

paragraph (b)(5)(i) or (ii) of this section, the CAIR authorized account representative or alternate CAIR 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 CAIR authorized account representative or alternate CAIR 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 as an “agent”);

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

(D) The following certification statement by such CAIR authorized account representative or alternate CAIR authorized account representative: “I agree that any electronic submission to the Administrator that is 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 a CAIR authorized account representative or alternate CAIR authorized representative, as appropriate, and before this notice of delegation is superseded by another notice of delegation under 40 CFR 96.151(b)(5)(iv) shall be deemed to be an electronic submission by me.”; and

(E) The following certification statement by such CAIR authorized account representative or alternate CAIR authorized account representative: “Until this notice of delegation is superseded by another notice of delegation under 40 CFR 96.151 (b)(5)(iv), I agree to maintain an e-mail account and to notify the Administrator immediately of any change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 96.151 (b)(5) is terminated.”

(iv) A notice of delegation submitted under paragraph (b)(5)(iii) of this section shall be effective, with regard to the CAIR authorized account representative or alternate CAIR 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 CAIR authorized account representative or alternate CAIR 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 (b)(5)(iii)(D) of this section and made in accordance with a notice of delegation effective under paragraph (b)(5)(iv) of this section shall be deemed to be an electronic submission by the CAIR designated representative or alternate CAIR designated representative submitting such notice of delegation.

[70 FR 25339, May 12, 2005, as amended at 71 FR 25383, Apr. 28, 2006; 71 FR 74794, Dec. 13, 2006]

#### **§ 96.152 Responsibilities of CAIR authorized account representative.**

Following the establishment of a CAIR NO<sub>x</sub> 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 CAIR NO<sub>x</sub> allowances in the account, shall be made only by the CAIR authorized account representative for the account.

#### **§ 96.153 Recordation of CAIR NO<sub>x</sub> allowance allocations.**

(a) By September 30, 2007, the Administrator will record in the CAIR NO<sub>x</sub> source’s compliance account the CAIR NO<sub>x</sub> allowances allocated for the CAIR NO<sub>x</sub> units at the source, as submitted by the permitting authority in accordance with § 96.141(a), for the control periods in 2009, 2010, 2011, 2012, 2013, and 2014.

(b) By December 1, 2009, the Administrator will record in the CAIR NO<sub>x</sub> source’s compliance account the CAIR NO<sub>x</sub> allowances allocated for the CAIR NO<sub>x</sub> units at the source, as submitted by the permitting authority in accordance with § 96.141(b), for the control period in 2015.

(c) By December 1, 2009 and December 1 of each year thereafter, the Administrator will record in the CAIR NO<sub>x</sub> source's compliance account the CAIR NO<sub>x</sub> allowances allocated for the CAIR NO<sub>x</sub> units at the source, as submitted by the permitting authority in accordance with § 96.141(b), for the control period in the sixth year after the year of the applicable deadline for recordation under this paragraph.

(d) By December 1, 2009 and December 1 of each year thereafter, the Administrator will record in the CAIR NO<sub>x</sub> source's compliance account the CAIR NO<sub>x</sub> allowances allocated for the CAIR NO<sub>x</sub> units at the source, as submitted by the permitting authority or determined by the Administrator in accordance with § 96.141(c), for the control period in the year of the applicable deadline for recordation under this paragraph.

(e) *Serial numbers for allocated CAIR NO<sub>x</sub> allowances.* When recording the allocation of CAIR NO<sub>x</sub> allowances for a CAIR NO<sub>x</sub> unit in a compliance account, the Administrator will assign each CAIR NO<sub>x</sub> allowance a unique identification number that will include digits identifying the year of the control period for which the CAIR NO<sub>x</sub> allowance is allocated.

[70 FR 25339, May 12, 2005, as amended at 71 FR 25384, Apr. 28, 2006]

EDITORIAL NOTE: At 71 FR 25384, Apr. 28, 2006, § 196.153 was amended; however, the amendment could not be incorporated due to inaccurate amendatory instruction.

**§ 96.154 Compliance with CAIR NO<sub>x</sub> emissions limitation.**

(a) *Allowance transfer deadline.* The CAIR NO<sub>x</sub> allowances are available to be deducted for compliance with a source's CAIR NO<sub>x</sub> emissions limitation for a control period in a given calendar year only if the CAIR NO<sub>x</sub> allowances:

(1) Were allocated for the control period in the year or a prior year; and

(2) Are held in the compliance account as of the allowance transfer deadline for the control period or are transferred into the compliance account by a CAIR NO<sub>x</sub> allowance transfer correctly submitted for recordation under §§ 96.160 and 96.161 by the allow-

ance transfer deadline for the control period.

(b) *Deductions for compliance.* Following the recordation, in accordance with § 96.161, of CAIR NO<sub>x</sub> allowance transfers submitted for recordation in a source's compliance account by the allowance transfer deadline for a control period, the Administrator will deduct from the compliance account CAIR NO<sub>x</sub> allowances available under paragraph (a) of this section in order to determine whether the source meets the CAIR NO<sub>x</sub> emissions limitation for the control period, as follows:

(1) Until the amount of CAIR NO<sub>x</sub> allowances deducted equals the number of tons of total nitrogen oxides emissions, determined in accordance with subpart HH of this part, from all CAIR NO<sub>x</sub> units at the source for the control period; or

(2) If there are insufficient CAIR NO<sub>x</sub> allowances to complete the deductions in paragraph (b)(1) of this section, until no more CAIR NO<sub>x</sub> allowances available under paragraph (a) of this section remain in the compliance account.

(c)(1) *Identification of CAIR NO<sub>x</sub> allowances by serial number.* The CAIR authorized account representative for a source's compliance account may request that specific CAIR NO<sub>x</sub> allowances, identified by serial number, in the compliance account be deducted for emissions or excess emissions for a control period in accordance with paragraph (b) or (d) of this section. Such request shall be submitted to the Administrator by the allowance transfer deadline for the control period and include, in a format prescribed by the Administrator, the identification of the CAIR NO<sub>x</sub> source and the appropriate serial numbers.

(2) *First-in, first-out.* The Administrator will deduct CAIR NO<sub>x</sub> allowances under paragraph (b) or (d) of this section from the source's compliance account, in the absence of an identification or in the case of a partial identification of CAIR NO<sub>x</sub> allowances by serial number under paragraph (c)(1) of this section, on a first-in, first-out (FIFO) accounting basis in the following order:

(i) Any CAIR NO<sub>x</sub> allowances that were allocated to the units at the source, in the order of recordation; and then