



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 97

[FRL-13503-02-OAR]

Administration of Cross-State Air Pollution Rule Trading Program Assurance Provisions for 2025 Control Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of data availability.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice of the availability of data on the administration of the assurance provisions of the Cross-State Air Pollution Rule (CSAPR) trading program for the 2025 control period. Virginia units participating in the CSAPR NO_x Ozone Season Group 2E Trading Program during the 2025 control period reported total nitrogen oxides (NO_x) emissions that exceeded the State's assurance level under the program. The EPA has posted on the Agency's website a spreadsheet that presents data demonstrating the exceedance and the Agency's final calculations of the additional allowances that owners and operators of certain Virginia units must surrender.

DATES: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: For information about this notification, contact Lisa Thompson at telephone number: (919) 541-5158 or email address:

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SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this document, the use of “we,” “us,” or “our” refers to the EPA. The EPA uses multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CFR	Code of Federal Regulations
CSAPR	Cross-State Air Pollution Rule

EPA	Environmental Protection Agency
FR	<i>Federal Register</i>
NODA	notice of data availability
NO _x	nitrogen oxides

The regulations for each CSAPR trading program contain “assurance provisions” designed to ensure that the emission reductions required from each State covered by the program occur within the State. If total emissions from a State’s affected units exceed the State’s assurance level, certain covered sources within the State must surrender two allowances for each ton of emissions exceeding the assurance level (in addition to the ordinary obligation to surrender one allowance for each ton of emissions). In the emissions reports covering the 2025 control period, Virginia units participating in the CSAPR NO_x Ozone Season Group 2E Trading Program reported emissions exceeding the State’s assurance level under the program by 80 tons, resulting in a requirement to surrender 160 additional allowances.

When a State exceeds its assurance level, the EPA apportions the responsibility for surrendering the required additional allowances among groups of units in the State represented by “common designated representatives” based on the extent to which each group’s emissions exceeded the group’s share of the State’s assurance level.¹

On August 4, 2026, the EPA published a document in the *Federal Register* providing notice of the data relied on to determine the amount of the exceedance of the Virginia assurance level and the preliminary calculations of the amounts of additional allowances that the owners and operators of certain Virginia units must surrender as a result of the exceedance.² The EPA received three objections identifying errors in the Agency’s initial calculations.

As a result of these objections, the EPA updated the data the Agency used to support its final calculations. Specifically, the EPA: (1) corrected the Designated Representative for Hopewell Power Station; (2) updated the emissions from Remington Combustion Turbine

¹ For the CSAPR NO_x Ozone Season Group 2E Trading Program, the procedures are set forth at 40 Code of Federal Regulations (CFR) 97.802 (definitions of “common designated representative,” “common designated representative’s assurance level,” and “common designated representative’s share”), 97.806(c)(2) and (c)(4)(iv), and 97.825.

² 91 FR 49430 (Aug. 4, 2026).

Station Units 1, 2, and 4 based on its August 2026 data resubmittal; and (3) corrected a typo in the summary data, updating the Operator associated with the Designated Representative Hunt from Wolf Hills Energy, LLC to Tenaska Virginia Partners, LP.

Applying the procedures in the regulations for the 2025 control period to the updated data, the EPA's final calculations indicate that the responsibility for surrendering 160 additional allowances in Virginia should be apportioned primarily to the group of units operated by Hopewell Power Generation, LLC, with smaller shares apportioned to the groups of units operated by Wolf Hills Energy, LLC; Dominion Generation; and Calpine Operating Services Company, Inc. Each set of owners and operators identified pursuant to this notice of the final calculations must hold the required additional allowances in an assurance account by November 2, 2026.

The data and final calculations are available in an Excel spreadsheet titled "Final 2025 CSAPR Assurance Provision Calculations - Virginia" at <https://www.epa.gov/Cross-State-Air-Pollution/csapr-assurance-provision-nodas>. The spreadsheet contains data for the 2025 control period showing, for each Virginia unit identified as affected under the CSAPR NO_x Ozone Season Group 2E Trading Program, the unit's reported amount of NO_x emissions and the amount of CSAPR NO_x Ozone Season Group 2E allowances allocated to the unit, including any allowances allocated from new unit set-asides. The spreadsheet also provides 2025 control period calculations showing the total reported NO_x emissions from all such units in Virginia and the amounts by which those total reported NO_x emissions exceeded the State's assurance level under the program. Finally, the spreadsheet includes calculations for the 2025 control period showing, for each common designated representative for a group of such units, the common designated representative's share of the total reported NO_x emissions, the common designated representative's share of the State's assurance level, and the amount of additional CSAPR NO_x Ozone Season Group 2E allowances that the owners and operators of the units in the group must surrender.

Authority: 40 CFR part 97.

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