

SUBPART 244-8

MONITORING AND REPORTING

Sec.	
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Historical Note

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§ 244-8.1 General requirements.

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NO_x unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Subpart and in subpart H of 40 CFR part 75. For purposes of complying with such requirements, the definitions in section 244-1.2 of this Part and in 40 CFR 72.2 shall apply, and the terms *affected unit*, *designated representative*, and *continuous emission monitoring system* (or *CEMS*) in 40 CFR part 75 shall be deemed to refer to the terms *CAIR NO_x unit*, *CAIR designated representative*, and *continuous emission monitoring system* (or *CEMS*) respectively, as defined in section 244-1.2 of this Part. The owner or operator of a unit that is not a CAIR NO_x unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NO_x unit.

(a) *Requirements for installation, certification, and data accounting.* The owner or operator of each CAIR NO_x 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, CO₂ or O₂ concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72);

(2) successfully complete all certification tests required under section 244-8.2 of this Subpart and meet all other requirements of this Subpart and 40 CFR part 75 applicable to the monitoring systems under paragraph (1) of this subdivision; and

(3) record, report, and quality-assure the data from the monitoring systems under paragraph (1) of this subdivision.

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

(1) For the owner or operator of a CAIR NO_x unit that commences commercial operation before July 1, 2007, by January 1, 2008.

(2) For the owner or operator of a CAIR NO_x unit that commences commercial operation on or after July 1, 2007, by the later of the following dates:

(i) January 1, 2008; or

(ii) 90-unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation.

(3) For the owner or operator of a CAIR NO_x 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 (1), (2), (4), or (5) of this subdivision, by 90-unit operating days or 180

calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO_x emissions controls.

(4) Notwithstanding the dates in paragraphs (1) and (2) of this subdivision, for the owner or operator of a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under Subpart 244-9 of this Part, by the date specified in section 244-9.5(b) of this Part.

(5) Notwithstanding the dates in paragraphs (1) and (2) of this subdivision, for the owner or operator of a CAIR NO_x opt-in unit under Subpart 244-9 of this Part, by the date on which the CAIR NO_x opt-in unit enters the CAIR NO_x Annual Trading Program as provided in section 244-9.5(g) of this Part.

(c) *Reporting data.* The owner or operator of a CAIR NO_x unit that does not meet the applicable compliance date set forth in subdivision (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 40 CFR 75.31(b)(2) or (c)(3), section 2.4 of appendix D to 40 CFR part 75, or section 2.5 of appendix E to 40 CFR part 75, as applicable.

(d) *Prohibitions.* (1) No owner or operator of a CAIR NO_x 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 section 244-8.6 of this Subpart.

(2) No owner or operator of a CAIR NO_x unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR part 75.

(3) No owner or operator of a CAIR NO_x unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, 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 40 CFR part 75.

(4) No owner or operator of a CAIR NO_x 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 section 244-1.5 of this Part 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 40 CFR part 75, by the department for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or

(iii) the CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with section 244-8.2(d)(3)(i) of this Subpart.

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

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§ 244-8.2 Initial certification and recertification procedures.

(a) The owner or operator of a CAIR NO_x unit shall be exempt from the initial certification requirements of this section for a monitoring system under section 244-8.1(a)(1) of this Subpart if the following conditions are met:

(1) the monitoring system has been previously certified in accordance with 40 CFR part 75; and

(2) the applicable quality-assurance and quality-control requirements of 40 CFR 75.21 and appendix B, appendix D, and appendix E to 40 CFR part 75 are fully met for the certified monitoring system described in paragraph (1) of this subdivision.

(b) The recertification provisions of this section shall apply to a monitoring system under section 244-8.1(a)(1) of this Subpart exempt from initial certification requirements under subdivision (a) of this section.

(c) If the administrator has previously approved a petition under 40 CFR 75.17(a) or (b) for apportioning the NO_x emission rate measured in a common stack or a petition under 40 CFR 75.66 for an alternative to a requirement in 40 CFR 75.12 or 40 CFR 75.17, the CAIR designated representative shall resubmit the petition to the administrator under section 244-8.6(a) of this Subpart to determine whether the approval applies under the CAIR NO_x Annual Trading Program.

(d) Except as provided in subdivision (a) of this section, the owner or operator of a CAIR NO_x Ozone Season unit shall comply with the following initial certification and recertification procedures for a continuous monitoring system (*i.e.*, a continuous emission monitoring system and an excepted monitoring system under appendices D and E to 40 CFR part 75) under section 244-8.1(a)(1) of this Subpart. The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 or that qualifies to use an alternative monitoring system under Subpart E of 40 CFR part 75 shall comply with the procedures in subdivision (e) or (f) of this section respectively.

(1) Requirements for initial certification. The owner or operator shall ensure that each continuous monitoring system under section 244-8.1(a)(1) of this Subpart (including the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20 by the applicable deadline in section 244-8.1(b) of this Subpart. 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 40 CFR 75.20 is required.

(2) Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under section 244-8.1(a)(1) of this Subpart that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR part 75, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NO_x monitoring system under appendix E to 40 CFR part 75, under section 244-8.1(a)(1) of this Subpart are subject to the recertification requirements in 40 CFR 75.20(g)(6).

(3) Approval process for initial certification and recertification. Subparagraphs (i) through (iv) of this paragraph apply to both initial certification and recertification of a continuous monitoring system under section 244-8.1(a)(1) of this Subpart. For recertifications, replace the words "certification" and "initial certification" with the word "recertification," replace the word "certified" with the word "recertified," and follow the procedures in 40 CFR 75.20(b)(5) and (g)(7) in lieu of the procedures in subparagraph (v) of this paragraph.

(i) Notification of certification. The CAIR designated representative shall submit to the department, the appropriate EPA regional office, and the administrator written notice of the dates of certification testing, in accordance with section 244-8.4 of this Subpart.

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

(iii) Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used under the CAIR NO_x Annual Trading Program for a period not to exceed 120 days after receipt by the department of the complete certification application for the monitoring system under subparagraph (ii) of this paragraph. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR part 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the department does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of the date of receipt of the complete certification application by the department.

(iv) Certification application approval process. The department will issue a written notice of approval or disapproval of the certification application to the owner or operator within 120 days of receipt of the complete certification application under subparagraph (ii) of this paragraph. In the event the department does not issue such a notice within such 120-day period, each monitoring system that meets the applicable performance requirements of 40 CFR part 75 and is included in the certification application will be deemed certified for use under the CAIR NO_x Annual Trading Program.

(a) Approval notice. If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR part 75, then the department 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 department will issue a written notice of incompleteness that sets a reasonable date by which the CAIR designated representative must submit the additional information required to complete the certification application. If the CAIR designated representative does not comply with the notice of incompleteness by the specified date, then the department may issue a notice of disapproval under clause (c) of this subparagraph. The 120-day review period shall not begin before receipt of a complete certification application.

(c) Disapproval notice. If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR part 75 or if the certification application is incomplete and the requirement for disapproval under clause (b) of this subparagraph is met, then the department will issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by the department and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under 40 CFR 75.20[a][3]). The owner or operator shall follow the procedures for loss of certification in subparagraph (v) of this paragraph for each monitoring system that is disapproved for initial certification.

(d) Audit decertification. The department or, for a CAIR NO_x opt-in unit or a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under Subpart 244-9 of this Part, the administrator may issue a notice of disapproval of the certification status of a monitor in accordance with section 244-8.3(b) of this Subpart.

(v) Procedures for loss of certification. If the department or the administrator issues a notice of disapproval of a certification application under clause (iv)(c) of this paragraph or a notice of disapproval of certification status under clause (iv)(d) of this paragraph, 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 40 CFR part 75.20(a)(4)(iii), 75.20(g)(7), or 75.21(e) and continuing until the applicable date and hour specified under 40 CFR 75.20(a)(5)(i) or (g)(7):

- (1) For a disapproved NO_x emission rate (*i.e.*, NO_x-diluent) system, the maximum potential NO_x emission rate, as defined in 40 CFR 72.2.
 - (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 40 CFR part 75.
 - (3) For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO₂ concentration or the minimum potential O₂ concentration (as applicable), as defined in sections 2.1.5, 2.1.3.1, and 2.1.3.2 of appendix A to 40 CFR part 75.
 - (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 40 CFR part 75.
 - (5) For a disapproved excepted NO_x monitoring system under appendix E to 40 CFR part 75, the fuel-specific maximum potential NO_x emission rate, as defined in 40 CFR 72.2.
- (b) The CAIR designated representative shall submit a notification of certification retest dates and a new certification application in accordance with subparagraphs (i) and (ii) of this paragraph.
- (c) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the department's or the administrator's notice of disapproval, no later than 30-unit operating days after the date of issuance of the notice of disapproval.
- (e) *Initial certification and recertification procedures for units using the low mass emission accepted methodology under 40 CFR 75.19.* The owner or operator of a unit qualified to use the low mass emissions (LME) excepted methodology under 40 CFR 75.19 shall meet the applicable certification and recertification requirements in 40 CFR 75.19(a)(2) and 75.20(h). If the owner or operator of such a unit elects to certify a fuel flowmeter system for heat input determination, the owner or operator shall also meet the certification and recertification requirements in 40 CFR 75.20(g).
- (f) *Certification/recertification procedures for alternative monitoring systems.* The CAIR designated representative of each unit for which the owner or operator intends to use an alternative monitoring system approved by the administrator, and if applicable, the permitting authority under Subpart E of 40 CFR part 75 shall comply with the applicable notification and application procedures of 40 CFR 75.20(f).

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§ 244-8.3 Out of control periods.

- (a) Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR part 75, data shall be substituted using the applicable missing data procedures in subpart D or subpart H of, or appendix D or appendix E to 40 CFR part 75.
- (b) *Audit decertification.* Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any monitoring system should not have been certified or recertified because it did not meet a particular performance specification or other requirement under section 244-8.2 of this Subpart or the applicable provisions of 40 CFR part 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the department or, for a CAIR NO_x opt-in unit or a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet

issued or denied under Subpart 244-9 of this Part, the administrator will issue a notice of disapproval of the certification status of such monitoring system. For the purposes of this subdivision, an audit shall be either a field audit or an audit of any information submitted to the department or the administrator. By issuing the notice of disapproval, the department or the administrator revokes prospectively the certification status of the monitoring system. The data measured and recorded by the monitoring system shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator shall follow the applicable initial certification or recertification procedures in section 244-8.2 of this Subpart for each disapproved monitoring system.

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§ 244-8.4 Notifications.

The CAIR designated representative for a CAIR NO_x unit shall submit written notice to the department and the administrator in accordance with 40 CFR 75.61.

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§ 244-8.5 Recordkeeping and reporting.

(a) *General provisions.* The CAIR designated representative shall comply with all recordkeeping and reporting requirements in this section, the applicable recordkeeping and reporting requirements under 40 CFR 75.73, and the requirements of section 244-2.1(e)(1) of this Part.

(b) *Monitoring plans.* The owner or operator of a CAIR NO_x unit shall comply with requirements of 40 CFR 75.73(c) and (e) and, for a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under Subpart 244-9 of this Part, sections 244-9.4 and 244-9.5(a) of this Part.

(c) *Certification applications.* The CAIR designated representative shall submit an application to the department within 45 days after completing all initial certification or recertification tests required under section 244-8.2 of this Subpart, including the information required under 40 CFR 75.63.

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

(1) The CAIR designated representative shall report the NO_x mass emissions data and heat input data for the CAIR NO_x unit, in an electronic quarterly report in a format prescribed by the administrator, for each calendar quarter beginning with:

(i) for a unit that commences commercial operation before July 1, 2007, the calendar quarter covering January 1, 2008 through March 31, 2008;

(ii) for a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 244-8.1(b) of this Subpart, unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 through March 31, 2008;

(iii) notwithstanding subparagraphs (i) and (ii) of this paragraph, for a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under Subpart 244-9 of this Part, the calendar quarter corresponding to the date specified in section 244-9.5(b) of this Part; and

(iv) notwithstanding subparagraphs (i) and (ii) of this paragraph, for a CAIR NO_x opt-in unit under Subpart 244-9 of this Part, the calendar quarter corresponding to the date on which the CAIR NO_x opt-in unit enters the CAIR NO_x Annual Trading Program as provided in section 244-9.5(g) of this Part.

(2) The CAIR designated representative shall submit each quarterly report to the administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).

(3) For CAIR NO_x units that are also subject to an acid rain emissions limitation or the CAIR NO_x Ozone Season Trading Program, CAIR SO₂ Trading Program, or the Mercury Reduction Program for coal-fired electric utility steam generating units (Part 246 of this Title), quarterly reports shall include the applicable data and information required by subparts F through I of 40 CFR part 75 as applicable, in addition to the NO_x mass emission data, heat input data, and other information required by this Subpart.

(e) *Compliance certification.* The CAIR designated representative shall submit to the administrator a compliance certification (in a format prescribed by the administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(1) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR part 75, including the quality assurance procedures and specifications; and

(2) for a unit with add-on NO_x emission controls and for all hours where NO_x data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR part 75 and the substitute data values do not systematically underestimate NO_x emissions.

Historical Note

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§ 244-8.6 Petitions.

(a) Except as provided in paragraph (b)(2) of this section, the CAIR designated representative of a CAIR NO_x unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the administrator requesting approval to apply an alternative to any requirement of this Subpart. Application of an alternative to any requirement of this Subpart is in accordance with this Subpart only to the extent that the petition is approved in writing by the administrator, in consultation with the department.

(b) (1) The CAIR designated representative of a CAIR NO_x unit that is not subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the department and the administrator requesting approval to apply an alternative to any requirement of this Subpart. Application of an alternative to any requirement of this Subpart is in accordance with this Subpart only to the extent that the petition is approved in writing by both the department and the administrator.

(2) The CAIR designated representative of a CAIR NO_x unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the department and the administrator requesting approval to apply an alternative to a requirement concerning any additional continuous emission monitoring system required under 40 CFR 75.72. Application of an alternative to any such requirement is in accordance with this Subpart only to the extent that the petition is approved in writing by both the department and the administrator.

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