**Transport Rule (TR) Trading Program Title V Requirements**

**Description of TR Monitoring Provisions**

The TR subject unit(s), and the unit-specific monitoring provisions at this source, are identified in the following table(s). These unit(s) are subject to the requirements for the ***[Insert TR NOX Annual Trading Program, TR NOX Ozone Season Trading Program, TR SO2 Group 1 Trading Program, and/or the TR SO2 Group 2 Trading Program]***.

***[Complete a separate table for each TR-subject unit, with the unit ID inserted in the first row. In each unit’s separate table, insert an “X” in each applicable column for each applicable parameter to reflect the monitoring methodology used at that unit for that parameter.]***

|  |
| --- |
| Unit ID: |
| Parameter | Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR part 75, subpart B (for SO2 monitoring) and 40 CFR part 75, subpart H (for NOX monitoring) | Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR part 75, appendix D  | Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR part 75, appendix E  | Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19  | EPA-approved alternative monitoring system requirements pursuant to 40 CFR part 75, subpart E  |
| SO2 |  |  | ---------------- |  |  |
| NOX |  | ------------- |  |  |  |
| Heat input |  |  | ---------------- |  |  |

***[When inserting TR rule citations in paragraphs 1 through 4 below, use only the citations for the one or more specific TR trading programs to which the source is subject.]***

1. The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR***[Insert* “97.430 through 97.435” *(TR NOX Annual Trading Program),* “97.530 through 97.535” *(TR NOX Ozone Season Trading Program),* “97.630 through 97.635” *(TR SO2 Group 1 Trading Program), and/or* “97.730 through 97.735” *(TR SO2 Group 2 Trading Program), as applicable]***. The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable TR trading programs.

2. Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA’s website at http://www.epa.gov/airmarkets/emissions/monitoringplans.html.

3. Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and ***[Insert* “97.435” *(TR NOX Annual Trading Program),* “97.535” *(TR NOX Ozone Season Trading Program),* “97.635” *(TR SO2 Group 1 Trading Program), and/or* “97.735” *(TR SO2 Group 2 Trading Program), as applicable]***. The Administrator’s response approving or disapproving any petition for an alternative monitoring system is available on the EPA’s website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.

4. Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR***[Insert* “97.430 through 97.434” *(TR NOX Annual Trading Program),* “97.530 through 97.534” *(TR NOX Ozone Season Trading Program),* “97.630 through 97.634” *(TR SO2 Group 1 Trading Program), and/or* “97.730 through 97.734” *(TR SO2 Group 2 Trading Program), as applicable]***must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and ***[Insert* “97.435” *(TR NOX Annual Trading Program),* “97.535” *(TR NOX Ozone Season Trading Program),* “97.635” *(TR SO2 Group 1 Trading Program), and/or* “97.735” *(TR SO2 Group 2 Trading Program), as applicable]***. The Administrator’s response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA’s website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.

5. The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR **[*Insert* “97.430 through 97.434” *(TR NOX Annual Trading Program),* “97.530 through 97.534” *(TR NOX Ozone Season Trading Program),* “97.630 through 97.634” *(TR SO2 Group 1 Trading Program), and/or* “97.730 through 97.734” *(TR SO2 Group 2 Trading Program), as applicable]***, and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add to or change this unit’s monitoring system description.

**[EXAMPLE Description of TR Monitoring Provisions]**

*The following section is an example to be used by permitting authorities for how the unit ID table and the paragraphs 1-4 could be completed for Unit 2. Unit 2 is a non-peaking gas and oil-fired combustion turbine in a state covered by the TR NOX Annual, TR NOX Ozone Season, and TR SO2 Group 1 Trading Programs. Note that only one “X” should be entered for each row in the table for SO2, NOX, and heat input in order to denote one monitoring methodology for each pollutant. Please do not include the example in the actual permit*.

The TR subject unit(s), and the unit-specific monitoring provisions, at this source are identified in the following table(s). These unit(s) are subject to the requirements for the TR NOX Annual Trading Program, TR NOX Ozone Season Trading Program, and TR SO2 Group 1 Trading Program.

|  |
| --- |
| Unit ID: 2, non-peaking gas and oil-fired combustion turbine |
| Parameter | Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR part 75, subpart B (for SO2 monitoring) and 40 CFR part 75, subpart H (for NOX monitoring) | Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR part 75, appendix D  | Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR part 75, appendix E  | Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19  | EPA-approved alternative monitoring system requirements pursuant to 40 CFR part 75, subpart E  |
| SO2 |  | X | ---------------- |  |  |
| NOX | X | ------------- |  |  |  |
| Heat input |  | X | ---------------- |  |  |

1. The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435 (TR NOX Annual Trading Program), 97.530 through 97.535 (TR NOX Ozone Season Trading Program), and 97.630 through 97.635 (TR SO2 Group 1 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable TR trading programs.

2. Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA’s website at <http://www.epa.gov/airmarkets/emissions/monitoringplans.html>.

3. Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and 97.435 (TR NOX Annual Trading Program), 97.535 (TR NOX Ozone Season Trading Program), and/or 97.635 (TR SO2 Group 1 Trading Program). The Administrator’s response approving or disapproving any petition for an alternative monitoring system is available on the EPA’s website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.

4. Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (TR NOX Annual Trading Program), 97.530 through 97.534 (TR NOX Ozone Season Trading Program), and/or 97.630 through 97.634 (TR SO2 Group 1 Trading Program) must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (TR NOX Annual Trading Program), 97.535 (TR NOX Ozone Season Trading Program), and/or 97.635 (TR SO2 Group 1 Trading Program). The Administrator’s response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on the EPA’s website at <http://www.epa.gov/airmarkets/emissions/petitions.html>.]

5. The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR 97.430 through 97.434 (TR NOX Annual Trading Program), 97.530 through 97.534 (TR NOX Ozone Season Trading Program), and 97.630 through 97.634 (TR SO2 Group 1 Trading Program), and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add or change this unit’s monitoring system description.

***[For this example, the full set of TR trading program requirements, paragraphs (a) through (g) and, if applicable paragraph (h) for the NOX Annual, NOX Ozone Season, and SO2 Group 1 would then be included in the title V permit.]***

**[END OF EXAMPLE]**

**TR NOX Annual Trading Program requirements (40 CFR 97.406)**

***[Fully include paragraphs (a) through (g) and, if applicable, paragraph (h), below only if you have units subject to the TR NOX Annual Trading Program]***

1. **Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.

1. **Emissions monitoring, reporting, and recordkeeping requirements.**
2. The owners and operators, and the designated representative, of each TR NOX Annual source and each TR NOX Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
3. The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of TR NOX Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NOX Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
4. **NOX emissions requirements.**
5. TR NOX Annual emissions limitation.
	1. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NOX Annual source and each TR NOX Annual unit at the source shall hold, in the source's compliance account, TR NOX Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NOX emissions for such control period from all TR NOX Annual units at the source.
	2. If total NOX emissions during a control period in a given year from the TR NOX Annual units at a TR NOX Annual source are in excess of the TR NOX Annual emissions limitation set forth in paragraph (c)(1)(i) above, then:
		1. The owners and operators of the source and each TR NOX Annual unit at the source shall hold the TR NOX Annual allowances required for deduction under 40 CFR 97.424(d); and
		2. The owners and operators of the source and each TR NOX Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
6. TR NOX Annual assurance provisions.
	1. If total NOX emissions during a control period in a given year from all TR NOX Annual units at TR NOX Annual sources in the state ***[If the state has Indian country within its borders, insert:* “(and Indian country within the borders of such State)”*]*** exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such NOX emissions during such control period exceeds the common designated representative’s assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NOX Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying— (A) The quotient of the amount by which the common designated representative’s share of such NOX emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state ***[If the state has Indian country within its borders, insert:* “(and Indian country within the borders of such state)”*]*** for such control period, by which each common designated representative’s share of such NOX emissions exceeds the respective common designated representative’s assurance level; and (B) The amount by which total NOX emissions from all TR NOX Annual units at TR NOX Annual sources in the state ***[If the State has Indian country within its borders, insert:* “(and Indian country within the borders of such state)”*]*** for such control period exceed the state assurance level.
	2. The owners and operators shall hold the TR NOX Annual allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
	3. Total NOX emissions from all TR NOX Annual units at TR NOX Annual sources in the State ***[If the state has Indian country within its borders, insert:* “(and Indian country within the borders of such state)”*]***during a control period in a given year exceed the state assurance level if such total NOX emissions exceed the sum, for such control period, of the state NOX Annual trading budget under 40 CFR 97.410(a) and the state’s variability limit under 40 CFR 97.410(b).
	4. It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total NOX emissions from all TR NOX Annual units at TR NOX Annual sources in the State ***[If the state has Indian country within its borders, insert:* “(and Indian country within the borders of such State)”*]*** during a control period exceed the state assurance level or if a common designated representative’s share of total NOXemissions from the TR NOX Annual units at TR NOX Annual sources in the state ***[If the state has Indian country within its borders, insert:* “(and Indian country within the borders of such state)”*]*** during a control period exceeds the common designated representative’s assurance level.
	5. To the extent the owners and operators fail to hold TR NOX Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
		1. The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
		2. Each TR NOX Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
7. Compliance periods.
	1. A TR NOX Annual unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
	2. A TR NOX Annual unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
8. Vintage of allowances held for compliance.
	1. A TR NOX Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR NOX Annual allowance that was allocated for such control period or a control period in a prior year.
	2. A TR NOX Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR NOX Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
9. Allowance Management System requirements. Each TR NOX Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.
10. Limited authorization. A TR NOX Annual allowance is a limited authorization to emit one ton of NOX during the control period in one year. Such authorization is limited in its use and duration as follows:
	1. Such authorization shall only be used in accordance with the TR NOX Annual Trading Program; and
	2. Notwithstanding any other provision of 40 CFR part 97, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
11. Property right. A TR NOX Annual allowance does not constitute a property right.
12. **Title V permit revision requirements.**
	1. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NOX Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.
	2. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
13. **Additional recordkeeping and reporting requirements.**
14. Unless otherwise provided, the owners and operators of each TR NOX Annual source and each TR NOX Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
	1. The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each TR NOX Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
	2. All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.
	3. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NOX Annual Trading Program.
15. The designated representative of a TR NOX Annual source and each TR NOX Annual unit at the source shall make all submissions required under the TR NOX Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
16. **Liability*.***
	1. Any provision of the TR NOX Annual Trading Program that applies to a TR NOX Annual source or the designated representative of a TR NOX Annual source shall also apply to the owners and operators of such source and of the TR NOX Annual units at the source.
	2. Any provision of the TR NOX Annual Trading Program that applies to a TR NOX Annual unit or the designated representative of a TR NOX Annual unit shall also apply to the owners and operators of such unit.
17. **Effect on other authorities*.***

No provision of the TR NOX Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NOX Annual source or TR NOX Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

***[If the state has Indian country within its borders, insert:***

 **“(h) Effect on units in Indian country.** Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.**” *]***

**TR NOX Ozone Season Trading Program Requirements (40 CFR 97.506)**

***[Fully include paragraphs (a) through (g) and, if applicable, paragraph (h) below only if you have units subject to the TR NOX Ozone Season Trading Program]***

1. **Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.513 through 97.518.

1. **Emissions monitoring, reporting, and recordkeeping requirements.**
2. The owners and operators, and the designated representative, of each TR NOX Ozone Season source and each TR NOX Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.530 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.531 (initial monitoring system certification and recertification procedures), 97.532 (monitoring system out-of-control periods), 97.533 (notifications concerning monitoring), 97.534 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.535 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
3. The emissions data determined in accordance with 40 CFR 97.530 through 97.535 shall be used to calculate allocations of TR NOX Ozone Season allowances under 40 CFR 97.511(a)(2) and (b) and 97.512 and to determine compliance with the TR NOX Ozone Season emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.530 through 97.535 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
4. **NOX emissions requirements.**
5. TR NOX Ozone Season emissions limitation.
	1. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NOX Ozone Season source and each TR NOX Ozone Season unit at the source shall hold, in the source's compliance account, TR NOX Ozone Season allowances available for deduction for such control period under 40 CFR 97.524(a) in an amount not less than the tons of total NOX emissions for such control period from all TR NOX Ozone Season units at the source.
	2. If total NOX emissions during a control period in a given year from the TR NOX Ozone Season units at a TR NOX Ozone Season source are in excess of the TR NOX Ozone Season emissions limitation set forth in paragraph (c)(1)(i) above, then:
		1. The owners and operators of the source and each TR NOX Ozone Season unit at the source shall hold the TR NOX Ozone Season allowances required for deduction under 40 CFR 97.524(d); and
		2. The owners and operators of the source and each TR NOX Ozone Season unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBB and the Clean Air Act.
6. TR NOX Ozone Season assurance provisions.
	1. If total NOX emissions during a control period in a given year from all TR NOX Ozone Season units at TR NOX Ozone Season sources in the state ***[Insert, for each state with Indian country within its borders,:* “(and Indian country within the borders of such state)*”]***exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such NOX emissions during such control period exceeds the common designated representative’s assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NOX Ozone Season allowances available for deduction for such control period under 40 CFR 97.525(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.525(b), of multiplying—
		1. The quotient of the amount by which the common designated representative’s share of such NOX emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***for such control period, by which each common designated representative’s share of such NOX emissions exceeds the respective common designated representative’s assurance level; and
		2. The amount by which total NOX emissions from all TR NOX Ozone Season units at TR NOX Ozone Season sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***for such control period exceed the state assurance level.
	2. The owners and operators shall hold the TR NOX Ozone Season allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
	3. Total NOX emissions from all TR NOX Ozone Season units at TR NOX Ozone Season sources in the state ***[Insert, for each state with Indian country within its borders:* “ (and Indian country within the borders of such state)”*]*** during a control period in a given year exceed the state assurance level if such total NOX emissions exceed the sum, for such control period, of the State NOX Ozone Season trading budget under 40 CFR 97.510(a) and the state’s variability limit under 40 CFR 97.510(b).
	4. It shall not be a violation of 40 CFR part 97, subpart BBBBB or of the Clean Air Act if total NOX emissions from all TR NOX Ozone Season units at TR NOX Ozone Season sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such State)”*]***during a control period exceed the state assurance level or if a common designated representative’s share of total NOX emissions from the TR NOX Ozone Season units at TR NOX Ozone Season sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***during a control period exceeds the common designated representative’s assurance level.
	5. To the extent the owners and operators fail to hold TR NOX Ozone Season allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
		1. The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
		2. Each TR NOX Ozone Season allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBB and the Clean Air Act.
7. Compliance periods.
	1. A TR NOX Ozone Season unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.
	2. A TR NOX Ozone Season unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.
8. Vintage of allowances held for compliance.
	1. A TR NOX Ozone Season allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR NOX Ozone Season allowance that was allocated for such control period or a control period in a prior year.
	2. A TR NOX Ozone Season allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR NOX Ozone Season allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
9. Allowance Management System requirements. Each TR NOX Ozone Season allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart BBBBB.
10. Limited authorization. A TR NOX Ozone Season allowance is a limited authorization to emit one ton of NOX during the control period in one year. Such authorization is limited in its use and duration as follows:
	1. Such authorization shall only be used in accordance with the TR NOX Ozone Season Trading Program; and
	2. Notwithstanding any other provision of 40 CFR part 97, subpart BBBBB, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
11. Property right. A TR NOX Ozone Season allowance does not constitute a property right.
12. **Title V permit revision requirements*.***
13. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NOX Ozone Season allowances in accordance with 40 CFR part 97, subpart BBBBB.
14. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.530 through 97.535, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.506(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
15. **Additional recordkeeping and reporting requirements*.***
16. Unless otherwise provided, the owners and operators of each TR NOX Ozone Season source and each TR NOX Ozone Season unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
	1. The certificate of representation under 40 CFR 97.516 for the designated representative for the source and each TR NOX Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.516 changing the designated representative.
	2. All emissions monitoring information, in accordance with 40 CFR part 97, subpart BBBBB.
	3. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NOX Ozone Season Trading Program.
17. The designated representative of a TR NOX Ozone Season source and each TR NOX Ozone Season unit at the source shall make all submissions required under the TR NOX Ozone Season Trading Program, except as provided in 40 CFR 97.518. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
18. **Liability*.***
19. Any provision of the TR NOX Ozone Season Trading Program that applies to a TR NOX Ozone Season source or the designated representative of a TR NOX Ozone Season source shall also apply to the owners and operators of such source and of the TR NOX Ozone Season units at the source.
20. Any provision of the TR NOX Ozone Season Trading Program that applies to a TR NOX Ozone Season unit or the designated representative of a TR NOX Ozone Season unit shall also apply to the owners and operators of such unit.
21. **Effect on other authorities*.***

No provision of the TR NOX Ozone Season Trading Program or exemption under 40 CFR 97.505 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NOX Ozone Season source or TR NOX Ozone Season unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

***[If the state has Indian country within its borders, insert:***

 **“(h) Effect on units in Indian country.** Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.**” *]***

**TR SO2 Group 1 Trading Program requirements (40 CFR 97.606)**

***[Fully include paragraphs (a) through (g) and, if applicable, paragraph (h) below only if you have units subject to the TR SO2 Group 1 Trading Program]***

1. **Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.

1. **Emissions monitoring, reporting, and recordkeeping requirements.**
2. The owners and operators, and the designated representative, of each TR SO2 Group 1 source and each TR SO2 Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
3. The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of TR SO2 Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the TR SO2 Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
4. **SO2 emissions requirements.**
5. TR SO2 Group 1 emissions limitation.
	1. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO2 Group 1 source and each TR SO2 Group 1 unit at the source shall hold, in the source's compliance account, TR SO2 Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO2 emissions for such control period from all TR SO2 Group 1 units at the source.
	2. If total SO2 emissions during a control period in a given year from the TR SO2 Group 1 units at a TR SO2 Group 1 source are in excess of the TR SO2 Group 1 emissions limitation set forth in paragraph (c)(1)(i) above, then:
		1. The owners and operators of the source and each TR SO2 Group 1 unit at the source shall hold the TR SO2 Group 1 allowances required for deduction under 40 CFR 97.624(d); and
		2. The owners and operators of the source and each TR SO2 Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR part 97, subpart CCCCC and the Clean Air Act.
6. TR SO2 Group 1 assurance provisions.
	1. If total SO2 emissions during a control period in a given year from all TR SO2 Group 1 units at TR SO2 Group 1 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]*** exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such SO2 emissions during such control period exceeds the common designated representative’s assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR SO2 Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying—
		1. The quotient of the amount by which the common designated representative’s share of such SO2 emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***for such control period, by which each common designated representative’s share of such SO2 emissions exceeds the respective common designated representative’s assurance level; and
		2. The amount by which total SO2 emissions from all TR SO2 Group 1 units at TR SO2 Group 1 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***for such control period exceed the state assurance level.
	2. The owners and operators shall hold the TR SO2 Group 1 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
	3. Total SO2 emissions from all TR SO2 Group 1 units at TR SO2 Group 1 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]*** during a control period in a given year exceed the state assurance level if such total SO2 emissions exceed the sum, for such control period, of the state SO2 Group 1 trading budget under 40 CFR 97.610(a) and the state’s variability limit under 40 CFR 97.610(b).
	4. It shall not be a violation of 40 CFR part 97, subpart CCCCC or of the Clean Air Act if total SO2 emissions from all TR SO2 Group 1 units at TR SO2 Group 1 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]*** during a control period exceed the state assurance level or if a common designated representative’s share of total SO2 emissions from the TR SO2 Group 1 units at TR SO2 Group 1 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]*** during a control period exceeds the common designated representative’s assurance level.
	5. To the extent the owners and operators fail to hold TR SO2 Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
		1. The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
		2. Each TR SO2 Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart CCCCC and the Clean Air Act.
7. Compliance periods.
	1. A TR SO2 Group 1 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
	2. A TR SO2 Group 1 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
8. Vintage of allowances held for compliance.
	1. A TR SO2 Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR SO2 Group 1 allowance that was allocated for such control period or a control period in a prior year.
	2. A TR SO2 Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR SO2 Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
9. Allowance Management System requirements. Each TR SO2 Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart CCCCC.
10. Limited authorization. A TR SO2 Group 1 allowance is a limited authorization to emit one ton of SO2 during the control period in one year. Such authorization is limited in its use and duration as follows:
	1. Such authorization shall only be used in accordance with the TR SO2 Group 1 Trading Program; and
	2. Notwithstanding any other provision of 40 CFR part 97, subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
11. Property right. A TR SO2 Group 1 allowance does not constitute a property right.
12. **Title V permit revision requirements.**
13. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO2 Group 1 allowances in accordance with 40 CFR part 97, subpart CCCCC.
14. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.630 through 97.635, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR part 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E), Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.606(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
15. **Additional recordkeeping and reporting requirements.**
16. Unless otherwise provided, the owners and operators of each TR SO2 Group 1 source and each TR SO2 Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
	1. The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each TR SO2 Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
	2. All emissions monitoring information, in accordance with 40 CFR part 97, subpart CCCCC.
	3. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR SO2 Group 1 Trading Program.
17. The designated representative of a TR SO2 Group 1 source and each TR SO2 Group 1 unit at the source shall make all submissions required under the TR SO2 Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.
18. **Liability.**
19. Any provision of the TR SO2 Group 1 Trading Program that applies to a TR SO2 Group 1 source or the designated representative of a TR SO2 Group 1 source shall also apply to the owners and operators of such source and of the TR SO2 Group 1 units at the source.
20. Any provision of the TR SO2 Group 1 Trading Program that applies to a TR SO2 Group 1 unit or the designated representative of a TR SO2 Group 1 unit shall also apply to the owners and operators of such unit.
21. **Effect on other authorities.**

No provision of the TR SO2 Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO2 Group 1 source or TR SO2 Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

***[If the state has Indian country within its borders, insert:***

 **“(h) Effect on units in Indian country.** Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.**” *]***

**TR SO2 Group 2 Trading Program requirements (40 CFR 97.706)**

***[Fully include paragraphs (a) through (g) and, if applicable, paragraph (h) below only if you have units subject to the TR SO2 Group 2 Annual Trading Program]***

1. **Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.713 through 97.718.

1. **Emissions monitoring, reporting, and recordkeeping requirements.**
2. The owners and operators, and the designated representative, of each TR SO2 Group 2 source and each TR SO2 Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.730 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.731 (initial monitoring system certification and recertification procedures), 97.732 (monitoring system out-of-control periods), 97.733 (notifications concerning monitoring), 97.734 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.735 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
3. The emissions data determined in accordance with 40 CFR 97.730 through 97.735 shall be used to calculate allocations of TR SO2 Group 2 allowances under 40 CFR 97.711(a)(2) and (b) and 97.712 and to determine compliance with the TR SO2 Group 2 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.730 through 97.735 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
4. **SO2 emissions requirements.**
5. TR SO2 Group 2 emissions limitation.
	1. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO2 Group 2 source and each TR SO2 Group 2 unit at the source shall hold, in the source's compliance account, TR SO2 Group 2 allowances available for deduction for such control period under 40 CFR 97.724(a) in an amount not less than the tons of total SO2 emissions for such control period from all TR SO2 Group 2 units at the source.
	2. If total SO2 emissions during a control period in a given year from the TR SO2 Group 2 units at a TR SO2 Group 2 source are in excess of the TR SO2 Group 2 emissions limitation set forth in paragraph (c)(1)(i) above, then:
		1. The owners and operators of the source and each TR SO2 Group 2 unit at the source shall hold the TR SO2 Group 2 allowances required for deduction under 40 CFR 97.724(d); and
		2. The owners and operators of the source and each TR SO2 Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart DDDDD and the Clean Air Act.
6. TR SO2 Group 2 assurance provisions.
	1. If total SO2 emissions during a control period in a given year from all TR SO2 Group 2 units at TR SO2 Group 2 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative’s share of such SO2 emissions during such control period exceeds the common designated representative’s assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR SO2 Group 2 allowances available for deduction for such control period under 40 CFR 97.725(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.725(b), of multiplying—
		1. The quotient of the amount by which the common designated representative’s share of such SO2 emissions exceeds the common designated representative’s assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]*** for such control period, by which each common designated representative’s share of such SO2 emissions exceeds the respective common designated representative’s assurance level; and
		2. The amount by which total SO2 emissions from all TR SO2 Group 2 units at TR SO2 Group 2 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***for such control period exceed the state assurance level.
	2. The owners and operators shall hold the TR SO2 Group 2 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
	3. Total SO2 emissions from all TR SO2 Group 2 units at TR SO2 Group 2 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]*** during a control period in a given year exceed the state assurance level if such total SO2 emissions exceed the sum, for such control period, of the state SO2 Group 2 trading budget under 40 CFR 97.710(a) and the state’s variability limit under 40 CFR 97.710(b).
	4. It shall not be a violation of 40 CFR part 97, subpart DDDDD or of the Clean Air Act if total SO2 emissions from all TR SO2 Group 2 units at TR SO2 Group 2 sources in the state ***[Insert, for each state with Indian country within its borders*: “(and Indian country within the borders of such state)”*]*** during a control period exceed the state assurance level or if a common designated representative’s share of total SO2 emissions from the TR SO2 Group 2 units at TR SO2 Group 2 sources in the state ***[Insert, for each state with Indian country within its borders:* “(and Indian country within the borders of such state)”*]***during a control period exceeds the common designated representative’s assurance level.
	5. To the extent the owners and operators fail to hold TR SO2 Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
		1. The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
		2. Each TR SO2 Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart DDDDD and the Clean Air Act.
7. Compliance periods.
	1. A TR SO2 Group 2 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.730(b) and for each control period thereafter.
	2. A TR SO2 Group 2 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.730(b) and for each control period thereafter.
8. Vintage of allowances held for compliance.
	1. A TR SO2 Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a TR SO2 Group 2 allowance that was allocated for such control period or a control period in a prior year.
	2. A TR SO2 Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (2)(i) through (iii) above for a control period in a given year must be a TR SO2 Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
9. Allowance Management System requirements. Each TR SO2 Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart DDDDD.
10. Limited authorization. A TR SO2 Group 2 allowance is a limited authorization to emit one ton of SO2 during the control period in one year. Such authorization is limited in its use and duration as follows:
	1. Such authorization shall only be used in accordance with the TR SO2 Group 2 Trading Program; and
	2. Notwithstanding any other provision of 40 CFR part 97, subpart DDDDD, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
11. Property right. A TR SO2 Group 2 allowance does not constitute a property right.
12. **Title V permit revision requirements.**
13. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO2 Group 2 allowances in accordance with 40 CFR part 97, subpart DDDDD.
14. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.730 through 97.735, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.706(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
15. **Additional recordkeeping and reporting requirements.**
16. Unless otherwise provided, the owners and operators of each TR SO2 Group 2 source and each TR SO2 Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
	1. The certificate of representation under 40 CFR 97.716 for the designated representative for the source and each TR SO2 Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.716 changing the designated representative.
	2. All emissions monitoring information, in accordance with 40 CFR part 97, subpart DDDDD.
	3. Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR SO2 Group 2 Trading Program.
17. The designated representative of a TR SO2 Group 2 source and each TR SO2 Group 2 unit at the source shall make all submissions required under the TR SO2 Group 2 Trading Program, except as provided in 40 CFR 97.718. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in parts 70 and 71.
18. **Liability.**
19. Any provision of the TR SO2 Group 2 Trading Program that applies to a TR SO2 Group 2 source or the designated representative of a TR SO2 Group 2 source shall also apply to the owners and operators of such source and of the TR SO2 Group 2 units at the source.
20. Any provision of the TR SO2 Group 2 Trading Program that applies to a TR SO2 Group 2 unit or the designated representative of a TR SO2 Group 2 unit shall also apply to the owners and operators of such unit.
21. **Effect on other authorities.**

No provision of the TR SO2 Group 2 Trading Program or exemption under 40 CFR 97.705 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO2 Group 2 source or TR SO2 Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

***[If the state has Indian country within its borders, insert:***

 **“(h) Effect on units in Indian country.** Notwithstanding the provisions of paragraphs (a) through (g) above, paragraphs (a) through (g) shall be deemed not to impose any requirements on any source or unit, or any owner, operator, or designated representative with regard to any source or unit, in Indian country within the borders of the state.**” *]***