

§96.171, including the information required under §75.63 of this chapter.

(d) *Quarterly reports.* The CAIR designated representative shall submit quarterly reports, as follows:

(1) The CAIR designated representative shall report the NO<sub>x</sub> mass emissions data and heat input data for the CAIR NO<sub>x</sub> unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

(i) For a unit that commences commercial operation before July 1, 2007, the calendar quarter covering January 1, 2008 through March 31, 2008;

(ii) For a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under §96.170(b), unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 through March 31, 2008;

(iii) Notwithstanding paragraphs (d)(1)(i) and (ii) of this section, for a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under subpart II of this part, the calendar quarter corresponding to the date specified in §96.184(b); and

(iv) Notwithstanding paragraphs (d)(1)(i) and (ii) of this section, for a CAIR NO<sub>x</sub> opt-in unit under subpart II of this part, the calendar quarter corresponding to the date on which the CAIR NO<sub>x</sub> opt-in unit enters the CAIR NO<sub>x</sub> Annual Trading Program as provided in §96.184(g).

(2) The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in §75.73(f) of this chapter.

(3) For CAIR NO<sub>x</sub> units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Ozone Season Trading Program, CAIR SO<sub>2</sub> Trading Program, or Hg Budget Trading Program, quarterly reports shall include the applicable data and information required by subparts F through I of part

75 of this chapter as applicable, in addition to the NO<sub>x</sub> mass emission data, heat input data, and other information required by this subpart.

(e) *Compliance certification.* The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) 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:

(1) 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

(2) For a unit with add-on NO<sub>x</sub> emission controls and for all hours where NO<sub>x</sub> 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 quality assurance/quality control program under appendix B to part 75 of this chapter and the substitute data values do not systematically underestimate NO<sub>x</sub> emissions.

[70 FR 25339, May 12, 2005, as amended at 71 FR 25385, Apr. 28, 2006]

**§96.175 Petitions.**

(a) Except as provided in paragraph (b)(2) of this section, the CAIR designated representative of a CAIR NO<sub>x</sub> 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. 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 in writing by the Administrator, in consultation with the permitting authority.

(b)(1) The CAIR designated representative of a CAIR NO<sub>x</sub> 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. 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 in writing by both the permitting authority and the Administrator.

(2) The CAIR designated representative of a CAIR NO<sub>x</sub> 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 continuous emission monitoring system required under § 75.72 of this chapter. Application of an alternative to any such requirement is in accordance with this subpart only to the extent that the petition is approved in writing by both the permitting authority and the Administrator.

### Subpart II—CAIR NO<sub>x</sub> Opt-in Units

SOURCE: 70 FR 25339, May 12, 2005, unless otherwise noted.

#### § 96.180 Applicability.

A CAIR NO<sub>x</sub> opt-in unit must be a unit that:

- (a) Is located in the State;
- (b) Is not a CAIR NO<sub>x</sub> unit under § 96.104 and is not covered by a retired unit exemption under § 96.105 that is in effect;
- (c) Is not covered by a retired unit exemption under § 72.8 of this chapter that is in effect;
- (d) Has or is required or qualified to have a title V operating permit or other federally enforceable permit; and
- (e) Vents all of its emissions to a stack and can meet the monitoring, recordkeeping, and reporting requirements of subpart HH of this part.

#### § 96.181 General.

(a) Except as otherwise provided in §§ 96.101 through 96.104, §§ 96.106 through 96.108, and subparts BB and CC and subparts FF through HH of this part, a CAIR NO<sub>x</sub> opt-in unit shall be treated as a CAIR NO<sub>x</sub> unit for purposes of applying such sections and subparts of this part.

(b) Solely for purposes of applying, as provided in this subpart, the requirements of subpart HH of this part to a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under this subpart, such unit shall be treated as a CAIR NO<sub>x</sub> unit before issuance of a CAIR opt-in permit for such unit.

#### § 96.182 CAIR designated representative.

Any CAIR NO<sub>x</sub> opt-in unit, and any unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under this subpart, located at the same source as one or more CAIR NO<sub>x</sub> units shall have the same CAIR designated representative and alternate CAIR designated representative as such CAIR NO<sub>x</sub> units.

#### § 96.183 Applying for CAIR opt-in permit.

(a) *Applying for initial CAIR opt-in permit.* The CAIR designated representative of a unit meeting the requirements for a CAIR NO<sub>x</sub> opt-in unit in § 96.180 may apply for an initial CAIR opt-in permit at any time, except as provided under § 96.186(f) and (g), and, in order to apply, must submit the following:

- (1) A complete CAIR permit application under § 96.122;
- (2) A certification, in a format specified by the permitting authority, that the unit:
  - (i) Is not a CAIR NO<sub>x</sub> unit under § 96.104 and is not covered by a retired unit exemption under § 96.105 that is in effect;
  - (ii) Is not covered by a retired unit exemption under § 72.8 of this chapter that is in effect;
  - (iii) Vents all of its emissions to a stack, and
  - (iv) Has documented heat input for more than 876 hours during the 6 months immediately preceding submission of the CAIR permit application under § 96.122;
- (3) A monitoring plan in accordance with subpart HH of this part;
- (4) A complete certificate of representation under § 96.113 consistent