

**Environmental Protection Agency**

**§ 76.11**

issued or revised by the permitting authority to apply the final alternative emission limitation.

(B) If the approved interim or final alternative emission limitation applies to a unit for part, but not all, of a calendar year, the unit shall determine compliance for the calendar year in accordance with the procedures in § 76.13(a).

[60 FR 18761, Apr. 13, 1995, as amended at 61 FR 67163, Dec. 19, 1996]

**§ 76.11 Emissions averaging.**

(a) *General provisions.* In lieu of complying with the applicable emission limitation in § 76.5, 76.6, or 76.7, any affected units subject to such emission limitation, under control of the same owner or operator, and having the same designated representative may average their NO<sub>x</sub> emissions under an averaging plan approved under this section.

(1) Each affected unit included in an averaging plan for Phase I shall be a Phase I unit with a Group 1 boiler subject to an emission limitation in § 76.5 during all years for which the unit is included in the plan.

(i) If a unit with an approved NO<sub>x</sub> compliance extension is included in an averaging plan for 1996, the unit shall be treated, for the purposes of applying Equation 1 in paragraph (a)(6) of this section and Equation 2 in paragraph (d)(1)(ii)(A) of this section, as subject to the applicable emissions limitation under § 76.5 for the entire year 1996.

(ii) A Phase II unit approved for early election under § 76.8 shall not be included in an averaging plan for Phase I.

(2) Each affected unit included in an averaging plan for Phase II shall be a boiler subject to an emission limitation in § 76.5, 76.6, or 76.7 for all years for which the unit is included in the plan.

(3) Each unit included in an averaging plan shall have an alternative contemporaneous annual emission limitation (lb/mmBtu) and can only be included in one averaging plan.

(4) Each unit included in an averaging plan shall have a minimum allowable annual heat input value (mmBtu), if it has an alternative contemporaneous annual emission limitation more stringent than that unit's applicable emission limitation under § 76.5, 76.6, or 76.7, and a maximum allowable annual heat input value, if it has an alternative contemporaneous annual emission limitation less stringent than that unit's applicable emission limitation under § 76.5, 76.6, or 76.7.

(5) The Btu-weighted annual average emission rate for the units in an averaging plan shall be less than or equal to the Btu-weighted annual average emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in § 76.5, 76.6, or 76.7.

(6) In order to demonstrate that the proposed plan is consistent with paragraph (a)(5) of this section, the alternative contemporaneous annual emission limitations and annual heat input values assigned to the units in the proposed averaging plan shall meet the following requirement:

$$\frac{\sum_{i=1}^n (R_{Li} \times HI_i)}{\sum_{i=1}^n HI_i} \leq \frac{\sum_{i=1}^n (R_{Hi} \times HI_i)}{\sum_{i=1}^n HI_i} \quad \text{(Equation 1)}$$

where:

R<sub>Li</sub> = Alternative contemporaneous annual emission limitation for unit i, lb/mmBtu, as specified in the averaging plan;

R<sub>Hi</sub> = Applicable emission limitation for unit i, lb/mmBtu, as specified in § 76.5, 76.6, or

76.7 except that for early election units, which may be included in an averaging plan only on or after January 1, 2000, R<sub>Hi</sub> shall equal the most stringent applicable emission limitation under § 76.5 or 76.7;

## § 76.11

## 40 CFR Ch. I (7–1–10 Edition)

$HI_i$  = Annual heat input for unit  $i$ , mmBtu, as specified in the averaging plan;  
 $n$  = Number of units in the averaging plan.

(7) For units with an alternative emission limitation,  $R_{i_i}$  shall equal the applicable emissions limitation under § 76.5, 76.6, or 76.7, not the alternative emissions limitation.

(8) No unit may be included in more than one averaging plan.

(b)(1) *Submission requirements.* The designated representative of a unit meeting the requirements of paragraphs (a)(1), (a)(2), and (a)(8) of this section may submit an averaging plan (or a revision to an approved averaging plan) to the permitting authority(ies) at any time up to and including January 1 (or July 1, if the plan is restricted to units located within a single permitting authority's jurisdiction) of the calendar year for which the averaging plan is to become effective.

(2) The designated representative shall submit a copy of the same averaging plan (or the same revision to an approved averaging plan) to each permitting authority with jurisdiction over a unit in the plan.

(3) When an averaging plan (or a revision to an approved averaging plan) is not approved, the owner or operator of each unit in the plan shall operate the unit in compliance with the emission limitation that would apply in the absence of the averaging plan (or revision to a plan).

(c) *Contents of NO<sub>x</sub> averaging plan.* A complete NO<sub>x</sub> averaging plan shall include the following elements in a format prescribed by the Administrator:

(1) Identification of each unit in the plan;

(2) Each unit's applicable emission limitation in § 76.5, 76.6, or 76.7;

(3) The alternative contemporaneous annual emission limitation for each unit (in lb/mmBtu). If any of the units identified in the NO<sub>x</sub> averaging plan utilize a common stack pursuant to § 75.17(a)(2)(i)(B) of this chapter, the same alternative contemporaneous emission limitation shall be assigned to each such unit and different heat input limits may be assigned;

(4) The annual heat input limit for each unit (in mmBtu);

(5) The calculation for Equation 1 in paragraph (a)(6) of this section;

(6) The calendar years for which the plan will be in effect; and

(7) The special provisions in paragraph (d)(1) of this section.

(d) *Special provisions—(1) Emission limitations.* Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for NO<sub>x</sub> under the plan only if the following requirements are met:

(i) For each unit, the unit's actual annual average emission rate for the calendar year, in lb/mmBtu, is less than or equal to its alternative contemporaneous annual emission limitation in the averaging plan; and

(A) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable emission limitation in § 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year does not exceed the annual heat input limit in the averaging plan;

(B) For each unit with an alternative contemporaneous annual emission limitation more stringent than the applicable emission limitation in § 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year is not less than the annual heat input limit in the averaging plan; or

(ii) If one or more of the units does not meet the requirements under paragraph (d)(1)(i) of this section, the designated representative shall demonstrate, in accordance with paragraph (d)(1)(ii)(A) of this section (Equation 2) that the actual Btu-weighted annual average emission rate for the units in the plan is less than or equal to the Btu-weighted annual average rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in § 76.5, 76.6, or 76.7.

(A) A group showing of compliance shall be made based on the following equation:

$$\frac{\sum_{i=1}^n (R_{ai} \times HI_{ai})}{\sum_{i=1}^n HI_{ai}} \leq \frac{\sum_{i=1}^n (R_{li} \times HI_{ai})}{\sum_{i=1}^n HI_{ai}} \quad (\text{Equation 2})$$

where:

$R_{ai}$  = Actual annual average emission rate for unit  $i$ , lb/mmBtu, as determined using the procedures in part 75 of this chapter. For units in an averaging plan utilizing a common stack pursuant to § 75.17(a)(2)(1)(B) of this chapter, use the same  $NO_x$  emission rate value for each unit utilizing the common stack, and calculate this value in accordance with appendix F to part 75 of this chapter;

$R_{li}$  = Applicable annual emission limitation for unit  $i$  lb/mmBtu, as specified in § 76.5, 76.6, or 76.7, except that for early election units, which may be included in an averaging plan only on or after January 1, 2000,  $R_{li}$  shall equal the most stringent applicable emission limitation under § 76.5 or 76.7;

$HI_{ai}$  = Actual annual heat input for unit  $i$ , mmBtu, as determined using the procedures in part 75 of this chapter;

$n$  = Number of units in the averaging plan.

(B) For units with an alternative emission limitation,  $R_{li}$  shall equal the applicable emission limitation under § 76.5, 76.6, or 76.7, not the alternative emission limitation.

(C) If there is a successful group showing of compliance under paragraph (d)(1)(ii)(A) of this section for a calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with their alternative contemporaneous emission limitations and annual heat input limits under paragraph (d)(1)(i) of this section.

(2) *Liability.* The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan or this section at that unit or any other unit in the plan, including liability for fulfilling the obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

(3) *Withdrawal or termination.* The designated representative may submit a notification to terminate an approved averaging plan in accordance with § 72.40(d) of this chapter, no later than October 1 of the calendar year for

which the plan is to be withdrawn or terminated.

#### § 76.12 Phase I $NO_x$ compliance extension.

(a) *General provisions.* (1) The designated representative of a Phase I unit with a Group 1 boiler may apply for and receive a 15-month extension of the deadline for meeting the applicable emissions limitation under § 76.5 where it is demonstrated, to the satisfaction of the Administrator, that:

(i) The low  $NO_x$  burner technology designed to meet the applicable emission limitation is not in adequate supply to enable installation and operation at the unit, consistent with system reliability, by January 1, 1995 and the reliability problems are due substantially to  $NO_x$  emission control system installation and availability; or

(ii) The unit is participating in an approved clean coal technology demonstration project.

(2) In order to obtain a Phase I  $NO_x$  compliance extension, the designated representative shall submit a Phase I  $NO_x$  compliance extension plan by October 1, 1994.

(b) *Contents of Phase I  $NO_x$  compliance extension plan.* A complete Phase I  $NO_x$  compliance extension plan shall include the following elements in a format prescribed by the Administrator:

(1) Identification of the unit.

(2) For units applying pursuant to paragraph (a)(1)(i) of this section:

(i) A list of the company names, addresses, and telephone numbers of vendors who are qualified to provide the services and low  $NO_x$  burner technology designed to meet the applicable emission limitation under § 76.5 and have been contacted to obtain the required services and technology. The list shall include the dates of contact, and a copy of each request for bids shall be submitted, along with any other information necessary to show a