

---

## 40 C.F.R. § 97.512

---

### CSAPR NO<sub>x</sub> Ozone Season Group 1 allowance allocations to new units.

---

(a) *Allocations from new unit set-asides.* For each control period in 2015 and thereafter and for the CSAPR NO<sub>x</sub> Ozone Season Group 1 units in each State and areas of Indian country within the borders of the State subject to the State's SIP authority, the Administrator will allocate CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances to the CSAPR NO<sub>x</sub> Ozone Season Group 1 units as follows:

(1) The CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances will be allocated to the following CSAPR NO<sub>x</sub> Ozone Season Group 1 units, except as provided in paragraph (a)(10) of this section:

(i) CSAPR NO<sub>x</sub> Ozone Season Group 1 units that are not allocated an amount of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances in the notice of data availability issued under § 97.511(a)(1) and that have deadlines for certification of monitoring systems under § 97.530(b) not later than September 30 of the year of the control period;

(ii) CSAPR NO<sub>x</sub> Ozone Season Group 1 units whose allocation of an amount of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances for such control period in the notice of data availability issued under § 97.511(a)(1) is covered by § 97.511(c)(2) or (3);

(iii) CSAPR NO<sub>x</sub> Ozone Season Group 1 units that are allocated an amount of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances for such control period in the notice of data availability issued under § 97.511(a)(1), which allocation is terminated for such control period pursuant to § 97.511(a)(2), and that operate during the control period immediately preceding such control period, for allocations for a control period before 2021, or that operate during such control period, for allocations for a control period in 2021 or thereafter; or

(iv) For purposes of paragraph (a)(9) of this section, CSAPR NO<sub>x</sub> Ozone Season Group 1 units under § 97.511(c)(1)(ii) whose allocation of an amount of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances for such control period in the notice of data availability issued under § 97.511(b)(1)(ii)(B) is covered by § 97.511(c)(2) or (3).

(2) The Administrator will establish a separate new unit set-aside for the State for each such control period. Each such new unit set-aside will be allocated CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances in an amount equal to the applicable amount of tons of NO<sub>x</sub> emissions as set forth in § 97.510(a) and will be allocated additional CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances (if any) in accordance with § 97.511(a)(2) and (c)(5) and paragraph (b)(10) of this section.

(3) The Administrator will determine, for each CSAPR NO<sub>x</sub> Ozone Season Group 1 unit described in paragraph (a)(1) of this section, an allocation of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances for the latest of the following control periods and for each subsequent control period:

(i) The control period in 2015;

(ii)

(A) The first control period after the control period in which the CSAPR NO<sub>x</sub> Ozone Season Group 1 unit commences commercial operation, for allocations for a control period before 2021; or

(B) The control period containing the deadline for certification of the CSAPR NO<sub>x</sub> Ozone Season Group 1 unit's monitoring systems under § 97.530(b), for allocations for a control period in 2021 or thereafter;

(iii) For a unit described in paragraph (a)(1)(ii) of this section, the first control period in which the CSAPR NO<sub>x</sub> Ozone Season Group 1 unit operates in the State and areas of Indian country within the borders of the State subject to the State's SIP authority after operating in another jurisdiction and for which the unit is not already allocated one or more CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances; and

(iv) For a unit described in paragraph (a)(1)(iii) of this section, the first control period after the control period in which the unit resumes operation, for allocations for a control period before 2021, or the control period in which the unit resumes operation, for allocations for a control period in 2021 or thereafter.

(4)

(i) The allocation to each CSAPR NO<sub>x</sub> Ozone Season Group 1 unit described in paragraphs (a)(1)(i) through (iii) of this section and for each control period described in paragraph (a)(3) of this section will be an amount equal to the unit's total tons of NO<sub>x</sub> emissions during the immediately preceding control period, for allocations for a control period before 2021, or the unit's total tons of NO<sub>x</sub> emissions during the control period, for allocations for a control period in 2021 or thereafter.

(ii) The Administrator will adjust the allocation amount in paragraph (a)(4)(i) of this section in accordance with paragraphs (a)(5) through (7) and (12) of this section.

(5) The Administrator will calculate the sum of the allocation amounts of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances determined for all such CSAPR NO<sub>x</sub> Ozone Season Group 1 units under paragraph (a)(4)(i) of this section in the State and areas of Indian country within the borders of the State subject to the State's SIP authority for such control period.

This document is only available to subscribers. Please log in or purchase access.

[Purchase Login](#)