§ 76.12 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 112 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in accordance with §72.40(d) of this chapter, no later than October 1 of the calendar year for which the plan is to be withdrawn or terminated.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 NOX compliance extension.

(a) General provisions. (1) The designated representative of a Phase I unit with a Group I 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 NOX 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 NOX 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 NOX compliance extension, the designated representative shall submit a Phase I NOX compliance extension plan by October 1, 1994.

(b) Contents of Phase I NOX compliance extension plan. A complete Phase I NOX 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 NOX 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 NOX 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 NOX 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 NOX 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 NOX 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 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
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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 para-

graph (d) of this section.

(c)(1) Administrator's action. To the

extent the Administrator determines

that a Phase I NO\textsubscript{X} compliance exten-

sion plan complies with the require-

ments of this section, the Adminis-

trator 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 ex-

tension plan to take final action.

(2) The Administrator will approve or

disapprove a proposed NO\textsubscript{X} compliance

extension plan within 3 months of re-

ceipt.

(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\textsubscript{X} emis-

sions and heat input only for the por-

tion of the year that the emission limit

is in effect.

(2) If a unit with an approved NO\textsubscript{X}

compliance extension is included in an

averaging plan under §76.11 for year

1996, the unit shall be treated, for pur-

poses of applying Equation 1 in §76.11(a)(6) and Equation 2 in §76.11(d)(1)(i)(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 and have tangentially fired boilers;

(ii) The NO\textsubscript{X} control system at the

unit was scheduled to be installed by

January 1, 1997 and, because of oper-

ational problems associated with the

NO\textsubscript{X} control system, will be redesigned;

and

(iii) Installation of the redesigned

low NO\textsubscript{X} 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


(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 installa-

tion of the redesigned low NO\textsubscript{X} burner

technology can be completed con-

sistent 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 Adminis-

trator will approve the petition within

90 days from receipt of the complete

petition. The Acid Rain permit gov-

erning 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 exten-

sion approved under paragraph (e)(3) of

this section terminates. Compliance

shall be determined as specified in part

75 of this chapter using measured val-

ues of NO\textsubscript{X} 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
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§ 76.11(d)(1)(ii)(A), as subject to the applicable 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 for each portion of the calendar year that the unit is subject to a different NOx emission limitation:

\[ EE_i = \frac{(R_{ai} - R_{li}) \times H_{ii}}{2000} \]  

(Equation 3)

where:

\( EE_i \) = Excess emissions for NOx for the portion of the calendar year (in tons);
\( R_{ai} \) = 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 \( R_{li} \) is in effect;
\( R_{li} \) = 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;
\( H_{ii} \) = 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 \( R_{li} \) is in effect.

(2) If EE 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 = -100, then EE = 0).

(3) Sum all EE values for the calendar year:

\[ EE = \sum_{i=1}^{n} EE_i \]  

(Equation 4)

where:

\( EE \) = Excess emissions for NOx 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,

\[ EE = \frac{\sum_{i=1}^{n} (R_{ai} \times H_{ii}) - \sum_{i=1}^{n} (R_{li} \times H_{ii})}{2000} \]  

(Equation 5)

where:

\( EE \) = Excess emissions for NOx for the year (in tons);
\( R_{ai} \) = Actual annual average emission rate for NOx for unit i, (in lb/mmBtu), determined according to part 75 of this chapter;
\( R_{li} \) = Applicable emission limitation for unit i, (in lb/mmBtu), as specified in § 76.5, § 76.6, or § 76.7;
\( H_{ii} \) = Actual annual heat input for unit i, mmBtu, determined according to part 75 of this chapter;
\( n \) = Number of units in the averaging plan.

§ 76.14 Monitoring, recordkeeping, and reporting.

(a) A petition for an alternative emission limitation demonstration period under § 76.10(d) shall include the following information:

(1) In accordance with § 76.10(d)(4), the following information:

(i) Documentation that the owner or operator solicited bids for a NOx emission control system designed for application to the specific boiler and designed to achieve the applicable emission limitation in § 76.5, § 76.6, or § 76.7 on an annual average basis. This document must include a copy of all bid specifications.

(ii) A copy of the performance guarantee submitted by the vendor of the installed NOx emission control system to the owner or operator showing that such system was designed to meet the applicable emission limitation in § 76.5, § 76.6, or § 76.7 on an annual average basis.

(iii) Documentation describing the operational and combustion conditions