meet the design specifications of this protocol. Do not make changes to the measurement system from the as-verified configuration (Section 3.12).

3.0 DEFINITIONS

3.1 Measurement System. The total equipment required for the measurement of CO and O_2 concentrations. The measurement system consists of the following major subsystems:

3.1.1 Data Recorder. A strip chart recorder, computer or digital recorder for logging measurement data from the analyzer output. You may record measurement data from the digital data display manually or electronically.

3.1.2 Electrochemical (EC) Cell. A device, similar to a fuel cell, used to sense the presence of a specific analyte and generate an electrical current output proportional to the analyte concentration.

3.1.3 Interference Gas Scrubber. A device used to remove or neutralize chemical compounds that may interfere with the selective operation of an EC cell.

3.1.4 Moisture Removal System. Any device used to reduce the concentration of moisture in the sample stream so as to protect the EC cells from the damaging effects of condensation and to minimize errors in measurements caused by the scrubbing of soluble gases.

3.1.5 Sample Interface. The portion of the system used for one or more of the following: sample acquisition; sample transport; sample conditioning or protection of the EC cell from any degrading effects of the engine exhaust effluent; removal of particulate matter and condensed moisture.

3.2 Nominal Range. The range of analyte concentrations over which each EC cell is operated (normally 25 percent to 150 percent of up-scale calibration gas value). Several nominal ranges can be used for any given cell so long as the calibration and repeatability checks for that range remain within specifications.

3.3 Calibration Gas. A vendor certified concentration of a specific analyte in an appropriate balance gas.

3.4 Zero Calibration Error. The analyte concentration output exhibited by the EC cell in response to zero-level calibration gas.

3.5 Up-Scale Calibration Error. The mean of the difference between the analyte concentration exhibited by the EC cell and the certified concentration of the up-scale calibration gas.

3.6 Interference Check. A procedure for quantifying analytical interference from components in the engine exhaust gas other than the targeted analytes.

3.7 Repeatability Check. A protocol for demonstrating that an EC cell operated over a given nominal analyte concentration range provides a stable and consistent response and is not significantly affected by repeated exposure to that gas.

3.8 Sample Flow Rate. The flow rate of the gas sample as it passes through the EC cell. In some situations, EC cells can experience drift with changes in flow rate. The flow rate must be monitored and documented during all phases of a sampling run.

3.9 Sampling Run. A timed three-phase event whereby an EC cell's response rises and plateaus in a sample conditioning phase, remains relatively constant during a measurement data phase, then declines during a refresh phase. The sample conditioning phase exposes the EC cell to the gas sample for a length of time sufficient to reach a constant response. The measurement data phase is the time interval during which gas sample measurements can be made that meet the acceptance criteria of this protocol. The refresh phase then purges the EC cells with CO-free air. The refresh phase replenishes requisite O_2 and moisture in the electrolyte reserve and provides a mechanism to de-gas or desorb any interference gas scrubbers or filters so as to enable a stable CO EC cell response. There are four primary types of sampling runs: pre- sampling calibrations; stack gas sampling; post-sampling calibration checks; and measurement system repeatability checks. Stack gas sampling runs can be chained together for extended evaluations, providing all other procedural specifications are met.

3.10 Sampling Day. A time not to exceed twelve hours from the time of the pre-sampling calibration to the post-sampling calibration check. During this time, stack gas sampling runs can be repeated without repeated recalibrations, providing all other sampling specifications have been met.

3.11 Pre-Sampling Calibration/Post-Sampling Calibration Check. The protocols executed at the beginning and end of each sampling day to bracket measurement readings with controlled performance checks.

3.12 Performance-Established Configuration. The EC cell and sampling system configuration that existed at the time that it initially met the performance requirements of this protocol.

4.0 INTERFERENCES.

When present in sufficient concentrations, NO and NO_2 are two gas species that have been reported to interfere with CO concentration measurements. In the likelihood of this occurrence, it is the protocol user's responsibility to employ and properly maintain an appropriate CO EC cell filter or scrubber for removal of these gases, as described in Section 6.2.12.

5.0 SAFETY. [RESERVED]

6.0 EQUIPMENT AND SUPPLIES.

6.1 What equipment do I need for the measurement system?

The system must maintain the gas sample at conditions that will prevent moisture condensation in the sample transport lines, both before and as the sample gas contacts the EC cells. The essential components of the measurement system are described below.

6.2 Measurement System Components.

6.2.1 Sample Probe. A single extraction-point probe constructed of glass, stainless steel or other non-reactive material, and of length sufficient to reach any designated sampling point. The sample probe must be designed to prevent plugging due to condensation or particulate matter.

6.2.2 Sample Line. Non-reactive tubing to transport the effluent from the sample probe to the EC cell.

6.2.3 Calibration Assembly (optional). A three-way valve assembly or equivalent to introduce calibration gases at ambient pressure at the exit end of the sample probe during calibration checks. The assembly must be designed such that only stack gas or calibration gas flows in the sample line and all gases flow through any gas path filters.

6.2.4 Particulate Filter (optional). Filters before the inlet of the EC cell to prevent accumulation of particulate material in the measurement system and extend the useful life of the components. All filters must be fabricated of materials that are non-reactive to the gas mixtures being sampled.

6.2.5 Sample Pump. A leak-free pump to provide undiluted sample gas to the system at a flow rate sufficient to minimize the response time of the measurement system. If located upstream of the EC cells, the pump must be constructed of a material that is non-reactive to the gas mixtures being sampled.

6.2.8 Sample Flow Rate Monitoring. An adjustable rotameter or equivalent device used to adjust and maintain the sample flow rate through the analyzer as prescribed.

6.2.9 Sample Gas Manifold (optional). A manifold to divert a portion of the sample gas stream to the analyzer and the remainder to a by-pass discharge vent. The sample gas manifold may also include provisions for introducing calibration gases directly to the analyzer. The manifold must be constructed of a material that is non-reactive to the gas mixtures being sampled.

6.2.10 EC cell. A device containing one or more EC cells to determine the CO and O_2 concentrations in the sample gas stream. The EC cell(s) must meet the applicable performance specifications of Section 13 of this protocol.

6.2.11 Data Recorder. A strip chart recorder, computer or digital recorder to make a record of analyzer output data. The data recorder resolution (i.e., readability) must be no greater than 1 ppm for CO; 0.1 percent for O_2; and one degree (either °C or °F) for temperature. Alternatively, you may use a digital or analog meter having the same resolution to observe and manually record the analyzer responses.

6.2.12 Interference Gas Filter or Scrubber. A device to remove interfering compounds upstream of the CO EC cell. Specific interference gas filters or scrubbers used in the performance-established configuration of the analyzer must continue to be used. Such a filter or scrubber must have a means to determine when the removal agent is exhausted. Periodically replace or replenish it in accordance with the manufacturer's recommendations.

7.0 Reagents and Standards. What calibration gases are needed?

7.1 Calibration Gases. CO calibration gases for the EC cell must be CO in nitrogen or CO in a mixture of nitrogen and O_2. Use CO calibration gases with labeled concentration values certified by the manufacturer to be within ±5 percent of the label value. Dry ambient air (20.9 percent O_2) is acceptable for calibration of the O_2 cell. If needed, any lower percentage O_2 calibration gas must be a mixture of O_2 in nitrogen.

7.1.1 Up-Scale CO Calibration Gas Concentration. Choose one or more up-scale gas concentrations such that the average of the stack gas measurements for each stack gas sampling run are between 25 and 150 percent of those concentrations. Alternatively, choose an up-scale gas that does not exceed twice the concentration of the applicable outlet standard. If a measured gas value exceeds 150 percent of the up-scale CO calibration gas value at any time during the stack gas sampling run, the run must be discarded and repeated.

7.1.2 Up-Scale O_2 Calibration Gas Concentration.

Select an O_2 gas concentration such that the difference between the gas concentration and the average stack gas measurement or reading for each sample run is less than 15 percent O_2. When the average exhaust gas O_2 readings are above 6 percent, you may use dry ambient air (20.9 percent O_2) for the up-scale O_2 calibration gas.

7.1.3 Zero Gas. Use an inert gas that contains less than 0.25 percent of the up-scale CO calibration gas concentration. You may use dry air that is free from ambient CO and other combustion gas products (e.g., CO_2).

8.0 Sample Collection and Analysis

8.1 Selection of Sampling Sites.

8.1.1 Control Device Inlet. Select a sampling site sufficiently downstream of the engine so that the combustion gases should be well mixed. Use a single sampling extraction point near the center of the duct (e.g., within the 10 percent centroidal area), unless instructed otherwise.

8.1.2 Exhaust Gas Outlet. Select a sampling site located at least two stack diameters downstream of any disturbance (e.g., turbocharger exhaust, crossover junction or recirculation take-off) and at least one-half stack diameter upstream of the gas discharge to the atmosphere. Use a single sampling extraction point near the center of the duct (e.g., within the 10 percent centroidal area), unless instructed otherwise.

8.2 Stack Gas Collection and Analysis. Prior to the first stack gas sampling run, conduct that the pre-sampling calibration in accordance with Section 10.1. Use Figure 1 to record all data. Zero the analyzer with zero gas. Confirm and record that the scrubber media color is correct and not exhausted. Then position the probe at the sampling point and begin the sampling run at the same flow rate used during the up-scale calibration. Record the start time. Record all EC cell output responses and the flow rate during the “sample conditioning phase” once per minute until constant readings are obtained. Then begin the “measurement data phase” and record readings every 15 seconds for at least two minutes (or eight readings), or as otherwise required to achieve two continuous minutes of data that meet the specification given in Section 13.1. Finally, perform the “refresh phase” by introducing dry air, free from CO and other combustion gases, until several minute-to-minute readings of consistent value have been obtained. For each run use the “measurement data phase” readings to calculate the average stack gas CO and O_2 concentrations.

8.3 EC Cell Rate. Maintain the EC cell sample flow rate so that it does not vary by more than ±10 percent throughout the pre-sampling calibration, stack gas sampling and post-sampling calibration check. Alternatively, the EC cell sample flow rate can be maintained within a tolerance range that does not affect the gas concentration readings by more than ±3 percent, as instructed by the EC cell manufacturer.

9.0 Quality Control (Reserved)

10.0 Calibration and Standardization

10.1 Pre-Sampling Calibration. Conduct the following protocol once for each nominal range to be used on each EC cell before performing a stack gas sampling run on each field sampling day. Repeat the calibration if you replace an EC cell before completing all of the sampling runs. There is no prescribed order for calibration of the EC cells; however, each cell must complete the measurement data phase during calibration. Assemble the measurement system by following the manufacturer's recommended protocols including for preparing and preconditioning the EC cell. Assure the measurement system has no leaks and verify the gas scrubbing agent is not depleted. Use Figure 1 to record all data.

10.1.1 Zero Calibration. For both the O_2 and CO cells, introduce zero gas to the measurement system (e.g., at the calibration assembly) and record the concentration reading every minute until readings are constant for at least two consecutive minutes. Include the time and sample flow rate. Repeat the steps in this section at least once to verify the zero calibration for each component gas.

10.1.2 Zero Calibration Tolerance. For each zero gas introduction, the zero level output must be less than or equal to ±3 percent of the up-scale gas value or ±1 ppm, whichever is less restrictive, for the CO channel and less than or equal to ±0.3 percent O_2 for the O_2 channel.

10.1.3 Up-Scale Calibration. Individually introduce each calibration gas to the measurement system (e.g., at the calibration assembly) and record the start time. Record all EC cell output responses and the flow rate during this "sample conditioning phase" once per minute until readings are constant for at least two minutes. Then begin the "measurement data phase" and record readings every 15 seconds for a total of two minutes, or as otherwise required. Finally, perform the "refresh phase" by introducing dry air, free from CO and other combustion gases, until readings are constant for at least two consecutive minutes. Then repeat the steps in this section at least once to verify the calibration for each component gas. Introduce all gases to flow through the entire sample handling system (i.e., at the exit end of the sampling probe or the calibration assembly).

10.1.4 Up-Scale Calibration Error. The mean of the difference of the "measurement data phase" readings from the reported standard gas value must be less than or equal to ±5 percent or ±1 ppm for CO or ±0.5 percent O_2, whichever is less restrictive, respectively. The maximum allowable deviation from the mean measured value of any single "measurement data phase" reading must be less than or equal to ±2 percent or ±1 ppm for CO or ±0.5 percent O_2, whichever is less restrictive, respectively.

10.2 Post-Sampling Calibration Check. Conduct a stack gas post-sampling calibration check after the stack gas sampling run or set of runs and within 12 hours of the initial calibration. Conduct up-scale and zero calibration checks using the protocol in Section 10.1. Make no changes to the sampling system or EC cell calibration until all post-sampling calibration checks have been recorded. If either the zero or up-scale calibration error exceeds the respective specification in Sections 10.1.2 and 10.1.4 then all measurement data collected since the previous successful calibrations are invalid and re-calibration and re-sampling are required. If the sampling system is disassembled or the EC cell calibration is adjusted, repeat the calibration check before conducting the next analyzer sampling run.

11.0 Analytical Procedure

The analytical procedure is fully discussed in Section 8.

12.0 Calculations and Data Analysis

Determine the CO and O_2 concentrations for each stack gas sampling run by calculating the mean gas concentrations of the data recorded during the "measurement data phase".

13.0 Protocol Performance

Use the following protocols to verify consistent analyzer performance during each field sampling day.

13.1 Measurement Data Phase Performance Check. Calculate the mean of the readings from the "measurement data phase". The maximum allowable deviation from the mean for each of the individual readings is ±2 percent, or ±1 ppm, whichever is less restrictive. Record the mean value and maximum deviation for each gas monitored. Data must conform to Section 10.1.4. The EC cell flow rate must conform to the specification in Section 8.3.

Example: A measurement data phase is invalid if the maximum deviation of any single reading comprising that mean is greater than ±2 percent *or* ±1 ppm (the default criteria). For example, if the mean = 30 ppm, single readings of below 29 ppm and above 31 ppm are disallowed).

13.2 Interference Check. Before the initial use of the EC cell and interference gas scrubber in the field, and semi-annually thereafter, challenge the interference gas scrubber with NO and NO_2 gas standards that are generally recognized as representative of diesel-fueled engine NO and NO_2 emission values. Record the responses displayed by the CO EC cell and other pertinent data on Figure 1 or a similar form.

13.2.1 Interference Response. The combined NO and NO_2 interference response should be less than or equal to ±5 percent of the up-scale CO calibration gas concentration.

13.3 Repeatability Check. Conduct the following check once for each nominal range that is to be used on the CO EC cell within 5 days prior to each field sampling program. If a field sampling program lasts longer than 5 days, repeat this check every 5 days. Immediately repeat the check if the EC cell is replaced or if the EC cell is exposed to gas concentrations greater than 150 percent of the highest up-scale gas concentration.

13.3.1 Repeatability Check Procedure. Perform a complete EC cell sampling run (all three phases) by introducing the CO calibration gas to the measurement system and record the response. Follow Section 10.1.3. Use Figure 1 to record all data. Repeat the run three times for a total of four complete runs. During the four repeatability check runs, do not adjust the system except where necessary to achieve the correct calibration gas flow rate at the analyzer.

13.3.2 Repeatability Check Calculations. Determine the highest and lowest average "measurement data phase" CO concentrations from the four repeatability check runs and record the results on Figure 1 or a similar form. The absolute value of the difference between the maximum and minimum average values recorded must not vary more than ±3 percent or ±1 ppm of the up-scale gas value, whichever is less restrictive.

14.0 Pollution Prevention (Reserved)

15.0 Waste Management (Reserved)

16.0 Alternative Procedures (Reserved)

17.0 References

(1) "Development of an Electrochemical Cell Emission Analyzer Test Protocol", Topical Report, Phil Juneau, Emission Monitoring, Inc., July 1997.

(2) "Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Emissions from Natural Gas-Fired Engines, Boilers, and Process Heaters Using Portable Analyzers", EMC Conditional Test Protocol 30 (CTM-30), Gas Research Institute Protocol GRI-96/0008, Revision 7, October 13, 1997.

(3) "ICAC Test Protocol for Periodic Monitoring", EMC Conditional Test Protocol 34 (CTM-034), The Institute of Clean Air Companies, September 8, 1999.

(4) "Code of Federal Regulations", Protection of Environment, 40 CFR, Part 60, Appendix A, Methods 1-4; 10.

Table 1: Appendix A—Sampling Run Data.

Facility_____ Engine I.D._____ Date_____											
Run Type:	(_)			(_)				(_)			(_)
(X)	Pre-Sample Calibration			Stack Gas Sample				Post-Sample Cal. Check			Repeatability Check
Run #	1	1	2	2	3	3	4	4	Time	Scrub. OK	Flow- Rate
Gas	O_2	CO	O_2	CO	O_2	CO	O_2	CO			
Sample Cond. Phase											
″											
″											
″											
″											
Measurement Data Phase											
″											
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Mean											

Refresh Phase											
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″											

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