

## Environmental Protection Agency

## § 97.84

or a NO<sub>x</sub> Budget opt-in unit, located at the same source as one or more NO<sub>x</sub> Budget units, shall have the same NO<sub>x</sub> authorized account representative as such NO<sub>x</sub> Budget units.

### § 97.83 Applying for NO<sub>x</sub> Budget opt-in permit.

(a) *Applying for initial NO<sub>x</sub> Budget opt-in permit.* In order to apply for an initial NO<sub>x</sub> Budget opt-in permit, the NO<sub>x</sub> authorized account representative of a unit qualified under § 97.80 may submit to the Administrator and the permitting authority at any time, except as provided under § 97.86(g):

(1) A complete NO<sub>x</sub> Budget permit application under § 97.22;

(2) A monitoring plan submitted in accordance with subpart H of this part; and

(3) A complete account certificate of representation under § 97.13, if no NO<sub>x</sub> authorized account representative has been previously designated for the unit.

(b) *Duty to reapply.* Unless the NO<sub>x</sub> Budget opt-in permit is terminated or revised under § 97.86(e) or § 97.87(b)(1)(i), the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget opt-in unit shall submit to the Administrator and permitting authority a complete NO<sub>x</sub> Budget permit application under § 97.22 to renew the NO<sub>x</sub> Budget opt-in permit in accordance with § 97.21(c) and, if applicable, an updated monitoring plan in accordance with subpart H of this part.

### § 97.84 Opt-in process.

The permitting authority will issue or deny an initial NO<sub>x</sub> Budget opt-in permit for a unit for which an application for a NO<sub>x</sub> Budget opt-in permit under § 97.83 is submitted, in accordance with § 97.20 and the following:

(a) *Interim review of monitoring plan.* The Administrator will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO<sub>x</sub> Budget opt-in permit under § 97.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO<sub>x</sub> emissions rate and heat input rate of the unit are monitored and reported in accordance with subpart H of this part. A determination of

sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.

(b) If the Administrator determines that the unit's monitoring plan is sufficient under paragraph (a) of this section and after completion of monitoring system certification under subpart H of this part, the NO<sub>x</sub> emissions rate and the heat input of the unit shall be monitored and reported in accordance with subpart H of this part for one full control period during which percent monitor data availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a "NO<sub>x</sub> Budget unit" prior to issuance of a NO<sub>x</sub> Budget opt-in permit covering the unit.

(c) Based on the information monitored and reported under paragraph (b) of this section, the Administrator will calculate the unit's baseline heat input, which will equal the unit's total heat input (in mmBtu) for the control period, and the unit's baseline NO<sub>x</sub> emissions rate, which will equal the unit's total NO<sub>x</sub> mass emissions (in lb) for the control period divided by the unit's baseline heat input.

(d) *Issuance of draft NO<sub>x</sub> Budget opt-in permit for public comment.* The permitting authority will issue a draft NO<sub>x</sub> Budget opt-in permit for public comment in accordance with § 97.20.

(e) Notwithstanding paragraphs (a) through (d) of this section, if at any time before issuance of a draft NO<sub>x</sub> Budget opt-in permit for public comment for the unit, the Administrator or the permitting authority determines that the unit does not qualify as a NO<sub>x</sub> Budget opt-in unit under § 97.80, the permitting authority will issue a draft denial of a NO<sub>x</sub> Budget opt-in permit for public comment for the unit in accordance with § 97.20.

(f) *Withdrawal of application for NO<sub>x</sub> Budget opt-in permit.* A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for an initial NO<sub>x</sub> Budget opt-in permit under § 97.83 at any time prior to the issuance of the initial NO<sub>x</sub> Budget opt-in permit. Once the application for a NO<sub>x</sub> Budget opt-in