§ 96.188 CAIR NOx allowance allocations to CAIR NOx opt-in units.

(a) Timing requirements. (1) When the CAIR opt-in permit is issued under §96.184(e), the permitting authority will allocate CAIR NOx allowances to the CAIR NOx opt-in unit, and submit to the Administrator the allocation for the control period in which a CAIR NOx opt-in unit enters the CAIR NOx Annual Trading Program under §96.184(g), in accordance with paragraph (b) or (c) of this section.

(2) By no later than October 31 of the control period after the control period in which a CAIR NOx opt-in unit enters the CAIR NOx Annual Trading Program under §96.184(g) and October 31 of each year thereafter, the permitting authority will allocate CAIR NOx allowances to the CAIR NOx opt-in unit, and submit to the Administrator the allocation for the control period that includes such submission deadline and in which the unit is a CAIR NOx opt-in unit, in accordance with paragraph (b) or (c) of this section.

(b) Calculation of allocation. For each control period for which a CAIR NOx opt-in unit is to be allocated CAIR NOx allowances, the permitting authority will allocate in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating the CAIR NOx allowance allocation will be the lesser of:

(i) The CAIR NOx opt-in unit’s baseline heat input determined under §96.184(c); or

(ii) The CAIR NOx opt-in unit’s heat input, as determined in accordance with subpart HH of this part, for the

(2)(i) The Administrator will deduct from the compliance account of the source that includes the CAIR NOx opt-in unit that becomes a CAIR NOx unit under §96.104, CAIR NOx allowances equal in amount to and allocated for the same or a prior control period as:

(A) Any CAIR NOx allowances allocated to the CAIR NOx opt-in unit under §96.188 for any control period after the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104; and

(B) If the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104 is not December 31, the CAIR NOx allowances allocated to the CAIR NOx opt-in unit under §96.188 for the control period that includes the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104, multiplied by the ratio of the number of days, in the control period, starting with the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104 divided by the total number of days in the control period and rounded to the nearest whole allowance as appropriate.

(ii) The CAIR designated representative shall ensure that the compliance account of the source that includes the CAIR NOx opt-in unit that becomes a CAIR NOx unit under §96.104 contains the CAIR NOx allowances necessary for completion of the deduction under paragraph (b)(2)(i) of this section.

(3)(i) For every control period after the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104, the CAIR NOx opt-in unit will be allocated CAIR NOx allowances under §96.142.

(ii) If the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104 is not December 31, the following amount of CAIR NOx allowances will be allocated to the CAIR NOx opt-in unit (as a CAIR NOx unit) under §96.142 for the control period that includes the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104:

(A) The amount of CAIR NOx allowances otherwise allocated to the CAIR NOx opt-in unit (as a CAIR NOx unit) under §96.142 for the control period multiplied by:

(B) The ratio of the number of days, in the control period, starting with the date on which the CAIR NOx opt-in unit becomes a CAIR NOx unit under §96.104, divided by the total number of days in the control period; and

(C) Rounded to the nearest whole allowance as appropriate.

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immediately prior control period, except when the allocation is being calculated for the control period in which the CAIR NOX opt-in unit enters the CAIR NOX Annual Trading Program under § 96.184(g).

(2) The NOX emission rate (in lb/mmBtu) used for calculating CAIR NOX allowance allocations will be the lesser of:

(i) The CAIR NOX opt-in unit’s baseline NOX emissions rate (in lb/mmBtu) determined under § 96.184(d) and multiplied by 70 percent; or

(ii) The most stringent State or Federal NOX emissions limitation applicable to the CAIR NOX opt-in unit at any time during the control period for which CAIR NOX allowances are to be allocated.

(3) The permitting authority will allocate CAIR NOX allowances to the CAIR NOX opt-in unit in an amount equaling the heat input under paragraph (b)(1) of this section, multiplied by the NOX emission rate under paragraph (b)(2) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole allowance as appropriate.

(c) Notwithstanding paragraph (b) of this section and if the CAIR designated representative requests, and the permitting authority issues a CAIR opt-in permit (based on a demonstration of the intent to repower stated under § 96.183(a)(5)) providing for allocation to a CAIR NOX opt-in unit of CAIR NOX allowances under this paragraph (subject to the conditions in §§ 96.184(h) and 96.186(g)), the permitting authority will allocate to the CAIR NOX opt-in unit as follows:

(1) For each control period in 2009 through 2014 for which the CAIR NOX opt-in unit is to be allocated CAIR NOX allowances,

(i) The heat input (in mmBtu) used for calculating CAIR NOX allowance allocations will be determined as described in paragraph (b)(1) of this section.

(ii) The NOX emission rate (in lb/mmBtu) used for calculating CAIR NOX allowance allocations will be the lesser of:

(A) The CAIR NOX opt-in unit’s baseline NOX emissions rate (in lb/mmBtu) determined under § 96.184(d); or

(B) The most stringent State or Federal NOX emissions limitation applicable to the CAIR NOX opt-in unit at any time during the control period in which the CAIR NOX opt-in unit enters the CAIR NOX Annual Trading Program under § 96.184(g).

(iii) The permitting authority will allocate CAIR NOX allowances to the CAIR NOX opt-in unit in an amount equaling the heat input under paragraph (c)(1)(i) of this section, multiplied by the NOX emission rate under paragraph (c)(1)(ii) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole allowance as appropriate.

(2) For each control period in 2015 and thereafter for which the CAIR NOX opt-in unit is to be allocated CAIR NOX allowances,

(i) The heat input (in mmBtu) used for calculating the CAIR NOX allowance allocations will be determined as described in paragraph (b)(1) of this section.

(ii) The NOX emission rate (in lb/mmBtu) used for calculating the CAIR NOX allowance allocation will be the lesser of:

(A) 0.15 lb/mmBtu;

(B) The CAIR NOX opt-in unit’s baseline NOX emissions rate (in lb/mmBtu) determined under § 96.184(d); or

(C) The most stringent State or Federal NOX emissions limitation applicable to the CAIR NOX opt-in unit at any time during the control period for which CAIR NOX allowances are to be allocated.

(iii) The permitting authority will allocate CAIR NOX allowances to the CAIR NOX opt-in unit in an amount equaling the heat input under paragraph (c)(2)(i) of this section, multiplied by the NOX emission rate under paragraph (c)(2)(ii) of this section, divided by 2,000 lb/ton, and rounded to the nearest whole allowance as appropriate.

(d) Recordation. (1) The Administrator will record, in the compliance account of the source that includes the CAIR NOX opt-in unit, the CAIR NOX allowances allocated by the permitting authority to the CAIR NOX opt-in unit under paragraph (a)(1) of this section.

(2) By December 1 of the control period in which a CAIR NOX opt-in unit
§ 96.201 Purpose.

This subpart and subparts BBB through III establish the model rule comprising general provisions and the designated representative, permitting, allowance, monitoring, and opt-in provisions for the State Clean Air Interstate Rule (CAIR) SO₂ Trading Program, under section 110 of the Clean Air Act and §51.124 of this chapter, as a means of mitigating interstate transport of fine particulates and sulfur dioxide. The owner or operator of a unit or a source shall comply with the requirements of this subpart and subparts BBB through III as a matter of federal law only if the State with jurisdiction over the unit and the source incorporates by reference such subparts or otherwise adopts the requirements of such subparts in accordance with §51.124(o)(1) or (2) of this chapter, the State submits to the Administrator one or more revisions of the State implementation plan that include such adoption, and the Administrator approves such revisions. If the State adopts the requirements of such subparts in accordance with §51.124(o)(1) or (2) of this chapter, then the State authorizes the Administrator to assist the State in implementing the CAIR SO₂ Trading Program by carrying out the functions set forth for the Administrator in such subparts.

§ 96.202 Definitions.

The terms used in this subpart and subparts BBB through III shall have the meanings set forth in this section as follows:

Account number means the identification number given by the Administrator to each CAIR SO₂ Allowance Tracking System account.

Acid Rain emissions limitation means a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program.

Acid Rain Program means a multi-state sulfur dioxide and nitrogen oxides air pollution control and emission reduction program established by the Administrator under title IV of the CAA and parts 72 through 78 of this chapter.

Administrator means the Administrator of the United States Environmental Protection Agency or the Administrator’s duly authorized representative.

Allocate or allocation means, with regard to CAIR SO₂ allowances issued under the Acid Rain Program, the determination by the Administrator of the amount of such CAIR SO₂ allowances to be initially credited to a CAIR SO₂ unit or other entity and, with regard to CAIR SO₂ allowances issued under provisions of a State implementation plan that are approved under §51.124(o)(1) or (2) or (r) of this chapter or §97.288 of this chapter, the determination by a permitting authority of the amount of such CAIR SO₂ allowances to be initially credited to a CAIR SO₂ unit or other entity.

Allowance transfer deadline means, for a control period, midnight of March 1 (if it is a business day), or midnight of the first business day thereafter (if March 1 is not a business day), immediately following the control period and is the deadline by which a CAIR SO₂ allowance transfer must be submitted for recordation in a CAIR SO₂ source’s compliance account in order to be used to meet the source’s CAIR SO₂ emissions limitation for such control period in accordance with §96.254.

Alternate CAIR designated representative means, for a CAIR SO₂ source and each CAIR SO₂ unit at the source, the natural person who is authorized by the owners and operators of the source...