



City of Grand Island

Tuesday, April 26, 2011

Council Session

Item G8

#2011-97 - Approving EPA Representation Agreement - Assigning new Designated Representative and Alternate Designated Representative

Staff Contact: Timothy Luchsinger

Council Agenda Memo

From: Timothy G. Luchsinger, Utilities Director
Jason Eley, Assistant City Attorney

Meeting: April 26, 2011

Subject: EPA Representation Agreement – Assigning New Designated Representative and Alternate Designated Representative

Item #'s: G-8

Presenter(s): Timothy Luchsinger, Utilities Director

Background

In 1990, Congress instituted a much expanded program of emission control, monitoring and reporting for major fossil burning facilities with passage of the Clean Air Act Amendments of 1990. At the time, the primary focus of the increased regulation was on sulfur emissions and the creation of the new sulfur emission accounting and trading program known as the Acid Rain Program. Among the new requirements were;

- Installation of continuous monitoring equipment on fuel burning equipment
- Extensive reporting of emissions and monitoring equipment performance and calibration
- Creation of the sulfur emission trading system
- Assignment of emission allowances to existing facilities
- Development of trading and sale provisions to produce a market system for trading the newly created commodity of sulfur allowances
- Detailed specifications for equipment operational accuracy and reliability with extensive reporting requirements
- And other provisions included in this major legislation

Being operators of fossil fueled power plants, the City was included under the new regulatory requirements. The 1990 Amendments shifted regulatory compliance from obligating subject facilities to meet limits established by EPA, to requiring much expanded monitoring and reporting to demonstrate emission limit compliance with penalties associated with any failures in the monitoring and reporting, without regard for the actual emission. With the much more complex requirements, the 1990 Amendments required the owner or operator of a source to appoint a “Designated Representative” who

was to have control and responsibility for the newly enacted regulatory compliance processes, and an “Alternate Designated Representative” to act in the event the Designated Representative is not available.

Designated Representative Responsibilities;

Environmental Protection Agency rules governing the Designated Representative are set forth in 40 CFR §72.20, Subpart B. These rules include the following:

1. The Designated Representative is defined as a “responsible person or official authorized by the owner and operator of a unit to represent the owner and operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit.
2. That the Designated Representative “by his or her actions, inactions, or submissions, legally bind each owner and operator of the affected source...”
3. That the “... owners and operators shall be bound by any order issued to a Designated Representative by the Administrator, the permitting authority, or the court.”
4. That “...where a particular violation resulted from acts or omissions that are within the scope of the Designated Representative’s responsibilities, he will be subject to liability for that violation.”

In the case of municipal ownership of power plants, there is an apparent conflict between the federal mandate to have a Designated Representative who is a “natural person” and who can “legally bind” and “be subject to liability for violation”; and Nebraska law which does not permit the City Council to delegate its authority to any individual. A notation to that affect was made on the required document submitted to EPA.

After evaluation by the Utilities Department and the Legal Department of the City, the decision was made to appoint the Utilities Director as the Designated Representative (DR) and the Assistant Utilities Director-Production Division as the Alternate Designated Representative (ADR). The appointments were made by the City Council at a regular session in December of 1994, by execution of a Representative Agreement document.

Discussion

With the recent retirement of Gary Mader and subsequent promotion of Tim Luchsinger as Utilities Director, the City must appoint a new DR and ADR to fulfill EPA requirements. The appointment of the Utilities Director as the DR will remain as before, however, as the position of Assistant Utilities Director is unassigned pending a review of Department staffing requirements, it was determined that the position of Regulatory and Environmental Manager is a legally acceptable alternate position to serve as the ADR. The Regulatory and Environmental Manager is responsible for monitoring and ensuring compliance with environmental regulatory programs at Utilities Department facilities and

the position is currently filled by Emily Muth. Attached is a revised “Representation Agreement” that provides for the appointments of Tim Luchsinger as the Designated Representative and Emily Muth as the Alternate Designated Representative. Also attached are the Certificate of Representation to be executed by the DR and ADR, an excerpt from the Federal Register 40 CFR §72.20 Subpart B-Designated Representative, and the Certificate of Representation for Platte Generating Station, and C.W. Burdick Generating Station.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the Representation Agreement to the appointments of Timothy G. Luchsinger as Designated Representative and Emily C. Muth as Alternate Designated Representative.

Sample Motion

Move to approve the Representation Agreement appointing the Designated Representative and Alternate Designated Representative for the City of Grand Island in compliance with the Clean Air Act and Environmental Protection Agency regulation as submitted.



Certificate of Representation

Page 1

For more information, see instructions and 40 CFR 72.24; 40 CFR 96.113, 96.213, or 96.313, or a comparable state regulation under the Clean Air Interstate Rule (CAIR) NO_x Annual, SO₂, and NO_x Ozone Season Trading Programs or 40 CFR 97.113, 97.213, or 97.313.

FACILITY (SOURCE) INFORMATION This submission is: ~ New ~ Revised (revised submissions must be complete; see instructions)

STEP 1
Provide
information for
the facility
(source).

| | | | |
|---|--|--------------------|-----------------|
| Facility (Source) Name C. W. Burdick Generating Station | | State NE | Plant Code 2241 |
| County Name Hall | | | |
| Latitude 40.9228 | | Longitude -98.3269 | |

STEP 2
Enter requested
information for
the
designated
representative.

| | | |
|---|--|---------------------------|
| Name Timothy G. Luchsinger | | Title Utilities Director |
| Company Name Grand Island Utilities Department | | |
| Address P.O. Box 1968 Grand Island, NE 68802-1968 | | |
| Phone Number (308) 385-5444 x 280 | | Fax Number (308) 385-5488 |
| E-mail address tluchsinger@grand-island.com | | |

STEP 3
Enter requested
information for
the
alternate
designated
representative.

| | | |
|--|--|--|
| Name Emily Muth | | Title Regulatory & Environmental Manager |
| Company Name Grand Island Utilities Department | | |
| Address P.O. Box 1968, Grand Island, NE 68802-1968 | | |
| Phone Number (308) 385-5495 | | Fax Number (308) 385-5353 |
| E-mail address emuth@giud.com | | |

STEP 4: Complete one page for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine) Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information, including the name of each owner and operator of the unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (source) is also subject. (For units subject to the NOx Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.)

Applicable Program(s): ~ Acid Rain ~ CAIR NO_x Annual ~ CAIR SO₂ ~ CAIR NO_x Ozone Season

| Unit ID# | Unit Type | Source Category | Electric Utility | Generator ID Number (Maximum 8 characters) | Acid Rain Nameplate Capacity (MW/e) | CAIR Nameplate Capacity (MW/e) |
|--|-----------|-----------------|------------------|---|--|-----------------------------------|
| B-3 | DB | | | B-3 | 65 | 65 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Date unit began (or will begin) serving any generator producing electricity for sale (including test generation) (mm/dd/yyyy): 11/01/1971 | | | | | | |
| Company Name: Grand Island Utilities Department | | | | | | |
| Company Name: | | | | | | |
| Company Name: | | | | | | |
| Company Name: | | | | | | |
| Company Name: | | | | | | |

Facility (Source) Name (from Step 1) C.W. Burdick Generating Station

UNIT INFORMATION

STEP 4: Complete one page for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine) Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information, including the name of each owner and operator of the unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (source) is also subject. (For units subject to the NOx Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.)

Applicable Program(s): ~ Acid Rain ~ CAIR NO_x Annual ~ CAIR SO₂ ~ CAIR NO_x Ozone Season

[illegible]

Facility (Source) Name (from Step 1) C.W. Burdick Generating Station

UNIT INFORMATION

STEP 4: Complete one page for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine) Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information, including the name of each owner and operator of the unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (source) is also subject. (For units subject to the NO_x Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.)

Applicable Program(s): ~ Acid Rain ~ CAIR NO_x Annual ~ CAIR SO₂ ~ CAIR NO_x Ozone Season

| | | | | | |
|--|--------------|--|---|---|--|
| Unit ID# GT-3 | Unit Type CT | Source Category Electric Utility | Generator ID Number (Maximum 8 characters) GT-3 | Acid Rain Nameplate Capacity (MWe) 46 | CAIR Nameplate Capacity (MWe) 46 |
| NAICS Code 221112 | | | | | |
| Date unit began (or will begin) serving any generator producing electricity for sale (including test generation) (mm/dd/yyyy): 03/27/2003 | | Check One: Actual <input checked="" type="checkbox"/> Projected ~ | | | |
| Company Name: Grand Island Utilities Department | | | | | |
| Company Name: ~ Owner ~ Operator | | | | | |
| Company Name: ~ Owner ~ Operator | | | | | |
| Company Name: ~ Owner ~ Operator | | | | | |
| Company Name: ~ Owner ~ Operator | | | | | |
| Company Name: ~ Owner ~ Operator | | | | | |

Facility (Source) Name (from Step 1) C.W. Burdick Generating Station

STEP 5: Read the appropriate certification statements, sign, and date.

Acid Rain Program

I certify that I was selected as the designated representative or alternate designated representative (as applicable) by an agreement binding on the owners and operators of the affected source and each affected unit at the source (i.e., the source and each unit subject to the Acid Rain Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and each affected unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the affected source and each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the affected source and each affected unit at the source; and

Allowances, and proceeds of transactions involving allowances, will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of allowances, allowances and proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO_x Annual Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source (i.e., the source and each unit subject to the CAIR NO_x Annual Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO_x Annual Trading Program on behalf of the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO_x unit, or where a utility or industrial customer purchases power from a CAIR NO_x unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO_x source and each CAIR NO_x unit at the source; and

CAIR NO_x allowances and proceeds of transactions involving CAIR NO_x allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO_x allowances by contract, CAIR NO_x allowances and proceeds of transactions involving CAIR NO_x allowances will be deemed to be held or distributed in accordance with the contract.

| |
|--|
| Facility (Source) Name (from Step 1) C.W. Burdick Generating Station |
|--|

Clean Air Interstate Rule (CAIR) SO₂ Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source (i.e., the source and each unit subject to the SO₂ Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR SO₂ Trading Program, on behalf of the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR SO₂ unit, or where a utility or industrial customer purchases power from a CAIR SO₂ unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR SO₂ source and each CAIR SO₂ unit at the source; and

CAIR SO₂ allowances and proceeds of transactions involving CAIR SO₂ allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR SO₂ allowances by contract, CAIR SO₂ allowances and proceeds of transactions involving CAIR SO₂ allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source (i.e., the source and each unit subject to the CAIR NO_x Ozone Season Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO_x Ozone Season Trading Program on behalf of the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO_x Ozone Season unit, or where a utility or industrial customer purchases power from a CAIR NO_x Ozone Season unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

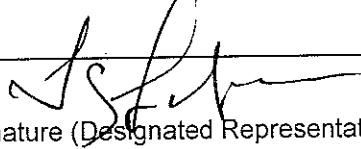

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit; and

CAIR NO_x Ozone Season allowances and proceeds of transactions involving CAIR NO_x Ozone Season allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO_x Ozone Season allowances by contract, CAIR NO_x Ozone Season allowances and proceeds of transactions involving CAIR NO_x Ozone Season allowances will be deemed to be held or distributed in accordance with the contract.

Facility (Source) Name (from Step 1) C.W. Burdick Generating Station

General

I am authorized to make this submission on behalf of the owners and operators of the source or 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.

| | |
|--|--------------|
|  Signature (Designated Representative) | Date 4-15-11 |
|  Signature (Alternate Designated Representative) | Date 4-15-11 |



Instructions for the Certificate of Representation

Note: The Certificate of Representation information can be submitted online through the **CAMD Business System (CBS)** at <https://camd.epa.gov/cbs/index.cfm>. You must have a user ID and password. If you need a user ID and password, or if you have questions about CBS, contact Laurel DeSantis at desantis.laurel@epa.gov or (202) 343-9191, or Alex Salpeter at salpeter.alex@epa.gov or (202) 343-9157.

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

Please type or print. Submit one copy of page 2 for each unit subject to the Acid Rain Program or a CAIR Trading Program at the facility (source), and indicate the page order and total number of pages (e.g., 1 of 4, 2 of 4, etc.) in the boxes in the upper right hand corner of page 2. **A Certificate of Representation amending an earlier submission supersedes the earlier submission in its entirety and must therefore always be complete.** Submit one Certificate of Representation form with original signature(s). **NO FIELDS SHOULD BE LEFT BLANK.** For assistance, contact Laurel DeSantis at desantis.laurel@epa.gov or (202) 343-9191.

STEP 1

(i) 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 or (202) 343-9191.

(ii) Enter the latitude and longitude representing the location of the facility in degree decimal format.

Note that coordinates **MUST** be submitted in decimal degree format; in this format minutes and seconds are represented as a decimal fraction of one degree. Therefore, coordinates containing degrees, minutes, and seconds must first be converted using the formula:

$$\text{decimal degrees} = \text{degrees} + (\text{minutes} / 60) + (\text{seconds} / 3600)$$

Example:

$$39 \text{ degrees, } 15 \text{ minutes, } 25 \text{ seconds} = 39 + (15 / 60) + (25 / 3600) = 39.2569 \text{ degrees}$$

STEPS 2 & 3

The Designated Representative and the Alternate Designated Representative must be individuals (i.e., natural persons) and cannot be a company. Enter the company name and address of the representative as it should appear on all correspondence. If an email address is provided, most correspondence will be emailed. **Although not required, EPA strongly encourages owners and operators to designate an Alternate Designated Representative to act on behalf of the Designated Representative.**

STEP 4

(i) Complete one page for each unit subject to the Acid Rain Program or a CAIR Trading Program, and indicate the program(s) to which the unit is subject. (For units subject to the NO_x Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.) Identify each unit at the facility by providing the appropriate unit identification number, consistent with the identifiers used in previously submitted Certificates of Representation (if applicable) and with submissions made to DOE and/or EIA. Do not list duct burners. For new units without identification numbers, owners and operators must assign identifiers consistent with EIA and DOE requirements. Each submission to EPA that includes the unit identification number(s) (e.g., monitoring plans and quarterly reports) should reference those unit identification numbers in exactly the same way that they are referenced on the Certificate of Representation. Do not identify units that are not subject to the above-listed programs but are part of a common monitoring configuration with a unit that is subject to any of these programs. To identify units in a common monitoring configuration that are not subject to any of these programs, call the CAMD Hotline at (202) 343-9620, and leave a message under the "CEMS" submenu.

(ii) Identify the type of unit using one of the following abbreviations:

| <u>Boilers</u> | <u>Boilers</u> | <u>Turbines</u> |
|---|---|---------------------------------------|
| AF Arch-fired boiler | OB Other boiler | CC Combined cycle |
| BFB Bubbling fluidized bed boiler | PFB Pressurized fluidized bed boiler | CT Combustion turbine |
| C Cyclone boiler | S Stoker | OT Other turbine |
| CB Cell burner boiler | T Tangentially-fired boiler | <u>Others</u> |
| CFB Circulating fluidized bed boiler | WBF Wet bottom wall-fired boiler | ICE Internal combustion engine |
| DB Dry bottom wall-fired boiler | WBT Wet bottom turbo-fired boiler | KLN Cement kiln |
| DTF Dry bottom turbo-fired boiler | WVF Wet bottom vertically-fired boiler | PRH Refinery process heater |
| DVF Dry bottom vertically-fired boiler | | |

If there is uncertainty about how a unit should be characterized, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077.

(iii) Indicate the source category description that most accurately describes the purpose for which the unit is operated by entering one of the following terms. If none of these descriptions applies to your unit, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077.

Automotive Stampings
Bulk Industrial Chemical
Cement Manufacturing
Cogeneration
Electric Utility

Industrial Boiler
Industrial Turbine
Institutional
Iron and Steel
Municipal Waste Combustor

Petroleum Refinery
Portland Cement Plant
Pulp and Paper Mill
Small Power Producer
Theme Park

(iv) Provide the primary North American Industrial Classification System (NAICS) code that most accurately describes the business type for which the unit is operated. If unknown, go to <http://www.census.gov> for guidance on how to determine the proper NAICS code for the unit.

(v) Enter the date the unit began (or will begin) serving any generator producing electricity for sale, including test generation. Enter this date and check the "actual" box for any unit that has begun to serve a generator producing electricity for sale as of the date of submission of this form. (This information should be provided even if the unit does not currently serve a generator producing electricity for sale.) For any unit that will begin, but has not begun as of the date of submission of this form, to serve a generator producing electricity for sale, estimate the future date on which the unit will begin to produce electricity for sale and check the "projected" box. When the actual date is established, revise the form accordingly by entering the actual date and checking the "actual" box. Enter "NA" if the unit has not ever served, is not currently serving, and is not projected to serve, a generator that producing electricity for sale. **You are strongly encouraged to use the CAMD Business System to update information regarding when a unit begins serving a generator producing electricity for sale.**

If you have questions regarding this portion of the form, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077.

(vi) For a unit subject to the Acid Rain Program or a CAIR Trading Program, that, as of the date of submission of this form, serves one or more generators (whether or not the generator produces electricity for sale), indicate the generator ID number and the nameplate capacity (in MWe) of each generator served by the unit. A unit serves a generator if it produces, or is able to produce, steam, gas, or other heated medium for generating electricity at that generator. For combined cycle units, report separately the nameplate capacities of the generators associated with the combustion turbine and the steam turbine. Please ensure that the generator ID numbers entered are consistent with those reported to the EIA.

The definitions of "nameplate capacity" under the Acid Rain Program and under the CAIR Program differ slightly. Therefore, for a unit subject to the Acid Rain Program and any CAIR Program, the nameplate capacity for the same generator under the Acid Rain Program and under the CAIR Program may differ in certain limited circumstances. Specifically, for a unit subject to the Acid Rain Program, the nameplate capacity of a generator, if listed in the National Allowance Database ("NADB"), is not affected by physical changes to the generator after initial installation that result in an increase in the maximum electrical generating output that the generator is capable of producing. Otherwise, for a unit subject to the Acid Rain Program or a CAIR Program, the nameplate capacity of a generator is affected by physical changes to the generator after initial installation that result in an increase in the maximum electrical generating output that the generator is capable of producing. In such a case, the higher maximum electrical generating output number in MWe should be reported in the nameplate capacity column. Enter "NA" if, as of the date of submission of this form, the unit does not serve a generator.

See the definition of "nameplate capacity" at 40 CFR 72.2, 96.102, 97.102, 96.202, 97.202, 96.302, and 97.302, as applicable. The NADB is located at the CAMD website at

<http://www.epa.gov/airmarkets/trading/allocations.html>. If you have questions regarding nameplate capacity, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077; if you have questions regarding the NADB, contact Craig Hillock at hillock.craig@epa.gov or (202) 343-9105.

(vii) Enter the company name of each owner and operator in the "Company Name" field. Indicate whether the company is the owner, operator, or both. For new units, if the operator of a unit has not yet been chosen, indicate that the owner is both the owner and operator and submit a revised form when the operator has been selected within 30 days of the effective date of the selection. EPA must be notified of changes to owners and operators within 30 days of the effective date of the change. **You are strongly encouraged to use the CAMD Business System to provide updated information on owners and operators.**

STEP 5

Read the appropriate certification statements, sign, and date.

Mail this form to:

For regular/certified mail:

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

For overnight mail:

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

Submit this form prior to making any other submissions under the Acid Rain Program, CAIR NO_x Trading Program, CAIR SO₂ Trading Program, or CAIR NO_x Ozone Season Trading Program. Submit a revised Certificate of Representation when any information in the existing Certificate of Representation changes. **You are strongly encouraged to use the CAMD Business System to provide updated information.**

Paperwork Burden Estimate

The public reporting and record keeping burden for this collection of information is estimated to average 15 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.**



Certificate of Representation

Page 1

For more information, see instructions and 40 CFR 72.24; 40 CFR 96.113, 96.213, or 96.313, or a comparable state regulation under the Clean Air Interstate Rule (CAIR) NO_x Annual, SO₂, and NO_x Ozone Season Trading Programs or 40 CFR 97.113, 97.213, or 97.313.

This submission is: ☐ New ☒ Revised (revised submissions must be complete; see instructions)

FACILITY (SOURCE) INFORMATION

STEP 1
Provide information for the facility (source).

| | | | |
|--|--|--------------------|------------------|
| Facility (Source) Name Platte Generating Station | | State NE | Plant Code 00059 |
| County Name Hall | | | |
| Latitude 40.8550 | | Longitude -98.3494 | |

STEP 2
Enter requested information for the designated representative.

| | | |
|---|--|---------------------------|
| Name Timothy G. Luchsinger | | Title Utilities Director |
| Company Name Grand Island Utilities Department | | |
| Address P.O. Box 1968 Grand Island, NE 68802-1968 | | |
| Phone Number (308) 385-5444 x 280 | | Fax Number (308) 385-5488 |
| E-mail address tluchsinger@grand-island.com | | |

STEP 3
Enter requested information for the alternate designated representative.

| | | |
|---|--|--|
| Name Emily C. Muth | | Title Regulatory & Environmental Manager |
| Company Name Grand Island Utilities Department | | |
| Address P.O. Box 1968 Grand Island, NE 68802-1968 | | |
| Phone Number (308) 385-5495 | | Fax Number (308) 385-5353 |
| E-mail address emuth@giud.com | | |

Platte Generating Station

Facility (Source) Name (from Step 1)

UNIT INFORMATION

STEP 4: Complete one page for each unit located at the facility identified in STEP 1 (i.e., for each boiler, simple cycle combustion turbine, or combined cycle combustion turbine) Do not list duct burners. Indicate each program to which the unit is subject, and enter all other unit-specific information, including the name of each owner and operator of the unit and the generator ID number and nameplate capacity of each generator served by the unit. If the unit is subject to a program, then the facility (source) is also subject. (For units subject to the NO_x Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.)

Applicable Program(s): ☐ Acid Rain ☐ CAIR NO_x Annual ☐ CAIR SO₂ ☐ CAIR NO_x Ozone Season

| Unit ID# | Unit Type | Source Category | Electric Utility | Generator ID Number (Maximum 8 characters) | Acid Rain Nameplate Capacity (MWt) | CAIR Nameplate Capacity (MWt) |
|--|-----------|-------------------|------------------|---|---------------------------------------|----------------------------------|
| 1 | T | NAICS Code 221112 | | 1 | 109.8 | 109.8 |
| Date unit began (or will begin) serving any generator producing electricity for sale (including test generation) (mm/dd/yyyy): 08/01/1982 | | | | | | |
| Company Name: City of Grand Island Utilities Department | | | | <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator | | |
| Company Name: | | | | <input type="checkbox"/> Owner <input type="checkbox"/> Operator | | |
| Company Name: | | | | <input type="checkbox"/> Owner <input type="checkbox"/> Operator | | |
| Company Name: | | | | <input type="checkbox"/> Owner <input type="checkbox"/> Operator | | |
| Company Name: | | | | <input type="checkbox"/> Owner <input type="checkbox"/> Operator | | |

Platte Generating Station
Facility (Source) Name (from Step 1)

STEP 5: Read the appropriate certification statements, sign, and date.

Acid Rain Program

I certify that I was selected as the designated representative or alternate designated representative (as applicable) by an agreement binding on the owners and operators of the affected source and each affected unit at the source (i.e., the source and each unit subject to the Acid Rain Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and each affected unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the affected source and each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the designated representative or alternate designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the affected source and each affected unit at the source; and

Allowances, and proceeds of transactions involving allowances, will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of allowances, allowances and proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO_x Annual Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source (i.e., the source and each unit subject to the CAIR NO_x Annual Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO_x Annual Trading Program on behalf of the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO_x source and each CAIR NO_x unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO_x unit, or where a utility or industrial customer purchases power from a CAIR NO_x unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO_x source and each CAIR NO_x unit at the source; and

CAIR NO_x allowances and proceeds of transactions involving CAIR NO_x allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO_x allowances by contract, CAIR NO_x allowances and proceeds of transactions involving CAIR NO_x allowances will be deemed to be held or distributed in accordance with the contract.

Platte Generating Station
Facility (Source) Name (from Step 1)

Clean Air Interstate Rule (CAIR) SO₂ Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source (i.e., the source and each unit subject to the SO₂ Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR SO₂ Trading Program, on behalf of the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR SO₂ source and each CAIR SO₂ unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR SO₂ unit, or where a utility or industrial customer purchases power from a CAIR SO₂ unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR SO₂ source and each CAIR SO₂ unit at the source; and

CAIR SO₂ allowances and proceeds of transactions involving CAIR SO₂ allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR SO₂ allowances by contract, CAIR SO₂ allowances and proceeds of transactions involving CAIR SO₂ allowances will be deemed to be held or distributed in accordance with the contract.

Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program

I certify that I was selected as the CAIR designated representative or alternate CAIR designated representative (as applicable), by an agreement binding on the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source (i.e., the source and each unit subject to the CAIR NO_x Ozone Season Trading Program, as indicated in "Applicable Program(s)" in Step 4).

I certify that I have all necessary authority to carry out my duties and responsibilities under the CAIR NO_x Ozone Season Trading Program on behalf of the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.

I certify that the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.

Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, a CAIR NO_x Ozone Season unit, or where a utility or industrial customer purchases power from a CAIR NO_x Ozone Season unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

I have given a written notice of my selection as the CAIR designated representative or alternate CAIR designated representative (as applicable) and of the agreement by which I was selected to each owner and operator of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit; and

CAIR NO_x Ozone Season allowances and proceeds of transactions involving CAIR NO_x Ozone Season allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of CAIR NO_x Ozone Season allowances by contract, CAIR NO_x Ozone Season allowances and proceeds of transactions involving CAIR NO_x Ozone Season allowances will be deemed to be held or distributed in accordance with the contract.

Platte Generating Station
Facility (Source) Name (from Step 1)

Certificate of Representation - Page 5

General

I am authorized to make this submission on behalf of the owners and operators of the source or 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.

| | |
|---|----------------|
| Signature (Designated Representative) | Date 4-15-11 |
| Signature (Alternate Designated Representative) | Date 15 APR 11 |



Instructions for the Certificate of Representation

Note: The Certificate of Representation information can be submitted online through the CAMD Business System (CBS) at <https://camd.epa.gov/cbs/index.cfm>. You must have a user ID and password. If you need a user ID and password, or if you have questions about CBS, contact Laurel DeSantis at desantis.laurel@epa.gov or (202) 343-9191, or Alex Salpeter at salpeter.alex@epa.gov or (202) 343-9157.

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

Please type or print. Submit one copy of page 2 for each unit subject to the Acid Rain Program or a CAIR Trading Program at the facility (source), and indicate the page order and total number of pages (e.g., 1 of 4, 2 of 4, etc.) in the boxes in the upper right hand corner of page 2. **A Certificate of Representation amending an earlier submission supersedes the earlier submission in its entirety and must therefore always be complete.** Submit one Certificate of Representation form with original signature(s). **NO FIELDS SHOULD BE LEFT BLANK.** For assistance, contact Laurel DeSantis at desantis.laurel@epa.gov or (202) 343-9191.

STEP 1

(i) 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 or (202) 343-9191.

(ii) Enter the latitude and longitude representing the location of the facility in degree decimal format.

Note that coordinates **MUST** be submitted in decimal degree format; in this format minutes and seconds are represented as a decimal fraction of one degree. Therefore, coordinates containing degrees, minutes, and seconds must first be converted using the formula:

$$\text{decimal degrees} = \text{degrees} + (\text{minutes} / 60) + (\text{seconds} / 3600)$$

Example:

$$39 \text{ degrees, } 15 \text{ minutes, } 25 \text{ seconds} = 39 + (15 / 60) + (25 / 3600) = 39.2569 \text{ degrees}$$

STEPS 2 & 3

The Designated Representative and the Alternate Designated Representative must be individuals (i.e., natural persons) and cannot be a company. Enter the company name and address of the representative as it should appear on all correspondence. If an email address is provided, most correspondence will be emailed. **Although not required, EPA strongly encourages owners and operators to designate an Alternate Designated Representative to act on behalf of the Designated Representative.**

STEP 4

(i) Complete one page for each unit subject to the Acid Rain Program or a CAIR Trading Program, and indicate the program(s) to which the unit is subject. (For units subject to the NO_x Budget Trading Program, a separate "Account Certificate of Representation" form must be submitted to meet requirements under that program.) Identify each unit at the facility by providing the appropriate unit identification number, consistent with the identifiers used in previously submitted Certificates of Representation (if applicable) and with submissions made to DOE and/or EIA. Do not list duct burners. For new units without identification numbers, owners and operators must assign identifiers consistent with EIA and DOE requirements. Each submission to EPA that includes the unit identification number(s) (e.g., monitoring plans and quarterly reports) should reference those unit identification numbers in exactly the same way that they are referenced on the Certificate of Representation. Do not identify units that are not subject to the above-listed programs but are part of a common monitoring configuration with a unit that is subject to any of these programs. To identify units in a common monitoring configuration that are not subject to any of these programs, call the CAMD Hotline at (202) 343-9620, and leave a message under the "CEMS" submenu.

(ii) Identify the type of unit using one of the following abbreviations:

| <u>Boilers</u> | <u>Boilers</u> | <u>Turbines</u> |
|---|---|---------------------------------------|
| AF Arch-fired boiler | OB Other boiler | CC Combined cycle |
| BFB Bubbling fluidized bed boiler | PFB Pressurized fluidized bed boiler | CT Combustion turbine |
| C Cyclone boiler | S Stoker | OT Other turbine |
| CB Cell burner boiler | T Tangentially-fired boiler | <u>Others</u> |
| CFB Circulating fluidized bed boiler | WBF Wet bottom wall-fired boiler | ICE Internal combustion engine |
| DB Dry bottom wall-fired boiler | WBT Wet bottom turbo-fired boiler | KLN Cement kiln |
| DTF Dry bottom turbo-fired boiler | WVF Wet bottom vertically-fired boiler | PRH Refinery process heater |
| DVF Dry bottom vertically-fired boiler | | |

If there is uncertainty about how a unit should be characterized, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077.

(iii) Indicate the source category description that most accurately describes the purpose for which the unit is operated by entering one of the following terms. If none of these descriptions applies to your unit, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077.

Automotive Stampings
Bulk Industrial Chemical
Cement Manufacturing
Cogeneration
Electric Utility

Industrial Boiler
Industrial Turbine
Institutional
Iron and Steel
Municipal Waste Combustor

Petroleum Refinery
Portland Cement Plant
Pulp and Paper Mill
Small Power Producer
Theme Park

(iv) Provide the primary North American Industrial Classification System (NAICS) code that most accurately describes the business type for which the unit is operated. If unknown, go to <http://www.census.gov> for guidance on how to determine the proper NAICS code for the unit.

(v) Enter the date the unit began (or will begin) serving any generator producing electricity for sale, including test generation. Enter this date and check the "actual" box for any unit that has begun to serve a generator producing electricity for sale as of the date of submission of this form. (This information should be provided even if the unit does not currently serve a generator producing electricity for sale.) For any unit that will begin, but has not begun as of the date of submission of this form, to serve a generator producing electricity for sale, estimate the future date on which the unit will begin to produce electricity for sale and check the "projected" box. When the actual date is established, revise the form accordingly by entering the actual date and checking the "actual" box. Enter "NA" if the unit has not ever served, is not currently serving, and is not projected to serve, a generator that producing electricity for sale. **You are strongly encouraged to use the CAMD Business System to update information regarding when a unit begins serving a generator producing electricity for sale.**

If you have questions regarding this portion of the form, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077.

(vi) For a unit subject to the Acid Rain Program or a CAIR Trading Program, that, as of the date of submission of this form, serves one or more generators (whether or not the generator produces electricity for sale), indicate the generator ID number and the nameplate capacity (in MWe) of each generator served by the unit. A unit serves a generator if it produces, or is able to produce, steam, gas, or other heated medium for generating electricity at that generator. For combined cycle units, report separately the nameplate capacities of the generators associated with the combustion turbine and the steam turbine. Please ensure that the generator ID numbers entered are consistent with those reported to the EIA.

The definitions of "nameplate capacity" under the Acid Rain Program and under the CAIR Program differ slightly. Therefore, for a unit subject to the Acid Rain Program and any CAIR Program, the nameplate capacity for the same generator under the Acid Rain Program and under the CAIR Program may differ in certain limited circumstances. Specifically, for a unit subject to the Acid Rain Program, the nameplate capacity of a generator, if listed in the National Allowance Database ("NADB"), is not affected by physical changes to the generator after initial installation that result in an increase in the maximum electrical generating output that the generator is capable of producing. Otherwise, for a unit subject to the Acid Rain Program or a CAIR Program, the nameplate capacity of a generator is affected by physical changes to the generator after initial installation that result in an increase in the maximum electrical generating output that the generator is capable of producing. In such a case, the higher maximum electrical generating output number in MWe should be reported in the nameplate capacity column. Enter "NA" if, as of the date of submission of this form, the unit does not serve a generator.

See the definition of "nameplate capacity" at 40 CFR 72.2, 96.102, 97.102, 96.202, 97.202, 96.302, and 97.302, as applicable. The NADB is located at the CAMD website at

<http://www.epa.gov/airmarkets/trading/allocations.html>. If you have questions regarding nameplate capacity, contact Robert Miller at miller.robertl@epa.gov or (202) 343-9077; if you have questions regarding the NADB, contact Craig Hillock at hillock.craig@epa.gov or (202) 343-9105.

(vii) Enter the company name of each owner and operator in the "Company Name" field. Indicate whether the company is the owner, operator, or both. For new units, if the operator of a unit has not yet been chosen, indicate that the owner is both the owner and operator and submit a revised form when the operator has been selected within 30 days of the effective date of the selection. EPA must be notified of changes to owners and operators within 30 days of the effective date of the change. **You are strongly encouraged to use the CAMD Business System to provide updated information on owners and operators.**

STEP 5

Read the appropriate certification statements, sign, and date.

Mail this form to:

For regular/certified mail:

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

For overnight mail:

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

Submit this form prior to making any other submissions under the Acid Rain Program, CAIR NO_x Trading Program, CAIR SO₂ Trading Program, or CAIR NO_x Ozone Season Trading Program. Submit a revised Certificate of Representation when any information in the existing Certificate of Representation changes. **You are strongly encouraged to use the CAMD Business System to provide updated information.**

Paperwork Burden Estimate

The public reporting and record keeping burden for this collection of information is estimated to average 15 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.**

Title 40: Protection of Environment
PART 72—PERMITS REGULATION

Subpart B—Designated Representative

§ 72.20 Authorization and responsibilities of the designated representative.

- (a) Except as provided under §72.22, each affected source, including all affected units at the source, shall have one and only one designated representative, with regard to all matters under the Acid Rain Program concerning the source or any affected unit at the source.
- (b) Upon receipt by the Administrator of a complete certificate of representation, the designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the affected source represented and each affected unit at the source in all matters pertaining to the Acid Rain Program, notwithstanding any agreement between the designated representative and such owners and operators. The owners and operators shall be bound by any order issued to the designated representative by the Administrator, the permitting authority, or a court.
- (c) The designated representative shall be selected and act in accordance with the certifications set forth in §72.24(a) (4), (5), (7), and (9).
- (d) No Acid Rain permit shall be issued to an affected source, nor shall any allowance transfer be recorded for an Allowance Tracking System account of an affected unit at a source, until the Administrator has received a complete certificate of representation for the designated representative of the source and the affected units at the source.

[58 FR 3650, Jan. 11, 1993, as amended at 71 FR 25378, Apr. 28, 2006]

§ 72.21 Submissions.

- (a) Each submission under the Acid Rain Program shall be submitted, signed, and certified by the designated representative for all sources on behalf of which the submission is made.
- (b) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature:
- (1) The following statement, which shall be included verbatim in such submission: “I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made.”
- (2) The following statement, which shall be included verbatim in such submission: “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.”

(c) The Administrator and the permitting authority shall accept or act on a submission made on behalf of owners or operators of an affected source and an affected unit only if the submission has been made, signed, and certified in accordance with paragraphs (a) and (b) of this section.

(d)(1) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source:

(i) By the date of submission, of any Acid Rain Program submissions by the designated representative and

(ii) Within 10 business days of receipt of a determination, of any written determination by the Administrator or the permitting authority,

(iii) Provided that the submission or determination covers the source or the unit.

(2) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under paragraph (d)(1) of this section, unless the owner or operator expressly waives the right to receive such a copy.

(e) The provisions of this section shall apply to a submission made under parts 73, 74, 75, 76, 77, and 78 of this chapter only if it is made or signed or required to be made or signed, in accordance with parts 73, 74, 75, 76, 77, and 78 of this chapter, by:

(1) The designated representative; or

(2) The authorized account representative or alternate authorized account representative of a compliance account.

[58 FR 3650, Jan. 11, 1993, as amended at 60 FR 17113, Apr. 4, 1995; 70 FR 25334, May 12, 2005]

§ 72.22 Alternate designated representative.

(a) The certificate of representation may designate one and only one alternate designated representative, who may act on behalf of the designated representative. The agreement by which the alternate designated representative is selected shall include a procedure for the owners and operators of the source and affected units at the source to authorize the alternate designated representative to act in lieu of the designated representative.

(b) Upon receipt by the Administrator of a complete certificate of representation that meets the requirements of §72.24 (including those applicable to the alternate designated representative), any representation, action, inaction, or submission by the alternate designated representative shall be deemed to be an action, representation, or failure to act by the designated representative.

(c) In the event of a conflict, any action taken by the designated representative shall take precedence over any action taken by the alternate designated representative if, in the Administrator's judgement, the actions are concurrent and conflicting.

(d) Except in this section, §72.23, and §72.24, whenever the term “designated representative” is used under the Acid Rain Program, the term shall be construed to include the alternate designated representative.

(e)(1) Notwithstanding paragraph (a) of this section, the certification of representation may designate two alternate designated representatives for a unit if:

(i) The unit and at least one other unit, which are located in two or more of the contiguous 48 States or the District of Columbia, each have a utility system that is a subsidiary of the same company; and

(ii) The designated representative for the units under paragraph (e)(1)(i) of this section submits a NO_xaveraging plan under §76.11 of this chapter that covers such units and is approved by the permitting authority, *provided* that the approved plan remains in effect.

(2) Except in this paragraph (e), whenever the term “alternate designated representative” is used under the Acid Rain Program, the term shall be construed to include either of the alternate designated representatives authorized under this paragraph (e). Except in this section, §72.23, and §72.24, whenever the term “designated representative” is used under the Acid Rain Program, the term shall be construed to include either of the alternate designated representatives authorized under this paragraph (e).

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55480, Oct. 24, 1997; 71 FR 25378, Apr. 28, 2006]

§ 72.23 Changing the designated representative, alternate designated representative; changes in the owners and operators.

(a) *Changing the designated representative.* The designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous designated representative prior to the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new designated representative and on the owners and operators of the source represented and the affected units at the source.

(b) *Changing the alternate designated representative.* The alternate designated representative may be changed at any time upon receipt by the Administrator of a superseding complete certificate of representation. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate designated representative prior to the time and date when the Administrator receives the superseding certificate of representation shall be binding on the new alternate designated representative and on the owners and operators of the source represented and the affected units at the source.

(c) *Changes in the owners and operators.* (1) In the event an owner or operator of an affected source or an affected unit is not included in the list of owners and operators submitted in the certificate of representation, such owner or operator shall be deemed to be subject to and bound by the certificate of representation, the representations, actions, inactions, and submissions of the designated representative and any alternative designated representative of the source or unit, and the decisions, actions, and inactions of the Administrator and permitting authority, as if the owner or operator were included in such list.

(2) Within 30 days following any change in the owners and operators of an affected unit, including the addition of a new owner or operator, the designated representative or any alternative designated representative shall submit a revision to the certificate of representation amending the list of owners and operators to include the change.

[58 FR 3650, Jan. 11, 1993, as amended at 71 FR 25378, Apr. 28, 2006]

§ 72.24 Certificate of representation.

(a) A complete certificate of representation for a designated representative or an alternate designated representative shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the affected source and each affected unit at the source for which the certificate of representation is submitted, including identification and nameplate capacity of each generator served by each such unit.

(2) The name, address, and telephone and facsimile numbers of the designated representative and any alternate designated representative.

(3) A list of the owners and operators of the affected source and of each affected unit at the source.

(4) The following statement: "I certify that I was selected as the 'designated representative' or 'alternate designated representative,' as applicable, by an agreement binding on the owners and operators of the affected source and each affected unit at the source."

(5) [Reserved]

(6) The following statement: "I certify that I have all necessary authority to carry out my duties and responsibilities under the Acid Rain Program on behalf of the owners and operators of the affected source and of each affected unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions."

(7) [Reserved]

(8) The following statement: “I certify that the owners and operators of the affected source and of each affected unit at the source shall be bound by any order issued to me by the Administrator, the permitting authority, or a court regarding the source or unit.”

(9) The following statement: “Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit under a life-of-the-unit, firm power contractual arrangement, I certify that:

(i) “I have given a written notice of my selection as the ‘designated representative’ or ‘alternate designated representative’, as applicable, and of the agreement by which I was selected to each owner and operator of the affected source and of each affected unit at the source; and

(ii) “Allowances and proceeds of transactions involving allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, except that, if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.”

(10) [Reserved]

(11) The signature of the designated representative and any alternate designated representative who is authorized in the certificate of representation and the date signed.

(b) Unless otherwise required by the Administrator or the permitting authority, documents of agreement or notice referred to in the certificate of representation shall not be submitted to the Administrator or the permitting authority. Neither the Administrator nor the permitting authority shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55480, Oct. 24, 1997; 71 FR 25378, Apr. 28, 2006; 70 FR 25334, May 12, 2005; 72 FR 59205, Oct. 19, 2007]

§ 72.25 Objections.

(a) Once a complete certificate of representation has been submitted in accordance with §72.24, the Administrator will rely on the certificate of representation unless and until a superseding complete certificate is received by the Administrator.

(b) Except as provided in §72.23, no objection or other communication submitted to the Administrator or the permitting authority concerning the authorization, or any representation, action, inaction, or submission, of the designated representative shall affect any representation, action, inaction, or submission of the designated representative, or the finality of any decision by the Administrator or permitting authority, under the Acid Rain Program. In the event of such communication, the Administrator and the permitting authority are not required to stay any allowance transfer, any submission, or the effect of any action or inaction under the Acid Rain Program.

(c) Neither the Administrator nor any permitting authority will adjudicate any private legal dispute concerning the authorization or any submission, action, or inaction of any designated representative, including private legal disputes concerning the proceeds of allowance transfers.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55480, Oct. 24, 1997; 71 FR 25378, Apr. 28, 2006]

§ 72.26 Delegation by designated representative and alternate designated representative.

(a) A designated representative may delegate, to one or more natural persons, his or her authority to make an electronic submission (in a format prescribed by the Administrator) to the Administrator provided for or required under this part and parts 73 through 77 of this chapter.

(b) An alternate designated representative may delegate, to one or more natural persons, his or her authority to make an electronic submission (in a format prescribed by the Administrator) to the Administrator provided for or required under this part and parts 73 through 77 of this chapter.

(c) In order to delegate authority to make an electronic submission to the Administrator in accordance with paragraph (a) or (b) of this section, the designated representative or alternate designated representative, as appropriate, must submit to the Administrator a notice of delegation, in a format prescribed by the Administrator, that includes the following elements:

(1) The name, address, e-mail address, telephone number, and facsimile transmission number (if any) of such designated representative or alternate designated representative;

(2) The name, address, e-mail address, telephone number, and facsimile transmission number (if any) of each such natural person (referred to as an “agent”);

(3) For each such natural person, a list of the type or types of electronic submissions under paragraph (a) or (b) of this section for which authority is delegated to him or her; and

(4) The following certification statements by such designated representative or alternate designated representative, as appropriate:

(i) “I agree that any electronic submission to the Administrator that is by an agent identified in this notice of delegation and of a type listed for such agent in this notice of delegation and that is made when I am a designated representative or alternate designated representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under 40 CFR 72.26(d) shall be deemed to be an electronic submission by me.”

(ii) “Until this notice of delegation is superseded by another notice of delegation under 40 CFR 72.26(d), I agree to maintain an e-mail account and to notify the Administrator immediately of any change in my e-mail address unless all delegation of authority by me under 40 CFR 72.26 is terminated.”

(d) A notice of delegation submitted under paragraph (c) of this section shall be effective, with regard to the designated representative or alternate designated representative identified in such notice, upon receipt of such notice by the Administrator and until receipt by the Administrator of a superseding notice of delegation submitted by such designated representative or alternate designated representative, as appropriate. The superseding notice of delegation may replace any previously identified agent, add a new agent, or eliminate entirely any delegation of authority.

(e) Any electronic submission covered by the certification in paragraph (c)(4)(i) of this section and made in accordance with a notice of delegation effective under paragraph (d) of this section shall be deemed to be an electronic submission by the designated representative or alternate designated representative submitting such notice of delegation.

[71 FR 25378, Apr. 28, 2006]

REPRESENTATION AGREEMENT

This Representation Agreement is made on this 26^h day of April, 2011 by and between the City of Grand Island, Nebraska, a municipal corporation (CITY), Timothy G. Luchsinger ("MR. LUCHSINGER") and Emily C. Muth ("MS. MUTH).

WITNESSETH:

WHEREAS, City is the owner and operator of Platte Generating Station and C.W. Burdick Power Station ("UNITS");

WHEREAS, the UNITS are subject to regulation under the Clean Air Act Acid Rain Program, as amended;

WHEREAS, MR. LUCHSINGER is employed by the CITY as Utilities Director;

WHEREAS, Ms. MUTH is employed by the CITY as the Regulatory and Environmental Manager.

NOW, THEREFORE, in consideration of the premises, the covenants herinafter set forth and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto do hereby agree as follows:

SECTION 1 Designated Representative.

Pursuant to the Clean Air Act, as amended, the CITY hereby appoints MR. LUCHSINGER as its Designated Representative for the UNITS. MR. LUCHSINGER hereby agrees to act as CITY's Designated Representative for the UNITS.

SECTION 2 Duties of the Designated Representative.

CITY authorizes MR. LUCHSINGER to fulfill the duties placed on CITY's Designated Representative as such duties are defined in the Clean Air Act, as amended, and the implementing regulations promulgated thereunder by federal and state agencies. MR. LUCHSINGER agrees to fulfill these duties.

SECTION 3 Duties of the Alternate Designated Representative.

Pursuant to the Clean Air Act, as amended, CITY hereby appoints MS. MUTH to act as CITY's Alternate Designated Representative for the UNITS. MS. MUTH hereby agrees to act as CITY's Alternate Designated Representative.

SECTION 4 Duties of the Alternate Designated Representative.

CITY authorized MS. MUTH to fulfill the duties placed on CITY's Alternate Designated Representative as such duties are defined in the Clean Air Act, as amended, and the implementing regulations promulgated thereunder by federal and state agencies. MS. MUTH agrees to fulfill these duties.

SECTION 5 Procedures for the Alternate Designated Representative to Act in Lieu of the Designated Representative.

CITY hereby authorizes MR. LUCHSINGER to notify MS. MUTH either orally or in writing when he is unable to fulfill his duties as set forth in Section 2 for any reason, including, without limitation by enumeration, sickness, vacations, or business travel, and upon receipt of such notice, MS. MUTH shall fulfill MR. LUCHSINGER's Section 2 duties until such time as MR. LUCHSINGER notifies MS. MUTH (either orally or in writing) that he is able to resume his Section 2 duties. If MR. LUCHSINGER suddenly incapacitated and is unable to provide the notice required by this Section, (i) CITY authorizes MS. MUTH to assume MR. LUCHSINGER's Section 2 duties, (ii) MS. MUTH will either orally or in writing notify MR. LUCHSINGER of his actions, and (iii) MS. MUTH will continue to perform MR. LUCHSINGER's Section 2 duties until such time as MR. LUCHSINGER notifies MS. MUTH (either orally or in writing) that he is able to resume his section 2 duties.

SECTION 6. Certificate of Representation.

CITY authorizes MR. LUCHSINGER and MS. MUTH to submit a Certificate of Representation as provided by 40 C.F.R. §72.24 and 40 C.F.R. §60.4113. CITY further agrees to be bound by the certifications made by MR. LUCHSINGER and MS. MUTH in the submitted Certificate of Representation. MR. LUCHSINGER and MS. MUTH agree to promptly execute and file the Certificate of Representation.

SECTION 7. Liability.

CITY agrees to indemnify and hold harmless MR. LUCHSINGER and MS. MUTH for any personal liability that they may incur in their capacities as Designated Representative and Alternate Designated Representative, respectively, unless such liability is the product of personal dishonesty or fraud.

SECTION 8. Binding Effect.

This Agreement is binding on CITY in its capacity as the owner and operator of the UNITS.

SECTION 9 Termination

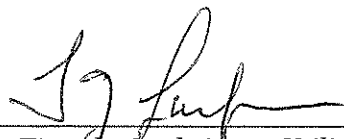
Any party may terminate this Agreement hereto at any time by giving notice of such termination in writing to the other parties. Termination of this Agreement by MR. LUCHSINGER or MS. MUTH shall not affect their employment status with the CITY. The CITY agrees to immediately file a Certificate of Representation selecting a new representative upon termination of this Agreement.


IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year written above.

CITY OF GRAND ISLAND,
A Municipal Corporation

By: _____
Jay Vavricek, Mayor

Attest: _____
RaNae Edwards, City Clerk

By:  _____
Timothy Luchsinger, Utilities Director

By:  _____
Emily Muth, Regulatory and
Environmental Manager

RESOLUTION 2011-97

WHEREAS, the City of Grand Island' Platte Generating Station and C. W. Burdick Power Station are subject to regulation under the Clean Air Act, as amended;

WHEREAS, in 1990, Congress instituted an expanded program of emission control, monitoring and reporting for major fossil burning facilities with passage of the Clean Air Act Amendments of 1990; and

WHEREAS, as a requirement of the Clean Air Act Amendments of 1990, an appointment of a "Designated Representative" is necessary to have control and responsibility for the enacted regulatory compliance process. It is further required that an "Alternate Designated Representative" be appointed to act in the event the Designated Representative is not available; and

WHEREAS, it would be in the best interest of the City to appoint Utilities Director Tim Luchsinger as the Designated Representative and Regulatory and Environmental Manager, Emily Muth as the Alternate Designated Representative.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the appointments of Utilities Director Timothy Luchsinger as Designated Representative and Regulatory and Environmental Manager Emily Muth at Alternate Designated Representative for the City of Grand Island, in compliance with the Clean Air Act and Environmental Protection Agency regulation are hereby approved.

BE IF FURTHER RESOLVED THAT the Mayor is hereby authorized and directed to execute the Representation Agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 26, 2011.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

| | |
|---------------------|-----------------|
| Approved as to Form | ☐ _____ |
| April 22, 2011 | ☐ City Attorney |