



NOx Budget Permit Application

For more information, please refer to ADEM Admin. Code Chapter 335-3-8

This submission is: New Revised

STEP 1
Identify the source by plant name, State, and ORIS or facility code

	AL	
Plant Name	State	ORIS/Facility Code

STEP 2
Enter the unit ID# for each NOx budget unit

Unit ID#	Commence Operation Date (if after 2003)	Monitor Certification Deadline (if after 2003)

STEP 3
Read the standard requirements and the certification, enter the name of the NOx authorized account representative, and sign and date

Standard Requirements

(a) Permit Requirements.

1. The NOx authorized account representative of each NOx Budget source required to have a federally enforceable permit and each NOx Budget unit required to have a federally enforceable permit at the source shall:
 - (i) Submit to the permitting authority a complete NOx Budget permit application under Rule 335-3-8-.07(3) in accordance with the deadlines specified in Rules 335-3-8-.07(2)(b), (c) and (d);
 - (ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review a NOx Budget permit application and issue or deny a NOx Budget permit.
2. The owners and operators of each NOx Budget source required to have an enforceable permit and each NOx Budget unit required to have an enforceable permit at the source shall have a NOx Budget permit issued by the Department and operate the unit in compliance with such NOx Budget permit.
3. The owners and operators of a NOx Budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NOx Budget permit application, and to have a NOx Budget permit, under Rule 335-3-8-.07 for such NOx Budget source.

Plant Name (from Step 1)

(b) Monitoring requirements.

1. The owners and operators and, to the extent applicable, the NOx authorized account representative of each NOx Budget source and each NOx Budget unit at the source shall comply with the monitoring requirements of Rule 335-3-8-.12.
2. The emissions measurements recorded and reported in accordance with Rule 335-3-8-.12 shall be used to determine compliance by the unit with the NOx Budget emissions limitation under paragraph (c).

(c) Nitrogen oxides requirements.

1. The owners and operators of each NOx Budget source and each NOx Budget unit at the source shall hold NOx allowances available for compliance deductions under Rule 335-3-8-.10(5)(a), (b), (e), (f) or 335-3-8-.10(6) as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with Rule 335-3-8-.12, plus any amount necessary to account for excess emissions for a prior control period under Rule 335-3-8-.10(5)(d) or to account for withdrawal from the NOx Budget Trading Program, or a change in regulatory status, of a NOx Budget opt-in unit under Rule 335-3-8-.13(7), or for a change in regulatory status for a NOx Budget opt-in source under Rule 335-3-8-.13(8).
2. Each ton of nitrogen oxides emitted in excess of the NOx Budget emissions limitation shall constitute a separate violation of the ADEM Air Code, the Clean Air Act, and applicable State law.
3. A NOx Budget unit shall be subject to the requirements under paragraph (c)1. starting on the later of May 1, 2004 or the date on which the unit commences operation.
4. NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts in accordance with Rules 335-3-8-.09, 335-3-8-.10, 335-3-8-.11, and 335-3-8-.13 of the ADEM Air Code.
5. A NOx allowance shall not be deducted, in order to comply with the requirements under paragraph (c)1., for a control period in a year prior to the year for which the NOx allowance was allocated.
6. A NOx allowance allocated by the Department or the Administrator under the NOx Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NOx Budget Trading Program. No provision of the NOx Budget Trading Program, the NOx Budget permit application, the NOx Budget permit, or an exemption under Rule 335-3-8-.05(5) and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
7. A NOx allowance allocated by the Department or the Administrator under the NOx Budget Trading Program does not constitute a property right.
8. Upon recordation by the Administrator under Rules 335-3-8-.10, 335-3-8-.11, or 335-3-8-.13, every allocation, transfer, or deduction of a NOx allowance to or from a NOx Budget unit's compliance account or the overdraft account of the source where the unit is located is incorporated automatically in any NOx Budget permit of the NOx Budget unit.

(d) Excess emissions requirements.

1. The owners and operators of a NOx Budget unit that has excess emissions in any control period shall:
 - (i) Surrender the NOx allowances required for deduction under Rule 335-3-8-.10(5)(d)1.; and
 - (ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under Rule 335-3-8-.10(5)(d)(3).

(e) Recordkeeping and Reporting Requirements.

1. Unless otherwise provided, the owners and operators of the NOx Budget source and each NOx Budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the permitting authority or the Administrator.
 - (i) The account certificate of representation under Rule 335-3-8-.06(4) for the NOx authorized account representative for the source and each NOx Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation under § 97.13 changing the NOx authorized account representative.
 - (ii) All emissions monitoring information, in accordance with Rule 335-3-8-.12; provided that to the extent that Rule 335-3-8-.12 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx Budget Trading Program.
 - (iv) Copies of all documents used to complete a NOx Budget permit application and any other submission under the NOx Budget Trading Program or to demonstrate compliance with the requirements of the NOx Budget Trading Program.
2. The NOx authorized account representative of a NOx Budget source and each NOx Budget unit at the source shall submit the reports and compliance certifications required under the NOx Budget Trading Program, including those under Rules 335-3-8-.08, 335-3-8-.12, or 335-3-8-.13.

Plant Name (from Step 1)

(f) Liability.

1. Any person who knowingly violates any requirement or prohibition of the NOx Budget Trading Program, a NOx Budget permit, or an exemption under Rule 335-3-8-.05(5) shall be subject to enforcement pursuant to applicable State or Federal law.
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NOx Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
3. No permit revision shall excuse any violation of the requirements of the NOx Budget Trading Program that occurs prior to the date that the revision takes effect.
4. Each NOx Budget source and each NOx Budget unit shall meet the requirements of the NOx Budget Trading Program.
5. Any provision of the NOx Budget Trading Program that applies to a NOx Budget source (including a provision applicable to the NOx authorized account representative of a NOx Budget source) shall also apply to the owners and operators of such source and of the NOx Budget units at the source.
6. Any provision of the NOx Budget Trading Program that applies to a NOx Budget unit (including a provision applicable to the NOx authorized account representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under subpart H of 40 CFR part 97, the owners and operators and the NOx authorized account representative of one NOx Budget unit shall not be liable for any violation by any other NOx Budget unit of which they are not owners or operators or the NOx authorized account representative and that is located at a source of which they are not owners or operators or the NOx authorized account representative.

(g) Effect on Other Authorities.

No provision of the NOx Budget Trading Program, a NOx Budget permit application, a NOx Budget permit, or an exemption under Rule 335-3-8-.05(5) shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOx authorized account representative of a NOx Budget source or NOx Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Certification

I am authorized to make this submission on behalf of the owners and operators of the NOx Budget sources or NOx Budget units 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.

Name	
Signature	Date

Plant Name (from Step 1)

STEP 4 (For sources with opt-in units only)

For each unit listed under Step 2 that is an opt-in unit, re-enter the unit ID#, and indicate if this is an initial permit application for that unit by checking the box

Unit ID#	Check box if initial permit application
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Step 5 (For sources with opt-in units only)

Read the certification, enter the name of the NOx authorized account representative, sign and date

I certify that each unit for which this permit application is submitted under ADEM Admin. Code R. 335-3-8-.07(3) is not a NOx Budget unit under ADEM Admin. Code R. 335-3-8-.05(4) and is not covered by an exemption under ADEM Admin. Code R. 335-3-8-.05(5) that is in effect.

Name	
Signature	Date

STEP 6 (For sources submitting an initial NOx Budget opt-in permit application)

Read the certification, enter the name of the NOx authorized account representative, sign and date

I certify that each unit for which this permit application is submitted under ADEM Admin. Code R. 335-3-8-.07(3) is operating, as that term is defined under ADEM Admin. Code R. 335-3-8-.05(2)(ww).

Name	
Signature	Date