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# 40 C.F.R. § 97.906

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## General provisions.

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(a) *Designated representative requirements.* The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§ 97.913 through 97.918.

(b) *Emissions monitoring, reporting, and recordkeeping requirements.* (1) The owners and operators, and the designated representative, of each Texas SO<sub>2</sub> Trading Program source and each Texas SO<sub>2</sub> Trading Program unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of §§ 97.930 through 97.935.

(2) The emissions data determined in accordance with §§ 97.930 through 97.935 shall be used to calculate allocations of Texas SO<sub>2</sub> Trading Program allowances under § 97.912 and to determine compliance with the Texas SO<sub>2</sub> Trading Program emissions limitation and assurance provisions under paragraph (c) of this section, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with §§ 97.930 through 97.935 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero and any fraction of a ton greater than or equal to 0.50 being deemed to be a whole ton.

(c) *SO<sub>2</sub> emissions requirements—(1) Texas SO<sub>2</sub> Trading Program emissions limitation.* (i) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each Texas SO<sub>2</sub> Trading Program source and each Texas SO<sub>2</sub> Trading Program unit at the source shall hold, in the source's compliance account, Texas SO<sub>2</sub> Trading Program allowances available for deduction for such control period under § 97.924(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all Texas SO<sub>2</sub> Trading Program units at the source.

(ii) If total SO<sub>2</sub> emissions during a control period in a given year from the Texas SO<sub>2</sub> Trading Program units at a Texas SO<sub>2</sub> Trading Program source are in excess of the Texas SO<sub>2</sub> Trading Program emissions limitation set forth in paragraph (c)(1)(i) of this section, then:

(A) The owners and operators of the source and each Texas SO<sub>2</sub> Trading Program unit at the source shall hold the Texas SO<sub>2</sub> Trading Program allowances required for deduction under § 97.924(d); and

(B) The owners and operators of the source and each Texas SO<sub>2</sub> Trading Program unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of this subpart and the Clean Air Act.

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