
40 C.F.R. § 97.612

CSAPR SO₂ 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 SO₂ 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 SO₂ Group 1 allowances to the CSAPR SO₂ Group 1 units as follows:

(1) The CSAPR SO₂ Group 1 allowances will be allocated to the following CSAPR SO₂ Group 1 units, except as provided in paragraph (a)(10) of this section:

(i) CSAPR SO₂ Group 1 units that are not allocated an amount of CSAPR SO₂ Group 1 allowances in the notice of data availability issued under § 97.611(a)(1) and that have deadlines for certification of monitoring systems under § 97.630(b) not later than December 31 of the year of the control period;

(ii) CSAPR SO₂ Group 1 units whose allocation of an amount of CSAPR SO₂ Group 1 allowances for such control period in the notice of data availability issued under § 97.611(a)(1) is covered by § 97.611(c)(2) or (3);

(iii) CSAPR SO₂ Group 1 units that are allocated an amount of CSAPR SO₂ Group 1 allowances for such control period in the notice of data availability issued under § 97.611(a)(1), which allocation is terminated for such control period pursuant to § 97.611(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 SO₂ Group 1 units under § 97.611(c)(1)(ii) whose allocation of an amount of CSAPR SO₂ Group 1 allowances for such control period in the notice of data availability issued under § 97.611(b)(1)(ii)(B) is covered by § 97.611(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 SO₂ Group 1 allowances in an amount equal to the applicable amount of tons of SO₂ emissions as set forth in § 97.610(a) and will be allocated additional CSAPR SO₂ Group 1 allowances (if any) in accordance with § 97.611(a)(2) and (c)(5) and paragraph (b)(10) of this section.

(3) The Administrator will determine, for each CSAPR SO₂ Group 1 unit described in paragraph (a)(1) of this section, an allocation of CSAPR SO₂ 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 SO₂ 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 SO₂ Group 1 unit's monitoring systems under § 97.630(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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ emissions during the immediately preceding control period, for allocations for a control period before 2021, or the unit's total tons of SO₂ 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.

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