

equal the total number of tons of NO_x emissions apportioned to the NO_x Budget units under §96.4 in the State for the control period, as determined by the applicable, approved State implementation plan.

§96.41 Timing requirements for NO_x allowance allocations.

(a) By September 30, 1999, the permitting authority will submit to the Administrator the NO_x allowance allocations, in accordance with §96.42, for the control periods in 2003, 2004, and 2005.

(b) By April 1, 2003 and April 1 of each year thereafter, the permitting authority will submit to the Administrator the NO_x allowance allocations, in accordance with §96.42, for the control period in the year that is three years after the year of the applicable deadline for submission under this paragraph (b). If the permitting authority fails to submit to the Administrator the NO_x allowance allocations in accordance with this paragraph (b), the Administrator will allocate, for the applicable control period, the same number of NO_x allowances as were allocated for the preceding control period.

(c) By April 1, 2004 and April 1 of each year thereafter, the permitting authority will submit to the Administrator the NO_x allowance allocations, in accordance with §96.42, for any NO_x allowances remaining in the allocation set-aside for the prior control period.

§96.42 NO_x allowance allocations.

(a)(1) The heat input (in mmBtu) used for calculating NO_x allowance allocations for each NO_x Budget unit under §96.4 will be:

(i) For a NO_x allowance allocation under §96.41(a), the average of the two highest amounts of the unit's heat input for the control periods in 1995, 1996, and 1997 if the unit is under §96.4(a)(1) or the control period in 1995 if the unit is under §96.4(a)(2); and

(ii) For a NO_x allowance allocation under §96.41(b), the unit's heat input for the control period in the year that is four years before the year for which the NO_x allocation is being calculated.

(2) The unit's total heat input for the control period in each year specified under paragraph (a)(1) of this section will be determined in accordance with

part 75 of this chapter if the NO_x Budget unit was otherwise subject to the requirements of part 75 of this chapter for the year, or will be based on the best available data reported to the permitting authority for the unit if the unit was not otherwise subject to the requirements of part 75 of this chapter for the year.

(b) For each control period under §96.41, the permitting authority will allocate to all NO_x Budget units under §96.4(a)(1) in the State that commenced operation before May 1 of the period used to calculate heat input under paragraph (a)(1) of this section, a total number of NO_x allowances equal to 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the tons of NO_x emissions in the State trading program budget apportioned to electric generating units under §96.40 in accordance with the following procedures:

(1) The permitting authority will allocate NO_x allowances to each NO_x Budget unit under §96.4(a)(1) in an amount equaling 0.15 lb/mmBtu multiplied by the heat input determined under paragraph (a) of this section, rounded to the nearest whole NO_x allowance as appropriate.

(2) If the initial total number of NO_x allowances allocated to all NO_x Budget units under §96.4(a)(1) in the State for a control period under paragraph (b)(1) of this section does not equal 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the number of tons of NO_x emissions in the State trading program budget apportioned to electric generating units, the permitting authority will adjust the total number of NO_x allowances allocated to all such NO_x Budget units for the control period under paragraph (b)(1) of this section so that the total number of NO_x allowances allocated equals 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the number of tons of NO_x emissions in the State trading program budget apportioned to electric generating units. This adjustment will be made by: multiplying each unit's allocation by 95 percent in 2003, 2004, and 2005, or 98 percent thereafter, of the number of tons of NO_x emissions in the