

Kansas Administrative Regulations

Department of Health and Environment

Article 19.—Ambient Air Quality Standards and Air Pollution Control

28-19-274. Nitrogen oxides; allocations.

(a)(1) For purposes of this regulation, the terms "allocate," "allocation," "TR NO_x annual allowance," "TR NO_x annual trading program," and "TR NO_x 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.

(2)(A) For purposes of this regulation, each reference to "administrator" shall mean "USEPA administrator."

(B) For purposes of this regulation, each reference to "State" and each reference to "permitting authority" shall mean "secretary of the Kansas department of health and environment."

(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 NO_x 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 NO_x annual trading program by the department.

(d) Each TR NO_x annual unit shall receive TR NO_x 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 NO_x 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 NO_x annual units listed in the department's document titled "TR NO_x 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.

(2) The TR NO_x 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.

(Authorized by K.S.A. 2015 Supp. 65-3005; implementing K.S.A. 2015 Supp. 65-3005 and K.S.A. 65-3010; effective Nov. 6, 2015.)

***** Authenticated Kansas Administrative Regulation *****