

TO BE RESCINDED

3745-108-01 **Hg budget trading program general provisions.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the "Incorporation by Reference" section at the end of this rule.]

- (A) This chapter of the Administrative Code establishes the Hg budget trading program in Ohio as a means to control and reduce mercury emissions from Hg budget sources in the state. The director authorizes the administrator to assist the director in implementing Ohio's Hg budget trading program as a participant in the federal Hg budget trading program by carrying out the functions set forth for the administrator in this chapter.
- (B) The terms used in this chapter shall have the meanings set forth in this rule as follows:
- (1) "Account number" means the identification number given by the administrator to each Hg allowance tracking system account.
 - (2) "Acid rain emissions limitation" means a limitation on emissions of sulfur dioxide or nitrogen oxides under the acid rain program.
 - (3) "Acid rain program" means a multi-state sulfur dioxide and nitrogen oxides air pollution control and emission reduction program established by the administrator under Title IV of the Clean Air Act and 40 CFR Parts 72 to 78.
 - (4) "Administrator" means the administrator of the United States environmental protection agency or the administrator's duly authorized representative.
 - (5) "Allocate" or "allocation" means the determination by the permitting authority or the administrator of the amount of Hg allowances to be initially credited to a Hg budget unit or a new unit set-aside under rule 3745-108-04 of the Administrative Code.
 - (6) "Allowance transfer deadline" means, for a control period, midnight of March first, if it is a business day, or, if March first is not a business day, midnight of the first business day following March first, and is the deadline by which a Hg allowance transfer must be submitted for recordation in a Hg budget source's compliance account in order to be used to meet the source's Hg budget emissions limitation for such control period in accordance with paragraph (D) of rule 3745-108-05 of the Administrative Code.

- (7) "Alternate Hg designated representative" means, for a Hg budget source and each Hg budget unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source in accordance with rule 3745-108-02 of the Administrative Code, to act on behalf of the Hg designated representative in matters pertaining to the Hg budget trading program.
- (8) "ASTM" means the American society for testing and materials, also known as ASTM International.
- (9) "Automated data acquisition and handling system" or "DAHS" means that component of the continuous emission monitoring system (CEMS), or other emissions monitoring system approved for use under rule 3745-108-07 of the Administrative Code, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required under rule 3745-108-07 of the Administrative Code.
- (10) "Boiler" means an enclosed fossil-fuel or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.
- (11) "Bottoming-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful thermal energy and at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.
- (12) "Btu" means British thermal unit.
- (13) "CAIR NO_x annual trading program" means a multi-state nitrogen oxides air pollution control and emission reduction program approved and administered by the administrator in accordance with 40 CFR Part 96, Subparts AA to II and 40 CFR 51.123, as a means of mitigating interstate transport of fine particulates and nitrogen oxides.
- (14) "CAIR NO_x ozone season trading program" means a multi-state nitrogen oxides air pollution control and emission reduction program approved and administered by the administrator in accordance with 40 CFR Part 96, Subparts AAAA to IIII and 40 CFR 51.123, as a means of mitigating interstate transport of ozone and nitrogen oxides.

- (15) "CAIR SO₂ trading program" means a multi-state sulfur dioxide air pollution control and emission reduction program approved and administered by the administrator in accordance with 40 CFR Part 96, Subparts AAA to III and 40 CFR 51.124, as a means of mitigating interstate transport of fine particulates and sulfur dioxide.
- (16) "Clean Air Act" or "CAA" means the Clean Air Act, 42 USC 7401 to 7671q.
- (17) "CO₂" means carbon dioxide.
- (18) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American society of testing and materials (ASTM) standard specification for classification of coals by rank D388-77, 90, 91, 95, 98a, or 99 (reapproved 2004)¹ (incorporated by reference, see 60.17) and coal refuse. Synthetic fuels derived from coal for the purpose of creating useful heat, including but not limited to solvent-refined coal, gasified coal, coal-oil mixtures, and coal-water mixtures are included in this definition for the purposes of this rule.
- (19) "Coal-derived fuel" means any fuel (whether in a solid, liquid, or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.
- (20) "Coal-fired" means combusting any amount of coal or coal-derived fuel, alone or in combination with any amount of any other fuel, during any year.
- (21) "Cogeneration unit" means a stationary, coal-fired boiler or stationary, coal-fired combustion turbine:
- (a) Having equipment used to produce electricity and useful thermal energy for industrial, commercial, heating, or cooling purposes through the sequential use of energy; and
 - (b) Producing during the twelve-month period starting on the date the unit first produces electricity and during any calendar year after which the unit first produces electricity:
 - (i) For a topping-cycle cogeneration unit:
 - (a) Useful thermal energy not less than five per cent of total energy output; and

(b) Useful power that, when added to one-half of useful thermal energy produced, is not less than 42.5 per cent of total energy input, if useful thermal energy produced is fifteen per cent or more of total energy output, or not less than forty-five per cent of total energy input, if useful thermal energy produced is less than fifteen per cent of total energy output;

(ii) For a bottoming-cycle cogeneration unit, useful power not less than forty-five per cent of total energy input.

(22) "Combustion turbine" means:

(a) An enclosed device comprising a compressor, a combustor, and a turbine and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine; and

(b) If the enclosed device under paragraph (B)(22)(a) of this rule is combined cycle, any associated heat recovery steam generator and steam turbine.

(23) "Commence commercial operation" means, with regard to a unit serving a generator:

(a) To have begun to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, except as provided in paragraph (D) of rule 3745-108-01 of the Administrative Code.

(i) For a unit that is a Hg budget unit under paragraph (C) of rule 3745-108-01 of the Administrative Code, on the date the unit commences commercial operation as defined in paragraph (B)(24)(a) of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the unit's date of commencement of commercial operation.

(ii) For a unit that is a Hg budget unit under paragraph (C) of rule 3745-108-01 of the Administrative Code on the date the unit commences commercial operation as defined in paragraph (B)(24)(a) of this rule and that is subsequently replaced by a unit at the same source (e.g., repowered), the replacement unit shall be treated as a separate unit with a separate date for commencement

of commercial operation as defined in paragraph (B)(24)(a) or (B)(24)(b) of this rule as appropriate.

(b) Notwithstanding paragraph (B)(24)(a) of this rule and except as provided in paragraph (D) of rule 3745-108-01 of the Administrative Code, for a unit that is not a Hg budget unit under paragraph (D) of rule 3745-108-01 of the Administrative Code on the date the unit commences commercial operation as defined in paragraph (B)(24)(a) of this rule, the unit's date for commencement of commercial operation shall be the date on which the unit becomes a Hg budget unit under paragraph (D) of rule 3745-108-01 of the Administrative Code.

(i) For a unit with a date for commencement of commercial operation as defined in paragraph (B)(24)(b) of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the unit's date of commencement of commercial operation.

(ii) For a unit with a date for commencement of commercial operation as defined in paragraph (B)(24)(b) of this rule and that is subsequently replaced by a unit at the same source (e.g., repowered), the replacement unit shall be treated as a separate unit with a separate date for commencement of commercial operation as defined in paragraph (B)(24)(a) or (B)(24)(b) of this rule as appropriate.

(24) "Commence operation" means:

(a) To have begun any mechanical, chemical, or electronic process, including, with regard to a unit, startup of a unit's combustion chamber, except as provided in paragraph (D) of rule 3745-108-01 of the Administrative Code.

(i) For a unit that is a Hg budget unit under paragraph (C) of rule 3745-108-01 of the Administrative Code on the date the unit commences operation as defined in paragraph (B)(25)(a) of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the unit's date of commencement of operation.

(ii) For a unit that is a Hg budget unit under paragraph (C) of rule 3745-108-01 of the Administrative Code on the date the unit commences operation as defined in paragraph (B)(25)(a) of this

rule and that is subsequently replaced by a unit at the same source (e.g., repowered), the replacement unit shall be treated as a separate unit with a separate date for commencement of operation as defined in paragraph (B)(25)(a) or (B)(25)(b) of this rule as appropriate.

(b) Notwithstanding paragraph (B)(25)(a) of this rule and except as provided in paragraph (D) of rule 3745-108-01 of the Administrative Code, for a unit that is not a Hg budget unit under paragraph (C) of rule 3745-108-01 of the Administrative Code on the date the unit commences operation as defined in paragraph (B)(25)(a) of this rule, the unit's date for commencement of operation shall be the date on which the unit becomes a Hg budget unit under paragraph (C) of rule 3745-108-01 of the Administrative Code.

(i) For a unit with a date for commencement of operation as defined in paragraph (B)(25)(b) of this rule and that subsequently undergoes a physical change (other than replacement of the unit by a unit at the same source), such date shall remain the unit's date of commencement of operation.

(ii) For a unit with a date for commencement of operation as defined in paragraph (B)(25)(b) of this rule and that is subsequently replaced by a unit at the same source (e.g., repowered), the replacement unit shall be treated as a separate unit with a separate date for commencement of operation as defined in paragraph (B)(25)(a) or (B)(25)(b) of this rule as appropriate.

(25) "Common stack" means a single flue through which emissions from two or more units are exhausted.

(26) "Compliance account" means a Hg allowance tracking system account, established by the administrator for a Hg budget source under rule 3745-108-05 of the Administrative Code, in which any Hg allowance allocations for the Hg budget units at the source are initially recorded and in which are held any Hg allowances available for use for a control period in order to meet the source's Hg budget emissions limitation in accordance with paragraph (D) of rule 3745-108-05 of the Administrative Code.

(27) "Continuous emission monitoring system" or "CEMS" means the equipment required under rule 3745-108-07 of the Administrative Code to sample, analyze, measure, and provide, by means of readings recorded at least once every fifteen minutes (using an automated data acquisition and handling

system (DAHS)), a permanent record of Hg emissions, stack gas volumetric flow rate, stack gas moisture content, and oxygen or carbon dioxide concentration (as applicable), in a manner consistent with 40 CFR Part 75. The following systems are the principal types of CEMS required under rule 3745-108-07 of the Administrative Code:

- (a) A flow monitoring system, consisting of a stack flow rate monitor and an automated data acquisition and handling system and providing a permanent, continuous record of stack gas volumetric flow rate, in units of standard cubic feet per hour;
 - (b) A Hg concentration monitoring system, consisting of a Hg pollutant concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of Hg emissions in units of micrograms per dry standard cubic meter;
 - (c) A moisture monitoring system, as defined in 40 CFR 75.11(b)(2) and providing a permanent, continuous record of the stack gas moisture content, in per cent H₂O.
 - (d) A carbon dioxide monitoring system, consisting of a CO₂ concentration monitor (or an oxygen monitor plus suitable mathematical equations from which the CO₂ concentration is derived) and an automated data acquisition and handling system and providing a permanent, continuous record of CO₂ emissions, in per cent CO₂; and
 - (e) An oxygen monitoring system, consisting of an O₂ concentration monitor and an automated data acquisition and handling system and providing a permanent, continuous record of O₂ concentration, in per cent O₂.
- (28) "Control period" means the period beginning January first of a calendar year and ending on December thirty-first of the same year, inclusive.
- (29) "Director" means the director of the Ohio environmental protection agency.
- (30) "Emissions" means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the administrator by the Hg designated representative and as determined by the administrator in accordance with rule 3745-108-07 of the Administrative Code.
- (31) "Excess emissions" means any ounce of mercury emitted by the Hg budget units at a Hg budget source during a control period that exceeds the Hg

budget emissions limitation for the source.

- (32) "General account" means an Hg allowance tracking system account, established under paragraph (A) of rule 3745-108-05 of the Administrative Code, that is not a compliance account.
- (33) "Generator" means a device that produces electricity.
- (34) "Gross electrical output" means with regard to a cogeneration unit, electricity made available for use, including any such electricity used in the power production process (which process includes, but is not limited to, any on-site processing or treatment of fuel combusted at the unit and any on-site emission controls).
- (35) "H₂O" means water.
- (36) "Heat input" means, with regard to a specified period of time, the product (in mmBtu per unit of time) of the gross calorific value of the fuel (in Btu per pound) divided by one million Btus per mmBtu and multiplied by the fuel feed rate into a combustion device (in pounds of fuel per unit time), as measured, recorded, and reported to the administrator by the Hg designated representative and determined by the administrator in accordance with rule 3745-108-07 of the Administrative Code and excluding the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.
- (37) "Heat input rate" means the amount of heat input (in mmBtu) divided by unit operating time (in hours) or, with regard to a specific fuel, the amount of heat input attributed to the fuel (in mmBtu) divided by the unit operating time (in hours) during which the unit combusts the fuel.
- (38) "Hg" means mercury.
- (39) "Hg authorized account representative" means, with regard to a general account, a responsible natural person who is authorized, in accordance with paragraph (B) of rule 3745-108-05 of the Administrative Code, to transfer and otherwise dispose of Hg allowances held in the general account and, with regard to a compliance account, the Hg designated representative of the source.
- (40) "Hg allowance" means a limited authorization issued by the permitting authority or the administrator under rule 3745-108-04 of the Administrative

Code to emit one ounce of mercury during a control period of the specified calendar year for which the authorization is allocated or of any calendar year thereafter under the Hg budget trading program. An authorization to emit mercury that is not issued under the provisions of a state plan that are approved by the administrator in accordance with 40 CFR 60.24(h)(6) shall not be a Hg allowance.

- (41) "Hg allowance deduction" or "deduct Hg allowances" means the permanent withdrawal of Hg allowances by the administrator from a compliance account in order to account for a specified number of ounces of total mercury emissions from all Hg budget units at a Hg budget source for a control period, determined in accordance with rules 3745-108-05 and 3745-108-07 of the Administrative Code, or to account for excess emissions.
- (42) "Hg allowances held" or "hold Hg allowances" means the Hg allowances recorded by the administrator, or submitted to the administrator for recordation, in accordance rules 3745-108-05 and 3745-108-06 of the Administrative Code, in a Hg allowance tracking system account.
- (43) "Hg allowance tracking system" means the system by which the administrator records allocations, deductions, and transfers of Hg allowances under the Hg budget trading program. Such allowances shall be allocated, held, deducted, or transferred only as whole allowances.
- (44) "Hg allowance tracking system account" means an account in the Hg allowance tracking system established by the administrator for purposes of recording the allocation, holding, transferring, or deducting of Hg allowances.
- (45) "Hg budget emissions limitation" means, for a Hg budget source, the equivalent in ounces of the Hg allowances available for deduction for the source under paragraphs (D)(1) and (D)(2) of rule 3745-108-05 of the Administrative Code for a control period.
- (46) "Hg budget permit" means the legally binding and federally enforceable written document, or portion of such document, issued by the director under rule 3745-108-03 of the Administrative Code, including any permit revisions, specifying the Hg budget trading program requirements applicable to a Hg budget source, to each Hg budget unit at the source, and to the owners and operators and the Hg designated representative of the source and each such unit.
- (47) "Hg budget source" means a source that includes one or more Hg budget units.

- (48) "Hg budget trading program" means a multi-state Hg air pollution control and emission reduction program approved and administered by the administrator in accordance with 40 CFR Part 60, Subpart HHHH and 40 CFR 60.24(h)(6), as a means of reducing national Hg emissions.
- (49) "Hg budget unit" means a unit that is subject to the Hg budget trading program under paragraph (C) of rule 3745-108-01 of the Administrative Code.
- (50) "Hg designated representative" means, for a Hg budget source and each Hg budget unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source, in accordance with rule 3745-108-02 of the Administrative Code, to represent and legally bind each owner and operator in matters pertaining to the Hg budget trading program.
- (51) "hr" means hour.
- (52) "kW" means kilowatt electrical.
- (53) "kWh" means kilowatt hour.
- (54) "lb" means pound.
- (55) "Life-of-the-unit, firm power contractual arrangement" means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and associated energy generated by any specified unit and pays its proportional amount of such unit's total costs, pursuant to a contract:
- (a) For the life of the unit;
 - (b) For a cumulative term of no less than thirty years, including contracts that permit an election for early termination; or
 - (c) For a period no less than twenty-five years or seventy per cent of the economic useful life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

- (56) "Maximum design heat input" means, starting from the initial installation of a unit, the maximum amount of fuel per hour (in Btu per hour) that a unit is capable of combusting on a steady-state basis as specified by the manufacturer of the unit, or, starting from the completion of any subsequent physical change in the unit resulting in a decrease in the maximum amount of fuel per hour (in Btu per hour) that a unit is capable of combusting on a steady-state basis, such decreased maximum amount as specified by the person conducting the physical change.
- (57) "mmBtu" means million British thermal units.
- (58) "Monitoring system" means any monitoring system that meets the requirements of rule 3745-108-07 of the Administrative Code, including a continuous emissions monitoring system, an alternative monitoring system, or an excepted monitoring system under 40 CFR Part 75.
- (59) "MWe" means megawatts electric.
- (60) "MWh" means megawatt hour.
- (61) "Nameplate capacity" means, starting from the initial installation of a generator, the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings) as specified by the manufacturer of the generator or, starting from the completion of any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MWe) that the generator is capable of producing on a steady-state basis and during continuous operation (when not restricted by seasonal or other deratings), such increased maximum amount as specified by the person conducting the physical change.
- (62) "NO_x" means nitrogen oxides.
- (63) "O₂" means oxygen.
- (64) "Operator" means any person who operates, controls, or supervises a Hg budget unit or a Hg budget source and shall include, but not be limited to, any holding company, utility system, or plant manager of such a unit or source.
- (65) "Ounce" means 2.84×10^7 micrograms. For the purpose of determining

compliance with the Hg budget emissions limitation, total ounces of mercury emissions for a control period shall be calculated as the sum of all recorded hourly emissions (or the mass equivalent of the recorded hourly emission rates) in accordance with rule 3745-108-07 of the Administrative Code, but with any remaining fraction of an ounce equal to or greater than 0.50 ounces deemed to equal one ounce and any remaining fraction of an ounce less than 0.50 ounces deemed to equal zero ounces.

(66) "Owner" means any of the following persons:

(a) With regard to a Hg budget source or a Hg budget unit at a source, respectively:

(i) Any holder of any portion of the legal or equitable title in a Hg budget unit at the source or the Hg budget unit;

(ii) Any holder of a leasehold interest in a Hg budget unit at the source or the Hg budget unit; or

(iii) Any purchaser of power from a Hg budget unit at the source or the Hg budget unit under a life-of-the-unit, firm power contractual arrangement; provided that, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based (either directly or indirectly) on the revenues or income from such Hg budget unit; or

(b) With regard to any general account, any person who has an ownership interest with respect to the Hg allowances held in the general account and who is subject to the binding agreement for the Hg authorized account representative to represent the person's ownership interest with respect to Hg allowances.

(67) "ppm means parts per million.

(68) "Permitting authority" means the state air pollution control agency, local agency, other state agency, or other agency authorized by the administrator to issue or revise permits to meet the requirements of the Hg budget trading program in accordance with 40 CFR 60.4120 to 60.4124 or, if no such agency has been so authorized, the administrator.

(69) "Potential electrical output capacity" means thirty-three per cent of a unit's

maximum design heat input, divided by three thousand four hundred thirteen Btu per kWh, divided by one thousand kWh per MWh, and multiplied by eight thousand seven hundred sixty hours per year.

- (70) "Receive" or "receipt of" means, when referring to the director or the administrator, to come into possession of a document, information, or correspondence (whether sent in hard copy or by authorized electronic transmission), as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the director or the administrator in the regular course of business.
- (71) "Recordation," "record," or "recorded" means, with regard to Hg allowances, the movement of Hg allowances by the administrator into or between Hg allowance tracking system accounts, for purposes of allocation, transfer, or deduction.
- (72) "Reference method" means any direct test method of sampling and analyzing for an air pollutant as specified in 40 CFR 75.22.
- (73) "Repowered" means, with regard to a unit, replacement of a coal-fired boiler with one of the following coal-fired technologies at the same source as the coal-fired boiler:
- (a) Atmospheric or pressurized fluidized bed combustion;
 - (b) Integrated gasification combined cycle;
 - (c) Magneto hydrodynamics;
 - (d) Direct and indirect coal-fired turbines;
 - (e) Integrated gasification fuel cells; or
 - (f) As determined by the administrator, a derivative of one or more of the technologies under paragraphs (B)(75)(a) to (B)(75)(e) of this rule and any other coal-fired technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of January 1, 2005.

- (74) "scfh" means standard cubic feet per hour.
- (75) "Serial number" means, for a Hg allowance, the unique identification number assigned to each Hg allowance by the administrator.
- (76) "Sequential use of energy" means:
- (a) For a topping-cycle cogeneration unit, the use of reject heat from electricity production in a useful thermal energy application or process;
or
 - (b) For a bottoming-cycle cogeneration unit, the use of reject heat from useful thermal energy application or process in electricity production.
- (77) "SO₂" means sulfur dioxide.
- (78) "Source" means all buildings, structures, or installations located in one or more contiguous or adjacent properties under common control of the same person or persons. For purposes of section 502(c) of the CAA, a source, including a source with multiple units, shall be considered a single facility.
- (79) "State" means:
- (a) For purposes of referring to a governing entity, the state, or where the context indicates, any one of the states in the United States, the District of Columbia, or, if approved for treatment as a State under 40 CFR Part 49, the Navajo Nation or Ute Indian Tribe that adopts the Hg budget trading program pursuant to 40 CFR 60.24(h)(6); or
 - (b) For purposes of referring to geographic areas, the state, or where the context indicates, any one of the states in the United States, the District of Columbia, the Navajo Nation Indian country, or the Ute Tribe Indian country.
- (80) "Submit" or "serve" means to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable requirement in this chapter:
- (a) In person;

(b) By United States postal service; or

(c) By other means of dispatch or transmission and delivery.

Compliance with any submission or service deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

- (81) "Title V operating permit" means a permit issued under Chapter 3745-77 of the Administrative Code.
- (82) "Title V operating permit regulations" means Chapters 3745-77 and 3745-78 of the Administrative Code.
- (83) "Topping-cycle cogeneration unit" means a cogeneration unit in which the energy input to the unit is first used to produce useful power, including electricity, and at least some of the reject heat from the electricity production is then used to provide useful thermal energy.
- (84) "Total energy input" means, with regard to a cogeneration unit, total energy of all forms supplied to the cogeneration unit, excluding energy produced by the cogeneration unit itself.
- (85) "Total energy output" means, with regard to a cogeneration unit, the sum of useful power and useful thermal energy produced by the cogeneration unit.
- (86) "Unit" means a stationary coal-fired boiler or a stationary coal-fired combustion turbine.
- (87) "Unit operating day" means a calendar day in which a unit combusts any fuel.
- (88) "Unit operating hour" or "hour of unit operation" means an hour in which a unit combusts any fuel.
- (89) "Useful power" means, with regard to a cogeneration unit, electricity or mechanical energy made available for use, excluding any such energy used in the power production process (which process includes, but is not limited to, any on-site processing or treatment of fuel combusted at the unit and any on-site emission controls).
- (90) "Useful thermal energy" means, with regard to a cogeneration unit, thermal

energy that is:

- (a) Made available to an industrial or commercial process (not a power production process), excluding any heat contained in condensate return or makeup water;
- (b) Used in a heat application (e.g., space heating or domestic hot water heating); or
- (c) Used in a space cooling application (i.e., thermal energy used by an absorption chiller).

(91) "USEPA" means the United States environmental protection agency.

(92) "Utility power distribution system" means the portion of an electricity grid owned or operated by a utility and dedicated to delivering electricity to customers.

(93) "yr" means year.

(C) Applicability.

The following units in a state shall be Hg budget units, and any source that includes one or more such units shall be a Hg budget source, subject to the requirements of this chapter.

(1) Except as provided in paragraph (C)(2) of this rule, any stationary, coal-fired boiler or stationary, coal-fired combustion turbine serving at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

(a) If a stationary boiler or stationary combustion turbine that, under paragraph (C)(1) of this rule, is not a Hg Budget unit begins to combust coal or coal-derived fuel or to serve a generator with nameplate capacity of more than twenty-five MWe producing electricity for sale, the unit shall become a Hg budget unit as provided in paragraph (C)(1) of this rule on the first date on which it both combusts coal or coal-derived fuel and serves such generator.

(2) The units in a state that meet the requirements set forth in paragraphs (C)(2)(a) or (C)(2)(c) of this section shall not be Hg budget units:

- (a) Any unit that is a Hg budget unit under paragraph (C)(1) or (C)(1)(a) of this rule:
- (i) Qualifying as a cogeneration unit during the twelve-month period starting on the date the unit first produces electricity and continuing to qualify as a cogeneration unit; and
 - (ii) Not serving at any time, since the later of November 15, 1990 or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than twenty-five MWe supplying in any calendar year more than one-third of the unit's potential electric output capacity or two hundred nineteen thousand MWh, whichever is greater, to any utility power distribution system for sale.
- (b) If a unit qualifies as a cogeneration unit during the twelve-month period starting on the date the unit first produces electricity and meets the requirements of paragraph (C)(2)(a) of this section for at least one calendar year, but subsequently no longer meets all such requirements, the unit shall become a Hg budget unit starting on the earlier of January first after the first calendar year during which the unit first no longer qualifies as a cogeneration unit or January first after the first calendar year during which the unit no longer meets the requirements of paragraph (C)(2)(a)(ii) of this rule.
- (c) Any unit that is a Hg budget unit under paragraph (C)(1) or (C)(1)(a) of this rule, is a solid waste incineration unit combusting municipal waste, and is subject to the requirements of:
- (i) A state plan approved by the administrator in accordance with 40 CFR Part 60, Subpart Cb (emissions guidelines and compliance times for certain large municipal waste combustors);
 - (ii) 40 CFR Part 60, Subpart Eb (standards of performance for certain large municipal waste combustors);
 - (iii) 40 CFR Part 60, Subpart AAAA (standards of performance for certain small municipal waste combustors);
 - (iv) A state plan approved by the administrator in accordance with 40 CFR Part 60, Subpart BBBB (emission guidelines and compliance times for certain small municipal waste combustion

units);

(v) 40 CFR Part 62, Subpart FFF, (federal plan requirements for certain large municipal waste combustors); or

(vi) 40 CFR Part 62, Subpart JJJ, (federal plan requirements for certain small municipal waste combustion units).

(D) Retired unit exemption.

(1) Standard provisions.

(a) Any Hg budget unit that is permanently retired shall be exempt from the Hg budget trading program, except for the provisions of this paragraph, paragraphs (B), (C), (E)(3)(d) to (E)(3)(g) and (F) of this rule, and rules 3745-108-05 and 3745-108-06 of the Administrative Code.

(b) The exemption under paragraph (D)(1)(a) of this rule shall become effective the day on which the Hg budget unit is permanently retired. Within thirty days of the unit's permanent retirement, the Hg designated representative shall submit a statement to the director and shall submit a copy of the statement to the administrator. The statement shall state, in a format prescribed by the director, that the unit was permanently retired on a specific date and shall comply with the requirements of paragraph (D)(2) of this rule.

(c) After receipt of the statement under paragraph (D)(1)(b) of this rule, the director shall amend any permit under rule 3745-108-03 of the Administrative Code covering the source at which the unit is located to add the provisions and requirements of the exemption under paragraphs (D)(1)(a) and (D)(2) of this rule.

(2) Special provisions.

(a) A unit exempt under paragraph (D)(1) of this rule shall not emit any mercury, starting on the date that the exemption takes effect.

(b) The director shall allocate Hg allowances under rule 3745-108-04 of the Administrative Code to a unit exempt under paragraph (D)(1) of this rule.

- (c) For a period of five years from the date the records are created, the owners and operators of a unit exempt under paragraph (D)(1) of this rule shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The five-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the director or the administrator. The owners and operators bear the burden of proof that the unit is permanently retired.
- (d) The owners and operators and, to the extent applicable, the Hg designated representative of a unit exempt under paragraph (D)(1) of this rule shall comply with the requirements of the Hg budget trading program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (e) A unit exempt under paragraph (D)(1) of this rule and located at a source that is required, or but for this exemption would be required, to have a Title V operating permit shall not resume operation unless the Hg designated representative of the source submits a complete Hg budget permit application under paragraph (C) of rule 3745-108-03 of the Administrative Code for the unit not less than eighteen months (or such lesser time provided by the director) before the later of January 1, 2010 or the date on which the unit resumes operation.
- (f) On the earlier of the following dates, a unit exempt under paragraph (D)(1) of this rule shall lose its exemption:
 - (i) The date on which the Hg designated representative submits a Hg budget permit application for the unit under paragraph (D)(2)(e) of this rule;
 - (ii) The date on which the Hg designated representative is required under paragraph (D)(2)(e) of this rule to submit a Hg budget permit application for the unit; or
 - (iii) The date on which the unit resumes operation, if the Hg designated representative is not required to submit a Hg budget permit application for the unit.
- (g) For the purpose of applying monitoring, reporting, and record keeping requirements under rule 3745-108-07 of the Administrative Code, a unit that loses its exemption under paragraph (D)(1) of this rule shall be

treated as a unit that commences operation and commercial operation on the first date on which the unit resumes operation.

(E) Standard requirements.

(1) Permit requirements.

- (a) The Hg designated representative of each Hg budget source required to have a Title V operating permit and each Hg budget unit required to have a Title V operating permit at the source shall:
 - (i) Submit to the director a complete Hg budget permit application under paragraph (C) of 3745-108-03 of the Administrative Code in accordance with the deadlines specified in paragraphs (B)(1) and (B)(2) of rule 3745-108-03 of the Administrative Code; and
 - (ii) Submit in a timely manner any supplemental information the director determines is necessary in order to review a Hg budget permit application and issue or deny a Hg budget permit.
- (b) The owners and operators of each Hg budget source required to have a Title V operating permit and each Hg budget unit required to have a Title V operating permit at the source shall have a Hg budget permit issued by the director under rule 3745-108-03 of the Administrative Code for the source and operate the source and the unit in compliance with such Hg budget permit.
- (c) The owners and operators of a Hg budget source that is not required to have a Title V operating permit and each Hg budget unit that is not required to have a Title V operating permit are not required to submit a Hg budget permit application, and to have a Hg budget permit, under rule 3745-108-03 of the Administrative Code for such Hg budget source and such Hg budget unit.

(2) Monitoring, reporting, and record keeping requirements.

- (a) The owners and operators, and the Hg designated representative, of each Hg budget source and each Hg budget unit at the source shall comply with the monitoring, reporting, and record keeping requirements of rule 3745-108-07 of the Administrative Code.
- (b) The emissions measurements recorded and reported in accordance with

rule 3745-108-07 of the Administrative Code shall be used to determine compliance by each Hg budget source with the Hg budget emissions limitation under paragraph (E)(3) of this rule.

(3) Mercury emission requirements.

- (a) As of the allowance transfer deadline for a control period, the owners and operators of each Hg budget source and each Hg budget unit at the source shall hold, in the source's compliance account, Hg allowances available for compliance deductions for the control period under paragraph (D)(1) of rule 3745-108-05 of the Administrative Code in an amount not less than the ounces of total mercury emissions for the control period from all Hg budget units at the source, as determined in accordance with rule 3745-108-07 of the Administrative Code.
- (b) A Hg budget unit shall be subject to the requirements under paragraph (E)(3)(a) of this rule starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under paragraph (A)(2)(a) or (A)(2)(b) of rule 3745-108-07 of the Administrative Code.
- (c) A Hg allowance shall not be deducted, for compliance with the requirements under paragraph (E)(3)(a) of this rule, for a control period in a calendar year before the year for which the Hg allowance was allocated.
- (d) Hg allowances shall be held in, deducted from, or transferred into or among Hg allowance tracking system accounts in accordance with rule 3745-108-06 of the Administrative Code.
- (e) A Hg allowance is a limited authorization to emit one ounce of mercury in accordance with the Hg budget trading program. No provision of the Hg budget trading program, the Hg budget permit application, the Hg budget permit, or an exemption under paragraph (D) of rule 3745-108-01 of the Administrative Code and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (f) A Hg allowance does not constitute a property right.
- (g) Upon recordation by the administrator under rules 3745-108-05 and 3745-108-06 of the Administrative Code, every allocation, transfer, or

deduction of a Hg allowance to or from a Hg budget unit's compliance account is incorporated automatically in any Hg budget permit of the source that includes the Hg budget unit.

(4) Excess emissions requirements.

(a) If a Hg budget source emits mercury during any control period in excess of the Hg budget emissions limitation, then:

(i) The owners and operators of the source and each Hg budget unit at the source shall surrender the Hg allowances required for deduction under paragraph (D)(4)(a) of rule 3745-108-05 of the Administrative Code and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and

(ii) Each ounce of such excess emissions and each day of such control period shall constitute a separate violation of this rule, the Clean Air Act, and applicable state law.

(5) Record keeping and reporting requirements.

(a) Unless otherwise provided, the owners and operators of the Hg budget source and each Hg budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the director or the administrator:

(i) The certificate of representation under paragraph (D) of rule 3745-108-02 of the Administrative Code for the Hg designated representative for the source and each Hg budget unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under paragraph (D) of rule 3745-108-02 of the Administrative Code changing the Hg designated representative;

(ii) All emissions monitoring information, in accordance with rule 3745-108-07 of the Administrative Code, provided that to the

extent that rule 3745-108-07 of the Administrative Code provides for a three-year period for record keeping, the three-year period shall apply;

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Hg budget trading program;

(iv) Copies of all documents used to complete a Hg budget permit application and any other submission under the Hg budget trading program or to demonstrate compliance with the requirements of the Hg budget trading program.

(b) The Hg designated representative of a Hg budget source and each Hg budget unit at the source shall submit the reports required under the Hg budget trading program, including those under rule 3745-108-07 of the Administrative Code.

(6) Liability.

(a) Each Hg budget source and each Hg budget unit shall meet the requirements of the Hg budget trading program.

(b) Any provision of the Hg budget trading program that applies to a Hg budget source or the Hg designated representative of a Hg budget source shall also apply to the owners and operators of such source and of the Hg budget units at the source.

(c) Any provision of the Hg budget trading program that applies to a Hg budget unit or the Hg designated representative of a Hg budget unit shall also apply to the owners and operators of such unit.

(7) Effect on other authorities. No provision of the Hg budget trading program, a Hg budget permit application, a Hg budget permit, or an exemption under paragraph (D) of rule 3745-108-01 of the Administrative Code shall be construed as exempting or excluding the owners and operators, and the Hg designated representative, of a Hg budget source or Hg budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the CAA.

(F) Computation of time.

- (1) Unless otherwise stated, any time period scheduled, under the Hg budget trading program, to begin on the occurrence of an act or event shall begin on the day the act or event occurs.
- (2) Unless otherwise stated, any time period scheduled, under the Hg budget trading program, to begin before the occurrence of an act or event shall be computed so that the period ends the day before the act or event occurs.
- (3) Unless otherwise stated, if the final day of any time period, under the Hg budget trading program, falls on a weekend or a state or federal holiday, the time period shall be extended to the next business day.

(G) Appeal procedures.

- (1) The appeal procedures for decisions of the administrator under the Hg budget trading program shall be the procedures set forth in 40 CFR Part 78, applied by replacing the terms "subParts AA through II of Part 96 of this chapter," "\$96.141(b)(2) or (c)(2)," "\$96.154," "\$96.156," "\$96.161," "\$96.175," "CAIR NO_x allowances," "CAIR NO_x Allowance Tracking System account," "CAIR designated representative," "CAIR authorized account representative," and "\$96.106" by the terms "Clean Air Mercury Rule in Ohio," "3745-108-05(D)," "3745-108-05(F)," "3745-108-06(B)," "3745-108-07(F)," "Hg allowances," "Hg Allowance Tracking System Account," "Hg designated representative," "Hg authorized account representative," and "3745-108-01(E)."
- (2) The appeal procedures for final actions of the director made under this chapter shall be the procedures set forth in Chapter 3745-47 of the Administrative Code.

(H) Incorporation by reference.

This chapter includes references to certain matter or material. The text of the incorporated materials is not included in the regulations contained in this chapter. The materials are hereby made a part of the regulations in this chapter. For materials subject to change, only the specific version specified in the regulation are incorporated. Material is incorporated as it exists on the effective date of this rule. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new dates.

(1) Availability. The materials incorporated by reference are available as follows:

- (a) Clean Air Act as defined in this rule. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the act is also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (b) Code of Federal Regulations. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most Ohio public libraries and "The State Library of Ohio."
- (c) American society for testing materials (ASTM). Information and copies may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are available for purchase at www.astm.org. ASTM documents are also generally available at local public libraries and "The State Library of Ohio."
- (d) United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www4.law.cornell.edu/uscode/>. The U.S.C. compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

- (a) Clean Air Act, as amended November 15, 1990, 42 USC 7401 to 7671q.
- (b) Clean Air Act, "Title IV - Acid Deposition Control;" July 14, 1955, ch. 360, title IV, Sec. 401 through 416, as added Pub. L. 101-549, title IV, Secs. 401-416, Nov. 15, 1990, 104 Stat. 2584, 2585, 2589, 2592, 2605, 2613, 2616, 2619, 2621, 2623, 2624, 2625, 2626.
- (c) 40 CFR 51.123, "Findings and requirements for submission of state implementation plan revisions relating to emissions of oxides of

nitrogen pursuant to the Clean Air Interstate Rule;" 70 FR 25161, May 12, 2005.

- (d) 40 CFR 51.124, "Findings and requirements for submission of state implementation plan revisions relating to emissions of sulfur dioxide pursuant to the Clean Air Interstate Rule;" 70 FR 25161, May 12, 2005.
- (e) 40 CFR 60.24; "Emission standards and compliance schedules;" 40 FR 53346, Nov. 17, 1975, as amended at 60 FR 65414, Dec. 19, 1995; 65 FR 76384, Dec. 6, 2000.
- (f) 40 CFR 72.2, 'Definitions;" 58 FR 3650, Jan. 11, 1993, as amended at 58 FR 15647, Mar. 23, 1993; 58 FR 33770, June 21, 1993; 58 FR 40747, July 30, 1993; 60 FR 17111, Apr. 4, 1995; 60 FR 18468, Apr. 11, 1995; 60 FR 26514, May 17, 1995; 62 FR 55475, Oct. 24, 1997; 63 FR 57498, Oct. 27, 1998; 63 FR 68404, Dec. 11, 1998; 64 FR 25842, May 13, 1999; 64 FR 28586, May 26, 1999; 67 FR 40420, June 12, 2002; 67 FR 53504, Aug. 16, 2002; 70 FR 25333, May 12, 2005; 70 FR 28690, May 18, 2005.
- (g) 40 CFR 75.11; "Specific provisions for monitoring SO₂ emissions (SO₂ and flow monitors);" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26520, 26566, May 17, 1995; 61 FR 59157, Nov. 20, 1996; 63 FR 57499, Oct. 27, 1998; 64 FR 28590, May 26, 1999; 67 FR 40423, June 12, 2002.
- (h) 40 CFR 75.15; "Special provisions for measuring Hg mass emissions using the excepted sorbent trap monitoring methodology;" 70 FR 28678.
- (i) 40 CFR 75.20, "Initial certification and recertification procedures." 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26524, May 17, 1995; 60 FR 40296, Aug. 8, 1995; 61 FR 59158, Nov. 20, 1996; 63 FR 57506, Oct. 27, 1998; 64 FR 28592, May 26, 1999; 67 FR 40431, June 12, 2002.
- (j) 40 CFR 75.21. "Quality assurance and quality control requirements." 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26527, 26566, May 17, 1995; 61 FR 25582, May 22, 1996; 61 FR 59159, Nov. 20, 1996; 64 FR 28599, May 26, 1999; 67 FR 40433, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 70 FR 28679, May 18, 2005.
- (k) 40 CFR 75.22; "Reference test methods;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26528, May 17, 1995; 64 FR 28600, May 26, 1999;

67 FR 40433, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 70 FR 28679, May 18, 2005.

- (l) 40 CFR 75.34; "Units with add-on emission controls;" 60 FR 26567, May 17, 1995; as amended at 61 FR 59160, Nov. 20, 1996; 64 FR 28604, May 26, 1999; 67 FR 40438, June 12, 2002.
- (m) 40 CFR 75.61; "Notifications;" 60 FR 26538, May 17, 1995; as amended at 61 FR 25582, May 22, 1996; 61 FR 59162, Nov. 22, 1996; 64 FR 28620, May 26, 1999; 67 FR 40442, 40443, June 12, 2002.
- (n) 40 CFR 75.63; "Initial certification or recertification application;" 64 FR 28621, May 26, 1999; as amended at 67 FR 40443, June 12, 2002.
- (o) 40 CFR 75.66; "Petitions to the administrator;" 58 FR 3701, Jan. 11, 1993; as amended at 60 FR 26540, 26569, May 17, 1995; 61 FR 59162, Nov. 20, 1996; 64 FR 28623, May 26, 1999; 67 FR 40444, June 12, 2002.
- (p) 40 CFR 75.80, "Action on petitions submitted under section 126 relating to emissions of nitrogen oxides;" 64 FR 28318, May 25, 1999, as amended at 64 FR 33961, June 24, 1999; 65 FR 2042, Jan. 13, 2000; 65 FR 2726, Jan. 18, 2000.
- (q) 40 CFR 75.81, "Action on petitions submitted under section 126 relating to emissions of nitrogen oxides;" 64 FR 28318, May 25, 1999, as amended at 64 FR 33961, June 24, 1999; 65 FR 2042, Jan. 13, 2000; 65 FR 2726, Jan. 18, 2000.
- (r) 40 CFR 75.82; "Monitoring of Hg mass emissions and heat input at common and multiple stacks;" 70 FR 28684, May 18, 2005.
- (s) 40 CFR 75.84; "Recordkeeping and reporting;" 70 FR 28684, May 18, 2005.
- (t) 40 CFR Part 49, "Tribal Clean Air Act Authority" as published in the July 1, 2004 Code of Federal Regulations.
- (u) 40 CFR Part 70, "State Operating Permit Programs" as published in the July 1, 2004 Code of Federal Regulations.

- (v) 40 CFR Part 71, "Federal Operating Permit Programs" as published in the July 1, 2004 Code of Federal Regulations.
- (w) 40 CFR Part 72, "Permits Regulations" as published in the July 1, 2004 Code of Federal Regulations.
- (x) 40 CFR Part 73; "Sulfur Dioxide Allowance System;" as published in the July 1, 2004 Code of Federal Regulations.
- (y) 40 CFR Part 74; "Sulfur Dioxide Opt-ins;" as published in the July 1, 2004 Code of Federal Regulations.
- (z) 40 CFR Part 75, "Continuous Emission Monitoring;" as published in the July 1, 2004 Code of Federal Regulations.
- (aa) 40 CFR Part 75, Appendix A; "Specifications and Test Procedures;" 58 FR 3701, Jan. 11, 1993; as amended at 60 FR 26541, May 17, 1995; 61 FR 25582, May 22, 1996; 61 FR 59162, Nov. 20, 1996; 63 FR 57512, Oct. 27, 1998; 64 FR 28631, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40448, 40449, 40452, 40453, 40455, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 70 FR 28690, May 18, 2005.
- (bb) 40 CFR Part 75, Appendix B; "Quality Assurance and Quality Control Procedures;" 58 FR 3701, Jan. 11, 1993; as amended at 60 FR 26546, 26571, May 17, 1995; 61 FR 59165, Nov. 20, 1996; 64 FR 28644, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40456, 40457, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 67 FR 57274, Sept. 9, 2002; 70 FR 28690, May 18, 2005.
- (cc) 40 CFR Part 75, SubPart D; "Missing Data Substitution Procedures;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26529, May 17, 1995; 61 FR 59160, Nov. 20, 1996; 61 FR 25582, May 22, 1996; 61 FR 59160, Nov. 20, 1996; 64 FR 28600, May 26, 1999; 67 FR 40433, June 12, 2002; 67 FR 53505, Aug. 16, 2002; 67 FR 57274, Sept. 9, 2002.
- (dd) 40 CFR Part 75, SubPart E; "Alternative Monitoring Systems;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26530, May 17, 1995; 60 FR 40296, Aug. 8, 1995; 64 28605, May 26, 1999; 67 FR 40440, June 12, 2002.
- (ee) 40 CFR Part 75, SubPart F; "Recordkeeping Requirements;" 58 FR

3701, Jan. 11, 1993, as amended at 60 FR 26532, May 17, 1995; 61 FR 59161, Nov. 20, 1996; 64 FR 28605, May 26, 1999; 64 FR 37582, July 12, 1999; 67 FR 40440, June 12, 2002; 70 FR 28682, May 18, 2005.

- (ff) 40 CFR Part 75, SubPart G; "Reporting Requirements;" 58 FR 3701, Jan. 11, 1993, as amended at 60 FR 17131, Apr. 4, 1995; 60 FR 26538, May 17, 1995; 61 FR 25582, May 22, 1996; 61 FR 59162, Nov. 20, 1996; 62 FR 55487, Oct. 24, 1997; 64 FR 28620, May 26, 1999; 67 FR 40442, June 12, 2002.
- (gg) 40 CFR Part 75, SubPart H; "NOX Mass Emissions Provisions;" 63 FR 57507, Oct. 27, 1998, as amended at 64 FR 28624, May 26, 1999; 67 FR 40444, June 12, 2002; 67 FR 53505, Aug. 16, 2002.
- (hh) 40 CFR Part 75, SubPart I; "Hg Mass Emission Provisions;" 70 FR 28605-28700, May 18, 2005.
- (ii) 40 CFR Part 76; "Acid Rain Nitrogen Oxides Emission Reduction Program;" as published in the July 1, 2004 Code of Federal Regulations.
- (jj) 40 CFR Part 77; "Excess Emissions;" as published in the July 1, 2004 Code of Federal Regulations.
- (kk) 40 CFR Part 78, "Appeal Procedures For Acid Rain Program" as published in the July 1, 2004 Code of Federal Regulations.
- (ll) 42 USC 7401 to 7671q; "The Public Health and Welfare - Air Pollution Prevention and Control;" published January 19, 2004 in supplement III of the 2000 edition of the United States Code.
- (mm) ASTM D388-05; "Standard Classification of Coals by Rank;" approved September 15, 2005.
- (nn) Section 502(c) of the Clean Air Act; contained in 42 USC 7661;" Permit Programs;" published January 19, 2004 in supplement III of the 2000 edition of the United States Code.

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