
40 C.F.R. § 97.611

Timing requirements for CSAPR SO₂ Group 1 allowance allocations.

(a) *Existing units.* (1) CSAPR SO₂ Group 1 allowances are allocated, for the control periods in 2015 and each year thereafter, as provided in a notice of data availability issued by the Administrator. Providing an allocation to a unit in such notice does not constitute a determination that the unit is a CSAPR SO₂ Group 1 unit, and not providing an allocation to a unit in such notice does not constitute a determination that the unit is not a CSAPR SO₂ Group 1 unit.

(2) Notwithstanding paragraph (a)(1) of this section, if a unit provided an allocation in the notice of data availability issued under paragraph (a)(1) of this section does not operate, starting after 2014, during the control period in two consecutive years, such unit will not be allocated the CSAPR SO₂ Group 1 allowances provided in such notice for the unit for the control periods in the fifth year after the first such year and in each year after that fifth year. All CSAPR SO₂ Group 1 allowances that would otherwise have been allocated to such unit will be allocated to the new unit set-aside for the State where such unit is located and for the respective years involved. If such unit resumes operation, the Administrator will allocate CSAPR SO₂ Group 1 allowances to the unit in accordance with paragraph (b) of this section.

(b) *New units—(1) New unit set-asides.* (i)(A) By June 1 of each year from 2015 through 2020, the Administrator will calculate the CSAPR SO₂ Group 1 allowance allocation to each CSAPR SO₂ Group 1 unit in a State and areas of Indian country within the borders of the State subject to the State's SIP authority, in accordance with § 97.612(a)(2) through (7) and (12) and §§ 97.606(b)(2) and 97.630 through 97.635, for the control period in the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(B) By March 1, 2022 and March 1 of each year thereafter, the Administrator will calculate the CSAPR SO₂ Group 1 allowance allocation to each CSAPR SO₂ Group 1 unit in a State and areas of Indian country within the borders of the State subject to the State's SIP authority, in accordance with § 97.612(a)(2) through (7), (10), and (12) and §§ 97.606(b)(2) and 97.630 through 97.635, for the control period in the year before the year of the applicable calculation deadline under this paragraph and will promulgate a notice of data availability of the results of the calculations.

(ii) For each notice of data availability required in paragraph (b)(1)(i) of this section, the Administrator will provide an opportunity for submission of objections to the calculations referenced in such notice.

(A) Objections shall be submitted by the deadline specified in each notice of data availability required in paragraph (b)(1)(i) of this section and shall be limited to addressing whether the calculations (including the identification of the CSAPR SO₂ Group 1 units) are in accordance with the provisions referenced in paragraph (b)(1)(i)(A) or (B) of this section, as applicable.

(B) The Administrator will adjust the calculations to the extent necessary to ensure that they are in accordance with the provisions referenced in paragraph (b)(1)(i)(A) or (B) of this section, as applicable. By August 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(1)(i)(A) of this section, or by May 1 immediately after the promulgation of each notice of data availability required in paragraph (b)(1)(i)(B) of this section, the Administrator will promulgate a notice of data availability of the results of the calculations incorporating any adjustments that the Administrator determines to be necessary and the reasons for accepting or rejecting any objections submitted in accordance with paragraph (b)(1)(ii)(A) of this section.

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