

§ 74.61 Monitoring plan.

(a) *Monitoring plan.* The designated representative of a combustion source shall meet all of the requirements specified under part 75 of this chapter for a designated representative of an affected unit to submit to the Administrator a monitoring plan that includes the information required in a monitoring plan under § 75.53 of this chapter. This monitoring plan shall be submitted as part of the combustion source's opt-in permit application under § 74.14 of this part.

(b) [Reserved].

Subpart G—Monitoring Emissions: Process Sources—[Reserved]**PART 75—CONTINUOUS EMISSION MONITORING**

17. The authority citation for part 75 continues to read as follows:

Authority: 42 U.S.C. 7651, *et seq.*

18. Section 75.4 is amended by revising paragraph (a) introductory text, and by adding paragraph (a)(5) to read as follows:

§ 75.4 Compliance dates.

(a) The provisions of this part apply to each existing Phase I and Phase II unit on February 10, 1993. For substitution or compensating units that are so designated under the acid rain permit which governs the unit and contains the approved substitution or reduced utilization plan, pursuant to § 72.41 or § 72.43 of this chapter, the provisions of this part become applicable upon the issuance date of the acid rain permit. For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter, the provisions of this part become applicable upon the submission of an opt-in permit application in accordance with § 74.14 of this chapter. In accordance with § 75.20, the owner or operator of each existing affected unit shall ensure that all certification tests for the required continuous emission monitoring systems and continuous opacity monitoring systems are completed not later than the following dates (except as provided in paragraphs (d) and (e) of this section):

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(5) For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter, the expiration date of a combustion source's opt-in permit under § 74.14(e) of this chapter.

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19. Section 75.16 is amended by revising paragraph (a)(2)(ii)(A) and (b)(2)(ii)(A) to read as follows:

§ 75.16 Special provisions for monitoring emissions from common by-pass, and multiple stacks for SO₂ emissions and heat input determinations.

(a) * * *

(2) * * *

(ii) * * *

(A) Designate the Phase II units as substitution units according to the procedure in part 72 of this chapter and the non-affected units as opt-in sources in accordance with part 74 of this chapter and combine emissions for compliance purposes; or

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(b) * * *

(2) * * *

(ii) * * *

(A) Designate the non-affected units as opt-in sources in accordance with part 74 of this chapter and combine emissions for compliance purposes; or

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20. Section 75.20 is amended by revising the first sentence after the heading in paragraph (a)(3) to read as follows:

§ 75.20 Certification and recertification procedures.

(a) * * *

(3) *Provisional approval of certification applications.* Upon the successful completion of the required certification procedures for each continuous emission or opacity monitoring system or component thereof and subsequent submittal of a complete certification application in accordance with § 75.63, each continuous emission or opacity monitoring system or component thereof shall be deemed provisionally certified for use under the Acid Rain Program for a period not to exceed 120 days following receipt by the Administrator of the complete certification application; provided that no continuous emission or opacity monitoring systems for a combustion source seeking to enter the Opt-in Program in accordance with part 74 of this chapter shall be deemed provisionally certified for use under the Acid Rain Program. * * *

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21. Section 75.63 is amended by revising paragraph (a) and (b)(1) to read as follows:

§ 75.63 Certification or recertification application.

(a) *Submission.* The designated representative for an affected unit or a combustion source seeking to enter the

Opt-in Program in accordance with part 74 of this chapter shall submit the request to the Administrator within 30 days after completing the certification test.

(b) * * *

(1) A copy of the monitoring plan (or any modifications to the monitoring plan) for the unit, or units, or combustion source seeking to enter the Opt-in Program in accordance with part 74 of this chapter, if not previously submitted.

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22. Section 75.67 is revised to read as follows:

§ 75.67 Retired units petitions.

(a) For units that will be permanently retired prior to January 1, 1995, 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 a complete petition, as required in § 72.8 of this chapter, to the Administrator prior to the deadline in § 75.4 by which the continuous emission or opacity monitoring systems must complete the required certification tests.

(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.

PART 77—EXCESS EMISSIONS

23. The authority citation for part 77 revised to read as follows:

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

24. Section 77.6 is amended by revising paragraph (a) to read as follows:

§ 77.6 Penalties for excess emissions of sulfur dioxide and nitrogen oxides.

(a) If excess emissions of sulfur dioxide or nitrogen oxides occur at an affected unit during any year, the owners and operators of the affected unit shall pay, without demand, an excess emissions penalty, as calculated under paragraph (b) of this section.