

[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 (H) of rule 3745-109-01 of the Administrative Code titled "Referenced materials."]

(A) General requirements.

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NOx unit, shall comply with the monitoring, record keeping, and reporting requirements as provided in this rule and in 40 CFR Part 75, Subpart H. For purposes of complying with such requirements, the definitions in paragraph (B) of rule 3745-109-01 of the Administrative Code 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 deemed to refer to the terms "CAIR NOx unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in paragraph (B) of rule 3745-109-01 of the Administrative Code. The owner or operator of a unit that is not a CAIR NOx unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, record keeping, and reporting requirements as a CAIR NOx unit.

- (1) Requirements for installation, certification, and data accounting. The owner or operator of each CAIR NOx unit shall do the following:
 - (a) Install all monitoring systems required under this rule for monitoring NOx mass emissions and individual unit heat input (including all systems required to monitor NOx emission rate, NOx concentration, stack gas moisture content, stack gas flow rate, CO2 or O2 concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72).
 - (b) Successfully complete all certification tests required under paragraph (B) of this rule and meet all other requirements of this rule and 40 CFR Part 75 applicable to the monitoring systems under paragraph (A)(1)(a) of this rule.
 - (c) Record, report, and quality-assure the data from the monitoring systems under paragraph (A)(1)(a) of this rule.
- (2) Compliance deadlines. Except as provided in paragraph (A)(5) of this rule, the owner or operator shall meet the monitoring system certification and other requirements of paragraphs (A)(1)(a) and (A)(1)(b) of this rule on or before the following dates. The owner or operator shall record, report, and quality-assure

the data from the monitoring systems under paragraph (A)(1)(a) of this rule on and after the following dates:

- (a) For the owner or operator of a CAIR NO_x unit that commences commercial operation before July 1, 2007, by January 1, 2008.
 - (b) For the owner or operator of a CAIR NO_x unit that commences commercial operation on or after July 1, 2007, by the later of the following dates:
 - (i) January 1, 2008.
 - (ii) Ninety unit operating days or one hundred eighty calendar days, whichever occurs first, after the date on which the unit commences commercial operation.
 - (c) For the owner or operator of a CAIR NO_x unit for which construction of a new stack or flue or installation of add-on NO_x emission controls is completed after the applicable deadline under paragraph (A)(2)(a), (A)(2)(b), (A)(2)(d) or (A)(2)(e) of this rule, by ninety unit operating days or one hundred eighty calendar days, whichever occurs first, after the date on which emissions first exit to the atmosphere through the new stack or flue or add-on NO_x emissions controls.
 - (d) Notwithstanding the dates in paragraphs (A)(2)(a) and (A)(2)(b) of this rule, for the owner or operator of a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under rule 3745-109-08 of the Administrative Code, by the date specified in paragraph (E)(2) of rule 3745-109-08 of the Administrative Code.
 - (e) Notwithstanding the dates in paragraphs (A)(2)(a) and (A)(2)(b) of this rule, for the owner or operator of a CAIR NO_x opt-in unit under rule 3745-109-08 of the Administrative Code, by the date on which the CAIR NO_x opt-in unit enters the CAIR NO_x annual trading program as provided in paragraph (E)(7) of rule 3745-109-08 of the Administrative Code.
- (3) Reporting data.

The owner or operator of a CAIR NO_x unit that does not meet the applicable compliance date set forth in paragraph (A)(2) of this rule for any monitoring system under paragraph (A)(1)(a) of this rule shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for NO_x concentration, NO_x emission rate, stack gas flow rate, stack gas moisture content, fuel flow rate, and any other parameters required to determine NO_x mass emissions and heat input in accordance with 40

CFR 75.31(b)(2) or 40 CFR 75.31(c)(3), 40 CFR Part 75, Appendix D, Section 2.4, or 40 CFR Part 75, Appendix E, Section 2.5 as applicable.

(4) Prohibitions.

- (a) No owner or operator of a CAIR NO_x unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this rule without having obtained prior written approval in accordance with paragraph (F) of this rule.
- (b) No owner or operator of a CAIR NO_x unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this rule and 40 CFR Part 75.
- (c) No owner or operator of a CAIR NO_x unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this rule and 40 CFR Part 75.
- (d) No owner or operator of a CAIR NO_x unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this rule, except under any one of the following circumstances:
 - (i) During the period that the unit is covered by an exemption under paragraph (D) of rule 3745-109-01 of the Administrative Code that is in effect.
 - (ii) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this rule and 40 CFR Part 75, by the director for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system.
 - (iii) The CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with paragraph (B)(4)(c)(i) of this rule.

(5) Long term cold storage.

The owner or operator of a CAIR NO_x unit is subject to the applicable provisions of 40 CFR Part 75 of this rule concerning units in long-term cold storage.

(B) Initial certification and recertification procedures.

- (1) The owner or operator of a CAIR NO_x unit shall be exempt from the initial certification requirements of this rule for a monitoring system under paragraph (A)(1)(a) of this rule if the following conditions are met:
 - (a) The monitoring system has been previously certified in accordance with 40 CFR Part 75.
 - (b) The applicable quality-assurance and quality-control requirements of 40 CFR 75.21 and 40 CFR Part 75, Appendices B, D, and E are fully met for the certified monitoring system described in paragraph (B)(1)(a) of this rule.
- (2) The recertification provisions of this rule shall apply to a monitoring system under paragraph (A)(1)(a) of this rule exempt from initial certification requirements under paragraph (B)(1) of this rule.
- (3) If the administrator has previously approved a petition under 40 CFR 75.17(a) or (b) for apportioning the NO_x emission rate measured in a common stack or a petition under 40 CFR 75.66 for an alternative to a requirement in 40 CFR 75.12 or 40 CFR 75.17, the CAIR designated representative shall resubmit the petition to the administrator under paragraph (F)(1) of this rule to determine whether the approval applies under the CAIR NO_x annual trading program.
- (4) Except as provided in paragraph (B)(1) of this rule, the owner or operator of a CAIR NO_x unit shall comply with the following initial certification and recertification procedures for a continuous monitoring system (i.e., a continuous emission monitoring system and an excepted monitoring system under 40 CFR Part 75, Appendices D and E) under paragraph (A)(1)(a) of this rule. The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology under 40 CFR 75.19 or that qualifies to use an alternative monitoring system under 40 CFR Part 75, Subpart E shall comply with the procedures in paragraph (B)(5) or (B)(6) of this rule respectively.
 - (a) Requirements for initial certification. The owner or operator shall ensure that each continuous monitoring system under paragraph (A)(1)(a) of this rule of the Administrative Code (including the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20 by the applicable deadline in paragraph (A)(2) of this rule. In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this rule in a

location where no such monitoring system was previously installed, initial certification in accordance with 40 CFR 75.20 is required.

- (b) Requirements for recertification. Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under paragraph (A)(1)(a) of this rule that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or 40 CFR Part 75, Appendix B, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NO_x monitoring system under 40 CFR Part 75, Appendix E under paragraph (A)(1)(a) of this rule are subject to the recertification requirements in 40 CFR 75.20(g)(6).
- (c) Approval process for initial certification and recertification. Paragraphs (B)(4)(c)(i) to (B)(4)(c)(iv) of this rule apply to both initial certification and recertification of a continuous monitoring system under paragraph (A)(1)(a) of this rule. For recertifications, replace the words "certification" and "initial certification" with the word "recertification", replace the word "certified" with the word "recertified," and follow the procedures in 40 CFR 75.20(b)(5) and 40 CFR 75.20(g)(7) in lieu of the procedures in paragraph (B)(4)(c)(v) of this rule.
 - (i) Notification of certification. The CAIR designated representative shall submit to the director, the USEPA region V office, and the administrator written notice of the dates of certification testing, in accordance with paragraph (D) of this rule.
 - (ii) Certification application. The CAIR designated representative shall submit to the director a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR 75.63.
 - (iii) Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used

under the CAIR NO_x annual trading program for a period not to exceed one hundred twenty days after receipt by the director of the complete certification application for the monitoring system under paragraph (B)(4)(c)(ii) of this rule. Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR Part 75, shall be considered valid quality assured data (retroactive to the date and time of provisional certification), provided that the director does not invalidate the provisional certification by issuing a notice of disapproval within one hundred twenty days of the date of receipt of the complete certification application by the director.

- (iv) Certification application approval process. The director shall issue a written notice of approval or disapproval of the certification application to the owner or operator within one hundred twenty days of receipt of the complete certification application under paragraph (B)(4)(c)(ii) of this rule. In the event the director does not issue such a notice within such one hundred twenty-day period, each monitoring system that meets the applicable performance requirements of 40 CFR Part 75 and is included in the certification application shall be deemed certified for use under the CAIR NO_x annual 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, then the director shall issue a written notice of approval of the certification application within one hundred twenty days of receipt.
 - (b) Incomplete application notice. If the certification application is not complete, then the director shall issue a written notice of incompleteness that sets a reasonable date by which the CAIR designated representative must submit the additional information required to complete the certification application. If the CAIR designated representative does not comply with the notice of incompleteness by the specified date, then the director may issue a notice of disapproval under paragraph (B)(4)(c)(iv)(c) of this rule. The one hundred twenty-day review period shall not begin before receipt of a complete certification application.
 - (c) Disapproval notice. If the certification application shows that any monitoring system does not meet the performance requirements of 40 CFR Part 75 or if the certification application is incomplete and the requirement for disapproval under paragraph (B)(4)(c)(iv)(b) of this rule is met, then the director shall issue a written notice of disapproval of the certification application. Upon issuance of such notice of disapproval, the provisional certification is invalidated by

the director and the data measured and recorded by each uncertified monitoring system shall not be considered valid quality-assured data beginning with the date and hour of provisional certification (as defined under 40 CFR 75.20(a)(3)). The owner or operator shall follow the procedures for loss of certification in paragraph (B)(4)(c)(v) of this rule for each monitoring system that is disapproved for initial certification.

- (d) Audit decertification. The director or, for a CAIR NO_x opt-in unit or a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under rule 3745-109-08 of the Administrative Code, the administrator may issue a notice of disapproval of the certification status of a monitor in accordance with paragraph (C)(2) of this rule.
- (v) Procedures for loss of certification. If the director or the administrator issues a notice of disapproval of a certification application under paragraph (B)(4)(c)(iv)(c) of this rule or a notice of disapproval of certification status under paragraph (B)(4)(c)(iv)(d) of this rule, then:
 - (a) The owner or operator shall substitute the following values, for each disapproved monitoring system, for each hour of unit operation during the period of invalid data specified under 40 CFR 75.20(a)(4)(iii), 40 CFR 75.20(g)(7), or 40 CFR 75.21(e) and continuing until the applicable date and hour specified under 40 CFR 75.20(a)(5)(i) or 40 CFR 75.20(g)(7):
 - (i) For a disapproved NO_x emission rate (i.e., NO_x-diluent) system, the maximum potential NO_x emission rate, as defined in 40 CFR 72.2.
 - (ii) For a disapproved NO_x pollutant concentration monitor and disapproved flow monitor, respectively, the maximum potential concentration of NO_x and the maximum potential flow rate, as defined in 40 CFR Part 75, Appendix A, Sections 2.1.2.1 and 2.1.4.1.
 - (iii) For a disapproved moisture monitoring system and disapproved diluent gas monitoring system, respectively, the minimum potential moisture percentage and either the maximum potential CO₂ concentration or the minimum potential O₂ concentration (as applicable), as defined in 40 CFR Part 75, Appendix A, Sections 2.1.3.1, 2.1.3.2, and 2.1.5.

the time of the initial certification or recertification application submission and at the time of the audit, the director or, for a CAIR NO_x opt-in unit or a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under rule 3745-109-08 of the Administrative Code, the administrator shall issue a notice of disapproval of the certification status of such monitoring system. For the purposes of this paragraph, an audit shall be either a field audit or an audit of any information submitted to the director or the administrator. By issuing the notice of disapproval, the director or the administrator revokes prospectively the certification status of the monitoring system. The data measured and recorded by the monitoring system shall 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 for the monitoring system. The owner or operator shall follow the applicable initial certification or recertification procedures in paragraph (B) of this rule for each disapproved monitoring system.

(D) Notifications.

The CAIR designated representative for a CAIR NO_x unit shall submit written notice to the director and the administrator in accordance with 40 CFR 75.61.

(E) Record keeping and reporting.

- (1) General provisions. The CAIR designated representative shall comply with all record keeping and reporting requirements in this paragraph, the applicable record keeping and reporting requirements under 40 CFR 75.73, and the requirements of paragraph (A)(5)(a) of rule 3745-109-02 of the Administrative Code.
- (2) Monitoring plans. The owner or operator of a CAIR NO_x unit shall comply with requirements of 40 CFR 75.73(c) and (e) and, for a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under paragraphs (D) and (E)(1) of rule 3745-109-08 of the Administrative Code.
- (3) Certification applications. The CAIR designated representative shall submit an application to the director within forty-five days after completing all initial certification or recertification tests required under paragraph (B) of this rule, including the information required under 40 CFR 75.63.
- (4) Quarterly reports. The CAIR designated representative shall submit quarterly reports, as follows:

- (a) The CAIR designated representative shall report the NO_x mass emissions data and heat input data for the CAIR NO_x unit, in an electronic quarterly report in a format prescribed by the administrator, for each calendar quarter beginning with the following:
 - (i) For a unit that commences commercial operation before July 1, 2007, the calendar quarter covering January 1, 2008 to March 31, 2008.
 - (ii) For a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under paragraph (A)(2) of this rule, unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 to March 31, 2008.
 - (iii) Notwithstanding paragraphs (E)(4)(a)(i) and (E)(4)(a)(ii) of this rule, for a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under rule 3745-109-08 of the Administrative Code, the calendar quarter corresponding to the date specified in paragraph (E)(2) of rule 3745-109-08 of the Administrative Code.
 - (iv) Notwithstanding paragraphs (E)(4)(a)(i) and (E)(4)(a)(ii) of this rule, for a CAIR NO_x opt-in unit under rule 3745-109-08 of the Administrative Code, the calendar quarter corresponding to the date on which the CAIR NO_x opt-in unit enters the CAIR NO_x annual trading program as provided in paragraph (E)(7) of rule 3745-109-08 of the Administrative Code.
 - (b) The CAIR designated representative shall submit each quarterly report to the administrator within thirty days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).
 - (c) For CAIR NO_x units that are also subject to an acid rain emissions limitation or the CAIR NO_x ozone season trading program, CAIR SO₂ trading program, or Hg budget trading program, quarterly reports shall include the applicable data and information required by 40 CFR Part 75, Subparts F to I, as applicable, in addition to the NO_x mass emission data, heat input data, and other information required by this rule.
- (5) Compliance certification. The CAIR designated representative shall submit to the administrator a compliance certification (in a format prescribed by the administrator) 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 the following:

- (a) The monitoring data submitted were recorded in accordance with the applicable requirements of this rule and 40 CFR Part 75, including the quality assurance procedures and specifications.
- (b) For a unit with add-on NO_x emission controls and for all hours where NO_x 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 quality assurance/quality control program under 40 CFR Part 75, Appendix B, and the substitute data values do not systematically underestimate NO_x emissions.

(F) Petitions.

- (1) Except as provided in paragraph (F)(2)(b) of this rule, the CAIR designated representative of a CAIR NO_x 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 rule. Application of an alternative to any requirement of this rule is in accordance with this rule only to the extent that the petition is approved in writing by the administrator, in consultation with the director.

(2) Petition process.

- (a) The CAIR designated representative of a CAIR NO_x unit that is not subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the director and the administrator requesting approval to apply an alternative to any requirement of this rule. Application of an alternative to any requirement of this rule is in accordance with this rule only to the extent that the petition is approved in writing by both the director and the administrator.
- (b) The CAIR designated representative of a CAIR NO_x unit that is subject to an acid rain emissions limitation may submit a petition under 40 CFR 75.66 to the director and the administrator requesting approval to apply an alternative to a requirement concerning any additional continuous emission monitoring system required under 40 CFR 75.72. Application of an alternative to any such requirement is in accordance with this rule only to the extent that the petition is approved in writing by both the director and the administrator.

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