§ 96.185 CAIR opt-in permit contents.

(a) Each CAIR opt-in permit will contain:

(1) All elements required for a complete CAIR permit application under § 96.122;

(2) The certification in § 96.183(a)(2);

(3) The unit’s baseline heat input under § 96.184(c);

(4) The unit’s baseline NOX emission rate under § 96.184(d);

(5) A statement whether the unit is to be allocated CAIR NOX allowances § 96.188(b) or § 96.188(c) (subject to the conditions in §§ 96.184(h) and 96.186(g));

(6) A statement that the unit may withdraw from the CAIR NOX Annual Trading Program only in accordance with § 96.186; and

(7) A statement that the unit is subject to, and the owners and operators of the unit must comply with, the requirements of § 96.187.

(b) Each CAIR opt-in permit is deemed to incorporate automatically the definitions of terms under § 96.102 and, upon recordation by the Administrator under subpart FF or GG of this part or this subpart, every allocation, transfer, or deduction of CAIR NOX allowances to or from the compliance account of the source that includes a CAIR NOX opt-in unit covered by the CAIR opt-in permit.

(c) The CAIR opt-in permit shall be included, in a format specified by the permitting authority, in the CAIR permit for the source where the CAIR NOX opt-in unit is located and in a title V operating permit or other federally enforceable permit for the source.

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

§ 96.186 Withdrawal from CAIR NOX Annual Trading Program.

Except as provided under paragraph (g) of this section, a CAIR NOX opt-in unit may withdraw from the CAIR NOX Annual Trading Program, but only if the permitting authority issues a notification to the CAIR designated representative of the CAIR NOX opt-in unit of the acceptance of the withdrawal of the CAIR NOX opt-in unit in accordance with paragraph (d) of this section.

(a) Requesting withdrawal. In order to withdraw a CAIR CAIR NOX opt-in unit from the CAIR NOX Annual Trading Program, the CAIR designated representative of the CAIR NOX opt-in unit shall submit to the permitting authority a request to withdraw effective as of midnight of December 31 of a specified calendar year, which date must be at least 4 years after December 31 of the year of entry into the CAIR NOX Annual Trading Program under § 96.184(g). The request must be submitted no later than 90 days before the requested effective date of withdrawal.

(b) Conditions for withdrawal. Before a CAIR NOX opt-in unit covered by a request under paragraph (a) of this section may withdraw from the CAIR NOX Annual Trading Program and the CAIR opt-in permit may be terminated under paragraph (e) of this section, the following conditions must be met:

(1) For the control period ending on the date on which the withdrawal is to be effective, the source that includes the CAIR NOX opt-in unit must meet the requirement to hold CAIR NOX allowances under § 96.106(c) and cannot have any excess emissions.

(2) After the requirement for withdrawal under paragraph (b)(1) of this section is met, the Administrator will deduct from the compliance account of the source that includes the CAIR NOX opt-in unit CAIR NOX allowances equal in amount to and allocated for the same or a prior control period as any CAIR NOX allowances allocated to the CAIR NOX opt-in unit under § 96.186 for
Environmental Protection Agency

§ 96.187

(a) Notification. If a CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104, then the CAIR designated representative shall notify in writing the permitting authority of such change in the CAIR NOx opt-in unit’s regulatory status, within 30 days of such change.

(b) Permitting authority’s and Administrator’s actions. (1) If a CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104, the permitting authority will revise the CAIR NOx opt-in unit’s CAIR opt-in permit to meet the requirements of a CAIR permit under §96.123, and remove the CAIR opt-in permit provisions, as of the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104.

(2)(i) The Administrator will deduct from the compliance account of the source that includes the CAIR NOx opt-in unit that becomes a CAIR NOx unit under §96.104, CAIR NOx allowances

(2)(ii) The Administrator will deduct from the compliance account of the source that includes the CAIR NOx opt-in unit that becomes a CAIR NOx unit under §96.104, CAIR NOx allowances

(c) Reapplication upon failure to meet conditions of withdrawal. If the permitting authority denies the CAIR NOx opt-in unit’s request to withdraw, the CAIR designated representative may submit another request to withdraw in accordance with paragraphs (a) and (b) of this section.

(f) Ability to reapply to the CAIR NOx Annual Trading Program. Once a CAIR NOx opt-in unit withdraws from the CAIR NOx Annual Trading Program and its CAIR opt-in permit is terminated under this section, the CAIR designated representative may not submit another application for a CAIR opt-in permit under §96.183 for such CAIR NOx opt-in unit before the date that is 4 years after the date on which the withdrawal became effective. Such new application for a CAIR opt-in permit will be treated as an initial application for a CAIR opt-in permit under §96.184.

(g) Inability to withdraw. Notwithstanding paragraphs (a) through (f) of this section, a CAIR NOx opt-in unit shall not be eligible to withdraw from the CAIR NOx Annual Trading Program if the CAIR designated representative of the CAIR NOx opt-in unit requests, and the permitting authority issues a CAIR NOx opt-in permit providing for, allocation to the CAIR NOx opt-in unit of CAIR NOx allowances under §96.188(c).

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