

representative and any alternate NO<sub>x</sub> authorized account representative;

2. At the option of the NO<sub>x</sub> authorized account representative, the organization name and type of organization;

3. A list of all persons subject to a binding agreement for the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative to represent their ownership interest with respect to the allowances held in the general account;

4. The following certification statement by the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative: "I certify that I was selected as the NO<sub>x</sub> authorized account representative or the NO<sub>x</sub> alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO<sub>x</sub> budget trading program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the administrator or a court regarding the general account."

5. The signature of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative and the dates signed.

6. Unless specifically required by the department or the administrator, documents of agreement referred to in the account certificate of representation do not need to be submitted to the department or the administrator. Neither the department nor the administrator shall be under any obligation to review or evaluate the sufficiency of these documents, if submitted.

(b) Upon receipt by the administrator of a complete application for a general account as described under par. (a):

1. The administrator will establish a general account for the person or persons for whom the application is submitted.

2. The NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub>

authorized account representative for the general account shall represent and, by his or her representations, actions, inactions or submissions, legally bind each person who has an ownership interest with respect to NO<sub>x</sub> allowances held in the general account in all matters pertaining to the NO<sub>x</sub> budget trading program, notwithstanding any agreement between the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative and the person. This person shall be bound by any order or decision issued to the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative by the administrator or a court regarding the general account.

3. Each submission concerning the general account shall be submitted, signed and certified by the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for the persons having an ownership interest with respect to NO<sub>x</sub> allowances held in the general account. Each submission shall include the following certification statement by the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO<sub>x</sub> allowances held in the general account. 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."

4. The administrator will accept or act on a submission concerning the general account only if the submission has been made, signed and certified in accordance with subd. 3.

(c)1. An application for a general account may designate one and only one NO<sub>x</sub> authorized account representative and one and only one alternate NO<sub>x</sub>

authorized account representative who may act on behalf of the NO<sub>x</sub> authorized account representative. The agreement by which the alternate NO<sub>x</sub> authorized account representative is selected shall include a procedure for authorizing the alternate NO<sub>x</sub> authorized account representative to act in lieu of the NO<sub>x</sub> authorized account representative.

2. Upon receipt by the administrator of a complete application for a general account as described under par. (a), any representation, action, inaction or submission by any alternate NO<sub>x</sub> authorized account representative shall be deemed to be a representation, action, inaction or submission by the NO<sub>x</sub> authorized account representative.

(d)1. The NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the administrator of a superseding complete application for a general account as described under par. (a). Notwithstanding a change, all representations, actions, inactions and submissions by the previous NO<sub>x</sub> authorized account representative prior to the time and date when the administrator receives the superseding application for a general account shall be binding on the new NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

2. The alternate NO<sub>x</sub> authorized account representative for a general account may be changed at any time upon receipt by the administrator of a superseding complete application for a general account as described under par. (a). Notwithstanding a change, all representations, actions, inactions and submissions by the previous alternate NO<sub>x</sub> authorized account representative prior to the time and date when the administrator receives the superseding application for a general account shall be binding on the new alternate NO<sub>x</sub> authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

3.a. In the event a new person having an ownership interest with respect to NO<sub>x</sub> allowances in the general account is not included in the list of persons in the account certificate of representation, the new person shall

be deemed to be subject to and bound by the account certificate of representation, the representation, actions, inactions and submissions of the NO<sub>x</sub> authorized account representative and any alternate NO<sub>x</sub> authorized account representative of the source or unit, and the decisions, orders, actions and inactions of the administrator, as if the new person were included in the list.

b. Within 30 days following any change in the persons having an ownership interest with respect to NO<sub>x</sub> allowances in the general account, including the addition of persons, the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative shall submit a revision to the application for a general account amending the list of persons having an ownership interest with respect to the NO<sub>x</sub> allowances in the general account to include the change.

(e)1. Once a complete application for a general account as described under par. (a) has been submitted and received, the administrator will rely on the application unless and until a superseding complete application for a general account as described under par. (a) is received by the administrator.

2. Except as provided in par. (d), no objection or other communication submitted to the administrator concerning the authorization, or any representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account may affect any representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative or the finality of any decision or order by the administrator under the NO<sub>x</sub> budget trading program.

3. The administrator will not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction or submission of the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for a general account, including private legal disputes concerning the proceeds of NO<sub>x</sub> allowance transfers.

(3) ACCOUNT IDENTIFICATION: The administrator will assign a unique

identifying number to each account described under sub. (1) or (2).

NR 428.26 NO<sub>x</sub> ALLOWANCE TRACKING SYSTEM RESPONSIBILITIES OF NO<sub>x</sub> AUTHORIZED ACCOUNT REPRESENTATIVE. (1) SUBMISSIONS TO THE ADMINISTRATOR.

Following the establishment of a NO<sub>x</sub> allowance tracking system account, all submissions to the administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NO<sub>x</sub> allowances in the account, shall be made only by the NO<sub>x</sub> authorized account representative or any alternate NO<sub>x</sub> authorized account representative for the account.

(2) AUTHORIZED ACCOUNT REPRESENTATIVE IDENTIFICATION. The administrator will assign a unique identifying number to each NO<sub>x</sub> authorized account representative.

NR 428.27 RECORDATION OF NO<sub>x</sub> ALLOWANCE ALLOCATIONS. (1) ALLOCATED NO<sub>x</sub> ALLOWANCES FOR 2003. The administrator will record the NO<sub>x</sub> allowances for 2003 in the NO<sub>x</sub> budget units' compliance accounts and the allocation set-asides, as allocated under subch. V. The administrator will also record the NO<sub>x</sub> allowances allocated under s. NR 428.50(1)(a) for each NO<sub>x</sub> budget opt-in source in its compliance account.

(2) ALLOCATED NO<sub>x</sub> ALLOWANCES FOR YEARS AFTER 2003. Each year, after the administrator has made all deductions from a NO<sub>x</sub> budget unit's compliance account and the overdraft account pursuant to s. NR 428.28, the administrator will record NO<sub>x</sub> allowances, as allocated to the unit under subch. V or under s. NR 428.50(1)(b), in the compliance account for the year after the last year for which allowances were previously allocated to the compliance account. Each year, the administrator will also record NO<sub>x</sub> allowances, as allocated under subch. V, in the allocation set-aside for the year after the last year for which allowances were previously allocated to an allocation set-aside.

(3) SERIAL NUMBERS FOR ALLOCATED NO<sub>x</sub> ALLOWANCES. When allocating NO<sub>x</sub> allowances to and recording them in an account, the administrator will assign each NO<sub>x</sub> allowance a unique identification number that will include digits identifying the year for which the NO<sub>x</sub> allowance is allocated.

NR 428.28 COMPLIANCE. (1) NO<sub>x</sub> ALLOWANCE TRANSFER DEADLINE. The NO<sub>x</sub> allowances are available to be deducted for compliance with a unit's NO<sub>x</sub> budget emissions limitation for a control period in a given year only if the NO<sub>x</sub> allowances:

(a) Were allocated for a control period in a prior year or the same year; and

(b) Are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NO<sub>x</sub> allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NO<sub>x</sub> allowance transfer correctly submitted for recordation under s. NR 428.32 by the NO<sub>x</sub> allowance transfer deadline for that control period.

(2) DEDUCTIONS FOR COMPLIANCE. (a) Following the recordation, in accordance with s. NR 428.33, of NO<sub>x</sub> allowance transfers submitted for recordation in the unit's compliance account or the overdraft account of the source where the unit is located by the NO<sub>x</sub> allowance transfer deadline for a control period, the administrator will deduct NO<sub>x</sub> allowances available under sub. (1) to cover the unit's NO<sub>x</sub> emissions, as determined in accordance with subch. VIII, or to account for actual utilization under s. NR 428.23(5), for the control period:

1. From the compliance account; and
2. Only if no more NO<sub>x</sub> allowances available under sub. (1) remain in the compliance account, from the overdraft account. In deducting allowances for units at the source from the overdraft account, the administrator will begin with the unit having the compliance account with the lowest NO<sub>x</sub> allowance tracking system account number and end with the unit having the compliance account with the highest NO<sub>x</sub> allowance tracking system account number, with account numbers sorted beginning with the left-most character and ending with the right-most character and the letter characters assigned values in alphabetical order and less than all numeric characters.

(b) The administrator will deduct NO<sub>x</sub> allowances first under par. (a)1.

and then under par. (a)2.:

1. Until the number of NO<sub>x</sub> allowances deducted for the control period equals the number of tons of NO<sub>x</sub> emissions, determined in accordance with subch. VIII, from the unit for the control period for which compliance is being determined, plus the number of NO<sub>x</sub> allowances required for deduction to account for actual utilization under s. NR 428.23(5) for the control period;

or

2. Until no more NO<sub>x</sub> allowances available under sub. (1) remain in the respective account.

(3) TRACKING COMPLIANCE. (a) Identification of NO<sub>x</sub> allowances by serial number. The NO<sub>x</sub> authorized account representative for each compliance account may identify by serial number the NO<sub>x</sub> allowances to be deducted from the unit's compliance account under sub. (1), (4) or (5). The identification shall be made in the compliance certification report submitted in accordance with s. NR 428.19.

(b) First-in, first-out. The administrator will deduct NO<sub>x</sub> allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO<sub>x</sub> allowances by serial number under par. (a), or the overdraft account on a first-in, first-out (FIFO) accounting basis in the following order:

1. Those NO<sub>x</sub> allowances that were allocated for the control period to the unit under subch. V or IX;
2. Those NO<sub>x</sub> allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to subch. VII, in order of their date of recordation;
3. Those NO<sub>x</sub> allowances that were allocated for a prior control period to the unit under subch. V or IX; and
4. Those NO<sub>x</sub> allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to subch. VII, in order of their date of recordation.

(4) DEDUCTIONS FOR EXCESS EMISSIONS. (a) After making the deductions

for compliance under sub. (2), the administrator will deduct from the unit's compliance account or the overdraft account of the source where the unit is located a number of NO<sub>x</sub> allowances, allocated for a control period after the control period in which the unit has excess emissions, equal to 3 times the number of the unit's excess emissions.

(b) If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the administrator will deduct the required number of NO<sub>x</sub> allowances, regardless of the control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

(c) Any allowance deduction required under this subsection does not affect the liability of the owners and operators of the NO<sub>x</sub> budget unit for any fine, penalty or assessment, or their obligation to comply with any other remedy, for the same violation, as ordered under the act or ss. 285.83 and 285.87, Stats. The following guidelines will be followed in assessing fines, penalties or other obligations:

1. For purposes of determining the number of days of violation, if a NO<sub>x</sub> budget unit has excess emissions for a control period, each day in the control period (153 days) constitutes a day in violation unless the owners and operators of the unit demonstrate that a lesser number of days should be considered.

2. Each ton of excess emissions is a separate violation.

(5) DEDUCTIONS FOR UNITS SHARING A COMMON STACK. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with subch. VIII:

(a) The NO<sub>x</sub> authorized account representative of the units may identify the percentage of NO<sub>x</sub> allowances to be deducted from each such unit's compliance account to cover the unit's share of NO<sub>x</sub> emissions from the common stack for a control period. This identification shall be made in the compliance certification report submitted in accordance with s. NR 428.19.

(b) Notwithstanding sub. (2)(b)1., the administrator will deduct NO<sub>x</sub> allowances for each unit until the number of NO<sub>x</sub> allowances deducted equals

the unit's identified percentage under par. (a) of the number of tons of NO<sub>x</sub> emissions, as determined in accordance with subch. VIII, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each unit, plus the number of allowances required for deduction to account for actual utilization under s. NR 428.23(5) for the control period.

(6) RECORDING OF DEDUCTIONS. The administrator will record in the appropriate compliance account or overdraft account all deductions from the account pursuant to sub. (2), (4) or (5).

NR 428.29 BANKING. (1) NO<sub>x</sub> allowances may be banked for future use or transfer in a compliance account, an overdraft account or a general account, as follows:

(a) Any NO<sub>x</sub> allowance that is held in a compliance account, an overdraft account or a general account will remain in the account unless and until the NO<sub>x</sub> allowance is deducted or transferred under s. NR 428.20, 428.28 or 428.30, or subch. VII or IX.

(b) The administrator will designate, as a "banked" NO<sub>x</sub> allowance, any NO<sub>x</sub> allowance that remains in a compliance account, an overdraft account or a general account after the administrator has made all deductions for a given control period from the compliance account or overdraft account pursuant to s. NR 428.28.

(2) Each year starting in 2004, after the administrator has completed the designation of banked NO<sub>x</sub> allowances under sub. (1)(b) and before May 1 of the year, the administrator will determine the extent to which banked NO<sub>x</sub> allowances may be used for compliance in the control period for the current year, as follows:

(a) The administrator will determine the total number of banked NO<sub>x</sub> allowances held in compliance accounts, overdraft accounts or general accounts.

(b) If the total number of banked NO<sub>x</sub> allowances determined, under par. (a), to be held in compliance accounts, overdraft accounts or general accounts

is less than or equal to 10% of the sum of the state trading program budgets for the control period for the states in which NO<sub>x</sub> budget units are located, any banked NO<sub>x</sub> allowance may be deducted for compliance in accordance with s. NR 428.28.

(c) If the total number of banked NO<sub>x</sub> allowances determined, under par. (a), to be held in compliance accounts, overdraft accounts or general accounts exceeds 10% of the sum of the state trading program budgets for the control period for the states in which NO<sub>x</sub> budget units are located, any banked allowance may be deducted for compliance in accordance with s. NR 428.28, except as follows:

1. The administrator will determine the following ratio: 0.10 multiplied by the sum of the state trading program budgets for the control period for the states in which NO<sub>x</sub> budget units are located and divided by the total number of banked NO<sub>x</sub> allowances determined, under par. (a), to be held in compliance accounts, overdraft accounts or general accounts.

2. The administrator will multiply the number of banked NO<sub>x</sub> allowances in each compliance account or overdraft account. The resulting product is the number of banked NO<sub>x</sub> allowances in the account that may be deducted for compliance in accordance with s. NR 428.28. Any banked NO<sub>x</sub> allowances in excess of the resulting product may be deducted for compliance in accordance with s. NR 428.28, except that, if these NO<sub>x</sub> allowances are used to make a deduction, 2 NO<sub>x</sub> allowances shall be deducted for each deduction of one NO<sub>x</sub> allowance required under s. NR 428.28.

(3) Any NO<sub>x</sub> budget unit may reduce its NO<sub>x</sub> emission rate in the 2001 or 2002 control period, the owner or operator of the unit may request early reduction credits, and the department may allocate NO<sub>x</sub> allowances in 2003 to the unit in accordance with the following requirements:

(a) Each NO<sub>x</sub> budget unit for which the owner or operator requests any early reduction credits under par. (d) shall monitor NO<sub>x</sub> emissions in accordance with subch. VIII starting in the 2000 control period and for each control period for which the early reduction credits are requested. The

unit's monitoring system availability shall be not less than 90% during the 2000 control period, and the unit shall be in compliance with any applicable state or federal emissions or emissions-related requirements.

(b) NO<sub>x</sub> emission rate and heat input under pars. (c) to (e) shall be determined in accordance with subch. VIII.

(c) Each NO<sub>x</sub> budget unit for which the owner or operator requests any early reduction credits under par. (d) shall reduce its NO<sub>x</sub> emission rate, for each control period for which early reduction credits are requested, to less than both 0.25 lb/mmBtu and 80% of the unit's NO<sub>x</sub> emission rate in the 2000 control period.

(d) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit that meets the requirements of pars. (a) and (c) may submit to the department a request for early reduction credits for the unit based on NO<sub>x</sub> emission rate reductions made by the unit in the control period for 2001 or 2002 in accordance with this subsection.

1. In the early reduction credit request, the NO<sub>x</sub> authorized account representative may request early reduction credits for the control period for 2001 or 2002 in an amount equal to the unit's heat input for this control period multiplied by the difference between 0.25 lb/mmBtu and the unit's NO<sub>x</sub> emission rate for this control period, divided by 2000 lb/ton, and rounded to the nearest ton.

2. The early reduction credit request shall be submitted, in a format specified by the department, by October 31 of the year in which the NO<sub>x</sub> emission rate reductions on which the request is based are made or a later date approved by the department.

(e) The department shall allocate NO<sub>x</sub> allowances, to NO<sub>x</sub> budget units meeting the requirements of pars. (a) and (c) and covered by early reduction requests meeting the requirements of par. (d)2., in accordance with the following procedures:

1. Upon receipt of each early reduction credit request, the department shall accept the request only if the requirements of pars. (a), (c) and (d)2.

are met and, if the request is accepted, shall make any necessary adjustments to the request to ensure that the amount of the early reduction credits requested meets the requirement of pars. (b) and (d).

2. If the state's compliance supplement pool has an amount of NO<sub>x</sub> allowances not less than the number of early reduction credits in all accepted early reduction credit requests for 2001 and 2002, as adjusted under subd. 1., the department shall allocate to each NO<sub>x</sub> budget unit covered by the accepted requests one allowance for each early reduction credit requested, as adjusted under subd. 1.

3. If the state's compliance supplement pool has a smaller amount of NO<sub>x</sub> allowances than the number of early reduction credits in all accepted early reduction credit requests for 2001 and 2002, as adjusted under subd. 1., the department shall allocate NO<sub>x</sub> allowances to each NO<sub>x</sub> budget unit covered by the accepted requests according to the following formula:

unit's allocated early reduction credits = 
$$\left[ \frac{\text{unit's adjusted early reduction credits}}{\text{total adjusted early reduction credits requested by all units}} \right] \times (\text{available NO}_x \text{ allowances from the state's compliance supplement pool})$$

where:

"unit's adjusted early reduction credits" is the number of early reduction credits for the unit for 2001 and 2002 in accepted early reduction credit requests, as adjusted under subd. 1.

"total adjusted early reduction credits requested by all units" is the number of early reduction credits for all units for 2001 and 2002 in accepted early reduction credit requests, as adjusted under subd. 1.

"available NO<sub>x</sub> allowances from the state's compliance supplement pool" is the number of NO<sub>x</sub> allowances in the state's compliance supplement pool and available for early reduction credits for 2001 and 2002.

(f) By May 1, 2003, the department shall submit to the administrator the allocations of NO<sub>x</sub> allowances determined under par. (e). The administrator will record such allocations to the extent that they are consistent with the

requirements of pars. (a) to (e).

(g) NO<sub>x</sub> allowances recorded under par. (f) may be deducted for compliance under s. NR 428.28 for the control periods in 2003 or 2004. Notwithstanding sub. (1), the administrator will deduct as retired any NO<sub>x</sub> allowance that is recorded under par. (f) and is not deducted for compliance in accordance with s. NR 428.28 for the control period in 2003 or 2004.

(h) NO<sub>x</sub> allowances recorded under par. (f) are treated as banked allowances in 2004 for the purposes of subs. (1) and (2).

NR 428.30 ACCOUNT ERROR. The administrator may, at his or her sole discretion and on his or her own motion, correct any error in any NO<sub>x</sub> allowance tracking system account. Within 10 business days of making a correction, the administrator will notify the NO<sub>x</sub> authorized account representative for the account.

NR 428.31 CLOSING OF GENERAL ACCOUNTS. (1) The NO<sub>x</sub> authorized account representative of a general account may instruct the administrator to close the account by submitting a statement requesting deletion of the account from the NO<sub>x</sub> allowance tracking system and by correctly submitting for recordation under s. NR 428.32 an allowance transfer of all NO<sub>x</sub> allowances in the account to one or more other NO<sub>x</sub> allowance tracking system accounts.

(2) If a general account shows no activity for a period of a year or more and does not contain any NO<sub>x</sub> allowances, the administrator may notify the NO<sub>x</sub> authorized account representative for the account that the account will be closed and deleted from the NO<sub>x</sub> allowance tracking system following 20 business days after the notice is sent. The account will be closed after the 20-day period unless before the end of the 20-day period the administrator receives a correctly submitted transfer of NO<sub>x</sub> allowances into the account under s. NR 428.32 or a statement submitted by the NO<sub>x</sub> authorized account representative demonstrating to the satisfaction of the administrator good cause as to why the account should not be closed.

NO<sub>x</sub> ALLOWANCE TRANSFERS

NR 428.32 SCOPE AND SUBMISSION OF NO<sub>x</sub> ALLOWANCE TRANSFERS. The NO<sub>x</sub>

authorized account representatives seeking recordation of a NO<sub>x</sub> allowance transfer shall submit the transfer to the administrator. To be considered correctly submitted, the NO<sub>x</sub> allowance transfer shall include the following elements in a format specified by the administrator:

- (1) The numbers identifying both the transferor and transferee accounts;
- (2) A specification by serial number of each NO<sub>x</sub> allowance to be transferred; and
- (3) The printed name and signature of the NO<sub>x</sub> authorized account representative of the transferror account and the date signed.

NR 428.33 EPA RECORDATION. (1) Within 5 business days of receiving a NO<sub>x</sub> allowance transfer, except as provided in sub. (2), the administrator shall record a NO<sub>x</sub> allowance transfer by moving each NO<sub>x</sub> allowance from the transferor account to the transferee account as specified by the request, provided that:

- (a) The transfer is correctly submitted under s. NR 428.32;
- (b) The transferor account includes each NO<sub>x</sub> allowance identified by serial number in the transfer; and
- (c) The transfer meets all other requirements of this chapter.

(2) A NO<sub>x</sub> allowance transfer that is submitted for recordation following the NO<sub>x</sub> allowance transfer deadline and that includes any NO<sub>x</sub> allowances allocated for a control period prior to or the same as the control period to which the NO<sub>x</sub> allowance transfer deadline applies will not be recorded until after completion of the process of recordation of NO<sub>x</sub> allowance allocations in s. NR 428.27(2).

(3) Where a NO<sub>x</sub> allowance transfer submitted for recordation fails to meet the requirements of sub. (1), the administrator may not record the transfer.

NR 428.34 NOTIFICATION. (1) NOTIFICATION OF RECORDATION. Within 5 business days of recordation of a NO<sub>x</sub> allowance transfer under s. NR 428.33,

the administrator will notify each party to the transfer. Notice will be given to the NO<sub>x</sub> authorized account representatives of both the transferor and transferee accounts.

(2) NOTIFICATION OF NON-RECORDATION. Within 10 business days of receipt of a NO<sub>x</sub> allowance transfer that fails to meet the requirements of s. NR 428.33(1), the administrator will notify the NO<sub>x</sub> authorized account representatives of both accounts subject to the transfer of:

(a) A decision not to record the transfer, and

(b) The reasons for non-recordation.

(3) SUBMISSIONS FOLLOWING NON-RECORDATION. Nothing in this section shall preclude the submission of a NO<sub>x</sub> allowance transfer for recordation following notification of non-recordation.

#### SUBCHAPTER VIII

#### MONITORING AND REPORTING

NR 428.35 GENERAL REQUIREMENTS. The owners and operators, and to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget unit, shall comply with the monitoring and reporting requirements as provided in this subchapter and in subpart H of 40 CFR part 75. For purposes of complying with these requirements, the definitions in s. NR 428.02 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 replaced by the terms "NO<sub>x</sub> budget unit," "NO<sub>x</sub> authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in s. NR 428.02.

(1) REQUIREMENTS FOR INSTALLATION, CERTIFICATION AND DATA ACCOUNTING. The owner or operator of each NO<sub>x</sub> budget unit shall meet the following requirements. These provisions also apply to a unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, as provided in subch. IX:

(a) Install all monitoring systems required under this subchapter for

monitoring NO<sub>x</sub> mass. This includes all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> concentration, heat input and flow, in accordance with 40 CFR 75.71 and 75.72.

(b) Install all monitoring systems for monitoring heat input, if required under s. NR 428.41 for developing NO<sub>x</sub> allowance allocations.

(c) Successfully complete all certification tests required under s. NR 428.36 and meet all other provisions of this subchapter and 40 CFR part 75 applicable to the monitoring systems under pars. (a) and (b).

(d) Record and report data from the monitoring systems under pars. (a) and (b).

(2) COMPLIANCE DATES. The owner or operator shall meet the requirements of sub. (1)(a) to (c) on or before the following dates and shall record and report data on and after the following dates:

(a) NO<sub>x</sub> budget units for which the owner or operator intends to apply for early reduction credits under s. NR 428.29(4) shall comply with the requirements of this subchapter by May 1, 2000.

(b) Except for NO<sub>x</sub> budget units under par. (a), NO<sub>x</sub> budget units under s. NR 428.04 that commence operation before January 1, 2002, shall comply with the requirements of this subchapter by May 1, 2002.

(c) NO<sub>x</sub> budget units under s. NR 428.04 that commence operation on or after January 1, 2002 and that report on an annual basis under s. NR 428.39(4) shall comply with the requirements of this subchapter by the later of the following dates:

1. May 1, 2002; or

2. The earlier of:

a. 180 days after the date on which the unit commences operation or,

b. For units under s. NR 428.04(1)(a)1., 90 days after the date on which the unit commences commercial operation.

(d) NO<sub>x</sub> budget units under s. NR 428.04 that commence operation on or after January 1, 2002 and that report on a control season basis under s. NR 428.39(4) shall comply with the requirements of this subchapter by the later

of the following dates:

1. The earlier of:

a. 180 days after the date on which the unit commences operation, or

b. For units under s. NR 428.04(1)(a)1., 90 days after the date on which the unit commences commercial operation.

2. However, if the applicable deadline under subd. 1. does not occur during a control period, the deadline for compliance with the requirements of this subchapter becomes the May 1 immediately following the date determined in accordance with subd. 1.

(e) 1. A NO<sub>x</sub> budget unit with a new stack or flue for which construction is completed after the applicable deadline under par. (a), (b) or (c) or subch. IX shall comply with the requirements of this subchapter 90 days after the date on which emissions first exit to the atmosphere through the new stack or flue.

2. However, if the unit reports on a control season basis under s. NR 428.39(4) and the applicable deadline under subd. 1. does not occur during the control period, the deadline for compliance with the requirements of this subchapter becomes the May 1 immediately following the applicable deadline in subd. 1.

(f) For a unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, the compliance dates specified under subch. IX are the dates these units shall comply with the requirements of this subchapter.

(3) REPORTING DATA PRIOR TO INITIAL CERTIFICATION. (a) The owner or operator of a NO<sub>x</sub> budget unit that misses the certification deadline under sub. (2)(a) is not eligible to apply for early reduction credits. The owner or operator of the unit instead becomes subject to the certification deadline under sub. (2)(b).

(b) The owner or operator of a NO<sub>x</sub> budget unit under sub. (2)(c) or (d) shall determine, record and report NO<sub>x</sub> mass, heat input, if required for

purposes of allocations, and any other values required to determine NO<sub>x</sub> mass, e.g. NO<sub>x</sub> emission rate and heat input or NO<sub>x</sub> concentration and stack flow, using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

(4) PROHIBITIONS. (a) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may use any alternative monitoring system, alternative reference method or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with s. NR 428.40.

(b) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may operate the unit so as to discharge, or allow to be discharged, NO<sub>x</sub> emissions to the atmosphere without accounting for all NO<sub>x</sub> emissions in accordance with the applicable provisions of this subchapter and 40 CFR part 75 except as provided for in 40 CFR 75.74.

(c) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO<sub>x</sub> 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 subchapter and 40 CFR part 75 except as provided for in 40 CFR 75.74.

(d) No owner or operator of a NO<sub>x</sub> budget unit or a non-NO<sub>x</sub> budget unit monitored under 40 CFR 75.72(b)(2)(ii) may retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this subchapter, except under any one of the following circumstances:

1. During the period that the unit is covered by a retired unit exemption under s. NR 428.05 that is in effect;

2. The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this subchapter 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

3. The NO<sub>x</sub> authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with s. NR 428.36(2)(b).

NR 428.36 INITIAL CERTIFICATION AND RECERTIFICATION PROCEDURES. (1)

INITIAL CERTIFICATION AND RECERTIFICATION PROCEDURES FOR UNITS SUBJECT TO AN ACID RAIN EMISSIONS LIMITATION. The owner or operator of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation shall comply with the initial certification and recertification procedures of 40 CFR part 75, except that:

(a) If, prior to January 1, 1998, the administrator approved a petition under 40 CFR 75.17(a) or (b) for apportioning the NO<sub>x</sub> emission rate measured in a common stack or a petition under 40 CFR 75.66 for an alternative to a requirement in 40 CFR 75.17, the NO<sub>x</sub> authorized account representative shall resubmit the petition to the administrator under s. NR 428.40(1) to determine if the approval applies under the NO<sub>x</sub> budget trading program.

(b) For any additional CEMS required under the common stack provisions in 40 CFR 75.72, or for any NO<sub>x</sub> concentration CEMS used under the provisions of 40 CFR 75.71(a)(2), the owner or operator shall meet the requirements of sub. (2).

(2) INITIAL CERTIFICATION AND RECERTIFICATION PROCEDURES FOR UNITS NOT SUBJECT TO AN ACID RAIN EMISSIONS LIMITATION. The owner or operator of a NO<sub>x</sub> budget unit that is not subject to an acid rain emissions limitation shall comply with the following initial certification and recertification procedures, except that the owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 shall also meet the requirements of sub. (3) and the owner or operator of a

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unit that qualifies to use an alternative monitoring system under subpart E of 40 CFR part 75 shall also meet the requirements of sub. (4). The owner or operator of a NO<sub>x</sub> budget unit that is subject to an acid rain emissions limitation, but requires additional CEMS under the common stack provisions in 40 CFR 75.72, or that uses a NO<sub>x</sub> concentration CEMS under 40 CFR 75.71(a)(2) also shall comply with the following initial certification and recertification procedures.

(a) Requirements for initial certification. The owner or operator shall ensure that each monitoring system required by subpart H of 40 CFR part 75, which includes the automated data acquisition and handling system, successfully completes all of the initial certification testing required under 40 CFR 75.20. The owner or operator shall ensure that all applicable certification tests are successfully completed by the deadlines specified in s. NR 428.35(2). In addition, whenever the owner or operator installs a monitoring system in order to meet the requirements of this chapter in a location where no such monitoring system was previously installed, initial certification according to 40 CFR 75.20 shall be successfully completed.

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(b) Requirements for recertification. Whenever the owner or operator makes a replacement, modification or change in a certified monitoring system that the administrator or the department determines significantly affects the ability of the system to accurately measure or record NO<sub>x</sub> mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or appendix B to 40 CFR part 75, incorporated by reference in s. NR 484.04, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b).

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Furthermore, whenever the owner or operator makes a replacement, modification or change to the flue gas handling system or the unit's operation that the administrator or the department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow

rate monitor polynomial coefficients.

(c) Certification approval process for initial certifications and recertification. 1. 'Notification of certification.' The NO<sub>x</sub> authorized account representative shall submit to the EPA region 5 office and the department a written notice of the dates of certification in accordance with s. NR 428.38.

Note: The address of the EPA region 5 office is:

United States Environmental Protection Agency - Region 5

Air and Radiation Branch

77 West Jackson Boulevard

Chicago IL 60604-3590

2. 'Certification application.' The NO<sub>x</sub> authorized account representative shall submit to the department a certification application for each monitoring system required under subpart H of 40 CFR part 75. A complete certification application shall include the information specified in subpart H of 40 CFR part 75.

3. 'Provisional certification date.' Except for units using the low mass emission excepted methodology under 40 CFR 75.19, the provisional certification date for a monitor shall be determined using the procedures in 40 CFR 75.20(a)(3). A provisionally certified monitor may be used under the NO<sub>x</sub> budget trading program for a period not to exceed 120 days after receipt by the department of the complete certification application for the monitoring system or component thereof under subd. 2. Data measured and recorded by the provisionally certified monitoring system or component thereof, 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 receipt of the complete certification application by the department.

4. 'Certification application formal approval process.' The department shall 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 subd. 2. In the event the department does not issue the notice within the 120-day period, each monitoring system which 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 NO<sub>x</sub> budget 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, the department shall issue a written notice of approval of the certification application within 120 days of receipt.

b. *Incomplete application notice.* A certification application will be considered complete when all of the applicable information required to be submitted under subd. 2. has been received by the department. If the certification application is not complete, the department shall issue a written notice of incompleteness that sets a reasonable date by which the NO<sub>x</sub> authorized account representative shall submit the additional information required to complete the certification application. If the NO<sub>x</sub> authorized account representative does not comply with the notice of incompleteness by the specified date, the department may issue a notice of disapproval under subd. 4.c.

c. *Disapproval notice.* If the certification application shows that any monitoring system or component thereof does not meet the performance requirements of this chapter, or if the certification application is incomplete and the requirement for disapproval under subd. 4.b. has been met, the department shall issue a written notice of disapproval of the certification application. Upon issuance of the notice of disapproval, the provisional certification is invalidated by the department and the data measured and recorded by each uncertified monitoring system or component thereof may not be considered valid quality-assured data beginning with the date and hour of provisional certification. The owner or operator shall

follow the procedures for loss of certification in subd. 5. for each monitoring system or component thereof which is disapproved for initial certification.

d. *Audit decertification.* The department may issue a notice of disapproval of the certification status of a monitor in accordance with s. NR 428.37(2).

5. 'Procedures for loss of certification.' If the department issues a notice of disapproval of a certification application under subd. 4.c. or a notice of disapproval of certification status under subd. 4.d., then the following data substitution and recertification procedures shall apply.

a. For each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and continuing until the time, date and hour specified under 40 CFR 75.20(a)(5)(I), the owner or operator shall substitute the following values for the data which would otherwise have been recorded by the monitoring system. For units using or intending to monitor for NO<sub>x</sub> emission rate and heat input or for units using the low mass emission excepted methodology under 40 CFR 75.19, the owner or operator shall substitute the maximum potential NO<sub>x</sub> emission rate and the maximum potential hourly heat input of the unit. For units intending to monitor for NO<sub>x</sub> mass emissions using a NO<sub>x</sub> pollutant concentration monitor and a flow monitor, the owner or operator shall substitute the maximum potential concentration of NO<sub>x</sub> and the maximum potential flow rate of the unit under section 2.1 of appendix A of 40 CFR part 75, incorporated by reference in s. NR 484.04; and

b. The NO<sub>x</sub> authorized account representative shall submit a notification of certification retest dates and a new certification application in accordance with subds. 1. and 2.; and

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 notice of disapproval, no later than 30 unit operating days after

the date of issuance of the notice of disapproval.

(3) INITIAL CERTIFICATION AND RECERTIFICATION PROCEDURES FOR LOW MASS EMISSION UNITS USING THE EXCEPTED METHODOLOGIES UNDER 40 CFR 75.19. The owner or operator of a gas-fired or oil-fired unit using the low mass emissions excepted methodology under 40 CFR 75.19 shall meet the applicable general operating requirements of 40 CFR 75.10, the applicable requirements of 40 CFR 75.19, and the applicable certification requirements of this section, except that the excepted methodology shall be deemed provisionally certified for use under the NO<sub>x</sub> budget trading program, as of the following dates:

(a) For units that are reporting on an annual basis under s. NR 428.39(4):

1. For a unit that commenced operation before its compliance deadline under s. NR 428.35(2), from January 1 of the year following submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the department review; or

2. For a unit that commences operation after its compliance deadline under s. NR 428.35(2), the date of submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for department review.

(b) For units that are reporting on a control period basis under s. NR 428.39(2)(c)2.:

1. For a unit that commenced operation before its compliance deadline under s. NR 428.35(2), where the certification application is submitted before May 1, from May 1 of the year of the submission of the certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the department review; or

2. For a unit that commenced operation before its compliance deadline under s. NR 428.35(2), where the certification application is submitted after May 1, from May 1 of the year following submission of the certification

application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the department review; or

3. For a unit that commences operation after its compliance deadline under s. NR 428.35(2), where the unit commences operation before May 1, from May 1 of the year that the unit commenced operation, until the completion of the period for the department's review.

4. For a unit that has not operated after its compliance deadline under s. NR 428.35(2), where the certification application is submitted after May 1, but before October 1st, from the date of submission of a certification application for approval to use the low mass emissions excepted methodology under 40 CFR 75.19 until the completion of the period for the department's review.

(4) CERTIFICATION/RECERTIFICATION PROCEDURES FOR ALTERNATIVE MONITORING SYSTEMS. The NO<sub>x</sub> authorized account representative representing the owner or operator of each unit applying to monitor using an alternative monitoring system approved by the administrator and, if applicable, the department under subpart E of 40 CFR part 75 shall apply for certification to the department prior to use of the system under the NO<sub>x</sub> trading program. The NO<sub>x</sub> authorized account representative shall apply for recertification following a replacement, modification or change according to the procedures in sub. (2). The owner or operator of an alternative monitoring system shall comply with the notification and application requirements for certification according to the procedures specified in sub. (2)(c) and 40 CFR 75.20(f).

NR 428.37 OUT OF CONTROL PERIODS. (1) DATA SUBSTITUTION. Whenever any monitoring system fails to meet the quality assurance requirements of appendix B of 40 CFR part 75, data shall be substituted using the applicable procedures in subpart D, appendix D, or appendix E of 40 CFR part 75. Appendices B, D and E of 40 CFR part 75 are incorporated by reference in s. NR 484.04.

(2) AUDIT DECERTIFICATION. Whenever both an audit of a monitoring system and a review of the initial certification or recertification

application reveal that any system or component should not have been certified or recertified because it did not meet a particular performance specification or other requirement under s. NR 428.36 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 shall issue a notice of disapproval of the certification status of the system or component. For the purposes of this subsection, 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 revokes prospectively the certification status of the system or component. The data measured and recorded by the system or component may 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. The owner or operator shall follow the initial certification or recertification procedures in s. NR 428.36 for each disapproved system.

NR 428.38 NOTIFICATIONS. The NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget unit shall submit written notice to the department and the administrator in accordance with 40 CFR 75.61, except that if the unit is not subject to an acid rain emissions limitation, the notification is only required to be sent to the department.

NR 428.39 RECORDKEEPING AND REPORTING. (1) GENERAL PROVISIONS. (a) The NO<sub>x</sub> authorized account representative shall comply with all recordkeeping and reporting requirements in this section and with the requirements of s. NR 428.08(5).

(b) If the NO<sub>x</sub> authorized account representative for a NO<sub>x</sub> budget unit subject to an acid rain emission limitation who signed and certified any submission that is made under subpart F or G of 40 CFR part 75 and which includes data and information required under this subchapter or subpart H of 40 CFR part 75 is not the same person as the designated representative or the

alternative designated representative for the unit under 40 CFR part 72, the submission shall also be signed by the designated representative or the alternative designated representative.

(2) MONITORING PLANS. (a) The owner or operator of a unit subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan shall also include all of the information required by subpart H of 40 CFR part 75.

(b) The owner or operator of a unit that is not subject to an acid rain emissions limitation shall comply with requirements of 40 CFR 75.62, except that the monitoring plan is only required to include the information required by subpart H of 40 CFR part 75.

(3) CERTIFICATION APPLICATIONS. The NO<sub>x</sub> authorized account representative shall submit a certification application to the department within 45 days after completing all initial certification or recertification tests required under s. NR 428.36 including the information required under subpart H of 40 CFR part 75.

(4) QUARTERLY REPORTS. The NO<sub>x</sub> authorized account representative shall submit quarterly reports, as follows:

(a) Units subject to an acid rain emission limitation. If a unit is subject to an acid rain emission limitation or if the owner or operator of the NO<sub>x</sub> budget unit chooses to meet the annual reporting requirements of this subchapter, the NO<sub>x</sub> authorized account representative shall submit a quarterly report for each calendar quarter beginning with:

1. For units that elect to comply with the early reduction credit provisions under s. NR 428.29, the calendar quarter that includes the date of initial provisional certification under s. NR 428.36(2)(c)3. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification; or

2. For units commencing operation prior to May 1, 2002 that are not required to certify monitors by May 1, 2000 under s. NR 428.35(2)(a), the earlier of the calendar quarter that includes the date of initial provisional

certification under s. NR 428.36(2)(c)3. or, if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour on May 1, 2002; or

3. For a unit that commences operation after May 1, 2002, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation.

(b) Units not subject to an acid rain emission limitation. If a NO<sub>x</sub> budget unit is not subject to an acid rain emission limitation, then the NO<sub>x</sub> authorized account representative shall either:

1. Meet all of the requirements of 40 CFR part 75 related to monitoring and reporting NO<sub>x</sub> mass emissions during the entire year and meet the reporting deadlines specified in par. (a); or

2. Submit quarterly reports only for the periods from the earlier of May 1 or the date and hour that the owner or operator successfully completes all of the recertification tests required under 40 CFR 75.74(d)(3) through September 30 of each year in accordance with the provisions of 40 CFR 75.74(b). The NO<sub>x</sub> authorized account representative shall submit a quarterly report for each calendar quarter, beginning with:

a. For units that elect to comply with the early reduction credit provisions under s. NR 428.29, the calendar quarter that includes the date of initial provisional certification under s. NR 428.36(2)(c)3. Data shall be reported from the date and hour corresponding to the date and hour of provisional certification; or

b. For units commencing operation prior to May 1, 2002 that are not required to certify monitors by May 1, 2000 under s. NR 428.35(2)(a), the earlier of the calendar quarter that includes the date of initial provisional certification under s. NR 428.36(2)(c)3., or if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be reported from the earlier of the date

and hour corresponding to the date and hour of provisional certification or the first hour of May 1, 2002; or

c. For units that commence operation after May 1, 2002 during the control period, the calendar quarter in which the unit commences operation. Data shall be reported from the date and hour corresponding to when the unit commenced operation; or

d. For units that commence operation after May 1, 2002 and before May 1 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under s. NR 428.36(2)(c)3. or, if the certification tests are not completed by May 1 of the year in which the unit commences operation, May 1 of the year in which the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation. *of*

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e. For units that commence operation after May 1, 2002 and after September 30 of the year in which the unit commences operation, the earlier of the calendar quarter that includes the date of initial provisional certification under s. NR 428.36(2)(c)3. or, if the certification tests are not completed by May 1 of the year after the unit commences operation, May 1 of the year after the unit commences operation. Data shall be reported from the earlier of the date and hour corresponding to the date and hour of provisional certification or the first hour of May 1 of the year after the unit commences operation.

(c) Deadlines for submittals. The NO<sub>x</sub> authorized account 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 subpart H of 40 CFR part 75 and 40 CFR 75.64.

1. For units subject to an acid rain emissions limitation, quarterly reports shall include all of the data and information required in subpart H of 40 CFR part 75 for each NO<sub>x</sub> budget unit, or group of units using a common

stack, as well as information required in subpart G of 40 CFR part 75.

2. For units not subject to an acid rain emissions limitation, and quarterly reports are only required to include all of the data and information required in subpart H of 40 CFR part 75 for each NO<sub>x</sub> budget unit, or group of units using a common stack.

(d) Compliance certification. The NO<sub>x</sub> authorized account representative shall submit to the administrator a compliance certification 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 subchapter and 40 CFR part 75, including the quality assurance procedures and specifications; and

2. For a unit with add-on NO<sub>x</sub> emission controls and for all hours where 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 monitoring plan and the substitute values do not systematically underestimate NO<sub>x</sub> emissions; and

3. For a unit that is reporting on a control period basis under this subsection the NO<sub>x</sub> emission rate and NO<sub>x</sub> concentration values substituted for missing data under subpart D of 40 CFR part 75 are calculated using only values from a control period and do not systematically underestimate NO<sub>x</sub> emissions.

<sup>(a)</sup>  
NR 428.40 PETITIONS. (1) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget 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 subchapter.

<sup>(a)</sup> Application of an alternative to any requirement of this subchapter is in accordance with this subchapter only to the extent that the petition under this subsection is approved by the administrator, in consultation with the department.

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(b) Notwithstanding par. (a), if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72, the petition is governed by sub. (2).

(2)(a) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget 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 subchapter.

(b) The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget 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 CEMS required under the common stack provisions of 40 CFR 75.72 or a NO<sub>x</sub> concentration CEMS used under 40 CFR 75.71(a)(2).

(c) Application of an alternative to any requirement of this subchapter is in accordance with this subchapter only to the extent the petition under this subsection is approved by both the department and the administrator.

NR 428.41 ADDITIONAL REQUIREMENTS TO PROVIDE HEAT INPUT DATA. (1) The owner or operator of a unit that elects to monitor and report NO<sub>x</sub> mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures in 40 CFR part 75 if the state develops source allocations based upon heat input.

(2) The owner or operator of a unit that monitors and reports NO<sub>x</sub> mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures in 40 CFR part 75 for any source that is applying for early reduction credits under s. NR 428.29.

#### SUBCHAPTER IX

#### INDIVIDUAL OPT-INS

NR 428.42 APPLICABILITY. A unit that is in the state of Wisconsin, is

not a NO<sub>x</sub> budget unit under s. NR 428.04(1), vents all of its emissions to a stack and is operating, may qualify, under this subchapter, to become a NO<sub>x</sub> budget opt-in source. A unit that is a NO<sub>x</sub> budget unit, is covered by a retired unit exemption under s. NR 428.05 that is in effect or is not operating is not eligible to become a NO<sub>x</sub> budget opt-in source.

NR 428.43 GENERAL. Except as otherwise provided in this chapter, a NO<sub>x</sub> budget opt-in source shall be treated as a NO<sub>x</sub> budget unit for purposes of applying subchs. I to VIII.

NR 428.44 NO<sub>x</sub> AUTHORIZED ACCOUNT REPRESENTATIVE. A unit for which an application for a NO<sub>x</sub> budget opt-in permit is submitted and not denied or withdrawn, or a NO<sub>x</sub> budget opt-in source, located at the same source as one or more NO<sub>x</sub> budget units, shall have the same NO<sub>x</sub> authorized account representative as the NO<sub>x</sub> budget units.

NR 428.45 APPLYING FOR A NO<sub>x</sub> BUDGET OPT-IN PERMIT. (1) APPLYING FOR INITIAL NO<sub>x</sub> BUDGET OPT-IN PERMIT. In order to apply for an initial NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account representative of a unit qualified under s. NR 428.42 may submit to the department at any time, except as provided under s. NR 428.48(7):

- (a) A complete NO<sub>x</sub> budget permit application under s. NR 428.15;
- (b) A monitoring plan submitted in accordance with subch. VIII; and
- (c) A complete account certificate of representation under s. NR 428.11, if no NO<sub>x</sub> authorized account representative has been previously designated for the unit.

(2) DUTY TO REAPPLY. The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit a complete NO<sub>x</sub> budget permit application under s. NR 428.15 to renew the NO<sub>x</sub> budget opt-in permit in accordance with s. NR 428.14(3) and, if applicable, an updated monitoring plan in accordance with subch. VIII.

NR 428.46 OPT-IN PROCESS. The department shall issue or deny a NO<sub>x</sub> budget opt-in permit for a unit for which an initial application for a NO<sub>x</sub> budget opt-in permit under s. NR 428.45 is submitted, in accordance with s. NR

428.13 and the following:

(1) INTERIM REVIEW OF MONITORING PLAN. The department shall determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO<sub>x</sub> budget opt-in permit under s. NR 428.45. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO<sub>x</sub> emissions rate and heat input of the unit are monitored and reported in accordance with subch. VIII. A determination of sufficiency may not be construed as acceptance or approval of the unit's monitoring plan.

(2) MONITORING OF HEAT INPUT AND NO<sub>x</sub> EMISSIONS. If the department determines that the unit's monitoring plan is sufficient under sub. (1) and after completion of monitoring system certification under subch. VIII, the NO<sub>x</sub> emissions rate and the heat input of the unit shall be monitored and reported in accordance with subch. VIII for one full control period during which monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable state or federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a "NO<sub>x</sub> budget unit" prior to issuance of a NO<sub>x</sub> budget opt-in permit covering the unit.

(3) CALCULATION OF HEAT INPUT AND NO<sub>x</sub> EMISSIONS. Based on the information monitored and reported under sub. (2), the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmBtu) for the control period and the unit's baseline NO<sub>x</sub> emissions rate shall be calculated as the unit's total NO<sub>x</sub> mass emissions (in pounds) for the control period divided by the unit's baseline heat rate.

(4) DRAFT PERMIT. After calculating the baseline heat input and the baseline NO<sub>x</sub> emissions rate for the unit under sub. (3), the department will serve a draft NO<sub>x</sub> budget opt-in permit on the NO<sub>x</sub> authorized account representative of the unit.

(5) CONFIRMATION OF INTENTION TO OPT-IN. Within 20 days after the issuance of the draft NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> authorized account

representative of the unit shall submit to the department a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO<sub>x</sub> budget opt-in permit under s. NR 428.45. The department shall treat the failure to make a timely submission as a withdrawal of the NO<sub>x</sub> budget opt-in permit application.

(6) ISSUANCE OF DRAFT NO<sub>x</sub> BUDGET OPT-IN PERMIT. If the NO<sub>x</sub> authorized account representative confirms the intention to opt in the unit under sub. (5), the department will issue the draft NO<sub>x</sub> budget opt-in permit in accordance with s. NR 428.13.

(7) DENIAL OF NO<sub>x</sub> BUDGET OPT-IN PERMIT APPLICATION. Notwithstanding subs. (1) to (6), if at any time before issuance of a draft NO<sub>x</sub> budget opt-in permit for the unit the department determines that the unit does not qualify as a NO<sub>x</sub> budget opt-in source under s. NR 428.42, the department shall issue a draft denial of a NO<sub>x</sub> budget opt-in permit for the unit in accordance with s. NR 428.13.

(8) WITHDRAWAL OF APPLICATION FOR NO<sub>x</sub> BUDGET OPT-IN PERMIT. A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for a NO<sub>x</sub> budget opt-in permit under s. NR 428.45 at any time prior to the issuance of the final NO<sub>x</sub> budget opt-in permit. Once the application for a NO<sub>x</sub> budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to reapply shall submit a new application for a NO<sub>x</sub> budget permit under s. NR 428.45.

(9) EFFECTIVE DATE. The effective date of the initial NO<sub>x</sub> budget opt-in permit shall be May 1 of the first control period starting after the issuance of the initial NO<sub>x</sub> budget opt-in permit by the department. The unit shall be a NO<sub>x</sub> budget opt-in source and a NO<sub>x</sub> budget unit as of the effective date of the initial NO<sub>x</sub> budget opt-in permit.

NR 428.47 - NO<sub>x</sub> BUDGET OPT-IN PERMIT CONTENTS. (1) Each NO<sub>x</sub> budget opt-in permit, including any draft or proposed NO<sub>x</sub> budget opt-in permit, if applicable, shall contain all elements required for a complete NO<sub>x</sub> budget opt-in permit application under s. NR 428.15 as approved or adjusted by the

department.

(2) Each NO<sub>x</sub> budget opt-in permit is deemed to incorporate automatically the definitions of terms under s. NR 428.02 and, upon recordation by the administrator as described under subch. VI, VII or IX, every allocation, transfer or deduction of NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> budget opt-in source covered by the NO<sub>x</sub> budget opt-in permit or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located.

NR 428.48 WITHDRAWAL FROM NO<sub>x</sub> BUDGET TRADING PROGRAM. (1) REQUESTING WITHDRAWAL. To withdraw from the NO<sub>x</sub> budget trading program, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source shall submit to the department a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

(2) CONDITIONS FOR WITHDRAWAL. Before a NO<sub>x</sub> budget opt-in source covered by a request under sub. (1) may withdraw from the NO<sub>x</sub> budget trading program and the NO<sub>x</sub> budget opt-in permit may be terminated under sub. (5), the following conditions shall be met:

(a) For the control period immediately before the withdrawal is to be effective, the NO<sub>x</sub> authorized account representative shall submit or have submitted to the department an annual compliance certification report in accordance with s. NR 428.19.

(b) If the NO<sub>x</sub> budget opt-in source has excess emissions for the control period immediately before the withdrawal is to be effective, the administrator will deduct or have deducted from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, the full amount required under s. NR 428.28(4) for the control period.

(c) After the requirements for withdrawal under pars. (a) and (b) are met, the administrator will deduct from the NO<sub>x</sub> budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where

the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as any NO<sub>x</sub> allowances allocated to that source under s. NR 428.50 for any control period for which the withdrawal is to be effective. The administrator will close the NO<sub>x</sub> budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(3) DUTY TO COMPLY. A NO<sub>x</sub> budget opt-in source that withdraws from the NO<sub>x</sub> budget trading program shall comply with all requirements under the NO<sub>x</sub> budget trading program concerning all years for which the NO<sub>x</sub> budget opt-in source was a NO<sub>x</sub> budget opt-in source, even if the requirements arise or must be complied with after the withdrawal takes effect.

(4) NOTIFICATION. (a) After the requirements for withdrawal under subs. (1) and (2) are met, including deduction of the full amount of NO<sub>x</sub> allowances required, the department shall issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source of the acceptance of the withdrawal of the NO<sub>x</sub> budget opt-in source as of a specified effective date that is after the requirements for withdrawal have been met and that is prior to May 1 or after September 30.

(b) If the requirements for withdrawal under subs. (1) and (2) are not met, the department shall issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> budget opt-in source that the NO<sub>x</sub> budget opt-in source's request to withdraw is denied. If the NO<sub>x</sub> budget opt-in source's request to withdraw is denied, the NO<sub>x</sub> budget opt-in source shall remain subject to the requirements for a NO<sub>x</sub> budget opt-in source.

(5) PERMIT AMENDMENT. After the department issues a notification under sub. (4)(a) that the requirements for withdrawal have been met, the department shall revise the NO<sub>x</sub> budget permit covering the NO<sub>x</sub> budget opt-in source to terminate the NO<sub>x</sub> budget opt-in permit as of the effective date specified

under sub. (4)(a). A NO<sub>x</sub> budget opt-in source shall continue to be a NO<sub>x</sub> budget opt-in source until the effective date of the termination.

(6) REAPPLICATION UPON FAILURE TO MEET CONDITIONS OF WITHDRAWAL. If the department denies the NO<sub>x</sub> budget opt-in source's request to withdraw, the NO<sub>x</sub> authorized account representative may submit another request to withdraw in accordance with subs. (1) and (2).

(7) ABILITY TO RETURN TO THE NO<sub>x</sub> BUDGET TRADING PROGRAM. Once a NO<sub>x</sub> budget opt-in source withdraws from the NO<sub>x</sub> budget trading program and its NO<sub>x</sub> budget opt-in permit is terminated under this section, the NO<sub>x</sub> authority account representative may not submit another application for a NO<sub>x</sub> budget opt-in permit under s. NR 428.45 for the unit prior to the date that is 4 years after the date on which the termination of the NO<sub>x</sub> budget opt-in permit became effective.

NR 428.49 CHANGE IN REGULATORY STATUS. (1) NOTIFICATION. When a NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under s. NR 428.04, the NO<sub>x</sub> authorized account representative shall notify in writing the department and the administrator of this change in the NO<sub>x</sub> budget opt-in source's regulatory status, within 30 days of the change.

(2) DEPARTMENT'S AND ADMINISTRATOR'S ACTION. (a) Opt-in source becomes a NO<sub>x</sub> budget unit. 1. When a NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under s. NR 428.04, the department shall revise the NO<sub>x</sub> budget opt-in source's NO<sub>x</sub> budget opt-in permit to meet the requirements of a NO<sub>x</sub> budget permit under s. NR 428.16 as of an effective date that is the date on which the NO<sub>x</sub> budget opt-in source becomes a NO<sub>x</sub> budget unit under s. NR 428.04.

2. The administrator will deduct from the compliance account for the NO<sub>x</sub> budget unit under subd. 1., or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as:

a. Any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit, as a NO<sub>x</sub> budget opt-in source, under s. NR 428.50 for any control period after the last control period during which the unit's NO<sub>x</sub> budget opt-in permit was effective;

and

b. If the effective date of the NO<sub>x</sub> budget permit revision under subd. 1. is during a control period, the NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget unit, as a NO<sub>x</sub> budget opt-in source, under s. NR 428.50 for the control period, multiplied by the ratio of the number of days remaining in the control period, starting with the effective date of the permit revision under subd. 1., divided by the total number of days in the control period.

3. The NO<sub>x</sub> authorized account representative shall ensure that the compliance account of the NO<sub>x</sub> budget unit under subd. 1., or the overdraft account of the NO<sub>x</sub> budget source where the unit is located, includes the NO<sub>x</sub> allowances necessary for completion of the deduction under subd. 2. If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the administrator will deduct the required number of NO<sub>x</sub> allowances, regardless of the control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

4. For every control period during which the NO<sub>x</sub> budget permit revised under subd. 1. is effective, the NO<sub>x</sub> budget unit under subd. 1. will be treated, solely for purposes of NO<sub>x</sub> allowance allocations under s. NR 428.23, as a unit that commenced operation on the effective date of the NO<sub>x</sub> budget permit revision under subd. 1. and will be allocated NO<sub>x</sub> allowances under s. NR 428.23.

5. Notwithstanding subd. 4., if the effective date of the NO<sub>x</sub> budget permit revision under subd. 1. is during a control period, the following number of NO<sub>x</sub> allowances will be allocated to the NO<sub>x</sub> budget unit under subd. 1. under s. NR 428.23 for the control period: the number of NO<sub>x</sub> allowances otherwise allocated to the NO<sub>x</sub> budget unit under s. NR 428.23 for the control period multiplied by the ratio of the number of days remaining in the control period, starting with the effective date of the permit revision under subd. 1., divided by the total number of days in the control period.

(b) Opt-in source does not renew its NO<sub>x</sub> budget opt-in permit. 1. When the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> budget opt-in source does

not renew its NO<sub>x</sub> budget opt-in permit under s. NR 428.45(2), the administrator will deduct from the NO<sub>x</sub> budget opt-in unit's compliance account, or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as any NO<sub>x</sub> allowances allocated to the NO<sub>x</sub> budget opt-in source under s. NR 428.50 for any control period after the last control period for which the NO<sub>x</sub> budget opt-in permit is effective. The NO<sub>x</sub> authorized account representative shall ensure that the NO<sub>x</sub> budget opt-in source's compliance account or the overdraft account of the NO<sub>x</sub> budget source where the NO<sub>x</sub> budget opt-in source is located includes the NO<sub>x</sub> allowances necessary for completion of the deduction. If the compliance account or overdraft account does not contain sufficient NO<sub>x</sub> allowances, the administrator shall deduct the required number of NO<sub>x</sub> allowances, regardless of the control period for which they were allocated, whenever NO<sub>x</sub> allowances are recorded in either account.

2. After the deduction under subd. 1. is completed, the administrator shall close the NO<sub>x</sub> budget opt-in source's compliance account. If any NO<sub>x</sub> allowances remain in the compliance account after completion of any deduction under subd. 1. and any deduction under s. NR 428.28, the administrator shall establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO<sub>x</sub> budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

NR 428.50 NO<sub>x</sub> ALLOWANCE ALLOCATIONS TO OPT-IN UNITS. (1) NO<sub>x</sub> ALLOWANCE ALLOCATION. (a) By December 31 immediately before the first control period for which the NO<sub>x</sub> budget opt-in permit is effective, the department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source and submit to the administrator the allocation for the control period in accordance with sub. (2).

(b) By no later than December 31 after the first control period for which the NO<sub>x</sub> budget opt-in permit is in effect, and December 31 of each year thereafter, the department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget

opt-in source, and submit to the administrator allocations for the next control period, in accordance with sub. (2).

(2) For each control period for which the NO<sub>x</sub> budget opt-in source has an approved NO<sub>x</sub> budget opt-in permit, the NO<sub>x</sub> budget opt-in source shall be allocated NO<sub>x</sub> allowances in accordance with the following procedures:

(a) The heat input (in mmBtu/hr) used for calculating NO<sub>x</sub> allowance allocations shall be the lesser of:

1. The NO<sub>x</sub> budget opt-in source's baseline heat input determined pursuant to s. NR 428.46(3); or
2. The NO<sub>x</sub> budget opt-in source's heat input, as determined in accordance with subch. VIII, for the control period in the year prior to the year of the control period for which the NO<sub>x</sub> allocations are being calculated.

(b) The department shall allocate NO<sub>x</sub> allowances to the NO<sub>x</sub> budget opt-in source in an amount equaling the heat input (in mmBtu/hr) determined under par. (a) multiplied by the lesser of:

1. The NO<sub>x</sub> budget opt-in source's baseline NO<sub>x</sub> emissions rate (in lb/mmBtu) determined pursuant to s. NR 428.46(3); or
2. The most stringent state or federal NO<sub>x</sub> emissions limitation applicable to the NO<sub>x</sub> budget opt-in source during the control period.

SECTION 6. NR 484.04(13), as affected by clearinghouse rule 98-181, is amended to read:

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04(13) 40 CFR part 60 Appendix A	Test Methods	NR 400.02(131) NR 428.02(58) NR 439 NR 460 to 469

*4. call*

SECTION 7. NR 484.04(28), as affected by Board Order AM-53-98, is renumbered 484.04(33).

SECTION 8. NR 484.04(28) to (32) are created to read:

CFR Appendix Referenced	Title	Incorporated by Reference For
NR 484.04(28) 40 CFR part 75 Appendix A	Specifications and Test Procedures	NR 428.02(31) NR 428.36(2)(c)5.a.
(29) 40 CFR part 75 Appendix B	Quality Assurance and Quality Control Procedures	NR 428.36(2)(b) NR 428.37(1)
(30) 40 CFR part 75 Appendix D	Optional SO <sub>2</sub> Emissions Data Protocol for Gas-Fired and Oil- Fired Units	NR 428.02(20) NR 428.02(30) NR 428.37(1)
(31) 40 CFR part 75 Appendix E	Optional NO <sub>x</sub> Emissions Estimation Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units	NR 428.02(20) NR 428.37(1)
(32) 40 CFR part 75 Appendix F	Conversion Procedures	NR 428.02(31)

The foregoing rule was approved and adopted by the State of Wisconsin  
Natural Resources Board on \_\_\_\_\_.

The rule shall take effect the first day of the month following  
publication in the Wisconsin administrative register as provided in s.  
227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin \_\_\_\_\_.

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

George E. Meyer, Secretary

(SEAL)