

3745-103-44 **Annual compliance certification report.**

[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 paragraph (C) of rule 3745-103-01 of the Administrative Code titled "Referenced materials."]

- (A) Applicability and deadline. For each calendar year in which an opt-in source is subject to the acid rain emissions limitations, the designated representative of the opt-in source shall submit to the USEPA, no later than sixty days after the end of the calendar year, an annual compliance certification report for the opt-in source.
- (B) Contents of report. The designated representative shall include in the annual compliance certification report the following elements, in a format prescribed by the USEPA, concerning the opt-in source and the calendar year covered by the report:
 - (1) Identification of the opt-in source;
 - (2) An opt-in utilization report in accordance with rule 3745-103-45 of the Administrative Code for combustion sources;
 - (3) A thermal energy compliance report in accordance with rule 3745-103-48 of the Administrative Code for combustion sources, if applicable;
 - (4) Shutdown or reconstruction information in accordance with rule 3745-103-47 of the Administrative Code, if applicable;
 - (5) A statement that the opt-in source has not become an affected unit under rule 3745-103-02 of the Administrative Code;
 - (6) At the designated representative's option, the total number of allowances to be deducted for the year, using the formula in rule 3745-103-50 of the Administrative Code, and the serial numbers of the allowances that are to be deducted; and
 - (7) In an annual compliance certification report for a year during 1995 through 2005, at the designated representative's option, for opt-in sources that share a common stack and whose emissions of sulfur dioxide are not monitored separately or apportioned in accordance with 40 CFR Part 75, the percentage of the total number of allowances under paragraph (B)(6) of this rule for all such affected units that is to be deducted from each affected unit's compliance subaccount; and
 - (8) In an annual compliance certification report for a year during 1995 through 2005, the compliance certification under paragraph (C) of this rule.

- (C) Annual compliance certification. In the annual compliance certification report under paragraph (A) of this rule, the designated representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the opt-in source in compliance with the acid rain program, whether the opt-in source was operated during the calendar year covered by the report in compliance with the requirements of the acid rain program applicable to the opt-in source, including:
- (1) Whether the opt-in source was operated in compliance with applicable acid rain emissions limitations, including whether the opt-in source held allowances, as of the allowance transfer deadline, in its compliance subaccount after accounting for any allowance deductions or other adjustments under 40 CFR 73.34(c) not less than the opt-in source's total sulfur dioxide emissions during the calendar year covered by the annual report;
 - (2) Whether the monitoring plan that governs the opt-in source has been maintained to reflect the actual operation and monitoring of the opt-in source and contains all information necessary to attribute monitored emissions to the opt-in source;
 - (3) Whether all the emissions from the opt-in source or group of affected units (including the opt-in source) using a common stack were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports in accordance with 40 CFR Part 75;
 - (4) Whether the facts that form the basis for certification of each monitor at the opt-in source or group of affected units (including the opt-in source) using a common stack or of an opt-in source's qualifications for using an acid rain program accepted monitoring method or approved alternative monitoring method, if any, have changed;
 - (5) If a change is required to be reported under paragraph (C)(4) of this rule, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitoring recertification; and
 - (6) When applicable, whether the opt-in source was operating in compliance with its thermal energy plan as provided in rule 3745-103-48 of the Administrative Code for combustion sources and rule 3745-103-49 of the Administrative Code for process sources.

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Certification

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