

## **Appendix 9A**

### **DNRE Best Available Retrofit Technology (BART) Rules**

**R 336.1970 Best available retrofit technology; adoption by reference.**

Rule 970. (1) The provisions of 40 C.F.R., part 51, appendix Y, “Guidelines for BART Determinations Under the Regional Haze Rule,” and 40 C.F.R. §51.301, “Definitions,” are adopted by reference in R 336.1902.

*History: 2008 MR 4, Eff. Sep. 11, 2008.*

**R 336.1971 Best available retrofit technology or BART program.**

Rule 971. (1) The department shall determine applicability of best available retrofit technology based on the provisions referenced in R 336.1970.

(2) The owner or operator of a unit subject to BART shall perform an engineering analysis as described in the provisions referenced in R 336.1970 and shall provide the results of the analysis to the department within 60 days of the effective date of R 336.1970 and R 336.1971.

(3) If an electric generating unit (EGU) subject to BART is subject to the trading programs of the Clean Air Interstate Rule under 40 C.F.R. part 97, the owner or operator of the EGU is not required to conduct a BART analysis for sulfur dioxide and oxides of nitrogen emissions under this rule.

(4) An engineering analysis required by subrule (2) of this rule shall be submitted to the department and shall be subject to review and approval by the department. If the department determines additional information is required, the department shall provide to the owner or operator additional information requests and comments in writing. The owner or operator shall provide the requested information within 60 days from receipt of written requests and comments from the department. The department may determine that more than 60 days will be allowed.

(5) The department shall determine the BART level of control for each unit subject to BART based on the engineering analysis referenced in subrule (2) of this rule, the provisions referenced in R 336.1970, and other information which the department determines to be relevant.

(6) The owner or operator of a unit subject to BART shall enter into a permit to install or consent order with the department to make the BART provisions legally enforceable within 90 days of the department’s approval of the engineering analysis, unless the department determines that more than 90 days will be allowed. BART controls shall be in place and operating not later than December 31, 2012.

(7) An owner or operator subject to this rule shall measure oxides of nitrogen and sulfur dioxide emissions with 1 or more of the following:

(a) A continuous emission monitoring system.

(b) An alternate method as described in 40 C.F.R. part 60 or 75, adopted by reference in R 336.1802a, as applicable and acceptable to the department.

(c) A method currently in use or a future method developed for use and acceptable to the department, including methods contained in existing permit conditions.

(8) An owner or operator of an emission unit that measures oxides of nitrogen or sulfur dioxide emissions by a continuous emission monitoring system shall do either of the following:

(a) Use procedures set forth in 40 C.F.R., part 60, subpart A and appendix B, and comply with the quality assurance procedures in appendix F, adopted by reference in R 336.1802a as applicable and acceptable to the department.

(b) Use procedures set forth in 40 C.F.R., part 75, and associated appendices, adopted by reference in R 336.1802a, as applicable and acceptable to the department.

(9) An owner or operator of an emission unit who uses a continuous emission monitoring system to demonstrate compliance with this rule and who has already installed a continuous emission monitoring system for oxides of nitrogen or sulfur dioxide pursuant to other applicable federal, state, or local rules shall meet the installation, testing, operation, quality assurance, and reporting requirements specified by the department.

(10) An owner or operator of an emission unit that is subject to this rule and has a permit or consent order issued under R 336.1971(4) shall submit at a minimum semiannual summary reports, in an acceptable format, to the department by March 15 for the reporting period July 1 to December 31 and September 15 for the reporting period January 1 to June 30 of each calendar year. The reports shall include all of the following information:

(a) The date, time, magnitude of emissions, and emission rates where applicable, of the specified emission unit or utility system.

(b) If emissions or emission rates exceed the emissions or emission rates allowed by the applicable emission limit, the cause, if known, and any corrective action taken.

(c) The total operating time of the emission unit during the time period.

(d) For continuous emission monitoring systems, system performance information shall include the date and time of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of the system repairs or adjustments. When the continuous monitoring system has not been inoperative, repaired, or adjusted, the information shall be stated in the report.

(11) Quarterly summary reports, if required by the department pursuant to R 336.1213, shall be submitted within 30 days following the end of the calendar quarter and may be used in place of the semi-annual reports required pursuant to subrule (9) of this rule.

*History: 2008 MR 4, Eff. Sep. 11, 2008.*