

**§97.21**

(2) For NO<sub>x</sub> Budget sources required to have a non-title V permit, the NO<sub>x</sub> Budget portion of the non-title V permit shall be administered in accordance with the permitting authority's regulations promulgated to administer non-title V permits, except as provided otherwise by this subpart or subpart I of this part.

(b) Each NO<sub>x</sub> Budget permit shall contain all applicable NO<sub>x</sub> Budget Trading Program requirements and shall be a complete and segregable portion of the permit under paragraph (a) of this section.

**§97.21 Submission of NO<sub>x</sub> Budget permit applications.**

(a) *Duty to apply.* The NO<sub>x</sub> authorized account representative of any NO<sub>x</sub> Budget source required to have a federally enforceable permit shall submit to the permitting authority a complete NO<sub>x</sub> Budget permit application under §97.22 by the applicable deadline in paragraph (b) of this section.

(b)(1) For NO<sub>x</sub> Budget sources required to have a title V operating permit:

(i) For any source, with one or more NO<sub>x</sub> Budget units under §97.4(a) that commence operation before January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under §97.22 covering such NO<sub>x</sub> Budget units to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before May 31, 2004.

(ii) For any source, with any NO<sub>x</sub> Budget unit under §97.4(a) that commences operation on or after January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under §97.22 covering such NO<sub>x</sub> Budget unit to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the NO<sub>x</sub> Budget unit commences operation.

(2) For NO<sub>x</sub> Budget sources required to have a non-title V permit:

(i) For any source, with one or more NO<sub>x</sub> Budget units under §97.4(a) that commence operation before January 1, 2001, the NO<sub>x</sub> authorized account rep-

resentative shall submit a complete NO<sub>x</sub> Budget permit application under §97.22 covering such NO<sub>x</sub> Budget units to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before May 31, 2004.

(ii) For any source, with any NO<sub>x</sub> Budget unit under §97.4(a) that commences operation on or after January 1, 2001, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under §97.22 covering such NO<sub>x</sub> Budget unit to the permitting authority at least 18 months (or such lesser time provided by the permitting authority) before the later of May 31, 2004 or the date on which the NO<sub>x</sub> Budget unit commences operation.

(c) *Duty to reapply.* (1) For a NO<sub>x</sub> Budget source required to have a title V operating permit, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under §97.22 for the NO<sub>x</sub> Budget source covering the NO<sub>x</sub> Budget units at the source in accordance with the permitting authority's title V operating permits regulations addressing operating permit renewal.

(2) For a NO<sub>x</sub> Budget source required to have a non-title V permit, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under §97.22 for the NO<sub>x</sub> Budget source covering the NO<sub>x</sub> Budget units at the source in accordance with the permitting authority's non-title V permits regulations addressing permit renewal.

[65 FR 2727, Jan. 18, 2000, as amended at 67 FR 21529, Apr. 30, 2002]

**§97.22 Information requirements for NO<sub>x</sub> Budget permit applications.**

A complete NO<sub>x</sub> Budget permit application shall include the following elements concerning the NO<sub>x</sub> Budget source for which the application is submitted, in a format prescribed by the permitting authority:

(a) Identification of the NO<sub>x</sub> Budget source, including plant name and the ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration, if applicable;

(b) Identification of each NO<sub>x</sub> Budget unit at the NO<sub>x</sub> Budget source and whether it is a NO<sub>x</sub> Budget unit under § 97.4(a) or under subpart I of this part;

(c) The standard requirements under § 97.6; and

(d) For each NO<sub>x</sub> Budget opt-in unit at the NO<sub>x</sub> Budget source, the following certification statements by the NO<sub>x</sub> authorized account representative:

(1) "I certify that each unit for which this permit application is submitted under subpart I of this part is not a NO<sub>x</sub> Budget unit under 40 CFR 97.4(a) and is not covered by an exemption under 40 CFR 97.4(b) or 97.5 that is in effect."

(2) If the application is for an initial NO<sub>x</sub> Budget opt-in permit, "I certify that each unit for which this permit application is submitted under subpart I of 40 CFR part 97 is operating, as that term is defined under 40 CFR 97.2."

#### § 97.23 NO<sub>x</sub> Budget permit contents.

(a) Each NO<sub>x</sub> Budget permit will contain, in a format prescribed by the permitting authority, all elements required for a complete NO<sub>x</sub> Budget permit application under § 97.22.

(b) Each NO<sub>x</sub> Budget permit is deemed to incorporate automatically the definitions of terms under § 97.2 and, upon recordation by the Administrator under subpart F or G of this part, every allocation, transfer, or deduction of a NO<sub>x</sub> allowance to or from the compliance accounts of the NO<sub>x</sub> Budget units covered by the permit or the overdraft account of the NO<sub>x</sub> Budget source covered by the permit.

#### § 97.24 NO<sub>x</sub> Budget permit revisions.

(a) For a NO<sub>x</sub> Budget source with a title V operating permit, except as provided in § 97.23(b), the permitting authority will revise the NO<sub>x</sub> Budget permit, as necessary, in accordance with the permitting authority's title V operating permits regulations addressing permit revisions.

(b) For a NO<sub>x</sub> Budget source with a non-title V permit, except as provided in § 97.23(b), the permitting authority will revise the NO<sub>x</sub> Budget permit, as necessary, in accordance with the permitting authority's non-title V permits regulations addressing permit revisions.

### Subpart D—Compliance Certification

#### § 97.30 Compliance certification report.

(a) *Applicability and deadline.* For each control period in which one or more NO<sub>x</sub> Budget units at a source are subject to the NO<sub>x</sub> Budget emissions limitation, the NO<sub>x</sub> authorized account representative of the source shall submit to the permitting authority and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

(b) *Contents of report.* The NO<sub>x</sub> authorized account representative shall include in the compliance certification report under paragraph (a) of this section the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NO<sub>x</sub> Budget emissions limitation for the control period covered by the report:

(1) Identification of each NO<sub>x</sub> Budget unit;

(2) At the NO<sub>x</sub> authorized account representative's option, the serial numbers of the NO<sub>x</sub> allowances that are to be deducted from each unit's compliance account under § 97.54 for the control period;

(3) At the NO<sub>x</sub> authorized account representative's option, for units sharing a common stack and having NO<sub>x</sub> emissions that are not monitored separately or apportioned in accordance with subpart H of this part, the percentage of allowances that is to be deducted from each unit's compliance account under § 97.54(e); and

(4) The compliance certification under paragraph (c) of this section.

(c) *Compliance certification.* In the compliance certification report under paragraph (a) of this section, the NO<sub>x</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> Budget units at the source in compliance with the NO<sub>x</sub> Budget Trading Program, whether each NO<sub>x</sub> Budget unit for which the compliance certification is submitted was operated during the calendar year covered by