

§ 97.88

§ 97.88 NO_x allowance allocations to opt-in units.

(a) *NO_x allotment allocation.* (1) By April 1 immediately before the first control period for which the NO_x Budget opt-in permit is effective, the Administrator will determine by order the NO_x allowance allocations for the NO_x Budget opt-in unit for the control period in accordance with paragraph (b) of this section.

(2) By no later than April 1, after the first control period for which the NO_x Budget opt-in permit is in effect, and April 1 of each year thereafter, the Administrator will determine by order the NO_x allowance allocations for the NO_x Budget opt-in unit for the next control period, in accordance with paragraph (b) of this section.

(3) The Administrator will make available to the public each determination of NO_x allowance allocations under paragraph (a)(1) or (2) of this section and will provide an opportunity for submission of objections to the determination. Objections shall be limited to addressing whether the determination is in accordance with paragraph (b) of this section. Based on any such objections, the Administrator will adjust each determination to the extent necessary to ensure that it is in accordance with paragraph (b) of this section.

(b) For each control period for which the NO_x Budget opt-in unit has an ap-

proved NO_x Budget opt-in permit, the NO_x Budget opt-in unit will be allocated NO_x allowances in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating NO_x allowance allocations will be the lesser of:

(i) The unit's baseline heat input determined pursuant to § 97.84(c); or

(ii) The unit's heat input, as determined in accordance with subpart H of this part, for the control period in the year prior to the year of the control period for which the NO_x allocations are being calculated.

(2) The Administrator will allocate NO_x allowances to the unit in an amount equaling the heat input determined under paragraph (b)(1) of this section multiplied by the lesser of the unit's baseline NO_x emissions rate determined under § 97.84(c) or the most stringent State or federal NO_x emissions limitation applicable to the unit during the control period, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

Subpart J—Appeal Procedures

§ 97.90 Appeal procedures.

The appeal procedures for the NO_x Budget Trading Program are set forth in part 78 of this chapter.

[69 FR 21648, Apr. 21, 2004]

APPENDIX A TO PART 97—FINAL SECTION 126 RULE: EGU ALLOCATIONS, 2004–2007

ST	Plant	Plant_id	Point_id	NO _x allocation for EGUs
DC	BENNING	603	15	80
DC	BENNING	603	16	117
DE	CHRISTIANA SUB	591	11	5
DE	CHRISTIANA SUB	591	14	5
DE	DELAWARE CITY	52193	B4	141
DE	DELAWARE CITY	52193	ST	155
DE	DELAWARE CITY	52193	ST	159
DE	DELAWARE CITY	52193	ST	158
DE	EDGE MOOR	593	3	234
DE	EDGE MOOR	593	4	401
DE	EDGE MOOR	593	5	602
DE	HAY ROAD	7153	**3	184
DE	HAY ROAD	7153	—1	235
DE	HAY ROAD	7153	—2	207
DE	INDIAN RIVER	594	1	187
DE	INDIAN RIVER	594	2	194
DE	INDIAN RIVER	594	3	369
DE	INDIAN RIVER	594	4	729
DE	MCKEE RUN	599	3	119
DE	VAN SANT STATION	7318	**11	7
IN	ANDERSON	7336	—ACT1	5