

**Title 7 Natural Resources and Environmental Control
1100 Air Quality Management Section**

1147 CO₂ Budget Trading Program

03/11/2013

1.2.3 Requirements for any CO₂ Budget Source that is a petroleum refinery.

1.2.3.1 *Applicability.* Notwithstanding 1.2.1 of this regulation, a CO₂ budget source under 1.2.1 of this regulation that is a petroleum refinery may elect to participate in the CO₂ budget trading program by securing a permit issued pursuant to 7 **DE Admin Code** 1102 or 1130 that contains practically enforceable conditions that require compliance with all of the provisions of this regulation, except “CO₂ budget emissions limitation” shall mean for a CO₂ budget source, the tonnage equivalent, in CO₂ emissions associated with the gross electrical generation output to the electric grid in a control period from all CO₂ Budget Units at the CO₂ Budget Source, of the CO₂ allowances available for compliance deduction for the source for a control period; and the amount of CO₂ allowances required to be held pursuant to 1.5.3.1, and deducted pursuant to 6.5.2.1 of this regulation shall include only the number of tons of total CO₂ emissions associated with gross generation output to the electric grid.

1.2.3.2 *Effective date.* The requirements of 1.2.3.1 of this regulation shall become effective as of January 1 of the year that the permit required under 1.2.3.1 of this regulation becomes final.

1.2.2.3 *Compliance.*

For the purpose of applying permitting requirements under 3.0 of this regulation, and applying monitoring requirements under 8.0 of this regulation, the unit shall be treated as commencing operation on the date the permit required under 1.2.3.1 of this regulation becomes final.

1.2.4 *Deduction of tons from State of Delaware CO₂ Budget Trading Program limited industrial exemption set-aside account.* In the event that the Department grants an exemption under 1.2.2 or approval to comply under 1.2.3 of this regulation to a CO₂ source, with one or more units that on January 1, 2005, serves an electricity generator with a nameplate capacity equal to or greater than 25 MWe, the Department shall retire the number of CO₂ allowances from the set-aside established for such purpose under 5.3 of this regulation.

5.3.4.2 As of the January 1 that is after the date that an exemption under 1.2.2 or approval to comply under 1.2.3 has been granted, for each allocation year the Department will retire CO₂ allowances in the limited industrial exemption set-aside general account.
