all the requirements of subparts C and D of part 73 of this chapter, consistent with subpart E of this part.

(e) Excess emissions. A combustion or process source that becomes an affected unit under this part shall be subject to the requirements of part 77 of this chapter applicable to excess emissions of sulfur dioxide and shall not be subject to the requirements of part 77 of this chapter applicable to excess emissions of nitrogen oxides.

(f) Monitoring. A combustion or process source that becomes an affected unit under this part shall be subject to all the requirements of part 75, consistent with subparts F and G of this part.

[60 FR 17115, Apr. 4, 1995, as amended at 63 FR 18841, Apr. 16, 1998]

§ 74.12 Opt-in permit contents.

(a) The opt-in permit shall be included in the Acid Rain Program.

(b) Scope. The opt-in permit provisions shall apply only to the opt-in source and not to any other affected units.

(c) Contents. Each opt-in permit, including any draft or proposed opt-in permit, shall contain the following elements in a format specified by the Administrator:

(1) All elements required for a complete opt-in permit application as provided under §74.16 for combustion sources or under §74.17 for process sources or, if applicable, all elements required for a complete opt-in permit renewal application as provided in §74.19 for combustion sources or under §74.17 for process sources;

(2) The allowance allocation for the opt-in source as determined by the Administrator under subpart C of this part for combustion sources or subpart D of this part for process sources;

(3) The standard permit requirements as provided under §72.9 of this chapter, except that the provisions in §72.9(d) of
this chapter shall not be included in the opt-in permit; and

(4) **Termination.** The provision that participation of a combustion or process source in the Acid Rain Program may be terminated only in accordance with §74.18 (withdrawal), §74.46 (shutdown, reconstruction, or change in affected status), and §74.50 (deducting allowances).

(d) Each opt-in permit is deemed to incorporate the definitions of terms under §72.2 of this chapter.

(e) **Permit shield.** Each opt-in source operated in accordance with the opt-in permit that governs the opt-in source and that was issued in compliance with title IV of the Act, as provided in this part and parts 72, 73, 75, 77, and 78 of this chapter, shall be deemed to be operating in compliance with the Acid Rain Program, except as provided in §72.9(g)(6) of this chapter.

(f) **Term of opt-in permit.** An opt-in permit shall be issued for a period of 5 years and may be renewed in accordance with §74.19; provided

(1) If an opt-in permit is issued prior to January 1, 2000, then the opt-in permit may, at the option of the permitting authority, expire on December 31, 1999; and

(2) If an affected unit with an Acid Rain permit is located at the same source as the combustion source, the combustion source’s opt-in permit may, at the option of the permitting authority, expire on the same date as the affected unit’s Acid Rain permit expires.

§ 74.14 Opt-in permit process.

(a) **Submission.** The designated representative of a combustion or process source may submit an opt-in permit application and a monitoring plan to the Administrator at any time for any combustion or process source that is operating.

(b) **Issuance or denial of opt-in permits.** The permitting authority shall issue or deny opt-in permits or revisions of opt-in permits in accordance with the procedures in parts 70 and 71 of this chapter and subparts F and G of part 72 of this chapter, except as provided in this section.

(1) **Supplemental information.** Regardless of whether the opt-in permit application is complete, the Administrator or the permitting authority may request submission of any additional information that the Administrator or the permitting authority determines to be necessary in order to review the opt-in permit application or to issue an opt-in permit.

(2) **Interim review of monitoring plan.** The Administrator will determine, on an interim basis, the sufficiency of the monitoring plan, accompanying the opt-in permit application. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that all SO\textsubscript{2} emissions, NO\textsubscript{X} emissions, CO\textsubscript{2} emissions, and opacity of the combustion or process source are monitored and reported in accordance with part 75 of this chapter. This interim review of sufficiency shall not be construed as the approval or disapproval of the combustion or process source’s monitoring system.

(3) **Issuance of draft opt-in permit.** After the Administrator determines whether the combustion or process source’s monitoring plan is sufficient under paragraph (b)(2) of this section, the permitting authority shall serve the draft opt-in permit or the denial of a draft permit or the draft opt-in permit revisions or the denial of draft opt-in permit revisions on the designated representative of the combustion or process source submitting an opt-in permit application. A draft permit or draft opt-in permit revision shall not be served or issued if the monitoring plan is determined not to be sufficient.

(4) **Confirmation by source of intention to opt-in.** Within 21 calendar days from the date of service of the draft opt-in permit or the denial of the draft opt-in permit, the designated representative of a combustion or process source submitting an opt-in permit application must submit to the Administrator, in writing, a confirmation or recision of the source’s intention to become an opt-in source under this part. The Administrator shall treat the failure to make a timely submission as a recision of the source’s intention to become an opt-in source and as a withdrawal of the opt-in permit application.

(5) **Issuance of draft opt-in permit.** If the designated representative confirms