

40 C.F.R. § 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 the affected units at a source 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 account for that source 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 year; *provided* that, if the unit is listed in the NADB, the “1985 actual SO₂ emissions rate” for the unit shall be the rate specified by the Administrator in the NADB under the data field “SO₂RTE.”

Add-on control means a pollution reduction control technology that operates independent of the combustion process.

Additional advance auction means the auction of advance allowances that were offered the previous year for sale in an advance sale.

Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator's duly authorized representative.

Advance allowance means an allowance that may be used for purposes of compliance with a source Acid Rain sulfur dioxide emissions limitation requirements beginning no earlier than seven years following the year in which the allowance is first offered for sale.

Advance auction means an auction of advance allowances.

Advance sale means a sale of advance allowances.

Affected source means a source that includes one or more affected units.

Affected States means any affected States as defined in part 71 of this chapter.

Affected unit means a unit that is subject to any Acid Rain emissions reduction requirement or Acid Rain emissions limitation under § 72.6 or part 74 of this chapter.

Affiliate shall have the meaning set forth in section 2(a)(11) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79b(a)(11), as of November 15, 1990.

Air Emission Testing Body (AETB) means a company or other entity that provides to the owner or operator the certification required by section 6.1.2(b) of appendix A to part 75 of this chapter.

Allocate or allocation means the initial crediting of an allowance by the Administrator to an Allowance Tracking System compliance account or general account.

Allowable SO₂ emissions rate means the most stringent federally enforceable emissions limitation for sulfur dioxide (in lb/mmBtu) applicable to the unit or combustion source for the specified calendar year, or for such subsequent year as determined by the Administrator where such a limitation does not exist for the specified year; *provided* that, if a Phase I or Phase II unit is listed in the NADB, the “1985 allowable SO₂ emissions rate” for the Phase I or Phase II unit shall be the rate specified by the Administrator in the NADB under the data field “1985 annualized boiler SO₂ emission limit.”

Allowance means an authorization by the Administrator under the Acid Rain Program to emit up to one ton of sulfur dioxide during or after a specified calendar year.

Allowance deduction, or deduct when referring to allowances, means the permanent withdrawal of allowances by the Administrator from an Allowance Tracking System compliance account to account for the number of tons of SO₂ emissions from the affected units at an affected source for the calendar year, for tonnage emissions estimates calculated for periods of missing data as provided in part 75 of this chapter, or for any other allowance surrender obligations of the Acid Rain Program.

Allowances held or hold allowances means the allowances recorded by the Administrator, or submitted to the Administrator for recordation in accordance with § 73.50 of this chapter, in an Allowance Tracking System account.

Allowance reserve means any bank of allowances established by the Administrator in the Allowance Tracking System pursuant to sections 404(a)(2) (Phase I extension reserve), 404(g) (energy conservation and renewable energy reserve), or 416(b) (special allowance reserve) of the Act, and implemented in accordance with part 73, subpart B of this chapter.

Allowance Tracking System or ATS means the Acid Rain Program system by which the Administrator allocates, records, deducts, and tracks allowances.

Allowance Tracking System account means an account in the Allowance Tracking System established by the Administrator for purposes of allocating, holding, transferring, and using allowances.

Allowance transfer deadline means midnight of March 1 (or February 29 in any leap year) or, if such day is not a business day, midnight of the first business day thereafter and is the deadline by which allowances may be submitted for recordation in an affected source's compliance account for the purposes of meeting the source's Acid Rain emissions limitation requirements for sulfur dioxide for the previous calendar year.

Alternative monitoring system means a system or a component of a system designed to provide direct or indirect data of mass emissions per time period, pollutant concentrations, or volumetric flow, that is demonstrated to the Administrator as having the same precision, reliability, accessibility, and timeliness as the data provided by a certified CEMS or certified CEMS component in accordance with part 75 of this chapter.

As-fired means the taking of a fuel sample just prior to its introduction into the unit for combustion.

Auction subaccount means a subaccount in the Special Allowance Reserve, as specified in section 416(b) of the Act, which contains allowances to be sold at auction in the amount of 150,000 per year from calendar year 1995 through 1999, inclusive, and 200,000 per year for each year beginning in calendar year 2000, subject to the adjustments noted in the regulations in part 73, subpart E of this chapter.

Authorized account representative means a responsible natural person who is authorized, in accordance with part 73 of this chapter, to transfer and otherwise dispose of allowances held in an Allowance Tracking System general account; or, in the case of a compliance account, the designated representative of the owners and operators of the affected source and the affected units at the source.

Automated data acquisition and handling system means that component of the CEMS, COMS, or other emissions monitoring system approved by the Administrator for use in the Acid Rain Program, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, moisture monitors, opacity monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by part 75 of this chapter.

Award means the conditional set-aside by the Administrator, based on the submission of an early ranking application pursuant to subpart D of this part, of an allowance from the Phase I extension reserve, for possible

future allocation to a Phase I extension applicant's Allowance Tracking System unit account.

Backup fuel means a fuel for a unit where: (1) For purposes of the requirements of the monitoring exception of appendix E of part 75 of this chapter, the fuel provides less than 10.0 percent of the heat input to a unit during the three calendar years prior to certification testing for the primary fuel and the fuel provides less than 15.0 percent of the heat input to a unit in each of those three calendar years; or the Administrator approves the fuel as a backup fuel; and (2) For all other purposes under the Acid Rain Program, a fuel that is not the primary fuel (expressed in mmBtu) consumed by an affected unit for the applicable calendar year.

Baseline means the annual average quantity of fossil fuel consumed by a unit, measured in millions of British Thermal Units (expressed in mmBtu) for calendar years 1985 through 1987; *provided* that in the event that a unit is listed in the NADB, the baseline will be calculated for each unit-generator pair that includes the unit, and the unit's baseline will be the sum of such unit-generator baselines. The unit-generator baseline will be as provided in the NADB under the data field "BASE8587", as adjusted by the outage hours listed in the NADB under the data field "OUTAGEHR" in accordance with the following equation:

$$\text{Baseline} = \text{BASE8587} \times \{26280 / (26280 - \text{OUTAGEHR})\} \times \{36 / (36 - \text{months not on line})\} \times 10$$

"Months not on line" is the number of months during January 1985 through December 1987 prior to the commencement of firing for units that commenced firing in that period, i.e., the number of months, in that period, prior to the on-line month listed under the data field "BLRMNONL" and the on-line year listed in the data field "BLRYRONL" in the NADB.

Basic Phase II allowance allocations means:

- (1) For calendar years 2000 through 2009 inclusive, allocations of allowances made by the Administrator pursuant to section 403 and section 405 (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1); (i); and (j).
- (2) For each calendar year beginning in 2010, allocations of allowances made by the Administrator pursuant to section 403 and section 405 (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1) and (3); (i); and (j).

Bias means systematic error, resulting in measurements that will be either consistently low or high relative to the reference value.

Boiler means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or any other medium.

Bypass operating quarter means a calendar quarter during which emissions pass through a stack, duct or flue that bypasses add-on emission controls.

Bypass stack means any duct, stack, or conduit through which emissions from an affected unit may or do pass to the atmosphere, which either augments or substitutes for the principal stack exhaust system or ductwork during any portion of the unit's operation.

Calibration error means the difference between:

- (1) The response of a gaseous monitor to a calibration gas and the known concentration of the calibration gas;
- (2) The response of a flow monitor to a reference signal and the known value of the reference signal; or

- (3) The response of a continuous opacity monitoring system to an attenuation filter and the known value of the filter after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

Calibration gas means:

- (1) A standard reference material;
- (2) A standard reference material-equivalent compressed gas primary reference material;
- (3) A NIST traceable reference material;
- (4) NIST/EPA-approved certified reference materials;
- (5) A gas manufacturer's intermediate standard;
- (6) An EPA protocol gas;
- (7) Zero air material; or
- (8) A research gas mixture.

Capacity factor means either:

- (1) The ratio of a unit's actual annual electric output (expressed in MWe/hr) to the unit's nameplate capacity (or maximum observed hourly gross load (in MWe/hr) if greater than the nameplate capacity) times 8760 hours; or
- (2) The ratio of a unit's annual heat input (in million British thermal units or equivalent units of measure) to the unit's maximum rated hourly heat input rate (in million British thermal units per hour or equivalent units of measure) times 8,760 hours.

CEMS precision or precision as applied to the monitoring requirements of part 75 of this chapter, means the closeness of a measurement to the actual measured value expressed as the uncertainty associated with repeated measurements of the same sample or of different samples from the same process (e.g., the random error associated with simultaneous measurements of a process made by more than one instrument). A measurement technique is determined to have increasing "precision" as the variation among the repeated measurements decreases.

Centroidal area means a representational concentric area that is geometrically similar to the stack or duct cross section, and is not greater than 1 percent of the stack or duct cross-sectional area.

Certificate of representation means the completed and signed submission required by § 72.20, for certifying the appointment of a designated representative for an affected source or a group of identified affected sources authorized to represent the owners and operators of such source(s) and of the affected units at such source(s) with regard to matters under the Acid Rain Program.

Certifying official, for purposes of part 73 of this chapter, means:

- (1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

- (2) For partnership or sole proprietorship, a general partner or the proprietor, respectively; and
- (3) For a local government entity or State, Federal, or other public agency, either a principal executive officer or ranking elected official.

Coal means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society for Testing and Materials Designation ASTM D388–92 “Standard Classification of Coals by Rank” (as incorporated by reference in § 72.13).

Coal-derived fuel means any fuel, whether in a solid, liquid, or gaseous state, produced by the mechanical, thermal, or chemical processing of coal (e.g., pulverized coal, coal refuse, liquified or gasified coal, washed coal, chemically cleaned coal, coal-oil mixtures, and coke).

Coal-fired means the combustion of fuel consisting of coal or any coal-derived fuel (except a coal-derived gaseous fuel that meets the definition of “very low sulfur fuel” in this section), alone or in combination with any other fuel, where:

- (1) For purposes of the requirements of part 75 of this chapter, a unit is “coal-fired” independent of the percentage of coal or coal-derived fuel consumed in any calendar year (expressed in mmBtu); and
- (2) For all other purposes under the Acid Rain Program, except for purposes of applying part 76 of this chapter, a unit is “coal-fired” if it uses coal or coal-derived fuel as its primary fuel (expressed in mmBtu); *provided that*, if the unit is listed in the NADB, the primary fuel is the fuel listed in the NADB under the data field “PRIMEFUEL”.

Cogeneration unit means a unit that has equipment used to produce electric energy and forms of useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes, through sequential use of energy.

Combustion source means a stationary fossil fuel fired boiler, turbine, or internal combustion engine that has submitted or intends to submit an opt-in permit application under § 74.14 of this chapter to enter the Opt-in Program.

Commence commercial operation means to have begun to generate electricity for sale, including the sale of test generation.

Commence construction means that an owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction.

Commence operation means to have begun any mechanical, chemical, or electronic process, including start-up of an emissions control technology or emissions monitor or of a unit's combustion chamber.

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