Environmental Protection Agency

§ 96.76 Additional requirements to provide heat input data for allocations purposes.

(a) The NOx authorized account representative of a NOx Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under §75.66 of this chapter to the permitting authority and the Administrator requesting approval to apply an alternative to any requirement of this subpart.

(1) Application of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent that the petition is approved by the Administrator, in consultation with the permitting authority.

(2) Notwithstanding paragraph (a)(1) of this section, if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of §75.72 of this chapter, the petition is governed by paragraph (b) of this section.

(b) The NOx authorized account representative of a NOx Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under §75.66 of this chapter to the permitting authority requesting approval to apply an alternative to any requirement concerning any additional CEMS required under the common stack provisions of §75.72 of this chapter.

§ 96.75 Petitions.

(a) The NOx authorized account representative of a NOx Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under §75.66 of this chapter to the Administrator requesting approval to apply an alternative to any requirement of this subpart.

(i) For units subject to an Acid Rain Emissions limitation, quarterly reports shall include all of the data and information required in subpart H of part 75 of this chapter for each NOx Budget unit (or group of units using a common stack) as well as information required in subpart G of part 75 of this chapter.

(ii) For units not subject to an Acid Rain Emissions limitation, quarterly reports are only required to include all of the data and information required in subpart H of part 75 of this chapter for each NOx Budget unit (or group of units using a common stack).

(4) Compliance certification. The NOx authorized account representative shall submit to the Administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit’s emissions are correctly and fully monitored. The certification shall state that:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this subpart and part 75 of this chapter, including the quality assurance procedures and specifications; and

(ii) For a unit with add-on NOx emission controls and for all hours where data are substituted in accordance with §75.34(a)(1) of this chapter, the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate NOx emissions; and

(iii) For a unit that is reporting on a control period basis under §96.74(d) the NOx emission rate and NOx concentration values substituted for missing data under subpart D of part 75 of this chapter are calculated using only values from a control period and do not systematically underestimate NOx emissions.

§ 96.75 Petitions.

(a) The NOx authorized account representative of a NOx Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under §75.66 of this chapter to the Administrator requesting approval to apply an alternative to any requirement of this subpart.

(1) Application of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent that the petition is approved by the Administrator, in consultation with the permitting authority.

(2) Notwithstanding paragraph (a)(1) of this section, if the petition requests approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of §75.72 of this chapter, the petition is governed by paragraph (b) of this section.

(b) The NOx authorized account representative of a NOx Budget unit that is not subject to an Acid Rain emissions limitation may submit a petition under §75.66 of this chapter to the permitting authority and the Administrator requesting approval to apply an alternative to any requirement of this subpart.

(1) The NOx authorized account representative of a NOx Budget unit that is subject to an Acid Rain emissions limitation may submit a petition under §75.66 of this chapter to the permitting authority and the Administrator requesting approval to apply an alternative to a requirement concerning any additional CEMS required under the common stack provisions of §75.72 of this chapter or a NOx concentration CEMS used under 75.71(a)(2) of this chapter.

(2) Application of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent the petition under paragraph (b) of this section is approved by both the permitting authority and the Administrator.
§ 96.80 Applicability.

A unit that is in the State, is not a NOₓ Budget unit under §96.4, vents all of its emissions to a stack, and is operating, may qualify, under this subpart, to become a NOₓ Budget opt-in source. A unit that is a NOₓ Budget unit, is covered by a retired unit exemption under §96.5 that is in effect, or is not operating is not eligible to become a NOₓ Budget opt-in source.

§ 96.81 General.

Except otherwise as provided in this part, a NOₓ Budget opt-in source shall be treated as a NOₓ Budget unit for purposes of applying subparts A through H of this part.

§ 96.82 NOₓ authorized account representative.

A unit for which an application for a NOₓ Budget opt-in permit is submitted and not denied or withdrawn, or a NOₓ Budget opt-in source, located at the same source as one or more NOₓ Budget units, shall have the same NOₓ authorized account representative as such NOₓ Budget units.

§ 96.83 Applying for NOₓ Budget opt-in permit.

(a) Applying for initial NOₓ Budget opt-in permit. In order to apply for an initial NOₓ Budget opt-in permit, the NOₓ authorized account representative of a unit qualified under §96.80 may submit to the permitting authority at any time, except as provided under §96.86(g):

(1) A complete NOₓ Budget permit application under §96.22;

(2) A monitoring plan submitted in accordance with subpart H of this part; and

(3) A complete account certificate of representation under §96.13. If no NOₓ authorized account representative has been previously designated for the unit.

(b) Duty to reapply. The NOₓ authorized account representative of a NOₓ Budget opt-in source shall submit a complete NOₓ Budget permit application under §96.22 to renew the NOₓ Budget opt-in permit in accordance with §96.21(c) and, if applicable, an updated monitoring plan in accordance with subpart H of this part.

§ 96.84 Opt-in process.

The permitting authority will issue or deny a NOₓ Budget opt-in permit for a unit for which an initial application for a NOₓ Budget opt-in permit under §96.83 is submitted, in accordance with §96.20 and the following:

(a) Interim review of monitoring plan. The permitting authority will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NOₓ Budget opt-in permit under §96.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NOₓ emissions rate and heat input of the unit are monitored and reported in accordance with subpart H of this part. A determination of sufficiency shall not be construed as acceptance or approval of the unit’s monitoring plan.

(b) If the permitting authority determines that the unit’s monitoring plan is sufficient under paragraph (a) of this section and after completion of monitoring system certification under subpart H of this part, the NOₓ emissions rate and the heat input of the unit shall be monitored and reported in accordance with subpart H of this part for one full control period during which monitoring system availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a "NOₓ Budget unit" prior to issuance of a NOₓ Budget opt-in permit covering the unit.