**Application for CO2 Budget Operating Permit**

This application is being submitted for an:

[ ]  Initial Permit

[ ]  Application Update. All information must be included to ensure the updated application contains all necessary information, not just the information that changes. No changes to the permit will be necessary.

Identification of the CO2 budget source:

| Plant Name |  |
| --- | --- |
| Plant Address - Street |  |
| Plant Address - City  |  |
| Plant Address - Zip |  |
| Registration # |  |
| ORIS or EIA Facility Code  |  |
| Designated Representative |  |

Identify each CO2 budget unit at the CO2 budget source for which this application is being submitted (Add or Delete Rows as needed):

| CO2Budget Unit Reference ID | CO2Budget Unit Description | CO2Budget Unit Rated Capacity |
| --- | --- | --- |
|  |  |  |
|  |  |  |
|  |  |  |

Permit requirements shall be as follows:

1. The CO2 authorized account representative of each CO2 budget source required to have an operating permit pursuant to 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) and each CO2 budget unit required to have an operating permit pursuant to 9VAC5-85 shall:

a. Submit to the department a complete CO2 budget permit application under 9VAC5-140-6160 in accordance with the deadlines specified in 9VAC5-140-6150; and

b. Submit in a timely manner any supplemental information that the department determines is necessary in order to review the CO2 budget permit application and issue or deny a CO2 budget permit.

2. The owners and operators of each CO2 budget source required to have an operating permit pursuant to 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) and each CO2 budget unit required to have an operating permit pursuant to 9VAC5-85 for the source shall have a CO2 budget permit and operate the CO2 budget source and the CO2 budget unit at the source in compliance with such CO2 budget permit.

Monitoring requirements shall be as follows:

1. The owners and operators and, to the extent applicable, the CO2 authorized account representative of each CO2 budget source and each CO2 budget unit at the source shall comply with the monitoring requirements of Article 8 (9VAC5-140-6330 et seq.).

2. The emissions measurements recorded and reported in accordance with Article 8 (9VAC5-140-6330 et seq.) shall be used to determine compliance by the unit with the CO2 requirements under 9VAC5-140-6050C.

CO2 requirements shall be as follows:

1. The owners and operators of each CO2 budget source and each CO2 budget unit at the source shall hold CO2 allowances available for compliance deductions under 9VAC5-140-6260, as of the CO2 allowance transfer deadline, in the source's compliance account in an amount not less than the total CO2 emissions that have been generated as a result of combusting fossil fuel for an interim control period or control period from all CO2 budget units at the source, less the CO2 allowances deducted to meet the requirements of 9VAC5-140-6050C.2, with respect to the previous two interim control periods as determined in accordance with Article 6 (9VAC5-140-6220 et seq.) and Article 8 (9VAC5-140-6330 et seq.).

2. The owners and operators of each CO2 budget source and each CO2 budget unit at the source shall hold CO2 allowances available for compliance deductions under 9VAC5-140-6260, as of the CO2 allowance transfer deadline, in the source's compliance account in an amount not less than the total CO2 emissions that have been generated as a result of combusting fossil fuel for the interim control period from all CO2 budget units at the source multiplied by 0.50, as determined in accordance with Article 6 (9VAC5-140-6220 et seq.) and Article 8 (9VAC5-140-6330 et seq.).

3. Each ton of CO2 emitted in excess of the CO2 budget emissions limitation for a control period shall constitute a separate violation of Part VII of Chapter 140 and applicable state law.

4. Each ton of excess interim emissions shall constitute a separate violation of Part VII of Chapter 140 and applicable state law.

5. A CO2 budget unit shall be subject to the requirements of 9VAC5-140-6050C starting on the later of January 1, 2021, or the date on which the unit commences operation.

6. CO2 allowances shall be held in, deducted from, or transferred among CO2 Allowance Tracking System (COATS) accounts in accordance with Article 5 (9VAC5-140-6190 et seq.), Article 6 (9VAC5-140-6220 et seq.), and Article 7 (9VAC5-140-6300 et seq.).

7. A CO2 allowance shall not be deducted, to comply with the requirements of 9VAC5-140-6050C, for a control period that ends prior to the year for which the CO2 allowance was allocated.

8. A CO2 allowance under the CO2 Budget Trading Program is a limited authorization by the department to emit one ton of CO2 in accordance with the CO2 Budget Trading Program. No provision of the CO2 Budget Trading Program, the CO2 budget permit application, or the CO2 budget permit or any provision of law shall be construed to limit the authority of the department or a participating state to terminate or limit such authorization.

9. A CO2 allowance under the CO2 Budget Trading Program does not constitute a property right.

10. The owners and operators of a CO2 budget source that has excess emissions in a control period shall:

1. Forfeit the CO2 allowances required for deduction under 9VAC5-140-6260 D 1; and

2. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9VAC5-140-6260 D 2.

Recordkeeping and reporting requirements shall be as follows:

1. Unless otherwise provided, the owners and operators of the CO2 budget source and each CO2 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. This period may be extended for cause, at any time prior to the end of 10 years, in writing by the department.

a. The account certificate of representation for the CO2 authorized account representative for the source and each CO2 budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9VAC5-140-6110, 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 CO2 authorized account representative.

b. All emissions monitoring information, in accordance with Article 8 (9VAC5-140-6330 et seq.) and 40 CFR 75.57.

c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the CO2 Budget Trading Program.

d. Copies of all documents used to complete a CO2 budget permit application and any other submission under the CO2 Budget Trading Program or to demonstrate compliance with the requirements of the CO2 Budget Trading Program.

2. The CO2 authorized account representative of a CO2 budget source and each CO2 budget unit at the source shall submit the reports and compliance certifications required under the CO2 Budget Trading Program, including those under Article 4 (9VAC5-140-6170 et seq.).

Liability requirements shall be as follows:

1. No permit revision shall excuse any violation of the requirements of the CO2 Budget Trading Program that occurs prior to the date that the revision takes effect.

2. Any provision of the CO2 Budget Trading Program that applies to a CO2 budget source, including a provision applicable to the CO2 authorized account representative of a CO2 budget source, shall also apply to the owners and operators of such source and of the CO2 budget units at the source.

3. Any provision of the CO2 Budget Trading Program that applies to a CO2 budget unit, including a provision applicable to the CO2 authorized account representative of a CO2 budget unit, shall also apply to the owners and operators of such unit.

4. No provision of the CO2 Budget Trading Program, a CO2 budget permit application, or a CO2 budget permit shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the CO2 authorized account representative of the CO2 budget source or CO2 budget from compliance with any other provisions of applicable state and federal law or regulations.

5. Each submission under the CO2 Budget Trading Program shall be submitted, signed, and certified by the CO2 authorized account representative for each CO2 budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CO2 authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the CO2 budget sources or CO2 budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Submission Certification

I am authorized to make this submission on behalf of the owners and operators of the CO2 budget sources or CO2 budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

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CO2 Authorized Alternate Account Representative Date

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_