Chapter 14
Emission Trading Program Regulations

~~**CHAPTER 14**~~

Section 1.____Introduction to ~~e~~Emission ~~t~~Trading ~~p~~Programs.

(a)____Chapter 14 establishes requirements for trading programs authorized under Wyoming Statute § 35-11-214. Section 2 implements the Western Backstop (WEB) Sulfur Dioxide Trading Program provisions in accordance with the federal Regional Haze Rule, 40 CFR ~~§~~ Part 51.309. Section 3 establishes consistent recordkeeping and reporting requirements for stationary sources in Wyoming to determine whether sulfur dioxide emissions remain below the sulfur dioxide milestones established in the state implementation plan for regional haze. Section 4 is reserved. Section 5 incorporates by reference all Code of Federal Regulations (CFRs), including their Appendices, cited in this Chapter, unless portions of said CFRs are specifically excluded.

Section 2.____Western ~~b~~Backstop ~~s~~Sulfur ~~d~~Dioxide ~~t~~Trading ~~p~~Program.

(a)____Definitions. The following additional definitions apply to Section 2 of this chapter.

~~The following additional definitions apply to Chapter 14, Section 2.~~

"Account Representative" means the individual who is authorized through a Certificate to represent owners and operators of the WEB source with regard to matters under the WEB Trading Program or, for a general account, who is authorized through a Certificate to represent the persons having an ownership interest in allowances in the general account with regard to matters concerning the general account.

"Act" means the federal Clean Air Act, as amended 42 U.S.C. 7401, *et seq*.

"Actual Emissions" means total annual sulfur dioxide emissions determined in accordance with Section 2(h) of this ~~C~~chapter or determined in accordance with Section 3 of this ~~C~~chapter for sources that are not subject to Section 2(h) of this ~~C~~chapter.

"Allocate" means to assign allowances to a WEB source in accordance with Part C1 of Section C of the Wyoming Regional Haze SIP (WYRHSIP).

"Allowance" means the limited authorization under the WEB Trading Program to emit one ton of sulfur dioxide during a specified control period or any control period thereafter subject to the terms and conditions for use of unused allowances as established by Section 2 of this ~~C~~chapter.

"Allowance limitation" means the tonnage of sulfur dioxide emissions authorized by the

allowances available for compliance deduction for a WEB source under Section 2(k) of this ~~C~~chapter on the allowance transfer deadline for each control period.

"Allowance Tracking System" means the system where allowances under the WEB Trading Program are recorded, held, transferred and deducted.

"Allowance Tracking System account" means an account in the Allowance Tracking System established for purposes of recording, holding, transferring, and deducting allowances.

"Allowance transfer deadline" means the deadline established in Section 2(i)(ii) of this ~~C~~chapter when allowances must be submitted for recording in a WEB source's compliance account in order to demonstrate compliance for that control period.

"Best Available Retrofit Technology (BART)" means that emission reduction control device, facility, method, or system, used to achieve the best continuous emission reduction for each pollutant emitted by an existing stationary facility. The emission limitation shall be established on a case-by-case basis taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

"Certificate" means the completed and signed submission required to designate an account representative for a WEB source or an account representative for a general account.

"Compliance account" means an account established in the Allowance Tracking System under Section 2(g)(i) of this ~~C~~chapter for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation.

"Compliance certification" means a submission to the Wyoming Department of Environmental Quality (Department) by the account representative as required under Section 2(k)(ii) of this ~~C~~chapter to report a WEB source's compliance or noncompliance with Chapter 14, Section 2.

"Control period" means the period beginning January 1 of each year and ending on December 31 of the same year, inclusive.

"Emissions tracking database" means the central database where sulfur dioxide emissions for WEB sources as recorded and reported in accordance with Section 2 of this ~~C~~chapter are tracked to determine compliance with allowance limitations.

"Emission unit" means any part of a stationary source that emits or would have the potential to emit any pollutant subject to regulations under the ~~Clean Air~~ Act.

"Existing source" means a stationary source that commenced operation before the program trigger date.

"General account" means an account established in the Allowance Tracking System under Section 2(g) of this ~~C~~chapter for the purpose of recording allowances held by a person that are not to be used to show compliance with an allowance limitation.

"Milestone" means the maximum level of stationary source regional sulfur dioxide emissions for each year from 2003 to 2018, established according to the procedures in Part A1 of Section C of the WYRHSIP.

"New WEB Source" means a WEB source that commenced operation on or after the program trigger date.

"New Source Set-aside" means a pool of allowances that are available for allocation to new sources in accordance with the provisions of Part C1.3 of Section C of the WYRHSIP.

"Owner or Operator" means any person who is an owner or who operates, controls or supervises a WEB source, and includes but is not limited to any holding company, utility system or plant manager.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation is enforceable by the EPA Administrator.

"Program trigger date" means the date that the Department determines that the WEB Trading Program has been triggered in accordance with the provisions of Part A3 of Section C of the WYRHSIP.

"Program trigger years" means the years shown in Part A1 of Section C of the WYRHSIP, Table 1, column 3 for the applicable milestone if the WEB Trading Program is triggered as described in Part A3 of Section C of the WYRHSIP.

"Renewable Energy Resource" means a resource that generates electricity by non-nuclear and non-fossil technologies that results in low or no air emissions. The term includes electricity generated by wind energy technologies; solar photovoltaic and solar thermal technologies; geothermal technologies; technologies based on landfill gas and biomass sources, and new low-impact hydropower that meets the Low-Impact Hydropower Institute criteria. Biomass includes agricultural, food and wood wastes. The term does not include pumped storage or biomass from municipal solid waste, black liquor, or treated wood.

"Retired source" means a WEB source that has received a retired source exemption as provided in Section 2(c)(iv) of this ~~C~~chapter. Any retired source resuming operations under Section 2(c)(iv) of this ~~C~~chapter, must submit its exemption as part of its registration materials.

"Serial number" means, when referring to allowances, the unique identification number assigned to each allowance by the TSA, in accordance with Section 2(f)(ii) of this ~~C~~chapter.

"Special Reserve Compliance Account" means an account established in the allowance tracking system under Section 2(g)(i) for the purpose of recording allowances that a WEB source might hold to demonstrate compliance with its allowance limitation for emission units that are monitored for SO_2 in accordance with Section 2(h)(i)(B).

"Stationary source" means any building, structure, facility or installation that emits or may emit any air pollutant subject to regulation under the ~~Clean Air~~ Act.

"Submit" means sent to the appropriate authority under the signature of the account representative. For purposes of determining when something is submitted, an official U.S. Postal Service postmark, or equivalent electronic time stamp, shall establish the date of submittal.

"Sulfur dioxide emitting unit" means any equipment that is located at a WEB source and that emits sulfur dioxide.

"Ton" means 2000 pounds and any fraction of a ton equaling 1000 pounds or more shall be treated as one ton and any fraction of a ton equaling less than 1000 pounds shall be treated as zero tons.

"Tracking System Administrator (TSA)" means the person designated by the Department as the administrator of the Allowance Tracking System and the emission tracking database.

"WEB source" means a stationary Western Backstop (WEB) source that meets the applicability requirements of Section 2(c) of this ~~C~~chapter.

"WEB Trading Program" means Section 2 of this ~~C~~chapter, triggered as a backstop in accordance with the provisions in Part A3 of Section C of the WYRHSIP, if necessary, to ensure that regional sulfur dioxide emissions are reduced.

"WYRHSIP" means the Wyoming Regional Haze State Implementation Plan.

(b) WEB Trading Program Trigger.

(i) Except as provided in (ii), the provisions of Section 2 of this ~~C~~chapter shall apply on the program trigger date that is established in accordance with the procedures in Part A3 of Section C of the WYRHSIP.

(ii) Special Penalty Provisions for 2018 Milestone, Section 2(l) of this ~~C~~chapter, shall apply on January 1, 2018 and shall remain effective until the provisions of Section 2(l) of this ~~C~~chapter have been fully implemented.

(c) WEB Trading Program Applicability.

(i)____General Applicability. Section 2 of this Chapter applies to any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and which are under the control of the same person or persons under common control, belonging to the same industrial grouping, and that are described in paragraphs (A) and (B) of this subsection. A stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(A)___All stationary sources that have actual sulfur dioxide emissions of 100 tons or more per year in the Program Trigger Years or any subsequent year. The fugitive emissions of a stationary source shall not be considered in determining whether it is subject to Section 2 of this ~~C~~chapter unless the source belongs to one of the following categories of stationary source:

(I)____Coal cleaning plants (with thermal dryers);

(II)___Kraft pulp mills;

(III)___Portland cement plants;

(IV)___Primary zinc smelters;

(V)___Iron and steel mills;

(VI)___Primary aluminum ore reduction plants;

(VII)__Primary copper smelters;

(VIII)_Municipal incinerators capable of charging more than 250 tons of refuse per day;

(IX)___Hydrofluoric, sulfuric, or nitric acid plants;

(X)___Petroleum refineries;

(XI)___Lime plants;

(XII)__Phosphate rock processing plants;

(XIII)_Coke oven batteries;

(XIV)_Sulfur recovery plants;

(XV)__Carbon black plants (furnace process);

(XVI) Primary lead smelters;

(XVII) Fuel conversion plants;

(XVIII) Sintering plants;

(XIX) Secondary metal production plants;

(XX) Chemical process plants;

(XXI) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

(XXII) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(XXIII) Taconite ore processing plants;

(XXIV) Glass fiber processing plants;

(XXV) Charcoal production plants;

(XXVI) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or

(XXVII) Any other stationary source category, which as of August 7, 1980 is being regulated under Section 111 or 112 of the ~~Clean Air~~ Act.

(B) A new source that begins operation after the program trigger date and has the potential to emit 100 tons or more of sulfur dioxide per year.

(ii) The Department may determine on a case-by-case basis, with concurrence from the EPA Administrator, that a stationary source defined in 2(c)(i)(A) above that has not previously met the applicability requirements of (i) is not subject to ~~Chapter 14,~~ Section 2 of this chapter if the stationary source had actual sulfur dioxide emissions of 100 tons or more in a single year and in each of the previous five years had actual sulfur dioxide emissions of less than 100 tons per year, and:

(A) (I) The emissions increase was due to a temporary emission increase that was caused by a sudden, infrequent failure of air pollution control equipment, or process equipment, or a failure to operate in a normal or usual manner, and

(II) The stationary source has corrected the failure of air pollution equipment, process equipment, or process by the time of the Department's determination; or

(B) The stationary source had to switch fuels or feedstocks on a temporary basis and as a result of an emergency situation or unique and unusual circumstances besides the cost of such fuels or feedstocks.

(iii) Duration of Applicability. Except as provided for in Section 2(c)(iv) of this chapter, once a stationary source is subject to Section 2 of this ~~C~~chapter, it will remain subject to it ~~Chapter 14, Section 2~~ every year thereafter.

(iv) Retired Source Exemption.

(A) Application. Any WEB source that is permanently retired shall apply for a retired source exemption. The WEB source may only be considered permanently retired if all sulfur dioxide emitting units at the source are permanently retired. The application shall contain the following information:

(I) Identification of the WEB source, including plant name and an appropriate identification code in a format specified by the Department.

(II) Name of Account Representative.

(III) Description of the status of the WEB source, including the date that the WEB source was permanently retired.

(IV) Signed certification that the WEB source is permanently retired and will comply with the requirements of Section 2(c)(iv) of this ~~C~~chapter.

(V) Verification that the WEB source has a general account where any unused allowances or future allocations will be recorded.

(B) Notice. The retired source exemption becomes effective when the Department notifies the WEB source that the retired source exemption has been granted.

(C) Responsibilities of Retired Sources.

(I) A retired source shall be exempt from Section 2(h) and Section 2(k) of this ~~C~~chapter, except as provided below.

(II) A retired source shall not emit any sulfur dioxide after the date the retired source exemption is issued.

(III) A WEB source shall submit sulfur dioxide emissions reports, as required by Section 2(h)(viii) of this ~~C~~chapter for any time period the source was operating prior to the effective date of the retired source exemption. The retired source shall be subject to the compliance provisions of Section 2(k) of this ~~C~~chapter, including the requirement to hold allowances in the source's compliance account to cover all sulfur dioxide emissions prior to the date the source was permanently retired.

(IV) A retired source that is still in existence but no longer emitting sulfur dioxide shall, for a period of five years from the date the records are created, retain records demonstrating the effective date of the retired source exemption for purposes of ~~Chapter 14,~~ Section 2 of this chapter.

(D) Resumption of Operations.

(I) Should a retired source desire to resume operation, the retired source must submit registration materials as follows:

(1.) If the source is required to obtain a construction permit under Wyoming Air Quality Regulations and Standards (WAQSR) Chapter 6, Section 2 or an operating permit under WAQSR Chapter 6, Section 3 prior to resuming operation, then registration information as described in Section 2(e)(i) of this ~~C~~chapter and a copy of the retired source exemption must be submitted with the notice of intent under WAQSR Chapter 6, Section 2 or the operating permit application required under WAQSR Chapter 6, Section 3;

(2.) If the source does not meet the criteria of (1.), then registration information as described in Section 2(e)(i) of this chapter and a copy of the retired source exemption must be submitted to the Department at least 90 days prior to resumption of operation.

(II) The retired source exemption shall automatically expire on the day the retired source resumes operation.

(E) Loss of Future Allowances. A WEB source that is permanently retired and that does not apply to the Department for a retired source exemption within 90 days of the date that the source is permanently retired shall forfeit any unused and future allowances. The abandoned allowances shall be retired directly by the TSA.

(d) Account Representative for WEB Sources.

(i) Each WEB source must identify one account representative and may also identify an alternate account representative who may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a representation, action, inaction or submission by the account representative.

(ii) Identification and Certification of an Account Representative.

(A) The account representative and any alternate account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative and any alternate binding on the owners and operators of the WEB source.

(B) The account representative shall submit to the Department and the

TSA a signed and dated Certificate that contains the following elements:

(I) Identification of the WEB source by plant name, state and an appropriate identification code in a format specified by the Department;

(II) The name, address, e-mail (if available), telephone and facsimile number of the account representative and any alternate;

(III) A list of owners and operators of the WEB source;

(IV) Information to be part of the emission tracking system database in accordance with Part A2.1 of Section C of the WYRHSIP. The specific data elements shall be as specified by the State of Wyoming to be consistent with the data system structure, and may include basic facility information that may appear in other reports and notices submitted by the WEB source, such as county location, industrial classification codes, and similar general facility information.

(V) The following certification statement: "I certify that I was selected as the account representative or alternate account representative, as applicable, by an agreement binding on the owners and operators of the WEB source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the WEB Trading Program on behalf of the owners and operators of the WEB source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Department regarding the WEB Trading Program."

(C) Upon receipt by the Department of the completed ~~C~~certificate, the account representative and any alternate account representative represents and, by his or her representations, actions, inactions, or submissions, legally binds each owner and operator of the WEB source in all matters pertaining to the WEB Trading Program. The owners and operators shall be bound by any decision or order issued by the Department regarding the WEB Trading Program.

(D) No WEB Allowance Tracking System account shall be established for the WEB source until the TSA has received a complete ~~C~~certificate. Once the account is established, the account representative shall make all submissions concerning the account, including the deduction or transfer of allowances.

(iii) Responsibilities.

(A) The responsibilities of the account representative include, but are not limited to, the transferring of allowances and the submission of monitoring plans, registrations, certification applications, sulfur dioxide emissions data and compliance reports as required by Section 2 of this ~~C~~chapter, and representing the source in all matters pertaining to the WEB Trading Program.

(B) Each submission under this program shall be signed and certified

by the account representative for the WEB source. Each submission shall include the following truth and accuracy certification statement by the account representative:

(I) "I am authorized to make this submission on behalf of the owners and operators of the WEB source for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(iv) Changing the Account Representative or Owners and Operators.

(A) Changes to the Account Representative or the alternate Account Representative.

The account representative or alternate account representative may be changed at any time by sending a complete superseding ~~C~~certificate to the Department and the TSA under Section 2(d)(ii) of this ~~C~~chapter, with the change taking effect upon receipt of such ~~C~~certificate by the TSA. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representative or alternate prior to the time and date when the TSA receives the superseding ~~C~~certificate shall be binding on the new account representative and the owners and operators of the WEB source.

(B) Changes in Owners and Operators.

(I) Within 30 days of any change in the owners and operators of the WEB source, including the addition of a new owner or operator, the account representative shall submit a revised ~~C~~certificate amending the list of owners and operators to include such change.

(II) In the event a new owner or operator of a WEB source is not included in the list of owners and operators submitted in the ~~C~~certificate, such new owner or operator shall be deemed to be subject to and bound by the ~~C~~certificate, the representations, actions, inactions, and submissions of the account representative of the WEB source, and the decisions, orders, actions, and inactions of the Department as if the new owner or operator were included in such list.

(e) Registration.

(i) Deadlines.

(A) Each source that is a WEB source on or before the program trigger date shall register by submitting the initial ~~C~~certificate required in Section 2(d)(ii) of this ~~C~~chapter to the Department no later than 180 days after the program trigger date.

(B)___Any existing source that becomes a WEB source after the program trigger date shall register by submitting the initial ~~C~~certificate required in Section 2(d)(ii) of this ~~C~~chapter to the Department by September 30 of the year following the inventory year in which the source exceeded the emission threshold.

(C)___Any new WEB source shall register by submitting the initial ~~C~~certificate required in Section 2(d)(ii) of this ~~C~~chapter to the Department prior to the commencement of operation.

(ii)___Integration Into Permits.

(A)___Any allocation, transfer or deduction of allowance to or from the compliance account of a WEB source shall not require revision of the WEB source's operating permit under WAQSR Chapter 6, Section 3.

(B)___Any WEB source that is not required to have a permit under WAQSR Chapter 6, Section 2 at any time after Chapter 14 becomes effective must at all times possess a permit that includes the requirements of Chapter 14. If it does not possess a Title V permit under Chapter 6, Section 3, it may do so by obtaining or modifying a permit under WAQSR Chapter 6, Section 2 to incorporate the requirements of Chapter 14. The source must at all times possess a permit that includes these requirements.

(f)____Allowance Allocations.

(i)____The TSA will record the allowances for each WEB source in the compliance account for the WEB source once the allowances are allocated by the Department under Part C1 of Section C of the WYRHSIP. If applicable, the TSA will record a portion of the sulfur dioxide allowances for a WEB source in a special reserve compliance account to account for any allowances to be held in accordance with Section 2(h)(i)(B) of this ~~C~~chapter.

(ii)___The TSA will assign a serial number to each allowance in accordance with Part C2 of Section C of the WYRHSIP.

(iii)___All allowances shall be allocated, recorded, transferred, or used as whole allowances. To determine the number of whole allowances, the number of allowances shall be rounded down for decimals less than 0.50 and rounded up for decimals of 0.50 or greater.

(iv)___An allowance is not a property right, and is a limited authorization to emit one ton of sulfur dioxide valid only for the purpose of meeting the requirements of Section 2 of this ~~C~~chapter. No provision of the WEB Trading Program or other law should be construed to limit the authority of the Department to terminate or limit such authorization.

(v)___Early Reduction Bonus Allocation. Any non-utility WEB source that installs new control technology and that reduces its permitted annual sulfur dioxide emissions to a level that is below the floor level allocation established for that source in Part C1 of Section C

of the WYRHSIP or any utility that reduces its permitted annual sulfur dioxide emissions to a level that is below best available control technology may apply to the Department for an early reduction bonus allocation. The bonus allocation shall be available for reductions that occur between 2008 and the program trigger year. The application must be submitted no later than ~~ninety (~~90~~)~~ days after the program trigger date. Any WEB source that applies and receives early reduction bonus allocations must retain the records referenced below for a minimum of five ~~(~~5~~)~~ years after the early reduction bonus allowance is certified in accordance with Part C1.1(a)(3) of Section C of the WYRHSIP. The application for an early reduction bonus allocation must contain the following information:

(A) Copies of all construction permits, operating permits or other enforceable documents that include annual sulfur dioxide emissions limits for the WEB source during the period the WEB source qualifies for an early reduction credit. Such permits or enforceable documents must require monitoring for sulfur dioxide emissions that meet the requirements in Section 2(h) of this ~~C~~chapter.

(B) Demonstration that the floor level established for the source in accordance with Part C1.1(a)(2) of Section C of the WYRHSIP for non-utilities or best available control technology for utilities was calculated using data that are consistent with monitoring methods specified in Section 2(h)(i)(A) of this ~~C~~chapter. If needed, the demonstration shall include a new floor level calculation that is consistent with the monitoring methodology in Section 2(h) of this ~~C~~chapter.

(vi) Request for allowances for new WEB sources or modified WEB Sources.

(A) A new WEB source may apply to the Department for an allocation from the new source set-aside, as outlined in Part C1.3 of Section C of the WYRHSIP.

(I) A new WEB source is eligible for an annual floor allocation equal to the lower of the permitted annual sulfur dioxide emission limit for that source, or sulfur dioxide annual emissions calculated based on a level of control equivalent to best available control technology (BACT) and assuming 100 percent utilization of the WEB source, beginning with the first full calendar year of operation.

(B) An existing WEB source that has increased production capacity through a new construction permit issued under WAQSR Chapter 6, Section 2 may apply to the Department for an allocation from the new source set-aside, as outlined in Part C1.3 of Section C of the WYRHSIP. An existing WEB source is eligible for an annual allocation equal to:

(I) The permitted annual sulfur dioxide emission limit for a new unit; or

(II) The permitted annual sulfur dioxide emission increase for the WEB source due to the replacement of an existing unit with a new unit or the modification of an existing unit that increased production capacity of the WEB source.

(C) A source that has received a retired source exemption under Chapter 14, Section 2(c)(iv) is not eligible for an allocation from the new source set-aside.

(D) The application for an allocation from the new source set-aside must contain the following:

(I) For existing WEB sources under Section 2(f)(vi)(B)(II) of this ~~C~~chapter, documentation of the production capacity of the source before and after the new permit;

(II) For new WEB sources or a new unit under Section 2(f)(vi)(B)(I), documentation of the actual date of the commencement of operation and a copy of the permit issued under Chapter 6, Section 2.

(g) Establishment of Accounts.

(i) Allowance Tracking System Accounts. All WEB sources are required to open a compliance account. In addition, if a WEB source conducts monitoring under Section 2(h)(i)(B) of this ~~C~~chapter, the WEB source shall open a special reserve compliance account for allowances associated with units monitored under those provisions. The WEB source and account representative shall have no rights to transfer allowances in or out of such special reserve compliance account. The State of Wyoming shall allocate allowances to the account in accordance with Section 2(h)(i)(B)(V) of this ~~C~~chapter and all such allowances for each control period shall be retired each year for compliance in accordance with Section 2(k) of this ~~C~~chapter. Any person may open a general account for holding and transferring allowances. To open either type of account, an application that contains the following information shall be submitted:

(A) The name, mailing address, e-mail address, telephone number and facsimile number of the account representative. For a compliance account, include a copy of the certificate for the account representative and any alternate as required in Section 2(d)(ii)(B) of this chapter. For a general account, include the Certificate for the account representative and any alternate as required in (iii)(B).

(B) The WEB source or organization name;

(C) The type of account to be opened; and

(D) A signed certification of truth and accuracy by the account representative according to Section 2(d)(iii)(B) of this ~~C~~chapter for compliance accounts and for general accounts, certification of truth and accuracy by the account representative according to (iv).

(ii) Account Representative for General Accounts. For a general account, one account representative must be identified and an alternate account representative may be identified and may act on behalf of the account representative. Any representation, action, inaction or submission by the alternate account representative will be deemed to be a

representation, action, inaction or submission by the account representative.

(iii) Identification and Certification of an Account Representative for General Accounts.

(A) The account representative shall be appointed by an agreement that makes the representations, actions, inactions or submissions of the account representative binding on all persons who have an ownership interest with respect to allowances held in the general account.

(B) The account representative shall submit to the Department and the TSA a signed and dated ~~C~~certificate that contains the following elements:

(I) The name, address, email (if available), telephone and facsimile number of the account representative and any alternate;

(II) The organization name;

(III) The following certification statement:

"I certify that I was selected as the account representative or alternate account representative, as applicable, by an agreement binding on all persons who have an ownership interest in allowances in the general account with regard to matters concerning the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the WEB Trading Program on behalf of said persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions."

(C) Upon receipt by the Department of the complete ~~C~~certificate, the account representative represents and, by his or her representations, actions, inactions, or submissions, legally binds each person who has an ownership interest in allowances held in the general account with regard in all matters concerning the general account. Such persons shall be bound by any decision or order issued by the Department.

(D) No WEB Allowance Tracking System general account shall be established until the TSA has received a complete ~~C~~certificate. Once the account is established, the account representative shall make all submissions concerning the account, including the deduction or transfer of allowances.

(iv) Requirements and Responsibilities. Each submission for the general account shall be signed and certified by the account representative for the general account. Each submission shall include the following truth and accuracy certification statement by the account representative:

(A) "I am authorized to make this submission on behalf of all persons who have an ownership interest in 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."

(v) Changing the Account Representative. The account representative or alternate account representative may be changed at any time by sending a complete superseding ~~C~~certificate to the Department and the TSA under (iii)(B), with the change taking effect upon receipt of such ~~C~~certificate by the Department. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous account representative or alternate prior to the time and date when the Department receives the superseding ~~C~~certificate shall be binding on the new account representative and all persons having ownership interest with respect to allowances held in the general account.

(vi) Changes to the Account. Any change to the information required in the application for an existing account under (i) shall require a revision of the application.

(h) Monitoring, Recordkeeping and Reporting.

(i) General Requirements on Monitoring Methods.

(A) For each sulfur dioxide emitting unit at a WEB source the WEB source shall comply with the following, as applicable, to monitor and record sulfur dioxide mass emissions:

(I) If a unit is subject to 40 CFR ~~p~~Part 75 under a requirement separate from the WEB Trading Program, the unit shall meet the requirements contained in Part 75 with respect to monitoring, recording and reporting sulfur dioxide mass emissions.

(II) If a unit is not subject to 40 CFR ~~p~~Part 75 under a requirement separate from the WEB Trading Program, a unit shall use one of the following monitoring methods, as applicable:

(1.) A continuous emission monitoring system (CEMS) for sulfur dioxide and flow that complies with all applicable monitoring provisions in 40 CFR ~~p~~Part 75;

(2.) If the unit is a gas- or oil-fired combustion device, the excepted monitoring methodology in Appendix D to 40 CFR ~~p~~Part 75, or, if applicable, the low mass emissions (LME) provisions (with respect to sulfur dioxide mass emissions only) in 40 CFR ~~p~~Part 75.19;

(3.) One of the optional WEB protocols, if applicable, in Appendix A to Chapter 14; or

(4.)___A petition for site-specific monitoring that the source submits for approval by the State of Wyoming and approval by the U.S. Environmental Protection Agency in accordance with Section 2(h)(ix) of this ~~C~~chapter (relating to petitions).

(III)___A permanently retired unit shall not be required to monitor under this Section if such unit was permanently retired and had no emissions for the entire period and the account representative certifies in accordance with Section 2(k)(ii) of this ~~C~~chapter that these conditions were met. In the event that a permanently retired unit recommences operation, the WEB source shall meet the requirements of this Section 2(h) in the same manner as if the unit was a new unit.

(B)___Notwithstanding paragraph (A) of this ~~S~~section, the WEB source with a unit that meets one of the conditions of paragraph (B)(I) may submit a request to the Department to have the provisions of this paragraph (B) apply to that unit.

(I)____Any of the following units may implement this paragraph (B):

(1.)___Any smelting operation where all of the emissions from the operation are not ducted to a stack;

(2.)___Any flare, except to the extent such flares are used as a fuel gas combustion device at a petroleum refinery; or

(3.)___Any other type of unit without add-on sulfur dioxide control equipment if the unit belongs to one of the following source categories: cement kilns, pulp and paper recovery furnaces, lime kilns, or glass manufacturing.

(II)___For each unit covered by this paragraph (B), the account representative shall submit a notice to request that this paragraph (B) apply to one or more sulfur dioxide emitting units at a WEB source. The notice shall be submitted in accordance with the compliance dates specified in Section 2(h)(vi)(A) of this ~~C~~chapter, and shall include the following information in a format specified by the State of Wyoming with such additional, related information as may be requested:

(1.)___A list of all units at the WEB source that identifies which of the units are to be covered by this paragraph (B); and

(2.)___An identification of any such units that are permanently retired.

(III)___For each new unit at an existing WEB source for which the WEB source seeks to comply with this paragraph (B) and for which the account representative applies for an allocation under the new source set-aside provisions of Section 2(f)(vi) of this ~~C~~chapter, the account representative shall submit a modified notice under paragraph (B)(II) that includes such new sulfur dioxide emitting unit(s). The modified request shall be submitted in

accordance with the compliance dates in Section 2(h)(vi)(A) of this ~~C~~chapter, but no later than the date on which a request is submitted under Section 2(f)(vi) of this ~~C~~chapter for allocations from the set-aside.

(IV) The account representative for a WEB source shall submit an annual emissions statement for each unit under this paragraph (B) in accordance with Section 2(h)(viii) of this ~~C~~chapter. The WEB source shall maintain operating records sufficient to estimate annual emissions in a manner consistent with emission inventory submitted by the source for calendar year 1998. In addition, if the estimated emissions from all such units at the WEB source are greater than the allowances for the current control year held in the special reserve compliance account for the WEB source, the account representative shall report the excess amount as part of the annual report for the WEB source under Section 2(k) of this ~~C~~chapter and be required to use other allowances in the standard compliance account for the WEB source to account for such emissions, in accordance with Section 2(k) of this ~~C~~chapter.

(V) Section 2(h) of this chapter shall not apply to units covered by this paragraph except where otherwise noted.

(VI) A WEB source may opt to modify the monitoring for a sulfur dioxide emitting unit to use monitoring under Section 2(h)(i)(A) of this ~~C~~chapter, but any such monitoring change must take effect on January 1 of the next compliance year. In addition, the account representative must submit an initial monitoring plan at least 180 days prior to the date on which the new monitoring will take effect and a detailed monitoring plan in accordance with Section 2(h)(ii) of this ~~C~~chapter. The account representative shall also submit a revised notice under paragraph (B)(II) at the same time that the initial monitoring plan is submitted.

(C) For any monitoring that the WEB source uses under this ~~S~~section (including paragraph (B)), the WEB source (and, as applicable, the account representative) shall implement, certify, and use such monitoring in accordance with this ~~S~~section, and record and report the data from such monitoring as required in this ~~S~~section. In addition, the WEB source (and, as applicable, the account representative) may not:

(I) Except for an alternative approved by the EPA Administrator for a WEB source that implements monitoring under Section 2(h)(i)(A)(I) of this chapter, use an alternative monitoring system, alternative reference method or another alternative for the required monitoring method without having obtained prior written approval in accordance with Section 2(h)(ix) of this ~~C~~chapter (relating to petitions);

(II) Operate a sulfur dioxide emitting unit so as to discharge, or allow to be discharged, sulfur dioxide emissions to the atmosphere without accounting for these emissions in accordance with the applicable provisions of this ~~S~~section;

(III) Disrupt the approved monitoring method or any portion thereof, and thereby avoid monitoring and recording sulfur dioxide 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 ~~S~~section; or

(IV) Retire or permanently discontinue use of an approved monitoring method, except under one of the following circumstances:

(1.) During a period when the unit is exempt from the requirements of this Section, including retirement of a unit as addressed in Section 2(h)(i)(A)(III);

(2.) The WEB source is monitoring emissions from the unit with another certified monitoring method approved under this Section for use at the unit that provides data for the same parameter as the retired or discontinued monitoring method; or

(3.) The account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with this ~~S~~section, and the WEB source recertifies thereafter a replacement monitoring system in accordance with the applicable provisions of this ~~S~~section.

(ii) Monitoring Plan.

(A) General Provisions. A WEB source with a sulfur dioxide emitting unit that uses a monitoring method under Section 2(h)(i)(A)(II) of this ~~C~~chapter shall meet the following requirements:

(I) Prepare and submit to the State of Wyoming an initial monitoring plan for each monitoring method that the WEB source uses to comply with this ~~S~~section. In accordance with paragraph 2(h)(ii)(C) of this ~~C~~chapter, the plan shall contain sufficient information on the units involved, the applicable method, and the use of data derived from that method to demonstrate that all unit sulfur dioxide emissions are monitored and reported. The plan shall be submitted in accordance with the compliance deadlines specified in Section 2(h)(vi) of this ~~C~~chapter.

(II) Prepare, maintain and submit to the State of Wyoming a detailed monitoring plan prior to the first day of certification testing in accordance with the compliance deadline specified in Section 2(h)(vi) of this ~~C~~chapter. The plan will contain the applicable information required by Section 2(h)(ii)(D) of this ~~C~~chapter. The State of Wyoming may require that the monitoring plan (or portions thereof) be submitted electronically. The State of Wyoming also may require that the plan be submitted on an ongoing basis in electronic format as part of the quarterly report submitted under Section 2(h)(viii)(A) of this ~~C~~chapter or resubmitted separately after any change is made to the plan in and;

(III) Whenever the WEB source makes a replacement, modification, or change in one of the systems or methodologies provided for in Section 2(h)(i)(A)(II) of this ~~C~~chapter, including a change in the automated data acquisition and handling system or in the flue gas handling system, that affects information reported in the monitoring plan (e.g., a change to serial number for a component of a monitoring system), then the WEB

source shall update the monitoring plan in accordance with the compliance deadline specified in Section 2(h)(vi) of this ~~C~~chapter.

(B) A WEB source with a sulfur dioxide emitting unit that uses a method under Section 2(h)(i)(A)(I) of this ~~C~~chapter (a unit subject to 40 CFR ~~p~~Part 75 under a program other than this WEB Trading Program) shall meet the requirements of Section 2(h)(ii)(A)-(F) by preparing, maintaining and submitting a monitoring plan in accordance with the requirements of 40 CFR ~~p~~Part 75. If requested, the WEB source also shall submit the entire monitoring plan to the State of Wyoming.

(C) Initial Monitoring Plan. The account representative shall submit an initial monitoring plan for each sulfur dioxide emitting unit (or group of units sharing a common methodology) that, except as otherwise specified in an applicable provision in Appendix A of this chapter, contains the following information:

(I) For all sulfur dioxide emitting units:

(1.) Plant name and location;

(2.) Plant and unit identification numbers assigned by the State of Wyoming;

(3.) Type of unit (or units for a group of units using a common monitoring methodology);

(4.) Identification of all stacks or pipes associated with the monitoring plan;

(5.) Types of fuel(s) fired (or sulfur containing process materials used in the sulfur dioxide emitting unit), and the fuel classification of the unit if combusting more than one type of fuel and using a 40 CFR ~~p~~Part 75 methodology;

(6.) Type(s) of emissions controls for sulfur dioxide installed or to be installed, including specifications of whether such controls are pre-combustion, post-combustion, or integral to the combustion process;

(7.) Maximum hourly heat input capacity, or process throughput capacity, if applicable;

(8.) Identification of all units using a common stack; and

(9.) Indicator of whether any stack identified in the plan is a bypass stack.

(II) For each unit and parameter required to be monitored,

identification of monitoring methodology information, consisting of monitoring methodology, monitor locations, substitute data approach for the methodology, and general identification of quality assurance procedures. If the proposed methodology is a site-specific methodology submitted pursuant to Section 2(h)(i)(A)(II)(4.) of this ~~C~~chapter, the description under this paragraph shall describe fully all aspects of the monitoring equipment, installation locations, operating characteristics, certification testing, ongoing quality assurance and maintenance procedures, and substitute data procedures.

(III) If the WEB source intends to petition for a change to any specific monitoring requirement otherwise required under this ~~S~~section, such petition may be submitted as part of the initial monitoring plan.

(IV) The State of Wyoming may issue a notice of approval or disapproval of the initial monitoring plan based on the compliance of the proposed methodology with the requirements for monitoring in this ~~S~~section.

(D) Detailed Monitoring Plan. The account representative shall submit a detailed monitoring plan that, except as otherwise specified in an applicable provision in Appendix A of this chapter, shall contain the following information:

(I) Identification and description of each monitoring component (including each monitor and its identifiable components, such as analyzer or probe) in a CEMS (e.g., sulfur dioxide pollutant concentration monitor, flow monitor, moisture monitor), a 40 CFR ~~p~~Part 75, Appendix D monitoring system (e.g., fuel flowmeter, data acquisition and handling system), or a protocol in Appendix A of this chapter, including:

(1.) Manufacturer, model number and serial number;

(2.) Component or system identification code assigned by the facility to each identifiable monitoring component, such as the analyzer or probe;

(3.) Designation of the component type and method of sample acquisition or operation (e.g., in situ pollutant concentration monitor or thermal flow monitor);

(4.) Designation of the system as a primary or backup system;

(5.) First and last dates the system reported data;

(6.) Status of the monitoring component; and

(7.) Parameter monitored.

(II) Identification and description of all major hardware and software components of the automated data acquisition and handling system, including:

(1.)___Hardware components that perform emission calculations or store data for quarterly reporting purposes (provide the manufacturer and model number); and

(2.)___Software components (provide the identification of the provider and model or version number).

(III)___Explicit formulas for each measured emissions parameter, using component or system identification codes for the monitoring system used to measure the parameter that links the system observations with the reported concentrations and mass emissions. The formulas must contain all constants and factors required to derive mass emissions from component or system code observations and an indication of whether the formula is being added, corrected, deleted, or is unchanged. The WEB source with a low mass emissions unit for which the WEB source is using the optional low mass emissions excepted methodology in ~~s~~Section 75.19(c) of 40 CFR ~~p~~Part 75 is not required to report such formulas.

(IV)___Inside cross-sectional area (ft^2) at flow monitoring location (for units with flow monitors only).

(V)___If using CEMS for sulfur dioxide and flow, for each parameter monitored: scale, maximum potential concentration (and method of calculation), maximum expected concentration (if applicable) (and method of calculation), maximum potential flow rate (and method of calculations), span value, full-scale range, daily calibration units of measure, span effective date and hour, span inactivation date and hour, indication of whether dual spans are required, default high range value, flow rate span, and flow rate span value and full scale value (in standard cubic feet per hour) for each unit or stack using sulfur dioxide or flow component monitors.

(VI)___If the monitoring system or excepted methodology provides for use of a constant, assumed, or default value for a parameter under specific circumstances, then include the following information for each value of such parameter:

(1.)___Identification of the parameter;

(2.)___Default, maximum, minimum, or constant value, and units of measure for the value;

(3.)___Purpose of the value;

(4.)___Indicator of use during controlled or uncontrolled hours;

(5.)___Types of fuel;

(6.)___Source of the value;

(7.)___Value effective date and hour;

(8.)___Date and hour value is no longer effective (if applicable); and

(9.)___For units using the excepted methodology under section 75.19 of 40 CFR ~~p~~Part 75, the applicable sulfur dioxide emission factor.

(VII)__Unless otherwise specified in ~~s~~Section 6.5.2.1 of Appendix A to 40 CFR ~~p~~Part 75, for each unit or common stack on which hardware CEMS are installed:

(1.)___The upper and lower boundaries of the range of operation (as defined in ~~s~~Section 6.5.2.1 of Appendix A to 40 CFR ~~p~~Part 75), or thousand of pounds per hour (lb/hr) of steam, or feet per second (ft/sec) (as applicable);

(2.)___The load or operating level(s) designated as normal in ~~s~~Section 6.5.2.1 of Appendix A to 40 CFR ~~p~~Part 75, or thousands of lb/hr of steam, or ft/sec (as applicable);

(3.)___The two load or operating levels (i.e., low, mid, or high) identified in ~~s~~Section 6.5.2.1 of Appendix A to 40 CFR ~~p~~Part 75 as the most frequently used;

(4.)___The date of the data analysis used to determine the normal load (or operating) level(s) and the two most frequently-used load (or operating) levels; and

(5.)___Activation and deactivation dates when the normal load or operating level(s) change and are updated.

(VIII)_For each unit that is complying with 40 CFR ~~p~~Part 75 for which the optional fuel flow-to-load test in ~~s~~Section 2.1.7 of Appendix D to 40 CFR ~~p~~Part 75 is used:

(1.)___The upper and lower boundaries of the range of operation (as defined in ~~s~~Section 6.5.2.1 of Appendix A to 40 CFR ~~p~~Part 75), expressed in thousands of lb/hr of steam;

(2.)___The load level designated as normal, pursuant to ~~s~~Section 6.5.2.1 of Appendix A to 40 CFR ~~p~~Part 75, expressed in thousands of lb/hr of steam; and

(3.)___The date of the load analysis used to determine the normal load level.

(IX) Information related to quality assurance testing, including (as applicable): identification of the test strategy; protocol for the relative accuracy test audit; other relevant test information; calibration gas levels (percent of span) for the calibration error test and linearity check; calculations for determining maximum potential concentration, maximum expected concentration (if applicable), maximum potential flow rate, and span;

(X) If applicable, apportionment strategies under sections 75.10 through 75.18 of 40 CFR ~~p~~Part 75.

(XI) Description of site locations for each monitoring component in a monitoring system, including schematic diagrams and engineering drawings and any other documentation that demonstrates each monitor location meets the appropriate siting criteria. For units monitored by a continuous emission monitoring system, diagrams shall include:

(1.) A schematic diagram identifying entire gas handling system from unit to stack for all units, using identification numbers for units, monitor components, and stacks corresponding to the identification numbers provided in the initial monitoring plan and paragraphs (D)(I) and (III). The schematic diagram must depict the height of any monitor locations. Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common stack.

(2.) Stack and duct engineering diagrams showing the dimensions and locations of fans, turning vanes, air preheaters, monitor components, probes, reference method sampling ports, and other equipment that affects the monitoring system location, performance, or quality control checks.

(XII) A data flow diagram denoting the complete information handling path from output signals of CEMS components to final reports.

(E) In addition to supplying the information in paragraphs (C) and (D) above, the WEB source with a sulfur dioxide emitting unit using either of the methodologies in paragraph (h)(i)(A)(II)(2.) of this ~~S~~section shall include the following information in its monitoring plan for the specific situations described:

(I) For each gas-fired or oil-fired sulfur dioxide emitting unit for which the WEB source uses the optional protocol in Appendix D to 40 CFR ~~p~~Part 75 for sulfur dioxide mass emissions, the WEB source shall include the following information in the monitoring plan:

(1.) Parameter monitored;

(2.) Type of fuel measured, maximum fuel flow rate, units of measure, and basis of maximum fuel flow rate (i.e., upper range value or unit maximum) for each fuel flowmeter;

(3.)___Test method used to check the accuracy of each fuel flowmeter;

(4.)___Submission status of the data;

(5.)___Monitoring system identification code;

(6.)___The method used to demonstrate that the unit qualifies for monthly gross calorific value (GCV) sampling or for daily or annual fuel sampling for sulfur content, as applicable;

(7.)___A schematic diagram identifying the relationship between the unit, all fuel supply lines, the fuel flowmeter(s), and the stack(s). The schematic diagram must depict the installation location of each fuel flowmeter and the fuel sampling location(s). Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe;

(8.)___For units using the optional default sulfur dioxide emission rate for "pipeline natural gas" or "natural gas" in Appendix D to 40 CFR ~~p~~Part 75, the information on the sulfur content of the gaseous fuel used to demonstrate compliance with either section 2.3.1.4 or 2.3.2.4 of appendix D to 40 CFR ~~p~~Part 75;

(9.)___For units using the 720 hour test under ~~s~~Section 2.3.6 of Appendix D to 40 CFR ~~p~~Part 75 to determine the required sulfur sampling requirements, report the procedures and results of the test; and

(10.)__For units using the 720 hour test under ~~s~~Section 2.3.5 of Appendix D to 40 CFR ~~p~~Part 75 to determine the appropriate fuel GCV sampling frequency, report the procedures used and the results of the test.

(II)___For each sulfur dioxide emitting unit for which the WEB source uses the low mass emission excepted methodology of ~~s~~Section 75.19 to 40 CFR ~~p~~Part 75, the WEB source shall include the following information in the monitoring plan that accompanies the initial certification application:

(1.)___The results of the analysis performed to qualify as a low mass emissions unit under ~~s~~Section 75.19(c) to 40 CFR ~~p~~Part 75. This report will include either the previous three years actual or projected emissions. The following items should be included:

a._____Current calendar year of application;

b._____Type of qualification;

c._____Years one, two, and three;

d._____Annual measured, estimated or projected sulfur dioxide mass emissions for years one, two, and three; and

e._____Annual operating hours for years one, two, and three.

(2.)___A schematic diagram identifying the relationship between the unit, all fuel supply lines and tanks, any fuel flowmeter(s), and the stack(s). Comprehensive or separate schematic diagrams shall be used to describe groups of units using a common pipe;

(3.)___For units which use the long-term fuel flow methodology under ~~s~~Section 75.19(c)(3) to 40 CFR ~~p~~Part 75, a diagram of the fuel flow to each unit or group of units and a detailed description of the procedures used to determine the long-term fuel flow for a unit or group of units for each fuel combusted by the unit or group of units;

(4.)___A statement that the unit burns only gaseous fuel(s) or fuel oil and a list of the fuels that are burned or a statement that the unit is projected to burn only gaseous fuel(s) or fuel oil and a list of the fuels that are projected to be burned;

(5.)___A statement that the unit meets the applicability requirements in ~~s~~Sections 75.19(a) and (b) to 40 CFR ~~p~~Part 75 with respect to sulfur dioxide emissions; and

(6.)___Any unit historical actual, estimated and projected sulfur dioxide emissions data and calculated sulfur dioxide emissions data demonstrating that the unit qualifies as a low mass emissions unit under sections 75.19(a) and (b) to 40 CFR ~~p~~Part 75.

(III)___For each gas-fired unit the WEB source shall include the following in the monitoring plan: current calendar year, fuel usage data as specified in the definition of gas-fired in ~~s~~Section 72.2 of 40 CFR ~~p~~Part 72, and an indication of whether the data are actual or projected data.

(F)____The specific elements of a monitoring plan under this Section 2(h)(ii) shall not be part of an operating permit for a WEB source issued in accordance with Title V of the Act, and modifications to the elements of the plan shall not require a permit modification.

(iii) Certification and Recertification.

(A)____All monitoring systems are subject to initial certification and recertification testing as specified in 40 CFR ~~p~~Part 75 or Appendix A to Chapter 14, as applicable. Certification or recertification of a monitoring system by the U.S. Environmental Protection Agency for a WEB source that is subject to 40 CFR ~~p~~Part 75 under a requirement separate from this Rule shall constitute certification under the WEB Trading Program.

(B) The WEB source with a sulfur dioxide emitting unit not otherwise subject to 40 CFR ~~p~~Part 75 that monitors sulfur dioxide mass emissions in accordance with 40 CFR ~~p~~Part 75 to satisfy the requirements of this Section shall perform all of the tests required by that regulation and shall submit the following:

(I) A test notice, not later than 21 days before the certification testing of the monitoring system, provided that the State of Wyoming may establish additional requirements for adjusting test dates after this notice as part of the approval of the initial monitoring plan under Section 2(h)(ii)(C) of this ~~C~~chapter; and

(II) An initial certification application within 45 days after testing is complete.

(C) A monitoring system will be considered provisionally certified while the application is pending, and the system shall be deemed certified if the State of Wyoming does not approve or disapprove the system within six months after the date on which the application is submitted.

(D) Whenever an audit of any monitoring certified under this Rule, 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 of Chapter 14, both at the time of the initial certification or recertification application submission and at the time of the audit, the State of Wyoming will issue a notice of disapproval of the certification status of such system or component. For the purposes of this paragraph, an audit shall be either a field audit of the facility or an audit of any information submitted to the State of Wyoming regarding the facility. By issuing the notice of disapproval, the certification status is revoked prospectively, and the data measured and recorded 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 WEB source completes subsequently approved initial certification or recertification tests in accordance with the procedures in this Section 2(h)(iii) of this chapter. The WEB source shall apply the substitute data procedures in Section 2(h)(v)(B) of this ~~C~~chapter to replace, prospectively, all of the invalid, non-quality-assured data for each disapproved system or component.

(iv) Ongoing Quality Assurance and Quality Control.

The WEB source shall satisfy the applicable quality assurance and quality control requirements of 40 CFR ~~p~~Part 75 or, if the WEB source is subject to a WEB protocol in Appendix A of this chapter, the applicable quality assurance and quality control requirements in Appendix A of this chapter on and after the date that certification testing commences.

(v) Substitute Data Procedures.

(A) For any period after certification testing is complete in which quality assured, valid data are not being recorded by a monitoring system certified and operating

in accordance with Chapter 14, missing or invalid data shall be replaced with substitute data in accordance with 40 CFR ~~p~~Part 75 or, if the WEB source is subject to a WEB protocol in Appendix A of this chapter, with substitute data in accordance with Appendix A.

(B) For a sulfur dioxide emitting unit that does not have a certified (or provisionally certified) monitoring system in place as of the beginning of the first control period for which the unit is subject to the WEB Trading Program, the WEB source shall:

(I) If the WEB source will use a CEMS to comply with this Section, substitute the maximum potential concentration of sulfur dioxide for the unit and the maximum potential flow rate, as determined in accordance with 40 CFR ~~p~~Part 75. The procedures for conditional data validation under ~~s~~Section 75.20(b)(3) may be used for any monitoring system under Chapter 14 that uses these 40 CFR ~~p~~Part 75 procedures, as applicable;

(II) If the WEB source will use the 40 CFR ~~p~~Part 75 Appendix D methodology, substitute the maximum potential sulfur content, density or gross calorific value for the fuel and the maximum potential fuel flow rate, in accordance with ~~s~~Section 2.4 of Appendix D to 40 CFR ~~p~~Part 75;

(III) If the WEB source will use the 40 CFR ~~p~~Part 75 methodology for low mass emissions units, substitute the sulfur dioxide emission factor required for the unit as specified in 40 CFR Part 75.19 and the maximum rated hourly heat input, as defined in 40 CFR Part 72.2; or

(IV) If using a protocol in Appendix A to Chapter 14, follow the procedures in the applicable protocol.

(vi) Compliance Deadlines.

(A) The initial monitoring plan shall be submitted by the following dates:

(I) For each source that is a WEB source on or before the program trigger date, the monitoring plan shall be submitted 180 days after such program trigger date.

(II) For any existing source that becomes a WEB source after the program trigger date, the monitoring plan shall be submitted by September 30 of the year following the inventory year in which the source exceeded the emissions threshold.

(III) For any new WEB source, the monitoring plan shall be included with the permit application for a WAQSR Chapter 6, Section 2 permit.

(B) A detailed monitoring plan under Section 2(h)(ii)(B) of this chapter shall be submitted no later than 45 days prior to commencing certification testing in accordance with the following paragraph (C). Modifications to monitoring plans shall be

submitted within 90 days of implementing revised monitoring plans.

(C) Emission monitoring systems shall be installed, operational and shall have met all of the certification testing requirements of this Section 2(h) (including any referenced in Appendix A) by the following dates:

(I) For each source that is a WEB source on or before the program trigger date, two years prior to the start of the first control period as described in Section 2(k) of this ~~C~~chapter.

(II) For any existing source that becomes a WEB source after the program trigger date, one year after the due date for the monitoring plan under Section 2(h)(vi)(A)(II) of this ~~C~~chapter.

(III) For any new WEB source (or any new unit at a WEB source under paragraphs (C)(I) or (C)(2)), the earlier of 90 unit operating days or 180 calendar days after the date the new source commences operation.

(D) The WEB source shall submit test notices and certification applications in accordance with the deadlines set forth in Section 2(h)(iv)(B).

(E) For each applicable control period, the WEB source shall submit each quarterly report under Section 2(h)(viii) of this chapter by no later than 30 days after the end of each calendar quarter and shall submit the annual report under Section 2(h)(viii) of this chapter no later than 60 days after the end of each calendar year.

(vii) Recordkeeping.

(A) The WEB source shall keep copies of all reports, registration materials, compliance certifications, sulfur dioxide emissions data, quality assurance data, and other submissions under Chapter 14 for a period of five years. In addition, the WEB source shall keep a copy of all Certificates for the duration of this program. Unless otherwise requested by the WEB source and approved by the State of Wyoming, the copies shall be kept on site.

(B) The WEB source shall keep records of all operating hours, quality assurance activities, fuel sampling measurements, hourly averages for sulfur dioxide, stack flow, fuel flow, or other continuous measurements, as applicable, and any other applicable data elements specified in this section or in Appendix A to Chapter 14. The WEB source shall maintain the applicable records specified in 40 CFR Part 75 for any sulfur dioxide emitting unit that uses a Part 75 monitoring method to meet the requirements of this section.

(viii) Reporting.

(A) Quarterly Reports. For each sulfur dioxide emitting unit, the account representative shall submit a quarterly report within 30 days after the end of each calendar quarter. The report shall be in a format specified by the State of Wyoming to include

hourly and quality assurance activity information and shall be submitted in a manner compatible with the emissions tracking database designed for the WEB Trading Program. If the WEB source submits a quarterly report under 40 CFR ~~p~~Part 75 to the EPA Administrator, no additional report under this paragraph (A) shall be required. The State of Wyoming will require that a copy of that report (or a separate statement of quarterly and cumulative annual sulfur dioxide mass emissions) be submitted separately to the State of Wyoming.

(B) Annual Report. Based on the quarterly reports, each WEB source shall submit an annual statement of total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source. The annual report shall identify total emissions for all units monitored in accordance with Section 2(h)(i)(A) of this ~~C~~chapter and the total emissions for all units with emissions estimated in accordance with Section 2(h)(i)(B) of this ~~C~~chapter. The annual report shall be submitted within 60 days after the end of a control period.

(C) If the State of Wyoming so directs, any monitoring plan, report, certification, recertification, or emissions data required to be submitted under this Section shall be submitted to the TSA.

(D) The State of Wyoming may review and reject any report submitted under this Section 2(h)(viii) of this chapter that contains errors or fails to satisfy the requirements of this ~~S~~section, and the account representative shall resubmit the report to correct any deficiencies.

(ix) Petitions.

(A) A WEB source may petition for an alternative to any requirement specified in Section 2(h)(i)(A)(II) of this chapter. The petition shall require approval of the State of Wyoming and the ~~U.S.~~ EPA Administrator. Any petition submitted under this paragraph shall include sufficient information for the evaluation of the petition, including, at a minimum, the following information:

(I) Identification of the WEB source and applicable sulfur dioxide emitting unit(s);

(II) A detailed explanation of why the proposed alternative is being suggested in lieu of the requirement;

(III) A description and diagram of any equipment and procedures used in the proposed alternative, if applicable;

(IV) A demonstration that the proposed alternative is consistent with the purposes of the requirement for which the alternative is proposed, is consistent with the purposes of Chapter 14 and that any adverse effect of approving such alternative will be *de minimis*; and

(V) Any other relevant information that the State of Wyoming

may require.

(x) Consistency of Identifying Information.

For any monitoring plans, reports, or other information submitted under Section 2(h) of this ~~C~~chapter, the WEB source shall ensure that, where applicable, identifying information is consistent with the identifying information provided in the most recent ~~C~~certificate for the WEB source submitted under Section 2(d) of this ~~C~~chapter.

(i) Allowance Transfers.

(i) Procedure. To transfer allowances, the account representative shall submit the following information to the TSA:

(A) The transfer account number(s) identifying the transferor account;

(B) The transfer account number(s) identifying the transferee account;

(C) The serial number of each allowance to be transferred; and

(D) The transferor's account representative's name and signature and date of submission.

(ii) Allowance Transfer Deadline. The allowance transfer deadline is midnight Pacific Standard Time on March 1 of each year (or if this date is not a business day, midnight of the first business day thereafter) following the end of the control period. By this time, the transfer of the allowances into the WEB source's compliance account must be correctly submitted to the TSA in order to demonstrate compliance under Section 2(k) of this ~~C~~chapter for that control period.

(iii) Retirement of Allowances. To permanently retire allowances, the account representative shall submit the following information to the TSA:

(A) The transfer account number(s) identifying the transferor account;

(B) The serial number of each allowance to be retired; and

(C) The transferor's account representative's name and signature and date of submission accompanied by a signed statement acknowledging that each retired allowance is no longer available for future transfers from or to any account.

(j) Use of Allowances from a Previous Year.

(i) Any allowance that is held in a compliance account or general account will remain in such an account unless and until the allowance is deducted in conjunction with the compliance process, or transferred to another account.

(ii) In order to demonstrate compliance under Section 2(k)(i) of this ~~C~~chapter for a control period, WEB sources shall only use allowances allocated for that current control period or any previous year. Because all allowances held in a special reserve compliance account for a WEB source that monitors certain units in accordance with Section 2(h)(i)(B) of this chapter will be deducted for compliance for each control period, no banking of such allowances for use in a subsequent year is permitted by ~~c~~Chapter 14.

(iii) If flow control procedures for the current control period have been triggered as outlined in Part C4.2 of Section C of the WYRHSIP, then the use of allowances that were allocated for any previous year will be limited as follows:

(A) The number of allowances that are held in each compliance account and general account as of the allowance transfer deadline for the immediately previous year and that were allocated for any previous year will be determined.

(B) The number determined in (A) will be multiplied by the flow control ratio established in accordance with Part C4.2(b)(1) of Section C of the WYRHSIP to determine the number of allowances that were allocated for a previous year that can be used without restriction for the current control period.

(C) Allowances that were allocated for a previous year in excess of the number determined in (B) may also be used for the current control period. If such allowances are used to make a deduction, two allowances must be deducted for each deduction of one allowance required under Section 2(k) of this chapter.

(iv) Special provisions for the year 2018. After compliance with the 2017 allowance limitation has been determined in accordance with Section 2(k)(i) of this ~~C~~chapter, allowances allocated for any year prior to 2018 shall not be used for determining compliance with the 2018 allowance limitation or any future allowance limitation.

(k) Compliance.

(i) Compliance with Allowance Limitations.

(A) The WEB source must hold allowances, in accordance with Section 2(k)(i)(B) and (C) below and Section 2(j) of this ~~C~~chapter, as of the allowance transfer deadline in the WEB source's compliance account (together with any current control year allowances held in the WEB source's special reserve compliance account under Section 2(h)(i)(B) of this ~~C~~chapter) in an amount not less than the total sulfur dioxide emissions for the control period from the WEB source, as determined under the monitoring and reporting requirements of Section 2(h) of this chapter.

(I) For each source that is a WEB source on or before the program trigger date, the first control period is the calendar year that is six (6) years following the calendar year for which sulfur dioxide emissions exceeded the milestone in accordance with

procedures in Part A3 of Section C of the WYRHSIP.

(II) For any existing source that becomes a WEB source after the program trigger date, the first control period is the calendar year that is four (4) years following the inventory year in which the source exceeded the sulfur dioxide emissions threshold.

(III) For any new WEB source after the program trigger date the first control period is the first full calendar year that the source is in operation.

(IV) If the WEB Trading Program is triggered in accordance with the 2013 review procedures in Part A4 of Section C of the WYRHSIP, the first control period for each source that is a WEB source on or before the program trigger date is the year 2018.

(B) Allowance transfer deadline. An allowance may only be deducted from the WEB source's compliance account if:

(I) The allowance was allocated for the current control period or meets the requirements in Section 2(j) of this ~~C~~chapter for use of allowances from a previous control period, and

(II) The allowance was held in the WEB source's compliance account as of the allowance transfer deadline for the current control period, or was transferred into the compliance account by an allowance transfer correctly submitted for recording by the allowance transfer deadline for the current control period.

(C) Compliance with allowance limitations shall be determined as follows:

(I) The total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source that are monitored under Section 2(h)(i)(B) of this ~~C~~chapter, as reported by the source in Section 2(h)(viii)(B) or (D) of this ~~C~~chapter, and recorded in the emissions tracking database shall be compared to the allowances held in the source's special reserve compliance account as of the allowance transfer deadline for the current control period, adjusted in accordance with Section 2(j) of this ~~C~~chapter. If the emissions are equal to or less than the allowances in such account, all such allowances shall be retired to satisfy the obligation to hold allowances for such emissions. If the total emissions from such units exceed the allowances in such special reserve account, the WEB source shall account for such excess emissions in the following paragraph (II).

(II) The total annual sulfur dioxide emissions for all sulfur dioxide emitting units at the source that are monitored under Section 2(h)(i)(A) of this ~~C~~chapter, as reported by the source in Section 2(h)(viii)(B) or (D) of this ~~C~~chapter, and recorded in the emissions tracking database, together with any excess emissions as calculated in the preceding paragraph (I), shall be compared to the allowances held in the source's compliance account as of

the allowance transfer deadline for the current control period, adjusted in accordance with Section 2(j) of this ~~C~~chapter.

(III) If the comparison in Section 2(k)(i)(C)(II) of this chapter results in emissions that exceed the allowances held in the source's compliance account, the source has exceeded its allowance limitation and the excess emissions are subject to the allowance deduction penalty in Section 2(k)(iii) of this chapter.

(D) Other than allowances in a special reserve compliance account for units monitored under Section 2(h)(i)(B) of this ~~C~~chapter, to the extent consistent with Section 2(j) of this ~~C~~chapter, allowances shall be deducted for a WEB source for compliance with the allowance limitation as directed by the WEB source's account representative. Deduction of any other allowances as necessary for compliance with the allowance limitation shall be on a first-in, first-out accounting basis in the order of the date and time of their recording in the WEB source's compliance account, beginning with the allowances allocated to the WEB source and continuing with the allowances transferred to the WEB source's compliance account from another compliance account or general account. The allowances held in a special reserve compliance account pursuant to Section 2(h)(i)(B) of this ~~C~~chapter shall be deducted as specified in paragraph (C)(I) of this Section 2(k) of this chapter.

(ii) Certification of Compliance.

(A) For each control period in which a WEB source is subject to the allowance limitation, the account representative of the source shall submit to the Department a compliance certification report for the source.

(B) The compliance certification report shall be submitted no later than the allowance transfer deadline of each control period, and shall contain the following:

(I) Identification of each WEB source;

(II) At the account representative's option, the serial numbers of the allowances that are to be deducted from a source's compliance account for compliance with the allowance limitation; and

(III) The compliance certification report according to subpart (C) of this section.

(C) In the compliance certification report, the account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the WEB source in compliance with the WEB Trading Program, whether the WEB source for which the compliance certification is submitted was operated during the control period covered by the report in compliance with the requirements of the WEB Trading Program applicable to the source including:

(I) Whether the WEB source operated in compliance with the

sulfur dioxide allowance limitation;

(II) Whether sulfur dioxide emissions data has been submitted to the Department in accordance with Section 2(h)(viii) of this ~~C~~chapter and other applicable guidance, for review, revision as necessary, and finalization for forwarding to the sulfur dioxide Allowance Tracking System for recording;

(III) Whether the monitoring plan that governs the WEB source has been maintained to reflect the actual operation and monitoring of the source, and contains all information necessary to attribute sulfur dioxide emissions to the source, in accordance with Section 2(h)(i) of this ~~C~~chapter;

(IV) Whether all the sulfur dioxide emissions from the WEB source if applicable, were monitored or accounted for either through the applicable monitoring or through application of the appropriate missing data procedures;

(V) If applicable, whether any sulfur dioxide emitting unit for which the WEB source is not required to monitor in accordance with Section 2(h)(i)(A)(III) of this ~~C~~chapter remained permanently retired and had no emissions for the entire applicable period; and

(VI) Whether there were any changes in the method of operating or monitoring the WEB source that required monitor recertification. If there were any such changes, the report must specify the nature, reason, and date of the change, the method to determine compliance status subsequent to the change, and specifically, the method to determine sulfur dioxide emissions.

(iii) Penalties for any WEB source exceeding its allowance limitations.

(A) Allowance deduction penalty.

(I) If emissions from a WEB source exceed the allowance limitation for a control period, as determined in accordance with Section 2(k)(i) of this ~~C~~chapter, the source's allowances held in its compliance account will be reduced by an amount equal to three times the source's tons of excess emissions. If the compliance account does not have sufficient allowances allocated for that control period, the required number of allowances will be deducted from the WEB source's compliance account regardless of the control period for which they were allocated, once allowances are recorded in the account.

(II) Any allowance deduction required under Section 2(k)(i)(C) of this ~~C~~chapter shall not affect the liability of the owners and operators of the WEB source for any fine, penalty or assessment or their obligation to comply with any other remedy, for the same violation, as ordered under the Act, implementing regulations or Wyoming Statute § 35-11-901. Accordingly, a violation can be assessed each day of the control period for each ton of sulfur dioxide emissions in excess of its allowance limitation, or for each other violation of Section 2 of this ~~C~~chapter.

(iv) Liability.

(A) WEB Source liability for non-compliance. Separate and regardless of any allowance deduction penalty, a WEB source that violates any requirement of Chapter 14 is subject to civil and criminal penalties under Wyoming Statute § 35-11-901. Each day of the control period is a separate violation, and each ton of sulfur dioxide emissions in excess of a source's allowance limitation is a separate violation.

(B) General liability.

(I) Any provision of the WEB Trading Program that applies to a source or an account representative shall apply also to the owners and operators of such source.

(II) Any person who violates any requirement or prohibition of the WEB Trading Program will be subject to enforcement pursuant to Wyoming Statute § 35-11-901.

(III) Any person who knowingly makes a false material statement in any record, submission, or report under this WEB Trading Program shall be subject to criminal enforcement pursuant to Wyoming Statute § 35-11-901.

(l) Special Penalty Provisions for the 2018 Milestone.

(i) If the WEB Trading Program is triggered as outlined in Part A3 of Section C of the WYRHSIP, and the first control period will not occur until after the year 2018, the following provisions shall apply for the 2018 emissions year.

(A) All WEB sources shall register, and open a compliance account within 180 days after the program trigger date, in accordance with Section 2(e)(i) and Section 2(g) of this ~~C~~chapter.

(B) The TSA will record the allowances for the 2018 control period for each WEB source in the source's compliance account once the Department allocates the 2018 allowances under Part A4.4 of Section C of the WYRHSIP.

(C) The allowance transfer deadline is midnight Pacific Standard Time on May 31, 2021 (or if this date is not a business day, midnight of the first business day thereafter). WEB sources may transfer allowances as provided in Section 2(i)(i) of this ~~C~~chapter until the allowance transfer deadline.

(D) A WEB source must hold allowances allocated for 2018, including those transferred into the compliance account by an allowance transfer correctly submitted by the allowance transfer deadline, in an amount not less than the WEB source's total sulfur dioxide emissions for 2018. Emissions are determined using the pre-trigger monitoring provisions in Part A2.1 of Section C of the WYRHSIP, and Chapter 14, Section 3.

(E) In accordance with Section 2(j)(iv) and 2(l)(i)(D) of this chapter, Wyoming shall seek at least the minimum financial penalty of $5,000 per ton of SO_2 emissions in excess of the WEB source's allowance limitation.

(I) Any source may resolve its excess emissions violation by agreeing to a streamline settlement approach where the source pays a penalty of $5,000 per ton or partial ton of excess emissions, and payment is received within 90 calendar days after the issuance of a notice of violation.

(II) Any source that does not resolve its excess emissions violation in accordance with the streamlined settlement approach in Section 2(l)(i)(E)(I) of this chapter will be subject to civil enforcement action, in which the Department shall seek a financial penalty for the excess emissions based on the State's statutory maximum civil penalties.

(F) Each ton of SO_2 emissions in excess of a source's allowance limitation is a separate violation and each day of a control period is a separate violation.

(ii) The provisions in Section 2(l) of Chapter 14 shall continue to apply for each year after the 2018 emission year until:

(A) The first control period under the WEB trading program under Section 2(k)(i)(A)(I)of this chapter; or

(B) The Department determines, in accordance with Part A3 of Section C of the WYRHSIP, that the 2018 sulfur dioxide milestone has been met.

(iii) Special penalty provisions for the 2018 milestone for 2019 control period and each control period thereafter as provided under Section 2(l)(ii) of this chapter include the following:

(A) For the 2019 control period, the allowance transfer deadline is midnight Pacific Standard Time on May 31, 2021 (or if this date is not a business day, midnight of the first business day thereafter). WEB sources may transfer allowances as provided in Section 2(i)(i) of this ~~Rule~~ chapter until the allowance transfer deadline.

(B) A WEB source must hold allowances allocated for the 2019 control period, including those transferred into the compliance account by an allowance transfer correctly submitted by the allowance transfer deadline, in an amount not less than the WEB source's total SO_2 emissions for the 2019 control period. Emissions are determined using the pre-trigger monitoring provisions in Part A2.1 of Section C of the WYRHSIP, and Chapter 14, Section 3.

(C) In accordance with Section 2(j)(iv) and 2(i)(i)(D), Wyoming shall seek at least the minimum financial penalty of $5,000 per ton of SO_2 emissions in excess of the WEB source's allowance limitation.

(I)____Any source may resolve its excess emissions violation by agreeing to a streamline settlement approach where the source pays a penalty of $5,000 per ton or partial ton of excess emissions, and payment is received within 90 calendar days after the issuance of a notice of violation.

(II)____Any source that does not resolve its excess emissions violation in accordance with the streamlined settlement approach in Section 2(l)(i)(E)(I) of this chapter will be subject to civil enforcement action, in which the Department shall seek a financial penalty for the excess emissions based on the State's statutory maximum civil penalties.

(D)____Each ton of SO_2 emissions in excess of a source's allowance limitation is a separate violation and each day of a control period is a separate violation.

(E)____For each control period after 2019 that the special penalty is assessed, the dates and deadlines in Section 2(l)(iii)(A)-(D) of this chapter above will be adjusted forward by one year.

(m)____Integration Into Permits.

Any WEB source that is not subject to WAQSR Chapter 6, Section 3 at any time after Chapter 14 becomes effective must obtain a permit under WAQSR Chapter 6, Section 2 or modify an existing permit issued under WAQSR Chapter 6, Section 2 that incorporates the requirements of Section 2 of this ~~C~~chapter.

Section 3.____Sulfur ~~d~~Dioxide ~~m~~Milestone ~~i~~Inventory.

(a)____Applicability.

(i)____Section 3 of this ~~C~~chapter applies to all stationary sources with actual emissions of 100 tons per year or more of sulfur dioxide in calendar year 2000 or any subsequent year.

(ii)____Except as provided in (iii), any source that meets the criteria of (i) that emits less than 100 tons per year in any subsequent year shall remain subject to the requirements of Section 3 of this ~~C~~chapter until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in Section 2 of this ~~C~~chapter, whichever is earlier.

(iii)____A stationary source that meets the requirements of (i) that has permanently ceased operation is exempt from the requirements of Chapter 14.

(b)____Annual Sulfur Dioxide Emission Report.

(i)____Except as provided in (ii), each source subject to Chapter 14 shall report sulfur dioxide emissions by April 15th of each calendar year, in accordance with the schedule

cited in Section 3(b)(iii) of this chapter, below.

(ii) Each source subject to Chapter 14 that is also subject to 40 CFR ~~p~~Part 75 reporting requirements, shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR ~~p~~Part 75.

(iii) Each source subject to Chapter 14 shall report emissions for the year 2003 by April 15, 2004, and annually thereafter. The inventory shall be submitted in the format specified by the Wyoming Department of Environmental Quality – Air Quality Division (Division) ~~of Air Quality~~.

(iv) For the reports cited in paragraphs (i) and (ii) above, ~~of this section,~~ each source subject to Chapter 14 shall document the emissions monitoring/estimation methodology used to calculate their sulfur dioxide emissions, and demonstrate that the selected methodology is acceptable under the inventory program.

(v) For the reports cited in paragraphs (i) and (ii) above, ~~of this section,~~ each source subject to Chapter 14 shall include emissions from startup, shut down, and upset conditions in the annual total inventory.

(vi) For the reports cited in paragraphs (i) and (ii) above, ~~of this section,~~ each source subject to Chapter 14 shall use 40 CFR ~~p~~Part 75 methodology for reporting emissions for all sources subject to the federal acid rain program.

(vii) For the reports cited in paragraphs (i) and (ii) above, ~~of this section,~~ each source subject to Chapter 14 shall maintain all records used in the calculation of the emissions, including but not limited to the following:

(A) amount of fuel consumed;

(B) percent sulfur content of fuel and how the content was determined;

(C) quantity of product produced;

(D) emissions monitoring data;

(E) operating data; and

(F) how the emissions are calculated

(viii) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall maintain records of any physical changes to facility operations or equipment, or any other changes (e.g., raw material or feed) that may affect the emissions projections.

(ix) For the reports cited in paragraphs (i) and (ii) above, ~~of this section~~ each source subject to Chapter 14 shall retain records for a minimum of ten years from the date of

establishment, or if the record was the basis for an adjustment to the milestone, 5 years after the date of an implementation plan revision, whichever is longer.

(c)____Changes in Emission Measurement Techniques.

(i)____Each source subject to this Rule that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under Chapter 14, Section 3 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report under Section 3(b) of this ~~C~~chapter.

(d)____Notwithstanding any other provision of Chapter 14, Basin Electric Power Cooperative's Laramie River Station shall report its annual sulfur dioxide emissions as follows: for Laramie River Station Unit 1, Basin Electric Power Cooperative shall report its sulfur dioxide emissions based on an annual average emission rate of 0.159 lb/MMBtu multiplied by the actual annual heat input; for Laramie River Station Unit 2, Basin Electric Power Cooperative shall report its annual sulfur dioxide emissions based on an annual emission rate 0.162 lb/MMBtu multiplied by the actual annual heat input. Heat rate shall be calculated as required in Chapter 14 and 40 CFR Part 75. Annual sulfur dioxide emissions for Laramie River Station Unit 3 shall be reported as otherwise provided in Chapter 14, Section 3(b).

(i)____Basin Electric Power Cooperative shall report sulfur dioxide emissions as calculated per Section 3(d) of this chapter as of the year that Basin Electric Power Cooperative commences operation of Selective Catalytic Reduction at Laramie River Station Unit 1 consistent with the notification provision found at WAQSR Chapter 6 Section 2(i)(ii).

(e)____The Division ~~of Air Quality~~ shall use the annual sulfur dioxide emissions reported by Basin Electric Power Cooperative in Section 3(d) for all purposes under this ~~C~~chapter.

Section 4.____[Reserved].

Section 5.____Incorporation by ~~r~~Reference.

(a)____Code of Federal Regulations (CFR). All Code of Federal Regulations (CFRs), including their Appendices, cited in this Chapter, revised and published as of July 1, 2023~~17~~, not including any later amendments, unless portions of said CFRs are specifically excluded in citation, are incorporated by reference. Copies of the CFR~~Code of Federal Regulations~~ are available for public inspection and copies can be obtained at cost from the Department of Environmental Quality, ~~Division of~~ Air Quality Division, Cheyenne Office. Contact information for the Cheyenne Office can be obtained at: http://deq.wyoming.gov/. ~~122 W. 25th Street, Cheyenne, Wyoming 82002.~~ Copies of the CFR~~s~~ can also be obtained at cost from Government Institutes, 15200 NBN Way, Building B, Blue Ridge Summit, PA 17214 or online at https://ecfr.gov.

APPENDIX A: WEB CHAPTER 14, SECTION 2 MONITORING PROTOCOLS

Protocol WEB-1: SO_2 Monitoring of Fuel Gas Combustion Devices

Section 1. Applicability.

(a) The provisions of this protocol are applicable to fuel gas combustion devices at petroleum refineries.

(b) Fuel gas combustion devices include boilers, process heaters, and flares used to burn fuel gas generated at a petroleum refinery.

(c) Fuel gas means any gas which is generated and combusted at a petroleum refinery. Fuel gas does not include: (1) natural gas, unless combined with other gases generated at a petroleum refinery, (2) gases generated by a catalytic cracking unit catalyst regenerator, (3) gases generated by fluid coking burners, (4) gases combusted to produce sulfur or sulfuric acid, or (5) process upset gases generated due to startup, shutdown, or malfunctions.

Section 2. Monitoring Requirements.

(a) Except as provided in paragraphs (ii) and (iii) of this Section 2, fuel gas combustion devices shall use a continuous fuel gas monitoring system (CFGMS) to determine the total sulfur content (reported as H_2S) of the fuel gas mixture prior to combustion, and continuous fuel flow meters to determine the amount of fuel gas burned.

(i) Fuel gas combustion devices having a common source of fuel gas may be monitored for sulfur content at one location, if monitoring at that location is representative of the sulfur content of the fuel gas being burned in any fuel gas combustion device.

(ii) The CFGMS shall meet the performance requirements in Performance Specification 2 in Appendix B to 40 CFR ~~p~~Part 60, and the following:

(A) Continuously monitor and record the concentration by volume of total sulfur compounds in the gaseous fuel reported as ppmv H_2S.

(B) Have the span value set so that the majority of readings fall between 10 and 95 percent of the range.

(C) Record negative values of zero drift.

(D) Calibration drift shall be 5.0~~%~~percent of the span.

(E) Methods 15A, 16, or approved alternatives for total sulfur, are the reference methods for the relative accuracy test. The relative accuracy test shall include a bias test in accordance with Section 4, paragraph (c) of this ~~P~~protocol.

(iii) All continuous fuel flow meters shall comply with the applicable provisions of Appendix D to 40 CFR ~~p~~Part 75.

(iv) The hourly mass SO_2 emissions shall be calculated using the following equation:

$$E = (C_S)(Q_f)(K)$$

where: E = SO_2 emissions in lbs/hr
C_S = Sulfur content of the fuel gas as H_2S(ppmv)
Q_f = Fuel gas flow rate (scfh)
K = 1.660 x 10^{-7} (lb/scf)/ppmv

(b) In place of a CFGMS in paragraph (a) of this Section 2, fuel gas combustion devices having a common source of fuel gas may be monitored with an SO_2 CEMS and flow CEMS at only one location, if the CEMS monitoring at that location is representative of the SO_2 emission rate (lb SO_2/scf fuel gas burned) of all applicable fuel gas combustion devices. Continuous fuel flow meters shall be used in accordance with paragraph (b), and the fuel gas combustion device monitored by a CEMS shall have separate fuel metering.

(i) Each CEMS for SO_2 and flow shall comply with the operating requirements, performance specifications, and quality assurance requirements of 40 CFR ~~p~~Part 75.

(ii) All continuous fuel flow meters shall comply with the applicable provisions of Appendix D to 40 CFR ~~p~~Part 75.

(iii) The SO_2 mass emissions for all the fuel gas combustion devices monitored by this approach shall be determined by the ratio of the amount of fuel gas burned by the CEMS-monitored fuel gas combustion device to the total fuel gas burned by all applicable fuel gas combustion devices using the following equation:

$$E_t = (E_m)(Q_t)/(Q_m)$$

where: E_t = Total SO_2 emissions in lbs/hr from applicable fuel gas combustion devices.
E_m = SO_2 emissions in lbs/hr from the CEMS-monitored fuel gas combustion device.
Q_t = Fuel gas flow rate (scfh) from applicable fuel gas combustion devices.
Q_m = Fuel gas flow rate (scfh) from the CEMS-monitored fuel gas combustion device.

(c) In place of a CFGMS in paragraph (a) of this section, fuel gas combustion devices having a common source of fuel gas may be monitored with an SO_2 - diluent CEMS at only one location, if the CEMS monitoring at that location is representative of the SO_2 emission rate (lb SO_2/mmBtu) of all applicable fuel gas combustion devices. If this option is selected, the owner or operator shall conduct fuel gas sampling and analysis for gross calorific value (GCV), and

shall use continuous fuel flow metering in accordance with paragraph (a) of ~~this~~ Section 2 in this appendix, with separate fuel metering for the CEMS-monitored fuel gas combustion device.

(i) Each SO_2-diluent CEMS shall comply with the applicable provisions for SO_2 monitors and diluent monitors in 40 CFR ~~p~~Part 75, and shall use the procedures in Section 3 of Appendix F to ~~p~~Part 75 for determining SO_2 emission rate (lb/mmBtu) by substituting the term SO_2 for NO_x in that section.

(ii) All continuous fuel flow meters and fuel gas sampling and analysis for GCV to determine the heat input rate from the fuel gas shall comply with the applicable provisions of Appendix D to 40 CFR ~~p~~Part 75.

(iii) The SO_2 mass emissions for all the fuel gas combustion devices monitored by this approach shall be determined by the ratio of the fuel gas heat input to the CEMS-monitored fuel gas combustion device to the total fuel gas heat input to all applicable fuel gas combustion devices using the following equation:

$$E_t = (E_m)(H_t)/(H_m)$$

where: E_t = Total SO_2 emissions in lbs/hr from applicable fuel gas combustion devices.
E_m = SO_2 emissions in lb/mmBtu from the CEMS - monitored fuel gas combustion device.
H_t = Fuel gas heat input (mmBtu/hr) from applicable fuel gas combustion devices.
H_m = Fuel gas heat input (mmBtu/hr) from the CEMS - monitored fuel gas combustion device.

Section 3. Certification/Recertification Requirements.

(a) All monitoring systems are subject to initial certification and recertification testing as follows:

(i) The owner or operator shall comply with the initial testing and calibration requirements in Performance Specification 2 in Appendix B of 40 CFR ~~p~~Part 60 and paragraph (a)(ii) of Section 2 of this ~~P~~protocol for each CFGMS.

(ii) Each CEMS for SO_2 and flow or each SO_2-diluent CEMS shall comply with the testing and calibration requirements specified in 40 CFR ~~p~~Part 75, ~~s~~Section 75.20 and Appendices A and B of the CFR, except that each SO_2-diluent CEMS shall meet the relative accuracy requirements for a NO_x-diluent CEMS (lb/mmBtu).

(iii) A continuous fuel flow meter shall comply with the testing and calibration requirements in 40 CFR ~~p~~Part 75, Appendix D.

Section 4. Quality Assurance/Quality Control Requirements.

(a) A quality assurance/quality control (QA/QC) plan shall be developed and

implemented for each CEMS for SO_2 and flow or the SO_2-diluent CEMS in compliance with Appendix B of 40 CFR ~~p~~Part 75.

(b) A QA/QC plan shall be developed and implemented for each continuous fuel flow meter and fuel sampling and analysis in compliance with Appendix B of 40 CFR ~~p~~Part 75.

(c) A QA/QC plan shall be developed and implemented for each CFGMS in compliance with sections 1 and 1.1 of Appendix B of 40 CFR ~~p~~Part 75, and the following:

(i) Perform a daily calibration error test of each CFGMS at two gas concentrations, one low level and one high level. Calculate the calibration error as described in Appendix A to 40 CFR ~~p~~Part 75. An out of control period occurs whenever the error is greater than 5.0 ~~%~~percent of the span value.

(ii) In addition to the daily calibration error test, an additional calibration error test shall be performed whenever a daily calibration error test is failed, whenever a monitoring system is returned to service following repairs or corrective actions that may affect the monitor measurements, or after making manual calibration adjustments.

(iii) Perform a linearity test once every operating quarter. Calculate the linearity as described in Appendix A to 40 CFR ~~p~~Part 75. An out of control period occurs whenever the linearity error is greater than 5.0 percent of a reference value, and the absolute value of the difference between average monitor response values and a reference value is greater than 5.0 ppm.

(iv) Perform a relative accuracy test audit once every four operating quarters. Calculate the relative accuracy as described in Appendix A to 40 CFR ~~p~~Part 75. An out of control period occurs whenever the relative accuracy is greater than 20.0percent of the mean value of the reference method measurements.

(v) Using the results of the relative accuracy test audit, conduct a bias test in accordance with Appendix A to 40 CFR ~~p~~Part 75, and calculate and apply a bias adjustment factor if required.

Section 5. Missing Data Procedures.

(a) For any period in which valid data are not being recorded by an SO_2 CEMS or flow CEMS specified in this section, missing or invalid data shall be replaced with substitute data in accordance with the requirements in Subpart D of 40 CFR ~~p~~Part 75.

(b) For any period in which valid data are not being recorded by an SO_2-diluent CEMS specified in this section, missing or invalid data shall be replaced with substitute data on a rate basis (lb/mmBtu) in accordance with the requirements for SO_2 monitors in Subpart D of 40 CFR ~~p~~Part 75.

(c) For any period in which valid data are not being recorded by a continuous fuel

flow meter or for fuel gas GCV sampling and analysis specified in this section, missing or invalid data shall be replaced with substitute data in accordance with missing data requirements in Appendix D to 40 CFR ~~p~~Part 75.

(d) ___For any period in which valid data are not being recorded by the CFGMS specified in this section, hourly missing or invalid data shall be replaced with substitute data in accordance with the missing data requirements for units performing hourly gaseous fuel sulfur sampling in ~~s~~Section 2.4. of Appendix D to 40 CFR ~~p~~Part 75.

Section 6.___Monitoring Plan and Reporting Requirements.

(a) ___In addition to the general monitoring plan and reporting requirements of Section 2(h) of Chapter 14, the owner or operator shall meet the following additional requirements:

(i)____The monitoring plan shall identify each group of units that are monitored by a single monitoring system under this Protocol WEB-1, and the plan shall designate an identifier for the group of units for emissions reporting purposes. For purpose of submitting emissions reports, no apportionment of emissions to the individual units within the group is required.

(ii)____If the provisions of paragraphs (b) or (c) of Section 2 of this ~~P~~protocol are used, provide documentation and an explanation to demonstrate that the SO_2 emission rate from the monitored unit is representative of the rate from non-monitored units.

Protocol WEB-2:___ Predictive Flow Monitoring Systems for Kilns with Positive Pressure Fabric Filter

Section 1.____Applicability.

(a)____The provisions of this protocol are applicable to cement kilns or lime kilns that ~~(1)~~ are (1) controlled by a positive pressure fabric filter, and (2) have operating conditions upstream of the fabric filter that the WEB source documents would reasonably prevent reliable flow monitor measurements.

Section 2.____Monitoring Requirements.

(a) ___A cement or lime kiln with a positive pressure fabric filter shall use a predictive flow monitoring system (PFMS) to determine the hourly kiln exhaust gas flow.

(b) ___A PFMS is the total equipment necessary for the determination of exhaust gas flow using process or control device operating parameter measurements and a conversion equation, a graph, or computer program to produce results in cubic feet per hour.

(c) ___The PFMS shall meet the following performance specifications:

(i) The PFMS must allow for the automatic or manual determination of failed

monitors. At a minimum a daily determination must be performed.

(ii) The PFMS shall have provisions to check the calibration error of each parameter that is individually measured. The owner or operator shall propose appropriate performance specifications in the initial monitoring plan for all parameters used in the PFMS comparable to the degree of accuracy required for other monitoring systems used to comply with this Rule. The parameters shall be tested at two levels, low: 0 to 20 ~~%~~percent of full scale, and high: 50 to 100 ~~%~~percent of full scale. The reference value need not be certified.

(iii) The relative accuracy of the PFMS must be ≤ 10.0 ~~%~~percent of the reference method average value, and include a bias test in accordance with paragraph (a)(iii) of Section 3 of this protocol.

Section 3. Certification Requirements.

(a) The PFMS is subject to initial certification testing as follows:

(i) Demonstrate the ability of the PFMS to identify automatically or manually a failed monitor.

(ii) Provide evidence of calibration testing of all monitoring equipment. Any tests conducted within the previous 12 months of operation that are consistent with the QA/QC plan for the PFMS are acceptable for initial certification purposes.

(iii) Perform an initial relative accuracy test over the normal range of operating conditions of the kiln. Using the results of the relative accuracy test audit, conduct a bias test in accordance with Appendix A to 40 CFR Part 75, and calculate and apply a bias adjustment factor if required.

Section 4. Quality Assurance/Quality Control Requirements.

(a) A QA/QC plan shall be developed and implemented for each PFMS in compliance with sections 1 and 1.1 of Appendix B of 40 CFR ~~p~~Part 75, and the following:

(i) Perform a daily monitor failure check.

(ii) Perform calibration tests of all monitors for each parameter included in the PFMS. At a minimum, calibrations shall be conducted prior to each relative accuracy test audit.

(iii) Perform a relative accuracy test audit and accompanying bias test once every four operating quarters. Calculate the relative accuracy (and bias adjustment factor) as described in Appendix A to 40 CFR ~~p~~Part 75. An out of control period occurs whenever the flow relative accuracy is greater than 10.0 ~~%~~percent of the mean value of the reference method.

Section 5. Missing Data.

(a) For any period in which valid data are not being recorded by the PFMS specified in this section, hourly missing or invalid data shall be replaced with substitute data in accordance with the flow monitor missing data requirements for non-load based units in Subpart D of 40 CFR ~~p~~Part 75.

Section 6. Monitoring Plan Requirements.

(a) In addition to the general monitoring plan requirements of Section 2(h) of Chapter 14, the owner or operator shall meet the following additional requirements:

(i) The monitoring plan shall document the reasons why stack flow measurements upstream of the fabric filter are unlikely to provide reliable flow measurements over time.

(ii) The initial monitoring plan shall explain the relationship of the proposed parameters and stack flow, and discuss other parameters considered and the reasons for not using those parameters in the PFMS. The State of Wyoming may require that the subsequent monitoring plan include additional explanation and documentation for the reasonableness of the proposed PFMS.