

provided in Section 2(i)(i) of this Rule until the allowance transfer deadline.

(B) A WEB source must hold allowances allocated for the 2019 control period, including those transferred into the compliance account by an allowance transfer correctly submitted by the allowance transfer deadline, in an amount not less than the WEB source's total SO₂ emissions for the 2019 control period. Emissions are determined using the pre-trigger monitoring provisions in Part A2.1 of Section C of the WYRHSIP, and Chapter 14, Section 3.

(C) In accordance with Section 2(j)(iv) and 2(i)(i)(D), Wyoming shall seek at least the minimum financial penalty of \$5,000 per ton of SO₂ emissions in excess of the WEB source's allowance limitation.

(I) Any source may resolve its excess emissions violation by agreeing to a streamline settlement approach where the source pays a penalty of \$5,000 per ton or partial ton of excess emissions, and payment is received within 90 calendar days after the issuance of a notice of violation.

(II) Any source that does not resolve its excess emissions violation in accordance with the streamlined settlement approach in Section 2(l)(i)(E)(I) will be subject to civil enforcement action, in which the Department shall seek a financial penalty for the excess emissions based on the State's statutory maximum civil penalties.

(D) Each ton of SO₂ emissions in excess of a source's allowance limitation is a separate violation and each day of a control period is a separate violation.

(E) For each control period after 2019 that the special penalty is assessed, the dates and deadlines in 2(l)(iii)(A)-(D) above will be adjusted forward by one year.

(m) Integration Into Permits.

Any WEB source that is not subject to Chapter 6, Section 3 at any time after Chapter 14 becomes effective must obtain a permit under Chapter 6, Section 2 or modify an existing permit issued under Chapter 6, Section 2 that incorporates the requirements of Section 2 of this Chapter.

Section 3. Sulfur dioxide milestone inventory.

(a) Applicability.

(i) Section 3 of this Chapter applies to all stationary sources with actual emissions of 100 tons per year or more of sulfur dioxide in calendar year 2000 or any subsequent year.

(ii) Except as provided in (iii) and (iv), any source that meets the criteria

of (i) that emits less than 100 tons per year in any subsequent year shall remain subject to the requirements of Section 3 of this Chapter until 2018 or until the first control period under the Western Backstop Sulfur Dioxide Trading Program as established in Section 2 of this Chapter, whichever is earlier.

(iii) A stationary source that meets the requirements of (i) that has permanently ceased operation is exempt from the requirements of Chapter 14.

(b) Annual Sulfur Dioxide Emission Report.

(i) Except as provided in (ii), each source subject to Chapter 14 shall report sulfur dioxide emissions by April 15th of each calendar year, in accordance with the schedule cited in Section 3(b)(iii), below.

(ii) Each source subject to Chapter 14 that is also subject to 40 CFR part 75 reporting requirements, shall submit a summary report of annual sulfur dioxide emissions that were reported to the Environmental Protection Agency under 40 CFR part 75.

(iii) Each source subject to Chapter 14 shall report emissions for the year 2003 by April 15, 2004, and annually thereafter. The inventory shall be submitted in the format specified by the Division of Air Quality.

(iv) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall document the emissions monitoring/estimation methodology used to calculate their sulfur dioxide emissions, and demonstrate that the selected methodology is acceptable under the inventory program.

(v) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall include emissions from startup, shut down, and upset conditions in the annual total inventory.

(vi) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall use 40 CFR part 75 methodology for reporting emissions for all sources subject to the federal acid rain program.

(vii) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall maintain all records used in the calculation of the emissions, including but not limited to the following:

(A) amount of fuel consumed;

(B) percent sulfur content of fuel and how the content was determined;

(C) quantity of product produced;

(D) emissions monitoring data;

(E) operating data; and

(F) how the emissions are calculated

(viii) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall maintain records of any physical changes to facility operations or equipment, or any other changes (e.g., raw material or feed) that may affect the emissions projections.

(ix) For the reports cited in (i) and (ii) of this section, each source subject to Chapter 14 shall retain records for a minimum of ten years from the date of establishment, or if the record was the basis for an adjustment to the milestone, 5 years after the date of an implementation plan revision, whichever is longer.

(c) Changes in Emission Measurement Techniques.

(i) Each source subject to this Rule that uses a different emission monitoring or calculation method than was used to report their sulfur dioxide emissions in 2006 under Chapter 14, Section 3 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report under Section 3(b) of this Chapter.