

Subpart C—Permits**§ 96.20 General NO_x Budget trading program permit requirements.**

(a) For each NO_x Budget source required to have a federally enforceable permit, such permit shall include a NO_x Budget permit administered by the permitting authority.

(1) For NO_x Budget sources required to have a title V operating permit, the NO_x Budget portion of the title V permit shall be administered in accordance with the permitting authority's title V operating permits regulations promulgated under part 70 or 71 of this chapter, except as provided otherwise by this subpart or subpart I of this part. The applicable provisions of such title V operating permits regulations shall include, but are not limited to, those provisions addressing operating permit applications, operating permit application shield, operating permit duration, operating permit shield, operating permit issuance, operating permit revision and reopening, public participation, State review, and review by the Administrator.

(2) For NO_x Budget sources required to have a non-title V permit, the NO_x 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. The applicable provisions of such non-title V permits regulations may include, but are not limited to, provisions addressing permit applications, permit application shield, permit duration, permit shield, permit issuance, permit revision and reopening, public participation, State review, and review by the Administrator.

(b) Each NO_x Budget permit (including a draft or proposed NO_x Budget permit, if applicable) shall contain all applicable NO_x Budget Trading Program requirements and shall be a complete and segregable portion of the permit under paragraph (a) of this section.

§ 96.21 Submission of NO_x Budget permit applications.

(a) *Duty to apply.* The NO_x authorized account representative of any NO_x Budget source required to have a feder-

ally enforceable permit shall submit to the permitting authority a complete NO_x Budget permit application under § 96.22 by the applicable deadline in paragraph (b) of this section.

(b)(1) For NO_x Budget sources required to have a title V operating permit:

(i) For any source, with one or more NO_x Budget units under § 96.4 that commence operation before January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 96.22 covering such NO_x Budget units to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's title V operating permits regulations for final action on a permit application) before May 1, 2003.

(ii) For any source, with any NO_x Budget unit under § 96.4 that commences operation on or after January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 96.22 covering such NO_x Budget unit to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's title V operating permits regulations for final action on a permit application) before the later of May 1, 2003 or the date on which the NO_x Budget unit commences operation.

(2) For NO_x Budget sources required to have a non-title V permit:

(i) For any source, with one or more NO_x Budget units under § 96.4 that commence operation before January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 96.22 covering such NO_x Budget units to the permitting authority at least 18 months (or such lesser time provided under the permitting authority's non-title V permits regulations for final action on a permit application) before May 1, 2003.

(ii) For any source, with any NO_x Budget unit under § 96.4 that commences operation on or after January 1, 2000, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 96.22 covering such NO_x Budget unit to the permitting authority at least 18

§ 96.22

40 CFR Ch. I (7-1-04 Edition)

months (or such lesser time provided under the permitting authority's non-title V permits regulations for final action on a permit application) before the later of May 1, 2003 or the date on which the NO_x Budget unit commences operation.

(c) *Duty to reapply.* (1) For a NO_x Budget source required to have a title V operating permit, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 96.22 for the NO_x Budget source covering the NO_x 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_x Budget source required to have a non-title V permit, the NO_x authorized account representative shall submit a complete NO_x Budget permit application under § 96.22 for the NO_x Budget source covering the NO_x Budget units at the source in accordance with the permitting authority's non-title V permits regulations addressing permit renewal.

§ 96.22 Information requirements for NO_x Budget permit applications.

A complete NO_x Budget permit application shall include the following elements concerning the NO_x Budget source for which the application is submitted, in a format prescribed by the permitting authority:

(a) Identification of the NO_x 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_x Budget unit at the NO_x Budget source and whether it is a NO_x Budget unit under § 96.4 or under subpart I of this part;

(c) The standard requirements under § 96.6; and

(d) For each NO_x Budget opt-in unit at the NO_x Budget source, the following certification statements by the NO_x 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_x Budget unit under 40 CFR 96.4 and is not covered by a retired unit exemption under 40 CFR 96.5 that is in effect."

(2) If the application is for an initial NO_x Budget opt-in permit, "I certify that each unit for which this permit application is submitted under subpart I is currently operating, as that term is defined under 40 CFR 96.2."

§ 96.23 NO_x Budget permit contents.

(a) Each NO_x Budget permit (including any draft or proposed NO_x Budget permit, if applicable) will contain, in a format prescribed by the permitting authority, all elements required for a complete NO_x Budget permit application under § 96.22 as approved or adjusted by the permitting authority.

(b) Each NO_x Budget permit is deemed to incorporate automatically the definitions of terms under § 96.2 and, upon recordation by the Administrator under subparts F, G, or I of this part, every allocation, transfer, or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or the overdraft account of the NO_x Budget source covered by the permit.

§ 96.24 Effective date of initial NO_x Budget permit.

The initial NO_x Budget permit covering a NO_x Budget unit for which a complete NO_x Budget permit application is timely submitted under § 96.21(b) shall become effective by the later of:

(a) May 1, 2003;

(b) May 1 of the year in which the NO_x Budget unit commences operation, if the unit commences operation on or before May 1 of that year;

(c) The date on which the NO_x Budget unit commences operation, if the unit commences operation during a control period; or

(d) May 1 of the year following the year in which the NO_x Budget unit commences operation, if the unit commences operation on or after October 1 of the year.

§ 96.25 NO_x Budget permit revisions.

(a) For a NO_x Budget source with a title V operating permit, except as provided in § 96.23(b), the permitting authority will revise the NO_x Budget permit, as necessary, in accordance with the permitting authority's title V operating permits regulations addressing permit revisions.