

K.A.R. 28-19-274 NITROGEN OXIDES; ALLOCATIONS.

(a) (1) For purposes of this regulation, the terms "allocate," "allocation," "TR NOx annual allowance," "TR NOx annual trading program," and "TR NOx annual unit" shall have the meanings specified in 40 C.F.R. 97.402, as in effect on October 7, 2011. These definitions are hereby adopted by reference.

Note: (a) (2) (A) and (a) (2) (B) are not Federally approved.

(2) (C) For purposes of this regulation, each reference to "§52.38" shall mean "40 C.F.R. 52.38."

(b) For purposes of this regulation, Indian country new unit set-aside allowances shall be those unallocated TR NOx annual allowances for calendar year 2017, 2018, or 2019 available for allocation in accordance with a determination by the department after completion by USEPA of the procedures under 40 C.F.R. 97.412(b) (9) and (12) for that year.

(c) Pursuant to 40 C.F.R. 52.38(a) (4) as in effect on July 1, 2015, this regulation shall replace the provisions of 40 C.F.R. 97.411(a) and (b) (1) and 97.412(a) as in effect on July 1, 2015 for the calendar years 2017, 2018, and 2019 with regard to the implementation of the TR NOx annual trading program by the department.

(d) Each TR NOx annual unit shall receive TR NOx annual allowance allocations and, except as provided in subsection (e), Indian country new unit set-aside allowance allocations for 2017, 2018, and 2019 according to the department's document titled "TR NOx annual allowance allocations for 2017, 2018, and 2019," dated July 17, 2015, which is hereby adopted by reference.

(e) If the total number of available Indian country new unit set-aside allowances for 2017, 2018, or 2019 is less than 31, the allocations shall be determined under this subsection instead of subsection (d), according to the following:

(1) The TR NOx annual units listed in the department's document titled "TR NOx annual allowance allocations for 2017, 2018, and 2019" shall be ordered in descending order of the amounts of their Indian country new unit set-aside allowance allocations as shown in that document, with units whose allocations are the same ordered in ascending order of "ReceiveAcct" and "UnitId" as shown in that document.

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(2) The TR NOx annual units shall forfeit one allowance sequentially, starting with the first listed unit, until the total number of the revised allocations equals the total number of available Indian country new unit set-aside allowances.

EPA Rulemakings

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Description: This revision federally approves new Kansas regulation K.A.R 28-19-274. It establishes state-determined allocations to replace EPA's default allocations to Kansas units of CSAPR allowances for annual NO_x emissions for 2017 through 2019.

Difference Between the State and EPA-Approved Regulation

Approval of EGU-specific NO_x allocations does not include KAR 28-19-274(a) (2) (A) and (a) (2) (B)