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to use an alternative to the procedures in § 75.4(d)(3), (e)(3), (f)(3) or (g)(3) to account for emissions during the period between the compliance date for a unit and the completion of certification testing for that unit. The designated representative shall include:

(1) Identification of the affected unit(s);

(2) A detailed explanation of the alternative method to account for emissions of the following parameters, as applicable: SO₂ mass emissions (in lbs), NO_x emission rate (in lbs/mmBtu), CO₂ mass emissions (in lbs) and, if the unit is subject to the requirements of subpart H of this part, NO_x mass emissions (in lbs); and

(3) A demonstration that the proposed alternative does not underestimate emissions.

(k) *Petition for an alternative to the stabilization criteria for the cycle time test in section 6.4 of appendix A to this part.* The designated representative for an affected unit may submit a petition to the Administrator to use an alternative stabilization criteria for the cycle time test in section 6.4 of appendix A to this part, if the installed monitoring system does not record data in 1-minute or 3-minute intervals. The designated representative shall provide a description of the alternative criteria.

(l) *Any other petitions to the Administrator under this part.* Except for petitions addressed in paragraphs (b) through (k) of this section, any petition submitted under this paragraph shall include sufficient information for the evaluation of the petition, including, at a minimum, the following information:

(1) Identification of the affected plant and unit(s);

(2) A detailed explanation of why the proposed alternative is being suggested in lieu of the requirement;

(3) A description and diagram of any equipment and procedures used in the proposed alternative, if applicable;

(4) A demonstration that the proposed alternative is consistent with the purposes of the requirement for which the alternative is proposed and is consistent with the purposes of this part and of section 412 of the Act and that

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any adverse effect of approving such alternative will be *de minimis*; and

(5) Any other relevant information that the Administrator may require.

[58 FR 3701, Jan. 11, 1993, as amended at 60 FR 26540, 26569, May 17, 1995; 61 FR 59162, Nov. 20, 1996; 64 FR 28623, May 26, 1999; 67 FR 40444, June 12, 2002]

§ 75.67 Retired units petitions.

(a) [Reserved]

(b) For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter that will be permanently retired and governed upon entry into the Opt-in Program by a thermal energy plan in accordance with § 74.47 of this chapter, an exemption from the requirements of this part, including the requirement to install and certify a continuous emissions monitoring system, may be obtained from the Administrator if the designated representative submits to the Administrator a petition for such an exemption prior to the deadline in § 75.4 by which the continuous emission or opacity monitoring systems must complete the required certification tests.

[60 FR 17131, Apr. 4, 1995, as amended at 60 FR 26541, May 17, 1995; 62 FR 55487, Oct. 24, 1997]

Subpart H—NO_x Mass Emissions Provisions

SOURCE: 63 FR 57507, Oct. 27, 1998

§ 75.70 NO_x mass emissions provisions.

(a) *Applicability.* The owner or operator of a unit shall comply with the requirements of this subpart to the extent that compliance is required by an applicable State or federal NO_x mass emission reduction program that incorporates by reference, or otherwise adopts the provisions of, this subpart.

(1) For purposes of this subpart, the term “affected unit” shall mean any unit that is subject to a State or federal NO_x mass emission reduction program requiring compliance with this subpart, the term “non-affected unit” shall mean any unit that is not subject to such a program, the term “permitting authority” shall mean the permitting authority under an applicable

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State or federal NO_x mass emission reduction program that adopts the requirements of this subpart, and the term “designated representative” shall mean the responsible party under the applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart.

(2) In addition, the provisions of subparts A, C, D, E, F, and G and appendices A through G of this part applicable to NO_x concentration, flow rate, NO_x emission rate and heat input, as set forth and referenced in this subpart, shall apply to the owner or operator of a unit required to meet the requirements of this subpart by a State or federal NO_x mass emission reduction program. When applying these requirements, the term “affected unit” shall mean any unit that is subject to a State or federal NO_x mass emission reduction program requiring compliance with this subpart, the term “permitting authority” shall mean the permitting authority under an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart, and the term “designated representative” shall mean the responsible party under the applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart. The requirements of this part for SO₂, CO₂ and opacity monitoring, recordkeeping and reporting do not apply to units that are subject to a State or federal NO_x mass emission reduction program only and are not affected units with an Acid Rain emission limitation.

(b) *Compliance dates.* The owner or operator of an affected unit shall meet the compliance deadlines established by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart.

(c) *Prohibitions.* (1) No owner or operator of an affected unit or a non-affected unit under § 75.72(b)(2)(ii) shall use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with paragraph (h) of this section.

(2) No owner or operator of an affected unit or a non-affected unit under § 75.72(b)(2)(ii) shall operate the unit so as to discharge, or allow to be discharged emissions of NO_x to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this part, except as provided in § 75.74.

(3) No owner or operator of an affected unit or a non-affected unit under § 75.72(b)(2)(ii) shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the provisions of this part applicable to monitoring systems under § 75.71, except as provided in § 75.74.

(4) No owner or operator of an affected unit or a non-affected unit under § 75.72(b)(2)(ii) shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this part, except under any one of the following circumstances:

(i) During the period that the unit is covered by a retired unit exemption that is in effect under the State or federal NO_x mass emission reduction program that adopts the requirements of this subpart;

(ii) The owner or operator is monitoring NO_x mass emissions from the affected unit with another certified monitoring system approved, in accordance with the provisions of paragraph (d) of this section; or

(iii) The designated representative submits notification of the date of certification testing of a replacement monitoring system in accordance with § 75.61.

(d) *Initial certification and recertification procedures.* (1) The owner or operator of an affected unit that is subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures in § 75.20 of this part, except that the

owner or operator shall meet any additional requirements set forth in an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart.

(2) The owner or operator of an affected unit that is not subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures established by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart. The owner or operator of an affected unit that is subject to an Acid Rain emissions limitation shall comply with the initial certification and recertification procedures established by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart for any additional NO_x-diluent CEMS, flow monitors, diluent monitors or NO_x concentration monitoring system required under the NO_x mass emissions provisions of § 75.71 or the common stack provisions in § 75.72.

(e) *Quality assurance and quality control requirements.* For units that use continuous emission monitoring systems to account for NO_x mass emissions, the owner or operator shall meet the applicable quality assurance and quality control requirements in § 75.21, appendix B to this part, and § 75.74(c) for the NO_x-diluent continuous emission monitoring systems, flow monitoring systems, NO_x concentration monitoring systems, moisture monitoring systems, and diluent monitors required under § 75.71. Units using the low mass emissions excepted methodology under § 75.19 shall meet the applicable quality assurance requirements of that section, except as otherwise provided in § 75.74(c). Units using excepted monitoring methods under appendices D and E to this part shall meet the applicable quality assurance requirements of those appendices.

(f) *Missing data procedures.* Except as provided in § 75.34, paragraph (g) of this section, and § 75.74(c)(7), the owner or operator shall provide substitute data from monitoring systems required under § 75.71 for each affected unit as follows:

(1) For an owner or operator using a continuous emissions monitoring system, substitute for missing data in accordance with the applicable missing data procedures in §§ 75.31 through 75.37 whenever the unit combusts fuel and:

(i) A valid, quality-assured hour of NO_x emission rate data (in lb/mmBtu) has not been measured and recorded for a unit by a certified NO_x-diluent continuous emission monitoring system or by an approved monitoring system under subpart E of this part;

(ii) A valid, quality-assured hour of flow data (in scfh) has not been measured and recorded for a unit from a certified flow monitor or by an approved alternative monitoring system under subpart E of this part;

(iii) A valid, quality-assured hour of heat input rate data (in mmBtu/hr) has not been measured and recorded for a unit from a certified flow monitor and a certified diluent (CO₂ or O₂) monitor or by an approved alternative monitoring system under subpart E of this part, where heat input is required either for calculating NO_x mass or allocating allowances under the applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart;

(iv) A valid, quality-assured hour of NO_x concentration data (in ppm) has not been measured and recorded by a certified NO_x concentration monitoring system, or by an approved alternative monitoring method under subpart E of this part, where the owner or operator chooses to use a NO_x concentration monitoring system with a flow monitor, to calculate NO_x mass emissions. The initial missing data procedures for determining monitor data availability and the standard missing data procedures for a NO_x concentration monitoring system shall be the same as the procedures specified for a NO_x-diluent continuous emission monitoring system under §§ 75.31, 75.32, and 75.33; or

(v) A valid, quality-assured hour of moisture data (in percent H₂O) has not been measured or recorded for an affected unit, either by a certified moisture monitoring system or an approved alternative monitoring method under subpart E of this part. This requirement does not apply when a default

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percent moisture value, as provided in § 75.11(b) or § 75.12(b), is used to account for the hourly moisture content of the stack gas.

(2) For an owner or operator using an excepted monitoring system under appendix D or E of this part, substitute for missing data in accordance with the missing data procedures in section 2.4 of appendix D to this part or in section 2.5 of appendix E to this part whenever the unit combusts fuel and:

(i) A valid, quality-assured hour of fuel flow rate data has not been measured and recorded by a certified fuel flowmeter that is part of an excepted monitoring system under appendix D or E of this part; or

(ii) A fuel sample value for gross calorific value, or if necessary, density or specific gravity, from a sample taken and analyzed in accordance with appendix D of this part is not available; or

(iii) A valid, quality-assured hour of NO_x emission rate data has not been obtained according to the procedures and specifications of appendix E to this part.

(g) *Reporting data prior to initial certification.* If the owner or operator of an affected unit has not successfully completed all certification tests required by the State or federal NO_x mass emission reduction program that adopts the requirements of this subpart by the applicable date required by that program, he or she shall determine, record and report hourly data prior to initial certification using one of the following procedures, consistent with the monitoring equipment to be certified:

(1) For units that the owner or operator intends to monitor for NO_x mass emissions using NO_x emission rate and heat input rate, the maximum potential NO_x emission rate and the maximum potential hourly heat input of the unit, as defined in § 72.2 of this chapter.

(2) For units that the owner or operator intends to monitor for NO_x mass emissions using a NO_x concentration monitoring system and a flow monitoring system, the maximum potential concentration of NO_x and the maximum potential flow rate, as defined in section 2.1.4.1 of appendix A to this part;

(3) For any unit, the reference methods under § 75.22 of this part.

(4) For any unit using the low mass emission excepted monitoring methodology under § 75.19, the procedures in paragraphs (g)(1) or (2) of this section.

(5) Any unit using the procedures in paragraph (g)(2) of this section that is required to report heat input for purposes of allocating allowances shall also report the maximum potential hourly heat input of the unit, as defined in § 72.2 of this chapter.

(6) For any unit using continuous emissions monitors, the conditional data validation procedures in § 75.20(b)(3)(ii) through (b)(3)(ix).

(h) *Petitions.* (1) The designated representative of an affected unit that is subject to an Acid Rain emissions limitation may submit a petition to the Administrator requesting an alternative to any requirement of this subpart. Such a petition shall meet the requirements of § 75.66 and any additional requirements established by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart. Use of an alternative to any requirement of this subpart is in accordance with this subpart and with such State or federal NO_x mass emission reduction program only to the extent that the petition is approved by the Administrator, in consultation with the permitting authority.

(2) Notwithstanding paragraph (h)(1) of this section, petitions requesting an alternative to a requirement concerning any additional CEMS required solely to meet the common stack provisions of § 75.72 shall be submitted to the permitting authority and the Administrator and shall be governed by paragraph (h)(3)(ii) of this section. Such a petition shall meet the requirements of § 75.66 and any additional requirements established by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart.

(3)(i) The designated representative of an affected unit that is not subject to an Acid Rain emissions limitation may submit a petition to the permitting authority and the Administrator

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requesting an alternative to any requirement of this subpart. Such a petition shall meet the requirements of § 75.66 and any additional requirements established by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart.

(ii) Use of an alternative to any requirement of this subpart is in accordance with this subpart only to the extent that it is approved by the Administrator and by the permitting authority if required by an applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart.

[63 FR 57507, Oct. 27, 1998, as amended at 64 FR 28624, May 26, 1999; 67 FR 40444, June 12, 2002]

§ 75.71 Specific provisions for monitoring NO_x and heat input for the purpose of calculating NO_x mass emissions.

(a) *Coal-fired units.* The owner or operator of a coal-fired affected unit shall either:

(1) Meet the general operating requirements in § 75.10 for a NO_x-diluent continuous emission monitoring system (consisting of a NO_x pollutant concentration monitor, an O₂ or CO₂ diluent gas monitor, and a data acquisition and handling system) to measure NO_x emission rate and for a flow monitoring system and an O₂ or CO₂ diluent gas monitor to measure heat input rate, except as provided in accordance with subpart E of this part; or

(2) Meet the general operating requirements in § 75.10 for a NO_x concentration monitoring system (consisting of a NO_x pollutant concentration monitor and a data acquisition and handling system) to measure NO_x concentration and for a flow monitoring system. In addition, if heat input is required to be reported under the applicable State or federal NO_x mass emission reduction program that adopts the requirements of this subpart, the owner or operator also must meet the general operating requirements for a flow monitoring system and an O₂ or CO₂ diluent gas monitor to measure heat input rate. These requirements must be met, except as pro-

vided in accordance with subpart E of this part.

(b) *Moisture correction.* (1) If a correction for the stack gas moisture content is needed to properly calculate the NO_x emission rate in lb/mmBtu (e.g., if the NO_x pollutant concentration monitor in a NO_x-diluent monitoring system measures on a different moisture basis from the diluent monitor), or to calculate the heat input rate, the owner or operator of an affected unit shall account for the moisture content of the flue gas on a continuous basis in accordance with § 75.12(b).

(2) If a correction for the stack gas moisture content is needed to properly calculate NO_x mass emissions in tons, in the case where a NO_x concentration monitoring system which measures on a dry basis is used with a flow rate monitor to determine NO_x mass emissions, the owner or operator of an affected unit shall account for the moisture content of the flue gas on a continuous basis in accordance with § 75.11(b) except that the term “SO₂” shall be replaced by the term “NO_x.”

(3) If a correction for the stack gas moisture content is needed to properly calculate NO_x mass emissions, in the case where a diluent monitor that measures on a dry basis is used with a flow rate monitor to determine heat input rate, which is then multiplied by the NO_x emission rate, the owner or operator shall install, operate, maintain, and quality assure a continuous moisture monitoring system, as described in § 75.11(b).

(c) *Gas-fired nonpeaking units or oil-fired nonpeaking units.* The owner or operator of an affected unit that, based on information submitted by the designated representative in the monitoring plan, qualifies as a gas-fired or oil-fired unit but not as a peaking unit, as defined in § 72.2 of this chapter, shall either:

(1) Meet the requirements of paragraph (a) of this section and, if applicable, paragraph (b) of this section; or

(2) Meet the general operating requirements in § 75.10 for a NO_x-diluent continuous emission monitoring system, except as provided in accordance with subpart E of this part, and use the procedures specified in appendix D to this part for determining hourly heat