

SUBPART 204-4

COMPLIANCE CERTIFICATION

Sec.

- 204-4.1 Compliance certification report
 204-4.2 Department's and administrator's action on compliance certifications

Historical Note

Subpart (§§ 204-4.1 — 204-4.2) filed Jan. 26, 2000 eff. 30 days after filing

§ 204-4.1 Compliance certification report

(a) *Applicability and deadline.* For each control period in which one or more NO_x budget units at a source are subject to the NO_x budget emissions limitation, the NO_x authorized account representative of the source shall submit to the department and the administrator by November 30th of that year, a compliance certification report for each source covering all such units.

(b) *Contents of report.* The NO_x authorized account representative shall include in the compliance certification report under subdivision (a) of this section the following elements, in a format prescribed by the administrator, concerning each unit at the source and subject to the NO_x budget emissions limitation for the control period covered by the report:

- (1) identification of each NO_x budget unit;
- (2) at the NO_x authorized account representative's option, the serial numbers of the NO_x allowances that are to be deducted from each unit's compliance account under section 204-6.5 of this Part for the control period;
- (3) at the NO_x authorized account representative's option, for units sharing a common stack and having NO_x emissions that are not monitored separately or apportioned in accordance with Subpart 204-8 of this Part, the percentage of NO_x allowances that is to be deducted from each unit's compliance account under section 204-6.5(e) of this Part; and
- (4) the compliance certification under subdivision (c) of this section.

(c) *Compliance certification.* In the compliance certification report under subdivision (a) of this section, the NO_x authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO_x budget units at the source in compliance with the NO_x Budget Trading Program, whether each NO_x budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO_x Budget Trading Program applicable to the unit, including:

- (1) whether the unit was operated in compliance with the NO_x budget emissions limitation;
- (2) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO_x emissions to the unit, in accordance with Subpart 204-8 of this Part;
- (3) whether all the NO_x emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 204-8 of this Part. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;
- (4) whether the facts that form the basis for certification under Subpart 204-8 of this Part of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 204-8 of this Part, if any, has changed; and

§ 204-3.3

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permit application is submitted under Subpart 204-9 is operating and is not a NO_x budget unit under 6 NYCRR 204-1.4.”

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§ 204-3.4 NO_x budget permit contents.

(a) In addition to the requirements of Part 201 of this Title, each NO_x budget permit will contain, in a format prescribed by the department, all elements required for a complete NO_x budget permit application under section 204-3.3 of this Subpart.

(b) Each NO_x budget permit shall incorporate all applicable requirements of this Part.

Historical Note

Sec. filed Jan. 26, 2000 eff. 30 days after filing.

§ 204-3.5 Effective date of NO_x budget permit.

The NO_x budget permit covering a NO_x budget unit shall become effective upon issuance.

Historical Note

Sec. filed Jan. 26, 2000 eff. 30 days after filing.

§ 204-3.6 NO_x budget permit revisions.

Revisions to a NO_x budget permit shall be done in accordance with Parts 201 and 621 of this Title.

Historical Note

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(5) if a change is required to be reported under paragraph (4) of this subdivision, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

Historical Note

Sec. filed Jan. 26, 2000 eff. 30 days after filing.

§ 204-4.2 Department's and administrator's action on compliance certifications.

(a) The department or the administrator may review and conduct independent audits concerning any compliance certification or any other submission under the NO_x Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions.

(b) The administrator may deduct NO_x allowances from or transfer NO_x allowances to a unit's compliance account or a source's overdraft account based on the information in the compliance certifications or other submissions, as adjusted under subdivision (a) of this section.

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