



# Retired Unit Exemption

For more information, see instructions and refer to 40 CFR 72.8, 96.105, 96.205, 96.305, 97.405, 97.505, 97.605, and 97.705, or a comparable state regulation, as applicable.

This submission is:  New  Revised

**STEP 1**

Identify the unit by facility (source) name, State, ORIS/plant code and unit ID#.

Facility (Source) Name	State	ORIS/Plant Code	Unit ID#
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**STEP 2**

Indicate the program(s) that the unit is subject to

- Acid Rain
- CAIR NO<sub>x</sub> Annual
- CAIR SO<sub>2</sub>
- CAIR NO<sub>x</sub> Ozone Season
- Transport Rule NO<sub>x</sub> Annual
- Transport Rule NO<sub>x</sub> Ozone Season
- Transport Rule SO<sub>2</sub> Annual

**STEP 3**

Identify the date on which the unit was (or will be) permanently retired.

**STEP 4**

If the unit is subject to the Acid Rain Program, identify the first full calendar year in which the unit meets (or will meet) the requirements of 40 CFR 72.8(d).

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

**Acid Rain Program Special Provisions**

- (1) A unit exempt under 40 CFR 72.8 shall not emit any sulfur dioxide and nitrogen oxides starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with 40 CFR part 73 subpart B.
- (2) A unit exempt under 40 CFR 72.8 shall not resume operation unless the designated representative of the source that includes the unit submits a complete Acid Rain permit application under 40 CFR 72.31 for the unit not less than 24 months prior to the date on which the unit is first to resume operation.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 72.8 shall 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.
- (4) For any period for which a unit is exempt under 40 CFR 72.8, the unit is not an affected unit under the Acid Rain Program and 40 CFR part 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.
- (5) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 72.8 shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. 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 permitting authority. The owners and operators bear the burden of proof that the unit is permanently retired.
- (6) On the earlier of the following dates, a unit exempt under 40 CFR 72.8(b) or (c) shall lose its exemption and become an affected unit under the Acid Rain Program and 40 CFR part 70 and 71: (i) the date on which the designated representative submits an Acid Rain permit application under paragraph (2); or (ii) the date on which the designated representative is required under paragraph (2) to submit an Acid Rain permit application. For the purpose of applying monitoring requirements under 40 CFR part 75, a unit that loses its exemption under 40 CFR 72.8 shall be treated as a new unit that

commenced commercial operation on the first date on which the unit resumes operation.

**CAIR NO<sub>x</sub> Annual Trading Program Special Provisions**

- (1) A unit exempt under 40 CFR 96.105(a) shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.
- (2) The permitting authority will allocate CAIR NO<sub>x</sub> allowances under 40 CFR 96 subpart EE to a unit exempt under 40 CFR 96.105(a).
- (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 96.105(a) shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the permitting authority or the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.
- (4) The owners and operators and, to the extent applicable, the CAIR designated representative of a unit exempt under 40 CFR 96.105(a) shall comply with the requirements of the CAIR NO<sub>x</sub> Annual Trading 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.
- (5) A unit exempt under 40 CFR 96.105(a) and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the CAIR designated representative of the source submits a complete CAIR permit application under 40 CFR 96.122 for the unit not less than 18 months (or such lesser time provided by the permitting authority) before the later of January 1, 2009 or the date on which the unit resumes operation.
- (6) On the earlier of the following dates, a unit exempt under 40 CFR 96.105(a) shall lose its exemption:
  - (i) The date on which the CAIR designated representative submits a CAIR permit application for the unit under 40 CFR 96.105(b)(5);
  - (ii) The date on which the CAIR designated representative is required under 40 CFR 96.105(b)(5) to submit a CAIR permit application for the unit; or
  - (iii) The date on which the unit resumes operation, if the CAIR designated representative is not required to submit a CAIR permit application for the unit.
- (7) For the purpose of applying monitoring, reporting, and recordkeeping requirements under 40 CFR 96 subpart HH, a unit that loses its exemption under 40 CFR 96.105(a) shall be treated as a unit that commences commercial operation on the first date on which the unit resumes operation.

**CAIR SO<sub>2</sub> Trading Program Special Provisions**

- (1) A unit exempt under 40 CFR 96.205(a) shall not emit any sulfur dioxide, starting on the date that the exemption takes effect.
- (2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 96.205(a) shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the permitting authority or the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.
- (3) The owners and operators and, to the extent applicable, the CAIR designated representative of a unit exempt under 40 CFR 96.205(a) shall comply with the requirements of the CAIR SO<sub>2</sub> Trading 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.
- (4) A unit exempt under 40 CFR 96.205(a) and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the CAIR designated representative of the source submits a complete CAIR permit application under 40 CFR 96.222 for the unit not less than 18 months (or such lesser time provided by the permitting authority) before the later of January 1, 2010 or the date on which the unit resumes operation.
- (5) On the earlier of the following dates, a unit exempt under 40 CFR 96.205(a) shall lose its exemption:
  - (i) The date on which the CAIR designated representative submits a CAIR permit application for the unit under 40 CFR 96.205(b)(4);
  - (ii) The date on which the CAIR designated representative is required under 40 CFR 96.205(b)(4) to submit a CAIR permit application for the unit; or
  - (iii) The date on which the unit resumes operation, if the CAIR designated representative is not required to submit a CAIR permit application for the unit.
- (6) For the purpose of applying monitoring, reporting, and recordkeeping requirements under 40 CFR 96 subpart HHH, a unit that loses its exemption under 40 CFR 96.205(a) shall be treated as a unit that commences commercial operation on the first date on which the unit resumes operation.

**CAIR NO<sub>x</sub> Ozone Season Trading Program Special Provisions**

(1) A unit exempt under 40 CFR 96.305(a) shall not emit any nitrogen oxides, starting on the date that the exemption takes effect.

(2) The permitting authority will allocate CAIR NO<sub>x</sub> Ozone Season allowances under 40 CFR 96 subpart EEEE to a unit exempt under 40 CFR 96.305(a). **Transport Rule NO<sub>x</sub> Annual Trading Program Special Provisions**

(1) A unit exempt under 40 CFR 97.405 shall not emit any NO<sub>x</sub>, starting on the date that the exemption takes effect.

(2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 97.405 shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt 40 CFR 97.405 shall comply with the requirements of the TR NO<sub>x</sub> Annual Trading 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.

(4) A unit exempt under 40 CFR 97.405 shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under this subpart, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Transport Rule NO<sub>x</sub> Annual Trading Program Special Provisions**

(1) A unit exempt under 40 CFR 97.405 shall not emit any NO<sub>x</sub>, starting on the date that the exemption takes effect.

(2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 97.405 shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt 40 CFR 97.405 shall comply with the requirements of the TR NO<sub>x</sub> Annual Trading 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.

(4) A unit exempt under 40 CFR 97.405 shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under this subpart, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Transport Rule NO<sub>x</sub> Ozone Season Trading Program Special Provisions**

(1) A unit exempt under 40 CFR 97.505 shall not emit any NO<sub>x</sub>, starting on the date that the exemption takes effect.

(2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 97.505 shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.

(3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 97.505 shall comply with the requirements of the TR NO<sub>x</sub> Ozone Season Trading 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.

(4) A unit exempt under 40 CFR 97.505 shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under this subpart, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Transport Rule SO<sub>2</sub> Group 1 Trading Program Special Provisions**

- (1) A unit exempt under 40 CFR 97.605 shall not emit any SO<sub>2</sub>, starting on the date that the exemption takes effect.
- (2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 97.605 shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 97.605 shall comply with the requirements of the TR SO<sub>2</sub> Group 1 Trading 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.
- (4) A unit exempt under 40 CFR 97.605 shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under this subpart, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**Transport Rule SO<sub>2</sub> Group 2 Trading Program Special Provisions**

- (1) A unit exempt under 40 CFR 97.705 shall not emit any SO<sub>2</sub>, starting on the date that the exemption takes effect.
- (2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 97.705 shall retain, at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time before the end of the period, in writing by the Administrator. The owners and operators bear the burden of proof that the unit is permanently retired.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under 40 CFR 97.705 shall comply with the requirements of the TR SO<sub>2</sub> Group 2 Trading 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.
- (4) A unit exempt under 40 CFR 97.705 shall lose its exemption on the first date on which the unit resumes operation. Such unit shall be treated, for purposes of applying allocation, monitoring, reporting, and recordkeeping requirements under this subpart, as a unit that commences commercial operation on the first date on which the unit resumes operation.

**STEP 6**

Read the statement of compliance and the appropriate certification statements and sign and date.

**Statement of Compliance**

I certify that the unit identified above at STEP 1 was (or will be) permanently retired on the date identified at STEP 3 and will comply with the appropriate Special Provisions listed at STEP 5.

**Certification (for Acid Rain, CAIR, or Transport Rule designated representatives or alternate Acid Rain, CAIR, or Transport Rule designated representatives only)**

I am authorized to make this submission on behalf of the owners and operators of the source and unit 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		Title	
Owner Company Name			
Phone		Email	
Signature			Date

**Certification (for certifying officials of units subject to the Acid Rain Program 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	
Owner Company Name			
Phone		Email	
Signature			Date



## Instructions for Submission of the Retired Unit Exemption Notice

Please type or print. If you have any questions regarding the submission of the Retired Unit Exemption notice, contact Robert Miller at [miller.robertl@epa.gov](mailto:miller.robertl@epa.gov) or (202) 343-9077, or contact your local, State, or EPA Regional Acid Rain, CAIR, or Transport Rule (TR) contact, as appropriate. You may also call U.S. EPA's Acid Rain Hotline at (202) 343-9620.

Any reference in these instructions to the Designated Representative means the Acid Rain Designated Representative, CAIR Designated Representative, and/or Transport Rule Designated Representative, as applicable. Any reference to the Alternate Designated Representative means the Alternate Acid Rain Designated Representative, the Alternate CAIR Designated Representative, and/or the Alternate Transport Rule Designated Representative, as applicable. The Acid Rain Designated Representative, the CAIR Designated Representative, and the Transport Rule Designated Representative for a facility (source) must be the same individual, and the Alternate Acid Rain Designated Representative, the Alternate CAIR Designated Representative, and the Alternate Transport Rule Designated Representative for a facility (source) must be the same individual.

**Submission Deadline:** For units subject to CAIR and/or the Transport Rule only, submit the retired unit exemption notice no later than 30 days after the date the unit is permanently retired (i.e., within 30 days of the date entered at STEP 3). For units subject only to the Acid Rain Program, submit the form by December 31 of the first year the unit is to be exempt. If the unit is subject to the Acid Rain Program and to CAIR and/or the Transport Rule, submit the retired unit exemption notice no later than 30 days after the date the unit is permanently retired (i.e., within 30 days of the date entered at STEP 3).

**STEP 1** Enter the facility name and state where the unit is located, the ORIS/Plant Code for the facility, and Unit ID for the unit, consistent with the data listed on the most current Certificate of Representation for the facility. A Plant Code is a 4 or 5 digit number assigned by the Department of Energy=s (DOE) Energy Information Administration (EIA) to facilities that generate electricity. For older facilities, "Plant Code" is synonymous with "ORISPL" and "Facility" codes. If the facility generates electricity but no Plant Code has been assigned, or if there is uncertainty regarding what the Plant Code is, contact EIA at (202) 586-1029. For facilities that do not produce electricity, use the facility identifier assigned by EPA (beginning with "88"). If the facility does not produce electricity and has not been assigned a facility identifier, contact Laurel DeSantis at [desantis.laurel@epa.gov](mailto:desantis.laurel@epa.gov) or (202) 343-9191.

**STEP 2** Identify the programs to which the unit is subject.

**STEP 3** Enter the date on which the unit was (or will be) permanently retired.

**STEP 4** If the unit is subject to the Acid Rain Program, identify the first full calendar year in which the unit meets (or will meet) the requirements of 40 CFR 72.8(d).

**STEP 5** Read the appropriate special provisions.

**STEP 6** Read the appropriate certification statements, sign, and date.

For units subject only to the Acid Rain Program, 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 of Acid Rain affected units only, enter his or her name, title, name of the owner 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 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.

Submit the original Retired Unit Exemption notice to the title V permitting authority for the facility, and a copy to U.S. EPA:

**For regular/certified mail:**

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

**For overnight mail:**

U.S. Environmental Protection Agency  
Clean Air Markets Division (6204J)  
Attention: Retired Unit Exemption  
1310 L Street, NW  
Second Floor  
Washington, DC 20005  
(202) 343-9191

**Paperwork Burden Estimate**

The public reporting and recordkeeping burden for this collection of information is estimated to average 3.5 hours per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, D.C. 20460. Include the OMB control number in any correspondence. **Do not send the completed form to this address.**