

WAC 173-406-401 General. (1) For each affected unit included in an acid rain permit application, a complete compliance plan shall include:

(a) For sulfur dioxide emissions, a certification that, as of the allowance transfer deadline, the designated representative will hold allowances in the unit's compliance subaccount (after deductions under 40 C.F.R. 73.34(c)) not less than the total annual emissions of sulfur dioxide from the unit. The compliance plan may also specify, in accordance with WAC 173-406-400, one or more of the acid rain compliance options.

(b) For nitrogen oxides emissions, a certification that the unit will comply with the applicable limitation established by regulations implementing section 407 of the act or shall specify one or more acid rain compliance options, in accordance with section 407 of the act and regulations implementing section 407.

(2) The compliance plan may include a multiunit compliance option under WAC 173-406-402 or section 407 of the act or regulations implementing section 407.

(a) A plan for a compliance option that includes units at more than one affected source shall be complete only if:

(i) Such plan is signed, certified and dated by the designated representative for each source with an affected unit governed by such plan; and

(ii) A complete permit application is submitted covering each unit governed by such plan.

(b) The permitting authority's approval of a plan under (a) of this subsection that includes units in more than one state shall be final only after every permitting authority with jurisdiction over any such unit has approved the plan with the same modifications or conditions, if any.

(3) Conditional approval. In the compliance plan, the designated representative of an affected unit may propose, in accordance with WAC 173-406-400, any acid rain compliance option for conditional approval; provided that an acid rain compliance option under section 407 of the act may be conditionally proposed only to the extent provided in regulations implementing section 407 of the act.

(a) To activate a conditionally approved acid rain compliance option, the designated representative shall notify the permitting authority in writing that the conditionally approved compliance option will actually be pursued beginning January 1st of a specified year. Such notification shall be subject to the limitations on activation under WAC 173-406-402 and regulations implementing section 407 of the act. If the conditionally approved compliance option includes a plan described in subsection (2)(a) of this section, the designated representative of each source governed by the plan shall sign and certify the notification.

(b) The notification under subsection (3)(a) of this section shall specify the first calendar year and the last calendar year for which the conditionally approved acid rain compliance option is to be activated. A conditionally approved compliance option shall not be activated after the date of any enforceable milestone applicable to the compliance option. The date of activation of the compliance option shall not be a defense against failure to meet the requirements applicable to that compliance option during each calendar year for which the compliance option is activated.

(c) Upon submission of a notification meeting the requirements of (a) and (b) of this subsection, the conditionally approved acid rain

compliance option becomes binding on the owners and operators and the designated representative of any unit governed by the conditionally approved compliance option.

(d) A notification meeting the requirements of (a) and (b) of this subsection will revise the unit's permit in accordance with WAC 173-406-704 (administrative permit amendment).

(4) Termination of compliance option.

(a) The designated representative for a unit may terminate an acid rain compliance option by notifying the permitting authority in writing that an approved compliance option will be terminated beginning January 1st of a specified year. Such notification shall be subject to the limitations on termination under WAC 173-406-402 and regulations implementing section 407 of the act. If the compliance option includes a plan described in subsection (2)(a) of this section, the designated representative for each source governed by the plan shall sign and certify the notification.

(b) The notification under (a) of this subsection shall specify the calendar year for which the termination will take effect.

(c) Upon submission of a notification meeting the requirements of (a) and (b) of this subsection, the termination becomes binding on the owners and operators and the designated representative of any unit governed by the acid rain compliance option to be terminated.

(d) A notification meeting the requirements of (a) and (b) of this subsection will revise the unit's permit in accordance with WAC 173-406-704 (administrative permit amendment).

[Statutory Authority: Chapter 70.94 RCW. WSR 94-23-127 (Order 94-23), § 173-406-401, filed 11/23/94, effective 12/24/94.]