
40 C.F.R. § 76.10

Alternative emission limitations.

- (a) *General provisions.* (1) The designated representative of an affected unit that is not an early election unit pursuant to § 76.8 and cannot meet the applicable emission limitation in § 76.5, 76.6, or 76.7 using, for Group 1 boilers, either low NO_x burner technology or an alternative technology in accordance with paragraph (e)(11) of this section, or, for tangentially fired boilers, separated overfire air, or, for Group 2 boilers, the technology on which the applicable emission limitation is based may petition the permitting authority for an alternative emission limitation less stringent than the applicable emission limitation.
- (2) In order for the unit to qualify for an alternative emission limitation, the designated representative shall demonstrate that the affected unit cannot meet the applicable emission limitation in § 76.5, 76.6, or 76.7 based on a showing, to the satisfaction of the Administrator, that:
- (i)
- (A) For a tangentially fired boiler, the owner or operator has either properly installed low NO_x burner technology or properly installed separated overfire air; or
- (B) For a dry bottom wall-fired boiler (other than a unit applying cell burner technology), the owner or operator has properly installed low NO_x burner technology; or
- (C) For a Group 1 boiler, the owner or operator has properly installed an alternative technology (including but not limited to reburning, selective noncatalytic reduction, or selective catalytic reduction) that achieves NO_x emission reductions demonstrated in accordance with paragraph (e)(11) of this section; or
- (D) For a Group 2 boiler, the owner or operator has properly installed the appropriate NO_x emission control technology on which the applicable emission limitation in § 76.6 is based; and
- (ii) The installed NO_x emission control system has been designed to meet the applicable emission limitation in § 76.5, 76.6, or 76.7; and
- (iii) For a demonstration period of at least 15 months or other period of time, as provided in paragraph (f)(1) of this section:
- (A) The NO_x emission control system has been properly installed and properly operated according to specifications and procedures designed to minimize the emissions of NO_x to the atmosphere;
- (B) Unit operating data as specified in this section show that the unit and NO_x emission control system were operated in accordance with the bid and design specifications on which the design of the NO_x emission control system was based; and
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(C) Unit operating data as specified in this section, continuous emission monitoring data obtained pursuant to part 75 of this chapter, and the test data specific to the NO_x emission control system show that the unit could not meet the applicable emission limitation in § 76.5, 76.6, or 76.7.

(b) *Petitioning process.* The petitioning process for an alternative emission limitation shall consist of the following steps:

- (1) Operation during a period of at least 3 months, following the installation of the NO_x emission control system, that shows that the specific unit and the NO_x emission control system was unable to meet the applicable emissions limitation under § 76.5, 76.6, or 76.7 and was operated in accordance with the operating conditions upon which the design of the NO_x emission control system was based and with vendor specifications and procedures;
- (2) Submission of a petition for an alternative emission limitation demonstration period as specified in paragraph (d) of this section;
- (3) Operation during a demonstration period of at least 15 months, or other period of time as provided in paragraph (f)(1) of this section, that demonstrates the inability of the specific unit to meet the applicable emissions limitation under § 76.5, 76.6, or 76.7 and the minimum NO_x emissions rate that the specific unit can achieve during long-term load dispatch operation; and
- (4) Submission of a petition for a final alternative emission limitation as specified in paragraph (e) of this section.

(c) *Deadlines—(1) Petition for an alternative emission limitation demonstration period.* The designated representative of the unit shall submit a petition for an alternative emission limitation demonstration period to the permitting authority after the unit has been operated for at least 3 months after installation of the NO_x emission control system required under paragraph (a)(2) of this section and by the following deadline:

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