§ 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 over-draft 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

have submitted to the permitting authority an annual compliance certification report in accordance with §96.30.

(2) If the NOX Budget opt-in source 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 source’s compliance account, or the overdraft account of the NOX Budget source where the NOX Budget opt-in source is located, the full amount required under §96.54(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 source’s compliance account, or the overdraft account of the NOX Budget source where the NOX Budget opt-in source 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 §96.88 for any control period for which the withdrawal is to be effective. The Administrator will close the NOX Budget opt-in source’s compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NOX Budget opt-in source. The NOX authorized account representative for the NOX Budget opt-in source shall become the NOX authorized account representative for the general account.

(c) A NOX Budget opt-in source 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 source was a NOX Budget opt-in source, 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 permitting authority will issue a notification to the NOX authorized account representative of the NOX Budget opt-in source of the acceptance of the withdrawal of the NOX Budget opt-in source 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 this section are not met, the permitting authority will issue a notification 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.

(e) Permit amendment. After the permitting authority issues a notification under paragraph (d)(1) of this section that the requirements for withdrawal have been met, the permitting authority will revise the NOX Budget permit covering the NOX Budget opt-in source to terminate the NOX Budget opt-in permit as of the effective date specified under paragraph (d)(1) of this section. A NOX Budget opt-in source shall continue to be a NOX Budget opt-in source until the effective date of the termination.

(f) 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.

(g) 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.