

# CAIR NOx Annual Permit Application

For more information, refer to 6 NYCRR Part 244-3.3

This submission is:

New  Revised

**STEP 1**  
Identify the source by plant name, State, and ORIS or facility code

Plant Name	ORIS/Facility Code
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**STEP 2**  
Enter the unit ID# for each CAIR NOx unit

Unit ID#					

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

**Standard Requirements**

(a) Permit Requirements

- (1) The CAIR NOx authorized account representative of each CAIR NOx unit shall:
  - (i) Submit to the Department a complete CAIR NOx Annual Trading Program permit application under Section 244-3.3 in accordance with the deadlines specified in Subdivision 244-3.2;
  - (ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review a CAIR NOx Annual Trading Program permit application and issue or deny a CAIR NOx Annual Trading Program permit.
- (2) The owners and operators of each CAIR NOx unit shall have a CAIR NOx Annual Trading Program permit and operate the unit in compliance with such CAIR NOx Annual Trading Program permit.

(b) Monitoring requirements

- (1) The owners and operators and, to the extent applicable, the CAIR NOx authorized account representative of each CAIR NOx source and each CAIR NOx unit at the source shall comply with the monitoring requirements of Subpart 244-8.
- (2) The emissions measurements recorded and reported in accordance with Subpart 244-8 shall be used to determine compliance by the unit with the CAIR NOx budget emissions limitation under subdivision (c) of this section.

(c) Nitrogen oxides requirements

- (1) The owners and operators of each CAIR NOx source and each CAIR NOx unit at the source shall hold CAIR NOx allowances available for compliance deductions under Section 244-6.5, as of the CAIR NOx allowance transfer deadline, in the unit's compliance account in an amount not less than the total CAIR NOx emissions for the control period from the unit, as determined in accordance with Subpart 244-8.
- (2) Each ton of nitrogen oxides emitted in excess of the CAIR NOx budget emissions limitation shall constitute a separate violation of this Part, the Clean Air Act and applicable State law.
- (3) A CAIR NOx unit shall be subject to the requirements under paragraph (c)(1) of this section starting on the later of January 1, 2009 or the date on which the unit commences operation.
- (4) NOx allowances shall be held in, deducted from, or transferred among CAIR NOx Allowance Tracking System accounts in accordance with Subparts 244-5, 244-6, 244-7, and 244-9.
- (5) A CAIR 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 CAIR NOx allowance was allocated.
- (6) A CAIR NOx allowance allocated by the Department under the CAIR NOx Annual Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NOx Annual Trading Program. No provision of the CAIR NOx Annual Trading Program, the CAIR NOx Annual Trading Program permit application, or the CAIR NOx Annual 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 CAIR NOx allowance allocated by the Department under the CAIR NOx Annual Trading Program does not constitute a property right.

(d) Excess emissions requirements

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

- (1) Forfeit the CAIR NOx allowances required for deduction under Paragraph 244-6.5(d)(1); and
- (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under Paragraph 244-6.5(d)(2).

(e) Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the CAIR NOx source and each CAIR NOx 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 CAIR NOx authorized account representative for the source and each CAIR NOx unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with Section 244-2.4; 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 CAIR NOx authorized account representative.

(ii) All emissions monitoring information, in accordance with Subpart 244-8; provided that to the extent that Subpart 244-8 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 CAIR NOx Annual Trading Program.

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

(2) The CAIR NOx authorized account representative of a CAIR NOx source and each CAIR NOx unit at the source shall submit the reports and compliance certifications required under the CAIR NOx Annual Trading Program, including those under Subparts 244-4, 244-8, or 244-9.

(f) Liability

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

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

(3) Any provision of the CAIR NOx Annual Trading Program that applies to a CAIR NOx unit (including a provision applicable to the CAIR NOx authorized account representative of a CAIR NOx unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Subpart 244-8, the owners and operators and the CAIR NOx authorized account representative of one CAIR NOx unit shall not be liable for any violation by any other CAIR NOx unit of which they are not owners or operators or the CAIR NOx authorized account representative and that is located at a source of which they are not owners or operators or the CAIR NOx authorized account representative.

(g) Effect on Other Authorities

No provision of the CAIR NOx Budget Trading Program, a CAIR NOx Annual Trading Program permit application, or a CAIR NOx Annual Trading Program permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the CAIR NOx authorized account representative of a CAIR NOx source or CAIR NOx unit from compliance with any other provisions of applicable State and federal law and regulations.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the CAIR NOx sources or CAIR NOx 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	
Signature	Date

Company
Street
City/State/Zip
Phone
Fax
e-mail

**STEP 4 (For sources with opt-in units only)**

For each unit listed under Step 2 that is an opt-in unit, re-enter the unit ID#, and indicate if this is an initial permit application for that unit by checking the box

Unit ID#	Check box if initial application
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

**Step 5 (For sources with opt-in units only)**

I certify that each unit for which this permit application is submitted under Subpart 244-9 is not a CAIR NOx unit under Subpart 244-1 and is not covered by an exemption under 6 NYCRR 244-1.4(b) that is in effect.

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

Name	
Signature	Date

**STEP 6 (For sources submitting an initial CAIR NOx opt-in permit application)**

I certify that each unit for which this permit application is submitted under Subpart 244-9 is operating, as that term is defined under 6 NYCRR 244-1.4.

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

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  
 CAIR NOx Annual 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.