

Environmental Protection Agency

§ 74.3

PART 74—SULFUR DIOXIDE OPT-INS

**Subpart F—Monitoring Emissions:
Combustion Sources**

Subpart A—Background and Summary

- Sec.
- 74.1 Purpose and scope.
- 74.2 Applicability.
- 74.3 Relationship to the Acid Rain program requirements.
- 74.4 Designated representative.

- 74.60 Monitoring requirements.
- 74.61 Monitoring plan.

**Subpart G—Monitoring Emissions: Process
Sources [Reserved]**

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

SOURCE: 60 FR 17115, Apr. 4, 1995, unless otherwise noted.

Subpart B—Permitting Procedures

- 74.10 Roles—EPA and permitting authority.
- 74.12 Opt-in permit contents.
- 74.14 Opt-in permit process.
- 74.16 Application requirements for combustion sources.
- 74.17 Application requirements for process sources. [Reserved]
- 74.18 Withdrawal.
- 74.19 Revision and renewal of opt-in permit.

**Subpart A—Background and
Summary**

§ 74.1 Purpose and scope.

The purpose of this part is to establish the requirements and procedures for:

(a) The election of a combustion or process source that emits sulfur dioxide to become an affected unit under the Acid Rain Program, pursuant to section 410 of title IV of the Clean Air Act, 42 U.S.C. 7401, *et seq.*, as amended by Public Law 101-549 (November 15, 1990); and

(b) Issuing and modifying operating permits; certifying monitors; and allocating, tracking, transferring, surrendering and deducting allowances for combustion or process sources electing to become affected units.

**Subpart C—Allowance Calculations for
Combustion Sources**

- 74.20 Data for baseline and alternative baseline.
- 74.22 Actual SO₂ emissions rate.
- 74.23 1985 Allowable SO₂ emissions rate.
- 74.24 Current allowable SO₂ emissions rate.
- 74.25 Current promulgated SO₂ emissions limit.
- 74.26 Allocation formula.
- 74.28 Allowance allocation for combustion sources becoming opt-in sources on a date other than January 1.

§ 74.2 Applicability.

Combustion or process sources that are not affected units under § 72.6 of this chapter and that are operating and are located in the 48 contiguous States or the District of Columbia may submit an opt-in permit application to become opt-in sources upon issuance of an opt-in permit. Units for which an exemption under § 72.7 or § 72.8 of this chapter is in effect and combustion or process sources that are not operating are not eligible to submit an opt-in permit application to become opt-in sources.

[60 FR 17115, Apr. 4, 1995, as amended at 62 FR 55487, Oct. 24, 1997; 66 FR 12978, Mar. 1, 2001]

**Subpart D—Allowance Calculations for
Process Sources [Reserved]**

**Subpart E—Allowance Tracking and
Transfer and End of Year Compliance**

- 74.40 Establishment of opt-in source allowance accounts.
- 74.41 Identifying allowances.
- 74.42 Prohibition on future year transfers.
- 74.43 Annual compliance certification report.
- 74.44 Reduced utilization for combustion sources.
- 74.45 Reduced utilization for process sources. [Reserved]
- 74.46 Opt-in source permanent shutdown, reconstruction, or change in affected status.
- 74.47 Transfer of allowances from the replacement of thermal energy—combustion sources.
- 74.48 Transfer of allowances from the replacement of thermal energy—process sources. [Reserved]
- 74.49 Calculation for deducting allowances.
- 74.50 Deducting opt-in source allowances from ATS accounts.

**§ 74.3 Relationship to the Acid Rain
program requirements.**

(a) *General.* (1) For purposes of applying parts 72, 73, 75, 77 and 78, each opt-

in source shall be treated as an affected unit.

(2) Subpart A, B, G, and H of part 72 of this chapter, including §§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), and 72.11 (computation of time), shall apply to this part.

(b) *Permits.* The permitting authority shall act in accordance with this part and parts 70, 71, and 72 of this chapter in issuing or denying an opt-in permit and incorporating it into a combustion or process source's operating permit. To the extent that any requirements of this part, part 72, and part 78 of this chapter are inconsistent with the requirements of parts 70 and 71 of this chapter, the requirements of this part, part 72, and part 78 of this chapter shall take precedence and shall govern the issuance, denials, revision, reopening, renewal, and appeal of the opt-in permit.

(c) *Appeals.* The procedures for appeals of decisions of the Administrator under this part are contained in part 78 of this chapter.

(d) *Allowances.* A combustion or process source that becomes an affected unit under this part shall be subject to all the requirements of subparts C and D of part 73 of this chapter, consistent with subpart E of this part.

(e) *Excess emissions.* A combustion or process source that becomes an affected unit under this part shall be subject to the requirements of part 77 of this chapter applicable to excess emissions of sulfur dioxide and shall not be subject to the requirements of part 77 of this chapter applicable to excess emissions of nitrogen oxides.

(f) *Monitoring.* A combustion or process source that becomes an affected unit under this part shall be subject to all the requirements of part 75, consistent with subparts F and G of this part.

[60 FR 17115, Apr. 4, 1995, as amended at 63 FR 18841, Apr. 16, 1998]

§ 74.4 Designated representative.

(a) The provisions of subpart B of part 72 of this chapter shall apply to the designated representative of an opt-in source.

(b) If a combustion or process source is located at the same source as one or more affected units, the combustion or process source shall have the same designated representative as the other affected units at the source.

(c)(1) Notwithstanding paragraph (b) of this section, a certifying official of a combustion or process source that is located at the same source as one or more affected utility units and that, on the date on which an initial opt-in permit application is submitted for such combustion or process source and thereafter, does not serve a generator that produces electricity for sale may elect to designate, for such combustion or process source, a different designated representative than the designated representative for the affected utility units.

(2) In order to make such an election, the certifying official shall submit to the Administrator, in a format prescribed by the Administrator: a certification that the combustion or process source for which the election is made meets each of the requirements for election in paragraph (c)(1) of this section; and a certificate of representation for the designated representative of the combustion or process source in accordance with §72.24 of this chapter. The Administrator will rely on such certificate of representation in accordance with §72.25 of this chapter, unless the Administrator determines that the requirements for election in paragraph (c)(1) of this section are not met. If, after the election is made, the requirements for election in paragraph (c)(1) of this section are no longer met, the election shall automatically terminate on the first date on which the requirements are no longer met and, within 30 days of that date, a certificate of representation for the designated representative of the combustion or process source shall be submitted consistent with paragraph (b) of this section.

[60 FR 17115, Apr. 4, 1995, as amended at 63 FR 18841, Apr. 16, 1998]