Readopt with amendment Env-A 4601, effective 1-1-20 (Document #12967), to read as follows:

CHAPTER Env-A 4600 CARBON DIOXIDE (CO_2) BUDGET TRADING PROGRAM

Statutory Authority: RSA 125-O:8, I(c)-(~~g~~ ***e***)

PART Env-A 4601 PURPOSE AND APPLICABILITY

Env-A 4601.01 Purpose. The purpose of this chapter is to establish the New Hampshire CO_2 Budget Trading Program in accordance with RSA 125-O:21-29. The program is designed to ~~stabilize and then~~ reduce anthropogenic emissions of CO_2, a greenhouse gas, from CO_2 budget sources in the state in an economically efficient manner.

Env-A 4601.02 Applicability.

(a) The provisions of this chapter shall apply to any unit that, at any time on or after January 1, 2005, serves an electricity generator with a nameplate capacity equal to or greater than 25 MWe, except for a unit that combusts eligible biomass at a rate of 95% of the annual heat input on a BTU basis per calendar year. Any source that includes one or more such units shall be considered a CO_2 budget source as defined in Env-A 4602.

(b) For a unit that is a CO_2 budget unit under (a), above, on the date the unit begins to commence commercial operation, such date remains the unit's date of commencement of commercial operation even if the unit is subsequently modified, reconstructed, or repowered.

(c) For a unit that is not yet a CO_2 budget unit under (a), above, on the date the unit begins to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation, the date the unit becomes a CO_2 budget unit under (a), above, is the unit's date of commencement of commercial operation.

(d) For a unit that is a CO_2 budget unit under (a), above, on the date of commencement of operation, such date remains the unit's date of commencement of operation even if the unit is subsequently modified, reconstructed, or repowered.

(e) For a unit that is not a CO_2 budget unit under (a), above, on the date of commencement of operation, the date the unit becomes a CO_2 budget unit under (a), above, is the unit's date of commencement of operation.

Readopt with amendment Env-A 4602.01 through Env-A 4602.03, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4602 DEFINITIONS

Env-A 4602.01 "Account number" means the identification number given by the regional organization to each CO_2 allowance tracking system account as defined in Env-A 4602.~~20~~ ***18***.

Env-A 4602.02 "Acid rain emissions limitation" means "Acid rain emissions limitation" as defined in 40 CFR 72.2. The term establishes a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program under title IV of the Clean Air Act.

Env-A 4602.03 "Acid Rain Program" means a multi-state sulfur dioxide and nitrogen oxides air pollution control and emission reduction program established by the Administrator of the U.S. Environmental Protection Agency (EPA) under title IV of the CAA and 40 CFR Parts 72 through 78.

Repeal Env-A 4602.04, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.04 "Adjusted budget" means the maximum number of budget allowances available for~~

~~allocation in a given allocation year. The adjusted budget is determined in accordance with Env-A 4606.03 through Env-A 4606.07. The term includes "New Hampshire CO_2 budget trading program adjusted budget."~~

Readopt with amendment and renumber Env-A 4602.05 through Env-A 4602.11, effective 1-1-20 (Document #12967), as Env-A 4602.04 through Env-A 4602.10, to read as follows:

Env-A 4602.~~05~~ ***04*** "Allocation" means the determination and transfer by the department pursuant to Env-A 4606 of the number of CO_2 allowances to be recorded in:

(a) The compliance account of a CO_2 budget unit;

(b) An allocation set-aside account; ***or***

(c) The New Hampshire auction account (NHAA)~~; or~~

~~(d) The general account of the sponsor of an approved CO_2 emissions offset project~~.

Env-A 4602.~~06~~ ***05*** "Allocation year" means a calendar year for which the department allocates CO_2 allowances pursuant to Env-A 4606. The allocation year of each CO_2 allowance is reflected in the unique identification number given to the allowance pursuant to Env-A 4607.08(b).

Env-A 4602.~~07~~***06*** "Allowance auction" means an auction in which the department or the regional organization offers CO_2 allowances for sale. The term includes "auction".

Env-A 4602.~~08~~***07*** "Alternate CO_2 authorized account representative (Alternate CO_2 AAR)" means, for a CO_2 budget source and each CO_2 budget unit at the source, the individual who is authorized by the owner(s) or operator(s) of the source and all CO_2 budget units at the source, in accordance with the provisions of Env-A 4604, to represent and legally bind each owner and operator in matters pertaining to the CO_2 budget trading program or, for a general account, the individual who is authorized under Env-A 4607 to transfer or otherwise dispose of CO_2 allowances held in the general account.

Env-A 4602.~~09~~ ***08***"Attribute" means a characteristic associated with electricity generated using a particular renewable fuel, such as its generation date, facility geographic location, unit vintage, emissions output, fuel, state program eligibility, or other characteristic that can be identified, accounted for, and tracked.

Env-A 4602.~~10~~ ***09*** "Attribute credit" means the attributes as defined in Env-A 4602.09 related to one megawatt-hour of electricity generation.

Env-A 4602.~~11~~ ***10*** "Automated data acquisition and handling system (DAHS)" means that component of the continuous emissions monitoring system, or other emissions monitoring system approved for use under Env-A 4609, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by Env-A 4609.

Repeal Env-A 4602.12, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.12 "Banked allowance" means an allowance that is unused and held in a general or compliance account. The term does not include allowances held in an account opened by participating states.~~

Readopt with amendment and renumber Env-A 4602.13 through Env-A 4602.23, effective 1-1-20 (Document #12967), as Env-A 4602.11 through Env-A 4602.21, to read as follows:

Env-A 4602.~~13~~ ***11*** "Base budget" means the annual number of tons of CO_2 budget allowances available in New Hampshire for allocation in a given allocation year, in accordance with the CO_2 budget trading program, as specified in Env-A 4606.01, ~~prior to any adjustment made pursuant to Env-A 4606.03 through Env-A 4606.07~~. The term includes "New Hampshire CO_2 budget trading program base budget" but does not include ~~CO_2 offset allowances allocated to project sponsors or~~ CO_2 CCR allowances offered for sale at an

auction.

Env-A 4602.~~14~~ ***12*** "Boiler" means an enclosed combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

Env-A 4602.~~15~~ ***13*** "Budget allowance" means "budget allowance" as defined in RSA 125-O:20, II***, as reprinted in Appendix B***. The term does not include a~~n offset allowance,~~ CO_2 cost containment reserve allowance~~, or an early reduction allowance~~***.***

Env-A 4602.~~16~~ ***14*** "CO_2 allowance" means "RGGI allowance" as defined in RSA 125-O:20, XV. The term includes budget allowances~~, offset allowances,~~ ***and*** CO_2 CCR allowances~~, and early reduction allowances~~***, as reprinted in Appendix B***.

Env-A 4602.~~17~~ ***15*** "CO_2 allowance deduction" means the permanent withdrawal of CO_2 allowances from a CO_2 allowance tracking system compliance account as provided by this chapter or RSA 125-O:20-29.

Env-A 4602.~~18~~ ***16*** "CO_2 allowances held" means the CO_2 allowances recorded in accordance with Env-A 4607 and Env-A 4608 in a CO_2 allowance tracking system account.

Env-A 4602.~~19~~***17*** "CO_2 allowance tracking system (COATS)" means the system by which ***the department or*** the regional organization:

(a) Records allocations, deductions, and transfers of CO_2 allowances under this chapter; and

(b) Tracks ~~CO_2 emissions offset projects,~~ CO_2 allowance prices, and emissions from affected sources.

Env-A 4602.~~20~~ ***18*** "CO_2 allowance tracking system account" means an account in the CO_2 allowance tracking system established by the regional organization for purposes of recording the allocation, holding, transferring, or deducting of CO_2 allowances.

Env-A 4602.~~21~~***19*** "CO_2 allowance transfer deadline" means midnight of the first day of March occurring after the end of the relevant control period and each relevant interim control period or, if that March 1 is not a business day, midnight of the first business day thereafter. The CO_2 allowance transfer deadline is the deadline by which CO_2 allowances must be submitted for recordation in a CO_2 budget source's compliance account in order to meet the source's CO_2 budget emissions limitation for the control period and each interim control period immediately preceding such deadline.

Env-A 4602.~~22~~ ***20*** "CO_2 authorized account representative (CO_2 AAR)" means, for a CO_2 budget source and each CO_2 budget unit at that source, the individual who is legally authorized by the owner or operator of the source and all CO_2 budget units at that source, in accordance with Env-A 4604, to represent and legally bind each owner and operator in matters pertaining to the provisions of this chapter or, for a general account, the individual who is authorized, under Env-A 4607, to request transfer or otherwise dispose of CO_2 allowances held in the general account.

Env-A 4602.~~23~~ ***21*** "CO_2 budget emissions limitation" means, for a CO_2 budget source, the number of allowances held by the CO_2 budget source in a compliance account at the end of a control period or an interim control period equivalent to the tons of CO_2 emissions in that control period or an interim control period.

Repeal Env-A 4602.24, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.24 "CO_2 budget permit" means the portion of the legally binding permit issued by the department pursuant to Env-A 600 to a CO_2 budget source or CO_2 budget unit that specifies the CO_2 budget trading program requirements applicable to the CO_2 budget source, to each CO_2 budget unit at the CO_2 budget source, and to the owner or operator and the CO_2 AAR of the CO_2 budget source and *or* each CO_2 budget unit.~~

Readopt with amendment and renumber Env-A 4602.25 through Env-A 4602.27, effective 1-1-20 (Document #12967), as Env-A 4602.22 through Env-A 4602.24, to read as follows:

Env-A 4602.~~25~~ ***22*** "CO_2 budget source" means "affected CO_2 source" as defined in RSA 125-O:20, I***, as reprinted in Appendix B***.

Env-A 4602.~~26~~***23*** "CO_2 budget trading program" means the CO_2 air pollution control and emissions reduction program established pursuant to RSA 125-O and this chapter.

Env-A 4602.~~27~~***24*** "CO_2 budget unit" means a unit that is subject to the CO_2 budget trading program requirements under Env-A 4601.02.

Repeal Env-A 4602.28, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.28 "CO_2 offset allowance" means "offset allowance" as defined in RSA 125-O:20, X.~~

Readopt with amendment and renumber Env-A 4602.29 through Env-A 4602.37, effective 1-1-20 (Document #12967), as Env-A 4602.25 through Env-A 4602.33, to read as follows:

Env-A 4602.~~29~~ ***25*** "Combined cycle system" means a system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

Env-A 4602.~~30~~ ***26*** "Combustion turbine" means an enclosed ***fossil or other fuel fired*** device that is comprised of a compressor, if applicable, a combustor, and a turbine, in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

Env-A 4602.~~31~~ ***27*** "Commenced commercial operation" means to ~~have begun~~ ***begin*** to produce steam, gas, or other heated medium used to generate electricity for sale or use, including test generation.

Env-A 4602.~~32~~ ***28*** "Commence operation" means to begin any mechanical, chemical, or electronic process, including, with regard to a unit, start-up of a unit's combustion chamber.

Env-A 4602.~~33~~ ***29*** "Compliance account" means a CO_2 allowance tracking system account, established by ***the department or*** the regional organization for a CO_2 budget source under Env-A 4607, ~~in which the CO_2 allowance allocations for the source are initially recorded, and in~~ which are held CO_2 allowances available for use by the source for a control period ~~and each~~ ***or*** interim control period for the purpose of meeting the requirements of Env-A 4605.

Env-A 4602.~~34~~ ***30*** "Continuous emissions monitoring system (CEMS)" means a "continuous emissions monitoring system (CEMS)" as defined in Env-A ***102.53*** ~~101.53~~. For the purposes of this chapter, this means the equipment required under Env-A 4609 to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes, using an automated DAHS as defined in Env-A 4602.~~11~~ ***10***, a permanent record of, as applicable, stack gas volumetric flow rate, stack gas moisture content, and oxygen or carbon dioxide concentration, in a manner consistent with 40 CFR Part 75 and Env-A 4609.

Env-A 4602.~~35~~ ***31*** "Control period" means "compliance period" as defined in RSA 125-O:20, IV***, as reprinted in Appendix B***.

Env-A 4602.~~36~~ ***32*** "CO_2 cost containment reserve allowance (CO_2 CCR allowance)" means a CO_2 allowance that is offered for sale at an auction, for the purpose of containing the cost of CO_2 allowances as specified in RSA 125-O:29 and Env-A 4606.08. The term does not include CO_2 allowances allocated from the CO_2 budget trading program base budget.

Env-A 4602.~~37~~ ***33*** "Cost containment reserve trigger price (CCR trigger price)" means the minimum price at which CO_2 CCR allowances are offered for sale by the department or the regional organization at an auction as specified in RSA 125-O:29, I ***and Env-A 4606.04*** ~~, as follows:~~ **.**

~~(a) $10.51 per CO_2 allowance for calendar year 2019;~~

~~(b) $10.77 per CO_2 allowance for calendar year 2020;~~

~~(c) $13.00 per CO_2 allowance for calendar year 2021; and~~

~~(d) 1.07 multiplied by the CCR trigger price from the previous calendar year, rounded to the nearest whole cent, for each calendar year thereafter.~~

Repeal Env-A 4602.38, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.38 "Early reduction CO_2 allowances (ERAs)" means "early reduction allowances" as defined in RSA 125-O:20, VII.~~

Readopt with amendment and renumber Env-A 4602.39 through Env-A 4602.42, effective 1-1-20 (Document #12967), as Env-A 4602.34 through Env-A 4602.37, to read as follows:

Env-A 4602.~~39~~ ***34*** "Eligible biomass" means sustainably-harvested woody and herbaceous fuel sources that are available on a renewable or recurring basis, excluding old-growth timber, including dedicated energy crops and trees, agricultural food and feed crop residues, aquatic plants, unadulterated wood and wood residues, animal wastes, biogas, eligible liquid biofuels, and other clean organic wastes not mixed with other solid wastes. ~~Eligible biomass includes biomass combusted at Schiller Station, as permitted effective March 7, 2006.~~

Env-A 4602.~~40~~ ***35*** "Eligible liquid biofuel" means a combustible liquid, not derived from fossil fuel, that if not burned for fuel would be a waste or by-product, or that is produced from a waste or by-product.

Env-A 4602.~~41~~ ***36*** "Excess CO_2 emissions" means tons of CO_2 emitted by a CO_2 budget source during a control period that exceeds the CO_2 budget emissions limitation for the source.

Env-A 4602.~~42~~ ***37*** "Excess interim CO_2 emissions" means tons of CO_2 emitted by a CO_2 budget source during an interim control period in excess of the CO_2 budget emissions limitation for the source, multiplied by 0.50.

Repeal Env-A 4602.43, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.43 "First control period interim adjustment for banked allowances" means a reduction of the total allocation of budget allowances in the CO_2 budget trading program base budget for allocation years 2014 through 2020 equal to the total number of banked allowances allocated during allocation years 2009, 2010, and 2011, in excess of the aggregate quantity of CO_2 emissions from all CO_2 budget sources in all of the participating states in the first control period.~~

Readopt with amendment and renumber Env-A 4602.44 through Env-A 4602.59, effective 1-1-20 (Document #12967), as Env-A 4602.38 through Env-A 4602.53, to read as follows:

Env-A 4602.~~44~~ ***38*** "Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such materials."

Env-A 4602.~~45~~ ***39*** "Fossil fuel-fired" means:

(a) For a unit that commenced operation prior to January 1, 2005, the combustion of fossil fuel, alone or in combination with any other fuel, where the fossil fuel combusted comprises, or is projected to comprise, more than 50 percent of the annual heat input on a BTU basis during any calendar year; or

(b) For a unit that commenced or commences operation on or after January 1, 2005, the combustion of fossil fuel, alone or in combination with any other fuel, where the fossil fuel combusted comprises, or is projected to comprise, more than 5 percent of the annual heat input on a BTU basis during any calendar year.

Env-A 4602.~~46~~ ***40*** "General account" means a CO_2 allowance tracking system ***(COATS)*** account established under Env-A 4607 that is not a compliance account.

Env-A 4602.~~47~~ ***41*** "Generator" means a machine that converts mechanical energy into electrical energy.

Env-A 4602.~~48~~ ***42*** "Gross generation" means the electrical output, in MWe, at the terminals of the generator.

Env-A 4602.~~49~~ ***43*** "Interim control period" means a one-year control period that occurs in each of the first and second calendar years of each 3-year control period. The term includes the first interim control period, which begins on the same January 1 on which the 3-year period begins, and the second interim control period, which begins on the second January 1 of the 3-year period.

Env-A 4602.~~50~~ ***44*** "Life-of-the-unit contractual arrangement" means a unit participation power sales agreement under which a customer reserves, or is entitled to receive, a specified amount or percentage of nameplate capacity and/or associated energy from any specified unit pursuant to a contract, for:

(a) The life of the unit;

(b) A cumulative term of no less than 30 years, including contracts that allow an election for early termination; or

(c) A period equal to or greater than 25 years or 70 percent of the useful economic life of the unit determined as of the time the unit is built, with option rights to purchase or release some portion of the nameplate capacity and associated energy generated by the unit at the end of the period.

Env-A 4602.~~51~~ ***45*** "Maximum design heat input" means the ability of a unit to combust a stated maximum amount of fuel per hour on a steady-state basis, as determined by the physical design and physical characteristics of the unit.

Env-A 4602.~~52~~ ***46*** "Maximum potential hourly heat input" means an hourly heat input used for reporting purposes when a unit lacks certified monitors to report heat input.

Env-A 4602.~~53~~ ***47*** "Minimum reserve price" means the minimum price for each CO_2 allowance in a specific auction as follows:

(a) In calendar year ~~2014~~ ***2027***, $~~2.00~~ ***9.00***; and

(b) In each calendar year thereafter, ~~1.025~~ ***1.07*** multiplied by the minimum reserve price from the previous calendar year, rounded to the nearest whole cent.

Env-A 4602.~~54~~ ***48*** "Monitoring system" means any monitoring system that meets the requirements of Env-A 4609, including a continuous emissions monitoring system, a monitoring system having an exception under appendix D of 40 CFR part 75, or an alternative monitoring system.

Env-A 4602.~~55~~ ***49*** "Nameplate capacity" means the maximum electrical output, in MWe, that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings as measured in accordance with the U.S. Department of Energy standards.

Env-A 4602.~~56~~ ***50*** "Net electricity generation" means the ***amount of*** gross generation ***produced by output from, including but not limited to, steam turbine(s), combustion turbine(s), and gas expander(s), as measured at the generator terminals,*** minus any electricity output consumed ***by plant operation including but not limited to, auxiliary loads, fuel handling equipment, pumps, fans, pollution control equipment, other electricity meeds, and transformer losses as measured at the transmission side of the stop up transformer*** ~~in any way to generate the electricity~~.

Env-A 4602.~~57~~ ***51*** "New Hampshire auction account (NHAA)" means a~~n~~ ***state*** account administered by the regional organization for purposes of auctioning ***New Hampshire*** CO_2 budget allowances.

Env-A 4602.~~58~~ ***52*** "NH origination account" means a state account administered by the regional organization from which New Hampshire CO_2 budget trading program base CO_2 budget allowances shall be allocated.

Env-A 4602.~~59~~ ***53*** "Non-CO_2 budget unit" means a unit that does not meet the applicability criteria of Env-A 4601.02.

Repeal Env-A 4602.60, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.60 "Offset allowance" means "offset allowance" as defined in RSA 125-O:20, X.~~

Readopt with amendment and renumber Env-A 4602.61 through Env-A 4602.68, effective 1-1-20 (Document #12967), as Env-A 4602.54 through Env-A 4602.61, to read as follows:

Env-A 4602.~~61~~ ***54*** "Owner or operator" means, for the purpose of this chapter, any person who:

(a) Owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of CO_2 from a CO_2 budget source; or

(b) Purchases power from a CO_2 budget unit under a life-of-the-unit contractual arrangement in which the purchaser controls the dispatch of the power from the unit.

Env-A 4602.~~62~~ ***55*** "Participating state" means a state, as defined in this part, that issues CO_2 allowances pursuant to a program that the department determines is in accordance with RSA 125-O:20-29 ~~or the RGGI program as defined in RSA 125-O:20, XII, including emissions limitations as documented by the regional organization~~.

Env-A 4602.~~63~~ ***56*** "Person" means "person" as defined by RSA 125-C:2, X, namely "any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties."

Env-A 4602.~~64~~ ***57*** "Receive" means, when referring to the regional organization or the department, that the regional organization or the department, as applicable, has come into possession of a document, information, or correspondence, whether sent in writing on paper or by authorized electronic transmission, as indicated in an official correspondence log, or by a notation made on the document, information, or correspondence, by the regional organization or the department, as applicable, in the regular course of business. The term includes "in receipt of."

Env-A 4602.~~65~~ ***58*** "Recordation" means, with regard to CO_2 allowances, the movement of CO_2 allowances by ***the department or*** the regional organization from one CO_2 allowance tracking system account to another, for purposes of allocation, transfer, or deduction. The term includes "record" when used as a verb

and "recorded" as appropriate.

Env-A 4602.~~66~~ ***59*** "Regional organization" means "regional organization" as defined in RSA 125-O:20, XIII, acting at the direction of the department***, as reprinted in Appendix B***.

Env-A 4602.~~67~~ ***60*** "Renewable energy" means electricity generated from sources that are not depleted by the generation of electricity, including but not limited to electricity generated from biomass, wind, solar, thermal, photovoltaic, geothermal, hydroelectric facilities certified by the Low Impact Hydropower Institute, wave and tidal action, and fuel cells powered by renewable fuels.

Env-A 4602.~~68~~ ***61*** "Reserve price" means the minimum price for each CO_2 allowance in a specific auction, as specified in Env-A 4800.

Adopt new Env-A 4602.62 ,to read as follows:

Env-A 4602.62 "Retire" means "Retire" as defined in RSA 125-O:20, XIV, as reprinted in Appendix B.

Readopt with amendment and renumber Env-A 4602.69, effective 1-1-20 (Document #12967), as Env-A 4602.63, to read as follows:

Env-A 4602.~~69~~ ***63*** "RGGI allowance" means "RGGI allowance" as defined in RSA 125-O:20, XV***, as reprinted in Appendix B***.

Repeal Env-A 4602.70, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.70 "Second control period interim adjustment for banked allowances" means a reduction of the total allocation of budget allowances in the CO_2 budget trading program base budget for allocation years 2015 through 2020 equal to the total number of banked allowances allocated during allocation years 2012 and 2013, in excess of the aggregate quantity of CO_2 emissions from all CO_2 budget sources in all of the participating states in the second control period.~~

Readopt with amendment and renumber Env-A 4602.71 through Env-A 4602.73, effective 1-1-20 (Document #12967), as Env-A 4602.64 through Env-A 4602.66, to read as follows:

Env-A 4602.~~71~~***64*** "Serial number" means, for CO_2 allowances, the unique identification number assigned to each CO_2 allowance by the regional organization under Env-A 4607.08~~(c)~~.

Env-A 4602.~~72~~ ***65*** "State" means any of the 50 individual states of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

Env-A 4602.~~73~~***66*** "Submit" means to send or transmit a document, information, or correspondence to the person specified in the applicable regulation. The term includes "serve".

Repeal Env-A 4602.74, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4602.74 "Third adjustment for banked allowances" means an adjustment applied to the New Hampshire CO_2 budget trading program base budget for allocation years 2021 through 2025 to address allowances held in general and compliance accounts, including compliance accounts established pursuant to the CO_2 budget trading program, but not including accounts opened by participating states, that are in addition to the aggregate quantity of emissions from all CO_2 budget sources in all of the participating states at the end of the fourth control period in 2020 and as reflected in the CO_2 allowance tracking system on March 15, 2021.~~

Readopt with amendment and renumber Env-A 4602.75 through Env-A 4602.79, effective 1-1-20 (Document #12967), as Env-A 4602.67 through Env-A 4602.71, to read as follows:

Env-A 4602.~~75~~ ***67*** "Ton" means a short ton, which equals 2,000 pounds or 0.9072 metric tons. The term includes "tonnage".

Env-A 4602.~~76~~ ***68*** "Undistributed ~~CO_2~~ ***budget*** allowances" means CO_2 budget allowances allocated to a set aside account in a given allocation year in accordance with RSA 125-O:22, VI or 125-O:25 that have not been distributed during that allocation year.

Env-A 4602.~~77~~ ***69*** "Unit" means, for the purposes of this chapter, a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system.

Env-A 4602.~~78~~ ***70*** "Unit operating day" means a calendar day in which a unit combusts any fuel.

Env-A 4602.~~79~~ ***71*** "Unsold allowance" means a CO_2 budget allowance that has been made available for sale in an auction conducted under Env-A 4800 but not sold.

Readopt with amendment Env-A 4603.01, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4603 ~~CO_2 BUDGET~~ PERMITS

Env-A 4603.01 ~~CO_2 Budget~~ Permit Required. ~~(a)~~ ***The owner or operator of*** ~~E~~ ***e***ach CO_2 budget source shall have, or obtain, a permit from the department ~~that is subject to the applicable permit~~ ***in accordance with the*** requirements ~~established~~ in Env-A 600~~, including but not limited to:~~

~~(1) The permit reopening procedures for title V operating permits set forth in Env-A 609.19;~~

~~(2) The title V operating permit amendment, modification, and revision procedures set forth in Env-A 612;~~

~~(3) The permit notice and hearing procedures for title V operating permits set forth in Env-A 622;~~

~~(4) The permit amendment procedures for temporary permits and state permits to operate set forth in Env-A 612.04; and~~

~~(5) The permit notice and hearing procedures for temporary permits and state permits to operate set forth in Env-A 621~~.

~~(b) All determinations regarding alternative monitoring methodologies, as specified in Env-A 4609 and 40 CFR 75, shall be incorporated in a temporary permit, state permit to operate, or title V operating permit pursuant to the permit issuance, renewal, or significant permit modification procedures set forth in Env-A 612.~~

Repeal Env-A 4603.02, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4603.02 Submission of CO_2 Budget Permit Information. For any existing CO_2 budget source, the CO_2 authorized account representative (CO_2 AAR) shall:~~

~~(a) Submit to the department complete information requested in the notice of permit reopening for cause issued by the department in accordance with Env-A 609.19; and~~

~~(b) Submit in a timely manner any supplemental information that the department determines is necessary in order to review the CO_2 budget permit and issue or deny a CO_2 budget permit.~~

Readopt with amendment and renumber Env-A 4603.03 and Env-A 4603.04, effective 1-1-20 (Document #12967), as Env-A 4603.02 and Env-A 4603.03 to read as follows:

Env-A 4603.~~03~~ ***02*** Information Required for ~~CO_2 Budget~~ Permit Applications for New ***and Existing***

CO_2 Budget Sources.

(a) The owner or operator of a new ~~A complete~~ CO_2 budget ~~permit~~ ***source or new CO_2 budget unit at an existing CO_2 budget source that is required to obtain a temporary permit pursuant to Env-A 607*** ~~application~~ shall ~~be~~ submit~~ted as part of the~~ ***a*** temporary permit application in accordance with Env-A 600 ~~for new units~~ ***including the elements listed in (c) below.***

(b) The owner or operator of an existing CO_2 budget source that is required to obtain a Title V permit pursuant to Env-A 609 shall submit a Title V permit application in accordance with Env-A 600 including the elements listed in (c) below.

(c) The permit application(s) in (a) and (b) above shall ~~and~~ include the following elements:

(~~a~~ ***1***) Identification of the CO_2 budget source, including plant name and the Office of Regulatory Information Systems (ORIS) code or facility code assigned to the source by the Energy Information Administration of the U.S. Department of Energy, if applicable;

(~~b~~***2***) Identification of each CO_2 budget unit at the CO_2 budget source;

(~~c~~ ***3***) Identification of the CO_2 AAR and the Alternate CO_2 AAR; and

(~~d~~ ***4***) All other information required pursuant to Env-A 600.

Env-A 4603.~~04~~***03*** ~~Operating~~ Permit~~s~~ ***Terms and Conditions***. The ~~operating~~ permit for each ***CO_2*** budget source ***issued by the department in accordance with Env-A 600*** shall contain ~~provisions for implementation of~~ the CO_2 budget trading program ***requirements***, as follows:

(a) The ~~requirement that~~ ***owner or operator of each CO_2 budget source and*** each CO_2 budget unit at the source shall hold CO_2 allowances available for compliance deductions under Env-A 4605.04, as of the CO_2 allowance transfer deadline, in the source's compliance account, in an amount not less than the total CO_2 emissions from fossil fuel-fired generation for the control period from all CO_2 budget units at the source, less the CO_2 allowances deducted to meet the requirements of paragraph (b), as determined in accordance with Env-A 4605, Env-A 4607, and Env-A 4609.18; and

(b) The ~~requirement that~~ ***owner or operator of each CO_2 budget source and*** each CO_2 budget unit at the source shall hold CO_2 allowances available for compliance deductions, as of the CO_2 allowance transfer deadline, in the source's compliance account in an amount not less than the total CO_2 emissions for the interim control period from all CO_2 budget units at the source multiplied by 0.50, as determined in accordance with Env-A 4605 and Env-A 4607.

(c) All requirements regarding alternative monitoring methodologies, as specified in Env-A 4609 and 40 CFR 75.

Readopt with amendment Env-A 4604, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4604 AUTHORIZED ACCOUNT REPRESENTATIVE FOR CO_2 BUDGET SOURCES

Env-A 4604.01 CO_2 Authorized Account Representative Authorization and Responsibilities.

(a) Except as provided in Env-A 4604.03, each CO_2 budget source, including all CO_2 budget units at the source, shall have one and only one CO_2 authorized account representative (CO_2 AAR), with regard to all matters under the CO_2 budget trading program concerning the source or any CO_2 budget unit at the source.

(b) The CO_2 AAR of the CO_2 budget source shall be selected by an agreement binding on each owner***(s)*** and operator***(s)*** of the source and all CO_2 budget units at the source.

(c) The CO_2 AAR shall submit a complete account certificate of representation, as specified in Env-A

4604.05, as follows:

(1) The initial submittal by the original CO_2 AAR or a CO_2 AAR designated pursuant to Env-A 4604.04(a) shall be in writing sent to the department by delivery in hand, U.S. Postal Service ***first class*** mail, or private delivery services ***to: NHDES Air Resources Division, Attn: Technical Program Manager, 29 Hazen Drive, PO Box 95, Concord, NH 03302***; and

(2) Subsequent submittals shall be made electronically to the regional organization.

(d) Upon receipt by the department of a complete account certificate of representation as specified in (c)(1), above, the department shall forward a copy ~~of the account certificate of representation~~ to the regional organization electronically.

(e) Upon receipt by the department ***and the regional organization*** of a complete account certificate of representation as specified in ***Env-A 4604.05*** ~~(c)(1), above~~, the CO_2 AAR shall represent and legally bind each owner and operator of the CO_2 budget source represented and each CO_2 budget unit at the source in all matters pertaining to the CO_2 budget trading program, notwithstanding any agreement between the CO_2 AAR and such owner(s) and operator(s). The owner(s) and operator(s) shall be bound by any and all representations, actions, inactions, and submissions of the CO_2 AAR and any and all decisions or orders issued to the CO_2 AAR by the department or a court regarding the source or unit.

(f) No ~~CO_2 budget~~ permit shall be issued and no CO_2 allowance tracking system account shall be established for a CO_2 budget source until the ***department and the*** regional organization has received a copy of the account certificate of representation as specified in ***Env-A 4604.05*** ~~(d), above~~, for a CO_2 AAR of the source and the CO_2 budget units at the source.

Env-A 4604.02 Requirements for Submittals.

(a) Each submission under the CO_2 budget trading program shall be submitted, signed, and certified by the CO_2 AAR for each CO_2 budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CO_2 AAR:

"I am authorized to make this submission on behalf of the owners and operators of the CO_2 budget sources or CO_2 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 fines or imprisonment."

(b) The department shall direct the regional organization to accept or act on a submission made on behalf of the owner(s) or operator(s) of a CO_2 budget source or a CO_2 budget unit only if the regional organization confirms that the submission has been made, signed, and certified in accordance with (a), above.

Env-A 4604.03 Alternate CO_2 AAR.

(a) An account certificate of representation shall designate no more than one alternate CO_2 AAR who may act on behalf of the CO_2 AAR. The agreement by which the alternate CO_2 AAR is selected shall include a procedure for authorizing the alternate CO_2 AAR to act in lieu of the CO_2 AAR.

(b) The alternate CO_2 AAR shall submit a complete account certificate of representation, as specified in Env-A 4604.05, in accordance with Env-A 4604.01(c).

(c) Upon receipt by the department of a complete account certificate of representation as specified in (b), above, the department shall forward a copy of the account certificate of representation to the regional

organization electronically.

(d) Upon receipt by the department ***and the regional organization*** of a complete account certificate of representation as specified in (b), above, any representation, action, inaction, or submission by the alternate CO_2 AAR shall be deemed to be a representation, action, inaction, or submission by the CO_2 AAR.

(e) Except as provided in Env-A 4604.03, and other than in Env-A 4604.01(a), Env-A 4604.04, Env-A 4604.05, and Env-A 4607.02, whenever the term "CO_2 AAR" is used in this chapter, the term shall be construed to include the alternate CO_2 AAR.

Env-A 4604.04 Changing the CO_2 AAR and the Alternate CO_2 AAR; Changes in the Owner or Operator.

(a) If the owner(s) or operator(s) of a source and all CO_2 budget units at the source wish to change the CO_2 AAR, a superseding complete account certificate of representation shall be filed as specified in Env-A 4604.01. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous CO_2 AAR or alternate CO_2 AAR prior to the time and date when the department receives the superseding account certificate of representation shall be binding on the new CO_2 AAR and each owner and operator of the CO_2 budget source and the CO_2 budget units at the source.

(b) If the owner(s) or operator(s) of a source and all CO_2 budget units at the source wish to change the alternate CO_2 AAR, a superseding complete account certificate of representation shall be filed as specified in Env-A 4604.03. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous CO_2 AAR or alternate CO_2 AAR prior to the time and date when the department receives the superseding account certificate of representation shall be binding on the new alternate CO_2 AAR and each owner and operator of the CO_2 budget source and the CO_2 budget units at the source.

(c) Within 30 days following any change in the owners or operators of a CO_2 budget source or a CO_2 budget unit, including the addition of a new owner or operator, the CO_2 AAR or alternate CO_2 AAR shall submit a revised account certificate of representation to the department as specified in Env-A 4604.01, which amends the list of owners and operators to include the new owner or operator.

(d) In the event an owner or operator of a CO_2 budget source or a CO_2 budget unit is not included in the list of owners and operators submitted in the account certificate of representation, such owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions, and submissions of the CO_2 AAR and any alternate CO_2 AAR of the source or unit, and the decisions, orders, and actions of the department, as if the owner or operator were included in such list.

Env-A 4604.05 Account Certificate of Representation.

(a) ***For the purpose of establishing*** ~~A complete account certificate of representation for~~ a CO_2 AAR***, pursuant to Env-A 4604.01,*** or an alternate CO_2 AAR***, pursuant to Env-A 4604.03, the CO_2 AAR shall submit a form entitled "Account Certificate of Representation", NHDES-A-03-00X, January 2027, completed the submitted as specified in Env-A 4604.01(c).***

(b) The account certificate of representation shall ~~include the following~~ ~~elements~~:

~~(1) Identification of the CO_2 budget source and each CO_2 budget unit at the source for which the account certificate of representation is submitted;~~

~~(2) The name, mailing address, e-mail address, telephone number, and facsimile transmission number of the CO_2 AAR and any alternate CO_2 AAR;~~

~~(3) A list of the name of each owner and operator of the CO_2 budget source and of each CO_2 budget unit at the source; and~~

~~(4) The following certification statement~~ ***be*** signed and dated by the CO_2 AAR and any alternate CO_2 AAR~~:~~**.**

(c) The account certificate of representation shall include the following statement:

"I certify that I was selected as the CO_2 AAR or alternate CO_2 AAR, as applicable, by an agreement binding on the owners and operators of the CO_2 budget source and each CO_2 budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the CO_2 Budget Trading Program on behalf of the owners and operators of the CO_2 budget source and of each CO_2 budget unit at the source and that each such owner or operator shall be fully bound by my representations, actions, inactions, or submissions, and by any decision or order issued to me by the department or a court regarding the source or unit."

(~~b~~***d***) Unless otherwise required by the department, documents of agreement referred to in the account certificate of representation shall not be submitted to the department or to the regional organization. Neither the department nor the regional organization shall have any obligation to review or evaluate the sufficiency of such documents, if submitted.

Env-A 4604.06 Objections Concerning the CO_2 AAR.

(a) Once a complete account certificate of representation has been received, the department and the regional organization shall rely on the account certificate of representation unless and until the department receives a superseding complete account certificate of representation.

(b) Except as provided in Env-A 4604.04(a) or (b), no objection or other communication submitted to the department or the regional organization concerning the authorization, or any representation, action, inaction, or submission of the CO_2 AAR, shall affect any representation, action, inaction, or submission of the CO_2 AAR or the finality of any decision or order by the department under the CO_2 budget trading program.

(c) The department shall not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any CO_2 AAR, including private legal disputes concerning the proceeds of CO_2 allowance transfers.

Env-A 4604.07 Delegation by CO_2 AAR and Alternate CO_2 AAR.

(a) A CO_2 AAR may delegate, to one or more individuals, his or her authority to make an electronic submission to the ***department or the*** regional organization.

(b) An alternate CO_2 AAR may delegate, to one or more individuals, his or her authority to make an electronic submission to the ***department or the*** regional organization.

(c) In order to delegate authority to make an electronic submission to the ***department or the*** regional organization in accordance with (a) or (b), above, the CO_2 AAR or alternate CO_2 AAR, as appropriate, shall first submit to the ***department or the*** regional organization a notice of delegation that includes the following elements:

(1) The name, address, e-mail address, ***and*** telephone number~~, and facsimile transmission number~~ of the CO_2 AAR or alternate CO_2 AAR who is making the delegation;

(2) The name, address, e-mail address, ***and*** telephone number ~~and facsimile transmission number~~ of each individual to whom authority is being delegated, herein referred to as the electronic submission agent;

(3) For each electronic submission agent, a list of the type***(s)*** of electronic submissions for which authority is delegated to that agent; and

(4) The following certification statements by such CO_2 AAR or alternate CO_2 AAR:

a. "I agree that any electronic submission to the department or its agent that is by a natural person identified in this notice of delegation and of a type listed for such electronic submission agent in this notice of delegation and that is made ~~when~~ ***while*** I am a CO_2 AAR or alternate CO_2 AAR, as appropriate, and before this notice of delegation is superseded by another notice of delegation under the CO_2 budget trading program shall be deemed to be an electronic submission by me.

b. "Until this notice of delegation is superseded by another notice of delegation under the CO_2 budget trading program, I agree to maintain an e-mail account and to notify the department or its agent immediately of any change in my e-mail address unless all delegation authority by me under the CO_2 budget trading program is terminated."

(d) A notice of delegation submitted under under (c), above, shall be effective, with regard to the CO_2 AAR or alternate CO_2 AAR identified in such notice, upon receipt of such notice by the ***department or the*** regional organization and until receipt by the ***department or the*** regional organization of a superseding notice of delegation by such CO_2 AAR or alternate CO_2 AAR, as applicable. The superseding notice of delegation shall replace a previously-identified electronic submission agent, add a new electronic submission agent, or eliminate entirely any delegation of authority.

(e) Any electronic submission covered by the certification in (c)(4)a., above, and made in accordance with a notice of delegation effective under (d), above, shall be deemed to be an electronic submission by the CO_2 AAR or alternate CO_2 AAR submitting such notice of delegation.

(f) A CO_2 AAR may delegate to one or more individuals his or her authority, under this part, to review information in the COATS.

(g) A alternate CO_2 AAR may delegate to one or more individuals his or her authority, under this part, to review information in the COATS.

(h) In order to delegate authority to review information in the COATS in accordance with (f) and (g), the CO_2 AAR or alternate CO_2 AAR shall submit to the department ***or the regional organization*** a notice of delegation that includes:

(1) The name, address, e-mail address, ***and*** telephone number~~, and facsimile number~~ of such CO_2 AAR or alternate CO_2 AAR;

(2) The name, address, e-mail address, ***and*** telephone number~~, and facsimile number~~ of each individual delegated as a reviewer;

(3) For each delegated reviewer, a list of the type of information specified in (f) or (g) for which ***reviewing*** authority is delegated to him or her; and

(4) The following certification statements by such CO_2 AAR or alternate CO_2 AAR:

a. "I agree that any information that is reviewed by a natural person identified in this notice of delegation and of a type listed for such information accessible by the reviewer in this notice of delegation and that is made when I am a CO_2 authorized account representative or CO_2 authorized alternate account representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under subdivision Env-A 4604.07(i) shall be deemed to be a reviewer by me."

b. "Until this notice of delegation is superseded by another notice of delegation under subdivision Env-A 4604.07(i), I agree to maintain an e-mail account and to notify the

department or its agent immediately of any change in my e-mail address unless all delegation authority by me under section Env-A 4604.07 is terminated."

(i) A notice of delegation submitted under subdivision (h) of this section shall be effective upon receipt by the department ***or the regional organization*** and shall remain in effect until receipt by the department ***or the regional organization*** of a superseding notice of delegation. The superseding notice of delegation may replace any previously identified reviewer, add a new reviewer, or eliminate entirely any delegation of authority.

Readopt with amendment Env-A 4605.01 and Env-A 4605.02, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4605 CO_2 BUDGET SOURCE REQUIREMENTS; COMPLIANCE CERTIFICATION

Env-A 4605.01 CO_2 Allowance Requirements.

(a) The owner or operator of each CO_2 budget source and each CO_2 budget unit at the source shall hold CO_2 allowances available for compliance deductions under Env-A 4605.04, as of the CO_2 allowance transfer deadline, in the source's compliance account, as follows:

(1) In an amount not less than the total ***number of tons of*** CO_2 emissions ~~from fossil fuel-fired generation~~ for the control period from all CO_2 budget units at the source less the CO_2 allowances deducted to meet the requirements of (2) below, with respect to the previous 2 interim control periods, as determined in accordance with Env-A 4605, Env-A 4607, Env-A 4609.18, and (d), below; and

(2) An amount not less than the total ***number of tons of*** CO_2 emissions for the interim control period from all CO_2 budget units at the source multiplied by 0.50.

(b) A CO_2 budget unit shall be subject to the requirements of this section starting by the later of January 1, 2009 or the date on which the unit commences operation.

(c) CO_2 allowances shall be held in, deducted from, or transferred among CO_2 allowance tracking system accounts in accordance with Env-A 4606, Env-A 4607, and Env-A 4608.

(d) For the purpose of determining compliance with this part, total tons of CO_2 emissions for a control period ***and each interim control period*** shall be calculated as the sum of all recorded hourly emissions, or the tonnage equivalent of the recorded hourly emissions rates, in accordance with Env-A 4609, with any remaining fraction of a ton equal to or greater than 0.50 ton rounded up to equal one ton and any fraction of a ton less than 0.50 ton rounded down to equal zero tons.

Env-A 4605.02 CO_2 Allowance Limitations.

(a) A CO_2 allowance shall be a limited authorization to emit one ton of CO_2 in accordance with the CO_2 budget trading program.

(b) A CO_2 allowance shall not be deducted, in order to comply with the requirements of Env-A 4605.01(a), for a control period or interim control period that ends prior to the year for which the CO_2 allowance was allocated.

~~(c) A CO_2 offset allowance shall not be deducted, in order to comply with the requirements of Env-A 4605.01(a), beyond the applicable percent limitations set out in Env-A 4605.04(b).~~

(~~d~~ ***c***) Subject to (~~e~~ ***d***) ~~and (f~~***e***~~)~~, below, no provision of the CO_2 budget trading program, the ~~CO_2 budget~~ permit application, or the CO_2 budget permit shall be construed to limit the authority of the department to terminate or limit such authorization.

~~(e) The department shall include information on any terminations or limitations in the report required by RSA 125-O:21, VI, to the air pollution advisory committee and the legislative oversight committee on electric utility restructuring established under RSA 374-F:5.~~

(~~f~~ ***d***) The authority of the department shall be limited as specified in RSA 125-O:22, VII and RSA 125-O:24, VIII, and in accordance with RSA 125-O:22, VI relative to CO_2 budget allowances allocated from the emergency set-aside account under Env-A 4606.~~11~~ ***07***.

(~~g~~ ***e***) A CO_2 allowance shall not constitute a property right.

Repeal Env-A 4605.03, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4605.03 Recordkeeping and Reporting Requirements.~~

~~(a) Unless otherwise provided, the owner or operator of the CO_2 budget source and each CO_2 budget unit at the source shall keep on site at the source each of the following documents for a period of 10 years from the date the document is created:~~

~~(1) The account certificate of representation for the CO_2 AAR for the source and each CO_2 budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation prepared in accordance with Env-A 4604.05, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation changing the CO_2 AAR;~~

~~(2) All emissions monitoring information, in accordance with Env-A 4609 and 40 CFR 75;~~

~~(3) Copies of all reports, compliance certifications, and other submissions and all records made or required under this chapter; and~~

~~(4) Copies of all documents used to complete a CO_2 budget permit application and any other submission under the CO_2 Budget Trading Program or to demonstrate compliance with the requirements of this chapter.~~

~~(b) The retention period specified in (a), above, shall be extended beyond the 10-year period for the duration of any enforcement action that is then pending.~~

~~(c) The CO_2 AAR of a CO_2 budget source and each CO_2 budget unit at the source shall submit the reports and compliance certifications required under this chapter.~~

Readopt with amendment and renumber Env-A 4605.04 through Env-A 4605.11, effective 1-1-20 (Document #12967), as Env-A 4605.03 through Env-A 4605.10 to read as follows:

Env-A 4605.~~04~~ ***03*** Allowances Available for Compliance Deduction.

(a) CO_2 allowances that meet the following criteria shall be available to be deducted for compliance with the requirements of Env-A 4605 for a control period or an interim control period:

(1) ~~For CO_2 allowances other than CO_2 offset allowances,~~ ~~t~~***T***he ***CO_2*** allowances are from allocation years that fall within a prior control period***,*** ~~or prior interim control period or~~ the same control period***,*** or same interim control period for which the allowances will be deducted; and

(2) The CO_2 allowances are:

a. Held in the CO_2 budget source's compliance account as of the CO_2 allowance transfer deadline for that control period or interim control period; or

b. Transferred into the compliance account by a CO_2 allowance transfer correctly submitted for recordation under Env-A 4608.01 by the CO_2 allowance transfer deadline for that control period or interim control period.

~~(b) As provided in RSA 125-O:22, II, a CO_2 budget source may use offset allowances for up to 3.3 percent of its compliance obligation.~~

(c) CO_2 allowances shall not be available for current compliance if the allowances were deducted for excess CO_2 emissions for a prior control period under Env-A 4605.~~08~~***07***.

(d) Allowances deducted for the purpose of compliance shall not be available for any other purpose.

Env-A 4605.~~05~~***04*** Deductions for Compliance. Following the recordation, in accordance with Env-A 4608.02, of CO_2 allowance transfers submitted for recordation in the CO_2 budget source's compliance account by the CO_2 allowance transfer deadline for a control period or an interim control period, the department shall direct the regional organization to deduct CO_2 allowances available under Env-A 4605.~~04~~ ***03*** equal to the source's CO_2 emissions in tons, as determined in accordance with Env-A 4609 for the control period, until either:

(a) The amount of CO_2 allowances deducted equals the number of tons of total CO_2 emissions, or 0.50 times the number of tons of total CO_2 emissions for an interim control period, less any CO_2 emissions attributable to the burning of eligible biomass, determined in accordance with Env-A 4609, from all CO_2 budget units at the CO_2 budget source for the control period or interim control period; or

(b) No more CO_2 allowances as specified in Env-A 4605.~~04~~ ***03*** remain in the compliance account, if there are insufficient CO_2 allowances to complete the deductions pursuant to (a), above.

Env-A 4605.~~06~~ ***05*** Identification of Available CO_2 Allowances by Serial Number; Default Compliance Deductions.

(a) The CO_2 AAR for a source's compliance account may request that specific CO_2 allowances in the compliance account, identified by serial number, be deducted for emissions or excess CO_2 emissions for a control period or an interim control period in accordance with Env-A 4605.~~05~~ ***04*** or Env-A 4605.~~08~~ ***07***. Such identification shall be made in the compliance certification report submitted in accordance with Env-A 4605.09.

(b) In the absence of an identification or in the case of a partial identification of available CO_2 allowances by serial number under (a), above, the regional organization shall deduct CO_2 allowances for a control period or an interim control period from the CO_2 budget source's compliance account in the following order:

~~(1) First, CO_2 offset allowances, subject to the relevant compliance deduction limitations under Env-A 4605.04(b) and Env-A 4605.08, as follows:~~

~~a. CO_2 offset allowances shall be deducted in chronological order, such that CO_2 offset allowances from earlier allocation years shall be deducted before CO_2 offset allowances from later allocation years; and~~

~~b. In the event that some, but not all, CO_2 offset allowances from a particular allocation year are to be deducted, CO_2 offset allowances shall be deducted by serial number, with lower serial number allowances deducted before higher serial number allowances; and~~

~~(2) Then, a~~ ***A***ny CO_2 allowances other than CO_2 offset allowances that are available for deduction under the provisions of Env-A 4605.~~04~~ ***03***(a), as follows:

(1) ~~a.~~ CO_2 allowances shall be deducted in chronological order, such that CO_2 allowances from earlier allocation years shall be deducted before CO_2 allowances from later allocation years; and

(2) ~~b.~~ In the event that some, but not all, CO_2 allowances from a particular allocation year are to be deducted, CO_2 allowances shall be deducted by serial number, with lower serial number allowances deducted before higher serial number allowances.

Env-A 4605.~~07~~ ***06*** Excess CO_2 Emissions Requirements.

(a) The owner or operator of a CO_2 budget source that has excess CO_2 emissions in any control period, or excess interim emissions for any interim control period, shall:

(1) Forfeit the CO_2 allowances required for deduction under Env-A 4605.~~08~~ ***07***, provided CO_2 offset allowances shall not be used to cover any part of such excess CO_2 emissions; and

(2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under RSA 125-O:7 or RSA 125-O:22, V.

(b) The department shall notify the owner or operator after forfeiture in (a)(1) above ~~and prior to payment in (a)(2) above of the opportunity to request a hearing in accordance with the provisions of RSA 541-A and Env-C 200 applicable to adjudicative proceedings~~.

Env-A 4605.~~08~~***07*** Deductions for Excess CO_2 Emissions.

(a) After making the deductions for compliance under Env-A 4605.~~05~~***04***, the department shall direct the regional organization to deduct from the CO_2 budget source's compliance account a number of CO_2 allowances ~~from allocation years that occur after the control period in which the source has excess CO_2 emissions. As provided by RSA 125-O:22, V, the deduction shall be~~ equal to 3 times the number of the source's excess CO_2 emissions***, in accordance with RSA 125-O:22, V***.

(b) In the event that a CO_2 budget source has insufficient CO_2 allowances to cover 3 times the number of the source's excess CO_2 emissions, the department shall direct the regional authority to so notify the source.

(c) Within 14 calendar days of receipt of notice from the regional organization that a shortage exists, the source shall transfer sufficient allowances into its compliance account to cover the shortage.

~~(d) No CO_2 offset allowances shall be deducted to account for the source's excess CO_2 emissions.~~

(~~e~~ ***d***) Any CO_2 allowance deduction required under (a), above, shall not affect the liability of the owner(s) and operator(s) of the CO_2 budget source or the CO_2 units at the source for any fine, penalty, or assessment, and shall not affect the obligation of the owner(s) and operator(s) to comply with any other remedy, for the same violation, as ordered under applicable state law ***and Env-A 4605.10***.

~~(f) The department shall notify the owner or operator after making the deductions in (a) above of the opportunity to request a hearing in accordance with the provisions of RSA 541-A and Env-C 200 applicable to adjudicative proceedings.~~

Env-A 4605.~~09~~***08*** Compliance Certification Report.

(a) For each control period in which a CO_2 budget source is subject to the requirements of Env-A 4605, the CO_2 AAR of the source shall submit electronically to the regional organization by March 1 following the relevant control period, a compliance certification report.

(b) A compliance certification report shall not be required during an interim control period.

(c) The CO_2 AAR shall include in the compliance certification report under (a), above, the following elements, in a format prescribed by the department:

(1) Identification of the source and each CO_2 budget unit at the source;

(2) At the CO_2 AAR's option, the serial numbers of the CO_2 allowances that are to be deducted from the source's compliance account under Env-A 4605.~~06~~***05*** for the control period~~, including the serial numbers of any CO_2 offset allowances that are to be deducted subject to the limitations of Env-A 4605.04~~; and

(3) The compliance certification specified in (c), below.

(d) In the compliance certification report required by (a), above, the CO_2 AAR shall certify, based on reasonable inquiry of those individuals with primary responsibility for operating the source and the CO_2 budget units at the source in compliance with the CO_2 ~~B~~ ***b***udget ~~T~~ ***t***rading ~~P~~ ***p***rogram, whether the source and each CO_2 budget unit at the source for which the compliance certification is submitted was operated during the calendar years covered by the report in compliance with the requirements of the CO_2 ~~B~~ ***b***udget ~~T~~ ***t***rading ~~P~~ ***p***rogram, including:

(1) Whether the source was operated in compliance with the requirements of Env-A 4605;

(2) Whether the monitoring plan applicable to each unit at the source has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute CO_2 emissions to the unit, in accordance with Env-A 4609;

(3) Whether all CO_2 emissions from the units at the source were monitored or accounted for through the missing data procedures specified in 40 CFR part 75 Subpart D, or 40 CFR part 75 appendix D or appendix E and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Env-A 4609. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(4) Whether the facts that form the basis for certification under Env-A 4609 of each monitor at each unit at the source, or for using an excepted monitoring method or alternative monitoring method approved under Env-A 4609, if any, have changed; and

(5) If a change is required to be reported under (c)(4), above, the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

Env-A 4605.~~10~~ ***09*** Action on Compliance Certifications.

(a) The department shall direct the regional organization to deduct CO_2 allowances from, or transfer CO_2 allowances to, a source's compliance account based on the information submitted by the source, or by a CO2 AAR on behalf of the source, in compliance certifications or any other submissions required under this chapter.

(b) The regional organization shall review and conduct independent audits concerning any compliance certification or any other submission under the CO_2 budget trading program, and report the results of the audit to the department.

(c) If the department determines that the information in the compliance certifications or other

submissions under this chapter are not accurate, the department shall direct the regional organization to make the necessary adjustments to the information.

Env-A 4605.~~11~~***10*** Determination of Violations and Deduction of Allowances.

(a) For purposes of determining the number of days of violation, if a CO_2 budget source has excess CO_2 emissions for a control period, the following shall apply:

(1) Each day in the control period in which insufficient allowances were in the source's compliance or general accounts to cover the excess CO_2 emissions shall constitute a day of violation, unless the owner(s) and operator(s) of the unit demonstrate that a lesser number of days should be considered by submitting monitoring reports and records to show the unit was not operating on certain days; and

(2) Each ton of excess CO_2 emissions shall constitute a separate violation.

(b) For purposes of determining the number of days of violation, if a CO_2 budget source has excess CO_2 emissions for an interim control period, the following shall apply:

(1) Each day in the interim control period in which insufficient allowances were in the source's compliance or general accounts to cover the excess CO_2 emissions shall constitute a day of violation, unless the owner(s) and operator(s) of the unit demonstrate that a lesser number of days should be considered by submitting monitoring reports and records to show the unit was not operating on certain days; and

(2) Each ton of excess interim CO_2 emissions shall constitute a separate violation.

(c) The propriety of the department's determination that a CO_2 budget source had excess CO_2 emissions and the concomitant deduction of CO_2 allowances from that CO_2 budget source's account may be challenged as provided by law. The commencement or pendency of any administrative enforcement, or civil or criminal judicial action arising from or encompassing that excess CO_2 emissions violation shall not prevent the department from directing the regional organization to initially deduct the CO_2 allowances resulting from the department's original determination that the relevant CO_2 budget source had excess CO_2 emissions.

(d) Should the department's determination of the existence or extent of the CO_2 budget source's excess CO_2 emissions be revised by the department or by final conclusion of any administrative or judicial action, the department shall act as follows:

(1) In any instance where the department's determination of the extent of excess CO_2 emissions was too low, the department shall take further action in accordance with Env-A 4605.~~08~~***07*** to address the expanded violation; or

(2) In any instance where the department's determination of the extent of excess CO_2 emissions was too high, the department shall distribute to the relevant CO_2 budget source a number of CO_2 allowances equaling the number of CO_2 allowances deducted which are attributable to 3 times the difference between the original and final quantity of excess CO_2 emissions. If the CO_2 budget source's compliance account no longer exists, the CO_2 allowances shall be provided to a general account selected by the owner or operator of the CO_2 budget source from which they were originally deducted.

(e) The department shall direct the regional organization to record in the appropriate compliance account all deductions from such an account pursuant to Env-A 4605.~~05~~***04*** and Env-A 4605.~~08~~***07***.

~~(f) The department shall notify the owner or operator after making the deductions in (d), above, of the opportunity to request a hearing in accordance with the provisions of RSA 541-A and Env-C 200 applicable to adjudicative proceedings.~~

Readopt with amendment Env-A 4606.01 through Env-A 4606.03, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4606 CO_2 BUDGET ALLOWANCE ALLOCATIONS

Env-A 4606.01 New Hampshire's CO_2 Trading Program Base Budget.

(a) As provided in RSA 125-O:21, II, the New Hampshire CO_2 budget trading program annual base budget shall be as follows:

~~(1) For 2019, 4,184,333 tons;~~

~~(2) For 2020, 4,079,725 tons;~~

~~(3) For 2021, 3,960,999 tons;~~

~~(4) For 2022, 3,842,274 tons;~~

~~(5) For 2023, 3,723,549 tons;~~

~~(6) For 2024, 3,604,823 tons;~~

~~(7) For 2025, 3,486,098 tons;~~

(~~8~~ ***1***) For 2026, 3,367,373 tons;

(~~9~~ ***2***) For 2027, ~~3,248,648~~ ***2,993,220*** tons;

(~~10~~ ***3***) For 2028, ~~3,129,922~~ ***2,619,068*** tons;

(~~11~~ ***4***) For 2029, ~~3,011, 197~~ ***2,244,915*** tons; and

(~~12~~ ***5***) For 2030, and each succeeding calendar year until further legislative action, ~~2,892,472~~ ***1,870,763*** tons.

(b) The annual base budget shall be held in the NH origination account until and unless allocations are made as provided in this part.

Env-A 4606.02 Undistributed Budget Allowances. In accordance with RSA 125-O:22, VI and RSA 125-O:25, II, the department shall offer undistributed budget allowances from the following set-aside accounts for sale at auction in the following calendar year:

(a) The voluntary renewable energy certificate ~~or attribute credit~~ (VREC) set-aside account under Env-A 4606.~~10~~ ***05***; and

(b) The emergency set-aside account under Env-A 4606.~~11~~ ***07***.

Env-A 4606.03 Budget Allowances Available for Allocation.

~~(a) For allocation years 2019 through 2025, the New Hampshire CO_2 budget trading program adjusted budget shall be the maximum number of allowances available for allocation in a given allocation year, excluding CO_2 offset allowances and CO_2 CCR allowances.~~

~~(b)~~ For ***the*** allocation year~~s~~ ***of*** 2026 ~~through 2030~~, and each succeeding calendar year ***thereafter***, the New Hampshire CO_2 budget trading program base budget shall be the maximum number of allowances available for allocation in a given allocation year, excluding ~~CO_2 offset allowances and~~ CO_2 CCR allowances***, established in accordance with RSA 125-O:29 and Env-A 4606.04***.

Repeal Env-A 4606.04 through Env-A 4606.07, effective 1-1-20 (Document #12967), as follows:

~~Env-A 4606.04 First Control Period Interim Adjustment for Banked Allowances. The quantity of the first control period interim adjustment for banked allowances for allocation years 2019 and 2020 shall be 428,302 allowances.~~

~~Env-A 4606.05 Second Control Period Regional Adjustment for Banked Allowances. The quantity of the second control period interim adjustment for banked allowances for allocation years 2019 and 2020 shall be 714,061 allowances.~~

~~Env-A 4606.06 Third Adjustment for Banked Allowances.~~

~~(a) On March 15, 2021, the department shall determine the third adjustment for banked allowances quantity for allocation years 2021 through 2025 in accordance with the following formula:~~

$$\text{TABA} = \frac{\text{TA} - \text{TAE}}{5} \times \text{RS\%}$$

~~(b) For purposes of the above calculation, the abbreviations used shall have the meanings indicated as follows:~~

~~(1) "TABA" means the third adjustment for banked allowances quantity in tons;~~

~~(2) "TA" means the third adjustment, which is the total quantity of allowances in vintage years prior to 2021 held in general and compliance accounts, including compliance accounts established pursuant to the CO_2 Budget Trading Program, but not including accounts opened by participating states, as reflected in the CO_2 Allowance Tracking System on March 15, 2021;~~

~~(3) "TAE" means the third adjustment emissions, which is the total quantity of 2018, 2019, and 2020 emissions from all CO_2 budget sources in all participating states, reported pursuant to CO_2 Budget Trading Program as reflected in the CO_2 Allowance Tracking System on March 15, 2021; and~~

~~(4) "RS%" means New Hampshire's 2021 budget divided by the 2021 regional budget.~~

~~Env-A 4606.07 CO_2 Budget Trading Program Adjusted Budgets.~~

~~(a) The New Hampshire CO_2 budget trading program adjusted budget shall be 3,041,970 allowances for 2019 and 2,937,362 allowances for 2020.~~

~~(b) On or before April 15, 2021, the state of New Hampshire shall establish the New Hampshire CO_2 Budget Trading Program adjusted budgets for the 2021 through 2025 allocation years by the following formula:~~

$$\text{AB} = \text{BB} - \text{TABA}$$

~~(c) For purposes of the above calculation, the abbreviations used shall have the meaning indicated below:~~

~~(1) "AB" means the New Hampshire CO_2 budget trading program adjusted budget;~~

~~(2) "BB" means the New Hampshire CO_2 budget trading program base budget; and~~

~~(3) "TABA" means the third adjustment for banked allowances, with the quantity expressed in tons.~~

~~(c) After making the determination in (a) through (c), above, the department or the regional organization shall publish the CO_2 trading program adjusted budgets for the 2021 through 2025 allocation years.~~

Readopt with amendment and renumber Env-A 4606.08 through Env-A 4606.11, effective 1-1-20 (Document #12967), as Env-A 4606.04 through Env-A 4606.07 to read as follows:

Env-A 4606.~~08~~ ***04*** Cost Containment Reserve (CCR)Allocations.

(a) ***On or before January 1, 2027 and each year thereafter,*** ~~T~~ ***t***he department shall allocate CO_2 CCR allowances***, separate from and in addition to the department's CO_2 budget trading program base budget, as set forth in Env-A 4606.01,*** to the NHAA for sale at auction in accordance with and for the cost containment purposes set forth in RSA 125-O:29.

(b) CO_2 CCR allowances allocated for sale in ~~subsequent auctions~~ ***(a) above*** shall be offered for sale ***at one or more auctions in the same calendar year and*** in accordance with RSA 125-O:29***, as follows:***

(1) In 2027, if the CO_2 allowance auction price equals or exceeds $19.50, the department shall offer for sale up to 503,667 allowances and if the CO_2 allowance auction price equals or exceeds $29.25, the department shall offer for sale up to 503,667 additional allowances;

(2) In 2028, if the CO_2 allowance auction price equals or exceeds $20.87, the department shall offer for sale up to 503,667 allowances and if the CO_2 allowance auction price equals or exceeds $31.30, the department shall offer for sale up to 503,667 additional allowances;

(3) In 2029, if the CO_2 allowance auction price equals or exceeds $22.33, the department shall offer for sale up to 503,667 allowances and if the CO_2 allowance auction price equals or exceeds $33.49, the department shall offer for sale up to 503,667 additional allowances;

(4) In 2030, if the CO_2 allowance auction price equals or exceeds $23.89, the department shall offer for sale up to 503,667 allowances and if the CO_2 allowance auction price equals or exceeds $35.83, the department shall offer for sale up to 503,667 additional allowances; and

(5) In any year thereafter, the CO_2 allowance auction price shall equal or exceed 1.07multiplied by the auction price at which cost containment allowances were required to be madeavailable in the previous calendar year rounded to the nearest whole cent.

(c) The department shall not offer for sale any CO_2 CCR allowances that remain in the NHAA at the end of the calendar year.

Env-A 4606.~~09~~ ***05*** Voluntary Renewable Energy ***Certificate*** ~~Market~~ Set-Aside Program.

(a) The department shall administer the voluntary renewable energy ***certificate (VREC)*** set-aside program established under RSA 125-O:25 in accordance with this section and Env-A 4606.~~11~~ ***06***.

(b) The department shall ~~open and~~ manage a ***VREC*** set-aside account for the ~~voluntary renewable energy certificate or attribute credit (VREC)~~ ***allocation of*** set-aside ***allowances*** for each calendar year***, in accordance with (c), below***.

(c) ***In accordance with RSA 125-O:25,*** ~~F~~ ***f***or each calendar year, the department shall ~~allocate~~ ***reserve from auction a quantity of allowances equal to*** one percent ~~from~~ ***of*** the New Hampshire CO_2 budget trading program base budget specified in Env-A 4606.01 ~~to~~ ***in*** the VREC set-aside ~~(VRECS)~~ account ~~created pursuant to (b), above~~.

(d) On or before ~~September~~ ***November*** 1 of each calendar year, the department shall:

(1) Determine, in accordance with Env-A 4606.~~11~~***06***, the number of CO_2 tons represented by the actual MWh of ~~voluntary~~ ***V***REC purchases during the prior calendar year; and

(2) Retire or reallocate budget allowances from the VREC~~S~~ account in accordance with (e) and (f), below.

(e) If the number of budget allowances allocated to the VREC~~S~~ ***set-aside*** account for the prior calendar year is less than the number of CO_2 tons represented by the actual MWh of ~~voluntary~~ ***V***REC purchases during the prior calendar year, the department shall retire all of the budget allowances in the VREC~~S~~ ***set-aside*** account.

(f) If the number of budget allowances allocated to the VREC~~S~~ ***set-aside*** account for the prior calendar year is greater than the number of CO_2 tons represented by the actual MWh of VREC purchases during the prior calendar year, the department shall transfer the difference to the NHAA to be auctioned at the next scheduled auction, as specified by RSA 125-O:25, II.

Env-A 4606.~~10~~ ***06*** Determination of Voluntary Renewable Energy Purchases.

(a) For purposes of this section, "voluntary renewable energy purchase" means a purchase of electricity from renewable energy generation or renewable energy attribute credits by a retail electricity customer on a voluntary basis.

(b) The renewable energy generation or renewable energy attribute credits related to purchases of voluntary renewable energy shall not be used by the generator or purchaser to meet any regulatory mandate, such as a renewable portfolio standard.

(c) In order to be considered under the ~~voluntary renewable energy credit (~~VREC~~)~~ set-aside program, information as specified in (d), below, shall be submitted to the department no later than the July 30th for the prior calendar year.

(d) Information regarding the purchase of VREC submitted pursuant to (c), above, shall be verifiable, and include the following:

(1) Documentation of the number of VREC***, in MWh,*** purchase~~s~~***d*** by retail customers in New Hampshire, by customer class***, during the previous calendar year***;

(2) Certification that the VREC purchases by retail customers in New Hampshire will not be resold;

(3) ~~Specification of the time period during which each~~ ***Documentation that the VREC were procured by the*** retail ~~purchase was made~~ ***electricity customer***;

(4) Identification of the state in which the electricity was generated or the renewable energy attribute credit was created, including facility name, unique generator identification number, and fuel type; ~~and~~

(5) Specification of the time period during which the electricity ~~was generated~~ or the ~~renewable energy attribute credit~~ ***VREC*** was ~~created~~ ***generated.~~***~~.~~***; and***

(6) Any additional information required by the department necessary to demonstrate that such renewable energy credit purchase is:

a. Eligible;

b. Not being credited in more than one participating state; and

c. Not being credited toward any renewable portfolio standard; and

(e) Information submitted pursuant to (d) above shall be vertified by obtaining the information from renewable energy credit tracking systems associated with the Independent System Operator of New England.

(~~e~~ ***f***) Based on information received pursuant to (~~e~~ ***d***), above, the department shall quantify the VREC

purchases in New Hampshire***, in tons rounded to the nearest whole ton,*** during the prior calendar year by multiplying the ~~megawatt-hours (~~MWh~~)~~ of ~~voluntary~~ ***V***REC purchases in the prior year (MWh_{REC}) by the most current ***annual average time-weighted*** marginal CO_2 emissions rate (MER), in tons of CO_2 per MWh, as reported by the Independent System Operator of New England, as shown in the following equation:

VREC purchases = MWh_{REC} X MER

Env-A 4606.~~11~~***07*** Emergency Set-Aside ~~Allocation~~ ***Program***.

(a) The department shall ~~open and~~ manage a set-aside account for emergencies ~~for each calendar year,~~ ***as specified in RSA 125-O:22, VI***.

(b) As required by RSA 125-O:22, VI, the department shall reserve ***from auction a quantity of allowances equal to*** one percent of the ~~annual budget allowances~~ ***New Hampshire CO_2 budget trading program base budget specified in Env-A 4606.01*** in the emergency set-aside account.

(c) The department shall make budget allowances available in accordance with RSA 125-O:22, VI and this section to CO_2 budget sources in periods of operation during which an Operating Procedure 4 capacity deficiency alert, as established by the Independent System Operator of New England, is in force.

(d) As directed by RSA 125-O:22, VI, the department shall directly sell the reserved emergency allowances to affected CO_2 sources at the most recent regional auction clearing price upon request of the CO_2 budget source.

(e) As directed by RSA 125-O:22, VI, those allowances reserved in the emergency set-aside account but not sold in a given year shall be auctioned the following calendar year.

Readopt with amendment Env-A 4607, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4607 CO_2 ALLOWANCE TRACKING SYSTEM

Env-A 4607.01 CO_2 Allowance Tracking System Compliance Accounts.

(a) Upon receipt of a complete account certificate of representation as specified in Env-A 4604.01, the regional organization shall establish one compliance account for each CO_2 budget source for which the account certificate of representation was submitted.

(b) The regional organization shall record allocations, deductions, and transfers of CO_2 allowances to or from compliance accounts in accordance with this part.

(c) The regional organization shall assign a unique identifying number to each account established under (a), above.

Env-A 4607.02 Application for CO_2 Allowance Tracking System: General Account.

(a) Any person who wishes to have a general account for the purpose of holding and transferring CO_2 allowances shall request the regional organization to establish a general account in accordance with this section.

(b) The application for a general account shall designate one and only one CO_2 AAR and no more than one alternate CO_2 AAR, who may act on behalf of the CO_2 AAR. The agreement by which the alternate CO_2 AAR is selected shall include a procedure for authorizing the alternate CO_2 AAR to act in lieu of the CO_2 AAR.

(c) A complete application for a general account shall include the following elements:

(1) The name, mailing address, electronic mail address, ~~daytime~~ ***and*** telephone number~~, and~~

~~facsimile transmission number~~ of the CO_2 AAR and any alternate CO_2 AAR;

(2) A list naming each person subject to the binding agreement for the CO_2 AAR and any alternate CO_2 AAR to represent the person's ownership interest with respect to the CO_2 allowances held in the general account; and

(3) The following certification statement signed and dated by the CO_2 AAR and any alternate CO_2 AAR:

"I certify that I was selected as the CO_2 AAR or the CO_2 alternate AAR, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to CO_2 allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the CO_2 Budget Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any order or decision issued to me by the department or its agent or a court regarding the general account."

(d) Unless otherwise required by the department, documents of agreement referred to in the application for a general account shall not be submitted to the regional organization. Neither the department nor the regional organization shall have any obligation to review or evaluate the sufficiency of such documents, if submitted.

(e) Upon receipt by the regional organization of a complete application for a general account in accordance with this section, the regional organization shall establish a general account for the person or persons for whom the application is submitted.

(f) The regional organization shall assign a unique identifying number to each account established under (e), above.

(g) Transfers of CO_2 allowances pursuant to Env-A 4608 shall be recorded in the general account.

Env-A 4607.03 CO_2 AAR Authorization and Authority.

(a) The CO_2 AAR and any alternate CO_2 AAR for the general account shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to CO_2 allowances held in the general account in all matters pertaining to the CO_2 ~~B~~ ***b***udget ~~T~~ ***t***rading ~~P~~ ***p***rogram, notwithstanding any agreement between the CO_2 AAR or any alternate CO_2 AAR and such person. Any such person shall be bound by any order or decision issued to the CO_2 AAR or any alternate CO_2 AAR by the department***, regional organization,*** or a court regarding the general account.

(b) Any representation, action, inaction, or submission by any alternate CO_2 AAR shall be deemed to be a representation, action, inaction, or submission by the CO_2 AAR.

(c) Each submission concerning the general account shall be submitted, signed, and certified by the CO_2 AAR or the alternate CO_2 AAR for the persons having an ownership interest with respect to CO_2 allowances held in the general account. Each such submission shall include the following certification statement by the CO_2 AAR or the alternate CO_2 AAR:

"I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the CO_2 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 fines or imprisonment."

(d) The department shall direct the regional organization to accept or act on a submission concerning the general account only if the regional organization confirms that the submission has been made, signed, and certified in accordance with (c), above.

Env-A 4607.04 Changing CO_2 AAR and Alternate CO_2 AAR; Changes in Persons with Ownership Interest.

(a) If the persons having an ownership interest in the CO_2 allowances in a general account wish to change the AAR, a superseding complete application for a general account shall be submitted to the regional organization in accordance with Env-A 4607.02. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous CO_2 AAR, or the previous alternate CO_2 AAR, prior to the time and date when the regional organization receives the superseding application for a general account shall be binding on the new CO_2 AAR and all persons with an ownership interest in the CO_2 allowances in the general account.

(b) If the persons having an ownership interest in the CO_2 allowances in a general account wish to change the alternate CO_2 AAR, a superseding complete application for a general account shall be submitted to the regional organization in accordance with Env-A 4607.02. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous CO_2 AAR, or the previous alternate CO_2 AAR, prior to the time and date when the regional organization receives the superseding application for a general account shall be binding on the new alternate CO_2 AAR and all persons with an ownership interest in the CO_2 allowances in the general account.

(c) In the event a person having an ownership interest with respect to CO_2 allowances in the general account is not included in the list of such persons in the application for a general account, such person shall be deemed to be subject to and bound by the application for a general account, the representations, actions, inactions, and submissions of the CO_2 AAR and any alternate CO_2 AAR, and the decisions, orders, and actions of the department, as if the person were included in such list.

(d) Within 30 days following any change in the persons having an ownership interest in CO_2 allowances in the general account, such as the addition, deletion, or substitution of a person, the CO_2 AAR or the alternate CO_2 AAR, if any, shall submit a revision to the application for a general account, amending the list of persons having an ownership interest in the CO_2 allowances in the general account to include the change.

Env-A 4607.05 Objections Concerning CO_2 AAR.

(a) Once a complete application for a general account pursuant to Env-A 4607.02 has been received by the regional organization, the department and the regional organization shall rely on the application until any superseding complete application for a general account as provided in Env-A 4607.04 is received by regional organization.

(b) Except as provided in Env-A 4607.04(a) or (b), no objection or other communication submitted to the regional organization or the department concerning the authorization, or any representation, action, inaction, or submission of the CO_2 AAR or any alternate CO_2 AAR for a general account shall affect any representation, action, inaction, or submission of the CO_2 AAR or any alternate CO_2 AAR or the finality of any decision or order by the department under the CO_2 budget trading program.

(c) The department shall not adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of the CO_2 AAR or any alternate CO_2 AAR for a general account, including private legal disputes concerning the proceeds of CO_2 allowance transfers.

Env-A 4607.06 Delegation by CO_2 AAR and Alternate CO_2 AAR.

(a) A CO_2 AAR may delegate, to one or more individuals, his or her authority to make an electronic submission to the regional organization under the provisions of Env-A 4607 and Env-A 4608.

(b) An alternate CO_2 AAR may delegate, to one or more individuals, his or her authority to make an electronic submission to the regional organization under the provisions of Env-A 4607 and Env-A 4608.

(c) In order to delegate authority to make an electronic submission to the regional organization in accordance with (a) or (b), above, the CO_2 AAR or alternate CO_2 AAR, as appropriate, shall submit to the regional organization a notice of delegation that includes the following:

(1) The name, mailing address, electronic mail address, ~~daytime~~ ***and*** telephone number~~, and facsimile transmission number~~ of such CO_2 AAR or alternate CO_2 AAR;

(2) The name, mailing address, electronic mail address, ~~daytime~~ ***and*** telephone number~~, and facsimile transmission number~~ of each individual to whom authority is being delegated, herein refered to as "electronic submission agent";

(3) For each such individual, a list of the type of electronic submissions under (a) or (b), above, for which authority is delegated to that individual; and

(4) The following certification statements signed and dated by the CO_2 AAR or alternate CO_2 AAR who is making the delegation:

a. "I agree that any electronic submission to the department or its agent that is by a natural person identified in this notice of delegation and of a type listed for such electronic submission agent in this notice of delegation and that is made when I am a CO_2 AAR or alternate CO_2 AAR, as appropriate, and before this notice of delegation is superseded by another notice of delegation under the CO_2 budget trading program shall be deemed to be an electronic submission by me."

b. "Until this notice of delegation is superseded by another notice of delegation under the CO_2 budget trading program, I agree to maintain an electronic mail account and to notify the department or its agent immediately of any change in my electronic mail address unless all delegation authority by me under the CO_2 budget trading program is terminated."

(d) A notice of delegation submitted in accordance with (c), above, shall be effective, with regard to the CO_2 AAR or alternate CO_2 AAR identified in such notice, upon receipt of such notice by the regional organization and until receipt by the regional organization of a superseding notice of delegation by such CO_2 AAR or alternate CO_2 AAR, as applicable. The superseding notice of delegation may replace any previously identified electronic submission agent, add a new electronic submission agent, or eliminate entirely any delegation of authority.

(e) Any electronic submission covered by the certification in (c)(4), above, and made in accordance with a notice of delegation effective under (d), above, shall be deemed to be an electronic submission by the CO_2 AAR or alternate CO_2 AAR submitting such notice of delegation.

Env-A 4607.07 CO_2 Allowance Tracking System Responsibilities of CO_2 AAR. Following the establishment of a CO_2 allowance tracking system account, all submissions to the ***department or the*** regional organization pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of CO_2 allowances in the account, shall be made only by the CO_2 AAR for the account.

Env-A 4607.08 Recordation of CO_2 Allowance Allocations.

(a) Each year the department shall direct the regional organization to record CO_2 allowances, as allocated under Env-A 4606, in the applicable accounts for the year after the last year for which CO_2 allowances were previously allocated to the applicable accounts. Each year, the regional organization also shall record CO_2 allowances, as allocated under Env-A 4606, in an allocation set-aside ***account*** for the year after the last year for which CO_2 allowances were previously allocated to an allocation set-aside ***account***.

(b) When allocating CO_2 allowances to and recording them in an account, the ***department or the*** regional organization shall assign each CO_2 allowance a unique identification number that includes digits identifying the year for which the CO_2 allowance is allocated.

Env-A 4607.09 Action on Submissions.

(a) The regional organization shall review and conduct independent audits of any submission under the CO_2 budget trading program and make appropriate adjustments of the information in the submissions.

(b) Such review and audit shall be conducted:

(1) On a random number and selection of the submittals for a given control period; and

(2) On any submittal for which the regional organization has a good faith belief that the submittal contains a discrepancy.

(c) If, as a result of a review pursuant to (a), above, the department determines that a source's compliance account contains the incorrect amount of allowances, the department shall direct the regional organization to deduct CO_2 allowances from or transfer CO_2 allowances to the source's compliance account as needed to correct the account.

Env-A 4607.10 Banking. Each CO_2 allowance that is held in a compliance account or a general account shall remain in such account unless and until the CO_2 allowance is deducted or transferred.

Env-A 4607.11 Account Error.

(a) Upon confirmation of an error in any CO_2 allowance tracking system account, the regional organization shall:

(1) Correct the error; or

(2) Notify the CO_2 AAR for the account in writing of the error and request that the error be corrected.

(b) If the regional organization corrects the error pursuant to (a)(1), above, the regional organization shall notify the CO_2 AAR for the account within 10 business days of making such correction.

Env-A 4607.12 Closing of General Accounts.

(a) If a CO_2 AAR of a general account wishes to close the account, the CO_2 AAR shall instruct the regional organization to close the account by submitting:

(1) A statement requesting deletion of the account from the CO_2 allowance tracking system; and

(2) A CO2 allowance transfer of all CO_2 allowances in the account to one or more other CO_2 allowance tracking system accounts for recordation under Env-A 4608.

(b) If a general account shows no activity for a period of one or more years and does not contain any

CO_2 allowances, the regional organization shall send a written notice to the CO_2 AAR for the account, stating that the account will be closed in the CO_2 allowance tracking system 30 business days after the notice is sent unless the CO_2 AAR submits, before the end of the 30-day period, a transfer of CO_2 allowances into the account in accordance with Env-A 4608.

(c) The regional organization shall close the account after 30 days from the date of the notice if the CO_2 AAR does not submit a transfer of CO_2 allowances into the account in accordance with Env-A 4608.01 before the end of the 30-day period.

Readopt with amendment Env-A 4608, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4608 CO_2 ALLOWANCE TRANSFERS

Env-A 4608.01 Submission of CO_2 Allowance Transfers.

(a) Any CO_2 AAR seeking recordation of a CO_2 allowance transfer shall submit the transfer request to the regional organization in accordance with (b), below.

(b) To be considered correctly submitted, the CO_2 allowance transfer request shall include the following elements:

(1) The numbers identifying both the transferor and transferee accounts;

(2) A specification by serial number of each CO_2 allowance to be transferred;

(3) The printed name and signature of the CO_2 AAR of the transferor account and the date signed;

(4) The date of the completion of the last sale or purchase transaction for the allowance, if any; and

(5) The purchase or sale price of the allowance that is the subject of a sale or purchase transaction under (4), above.

(c) Upon receipt of a CO_2 allowance transfer request, the regional organization shall review the submission to determine whether the requirements of (b), above, have been met.

(d) If the requirements of (b), above, have not been met, the regional organization shall so inform the department.

(e) Upon receipt of information pursuant to (d), above, the department shall direct the regional organization to:

(1) Deny the CO_2 allowance transfer request; and

(2) Inform the CO_2 AAR making the request in writing of the denial and the reason(s) therefore.

(f) The CO_2 AAR may submit a new transfer request only if the reason(s) for the denial of the original request are corrected.

Env-A 4608.02 Recordation.

(a) Subject to (b), below, the regional organization shall, within 5 business days of receiving a CO_2 allowance transfer request that fully complies with Env-A 4608.01, record the CO_2 allowance transfer by moving each CO_2 allowance from the transferor account to the transferee account as specified by the request.

(b) A CO_2 allowance transfer into or out of a compliance account shall not be recorded until after completion of the deduction for compliance process specified in Env-A 4605.05 if the request:

(1) Is submitted for recordation following the CO_2 allowance transfer deadline; and

(2) Includes any CO_2 allowances from allocation years that fall within a control period or an interim control period prior to or the same as the control period or interim control period to which the CO_2 allowance transfer deadline applies.

Env-A 4608.03 Notification of Recordation.

(a) Within 5 business days of recordation of a CO_2 allowance transfer pursuant to Env-A 4608.02, the regional organization shall notify the CO_2 AARs of both the transferor and transferee accounts.

(b) The notice provided pursuant to (a), above, shall:

(1) Identify the transferor and transferee accounts; and

(2) Identify the transferred CO_2 allowances, by serial number.

Readopt with amendment Env-A 4609.01, effective 1-1-20 (Document #12967), to read as follows:

PART Env-A 4609 MONITORING***, RECORDKEEPING***, AND REPORTING

Env-A 4609.01 General Requirements.

(a) Each owner and operator, and to the extent applicable, the CO_2 AAR of a CO_2 budget unit, shall comply with the monitoring, recordkeeping**,** and reporting requirements as provided in this part and in all applicable sections of 40 CFR part 75.

(b) For purposes of complying with such requirements, the definitions in Env-A 4602 and in 40 CFR 72.2 shall apply, except as follows:

(1) The term "affected unit" in 40 CFR part 75 shall be replaced by the term "CO_2 budget unit" as defined in Env-A 4602;

(2) The term "designated representative" in 40 CFR part 75 shall be replaced by the term "CO_2 AAR" as defined in Env-A 4602;

(3) The term "continuous emissions monitoring system (CEMS)" in 40 CFR part 75 shall be replaced by the term "continuous emissions monitoring system (CEMS)" as defined in Env-A 4602; and

(4) For units not subject to the federal acid rain program, the term "Administrator" in 40 CFR Part 75 shall be replaced with "commissioner".

~~(c) Owners or operators of a CO_2 budget unit who monitor a non CO_2 budget unit pursuant to the common, multiple, or bypass stack procedures in 40 CFR 75.72(b)(2)(ii), or 40 CFR 75.16 (b)(2)(ii)(B) as pursuant to 40 CFR 75.13, for purposes of complying with this chapter, shall monitor and report CO_2 mass emissions from such non CO_2 budget unit according to the procedures for CO_2 budget units established in Env-A 4609.~~

Readopt with amendment and renumber Env-A 4605.03, effective 1-1-20 (Document #12967), as Env-A 4609.02 to read as follows:

Env-A ~~4605.03~~ ***4609.02*** ~~Recordkeeping and Reporting Requirements~~ ***Record Retention***.

(a) Unless otherwise provided, the owner or operator of the CO_2 budget source and each CO_2 budget unit at the source shall keep on site at the source each of the following documents for a period of 10 years from the date the document is created:

(1) The account certificate of representation for the CO_2 AAR for the source and each CO_2 budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation prepared in accordance with Env-A 4604.05, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation changing the CO_2 AAR;

(2) All emissions monitoring information, in accordance with Env-A 4609 and 40 CFR 75***.57***;

(3) Copies of all reports, compliance certifications, and other submissions and all records made or required under this chapter; and

(4) Copies of all documents used to complete a ~~CO_2 budget~~ permit application and any other submission under the CO_2 ~~B~~ ***b***udget ~~T~~ ***t***rading ~~P~~ ***p***rogram or to demonstrate compliance with the requirements of this chapter.

(b) The retention period specified in (a), above, shall be extended beyond the 10-year period for the duration of any enforcement action that is then pending.

(c) The CO_2 AAR of a CO_2 budget source and each CO_2 budget unit at the source shall submit the reports and compliance certifications required under this chapter.

Readopt with amendment and renumber Env-A 4609.02, effective 1-1-20 (Document #12967), as Env-A 4609.03, to read as follows:

Env-A 4609.~~02~~ ***03*** Requirements for Installation, Certification, and Data Accounting. The owner or operator of each CO2 budget unit shall:

(a) Install and operate the following continuous emissions monitoring systems:

(1) A flow monitoring system, consisting of a stack flow rate monitor and an automated data acquisition and handling system, providing a permanent, continuous record of stack gas volumetric flow rate, in standard cubic feet per hour (scfh);

(2) A moisture monitoring system, as defined in 40 CFR 75.11(b)(2), providing a permanent, continuous record of the stack gas moisture content, in percent H_2O, as applicable; and

(3) One of the following:

a. A carbon dioxide monitoring system, consisting of a CO_2 pollutant concentration monitor, or an oxygen monitor plus suitable mathematical equations from which the CO_2 concentration is derived, and an automated data acquisition and handling system, providing a permanent, continuous record of CO_2 emissions, in percent CO_2; or

b. An oxygen monitoring system, consisting of an O_2 concentration monitor and an automated data acquisition and handling system, providing a permanent, continuous record of O_2, in percent O_2.

(~~a~~ ***b***) Install all monitoring systems required under this part for monitoring CO_2 mass emissions in accordance with 40 CFR Part 75, including all systems required to monitor CO_2 concentration, stack gas flow rate, O_2 concentration, heat input, and fuel flow rate, as applicable, in accordance with 40 CFR 75.13~~, 75.71~~

~~and 75.72~~ and all portions of appendix G of 40 CFR part 75, as applicable, except that equation G-1 in 40 CFR Part 75 shall not be used to determine CO_2 emissions under Env-A 4609;

(~~b~~ ***c***) Successfully complete all certification tests required under Env-A 4609.06 and meet all other requirements of Env-A 4609 and 40 CFR part 75 applicable to the monitoring systems under (a), above; and

(~~c~~ ***d***) Record, quality-assure, and report the data from the monitoring systems identified in (a), above~~, by the dates specified in Env-A 4609.03~~.

(e) If the owner or operator of a unit intends to use appendix D of 40 CFR Part 75 to report the heat input of a unit, the maximum potential hourly heat input of the unit shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the owner or operator of the unit intends to use a flow monitor and a diluent gas monitor, the maximum potential hourly heat input of the unit shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration, in percent CO_2, or the minimum oxygen (O_2) concentration, in percent O_2;

Repeal Env-A 4609.03 through Env-A 4609.08, effective 1-1-20 (Document #12967), to read as follows:

~~Env-A 4609.03 Compliance Dates. The owner or operator shall comply with all requirements of Env-A 4609 on or before the following dates:~~

~~(a) The owner or operator of a CO_2 budget unit that commences commercial operation on or after January 1, 2014 shall comply with the requirements of Env-A 4609 by the earlier of 90 unit operating days or 180 calendar days after the date on which the unit commences commercial operation; and~~

~~(b) For the owner or operator of a CO_2 budget unit for which construction of a new stack or flue installation is completed after the applicable deadline under (a) or (b), above, by the earlier of 90 unit operating days or 180 calendar days after the date on which emissions first exit to the atmosphere through the new stack or flue.~~

~~Env-A 4609.04 Reporting Data.~~

~~(a) Except as provided in (b), below, the owner or operator of a CO_2 budget unit that does not meet the applicable compliance date set forth in Env-A 4609.03 for any monitoring system required under Env-A 4609.02(a) shall, for each such monitoring system, determine, record, and report for the following parameters, as applicable, maximum potential, or as appropriate, minimum potential values for CO_2 concentration, CO_2 emissions rate, stack gas moisture content, fuel flow rate, heat input, and any other parameters required to determine CO_2 mass emissions in accordance with (c), below, 40 CFR 75.31(b)(2) or (c)(3), or 40 CFR part 75 section 2.4 of appendix D, as applicable.~~

~~(b) The owner or operator of a CO_2 budget unit that does not meet the applicable compliance date set forth in Env-A 4609.03(c) for any monitoring system required under Env-A 4609.02(a) shall, for each such monitoring system, determine, record, and report substitute data using the applicable missing data procedures in 40 CFR part 75 Subpart D, or 40 CFR part 75 appendix D, in lieu of the maximum potential, or as appropriate, minimum potential values for a parameter if the owner or operator demonstrates that there is continuity between the data streams for that parameter before and after the construction or installation under Env-A 4609.03(c).~~

~~(c) Any CO_2 budget unit that is subject to an acid rain emissions limitation and that qualifies for the optional SO_2, NO_x, and CO_2 emissions calculations for low mass emissions (LME) units under 40 CFR 75.19 and reports emissions for such programs using the calculations under 40 CFR 75.19, shall also use the CO_2 emissions calculations for LME units under 40 CFR 75.19 for purposes of compliance with this chapter.~~

~~(d) Any CO_2 budget unit that is subject to an acid rain emissions limitation but that does not qualify for~~

~~the optional SO_2, NO_X, and CO_2 emissions calculations for LME units under 40 CFR 75.19 shall not use the CO_2 emissions calculations for LME units under 40 CFR 75.19 for purposes of compliance with this chapter.~~

~~(e) Any CO_2 budget unit that is not subject to an acid rain emissions limitation shall qualify for the optional CO_2 emissions calculation for LME units under 40 CFR 75.19, provided that the unit emits less than 100 tons of NO_X annually and no more than 25 tons of SO_2 annually.~~

~~Env-A 4609.05 Prohibitions.~~

~~(a) No owner or operator of a CO_2 budget unit shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emissions monitoring system without having obtained prior written approval in accordance with Env-A 4609.~~

~~(b) No owner or operator of a CO_2 budget unit shall operate the unit so as to discharge, or allow to be discharged, CO_2 emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of Env-A 4609 and 40 CFR part 75.~~

~~(c) No owner or operator of a CO_2 budget unit shall disrupt the continuous emissions monitoring system or any portion thereof, or any other approved emissions monitoring method, and thereby avoid monitoring and recording CO_2 mass emissions discharged into the atmosphere, except for periods of recertification, calibration, quality assurance testing, or maintenance as performed in accordance with the applicable provisions of Env-A 4609 and 40 CFR part 75.~~

~~(d) No owner or operator of a CO_2 budget unit shall retire or permanently discontinue use of the continuous emissions monitoring system or any component thereof, or any other approved emissions monitoring system under Env-A 4609, except under any one of the following circumstances:~~

~~(1) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of Env-A 4609 and 40 CFR part 75, by the department for use at that unit that provides emissions data for the same pollutant or parameter as the retired or discontinued monitoring system; or~~

~~(2) The CO_2 AAR submits notification of the date of certification testing of a replacement monitoring system in accordance with Env-A 4609.08.~~

~~Env-A 4609.06 Initial Certification and Recertification Requirements.~~

~~(a) Except as provided in (b) through (d) or (g), below, the owner or operator of a CO_2 budget unit shall comply with the initial certification and recertification procedures specified in Env-A 4609.06 and 40 CFR 75.20 for:~~

~~(1) A continuous emissions monitoring system (CEMS), including the automated data acquisition and handling system;~~

~~(2) A monitoring system excepted under appendix D of 40 CFR part 75 and Env-A 4609; and~~

~~(3) Any monitoring system installed in order to meet the requirements of Env-A 4609 in a location where no such monitoring system was previously installed.~~

~~(b) The owner or operator of a unit that qualifies to use the low mass emissions excepted monitoring methodology in 40 CFR 75.19 shall comply with the procedures in Env-A 4609.13.~~

~~(c) The owner or operator of a unit that qualifies to use an alternative monitoring system under Subpart E of 40 CFR part 75 shall comply with the procedures in Env-A 4609.14.~~

~~(d) The owner or operator of a CO_2 budget unit shall be exempt from initial certification requirements for a monitoring system required under Env-A 4609.02 if the monitoring system:~~

~~(1) Previously was certified in accordance with 40 CFR part 75; and~~

~~(2) Meets all applicable quality assurance and quality control requirements of:~~

~~a. 40 CFR 75.21; and~~

~~b. Either appendix B or appendix D of 40 CFR part 75.~~

~~(e) Except as provided in (g), below, the owner or operator of a CO_2 budget unit shall recertify in accordance with 40 CFR 75.20(b) for:~~

~~(1) A monitoring system that is exempt from initial certification requirements under (b)-(d), above;~~

~~(2) Any replacement, modification, or change in a certified continuous emissions monitoring system required under Env-A 4609.02 that the Administrator or the department determines, in accordance with 40 CFR Part 75, significantly affects the ability of the system to accurately measure or record CO_2 mass emissions or to meet the quality assurance and quality control requirements of 40 CFR 75.21 or appendix B to 40 CFR part 75; and~~

~~(3) In the case of a monitoring system using stack measurements such as stack flow, stack moisture content, CO_2 monitors, or O_2 monitors, any replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the department determines, in accordance with 40 CFR Part 75, significantly changes the flow or concentration profile.~~

~~(f) Changes which require recertification shall include, but not be limited to, replacing the analyzer, changing the location or orientation of the sampling probe or site, or changing the flow rate monitor polynomial coefficients.~~

~~(g) If the Administrator has previously approved a petition under 40 CFR 75.72(b)(2)(ii), or 40 CFR 75.16 (b)(2)(ii)(B) as pursuant to 40 CFR 75.13, for apportioning the CO_2 emissions rate measured in a common stack, or a petition under 40 CFR 75.66 for an alternative requirement in 40 CFR Part 75, the CO_2 AAR shall submit the petition to the department under Env-A 4609.17 to determine whether the approval applies under Env-A 4600.~~

~~Env-A 4609.07 Approval Process for Initial Certifications and Recertifications.~~

~~(a) Subject to (b), below, the requirements of Env-A 4609.08 through Env-A 4609.15 shall apply to both initial certification and recertification of a monitoring system installed in accordance with Env-A 4609.02(a).~~

~~(b) For recertifications, the following shall apply:~~

~~(1) The words "certification" and "initial certification" shall be read as "recertification";~~

~~(2) The word "certified" shall be read as "recertified"; and~~

~~(3) The process described in 40 CFR 75.20(b)(5) and (g)(7) shall be used in lieu of Env-A 4609.12.~~

~~Env-A 4609.08 Notification of Certification Testing and Retesting. The CO_2 AAR shall submit written notices of certification testing and retesting in accordance with 40 CFR 75.61 to the department, the appropriate EPA Regional Office, and the Administrator.~~

Readopt with amendment and renumber Env-A 4609.09, effective 1-1-20 (Document #12967), as Env-A 4609.04, to read as follows:

Env-A 4609.~~09~~***04*** Certification Application***s***.

(a) The CO_2 AAR shall submit a certification application ***to the Administrator and the department*** which includes the information specified in 40 CFR 75.63 for each monitoring system to the department.

(b) The CO_2 AAR shall submit the certification application within 45 days after completing all CO_2 monitoring system ***initial*** certification ***or recertification*** tests required by Env-A 4609.02, including the information required under 40 CFR 75.63 and 40 CFR 75.53 ~~(e) and (f)~~.

~~(c) If the certification application is not complete, the department shall issue a written notice of incompleteness that identifies the information that is missing and sets a reasonable date by which the CO_2 AAR must submit the additional information required to complete the certification application.~~

~~(d) If the CO_2 AAR does not submit the additional information required to complete the certification application by the specified date, the department shall issue a notice of disapproval under Env-A 4609.11.~~

~~(e) The 120 day review period specified in Env-A 4609.11(a) shall not begin until a complete certification application is received.~~

Repeal Env-A 4609.10 though Env-A 4609.15, effective 1-1-20 (Document #12967), to read as follows:

~~Env-A 4609.10 Provisional Certification.~~

~~(a) The provisional certification date for a monitor shall be determined in accordance with 40 CFR 75.20(a)(3).~~

~~(b) A provisionally certified monitor may be used under the CO_2 budget trading program for a period not to exceed 120 days after receipt by the department of the complete certification application for the monitoring system or component thereof in accordance with Env-A 4609.09.~~

~~(c) Data measured and recorded by the provisionally certified monitoring system or component thereof, in accordance with the requirements of 40 CFR part 75, shall be considered valid quality-assured data retroactive to the date and time of provisional certification, provided that the department does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of receipt of the complete certification application by the department.~~

~~Env-A 4609.11 Process and Notification for Certification Application Reviews and Decisions.~~

~~(a) The department shall issue a written notice of approval or disapproval of the certification application to the CO_2 AAR within 120 days of receipt of the complete certification application as specified in Env-A 4609.09.~~

~~(b) If the department does not issue such notice within such 120-day period, each monitoring system which meets the applicable performance requirements of 40 CFR part 75 and is included in the certification application shall be deemed certified for use under the CO_2 budget trading program.~~

~~(c) If the certification application is complete and shows that each monitoring system meets the applicable performance requirements of 40 CFR part 75, then the department shall issue a written notice of approval of the certification application as provided in (a), above.~~

~~(d) The department shall issue a written notice of disapproval of the certification application as provided in (a), above, if:~~

~~(1) The certification application shows that any monitoring system or component thereof does not meet the performance requirements of 40 CFR part 75; or~~

~~(2) The certification application is incomplete and the response required under Env-A 4609.09(c)~~

~~is not provided.~~

~~(e) The notice of disapproval shall:~~

~~(1) Specify the reason(s) for the disapproval; and~~

~~(2) Inform the CO_2 AAR that the provisional certification is invalidated by the issuance of the notice, and that the data measured and recorded by each uncertified monitoring system or component thereof is not considered valid quality-assured data beginning with the date and hour of provisional certification.~~

~~(f) The owner or operator shall follow the procedures for loss of certification in Env-A 4609.12 for each monitoring system or component thereof, which is disapproved for initial certification.~~

~~Env-A 4609.12 Procedures After Loss of Certification. If the department issues a notice of disapproval of a certification application under Env-A 4609.11(c) or a notice of disapproval of certification status under Env-A 4609.15(c) then:~~

~~(a) The owner or operator shall substitute the following values for each disapproved monitoring system, for each hour of unit operation during the period of invalid data beginning with the date and hour of provisional certification and continuing until the time, date, and hour specified under 40 CFR 75.20(a)(5)(i) or 40 CFR 75.20(g)(7):~~

~~(1) For units using or intending to monitor for CO_2 mass emissions using heat input or for units using the low mass emissions excepted methodology under 40 CFR 75.19, the maximum potential hourly heat input of the unit as determined pursuant to (b), below; or~~

~~(2) For units intending to monitor for CO_2 mass emissions using a CO_2 pollutant concentration monitor and a flow monitor, the maximum potential concentration of CO_2 and the maximum potential flow rate of the unit under section 2.1 of appendix A of 40 CFR part 75;~~

~~(c) If the owner or operator of a unit intends to use appendix D of 40 CFR Part 75 to report the heat input of a unit, the maximum potential hourly heat input of the unit shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the owner or operator of the unit intends to use a flow monitor and a diluent gas monitor, the maximum potential hourly heat input of the unit shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration, in percent CO_2, or the minimum oxygen (O_2) concentration, in percent O_2;~~

~~(b) If the owner or operator of a unit intends to use appendix D of 40 CFR Part 75 to report the heat input of a unit, the maximum potential hourly heat input of the unit shall be calculated, in accordance with 40 CFR Part 75, using the maximum fuel flow rate and the maximum gross calorific value. If the owner or operator of the unit intends to use a flow monitor and a diluent gas monitor, the maximum potential hourly heat input of the unit shall be reported, in accordance with 40 CFR Part 75, using the maximum potential flow rate and either the maximum carbon dioxide concentration, in percent CO_2, or the minimum oxygen (O_2) concentration, in percent O_2;~~

~~(c) The CO_2 AAR shall submit a notification of certification retest dates and a new certification application in accordance with Env-A 4609.08 and Env-A 4609.09; and~~

~~(d) The owner or operator shall repeat all certification tests or other requirements that were failed by the monitoring system, as indicated in the notice of disapproval, no later than 30 unit operating days after the date of issuance of the notice of disapproval.~~

~~Env-A 4609.13 Initial Certification and Recertification Procedures for Low Mass Emissions Units Using Excepted Methodologies.~~

~~(a) The owner or operator of a unit qualified to use the low mass emissions excepted methodology under Env-A 4609.04(c) shall meet the applicable certification and recertification requirements of 40 CFR 75.19(a)(2), 40 CFR 75.20(h) and Env-A 4609.13.~~

~~(b) If the owner or operator of such a unit elects to certify a fuel flow meter system for heat input determinations, the owner or operator shall also meet the certification and recertification requirements in 40 CFR 75.20(g).~~

~~Env-A 4609.14 Certification/Recertification Procedures for Alternative Monitoring Systems. The CO_2 AAR of each unit for which the owner or operator intends to use an alternative monitoring system approved by the Administrator and, if applicable, the department under Subpart E of 40 CFR part 75 shall comply with the applicable notification and application procedures of 40 CFR 75.20(f).~~

~~Env-A 4609.15 Out-of-control Periods; Audit Decertification.~~

~~(a) Whenever any monitoring system fails to meet the quality assurance and quality control requirements or data validation requirements of 40 CFR part 75, data shall be substituted using the applicable procedures in Subpart D or appendix D of 40 CFR part 75.~~

~~(b) Whenever both an audit of a monitoring system and a review of the initial certification or recertification application reveal that any monitoring system should not have been certified or recertified because it did not meet a particular performance specification or other requirement of Env-A 4609 or the applicable provisions of 40 CFR part 75, both at the time of the initial certification or recertification application submission and at the time of the audit, the department or Administrator shall issue a notice of disapproval of the certification status of such monitoring system. For purposes of this section, an audit shall be either a field audit or an audit of any information submitted to the department or the Administrator.~~

~~(c) Issuance of a notice of disapproval shall constitute revocation of the certification status of the monitoring system as of the date of the notice. The data measured and recorded by the monitoring system shall not be considered valid quality-assured data from the date of issuance of the notification of the revoked certification status until the date and time that the owner or operator completes subsequently approved initial certification or recertification tests for the monitoring system. The owner or operator shall follow the initial certification or recertification procedures specified in Env-A 4609.06 for each disapproved monitoring system.~~

Readopt with amendment and renumber Env-A 4609.16 through Env-A 4609.20, effective 1-1-20 (Document #12967), as Env-A 4609.05 through Env-A 4609.09, to read as follows:

Env-A 4609.~~16~~ ***05*** Recordkeeping and Reporting.

(a) The CO_2 AAR shall comply with all recordkeeping and reporting requirements in this section, the applicable record keeping and reporting requirements under 40 CFR 75.73, and with the requirements of Env-A 4604.02(a).

(b) The CO_2 AAR of a CO_2 budget unit shall submit a monitoring plan in the manner prescribed in 40 CFR 75.62.

(c) The CO_2 AAR shall submit quarterly reports as follows:

(1) The CO_2 AAR shall report the CO_2 mass emissions data for the CO_2 budget unit, in an electronic format prescribed by the Administrator***,*** unless otherwise prescribed by the ***department or*** regional organization, for each calendar quarter beginning with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under subdivision Env-A 4609.03;

(2) The CO_2 AAR shall submit each quarterly report to the ***Administrator, the department and the***

regional organization within 30 days following the end of the calendar quarter covered by the report, in the manner specified in Subpart H of 40 CFR part 75 and 40 CFR 75.64;

(3) Quarterly reports shall be submitted for each CO_2 budget unit, or for each group of units using a common stack, which ***shall*** include all of the data and information required in Subpart G of 40 CFR part 75, except for opacity, ***heat input,*** NOx, and SO_2 provisions;

(4) The CO_2 AAR shall include a compliance certification with, and in support of, each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored; and

(5) The certification shall state that:

a. The monitoring data submitted were recorded in accordance with the applicable requirements of both 40 CFR part 75 and this section, including the quality assurance procedures and specifications;

b. For a unit with add-on CO_2 emissions controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emissions controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B of 40 CFR part 75 and the substitute values do not systematically underestimate CO_2 emissions; and

c. The CO_2 concentration values substituted for missing data under Subpart D of 40 CFR part 75 do not systematically underestimate CO_2 emissions.

Env-A 4609.~~17~~ ***06*** Petitions.

(a) Except as provided in (~~c~~ ***d***), below, the CO_2 AAR of a CO_2 budget unit that is subject to an acid rain emissions limitation may submit a petition to the Administrator under 40 CFR 75.66 and to the department requesting approval to apply an alternative to any requirement of 40 CFR Part 75.

(b) The CO_2 AAR of a CO_2 budget unit that is not subject to an acid rain emissions limitation may submit a petition to the Administrator under 40 CFR 75.66 and to the department requesting approval to apply an alternative to any requirement of 40 CFR Part 75.

(c) If the Administrator declines to review a petition, the CO_2 AAR of a CO_2 budget unit that is not subject to an acid rain emissions limitation may submit a petition to the department requesting approval to apply an alternative to any requirement of Env-A 4609. The petition shall contain all of the relevant information specified in 40 CFR 75.66.

(d) The CO_2 AAR of a CO_2 budget unit that is subject to an acid rain emissions limitation may submit a petition to the Administrator under 40 CFR 75.66 and to the department requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of 40 CFR 75.72 or a CO2 concentration CEMS used under 40 CFR 75.71(a)(2).

(e) The use of an alternative to any such requirement shall only satisfy the requirements of this chapter if the petition is approved in writing by the Administrator and by the department.

Env-A 4609.~~18~~ ***07*** CO_2 Budget Units that Report Co-firing Eligible Biomass.

(a) The CO_2 AAR of a CO_2 budget unit that co-fires eligible biomass as a compliance mechanism shall report the following information to the regional organization for each calendar quarter:

(1) For each shipment of solid eligible biomass fuel fired at the CO_2 budget unit, the total eligible biomass fuel input, on an as-fired basis, in pounds;

(2) For each shipment of solid eligible biomass fuel fired at the CO_2 budget unit, the moisture content, on an as-fired basis, as a fraction by weight;

(3) For each distinct type of gaseous eligible biomass fuel fired at the CO_2 budget unit, the density of the biogas, on an as-fired basis, in pounds per standard cubic foot;

(4) For each distinct type of gaseous eligible biomass fuel fired at the CO_2 budget unit, the moisture content of the biogas, as a fraction by total weight;

(5) For each distinct type of gaseous eligible biomass fuel fired at the CO_2 budget unit, the total eligible biomass fuel input, in standard cubic feet;

(6) For each distinct type of eligible biomass fuel fired at the CO_2 budget unit, the dry basis carbon content of the fuel type, as a fraction by dry weight;

(7) For each distinct type of eligible biomass fuel fired at the CO_2 budget unit, the dry basis higher heating value, in MMBtu per dry pound;

(8) For each distinct type of eligible biomass fuel fired at the CO_2 budget unit, the total dry basis eligible biomass fuel input, in pounds, calculated in accordance with (c) or (d), below;

(9) For each distinct type of eligible biomass fuel fired at the CO_2 budget unit, chemical analysis, including heating value and carbon content;

(10) The total amount of CO_2 emitted from the CO_2 budget unit due to firing eligible biomass fuel, in tons, calculated in accordance with (~~e~~ ***f***), below;

(11) For each distinct type of eligible biomass fuel fired at the CO_2 budget unit, the total eligible biomass fuel heat input, in MMBtu, calculated in accordance with (~~f~~ ***g***)(1 ***through 4, and 6***), below;

(12) The total amount of heat input to the CO_2 budget unit due to firing eligible biomass fuel, in MMBtu, calculated in accordance with (~~f~~***g***)(~~2~~ ***5, 7, and 8***), below;

(13) A ~~compliance certification~~ ***description*** and documentation of fuel sampling frequency and methodology; and

(14) A ~~compliance certification~~ ***description*** and documentation of monitoring technology employed.

(b) The owner or operator of a CO_2 budget unit shall calculate and submit to the regional organization on a quarterly basis the total dry weight for each distinct type of eligible biomass co-fired by the CO_2 budget unit during the reporting quarter.

(c) The total dry weight shall be determined for each fuel type as follows:

(1) For solid fuel, as determined in accordance with (~~c~~ ***d***), below;

(2) For gaseous fuel, as determined in accordance with (~~d~~ ***e***), below; or

(3) For eligible liquid biofuel, as proposed by the CO_2 budget source and approved by the department in accordance with Env-A 4609.~~21~~ ***07***.

(d) The total eligible biomass dry basis fuel input, in pounds, for solid fuel shall be calculated as follows:

(1) "F_j" means the total eligible biomass dry basis fuel input, in pounds, for fuel type j;

(2) "F_i" means the eligible biomass as fired fuel input, in pounds, for fired shipment i;

(3) "M_i" means the moisture content fraction for fired shipment i~~.~~***;***

(4) "i" means the fired fuel shipment;

(5) "j" means the fuel type;

(6) "n" means the number of shipments; and

(7) F_j equals the sum of each product of F_i and the difference between one and M_i, as shown in the following equation:

$$F_j = \sum_{i=1}^{n} (1 - M_i) \times F_i$$

(e) The total eligible biomass dry basis fuel input, in pounds, for gaseous fuel shall be calculated as follows:

(1) "F_j" means the total eligible biomass dry basis fuel input, in pounds, for fuel type j;

(2) "D_j" means the density of biogas, in pounds per standard cubic foot (scf) for each distinct fuel type;

(3) "V_j" means the total volume in scf for fuel type j;

(4) "M_i" means the moisture content fraction for fired shipment j;

(5) "j" means the fuel type; and

(6) The F_j is the product of Dj times Vj, multiplied by the difference between one and M j, as shown in the following equation:

$$F_j = D_j \times V_j \times (1 - M_j)$$

(f) CO_2 emissions due to co-firing of eligible biomass shall be determined as follows:

(1) "CO_2 tons" means the tons of CO_2 emissions due to co-firing of eligible biomass for the reporting quarter;

(2) "F_j" means the total eligible biomass dry basis fuel input, in pounds, for fuel type j, as calculated in (~~c~~ ***d***) or (~~d~~ ***e***), above, as applicable;

(3) "C_j" means the dry basis carbon fraction for fuel type j;

(4) "O_j" means the oxidation factor for eligible biomass fuel type j, derived for solid fuels based on the ash content of the eligible biomass fired and the carbon content of this ash as determined in accordance with the methodologies certified and documented pursuant to (a)(13)-(14), and for gaseous eligible biomass fuels, using a default oxidation factor of 0.995;

(5) "j" means the fuel type;

(6) "n" means the number of distinct fuel types; and

(7) The CO_2 emissions due to co-firing of eligible biomass shall be the sum of the products of F_j and C_j and O_j and 44/12 and 0.0005 as shown in the following equation during periods of co-firing:

n

$$CO_2 \text{ tons} = \sum_{j=1} F_j \times C_j \times O_j \times 44/12 \times 0.0005$$

(g) Heat input due to co-firing of eligible biomass for each quarter shall be determined as follows:

(1) "H_j" means the heat input, in MMBtu, for each distinct fuel type j;

(2) "F_j" means the total eligible biomass dry basis fuel input, in lbs, for fuel type j, as calculated in (~~c~~***d***) or (~~d~~***e***);

(3) "HHV_j" means the higher heating value, in MMBtu/lb, dry basis, for fuel type j, as determined through chemical analysis;

(4) "j" means the fuel type;

(5) "n" means the number of distinct fuel types;

(6) For each distinct fuel type, the heat input, in MMBtu, for each distinct fuel type j shall equal the product of F_j and HHV_j as shown in the following equation:

$$H_j = F_j \times HHV_j$$

(7) H_{tot}" means the heat input, in MMBtu, for all fuel types; and

(8) For all fuel types, the heat input, in MMBtu, for all fuel types shall equal the sum of each H_j as shown in the following equation:

$$H_{tot} = \sum_{j=1}^{n} H_j$$

Env-A 4609.~~19~~ ***08*** <u>CO_2 Emissions Due to the Firing of Eligible Biomass Alone</u>. The CO_2 emissions due to firing of eligible biomass by itself and not co-fired with another fuel, shall be as measured and recorded by the continuous emissions monitor during all periods when firing eligible biomass alone.

Env-A 4609.~~20~~ ***09*** <u>Determining CO_2 Emissions from Co-firing Eligible Liquid Biofuel</u>.

(a) The owner or operator of a source who wishes to deduct the CO_2 emissions from co-fired eligible liquid biofuel from the source's total CO_2 emissions shall propose a method for determining the CO_2 emissions attributable to the eligible liquid biofuel to the department in writing.

(b) The proposal submitted pursuant to (a), above, shall contain such information as is necessary to explain the method and demonstrate that it accurately determines the CO_2 emissions from the eligible liquid biofuel being co-fired at the source.

(c) The department shall approve the method if it determines that the method accurately determines the CO_2 emisisons attributable to the eligible liquid biofuel co-fired by the source.

APPENDIX A: STATE STATUTES, FEDERAL STATUTES/REGULATIONS IMPLEMENTED

Rule Section(s)	State or Federal Statute or Federal Regulation Implemented
Env-A 4601	RSA 125-O:20-29
Env-A 4602	RSA 125-O:2; RSA 125-O:20
Env-A 4603	RSA 125-O:22
Env-A 4604	RSA 125-O: 20-29
Env-A 4605	RSA 125-O:22

Env-A 4606	RSA 125-O:21
Env-A 4607 through Env-A 4609	RSA 125-O:20-29

APPENDIX B: STATUTORY DEFINITIONS

125-O:20 Definitions

I. "Affected CO_2 source" means any source with one or more fossil fuel-fired electricity generating units having a nameplate rated capacity equal to or greater than 25 megawatts.

II. "Budget allowances" means those RGGI allowances comprising the state annual budget for CO_2 emissions specified in RSA 125-O:21, II.

IV. "Compliance period" means a 3 calendar year time period. The first compliance period is from January 1, 2009 to December 31, 2011. Each subsequent sequential 3 calendar year period is a separate compliance period.

VI. "Department" means the department of environmental services.

XII. "Regional greenhouse gas initiative" or "RGGI" or "RGGI program" means the program to implement the memorandum of understanding (MOU) between signatory states, dated December 20, 2005, as amended, and the corresponding model rule as amended February 7, 2013, and as amended December 19, 2017, to establish a regional CO2 emissions budget and allowance trading program for emissions from fossil fuel-fired electricity generating units.

XIII. "Regional organization" means a non-profit organization formed by the signatory states to RGGI to provide technical and administrative assistance for such things as: emissions and allowance tracking, allowance market monitoring, and data collection. The organization shall have no regulatory or enforcement authority.

XIV. "Retire" means submitting a RGGI allowance to the department for compliance or other purpose or retaining a RGGI allowance by the department such that the allowance may never be sold or otherwise used again.

XV. "RGGI allowance" means a limited authorization to emit one ton of CO2 issued by the department or other state with a program that the department determines is in accordance with this subdivision or the RGGI program, including emissions limitations as documented by the regional organization, and shall include budget allowances.