

# ADR NOx Budget Permit Application

For more information, refer to 6 NYCRR Part 237-3.3

This submission is:

" New " Revised

Has your Title V permit been modified to include 6 NYCRR Part 237?

" Yes " No ... I will notify the regional DEC office that my Title V permit must be modified in order to include 6 NYCRR Part 237.

**STEP 1**

Identify the source by plant name, State, and ORIS or facility code

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Plant Name

ORIS/Facility Code

Unit ID#

**STEP 2**

Enter the unit ID# for each NOx budget unit


**STEP 3**  
Read the standard requirements and the certification, enter the name of the NOx authorized account representative, and sign and date

**Standard Requirements**

(a) Permit Requirements

- (1) The NOx authorized account representative of each NOx budget unit shall:
  - (i) Submit to the Department a complete NOx budget permit application under Section 237-3.3 in accordance with the deadlines specified in Subdivision 237-3.2;
  - (ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review a NOx budget permit application and issue or deny a NOx budget permit.
- (2) The owners and operators of each NOx budget unit shall have a NOx budget permit and operate the unit in compliance with such NOx budget permit.

(b) Monitoring requirements

- (1) The owners and operators and, to the extent applicable, the NOx authorized account representative of each NOx Budget source and each NOx budget unit at the source shall comply with the monitoring requirements of Subpart 237-8.
- (2) The emissions measurements recorded and reported in accordance with Subpart 237-8 shall be used to determine compliance by the unit with the NOx budget emissions limitation under subdivision (c) of this section.

(c) Nitrogen oxides requirements

- (1) The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under Section 237-6.5, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with Subpart 237-8.

- (2) Each ton of nitrogen oxides emitted in excess of the NOx budget emissions limitation shall constitute a separate violation of this Part, the Clean Air Act and applicable State law.
- (3) A NOx budget unit shall be subject to the requirements under paragraph (c)(1) of this section starting on the later of October 1, 2004 or the date on which the unit commences operation.
- (4) NOx allowances shall be held in, deducted from, or transferred among New York State Acid Deposition Reduction Allowance Tracking System accounts in accordance with Subparts 237-5, 237-6, 237-7, and 237-9.
- (5) A NOx allowance shall not be deducted, in order to comply with the requirements under paragraph (c)(1) of this section, for a control period in a year prior to the year for which the NOx allowance was allocated.
- (6) A NOx allowance allocated by the Department under the ADR NOx Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the ADR NOx Budget Trading Program. No provision of the ADR NOx Budget Trading Program, the NOx budget permit application, or the NOx budget permit and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
- (7) A NOx allowance allocated by the Department under the ADR NOx Budget Trading Program does not constitute a property right.

(d) Excess emissions requirements

The owners and operators of a NOx budget unit that has excess emissions in any control period shall:

- (1) Forfeit the NOx allowances required for deduction under Paragraph 237-6.5(d)(1); and
- (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under Paragraph 237-6.5(d)(3).

(e) Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the NOx budget source and each NOx budget 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 Department or its agent.

(i) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with Section 237-2.4; 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 account certificate of representation changing the NOx authorized account representative.

(ii) All emissions monitoring information, in accordance with Subpart 237-8; provided that to the extent that Subpart 237-8 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 ADR NOx Budget Trading Program.

(iv) Copies of all documents used to complete a NOx budget permit application and any other submission under the ADR NOx Budget Trading Program or to demonstrate compliance with the requirements of the ADR NOx Budget Trading Program.

(2) The NOx authorized account representative of a NOx budget source and each NOx budget unit at the source shall submit the reports and compliance certifications required under the ADR NOx Budget Trading Program, including those under Subparts 237-4, 237-8, or 237-9.

(f) Liability

(1) No permit revision shall excuse any violation of the requirements of the ADR NOx Budget Trading Program that occurs prior to the date that the revision takes effect.

(2) Any provision of the ADR NOx Budget Trading Program that applies to a NOx budget source (including a provision applicable to the NOx authorized account representative of a NOx budget source) shall also apply to the owners and operators of such source and of the NOx budget units at the source.

(3) Any provision of the ADR NOx Budget Trading Program that applies to a NOx budget unit (including a provision applicable to the NOx authorized account representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to



**STEP 5 (For sources submitting an initial NOx budget opt-in permit application)**

**Read the certification, enter the name of the NOx authorized account representative, sign and date**

I certify that each unit for which this permit application is submitted under Subpart 237-9 is operating, as that term is defined under 6 NYCRR 237-1.4.

Name

Signature

Date


**SUBMISSION INSTRUCTIONS:**

One copy must be sent to the DEC regional office where your facility is located.

One copy must be sent to the DEC Central Office at:

New York State Department of Environmental Conservation  
NYSDEC  
ADR NOx Budget Trading Program  
625 Broadway, 2<sup>nd</sup> Floor  
Albany, NY 12233-3251

Please call NYSDEC Division of Air Resources at (518) 402-8396 with any questions.