§ 204-4.1 Compliance certification report.

(a) Applicability and deadline. For each control period in which one or more NOx budget units at a source are subject to the NOx budget emissions limitation, the NOx 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 NOx 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 NOx budget emissions limitation for the control period covered by the report:

1. Identification of each NOx budget unit;

2. At the NOx authorized account representative's option, the serial numbers of the NOx 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 NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with Subpart 204-8 of this Part, the percentage of NOx allowances that is to be deducted from each unit's compliance account under section 204-6.5(c) of this Part;

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 NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx 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 NOx Budget Trading Program applicable to the unit, including:

1. Whether the unit was operated in compliance with the NOx 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 NOx emissions to the unit, in accordance with Subpart 204-8 of this Part;

3. Whether all the NOx 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 Permit application is submitted under Subpart 204-9 is operating and is not a NO<sub>x</sub> budget unit under 6 NYCRR 204-1.4."

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

§ 204-3.4 NO<sub>x</sub> budget permit contents.
(a) In addition to the requirements of Part 201 of this Title, each NO<sub>x</sub> budget permit will contain, in a format prescribed by the department, all elements required for a complete NO<sub>x</sub> budget permit application under section 204-3.3 of this Subpart.

(b) Each NO<sub>x</sub> 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<sub>x</sub> budget permit.
The NO<sub>x</sub> budget permit covering a NO<sub>x</sub> budget unit shall become effective upon issuance.

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

§ 204-3.6 NO<sub>x</sub> budget permit revisions.
Revisions to a NO<sub>x</sub> budget permit shall be done in accordance with Parts 201 and 621 of this Title.

Historical Note
Sec. filed Jan. 26, 2000 eff. 30 days after filing.
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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 NOX Budget Trading Program and make appropriate adjustments of the information in the compliance certifications or other submissions.

(b) The administrator may deduct NOX allowances from or transfer NOX 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.

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