

## § 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<sub>x</sub> Budget unit commences operation.

(c) *Duty to reapply.* (1) For a NO<sub>x</sub> Budget source required to have a title V operating permit, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 96.22 for the NO<sub>x</sub> Budget source covering the NO<sub>x</sub> 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<sub>x</sub> Budget source required to have a non-title V permit, the NO<sub>x</sub> authorized account representative shall submit a complete NO<sub>x</sub> Budget permit application under § 96.22 for the NO<sub>x</sub> Budget source covering the NO<sub>x</sub> 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<sub>x</sub> Budget permit applications.

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

(a) Identification of the NO<sub>x</sub> 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<sub>x</sub> Budget unit at the NO<sub>x</sub> Budget source and whether it is a NO<sub>x</sub> Budget unit under § 96.4 or under subpart I of this part;

(c) The standard requirements under § 96.6; and

(d) For each NO<sub>x</sub> Budget opt-in unit at the NO<sub>x</sub> Budget source, the following certification statements by the NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> Budget permit contents.

(a) Each NO<sub>x</sub> Budget permit (including any draft or proposed NO<sub>x</sub> Budget permit, if applicable) will contain, in a format prescribed by the permitting authority, all elements required for a complete NO<sub>x</sub> Budget permit application under § 96.22 as approved or adjusted by the permitting authority.

(b) Each NO<sub>x</sub> 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<sub>x</sub> allowance to or from the compliance accounts of the NO<sub>x</sub> Budget units covered by the permit or the overdraft account of the NO<sub>x</sub> Budget source covered by the permit.

### § 96.24 Effective date of initial NO<sub>x</sub> Budget permit.

The initial NO<sub>x</sub> Budget permit covering a NO<sub>x</sub> Budget unit for which a complete NO<sub>x</sub> 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<sub>x</sub> Budget unit commences operation, if the unit commences operation on or before May 1 of that year;

(c) The date on which the NO<sub>x</sub> 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<sub>x</sub> Budget unit commences operation, if the unit commences operation on or after October 1 of the year.

### § 96.25 NO<sub>x</sub> Budget permit revisions.

(a) For a NO<sub>x</sub> Budget source with a title V operating permit, except as provided in § 96.23(b), the permitting authority will revise the NO<sub>x</sub> Budget permit, as necessary, in accordance with the permitting authority's title V operating permits regulations addressing permit revisions.

(b) For a NO<sub>x</sub> Budget source with a non-title V permit, except as provided in § 96.23(b), the permitting authority will revise the NO<sub>x</sub> Budget permit, as necessary, in accordance with the permitting authority's non-title V permits regulations addressing permit revisions.

### Subpart D—Compliance Certification

#### § 96.30 Compliance certification report.

(a) *Applicability and deadline.* For each control period in which one or more NO<sub>x</sub> Budget units at a source are subject to the NO<sub>x</sub> Budget emissions limitation, the NO<sub>x</sub> authorized account representative of the source shall submit to the permitting authority and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

(b) *Contents of report.* The NO<sub>x</sub> authorized account representative shall include in the compliance certification report under paragraph (a) of this section the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NO<sub>x</sub> Budget emissions limitation for the control period covered by the report:

(1) Identification of each NO<sub>x</sub> Budget unit;

(2) At the NO<sub>x</sub> authorized account representative's option, the serial numbers of the NO<sub>x</sub> allowances that are to be deducted from each unit's compliance account under § 96.54 for the control period;

(3) At the NO<sub>x</sub> authorized account representative's option, for units sharing a common stack and having NO<sub>x</sub> emissions that are not monitored separately or apportioned in accordance with subpart H of this part, the percentage of allowances that is to be deducted from each unit's compliance account under § 96.54(e); and

(4) The compliance certification under paragraph (c) of this section.

(c) *Compliance certification.* In the compliance certification report under paragraph (a) of this section, the NO<sub>x</sub> authorized account representative shall certify, based on reasonable in-

quiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> Budget units at the source in compliance with the NO<sub>x</sub> Budget Trading Program, whether each NO<sub>x</sub> Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO<sub>x</sub> Budget Trading Program applicable to the unit, including:

(1) Whether the unit was operated in compliance with the NO<sub>x</sub> Budget emissions limitation;

(2) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO<sub>x</sub> emissions to the unit, in accordance with subpart H of this part;

(3) Whether all the NO<sub>x</sub> emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with subpart H of this part. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;

(4) Whether the facts that form the basis for certification under subpart H of this part of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under subpart H of this part, if any, has changed; and

(5) If a change is required to be reported under paragraph (c)(4) of this section, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.