

ADR SO₂ Budget Permit Application

For more information, refer to 6 NYCRR Part 238-3.3

This submission is:

" New " Revised

Has your Title V permit been modified to include 6 NYCRR Part 238?

" Yes " No ... I will notify the regional DEC office that my Title V permit must be modified in order to include 6 NYCRR Part 238.

STEP 1

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

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Plant Name

ORIS/Facility Code

STEP 2

Enter the unit ID# for each SO₂ budget unit

Unit ID#

STEP 3

Read the standard requirements and the certification, enter the name of the SO₂ authorized account representative, and sign and date

Standard Requirements

(a) Permit Requirements

- (1) The SO₂ authorized account representative of each SO₂ budget unit shall:
 - (i) Submit to the Department a complete SO₂ budget permit application under Section 238-3.3 in accordance with the deadlines specified in Subdivision 238-3.2;
 - (ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review a SO₂ budget permit application and issue or deny a SO₂ budget permit.
- (2) The owners and operators of each SO₂ budget unit shall have a SO₂ budget permit and operate the unit in compliance with such SO₂ budget permit.

(b) Monitoring requirements

- (1) The owners and operators and, to the extent applicable, the SO₂ authorized account representative of each SO₂ Budget source and each SO₂ budget unit at the source shall comply with the monitoring requirements of Subpart 238-8.
- (2) The emissions measurements recorded and reported in accordance with Subpart 238-8 shall be used to determine compliance by the unit with the SO₂ budget emissions limitation under subdivision (c) of this section.

(c) Sulfur Dioxide requirements

- (1) The owners and operators of each SO₂ budget source and each SO₂ budget unit at the source shall hold SO₂ allowances available for compliance deductions under Section 238-6.5, as of the SO₂ allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total SO₂ emissions for the control period from the unit, as determined in accordance with Subpart 238-8.

- (2) Each ton of sulfur dioxide emitted in excess of the SO₂ budget emissions limitation shall constitute a separate violation of this Part, the Clean Air Act and applicable State law.
- (3) A SO₂ 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) SO₂ allowances shall be held in, deducted from, or transferred among New York State Acid Deposition Reduction Allowance Tracking System accounts in accordance with Subparts 238-5, 238-6, and 238-7.
- (5) A SO₂ 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 SO₂ allowance was allocated.
- (6) A SO₂ allowance allocated by the Department under the ADR SO₂ Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the ADR SO₂ Budget Trading Program. No provision of the ADR SO₂ Budget Trading Program, the SO₂ budget permit application, or the SO₂ 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 SO₂ allowance allocated by the Department under the ADR SO₂ Budget Trading Program does not constitute a property right.

(d) Excess emissions requirements

The owners and operators of a SO₂ budget unit that has excess emissions in any control period shall:

- (1) Forfeit the SO₂ allowances required for deduction under Paragraph 238-6.5(d)(1); and
- (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under Paragraph 238-6.5(d)(3).

(e) Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the SO₂ budget source and each SO₂ 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 SO₂ authorized account representative for the source and each SO₂ 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 238-2.4; 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 SO₂ authorized account representative.
 - (ii) All emissions monitoring information, in accordance with Subpart 238-8; provided that to the extent that Subpart 238-8 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 SO₂ Budget Trading Program.
 - (iv) Copies of all documents used to complete a SO₂ budget permit application and any other submission under the ADR SO₂ Budget Trading Program or to demonstrate compliance with the requirements of the ADR SO₂ Budget Trading Program.
- (2) The SO₂ authorized account representative of a SO₂ budget source and each SO₂ budget unit at the source shall submit the reports and compliance certifications required under the ADR SO₂ Budget Trading Program, including those under Subparts 238-4, or 238-8.

(f) Liability

- (1) No permit revision shall excuse any violation of the requirements of the ADR SO₂ Budget Trading Program that occurs prior to the date that the revision takes effect.
- (2) Any provision of the ADR SO₂ Budget Trading Program that applies to a SO₂ budget source (including a provision applicable to the SO₂ authorized account representative of a SO₂ budget source) shall also apply to the owners and operators of such source and of the SO₂ budget units at the source.
- (3) Any provision of the ADR SO₂ Budget Trading Program that applies to a SO₂ budget unit (including a provision applicable to the SO₂ authorized account representative of a SO₂ budget

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 238-8, the owners and operators and the SO₂ authorized account representative of one SO₂ budget unit shall not be liable for any violation by any other SO₂ budget unit of which they are not owners or operators or the SO₂ authorized account representative and that is located at a source of which they are not owners or operators or the SO₂ authorized account representative.

(g) Effect on Other Authorities

No provision of the ADR SO₂ Budget Trading Program, a SO₂ budget permit application, or a SO₂ budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the SO₂ authorized account representative of a SO₂ budget source or SO₂ budget 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 SO₂ budget sources or SO₂ budget 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	

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 SO₂ Budget Trading Program
 625 Broadway, 2nd Floor
 Albany, NY 12233-3251

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