

3745-109-12

CAIR SO2 allowance transfers.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (H) of rule 3745-109-01 of the Administrative Code titled "Incorporation by Reference."]

(A) Submission of CAIR SO2 allowance transfers.

- (1) A CAIR authorized account representative seeking recordation of a CAIR SO2 allowance transfer shall submit the transfer to the administrator. To be considered correctly submitted, the CAIR SO2 allowance transfer shall include the following elements, in a format specified by the administrator:
 - (a) The account numbers of both the transferor and transferee accounts;
 - (b) The serial number of each CAIR SO2 allowance that is in the transferor account and is to be transferred; and
 - (c) The name and signature of the CAIR authorized account representatives of the transferor and transferee accounts and the dates signed:
 - (i) The CAIR authorized account representative for the transferee account can meet the requirements in paragraph (A)(1)(c) of this rule 3745-109-13 of the Administrative Code by submitting, in a format prescribed by the administrator, a statement signed by the CAIR authorized account representative and identifying each account into which any transfer of allowances, submitted on or after the date on which the administrator receives such statement, is authorized. Such authorization shall be binding on any CAIR authorized account representative for such account and shall apply to all transfers into the account that are submitted on or after such date of receipt, unless and until the administrator receives a statement signed by the CAIR authorized account representative retracting the authorization for the account.
 - (ii) The statement under paragraph (A)(~~2~~)(a) (1)(c)(i) of this rule shall include the following: "By this signature I authorize any transfer of allowances into each account listed herein, except that I do not waive any remedies under state or federal law to obtain correction of any erroneous transfers into such accounts. This authorization shall be binding on any CAIR authorized account representative for such account unless and until a statement signed by the CAIR authorized account representative retracting this authorization for

the account is received by the administrator."

(B) EPA Recordation.

- (1) Within five business days (except as necessary to perform a transfer in perpetuity of CAIR SO₂ allowances allocated to a CAIR SO₂ unit or as provided in paragraph (B)(2) of this rule) of receiving a CAIR SO₂ allowance transfer, the administrator shall record a CAIR SO₂ allowance transfer by moving each CAIR SO₂ allowance from the transferor account to the transferee account as specified by the request, provided that:
 - (a) The transfer is correctly submitted under paragraph (A) of this rule;
 - (b) The transferor account includes each CAIR SO₂ allowance identified by serial number in the transfer; and
 - (c) The transfer is in accordance with the limitation on transfer under 40 CFR 74.42 and 40 CFR 74.47(c), as applicable.
- (2) A CAIR SO₂ allowance transfer that is submitted for recordation after the allowance transfer deadline for a control period and that includes any CAIR SO₂ allowances allocated for any control period before such allowance transfer deadline shall not be recorded until after the administrator completes the deductions under paragraph (C) of rule 3745-109-11 for the control period immediately before such allowance transfer deadline.
- (3) Where a CAIR SO₂ allowance transfer submitted for recordation fails to meet the requirements of paragraph (B)(1) of this rule, the administrator shall not record such transfer.

(C) Notification.

- (1) Notification of recordation. Within five business days of recordation of a CAIR SO₂ allowance transfer under paragraph (B) of this rule, the administrator shall notify the CAIR authorized account representatives of both the transferor and transferee accounts.
- (2) Notification of non-recordation. Within ten business days of receipt of a CAIR SO₂ allowance transfer that fails to meet the requirements of paragraph (B)(1) of this rule, the administrator shall notify the CAIR authorized account representatives of both accounts subject to the transfer of:

- (a) A decision not to record the transfer, and
 - (b) The reasons for such non-recordation.
- (3) Nothing in this paragraph shall preclude the submission of a CAIR SO2 allowance transfer for recordation following notification of non-recordation.

Effective: 07/16/2009

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CERTIFIED ELECTRONICALLY

Certification

07/06/2009

Date

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