Subpart F—NO\textsubscript{X} Allowance Tracking System

§ 96.50 NO\textsubscript{X} Allowance Tracking System accounts.

(a) Nature and function of compliance accounts and overdraft accounts. Consistent with §96.51(a), the Administrator will establish one compliance account for each NO\textsubscript{X} Budget unit and one overdraft account for each source with one or more NO\textsubscript{X} Budget units. Allocations of NO\textsubscript{X} allowances pursuant to subpart E of this part or §96.88 and deductions or transfers of NO\textsubscript{X} allowances pursuant to §96.31, §96.54, §96.56, subpart G of this part, or subpart I of this part will be recorded in the compliance accounts or overdraft accounts in accordance with this subpart.

(b) Nature and function of general accounts. Consistent with §96.51(b), the Administrator will establish, upon request, a general account for any person. Transfers of allowances pursuant to subpart G of this part will be recorded in the general account in accordance with this subpart.

§ 96.51 Establishment of accounts.

(a) Compliance accounts and overdraft accounts. Upon receipt of a complete account certificate of representation under §96.13, the Administrator will establish:

1. A compliance account for each NO\textsubscript{X} Budget unit for which the account certificate of representation was submitted; and

2. An overdraft account for each source for which the account certificate of representation was submitted and that has two or more NO\textsubscript{X} Budget units.

(b) General accounts. (1) Any person may apply to open a general account for the purpose of holding and transferring allowances. A complete application for a general account shall be submitted to the Administrator and shall include the following elements in a format prescribed by the Administrator:

1. Name, mailing address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NO\textsubscript{X} authorized account representative and any alternate NO\textsubscript{X} authorized account representative;

(ii) At the option of the NO\textsubscript{X} authorized account representative, organization name and type of organization;

(iii) A list of all persons subject to a binding agreement for the NO\textsubscript{X} authorized account representative or any alternate NO\textsubscript{X} authorized account representative to represent their ownership interest with respect to the allowances held in the general account;

(iv) The following certification statement by the NO\textsubscript{X} authorized account representative and any alternate NO\textsubscript{X} authorized account representative: ‘‘I certify that I was selected as the NO\textsubscript{X} authorized account representative or the NO\textsubscript{X} alternate authorized account representative, as applicable, by an agreement that is binding on all persons who have an ownership interest with respect to allowances held in the general account. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NO\textsubscript{X} Budget 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 order or decision issued to me by the Administrator or a court regarding the general account.’’

(v) The signature of the NO\textsubscript{X} authorized account representative and any alternate NO\textsubscript{X} authorized account representative and the dates signed.

(vi) Unless otherwise required by the permitting authority or the Administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the permitting authority or the Administrator. Neither the permitting authority nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

(2) Upon receipt by the Administrator of a complete application for a general account under paragraph (b)(1) of this section:

1. The Administrator will establish a general account for the person or persons for whom the application is submitted.

(ii) The NO\textsubscript{X} authorized account representative and any alternate NO\textsubscript{X} authorized account representative for the general account shall represent and, by
his or her representations, actions, inactions, or submissions, legally bind each person who has an ownership interest with respect to NO\textsubscript{X} allowances held in the general account in all matters pertaining to the NO\textsubscript{X} Budget Trading Program, notwithstanding any agreement between the NO\textsubscript{X} authorized account representative or any alternate NO\textsubscript{X} authorized account representative and such person. Any such person shall be bound by any order or decision issued to the NO\textsubscript{X} authorized account representative or any alternate NO\textsubscript{X} authorized account representative by the Administrator or a court regarding the general account.

(iii) Each submission concerning the general account shall be submitted, signed, and certified by the NO\textsubscript{X} authorized account representative or any alternate NO\textsubscript{X} authorized account representative for the persons having an ownership interest with respect to NO\textsubscript{X} allowances held in the general account. Each such submission shall include the following certification statement by the NO\textsubscript{X} authorized account representative or any alternate NO\textsubscript{X} authorized account representative any: “I am authorized to make this submission on behalf of the persons having an ownership interest with respect to the NO\textsubscript{X} 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.”

(iv) The Administrator will accept or act on a submission concerning the general account only if the submission has been made, signed, and certified in accordance with paragraph (b)(2)(iii) of this section.

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(3)(i) An application for a general account may designate one and only one NO\textsubscript{X} authorized account representative and one and only one alternate NO\textsubscript{X} authorized account representative who may act on behalf of the NO\textsubscript{X} authorized account representative. The agreement by which the alternate NO\textsubscript{X} authorized account representative is selected shall include a procedure for authorizing the alternate NO\textsubscript{X} authorized account representative to act in lieu of the NO\textsubscript{X} authorized account representative.

(ii) Upon receipt by the Administrator of a complete application for a general account under paragraph (b)(1) of this section, any representation, action, inaction, or submission by any alternate NO\textsubscript{X} authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NO\textsubscript{X} authorized account representative.

(4)(i) The NO\textsubscript{X} authorized account representative for a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (b)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NO\textsubscript{X} authorized account representative prior to the time and date when the Administrator receives the superseding application for a general account shall be binding on the new NO\textsubscript{X} authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

(ii) The alternate NO\textsubscript{X} authorized account representative for a general account may be changed at any time upon receipt by the Administrator of a superseding complete application for a general account under paragraph (b)(1) of this section. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NO\textsubscript{X} authorized account representative prior to the time and date when the Administrator receives the superseding application for a general account shall be binding on the new alternate NO\textsubscript{X} authorized account representative and the persons with an ownership interest with respect to the allowances in the general account.

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§ 96.52 NOx Allowance Tracking System responsibilities of NOx authorized account representative.

(a) Following the establishment of a NOx Allowance Tracking System account, all submissions to the Administrator pertaining to the account, including, but not limited to, submissions concerning the deduction or transfer of NOx allowances in the account, shall be made only by the NOx authorized account representative for the account.

(b) Authorized account representative identification. The Administrator will assign a unique identifying number to each NOx authorized account representative.

§ 96.53 Recordation of NOx allowance allocations.

(a) The Administrator will record the NOx allowances for 2003 in the NOx Budget units' compliance accounts and the allocation set-asides, as allocated under subpart E of this part. The Administrator will also record the NOx allowances allocated under §96.88(a)(1) for each NOx Budget opt-in source in its compliance account.

(b) Each year, after the Administrator has made all deductions from a NOx Budget unit's compliance account and the overdraft account for the year after the last year for which allowances were previously allocated to the compliance account. Each year, the Administrator will also record NOx allowances, as allocated under subpart E of this part, in the allocation set-aside for the year after the last year for which allowances were...