

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

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which the plan is to be withdrawn or terminated.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

good-faith effort to obtain the required services and technology necessary to meet the requirements of this part on or before January 1, 1995.

(ii) A copy of those portions of a legally binding contract with a qualified vendor that demonstrate that services and low NO<sub>x</sub> burner technology designed to meet the applicable emission limitation under § 76.5, with a completion date not later than December 31, 1995 have been contracted for.

(iii) Scheduling information, including justification and test schedules.

(iv) To demonstrate, if applicable, that the supply of the low NO<sub>x</sub> burner technology designed to meet the applicable emission limitation under § 76.5 is inadequate to enable its installation and operation at the unit, consistent with system reliability, in time for the unit to comply with the applicable emission limitation on or before January 1, 1995, either:

(A) Certification from the selected vendor(s) (by a certifying official) listed in paragraph (b)(2)(i) of this section stating that they cannot provide the necessary services and install the low NO<sub>x</sub> burner technology on or before January 1, 1995 and explaining the reasons why the services cannot be provided and why the equipment cannot be installed in a timely manner; or

(B) The following information:

(i) Standard load forecasts, based on standard forecasting models available throughout the utility industry and applied to the period, January 1, 1993, through December 31, 1994.

(ii) Specific reasons why an outage cannot be scheduled to enable the unit to install and operate the low NO<sub>x</sub> burner technology by January 1, 1995, including reasons why no other units can be used to replace this unit's generation during such outage.

(iii) Fuel and energy balance summaries and power and other consumption requirements (including those for air, steam, and cooling water).

(3) To demonstrate, if applicable, participation in an approved clean coal technology demonstration project, a description of the project, including all sources of Federal, State, and other outside funding, amount and date for approval of Federal funding, the dura-

tion of the project, and the anticipated completion date of the project.

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

(c)(1) *Administrator's action.* To the extent the Administrator determines that a Phase I NO<sub>x</sub> compliance extension plan complies with the requirements of this section, the Administrator will approve the plan and revise the Acid Rain permit governing the unit in the plan in order to incorporate the plan by administrative amendment under § 72.83 of this chapter, except that the Administrator shall have 90 days from receipt of the compliance extension plan to take final action.

(2) The Administrator will approve or disapprove a proposed NO<sub>x</sub> compliance extension plan within 3 months of receipt.

(d) *Special provisions.* (1) Emission limitations. The unit shall comply with the applicable emission limitation under § 76.5 beginning April 1, 1996. Compliance shall be determined as specified in part 75 of this chapter using measured values of NO<sub>x</sub> emissions and heat input only for the portion of the year that the emission limit is in effect.

(2) If a unit with an approved NO<sub>x</sub> compliance extension is included in an averaging plan under § 76.11 for year 1996, the unit shall be treated, for purposes of applying Equation 1 in § 76.11(a)(6) and Equation 2 in § 76.11(d)(1)(ii)(A), as subject to the applicable emission limitation under § 76.5 for the entire year 1996.

(e) *Extension until December 31, 1997.*

(1) The designated representative of a Phase I unit that is subject to section 404(d) of the Act, has a tangentially fired boiler, and is unable to install low NO<sub>x</sub> burner technology by January 1, 1997 may submit a petition for and receive an extension for meeting the applicable emission limitation under § 76.5 where it is demonstrated, to the satisfaction of the Administrator, that:

(i) The unit is located at a source with two or more other units, all of which are Phase I units that are subject to section 404(d) of the Act and have tangentially fired boilers;

(ii) The NO<sub>x</sub> control system at the unit was scheduled to be installed by

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January 1, 1997 and, because of operational problems associated with the NO<sub>x</sub> control system, will be redesigned; and

(iii) Installation of the redesigned low NO<sub>x</sub> burner technology at the unit cannot be completed by January 1, 1997 without causing system reliability problems.

(2) A complete petition shall include the following elements and shall be submitted by April 28, 1995.

(i) Identification of the unit and the other units at the source;

(ii) A statement describing how the requirements of paragraphs (e)(1)(ii) and (e)(1)(iii) of this section are met;

(iii) The earliest date, not later than December 31, 1997, by which installation of the redesigned low NO<sub>x</sub> burner technology can be completed consistent with system reliability; and

(iv) The provisions in paragraph (e)(4) of this section.

(3) To the extent the Administrator determines that a Phase I unit meets the requirements of paragraphs (e)(1) and (e)(2) of this section, the Administrator will approve the petition within 90 days from receipt of the complete petition. The Acid Rain permit governing the unit will be revised in order to incorporate the approved extension, which shall terminate no later than December 31, 1997, by administrative amendment under § 72.83 of this chapter except that the Administrator will have 90 days to take final action.

(4) The unit shall comply with the applicable emission limitation under § 76.5 beginning on the day immediately following the day on which the extension approved under paragraph (e)(3) of this section terminates. Compliance shall be determined as specified in part 75 of this chapter using measured values of NO<sub>x</sub> emissions and heat input only for the portion of the year that the emission limit is in effect. If a unit with an approved extension is included in an averaging plan under § 76.11 for year 1997, the unit shall be treated, for the purpose of applying Equation 1 in § 76.11(a)(6) and Equation 2 in § 76.11(d)(1)(ii)(A), as subject to the ap-

plicable emission limitation under § 76.5 for the entire year 1997.

### § 76.13 Compliance and excess emissions.

Excess emissions of nitrogen oxides under § 77.6 of this chapter shall be calculated as follows:

(a) For a unit that is not in an approved averaging plan:

(1) Calculate EE<sub>i</sub> for each portion of the calendar year that the unit is subject to a different NO<sub>x</sub> emission limitation:

$$EE_i = \frac{(R_{ai} - R_{li}) \times HI_i}{2000} \quad (\text{Equation 3})$$

where:

EE<sub>i</sub> = Excess emissions for NO<sub>x</sub> for the portion of the calendar year (in tons);

R<sub>ai</sub> = Actual average emission rate for the unit (in lb/mmBtu), determined according to part 75 of this chapter for the portion of the calendar year for which the applicable emission limitation R<sub>l</sub> is in effect;

R<sub>li</sub> = Applicable emission limitation for the unit, (in lb/mmBtu), as specified in § 76.5, 76.6, or 76.7 or as determined under § 76.10;

$$EE = \sum_{i=1}^n EE_i \quad (\text{Equation 4})$$

HI<sup>1</sup> = Actual heat input for the unit, (in mmBtu), determined according to part 75 of this chapter for the portion of the calendar year for which the applicable emission limitation, R<sub>l</sub>, is in effect.

(2) If EE<sub>i</sub> is a negative number for any portion of the calendar year, the EE value for that portion of the calendar year shall be equal to zero (e.g., if EE<sub>i</sub> = -100, then EE<sub>i</sub> = 0).

(3) Sum all EE<sub>i</sub> values for the calendar year:

where:

EE = Excess emissions for NO<sub>x</sub> for the year (in tons);

n = The number of time periods during which a unit is subject to different emission limitations; and

(b) For units participating in an approved averaging plan, when all the requirements under § 76.11(d)(1) are not met,