**Section 217.778 Budget Opt-In Units: Withdrawal from NOx Trading Program**

a) Requesting withdrawal. To withdraw from the NOx Trading Program the account representative of a budget opt-in unit shall submit to the Agency a request to withdraw from the NOx Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

b) Conditions for withdrawal.

1) Before a budget opt-in unit may withdraw from the NOx Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:

A) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.

B) If the budget opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, USEPA has deducted from the budget opt-in unit's compliance account, or the overdraft account of the NOx budget source where the budget opt-in unit is located, the number of allowances required in accordance with 40 CFR 96.54(d) for the control period.

2) After the requirements for withdrawal under subsection (b)(1) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the budget opt-in unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.782 of this Part for the same or earlier control period for which the withdrawal is to be effective. USEPA will close the budget opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the budget opt-in unit shall become the account representative for the general account.

c) A budget opt-in unit that withdraws from the NOx Trading Program shall comply with all requirements under the NOx Trading Program concerning all years for which such budget opt-in unit was a budget opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

d) Notification.

1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the budget opt-in unit that the opt-in unit's request to withdraw its budget permit is denied. If the budget opt-in unit's request to withdraw is denied, the budget opt-in unit shall remain subject to the requirements for a budget opt-in unit.

e) Reapplication upon failure to meet conditions of withdrawal. If the Agency denies the budget opt-in unit's request to withdraw, the account representative of the budget opt-in unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.

f) Ability to return to the NOx Trading Program. Once an opt-in unit withdraws from the NOx Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.774(d) of this Part for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions is withdrawn.

(Source: Added at 25 Ill. Reg. 128, effective December 26, 2000)