§ 96.385  CAIR opt-in permit contents.

(a) Each CAIR opt-in permit will contain:

(1) All elements required for a complete CAIR permit application under § 96.322;

(2) The certification in § 96.383(a)(2);

(3) The unit’s baseline heat input under § 96.384(c);

(4) The unit’s baseline NOX emission rate under § 96.384(d);

(5) A statement whether the unit is to be allocated CAIR NOX Ozone Season allowances under § 96.388(b) or § 96.388(c) (subject to the conditions in §§ 96.384(h) and 96.386(g));

(6) A statement that the unit may withdraw from the CAIR NOX Ozone Season Trading Program only in accordance with § 96.386; and

(7) A statement that the unit is subject to, and the owners and operators of the unit must comply with, the requirements of § 96.387.

(b) Repowered CAIR NOX Ozone Season opt-in unit.

(1) If CAIR designated representative requests, and the permitting authority issues a CAIR opt-in permit providing for, allocation to a CAIR NOX Ozone Season opt-in unit of CAIR NOX Ozone Season allowances under § 96.388(c) and such unit is repowered after its date of entry into the CAIR NOX Ozone Season Trading Program under paragraph (g) of this section, the repowered unit shall be treated as a CAIR NOX Ozone Season opt-in unit replacing the original CAIR NOX Ozone Season opt-in unit, as of the date of start-up of the repowered unit’s combustion chamber.

(2) Notwithstanding paragraphs (c) and (d) of this section, as of the date of start-up under paragraph (h)(1) of this section, the repowered unit shall be deemed to have the same date of commencement of operation, date of commencement of commercial operation, baseline heat input, and baseline NOX emission rate as the original CAIR NOX Ozone Season opt-in unit, and the original CAIR NOX Ozone Season opt-in unit shall no longer be treated as a CAIR NOX Ozone Season opt-in unit or a CAIR NOX Ozone Season unit.

(70 FR 25382, May 12, 2005, as amended at 71 FR 25396, Apr. 28, 2006)

§ 96.386  Withdrawal from CAIR NOX Ozone Season Trading Program.

Except as provided under paragraph (g) of this section, a CAIR NOX Ozone Season opt-in unit may withdraw from the CAIR NOX Ozone Season Trading Program, but only if the permitting authority issues a notification to the CAIR designated representative of the CAIR NOX Ozone Season opt-in unit of the acceptance of the withdrawal of the CAIR NOX Ozone Season opt-in unit in accordance with paragraph (d) of this section.

(a) Requesting withdrawal. In order to withdraw a CAIR NOX Ozone Season opt-in unit from the CAIR NOX Ozone Season Trading Program, the CAIR designated representative of the CAIR NOX Ozone Season opt-in unit shall submit to the permitting authority a request to withdraw effective as of midnight of September 30 of a specified calendar year, which date must be at least 4 years after September 30 of the year of entry into the CAIR NOX Ozone Season Trading Program under
§ 96.386. (g) The request must be submitted no later than 90 days before the requested effective date of withdrawal.

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

(1) For the control period ending on the date on which the withdrawal is to be effective, the source that includes the CAIR NOX Ozone Season opt-in unit must meet the requirement to hold CAIR NOX Ozone Season allowances equal in amount to and allocated for the same or a prior control period as any CAIR NOX Ozone Season allowances to another CAIR NOX Ozone Season opt-in unit as of midnight on September 30 of the calendar year for which the withdrawal was requested.

(2) If the requirements for withdrawal under paragraphs (a) and (b) of this section are not met, the permitting authority will issue a notification to the CAIR designated representative of the CAIR NOX Ozone Season opt-in unit that the CAIR NOX Ozone Season opt-in unit’s request to withdraw is denied. Such CAIR NOX Ozone Season opt-in unit shall continue to be a CAIR NOX Ozone Season opt-in unit.

(d) Permit amendment. After the permitting authority issues a notification under paragraph (c)(1) of this section that the requirements for withdrawal have been met, the permitting authority will revise the CAIR permit covering the CAIR NOX Ozone Season opt-in unit to terminate the CAIR opt-in permit for such unit as of the effective date specified under paragraph (c)(1) of this section. The unit shall continue to be a CAIR NOX Ozone Season opt-in unit until the effective date of the termination and shall comply with all requirements under the CAIR NOX Ozone Season Trading Program concerning any control periods for which the withdrawal becomes effective.

(e) Reapplication upon failure to meet conditions of withdrawal. If the permitting authority denies the CAIR NOX Ozone Season opt-in unit’s request to withdraw, the CAIR designated representative may submit another request to withdraw in accordance with paragraphs (a) and (b) of this section.

(f) Ability to reapply to the CAIR NOX Ozone Season Trading Program. Once a CAIR NOX Ozone Season opt-in unit withdraws from the CAIR NOX Ozone Season Trading Program and its CAIR opt-in permit is terminated under this section, the CAIR designated representative may not submit another application for a CAIR opt-in permit under §96.383 for such CAIR NOX Ozone Season opt-in unit before the date that is 4 years after the date on which the withdrawal became effective. Such new application for a CAIR opt-in permit will be treated as an initial application for a CAIR opt-in permit under §96.384.

(g) Inability to withdraw. Notwithstanding paragraphs (a) through (f) of this section, a CAIR NOX Ozone Season
§ 96.387 Change in regulatory status.

(a) Notification. If a CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304, then the CAIR designated representative shall notify in writing the permitting authority and the Administrator of such change in the CAIR NO\textsubscript{X} Ozone Season opt-in unit’s regulatory status, within 30 days of such change.

(b) Permitting authority’s and Administrator’s actions. (1) If a CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304, the permitting authority will revise the CAIR NO\textsubscript{X} Ozone Season opt-in unit’s CAIR opt-in permit to meet the requirements of a CAIR permit under §96.323, and remove the CAIR opt-in permit provisions, as of the date on which the CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304.

(2)(i) The Administrator will deduct from the compliance account of the source that includes the CAIR NO\textsubscript{X} Ozone Season opt-in unit that becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304, CAIR NO\textsubscript{X} Ozone Season allowances equal in amount to and allocated for the same or a prior control period as:

(A) Any CAIR NO\textsubscript{X} Ozone Season allowances allocated to the CAIR NO\textsubscript{X} Ozone Season opt-in unit under §96.388 for any control period after the date on which the CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304; and

(B) If the date on which the CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304 is not September 30, the CAIR NO\textsubscript{X} Ozone Season allowances allocated to the CAIR NO\textsubscript{X} Ozone Season opt-in unit under §96.388 for the control period that includes the date on which the CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304, multiplied by the ratio of the number of days, in the control period, starting with the date on which the CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304 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 NO\textsubscript{X} Ozone Season opt-in unit that becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304 contains the CAIR NO\textsubscript{X} Ozone Season 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 NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304 is not September 30, the following amount of CAIR NO\textsubscript{X} Ozone Season allowances will be allocated to the CAIR NO\textsubscript{X} Ozone Season opt-in unit (as a CAIR NO\textsubscript{X} Ozone Season unit) under §96.342 for the control period that includes the date on which the CAIR NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304:

(A) The amount of CAIR NO\textsubscript{X} Ozone Season allowances otherwise allocated to the CAIR NO\textsubscript{X} Ozone Season opt-in unit (as a CAIR NO\textsubscript{X} Ozone Season unit) under §96.342 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 NO\textsubscript{X} Ozone Season opt-in unit becomes a CAIR NO\textsubscript{X} Ozone Season unit under §96.304, divided by the total number of days in the control period; and