
40 C.F.R. § 97.1002

Definitions.

The terms used in this subpart shall have the meanings set forth in this section as follows, provided that any term that includes the acronym “CSAPR” shall be considered synonymous with a term that is used in a SIP revision approved by the Administrator under § 52.38 or § 52.39 of this chapter and that is substantively identical except for the inclusion of the acronym “TR” in place of the acronym “CSAPR”:

Acid Rain Program means a multi-state SO₂ and NO_x air pollution control and emission reduction program established by the Administrator under title IV of the Clean Air Act and parts 72 through 78 of this chapter.

Administrator means the Administrator of the United States Environmental Protection Agency or the Director of the Clean Air Markets Division (or its successor determined by the Administrator) of the United States Environmental Protection Agency, the Administrator's duly authorized representative under this subpart.

Allocate or allocation means, with regard to CSAPR NO_x Ozone Season Group 3 allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart, §§ 97.526(d) and 97.826(d) and (e), and any SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(10), (11), or (12) of this chapter, of the amount of such CSAPR NO_x Ozone Season Group 3 allowances to be initially credited, at no cost to the recipient, to:

- (1) A CSAPR NO_x Ozone Season Group 3 unit;
- (2) A new unit set-aside;
- (3) An Indian country new unit set-aside;
- (4) An Indian country existing unit set-aside; or
- (5) An entity not listed in paragraphs (1) through (4) of this definition;
- (6) Provided that, if the Administrator, State, or permitting authority initially credits, to a CSAPR NO_x Ozone Season Group 3 unit qualifying for an initial credit, a credit in the amount of zero CSAPR NO_x Ozone Season Group 3 allowances, the CSAPR NO_x Ozone Season Group 3 unit will be treated as being allocated an amount (*i.e.*, zero) of CSAPR NO_x Ozone Season Group 3 allowances.

Allowance Management System means the system by which the Administrator records allocations, auctions, transfers, and deductions of CSAPR NO_x Ozone Season Group 3 allowances under the CSAPR NO_x Ozone Season Group 3 Trading Program. Such allowances are allocated, auctioned, recorded, held, transferred, or deducted only as whole allowances.

Allowance Management System account means an account in the Allowance Management System established by

the Administrator for purposes of recording the allocation, auction, holding, transfer, or deduction of CSAPR NO_x Ozone Season Group 3 allowances.

Allowance transfer deadline means, for a control period in a given year, midnight of June 1 immediately after such control period (or if such June 1 is not a business day, midnight of the first business day thereafter) and is the deadline by which a CSAPR NO_x Ozone Season Group 3 allowance transfer must be submitted for recordation in a CSAPR NO_x Ozone Season Group 3 source's compliance account in order to be available for use in complying with the source's CSAPR NO_x Ozone Season Group 3 primary emissions limitation for such control period in accordance with §§ 97.1006 and 97.1024.

Alternate designated representative means, for a CSAPR NO_x Ozone Season Group 3 source and each CSAPR NO_x Ozone Season Group 3 unit at the source, the natural person who is authorized by the owners and operators of the source and all such units at the source, in accordance with this subpart, to act on behalf of the designated representative in matters pertaining to the CSAPR NO_x Ozone Season Group 3 Trading Program. If the CSAPR NO_x Ozone Season Group 3 source is also subject to the Acid Rain Program, CSAPR NO_x Annual Trading Program, CSAPR SO₂ Group 1 Trading Program, or CSAPR SO₂ Group 2 Trading Program, then this natural person shall be the same natural person as the alternate designated representative as defined in the respective program.

Assurance account means an Allowance Management System account, established by the Administrator under § 97.1025(b)(3) for certain owners and operators of a group of one or more CSAPR NO_x Ozone Season Group 3 sources and units in a given State (and Indian country within the borders of such State), in which are held CSAPR NO_x Ozone Season Group 3 allowances available for use for a control period in a given year in complying with the CSAPR NO_x Ozone Season Group 3 assurance provisions in accordance with §§ 97.1006 and 97.1025.

Auction means, with regard to CSAPR NO_x Ozone Season Group 3 allowances, the sale to any person by a State or permitting authority, in accordance with a SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(11) or (12) of this chapter, of such CSAPR NO_x Ozone Season Group 3 allowances to be initially recorded in an Allowance Management System account.

Authorized account representative means, for a general account, the natural person who is authorized, in accordance with this subpart, to transfer and otherwise dispose of CSAPR NO_x Ozone Season Group 3 allowances held in the general account and, for a CSAPR NO_x Ozone Season Group 3 source's compliance account, the designated representative of the source.

Automated data acquisition and handling system or DAHS means the component of the continuous emission monitoring system, or other emissions monitoring system approved for use under this subpart, designed to interpret and convert individual output signals from pollutant concentration monitors, flow monitors, diluent gas monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required by this subpart.

Backstop daily NO_x emissions rate means a NO_x emissions rate used in the determination of the CSAPR NO_x Ozone Season Group 3 primary emissions limitation for a CSAPR NO_x Ozone Season Group 3 source in accordance with § 97.1024(b).

Biomass means—

- (1) Any organic material grown for the purpose of being converted to energy;
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(2) Any organic byproduct of agriculture that can be converted into energy; or

(3) Any material that can be converted into energy and is nonmerchantable for other purposes, that is segregated from other material that is nonmerchantable for other purposes, and that is:

(i) A forest-related organic resource, including mill residues, precommercial thinnings, slash, brush, or byproduct from conversion of trees to merchantable material; or

(ii) A wood material, including pallets, crates, dunnage, manufacturing and construction materials (other than pressure-treated, chemically-treated, or painted wood products), and landscape or right-of-way tree trimmings.

Boiler means an enclosed fossil- or other-fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

Bottoming-cycle unit means a unit in which the energy input to the unit is first used to produce useful thermal energy, where at least some of the reject heat from the useful thermal energy application or process is then used for electricity production.

Business day means a day that does not fall on a weekend or a federal holiday.

Certifying official means a natural person who is:

(1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy- or decision-making functions for the corporation;

(2) For a partnership or sole proprietorship, a general partner or the proprietor respectively; or

(3) For a local government entity or State, federal, or other public agency, a principal executive officer or ranking elected official.

Clean Air Act means the Clean Air Act, 42 U.S.C. 7401, *et seq.*

Coal means “coal” as defined in § 72.2 of this chapter.

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