

§ 97.84

40 CFR Ch. I (7–1–03 Edition)

authorized account representative of a unit qualified under § 97.80 may submit to the Administrator and the permitting authority at any time, except as provided under § 97.86(g):

(1) A complete NO_x Budget permit application under § 97.22;

(2) A monitoring plan submitted in accordance with subpart H of this part; and

(3) A complete account certificate of representation under § 97.13, if no NO_x authorized account representative has been previously designated for the unit.

(b) *Duty to reapply.* Unless the NO_x Budget opt-in permit is terminated or revised under § 97.86(e) or § 97.87(b)(1)(i), the NO_x authorized account representative of a NO_x Budget opt-in unit shall submit to the Administrator and permitting authority a complete NO_x Budget permit application under § 97.22 to renew the NO_x Budget opt-in permit in accordance with § 97.21(c) and, if applicable, an updated monitoring plan in accordance with subpart H of this part.

§ 97.84 Opt-in process.

The permitting authority will issue or deny an initial NO_x Budget opt-in permit for a unit for which an application for a NO_x Budget opt-in permit under § 97.83 is submitted, in accordance with § 97.20 and the following:

(a) *Interim review of monitoring plan.* The Administrator will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO_x Budget opt-in permit under § 97.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO_x emissions rate and heat input rate of the unit are monitored and reported in accordance with subpart H of this part. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.

(b) If the Administrator determines that the unit's monitoring plan is sufficient under paragraph (a) of this section and after completion of monitoring system certification under subpart H of this part, the NO_x emissions rate and the heat input of the unit shall be monitored and reported in ac-

cordance with subpart H of this part for one full control period during which percent monitor data availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a "NO_x Budget unit" prior to issuance of a NO_x Budget opt-in permit covering the unit.

(c) Based on the information monitored and reported under paragraph (b) of this section, the Administrator will calculate the unit's baseline heat input, which will equal the unit's total heat input (in mmBtu) for the control period, and the unit's baseline NO_x emissions rate, which will equal the unit's total NO_x mass emissions (in lb) for the control period divided by the unit's baseline heat input.

(d) *Issuance of draft NO_x Budget opt-in permit for public comment.* The permitting authority will issue a draft NO_x Budget opt-in permit for public comment in accordance with § 97.20.

(e) Notwithstanding paragraphs (a) through (d) of this section, if at any time before issuance of a draft NO_x Budget opt-in permit for public comment for the unit, the Administrator or the permitting authority determines that the unit does not qualify as a NO_x Budget opt-in unit under § 97.80, the permitting authority will issue a draft denial of a NO_x Budget opt-in permit for public comment for the unit in accordance with § 97.20.

(f) *Withdrawal of application for NO_x Budget opt-in permit.* A NO_x authorized account representative of a unit may withdraw its application for an initial NO_x Budget opt-in permit under § 97.83 at any time prior to the issuance of the initial NO_x Budget opt-in permit. Once the application for a NO_x Budget opt-in permit is withdrawn, a NO_x authorized account representative wanting to re-apply must submit a new application for an initial NO_x Budget permit under § 97.83.

(g) The unit shall be a NO_x Budget opt-in unit and a NO_x Budget unit starting May 1 of the first control period starting after the issuance of the initial NO_x Budget opt-in permit by the permitting authority.