allow to be discharged, emissions of NO\textsubscript{X} to the atmosphere in excess of the following limits, except as provided in §§76.8, 76.10, or 76.11:

1. 0.40 lb/mmBtu of heat input on an annual average basis for tangentially fired boilers.
2. 0.46 lb/mmBtu of heat input on an annual average basis for dry bottom wall-fired boilers (other than units applying cell burner technology).

(b) The owner or operator shall determine the annual average NO\textsubscript{X} emission rate, in lb/mmBtu, using the methods and procedures specified in part 75 of this chapter.

§76.8 Early election for Group 1, Phase II boilers.

(a) General provisions. (1) The owner or operator of a Phase II coal-fired utility unit with a Group 1 boiler may elect to have the unit become subject to the applicable emissions limitation for NO\textsubscript{X} under §76.5, starting no later than January 1, 1997.

(2) The owner or operator of a Phase II coal-fired utility unit with a Group 1 boiler that elects to become subject to the applicable emission limitation under §76.5 shall not be subject to §76.7 until January 1, 2008, provided the designated representative demonstrates that the unit is in compliance with the limitation under §76.5, using the methods and procedures specified in part 75 of this chapter. 

(b) Submission requirements. In order to obtain early election status, the designated representative of a Phase II unit with a Group 1 boiler shall submit an early election plan to the Administrator by January 1 of the year the early election is to take effect, but not later than January 1, 1997. Notwithstanding §72.40 of this chapter, and unless the unit is a substitution unit under §72.41 of this chapter, a complete compliance plan covering the unit shall not include the provisions for SO\textsubscript{2} emissions under §72.40(a)(1) of this chapter.

(c) Contents of an early election plan. A complete early election plan shall include the following elements in a format prescribed by the Administrator:

(1) A request for early election;

(2) The first year for which early election is to take effect, but not later than 1997; and

(3) The special provisions under paragraph (e) of this section.

(d)(1) Permitting authority’s action. To the extent the Administrator determines that an early election plan complies with the requirements of this section, the Administrator will approve the plan and:

(i) If a Phase I Acid Rain permit governing the source at which the unit is located has been issued, will revise the permit in accordance with the permit modification procedures in §72.81 of this chapter to include the early election plan; or

(ii) If a Phase I Acid Rain permit governing the source at which the unit is located has not been issued, will issue a Phase I Acid Rain permit effective from January 1, 1996 through December 31, 1999, that will include the early
§ 76.9 Permit application and compliance plans.

(a) Duty to apply. (1) The designated representative of any source with an affected unit subject to this part shall submit, by the applicable deadline under paragraph (b) of this section, a complete Acid Rain permit application (or, if the unit is covered by an Acid Rain permit, a complete permit revision) that includes a complete compliance plan for NO\textsubscript{X} emissions covering the unit.

(2) The original and three copies of the permit application and compliance plan for NO\textsubscript{X} emissions for Phase I shall be submitted to the EPA regional office for the region where the applicable source is located. The original and three copies of the permit application and compliance plan for NO\textsubscript{X} emissions for Phase II shall be submitted to the permitting authority.

(b) Deadlines. (1) For a Phase I unit with a Group 1 boiler, the designated representative of any source with an affected unit subject to this part shall submit, by the applicable deadline under paragraph (b) of this section, a complete Acid Rain permit application (or, if the unit is covered by an Acid Rain permit, a complete permit revision) that includes a complete compliance plan for NO\textsubscript{X} emissions covering the unit.

(2) The original and three copies of the permit application and compliance plan for NO\textsubscript{X} emissions for Phase II shall be submitted to the EPA regional office for the region where the applicable source is located. The original and three copies of the permit application and compliance plan for NO\textsubscript{X} emissions for Phase II shall be submitted to the permitting authority.