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the ozone season in which missing data are substituted, and that NO_x emissions are not systematically underestimated.

(10) Units may qualify to use the low mass emissions excepted monitoring methodology in § 75.19 on an ozone season basis. In order to be allowed to use this methodology, a unit may not emit more than 50 tons of NO_x per ozone season, as provided in § 75.19(a)(1)(i)(A)(3). If any low mass emissions unit fails to provide a demonstration that its ozone season NO_x mass emissions are less than or equal to 50 tons, then the unit is disqualified from using the methodology. The owner or operator must install and certify any equipment needed to ensure that the unit is monitored using an acceptable methodology by December 31 of the following year.

(11) Units may qualify to use the optional NO_x mass emissions estimation protocol for gas-fired and oil-fired peaking units in appendix E to this part on an ozone season basis. In order to be allowed to use this methodology, the unit must meet the definition of “peaking unit” in § 72.2 of this chapter, except that the words “year”, “calendar year” and “calendar years” in that definition shall be replaced by the words “ozone season”, “ozone season”, and “ozone seasons”, respectively. In addition, in the definition of the term “capacity factor” in § 72.2 of this chapter, the word “annual” shall be replaced by the words “ozone season” and the number “8,760” shall be replaced by the number “3,672”.

[63 FR 57507, Oct. 27, 1998, as amended at 64 FR 28627, May 26, 1999; 67 FR 40446, 40447, June 12, 2002; 67 FR 57274, Sept. 9, 2002; 73 FR 4360, Jan. 24, 2008]

§ 75.75 Additional ozone season calculation procedures for special circumstances.

(a) The owner or operator of a unit that is required to calculate ozone season heat input for purposes of providing data needed for determining allocations, shall do so by summing the unit’s hourly heat input determined according to the procedures in this part for all hours in which the unit operated during the ozone season.

(b) The owner or operator of a unit that is required to determine ozone

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season NO_x emission rate (in lbs/mmBtu) shall do so by dividing ozone season NO_x mass emissions (in lbs) determined in accordance with this subpart, by heat input determined in accordance with paragraph (a) of this section.

Subpart I—Hg Mass Emission Provisions

SOURCE: 70 FR 28684, May 18, 2005, unless otherwise noted.

§ 75.80 General provisions.

(a) *Applicability.* The owner or operator of a unit shall comply with the requirements of this subpart to the extent that compliance is required by an applicable State or Federal Hg mass emission reduction program that incorporates by reference, or otherwise adopts the provisions of, this subpart.

(1) For purposes of this subpart, the term “affected unit” shall mean any coal-fired unit (as defined in § 72.2 of this chapter) that is subject to a State or Federal Hg mass emission reduction program requiring compliance with this subpart. The term “non-affected unit” shall mean any unit that is not subject to such a program, the term “permitting authority” shall mean the permitting authority under an applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart, and the term “designated representative” shall mean the responsible party under the applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart.

(2) In addition, the provisions of subparts A, C, D, E, F, and G and appendices A through G of this part applicable to Hg concentration, flow rate, moisture, diluent gas concentration, and heat input, as set forth and referenced in this subpart, shall apply to the owner or operator of a unit required to meet the requirements of this subpart by a State or Federal Hg mass emission reduction program. The requirements of this part for SO₂, NO_x, CO₂ and opacity monitoring, record-keeping and reporting do not apply to units that are subject only to a State or Federal Hg mass emission reduction

program that adopts the requirements of this subpart, but are not affected units under the Acid Rain Program or under a State or Federal NO_x mass emission reduction program that adopts the requirements of subpart H of this part.

(b) *Compliance dates.* The owner or operator of an affected unit shall meet the compliance deadlines established by an applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart.

(c) *Prohibitions.* (1) No owner or operator of an affected unit or a non-affected unit under § 75.82(b)(2)(ii) shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with paragraph (h) of this section.

(2) No owner or operator of an affected unit or a non-affected unit under § 75.82(b)(2)(ii) shall operate the unit so as to discharge, or allow to be discharged emissions of Hg to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this part.

(3) No owner or operator of an affected unit or a non-affected unit under § 75.82(b)(2)(ii) shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording Hg mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the provisions of this part applicable to monitoring systems under § 75.81.

(4) No owner or operator of an affected unit or a non-affected unit under § 75.82(b)(2)(ii) shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this part, except under any one of the following circumstances:

(i) During the period that the unit is covered by a retired unit exemption that is in effect under the State or Fed-

eral Hg mass emission reduction program that adopts the requirements of this subpart; or

(ii) The owner or operator is monitoring Hg mass emissions from the affected unit with another certified monitoring system approved, in accordance with the provisions of paragraph (d) of this section; or

(iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system in accordance with § 75.61.

(d) *Initial certification and recertification procedures.* (1) The owner or operator of an affected unit that is subject to the Acid Rain Program or to a State or Federal NO_x mass emission reduction program that adopts the requirements of subpart H of this part shall comply with the applicable initial certification and recertification procedures in § 75.20 and § 75.70(d), except that the owner or operator shall meet any additional requirements for Hg concentration monitoring systems, sorbent trap monitoring systems (as defined in § 72.2 of this chapter), flow monitors, CO₂ monitors, O₂ monitors, or moisture monitors, as set forth under § 75.81, under the common stack provisions in § 75.82, or under an applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart.

(2) The owner or operator of an affected unit that is not subject to the Acid Rain Program or to a State or Federal NO_x mass emission reduction program that adopts the requirements of subpart H of this part shall comply with the initial certification and recertification procedures established by an applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart.

(e) *Quality assurance and quality control requirements.* For units that use continuous emission monitoring systems to account for Hg mass emissions, the owner or operator shall meet the applicable quality assurance and quality control requirements in § 75.21 and appendix B to this part for the flow monitoring systems, Hg concentration monitoring systems, moisture monitoring systems, and diluent monitors

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required under § 75.81. Units using sorbent trap monitoring systems shall meet the applicable quality assurance requirements in § 75.15, appendix K to this part, and sections 1.5 and 2.3 of appendix B to this part.

(f) *Missing data procedures.* Except as provided in § 75.38(b) and paragraph (g) of this section, the owner or operator shall provide substitute data from monitoring systems required under § 75.81 for each affected unit as follows:

(1) For an owner or operator using an Hg concentration monitoring system, substitute for missing data in accordance with the applicable missing data procedures in §§ 75.31 through 75.38 whenever the unit combusts fuel and:

(i) A valid, quality-assured hour of Hg concentration data (in µgm/scm) has not been measured and recorded, either by a certified Hg concentration monitoring system, by an appropriate EPA reference method under § 75.22, or by an approved alternative monitoring method under subpart E of this part; or

(ii) A valid, quality-assured hour of flow rate data (in scfh) has not been measured and recorded for a unit either by a certified flow monitor, by an appropriate EPA reference method under § 75.22, or by an approved alternative monitoring system under subpart E of this part; or

(iii) A valid, quality-assured hour of moisture data (in percent H₂O) has not been measured or recorded for an affected unit, either by a certified moisture monitoring system, by an appropriate EPA reference method under § 75.22, or an approved alternative monitoring method under subpart E of this part. This requirement does not apply when a default percent moisture value, as provided in § 75.11(b), is used to account for the hourly moisture content of the stack gas, or when correction of the Hg concentration for moisture is not necessary; or

(iv) A valid, quality-assured hour of heat input rate data (in MMBtu/hr) has not been measured and recorded for a unit, either by certified flow rate and diluent (CO₂ or O₂) monitors, by appropriate EPA reference methods under § 75.22, or by approved alternative monitoring systems under subpart E of this part, where heat input is required for allocating allowances under the appli-

cable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart.

(2) For an owner or operator using a sorbent trap monitoring system to quantify Hg mass emissions, substitute for missing data in accordance with the missing data procedures in § 75.39.

(g) *Reporting data prior to initial certification.* If, by the applicable compliance date under the State or Federal Hg mass emission reduction program that adopts the requirements of this subpart, the owner or operator of an affected unit has not successfully completed all required certification tests for any monitoring system(s), he or she shall determine, record and report hourly data prior to initial certification using one of the following procedures, for the monitoring system(s) that are uncertified:

(1) For Hg concentration and flow monitoring systems, report the maximum potential concentration of Hg as defined in section 2.1.7 of appendix A to this part and the maximum potential flow rate, as defined in section 2.1.4.1 of appendix A to this part; or

(2) For any unit, report data from the reference methods under § 75.22; or

(3) For any unit that is required to report heat input for purposes of allocating allowances, report (as applicable) the maximum potential flow rate, as defined in section 2.1.4.1 of appendix A to this part, the maximum potential CO₂ concentration, as defined in section 2.1.3.1 of appendix A to this part, the minimum potential O₂ concentration, as defined in section 2.1.3.2 of appendix A to this part, and the minimum potential percent moisture, as defined in section 2.1.5 of appendix A to this part.

(h) *Petitions.* (1) The designated representative of an affected unit that is also subject to the Acid Rain Program may submit a petition to the Administrator requesting an alternative to any requirement of this subpart. Such a petition shall meet the requirements of § 75.66 and any additional requirements established by the applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart. Use of an alternative to any requirement of this subpart is in accordance with this subpart and with

such State or Federal Hg mass emission reduction program only to the extent that the petition is approved in writing by the Administrator, in consultation with the permitting authority.

(2) Notwithstanding paragraph (h)(1) of this section, petitions requesting an alternative to a requirement concerning any additional CEMS required solely to meet the common stack provisions of § 75.82 shall be submitted to the permitting authority and the Administrator and shall be governed by paragraph (h)(3) of this section. Such a petition shall meet the requirements of § 75.66 and any additional requirements established by an applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart.

(3) The designated representative of an affected unit that is not subject to the Acid Rain Program may submit a petition to the permitting authority and the Administrator requesting an alternative to any requirement of this subpart. Such a petition shall meet the requirements of § 75.66 and any additional requirements established by the applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart. Use of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent that it is approved in writing by the Administrator, in consultation with the permitting authority.

[70 FR 28684, May 18, 2005, as amended at; 73 FR 4360, Jan. 24, 2008]

§ 75.81 Monitoring of Hg mass emissions and heat input at the unit level.

The owner or operator of the affected coal-fired unit shall either:

(a) Meet the general operating requirements in § 75.10 for the following continuous emission monitors (except as provided in accordance with subpart E of this part):

(1) A Hg concentration monitoring system (as defined in § 72.2 of this chapter) or a sorbent trap monitoring system (as defined in § 72.2 of this chapter), to measure the mass concentration of total vapor phase Hg in the flue gas, including the elemental and

oxidized forms of Hg, in micrograms per standard cubic meter ($\mu\text{g}/\text{scm}$); and

(2) A flow monitoring system; and

(3) A continuous moisture monitoring system (if correction of Hg concentration for moisture is required), as described in § 75.11(b). Alternatively, the owner or operator may use the appropriate fuel-specific default moisture value provided in § 75.11, or a site-specific moisture value approved by petition under § 75.66; and

(4) If heat input is required to be reported under the applicable State or Federal Hg mass emission reduction program that adopts the requirements of this subpart, the owner or operator must meet the general operating requirements for a flow monitoring system and an O₂ or CO₂ monitoring system to measure heat input rate.

(b) For an affected unit that emits 464 ounces (29 lb) of Hg per year or less, use the following excepted monitoring methodology. To implement this methodology for a qualifying unit, the owner or operator shall meet the general operating requirements in § 75.10 for the continuous emission monitors described in paragraphs (a)(2) and (a)(4) of this section, and perform Hg emission testing for initial certification and on-going quality-assurance, as described in paragraphs (c) through (e) of this section.

(c) To determine whether an affected unit is eligible to use the monitoring provisions in paragraph (b) of this section:

(1) The owner or operator must perform Hg emission testing one year or less before the compliance date in § 75.80(b), to determine the Hg concentration (*i.e.*, total vapor phase Hg) in the effluent.

(i) The testing shall be performed using one of the Hg reference methods listed in § 75.22(a)(7), and shall consist of a minimum of 3 runs at the normal unit operating load, while combusting coal. The coal combusted during the testing shall be representative of the coal that will be combusted at the start of the Hg mass emissions reduction program (preferably from the same source(s) of supply).

(ii) The minimum time per run shall be 1 hour if Method 30A is used. If either Method 29 in appendix A-8 to part