



# New Unit Exemption

For more information, see instructions and refer to 40 CFR 72.7

This submission is:  New  Revised

**STEP 1**  
 Identify the new unit by plant name, State, ORIS Code (if assigned) and unit ID# .

Plant Name	State	ORIS Code	Unit ID#
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**STEP 2**  
 List to one decimal place the nameplate capacity of each generator served by the unit. Then total these entries and enter the result.

					<b>TOTAL</b>
MWe	MWe	MWe	MWe	MWe	MWe

**STEP 3**  
 List all fuels currently burned or expected to be burned, by the unit and the percent sulfur content by weight of each.

Fuel (current)	Sulfur Content (current)	Fuel (expected)	Sulfur Content (expected)
	%		%
	%		%
	%		%

**STEP 4**  
 Identify the first full calendar year in which the unit meets (or will meet) the requirements of 40 CFR 72.7(a).

January 1, \_\_\_\_\_.

**STEP 5**  
 Read the special provisions.

### Special Provisions

- (1) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 72.7 shall (i) comply with the requirements of 40 CFR 72.7(a) for all periods for which the unit is exempt under 40 CFR 72.7 and (ii) comply with the requirements of the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (2) For any period for which a unit is exempt under 40 CFR 72.7, the unit is not an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71 and is not eligible to be an opt-in source under 40 CFR part 74. As an unaffected unit, the unit shall continue to be subject to any other applicable requirements under 40 CFR parts 70 and 71.
- (3) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 72.7 shall retain at the source that includes the unit records demonstrating that the requirements of 40 CFR 72.7(a) are met. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the Administrator or the the North Dakota Department of Health, Division of Air Quality. Such records shall include, for each delivery of fuel to the unit or for fuel delivered to the unit continuously by pipeline, the type of fuel, the sulfur content, and the sulfur content of each sample taken. The owners and operators bear the burden of proof that the requirements of paragraph 40 CFR 72.7(a) are met.
- (4) On the earliest of the following dates, a unit exempt under 40 CFR 72.7(b), (c), or (e) shall lose its exemption and become an affected unit under the Acid Rain Program and 40 CFR parts 70 and 71: (i) the date on which the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe; (ii) the date on which the unit burns any coal or coal-derived fuel except for coal-derived gaseous fuel with a total sulfur content no greater than natural gas; or (iii) January 1 of the year following the year in which the annual average sulfur content for gaseous fuel burned at the unit exceeds 0.05 percent by weight (as determined under 40 CFR 72.7(d)) or for nongaseous fuel burned at the unit exceeds 0.05 percent by weight (as determined under 40 CFR 72.7(d)). Notwithstanding 40 CFR 72.30(b) and (c), the designated representative for a unit that loses its exemption under 40 CFR 72.7 shall submit a complete Acid Rain permit application on the later of January 1, 1998 or 60 days after the first date on which the unit is no longer exempt. For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under 40 CFR 72.7 shall be treated as a new unit that commenced commercial operation on the first date on which the unit is no longer exempt.

Plant Name (from Step 1)
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**STEP 6**  
**Read the appropriate**  
**certification and sign**  
**and date.**

**Certification (for designated representatives only)**

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

Name	
Signature	Date

**Certification (for certifying officials only)**

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

Name	Title
Company Owner Name	
Phone	Email Address
Signature	Date

**Certification (for additional certifying officials, if applicable)**

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

Name	Title
Company Owner Name	
Phone	Email Address
Signature	Date



# Acid Rain Program Instructions for New Unit Exemption Form (40 CFR 72.7)

*The Acid Rain Program regulations provide that any new, affected utility unit that serves generators with total nameplate capacity not greater than 25 MWe and where fuel burned each year has an annual average sulfur content of 0.05 percent or less is exempted from the requirements to obtain an Acid Rain permit, monitor emissions, and hold allowances. The designated representative or certifying official(s) of such a unit must submit the New Unit Exemption form. The provisions governing the new unit exemption are found at 40 CFR 72.7.*

Please type or print. If assistance is needed, contact the North Dakota Department of Health, Division of Air Quality.

## STEP 1

Use the plant name and ORIS Code listed on the Certificate of Representation (if any) for the affected unit. An ORIS code is a 4 digit number assigned by the Energy Information Agency (EIA) at the U.S. Department of Energy to power plants owned by utilities. If the plant is not owned by a utility but has a 5 digit facility code (also assigned by EIA), use the facility code. If neither code has been assigned to the plant in question, put "NA" in the "ORIS Code" box.

Identify the new unit by providing the appropriate unit identification number, consistent with the unit identification number entered for the Certificate of Representation (if any) and with unit identification numbers used in reporting to DOE and/or EIA. For new units without identification numbers, owners and operators may assign such numbers consistent with EIA and DOE requirements.

## STEP 2

Nameplate capacity is defined in 40 CFR 72.2 as the maximum electrical generating output (in MWe) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in NADB (the National Allowance Data Base for the Acid Rain Program) or, if not in NADB, as measured in accordance with the U.S. Department of Energy standards. To qualify for the exemption from the requirements of the Acid Rain Program, the total entered at Step 2 must be 25 MWe or less.

## STEP 3

To qualify for and maintain exempt status, the fuels consumed at the unit must have an annual average sulfur content of 0.05 percent or less by weight for each year for which the exemption is to be in effect, as determined using the test methods specified in 40 CFR 72.7(d). This requirement is applied separately for gaseous and non-gaseous fuels. If the unit's only current or expected gaseous fuel is natural gas, enter " $\leq 0.05\%$ " in the appropriate "Sulfur Content" portion of the form for the natural gas. If other gaseous fuels in addition to natural gas are or are expected to be consumed at the unit, the actual sulfur content of the natural gas and the other gaseous fuels must be entered. The unit cannot burn coal or coal-derived fuel (except gaseous fuel with total sulfur content no greater than natural gas).

## STEP 4

Enter the first full calendar year in which the unit meets the requirements (described generally in STEP 3 of these instructions) of 40 CFR 72.7(a) and, if the unit is allocated allowances, the allowance and proceeds surrender requirements of 40 CFR 72.7(c). The exemption becomes effective on this date, but the unit may lose the exemption as provided in 40 CFR 72.7(f)(4).

## **STEP 6**

If the source where the unit is located chooses to authorize a designated representative, a complete Certificate of Representation for the source must be received by U.S. EPA before this form is submitted. The designated representative or alternate designated representative must read, sign, and date the certification at STEP 6 labeled "for designated representatives only."

If no designated representative has been authorized, a certifying official for each owner of the unit must read the certification at STEP 6 labeled "for certifying officials only," enter his or her name, title, name of the ownership company for which he or she is the certifying official, phone number, email address, and then sign and date. A certifying official is not required to submit a Certificate of Representation. If there is more than one owner of a new unit for which no designated representative has been authorized, each owner of the unit must have a certifying official sign the appropriate certification at STEP 6.

## **Submission Deadlines**

The form must be submitted to the North Dakota Department of Health, Division of Air Quality by December 31 of the first year for which the unit is to be exempt.

## **Submission Instructions**

Submit this form to the North Dakota Department of Health, Division of Air Quality, 918 E. Divide Ave., 2<sup>nd</sup> Floor, Bismarck, North Dakota 58501-1947 **and** a copy to:

U.S. Environmental Protection Agency  
Clean Air Markets Division (6204J)  
Attn: New Unit Exemption  
1200 Pennsylvania Ave., NW  
Washington, DC 20460.

If you have questions regarding this form, contact your local, State, or EPA Regional Acid Rain contact, or call EPA's Acid Rain Hotline at (202) 343-9620 or the North Dakota Department of Health, Division of Air Quality at (701)328-5188.