

### Subpart CCCC—Permits

#### § 97.320 General CAIR NO<sub>x</sub> Ozone Season Trading Program permit requirements.

(a) For each CAIR NO<sub>x</sub> Ozone Season source required to have a title V operating permit or required, under subpart IIII of this part, to have a title V operating permit or other federally enforceable permit, such permit shall include a CAIR permit administered by the permitting authority for the title V operating permit or the federally enforceable permit as applicable. The CAIR portion of the title V permit or other federally enforceable permit as applicable shall be administered in accordance with the permitting authority's title V operating permits regulations promulgated under part 70 or 71 of this chapter or the permitting authority's regulations for other federally enforceable permits as applicable, except as provided otherwise by § 97.305, this subpart, and subpart IIII of this part.

(b) Each CAIR permit shall contain, with regard to the CAIR NO<sub>x</sub> Ozone Season source and the CAIR NO<sub>x</sub> Ozone Season units at the source covered by the CAIR permit, all applicable CAIR NO<sub>x</sub> Ozone Season Trading Program, CAIR NO<sub>x</sub> Annual Trading Program, and CAIR SO<sub>2</sub> Trading Program requirements and shall be a complete and separable portion of the title V operating permit or other federally enforceable permit under paragraph (a) of this section.

#### § 97.321 Submission of CAIR permit applications.

(a) *Duty to apply.* The CAIR designated representative of any CAIR NO<sub>x</sub> Ozone Season source required to have a title V operating permit shall submit to the permitting authority a complete CAIR permit application under § 97.322 for the source covering each CAIR NO<sub>x</sub> Ozone Season unit at the source at least 18 months (or such lesser time provided by the permitting authority) before the later of January 1, 2009 or the date on which the CAIR NO<sub>x</sub> Ozone Season unit commences commercial operation, except as provided in § 97.383(a).

(b) *Duty to reapply.* For a CAIR NO<sub>x</sub> Ozone Season source required to have a

title V operating permit, the CAIR designated representative shall submit a complete CAIR permit application under § 97.322 for the source covering each CAIR NO<sub>x</sub> Ozone Season unit at the source to renew the CAIR permit in accordance with the permitting authority's title V operating permits regulations addressing permit renewal, except as provided in § 97.383(b).

#### § 97.322 Information requirements for CAIR permit applications.

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

(a) Identification of the CAIR NO<sub>x</sub> Ozone Season source;

(b) Identification of each CAIR NO<sub>x</sub> Ozone Season unit at the CAIR NO<sub>x</sub> Ozone Season source; and

(c) The standard requirements under § 97.306.

#### § 97.323 CAIR permit contents and term.

(a) Each CAIR permit will contain, in a format prescribed by the permitting authority, all elements required for a complete CAIR permit application under § 97.322.

(b) Each CAIR permit is deemed to incorporate automatically the definitions of terms under § 97.302 and, upon recordation by the Administrator under subpart EEEE, FFFF, GGGG, or IIII of this part, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from the compliance account of the CAIR NO<sub>x</sub> Ozone Season source covered by the permit.

(c) The term of the CAIR permit will be set by the permitting authority, as necessary to facilitate coordination of the renewal of the CAIR permit with issuance, revision, or renewal of the CAIR NO<sub>x</sub> Ozone Season source's title V operating permit or other federally enforceable permit as applicable.

#### § 97.324 CAIR permit revisions.

Except as provided in § 97.323(b), the permitting authority will revise the CAIR permit, as necessary, in accordance with the permitting authority's

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title V operating permits regulations or the permitting authority's regulations for other federally enforceable permits as applicable addressing permit revisions.

**Subpart DDDD [Reserved]**

**Subpart EEEE—CAIR NO<sub>x</sub> Ozone Season Allowance Allocations**

**§ 97.340 State trading budgets.**

(a) Except as provided in paragraph (b) of this section, the State trading budgets for annual allocations of CAIR NO<sub>x</sub> Ozone Season allowances for the control periods in 2009 through 2014 and in 2015 and thereafter are respectively as follows:

State	State trading budget for 2009–2014 (tons)	State trading budget for 2015 and thereafter (tons)
Alabama .....	32,182	26,818
Arkansas .....	11,515	9,597
Connecticut .....	2,559	2,559
Delaware .....	2,226	1,855
District of Columbia .....	112	94
Florida .....	47,912	39,926
Illinois .....	30,701	28,981
Indiana .....	45,952	39,273
Iowa .....	14,263	11,886
Kentucky .....	36,045	30,587
Louisiana .....	17,085	14,238
Maryland .....	12,834	10,695
Massachusetts .....	7,551	6,293
Michigan .....	28,971	24,142
Mississippi .....	8,714	7,262
Missouri .....	26,678	22,231
New Jersey .....	6,654	5,545
New York .....	20,632	17,193
North Carolina .....	28,392	23,660
Ohio .....	45,664	39,945
Pennsylvania .....	42,171	35,143
South Carolina .....	15,249	12,707
Tennessee .....	22,842	19,035
Virginia .....	15,994	13,328
West Virginia .....	26,859	26,525
Wisconsin .....	17,987	14,989

(b) Upon approval by the Administrator of a State's State implementation plan revision under §51.123(ee)(1) of this chapter providing for the inclusion in the CAIR NO<sub>x</sub> Ozone Season Trading Program of all units that are not otherwise CAIR NO<sub>x</sub> Ozone Season units under §97.304(a) and (b) and that are NO<sub>x</sub> Budget units covered by the State's emissions trading program approved under §51.121(p), the amount in the State trading budget for a control period in a calendar year will be the sum of the amount set forth for the

State and for the year in paragraph (a) of this section and the amount of additional CAIR NO<sub>x</sub> Ozone Season allowance allocations issued under §51.123(ee)(1)(ii)(A) of this chapter for the year.

**§ 97.341 Timing requirements for CAIR NO<sub>x</sub> Ozone Season allowance allocations.**

(a) The Administrator will determine by order the CAIR NO<sub>x</sub> Ozone Season allowance allocations, in accordance with §97.342(a) and (b), for the control periods in 2009, 2010, 2011, 2012, 2013, and 2014.

(b) By July 31, 2011 and July 31 of each year thereafter, the Administrator will determine by order the CAIR NO<sub>x</sub> Ozone Season allowance allocations, in accordance with §97.342(a) and (b), for the control period in the fourth year after the year of the applicable deadline for determination under this paragraph.

(c) By April 30, 2009 and April 30 of each year thereafter, the Administrator will determine by order the CAIR NO<sub>x</sub> Ozone Season allowance allocations, in accordance with §97.342(a), (c), and (d), for the control period in the year of the applicable deadline for determination under this paragraph.

(d) The Administrator will make available to the public each determination of CAIR NO<sub>x</sub> Ozone Season allowances under paragraph (a), (b), or (c) 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 §97.342. Based on any such objections, the Administrator will adjust each determination to the extent necessary to ensure that it is in accordance with §97.342.

**§ 97.342 CAIR NO<sub>x</sub> Ozone Season allowance allocations.**

(a)(1) The baseline heat input (in mmBtu) used with respect to CAIR NO<sub>x</sub> Ozone Season allowance allocations under paragraph (b) of this section for each CAIR NO<sub>x</sub> Ozone Season unit will be:

(i) For units commencing operation before January 1, 2001 the average of