
40 C.F.R. § 97.1025

Compliance with CSAPR NO_x Ozone Season Group 3 assurance provisions; CSAPR NO_x Ozone Season Group 3 secondary emissions limitation.

(a) *Availability for deduction.* CSAPR NO_x Ozone Season Group 3 allowances are available to be deducted for compliance with the CSAPR NO_x Ozone Season Group 3 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 3 sources and units in a State (and Indian country within the borders of such State) only if the CSAPR NO_x Ozone Season Group 3 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; and

(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 3 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.

(b) *Deductions for compliance.* The Administrator will deduct CSAPR NO_x Ozone Season Group 3 allowances available under paragraph (a) of this section for compliance with the CSAPR NO_x Ozone Season Group 3 assurance provisions for a State 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, 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 3 units at CSAPR NO_x Ozone Season Group 3 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 § 97.1006(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—

(A) Calculate, for each such State (and Indian country within the borders of such State) and such control period and each common designated representative for such control period for a group of one or more CSAPR NO_x Ozone Season Group 3 sources and units in such State (and such Indian country), the common designated representative's share of the total NO_x emissions from all CSAPR NO_x Ozone Season Group 3 units at CSAPR NO_x

Ozone Season Group 3 sources in such State (and such Indian country), the common designated representative's assurance level, and the amount (if any) of CSAPR NO_x Ozone Season Group 3 allowances that the owners and operators of such group of sources and units must hold in accordance with the calculation formula in § 97.1006(c)(2)(i); and

(B) Promulgate a notice of data availability of the results of the calculations required in paragraphs (b)(1)(i) and (b)(1)(ii)(A) of this section, including separate calculations of the NO_x emissions from each CSAPR NO_x Ozone Season Group 3 source in each such State (and Indian country within the borders of such State).

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