

(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<sub>x</sub> emissions rate, which will equal the unit's total NO<sub>x</sub> mass emissions (in lb) for the control period divided by the unit's baseline heat input.

(d) *Issuance of draft NO<sub>x</sub> Budget opt-in permit for public comment.* The permitting authority will issue a draft NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Budget opt-in unit under §97.80, the permitting authority will issue a draft denial of a NO<sub>x</sub> Budget opt-in permit for public comment for the unit in accordance with §97.20.

(f) *Withdrawal of application for NO<sub>x</sub> Budget opt-in permit.* A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for an initial NO<sub>x</sub> Budget opt-in permit under §97.83 at any time prior to the issuance of the initial NO<sub>x</sub> Budget opt-in permit. Once the application for a NO<sub>x</sub> Budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to re-apply must submit a new application for an initial NO<sub>x</sub> Budget permit under §97.83.

(g) The unit shall be a NO<sub>x</sub> Budget opt-in unit and a NO<sub>x</sub> Budget unit starting May 1 of the first control period starting after the issuance of the initial NO<sub>x</sub> Budget opt-in permit by the permitting authority.

**§97.85 NO<sub>x</sub> Budget opt-in permit contents.**

(a) Each NO<sub>x</sub> Budget opt-in permit will contain all elements required for a complete NO<sub>x</sub> Budget opt-in permit application under §97.22.

(b) Each NO<sub>x</sub> Budget opt-in 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 NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> Budget opt-in unit covered by the NO<sub>x</sub> Budget opt-in permit or the overdraft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in unit is located.

**§97.86 Withdrawal from NO<sub>x</sub> Budget Trading Program.**

(a) *Requesting withdrawal.* To withdraw from the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget opt-in unit shall submit to the Administrator and 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 NO<sub>x</sub> Budget opt-in unit covered by a request under paragraph (a) of this section may withdraw from the NO<sub>x</sub> Budget Trading Program and the NO<sub>x</sub> 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 NO<sub>x</sub> authorized account representative must submit or must have submitted to the Administrator and the permitting authority an annual compliance certification report in accordance with §97.30.

(2) If the NO<sub>x</sub> Budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, the Administrator will deduct or has deducted from the NO<sub>x</sub> Budget opt-in unit's compliance account, or the overdraft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in unit is located, the full amount required under §97.54(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 NO<sub>x</sub> Budget opt-in unit's compliance account, or the overdraft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in unit is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as any