
40 C.F.R. § 97.825

Compliance with CSAPR NO_x Ozone Season Group 2 assurance provisions.

(a) *Availability for deduction.* CSAPR NO_x Ozone Season Group 2 allowances are available to be deducted for compliance with the CSAPR NO_x Ozone Season Group 2 assurance provisions for a control period in a given year by the owners and operators of a group of one or more CSAPR NO_x Ozone Season Group 2 sources and units in a State (and Indian country within the borders of such State) only if the CSAPR NO_x Ozone Season Group 2 allowances:

(1) Were allocated or auctioned for a control period in a prior year or the control period in the given year or in the immediately following year;

(2) Are held in the assurance account, established by the Administrator for such owners and operators of such group of CSAPR NO_x Ozone Season Group 2 sources and units in such State (and Indian country within the borders of such State) under paragraph (b)(3) of this section, as of the deadline established in paragraph (b)(4) of this section;

(3) Are CSAPR NO_x Ozone Season Original Group 2 allowances, if the deductions are not for compliance with the CSAPR NO_x Ozone Season Group 2 assurance provisions by the owners and operators of a group of sources in a State listed in § 52.38(b)(2)(ii)(D)(1) of this chapter (and Indian country within the borders of such a State) for a control period after 2022; and

(4) Are CSAPR NO_x Ozone Season Expanded Group 2 allowances, if the deductions are for compliance with the CSAPR NO_x Ozone Season Group 2 assurance provisions by the owners and operators of a group of sources in a State listed in § 52.38(b)(2)(ii)(D)(1) of this chapter (and Indian country within the borders of such a State) for a control period after 2022.

(b) *Deductions for compliance.* The Administrator will deduct CSAPR NO_x Ozone Season Group 2 allowances available under paragraph (a) of this section for compliance with the CSAPR NO_x Ozone Season Group 2 assurance provisions for a State for a control period in a given year in accordance with the following procedures:

(1) By June 1 of each year from 2018 through 2021 and August 1 of each year thereafter, the Administrator will:

(i) Calculate, for each State (and Indian country within the borders of such State), the total NO_x emissions from all CSAPR NO_x Ozone Season Group 2 units at CSAPR NO_x Ozone Season Group 2 sources in the State (and Indian country within the borders of such State) during the control period in the year before the year of this calculation deadline and the amount, if any, by which such total NO_x emissions exceed the State assurance level as described

in § 97.806(c)(2)(iii); and

(ii) For the set of any States (and Indian country within the borders of such States) for which the results of the calculations required in paragraph (b)(1)(i) of this section indicate that total NO_x emissions exceed the respective State assurance levels for such control period—

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