

SUBCHAPTER C—AIR PROGRAMS (CONTINUED)

PART 72—PERMITS REGULATION

Subpart A—Acid Rain Program General Provisions

- Sec.
- 72.1 Purpose and scope.
 - 72.2 Definitions.
 - 72.3 Measurements, abbreviations, and acronyms.
 - 72.4 Federal authority.
 - 72.5 State authority.
 - 72.6 Applicability.
 - 72.7 New units exemption.
 - 72.8 Retired units exemption.
 - 72.9 Standard requirements.
 - 72.10 Availability of information.
 - 72.11 Computation of time.
 - 72.12 Administrative appeals.
 - 72.13 Incorporation by reference.

Subpart B—Designated Representative

- 72.20 Authorization and responsibilities of the designated representative.
- 72.21 Submissions.
- 72.22 Alternate designated representative.
- 72.23 Changing the designated representative, alternate designated representative; changes in the owners and operators.
- 72.24 Certificate of representation.
- 72.25 Objections.

Subpart C—Acid Rain Permit Applications

- 72.30 Requirement to apply.
- 72.31 Information requirements for Acid Rain permit applications.
- 72.32 Permit application shield and binding effect of permit application.
- 72.33 Identification of dispatch system.

Subpart D—Acid Rain Compliance Plan and Compliance Options

- 72.40 General.
- 72.41 Phase I substitution plans.
- 72.42 Phase I extension plans.
- 72.43 Phase I reduced utilization plans.
- 72.44 Phase II repowering extensions.

Subpart E—Acid Rain Permit Contents

- 72.50 General.
- 72.51 Permit shield.

Subpart F—Federal Acid Rain Permit Issuance Procedures

- 72.60 General.
- 72.61 Completeness.
- 72.62 Draft permit.
- 72.63 Administrative record.
- 72.64 Statement of basis.

- 72.65 Public notice of opportunities for public comment.
- 72.66 Public comments.
- 72.67 Opportunity for public hearing.
- 72.68 Response to comments.
- 72.69 Issuance and effective date of acid rain permits.

Subpart G—Acid Rain Phase II Implementation

- 72.70 Relationship to title V operating permit program.
- 72.71 Acceptance of State Acid Rain programs—general.
- 72.72 Criteria for State operating permit program.
- 72.73 State issuance of Phase II permits.
- 72.74 Federal issuance of Phase II permits.

Subpart H—Permit Revisions

- 72.80 General.
- 72.81 Permit modifications.
- 72.82 Fast-track modifications.
- 72.83 Administrative permit amendment.
- 72.84 Automatic permit amendment.
- 72.85 Permit reopenings.

Subpart I—Compliance Certification

- 72.90 Annual compliance certification report.
- 72.91 Phase I unit adjusted utilization.
- 72.92 Phase I unit allowance surrender.
- 72.93 Units with Phase I extension plans.
- 72.94 Units with repowering extension plans.
- 72.95 Allowance deduction formula.
- 72.96 Administrator's action on compliance certifications.

APPENDIX A TO PART 72—METHODOLOGY FOR ANNUALIZATION OF EMISSIONS LIMITS

APPENDIX B TO PART 72—METHODOLOGY FOR CONVERSION OF EMISSIONS LIMITS

APPENDIX C TO PART 72—ACTUAL 1985 YEARLY SO₂ EMISSIONS CALCULATION

APPENDIX D TO PART 72—CALCULATION OF POTENTIAL ELECTRIC OUTPUT CAPACITY

AUTHORITY: 42 U.S.C. 7601 and 7651 *et seq.*

SOURCE: 58 FR 3650, Jan. 11, 1993, unless otherwise noted.

Subpart A—Acid Rain Program General Provisions

§ 72.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish certain general provisions and the operating permit program requirements for affected sources

and affected units under the Acid Rain Program, pursuant to title IV of the Clean Air Act, 42 U.S.C. 7401, *et seq.*, as amended by Public Law 101-549 (November 15, 1990).

(b) *Scope.* The regulations under this part set forth certain generally applicable provisions under the Acid Rain Program. The regulations also set forth requirements for obtaining three types of Acid Rain permits, during Phases I and II, for which an affected source may apply: Acid Rain permits issued by the United States Environmental Protection Agency during Phase I; the Acid Rain portion of an operating permit issued by a State permitting authority during Phase II; and the Acid Rain portion of an operating permit issued by EPA when it is the permitting authority during Phase II. The requirements under this part supplement, and in some cases modify, the requirements under parts 70 and 71 of this chapter and other regulations implementing title V for approving and implementing State operating permit programs and for Federal issuance of operating permits under title V, as such requirements apply to affected sources under the Acid Rain Program.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55475, Oct. 24, 1997]

§72.2 Definitions.

The terms used in this part, in parts 73, 74, 75, 76, 77 and 78 of this chapter shall have the meanings set forth in the Act, including sections 302 and 402 of the Act, and in this section as follows:

Account number means the identification number given by the Administrator to each Allowance Tracking System account pursuant to §73.31(d) of this chapter.

Acid Rain compliance option means one of the methods of compliance used by an affected unit under the Acid Rain Program as described in a compliance plan submitted and approved in accordance with subpart D of this part, part 74 of this chapter or part 76 of this chapter.

Acid Rain emissions limitation means:

(1) For purposes of sulfur dioxide emissions:

(i) The tonnage equivalent of the allowances authorized to be allocated to

an affected unit for use in a calendar year under section 404(a)(1), (a)(3), and (h) of the Act, or the basic Phase II allowance allocations authorized to be allocated to an affected unit for use in a calendar year, or the allowances authorized to be allocated to an opt-in source under section 410 of the Act for use in a calendar year;

(ii) As adjusted:

(A) By allowances allocated by the Administrator pursuant to section 403, section 405 (a)(2), (a)(3), (b)(2), (c)(4), (d)(3), and (h)(2), and section 406 of the Act;

(B) By allowances allocated by the Administrator pursuant to subpart D of this part; and thereafter

(C) By allowance transfers to or from the compliance subaccount for that unit that were recorded or properly submitted for recordation by the allowance transfer deadline as provided in §73.35 of this chapter, after deductions and other adjustments are made pursuant to §73.34(c) of this chapter; and

(2) For purposes of nitrogen oxides emissions, the applicable limitation under part 76 of this chapter.

Acid Rain emissions reduction requirement means a requirement under the Acid Rain Program to reduce the emissions of sulfur dioxide or nitrogen oxides from a unit to a specified level or by a specified percentage.

Acid Rain permit or permit means the legally binding written document or portion of such document, including any permit revisions, that is issued by a permitting authority under this part and specifies the Acid Rain Program requirements applicable to an affected source and to the owners and operators and the designated representative of the affected source or the affected unit.

Acid Rain Program means the national sulfur dioxide and nitrogen oxides air pollution control and emissions reduction program established in accordance with title IV of the Act, this part, and parts 73, 74, 75, 76, 77, and 78 of this chapter.

Act means the Clean Air Act, 42 U.S.C. 7401, *et seq.* as amended by Public Law No. 101-549 (November 15, 1990).

Actual SO₂ emissions rate means the annual average sulfur dioxide emissions rate for the unit (expressed in lb/mmBtu), for the specified calendar