§ 96.385 CAIR opt-in permit contents.

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

(1) All elements required for a complete CAIR permit application under § 96.322;

(2) The certification in § 96.383(a)(2);

(3) The unit’s baseline heat input under § 96.384(c);

(4) The unit’s baseline NOX emission rate under § 96.384(d);

(5) A statement whether the unit is to be allocated CAIR NOX Ozone Season allowances under § 96.388(b) or § 96.388(c) (subject to the conditions in §§ 96.384(h) and 96.386(g));

(6) A statement that the unit may withdraw from the CAIR NOX Ozone Season Trading Program, but only if the permitting authority issues a notification to the CAIR designated representative of the CAIR NOX Ozone Season opt-in unit of the acceptance of the withdrawal of the CAIR NOX Ozone Season opt-in unit in accordance with paragraph (d) of this section.

(b) Each CAIR opt-in permit is deemed to incorporate automatically the definitions of terms under § 96.302 and, upon recordation by the Administrator under subpart FFFF or GGGG of this part or this subpart, every allocation, transfer, or deduction of CAIR NOX Ozone Season allowances to or from the compliance account of the source that includes a CAIR NOX Ozone Season 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 Ozone Season opt-in unit is located and in a title V operating permit or other federally enforceable permit for the source.

§ 96.386 Withdrawal from CAIR NOX Ozone Season Trading Program.

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

(a) Requesting withdrawal. In order to withdraw a CAIR NOX Ozone Season opt-in unit from the CAIR NOX Ozone Season Trading Program, the CAIR designated representative of the CAIR NOX Ozone Season opt-in unit shall submit to the permitting authority a request to withdraw effective as of midnight of September 30 of a specified calendar year, which date must be at least 4 years after September 30 of the year of entry into the CAIR NOX Ozone Season Trading Program under § 96.384(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 Ozone Season opt-in unit covered by a request under paragraph (a) of this section may withdraw from the CAIR NOX Ozone Season 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 Ozone Season opt-in unit must meet the requirement to hold CAIR NOX Ozone Season allowances under § 96.306(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 Ozone Season opt-in unit CAIR NOX Ozone Season allowances equal in amount to and allocated for the same or a prior control period as any CAIR NOX Ozone Season allowances allocated to the CAIR NOX Ozone Season opt-in...
unit under §96.388 for any control period for which the withdrawal is to be effective. If there are no remaining CAIR NO₃ Ozone Season units at the source, the Administrator will close the compliance account, and the owners and operators of the CAIR NOₓ Ozone Season opt-in unit may submit a CAIR NOₓ Ozone Season allowance transfer for any remaining CAIR NOₓ Ozone Season allowances to another CAIR NOₓ Ozone Season Allowance Tracking System in accordance with subpart GGG of this part.

(c) Notification. (1) After the requirements for withdrawal under paragraphs (a) and (b) of this section are met (including deduction of the full amount of CAIR NOₓ Ozone Season allowances required), the permitting authority will issue a notification to the CAIR designated representative of the CAIR NOₓ Ozone Season opt-in unit of the acceptance of the withdrawal of the CAIR NOₓ Ozone Season opt-in unit as of midnight on September 30 of the calendar year for which the withdrawal was requested.

(2) If the requirements for withdrawal under paragraphs (a) and (b) of this section are not met, the permitting authority will issue a notification to the CAIR designated representative of the CAIR NOₓ Ozone Season opt-in unit that the CAIR NOₓ Ozone Season opt-in unit’s request to withdraw is denied. Such CAIR NOₓ Ozone Season opt-in unit shall continue to be a CAIR NOₓ Ozone Season opt-in unit.

(d) Permit amendment. After the permitting authority issues a notification under paragraph (c)(1) of this section that the requirements for withdrawal have been met, the permitting authority will revise the CAIR permit covering the CAIR NOₓ Ozone Season opt-in unit to terminate the CAIR opt-in permit for such unit as of the effective date specified under paragraph (c)(1) of this section. The unit shall continue to be a CAIR NOₓ Ozone Season opt-in unit until the effective date of the termination and shall comply with all requirements under the CAIR NOₓ Ozone Season Trading Program concerning any control periods for which the unit is a CAIR NOₓ Ozone Season opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

(e) Reapplication upon failure to meet conditions of withdrawal. If the permitting authority denies the CAIR NOₓ Ozone Season 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 Ozone Season Trading Program. Once a CAIR NOₓ Ozone Season opt-in unit withdraws from the CAIR NOₓ Ozone Season 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 §96.383 for such CAIR NOₓ Ozone Season 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 §96.384.

(g) Inability to withdraw. Notwithstanding paragraphs (a) through (f) of this section, a CAIR NOₓ Ozone Season opt-in unit shall not be eligible to withdraw from the CAIR NOₓ Ozone Season Trading Program if the CAIR designated representative of the CAIR NOₓ Ozone Season opt-in unit requests to withdraw is denied. Such CAIR NOₓ Ozone Season opt-in unit shall continue to be a CAIR NOₓ Ozone Season opt-in unit.

§ 96.387 Change in regulatory status.

(a) Notification. If a CAIR NOₓ Ozone Season opt-in unit becomes a CAIR NOₓ Ozone Season unit under §96.394, then the CAIR designated representative shall notify in writing the permitting authority and the Administrator of such change in the CAIR NOₓ Ozone Season 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 Ozone Season opt-in unit becomes a CAIR NOₓ Ozone Season unit under §96.394, the permitting authority will revise the CAIR NOₓ Ozone Season opt-in unit’s CAIR opt-in permit to meet the...