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(c) Based on the information monitored and reported under paragraph (b) of this section, the unit’s baseline heat rate shall be calculated as the unit’s total heat input (in mmBtu) for the control period and the unit’s baseline NOx emissions rate shall be calculated as the unit’s total NOx emissions (in lb) for the control period divided by the unit’s baseline heat rate.

(d) After calculating the baseline heat input and the baseline NOx emissions rate for the unit under paragraph (c) of this section, the permitting authority will serve a draft NOx Budget opt-in permit on the NOx authorized account representative of the unit.

(e) Confirmation of intention to opt-in. Within 20 days after the issuance of the draft NOx Budget opt-in permit, the NOx authorized account representative of the unit must submit to the permitting authority a confirmation of the intention to opt in the unit or a withdrawal of the application for a NOx Budget opt-in permit under § 96.83. The permitting authority will treat the failure to make a timely submission as a withdrawal of the NOx Budget opt-in permit application.

(f) Issuance of draft NOx Budget opt-in permit. If the NOx authorized account representative confirms the intention to opt-in the unit under paragraph (e) of this section, the permitting authority will issue the draft NOx Budget opt-in permit in accordance with § 96.20.

(g) Withholding. If the permitting authority finds by June 1 or after September 30 the application for a NOx Budget opt-in permit to be incomplete or the required information to be missing, the permitting authority will discontinue consideration of the draft NOx Budget opt-in permit under § 96.83 at any time prior to the issuance of a draft NOx Budget opt-in permit for the unit in accordance with § 96.20.

(h) Withdrawal of application for NOx Budget opt-in permit. A NOx authorized account representative of a unit may withdraw its application for a NOx Budget opt-in permit under § 96.83 at any time prior to the issuance of the final NOx Budget opt-in permit. Once the application for a NOx Budget opt-in permit is withdrawn, a NOx authorized account representative wanting to reapply must submit a new application for a NOx Budget permit under § 96.83.

(i) Effective date. The effective date of the initial NOx Budget opt-in permit shall be May 1 of the first control period starting after the issuance of the initial NOx Budget opt-in permit by the permitting authority. The unit shall be a NOx Budget opt-in source and a NOx Budget unit as of the effective date of the initial NOx Budget opt-in permit.

§ 96.85 NOx Budget opt-in permit contents.

(a) Each NOx Budget opt-in permit (including any draft or proposed NOx Budget opt-in permit, if applicable) will contain all elements required for a complete NOx Budget opt-in permit application under § 96.22 as approved or adjusted by the permitting authority.

(b) Each NOx Budget opt-in permit is deemed to incorporate automatically the definitions of terms under § 96.2 and, upon recordation by the Administrator under subpart F, G, or I of this part, every allocation, transfer, or deduction of NOx allowances to or from the compliance accounts of each NOx Budget opt-in source covered by the NOx Budget opt-in permit or the overdraft account of the NOx Budget source where the NOx Budget opt-in source is located.

§ 96.86 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 source shall submit to 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 requested effective date of withdrawal.

(b) Conditions for withdrawal. Before a NOx Budget opt-in source 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 (e) 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
§ 96.87 Change in regulatory status.

(a) Notification. When a NOx Budget opt-in source becomes a NOx Budget unit under §96.4, the NOx authorized account representative shall notify in writing the permitting authority and the Administrator of such change in the NOx Budget opt-in source. The permitting authority will issue a notification under paragraph (d)(1) of this section to the NOx authorized account representative of the NOx Budget opt-in source that the NOx Budget opt-in source’s request to withdraw is denied. If the NOx Budget opt-in source’s request to withdraw is denied, the NOx Budget opt-in source shall remain subject to the requirements for a NOx Budget opt-in source after such requirements have been met and that is prior to May 1 or after September 30.

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

(c) Ability to return to the NOx Budget Trading Program. Once a NOx Budget opt-in source withdraws from the NOx Budget Trading Program and its NOx Budget opt-in permit is terminated under this section, the NOx authority account representative may not submit another application for a NOx Budget opt-in permit under §96.83 for the unit prior to the date that is 4 years after the date on which the terminated NOx Budget opt-in permit became effective.

§ 96.87 Change in regulatory status.

(a) Notification. When a NOx Budget opt-in source becomes a NOx Budget unit under §96.4, the NOx authorized account representative shall notify in writing the permitting authority and the Administrator of such change in