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The NOx authorized account representative.

(A) Duties of the NOx authorized account representative.

(1) Except as provided under paragraph (B) of this rule, each NOx budget source, including all NOx budget units at the source, shall have one and only one NOx authorized account representative, with regard to all matters under the NOx budget trading program concerning the source or any NOx budget unit at the source.

(2) The NOx authorized account representative of the NOx budget source shall be selected by an agreement binding on the owners and operators of the source and all NOx budget units at the source.

(3) Upon receipt by the Administrator of a complete account certificate of representation under paragraph (D) of this rule, the NOx authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NOx budget source represented and each NOx budget unit at the source in all matters pertaining to the NOx budget trading program, notwithstanding any agreement between the NOx authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NOx authorized account representative by the director, the Administrator, or a court regarding the source or unit.

(4) No NOx budget permit shall be issued, and no NOx allowance tracking system account shall be established for a NOx budget unit at a source, until the Administrator has received a complete account certificate of representation under paragraph (D) of this rule for a NOx authorized account representative of the source and the NOx budget units at the source.

(5) NOx budget trading program submissions

(a) Each submission under the NOx budget trading program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. 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."

(b) The director and the Administrator shall accept or act on a submission made on behalf of owner or operators of a NOx budget source or a NOx budget unit only if the submission has been made, signed, and certified in accordance with paragraph (A)(5)(a) of this rule.

(B) The alternate NOx authorized account representative.

(1) An account certificate of representation may designate one and only one alternate NOx authorized account representative who may act on behalf of the NOx authorized account representative. The agreement by which the alternate NOx authorized account representative is selected shall include a procedure for authorizing the alternate NOx authorized account representative to act in lieu of the NOx authorized account representative.

(2) Upon receipt by the Administrator of a complete account certificate of representation under paragraph (D) of this rule, any representation, action, inaction, or submission by the alternate NOx authorized account representative shall be deemed to be a representation, action, inaction, or submission by the NOx authorized account representative.

(3) Except in paragraphs (A)(1), (C) and (D) of this rule and paragraph (B) of rule 3745-14-06 of this chapter, whenever the term "NOx authorized account representative" is used in this part, the term shall be construed to include the alternate NOx authorized account representative.

(C) Changing the NOx authorized account representative and the alternate NOx authorized account representative; changes in the owners and operators.

(1) The NOx authorized account representative may be changed at any time upon receipt by the Administrator of a superseding complete account certificate of representation. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous NOx authorized account representative prior to the time and date when the Administrator receives the superseding account certificate of representation shall be binding on the new NOx authorized account representative and the owners and operators of the NOx budget source and the NOx budget units at the source.

(2) The alternate NOx authorized account representative may be changed at any

time upon receipt by the Administrator of a superseding complete account certificate of representation. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous alternate NOx authorized account representative prior to the time and date when the Administrator receives the superseding account certificate of representation shall be binding on the new alternate NOx authorized account representative and the owners and operators of the NOx budget source and the NOx budget units at the source.

(3) Changes in the owners and operators.

(a) In the event a new owner or operator of a NOx budget source or a NOx budget unit is not included in the list of owners and operators submitted in the account certificate of representation, such new owner or operator shall be deemed to be subject to and bound by the account certificate of representation, the representations, actions, inactions, and submissions of the NOx authorized account representative and any alternate NOx authorized account representative of the source or unit, and the decisions, orders, actions, and inactions of the director or the Administrator, as if the new owner or operator were included in such list.

(b) Within thirty days following any change in the owners and operators of a NOx budget source or a NOx budget unit, including the addition of a new owner or operator, the NOx authorized account representative or alternate NOx authorized account representative shall submit a revision to the account certificate of representation amending the list of owners and operators to include the change.

(D) Account certificate of representation.

(1) A complete account certificate of representation for a NOx authorized account representative or an alternate NOx authorized account representative shall include the following elements in a format prescribed by the Administrator:

(a) identification of the NOx budget source and each NOx budget unit at the source for which the account certificate of representation is submitted;

(b) the name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NOx authorized account representative and any alternate NOx authorized account representative;

(c) a list of the owners and operators of the NOx budget source and of each NOx budget unit at the source;

(d) the following certification statement by the NOx authorized account representative and any alternate NOx authorized account representative:

"I certify that I was selected as the NOx authorized account representative or alternate NOx authorized account representative, as applicable, by an agreement binding on the owners and operators of the NOx budget source and each NOx budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NOx budget trading program on behalf of the owners and operators of the NOx budget source and of each NOx budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the director, the Administrator, or a court regarding the source or unit."

(e) the signature of the NOx authorized account representative and any alternate NOx authorized account representative and the dates signed.

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

(E) Objections concerning the NOx authorized account representative.

(1) Once a complete account certificate of representation has been submitted and received, the director and the Administrator shall rely on the account certificate of representation unless and until a superseding complete account certificate of representation is received by the Administrator.

(2) Except as provided in paragraphs (C)(1) and (C)(2) of this rule, no objection or other communication submitted to the director or the Administrator concerning the authorization, or any representation, action, inaction, or submission of the NOx authorized account representative shall affect any representation, action, inaction, or submission of the NOx authorized account representative or the finality of any decision or order by the director or the Administrator under the NOx budget trading program.

(3) Neither the director nor the Administrator will adjudicate any private legal dispute concerning the authorization or any representation, action, inaction, or submission of any NOx authorized account representative, including private legal disputes concerning the proceeds of NOx allowance transfers.

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Certification

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