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## 40 C.F.R. § 97.925

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### Compliance with Texas SO<sub>2</sub> Trading Program assurance provisions.

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(a) *Availability for deduction.* Texas SO<sub>2</sub> Trading Program allowances are available to be deducted for compliance with the Texas SO<sub>2</sub> Trading Program assurance provisions for a control period in a given year by the owners and operators of a group of one or more Texas SO<sub>2</sub> Trading Program sources and units only if the Texas SO<sub>2</sub> Trading Program allowances:

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

(2) Are held in the assurance account, established by the Administrator for such owners and operators of such group of Texas SO<sub>2</sub> Trading Program sources and units under paragraph (b)(3) of this section, as of the deadline established in paragraph (b)(4) of this section.

(b) *Deductions for compliance.* The Administrator will deduct Texas SO<sub>2</sub> Trading Program allowances available under paragraph (a) of this section for compliance with the Texas SO<sub>2</sub> Trading Program assurance provisions for a control period in a given year in accordance with the following procedures:

(1) By August 1, 2022 and August 1 of each year thereafter, the Administrator will:

(i) Calculate the total SO<sub>2</sub> emissions from all Texas SO<sub>2</sub> Trading Program units at Texas SO<sub>2</sub> Trading Program sources during the control period in the year before the year of this calculation deadline and the amount, if any, by which such total SO<sub>2</sub> emissions exceed the State assurance level as described in § 97.906(c)(2)(iii); and

(ii) If the results of the calculations required in paragraph (b)(1)(i) of this section indicate that total SO<sub>2</sub> emissions exceed the State assurance level for such control period—

(A) Calculate, for such control period and each common designated representative for such control period for a group of one or more Texas SO<sub>2</sub> Trading Program sources and units, the common designated representative's share of the total SO<sub>2</sub> emissions from all Texas SO<sub>2</sub> Trading Program units at Texas SO<sub>2</sub> Trading Program sources, the common designated representative's assurance level, and the amount (if any) of Texas SO<sub>2</sub> Trading Program allowances that the owners and operators of such group of sources and units must hold in accordance with the calculation formula in § 97.906(c)(2)(i); and

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