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(40 CFR Ch. 1 (7–1–13 Edition))

for such agent in this notice of delegation and that is made when I am a designated representative or alternate designated representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under 40 CFR 97.718(d) shall be deemed to be an electronic submission by me.

(ii) “Until this notice of delegation is superseded by another notice of delegation under 40 CFR 97.718(d), I agree to maintain an e-mail account and to notify the Administrator immediately of any change in my e-mail address unless all delegation of authority by me under 40 CFR 97.718 is terminated.”

(d) A notice of delegation submitted under paragraph (c) of this section shall be effective, with regard to the designated representative or alternate designated representative identified in such notice, upon receipt of such notice by the Administrator and until receipt by the Administrator of a superseding notice of delegation submitted by such designated representative or alternate designated representative, as appropriate. The superseding notice of delegation may replace any previously identified agent, add a new agent, or eliminate entirely any delegation of authority.

(e) Any electronic submission covered by the certification in paragraph (c)(4)(i) of this section and made in accordance with a notice of delegation effective under paragraph (d) of this section shall be deemed to be an electronic submission by the designated representative or alternate designated representative submitting such notice of delegation.

§ 97.719 [Reserved]

§ 97.720 Establishment of compliance accounts, assurance accounts, and general accounts.

(a) Compliance accounts. Upon receipt of a complete certificate of representation under §97.716, the Administrator will establish a compliance account for the TR SO₂ Group 2 source for which the certificate of representation was submitted, unless the source already has a compliance account. The designated representative and any alternate designated representative of the source shall be the authorized account representative and the alternate authorized account representative respectively of the compliance account.

(b) Assurance accounts. The Administrator will establish assurance accounts for certain owners and operators and States in accordance with §97.725(b)(3).

(c) General accounts. (1) Application for general account. (i) Any person may apply to open a general account, for the purpose of holding and transferring TR SO₂ Group 2 allowances, by submitting to the Administrator a complete application for a general account. Such application shall designate one and only one authorized account representative and may designate one and only one alternate authorized account representative who may act on behalf of the authorized account representative.

(A) The authorized account representative and alternate authorized account representative shall be selected by an agreement binding on the persons who have an ownership interest with respect to TR SO₂ Group 2 allowances held in the general account.

(B) The agreement by which the alternate authorized account representative is selected shall include a procedure for authorizing the alternate authorized account representative to act in lieu of the authorized account representative.

(ii) A complete application for a general account shall include the following elements in a format prescribed by the Administrator:

(A) Name, mailing address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the authorized account representative and any alternate authorized account representative;

(B) An identifying name for the general account;

(C) A list of all persons subject to a binding agreement for the authorized account representative and any alternate authorized account representative to represent their ownership interest with respect to the TR SO₂ Group 2 allowances held in the general account;

(D) The following certification statement by the authorized account representative and any alternate authorized account representative: “I certify
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that I was selected as the authorized account representative or the alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to TR SO\textsuperscript{2} Group 2 allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the TR SO\textsuperscript{2} Group 2 Trading Program on behalf of such persons and that each such person shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the Administrator regarding the general account."

(c)(5) The signature of the authorized account representative and any alternate authorized account representative and the dates signed.

(iii) Unless otherwise required by the Administrator, documents of agreement referred to in the application for a general account shall not be submitted to the Administrator. The Administrator shall not be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(2) Authorization of authorized account representative and alternate authorized account representative. (i) Upon receipt by the Administrator of a complete application for a general account under paragraph (b)(1) of this section, the Administrator will establish a general account for the person or persons for whom the application is submitted, and upon and after such receipt by the Administrator:

(A) The authorized account representative of the general account shall be authorized and shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to TR SO\textsuperscript{2} Group 2 allowances held in the general account in all matters pertaining to the TR SO\textsuperscript{2} Group 2 Trading Program, notwithstanding any agreement between the authorized account representative and such person.

(B) Any alternate authorized account representative shall be authorized, and any representation, action, inaction, or submission by any alternate authorized account representative shall be deemed to be a representation, action, inaction, or submission by the authorized account representative.

(C) Each person who has an ownership interest with respect to TR SO\textsuperscript{2} Group 2 allowances held in the general account shall be bound by any decision or order issued to the authorized account representative or alternate authorized account representative by the Administrator regarding the general account.

(ii) Except as provided in paragraph (c)(5) of this section concerning delegation of authority to make submissions, each submission concerning the general account shall be made, signed, and certified by the authorized account representative or any alternate authorized account representative for the persons having an ownership interest with respect to TR SO\textsuperscript{2} Group 2 allowances held in the general account. Each such submission shall include the following certification statement by the authorized account representative or any alternate authorized account representative: "I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the TR SO\textsuperscript{2} Group 2 allowances held in the general account. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

(iii) Except in this section, whenever the term "authorized account representative" is used in this subpart, the term shall be construed to include the authorized account representative or any alternate authorized account representative.

(3) Changing authorized account representative and alternate authorized account representative; changes in persons with ownership interest. (i) The authorized account representative of a
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general account may be changed at any
time upon receipt by the Adminis-
trator of a superseding complete appli-
cation for a general account under
paragraph (c)(1) of this section. Not-
withstanding any such change, all rep-
resentations, actions, inactions, and
submissions by the previous authorized
account representative before the time
and date when the Administrator re-
ceives the superseding application for a
general account shall be binding on the
new authorized account representative
and the persons with an ownership in-
terest with respect to the TR SO₂
Group 2 allowances in the general ac-
count.

(ii) The alternate authorized account
representative of a general account
may be changed at any time upon re-
ceipt by the Administrator of a super-
seding complete application for a gen-
eral account under paragraph (c)(1) of
this section. Notwithstanding any such
change, all representations, actions, in-
actions, and submissions by the pre-
vious alternate authorized account rep-
resentative before the time and date
when the Administrator receives the
superseding application for a general
account shall be binding on the new al-
ternate authorized account representa-
tive, the authorized account representa-
tive, and the persons with an ownership
interest with respect to the TR SO₂
Group 2 allowances in the general ac-
count.

(iii)(A) In the event a person having
an ownership interest with respect to
TR SO₂ Group 2 allowances in the gen-
eral account is not included in the list
of such persons in the application for a
general account, such person shall be
deemed to be subject to and bound by
the application for a general account,
the representation, actions, inactions,
and submissions of the authorized ac-
count representative and any alternate
authorized account representative of
the account, and the decisions and or-
ders of the Administrator, as if the per-
son were included in such list.

(B) Within 30 days after any change
in the persons having an ownership in-
terest with respect to SO₂ Group 2 al-
lowances in the general account, in-
cluding the addition or removal of a
person, the authorized account rep-
resentative or any alternate authorized
account representative shall submit a
revision to the application for a gen-
eral account amending the list of per-
sons having an ownership interest with
respect to the TR SO₂ Group 2 allow-
ances in the general account to include
the change.

(4) Objections concerning authorized
account representative and alternate
authorized account representative. (i) On-
ce a complete application for a gen-
eral account under paragraph (c)(1) of
this section has been submitted and re-
ceived, the Administrator will rely on
the application unless and until a su-
perseding complete application for a
general account under paragraph (b)(1)
of this section is received by the Ad-
ministrator.

(ii) Except as provided in paragraph
(c)(4)(i) of this section, no objection or
other communication submitted to the
Administrator concerning the author-
ization, or any representation, action,
inaction, or submission of the author-
ized account representative or any al-
ternate authorized account representa-
tive of a general account shall affect
any representation, action, inaction, or
submission of the authorized account
representative or any alternate author-
ized account representative or the fi-
nality of any decision or order by the
Administrator under the TR SO₂ Group
2 Trading Program.

(iii) The Administrator will not adju-
dicate any private legal dispute con-
cerning the authorization or any rep-
resentation, action, inaction, or sub-
mission of the authorized account rep-
resentative or any alternate authorized
account representative of a general ac-
count, including private legal disputes
concerning the proceeds of TR SO₂
Group 2 allowance transfers.

(5) Delegation by authorized account
representative and alternate author-
ized account representative. (i) An au-
thorized account representative of a
general account may delegate, to one
or more natural persons, his or her au-
thority to make an electronic submis-
sion to the Administrator provided for
or required under this subpart.

(ii) An alternate authorized account
representative of a general account
may delegate, to one or more natural
persons, his or her authority to make
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an electronic submission to the Administrator provided for or required under this subpart.

(iii) In order to delegate authority to a natural person to make an electronic submission to the Administrator in accordance with paragraph (c)(5)(i) or (ii) of this section, the authorized account representative or alternate authorized account representative, as appropriate, must submit to the Administrator a notice of delegation, in a format prescribed by the Administrator, that includes the following elements:

(A) The name, address, e-mail address, telephone number, and facsimile transmission number (if any) of such authorized account representative or alternate authorized account representative;

(B) The name, address, e-mail address, telephone number, and facsimile transmission number (if any) of each such natural person (referred to in this section as an “agent”);

(C) For each such natural person, a list of the type or types of electronic submissions under paragraph (c)(5)(i) or (ii) of this section for which authority is delegated to him or her;

(D) The following certification statement by such authorized account representative or alternate authorized account representative: “I agree that any electronic submission to the Administrator that is made by an agent identified in this notice of delegation and of a type listed for such agent in this notice of delegation and that is made when I am an authorized account representative or alternate authorized account representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under 40 CFR 97.720(c)(5)(iv) shall be deemed to be an electronic submission by me.”;

(E) The following certification statement by such authorized account representative or alternate authorized account representative: “Until this notice of delegation is superseded by another notice of delegation under 40 CFR 97.720(c)(5)(iv), I agree to maintain an e-mail account and to notify the Administrator immediately of any change in my e-mail address unless all delegation of authority by me under 40 CFR 97.720(c)(5) is terminated.”.

(iv) A notice of delegation submitted under paragraph (c)(5)(iii) of this section shall be effective, with regard to the authorized account representative or alternate authorized account representative identified in such notice, upon receipt of such notice by the Administrator and until receipt by the Administrator of a superseding notice of delegation submitted by such authorized account representative or alternate authorized account representative, as appropriate. The superseding notice of delegation may replace any previously identified agent, add a new agent, or eliminate entirely any delegation of authority.

(v) Any electronic submission covered by the certification in paragraph (c)(5)(iii)(D) of this section and made in accordance with a notice of delegation effective under paragraph (c)(5)(iv) of this section shall be deemed to be an electronic submission by the designated representative or alternate designated representative submitting such notice of delegation.

(6) Closing a general account. (i) The authorized account representative or alternate authorized account representative of a general account may submit to the Administrator a request to close the account. Such request shall include a correctly submitted TR SO$_2$ Group 2 allowance transfer under §97.722 for any TR SO$_2$ Group 2 allowances in the account to one or more other Allowance Management System accounts.

(ii) If a general account has no TR SO$_2$ Group 2 allowance transfers to or from the account for a 12-month period or longer and does not contain any TR SO$_2$ Group 2 allowances, the Administrator may notify the authorized account representative for the account that the account will be closed after 30 days after the notice is sent. The account will be closed after the 30-day period unless, before the end of the 30-day period, the Administrator receives a correctly submitted TR SO$_2$ Group 2 allowance transfer under §97.722 to the account or a statement submitted by the authorized account representative or alternate authorized account representative demonstrating to the satisfaction of the Administrator good
§ 97.721 Recordation of TR SO₂ Group 2 allowance allocations and auction results.

(a) By November 7, 2011, the Administrator will record in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances allocated to the TR SO₂ Group 2 units at the source in accordance with §97.711(a) for the control period in 2012.

(b) By November 7, 2011, the Administrator will record in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances allocated to the TR SO₂ Group 2 units at the source in accordance with §97.711(a) for the control period in 2013, unless the State in which the source is located notifies the Administrator in writing by October 17, 2011 of the State’s intent to submit to the Administrator a complete SIP revision by April 1, 2012 meeting the requirements of §52.39(g)(1) through (4) of this chapter.

(1) If, by April 1, 2012, the State does not submit to the Administrator such complete SIP revision, the Administrator will record by April 15, 2012 in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances allocated to the TR SO₂ Group 2 units at the source in accordance with §97.711(a) for the control period in 2013.

(2) If the State submits to the Administrator by April 1, 2012, and the Administrator approves by October 1, 2012, such complete SIP revision, the Administrator will record by October 1, 2012 in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances allocated to the TR SO₂ Group 2 units at the source as provided in such approved, complete SIP revision for the control period in 2013.

(3) If the State submits to the Administrator by April 1, 2012, and the Administrator does not approve by October 1, 2012, such complete SIP revision, the Administrator will record by October 1, 2012 in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances allocated to the TR SO₂ Group 2 units at the source in accordance with §97.711(a) for the control period in 2013.

(c) By July 1, 2013, the Administrator will record in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances auctioned to the TR SO₂ Group 2 units at the source, or in each appropriate Allowance Management System account the TR SO₂ Group 2 allowances auctioned to the TR SO₂ Group 2 units, in accordance with §97.711(a), or with a SIP revision approved under §52.39(h) or (i) of this chapter, for the control period in 2014 and 2015.

(d) By July 1, 2014, the Administrator will record in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances auctioned to the TR SO₂ Group 2 units at the source, or in each appropriate Allowance Management System account the TR SO₂ Group 2 allowances auctioned to the TR SO₂ Group 2 units, in accordance with §97.711(a), or with a SIP revision approved under §52.39(h) or (i) of this chapter, for the control period in 2016 and 2017.

(e) By July 1, 2015, the Administrator will record in each TR SO₂ Group 2 source’s compliance account the TR SO₂ Group 2 allowances auctioned to the TR SO₂ Group 2 units at the source, or in each appropriate Allowance Management System account the TR SO₂ Group 2 allowances auctioned to the TR SO₂ Group 2 units, in accordance with §97.711(a), or with a SIP revision approved under §52.39(h) or (i) of this chapter.