



**CAIR Annual Nitrogen Oxide Budget Permit  
Permit No. MI-NOA-1723-2013**

Permittee Consumers Energy – J.R. Whiting Plant  
 Address 4525 E. Erie Rd., Erie, MI  
 SRN B2846  
 ORIS code 1723  
 Issue Date July 1, 2013  
 Expiration This permit shall expire when the facility’s Renewable Operating Permit expires in accordance with Air Pollution Control Rule 336.1821.  
 ROP No. MI-ROP-B2846-2013

This permit incorporates automatically the definitions of terms under Air Pollution Control Rule 336.1803.

This permit incorporates automatically, upon recordation by the EPA Administrator in accordance with Air Pollution Control Rule 336.1830, 336.1831 and 336.1834 every allocation, transfer, or deduction of a NOx allowance to or from the compliance accounts of the NOx Budget unit(s) covered by the permit.

The owners and operators of the source must comply with the standard requirements and special provisions set forth in this permit.

This permit incorporates any attached comments, notes or justifications regarding permit decisions and changes made to the permit application forms during the review process.

**Units covered under this permit**

<b>AQD Unit ID</b>	<b>Unit Type</b>			
1	<input checked="" type="checkbox"/> Stationary Boiler	<input type="checkbox"/> Combined Cycle System	<input type="checkbox"/> Combustion Turbine	<input type="checkbox"/> Other
2	<input checked="" type="checkbox"/> Stationary Boiler	<input type="checkbox"/> Combined Cycle System	<input type="checkbox"/> Combustion Turbine	<input type="checkbox"/> Other
3	<input checked="" type="checkbox"/> Stationary Boiler	<input type="checkbox"/> Combined Cycle System	<input type="checkbox"/> Combustion Turbine	<input type="checkbox"/> Other

**Permit Application:**

*CAIR NOx Annual Permit application submitted November 23, 2010*

## Standard Requirements

### (a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NOX source required to have a Renewable Operating Permit (ROP) and each CAIR NOX unit required to have a ROP at the source shall:

- (i) Submit to the Michigan Department of Environmental Quality, Air Quality Division (MDEQ-AQD) a complete CAIR permit application under R 336.1821(3) in accordance with the deadlines specified in 40 CFR 97.121; and
- (ii) Submit in a timely manner any supplemental information that the MDEQ-AQD determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NOX source required to have a ROP and each CAIR NOX unit required to have a ROP at the source shall have a CAIR permit issued by the MDEQ-AQD under subpart CC of 40 CFR part 97 for the source and operate the source and the unit in compliance with such CAIR permit.

### (b) Monitoring, Reporting, and Recordkeeping Requirements.

(1) The owners and operators, and the CAIR designated representative, of each CAIR NOX source and each CAIR NOX unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of subpart HH of 40 CFR part 97.

(2) The emissions measurements recorded and reported in accordance with subpart HH of 40 CFR part 97 shall be used to determine compliance by each CAIR NOX source with the CAIR NOX emissions limitation under paragraph (c) of this permit.

### (c) Nitrogen Oxides Emission Requirements.

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NOX source and each CAIR NOX unit at the source shall hold, in the source's compliance account, CAIR NOX allowances available for compliance deductions for the control period under 40 CFR 97.154(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NOX units at the source, as determined in accordance with subpart HH of 40 CFR part 97.

(2) A CAIR NOX unit shall be subject to the requirements under paragraph (c)(1) for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.170(b)(1), (2), or (5) and for each control period thereafter.

(3) A CAIR NOX allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NOX allowance was allocated.

(4) CAIR NOX allowances shall be held in, deducted from, or transferred into or among CAIR NOX Allowance Tracking System accounts in accordance with subparts EE, FF, GG, or II of 40 CFR part 97.

(5) A CAIR NOX Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NOX Ozone Season Trading Program. No provision of the CAIR NOX Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an

exemption under § 97.105 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(6) A CAIR NOX allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NOX Annual Trading Program. No provision of the CAIR NOX Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 40 CFR 97.105 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) A CAIR NOX allowance does not constitute a property right.

(8) Upon recordation by the Administrator under subpart EE, FF, GG, or II of 40 CFR part 97, every allocation, transfer, or deduction of a CAIR NOX allowance to or from a CAIR NOX source's compliance account is incorporated automatically in any CAIR permit of the source.

**(d) Excess Emissions Requirements.**

If a CAIR NOX source emits nitrogen oxides during any control period in excess of the CAIR NOX emissions limitation, then:

(1) The owners and operators of the source and each CAIR NOX unit at the source shall surrender the CAIR NOX allowances required for deduction under 40 CFR 97.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable State law; and

(2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, the Clean Air Act, and applicable State rules.

**(e) Recordkeeping and Reporting Requirements.**

(1) Unless otherwise provided, the owners and operators of the CAIR NOX source and each CAIR NOX unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the MDEQ-AQD or the Administrator.

(i) The certificate of representation under § 97.113 for the CAIR designated representative for the source and each CAIR NOX unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under § 97.113 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with subpart HH of 40 CFR part 97.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NOX Annual Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NOX Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NOX Annual Trading Program.

(2) The CAIR designated representative of a CAIR NOX source and each CAIR NOX unit at the source shall submit the reports required under the CAIR NOX Annual Trading Program, including those under subpart HH of 40 CFR part 97.

**(f) Liability.**

(1) Each CAIR NOX source and each CAIR NOX unit shall meet the requirements of the CAIR NOX Annual Trading Program.

(2) Any provision of the CAIR NOX Annual Trading Program that applies to a CAIR NOX source or the CAIR designated representative of a CAIR NOX source shall also apply to the owners and operators of such source and of the CAIR NOX units at the source.

(3) Any provision of the CAIR NOX Annual Trading Program that applies to a CAIR NOX unit or the CAIR designated representative of a CAIR NOX unit shall also apply to the owners and operators of such unit.

**(g) Effect on Other Authorities.**

No provision of the CAIR NOX Annual Trading Program, a CAIR permit application, a CAIR permit, or an exemption under § 97.105 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NOX source or CAIR NOX unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.