§ 97.85 NOx Budget opt-in permit contents.

(a) Each NOx Budget opt-in permit will contain all elements required for a complete NOx Budget opt-in permit application under §97.22.

(b) Each NOx Budget opt-in permit is deemed to incorporate automatically the definitions of terms under §97.2 and, upon recordation by the Administrator under subpart F or G of this part, every allocation, transfer, or deduction of NOx allowances to or from the compliance accounts of each NOx Budget opt-in unit covered by the NOx Budget opt-in permit or the overdraft account of the NOx Budget source where the NOx Budget opt-in unit is located.

§ 97.86 Withdrawal from NOx Budget Trading Program.

(a) Requesting withdrawal. To withdraw from the NOx Budget Trading Program, the NOx authorized account representative of a NOx Budget opt-in unit shall submit to the Administrator and the permitting authority a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than 90 days prior to the request's effective date of withdrawal.

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

(1) For the control period immediately before the withdrawal is to be effective, the NOx authorized account representative must submit or must have submitted to the Administrator and the permitting authority an annual compliance certification report in accordance with §97.30.

(2) If the NOx Budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, the Administrator will deduct or has deducted from the NOx Budget opt-in unit’s compliance account, or the overdraft account of the NOx Budget source where the NOx Budget opt-in unit is located, the full amount required under §97.54(d) for the control period.

(3) After the requirements for withdrawal under paragraphs (b)(1) and (2) of this section are met, the Administrator will deduct from the NOx Budget opt-in unit’s compliance account, or the overdraft account of the NOx Budget source where the NOx Budget opt-in unit is located, NOx allowances equal in number to and allocated for the same or a prior control period as any NOx allowances allocated to that source under §97.88 for any control period for which the withdrawal is to be effective. The Administrator will close the NOx Budget opt-in unit’s compliance account and transfer any remaining allowances to a general account specified by the owners and operators of the NOx Budget opt-in unit.

(c) A NOx Budget opt-in unit that withdraws from the NOx Budget Trading Program shall comply with all requirements under the NOx Budget Trading Program concerning all years for which such NOx Budget opt-in unit was a NOx Budget opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

(d) Notification. (1) After the requirements for withdrawal under paragraphs (a) and (b) of this section are met (including deduction of the full amount of NOx allowances required), the Administrator will issue a notification to the permitting authority and the NOx authorized account representative of the NOx Budget opt-in unit of the acceptance of the withdrawal of the NOx Budget opt-in unit as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

(2) If the requirements for withdrawal under paragraphs (a) and (b) of