



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2016-0303; FRL-9948-12-Region 7]

**Approval and Promulgation of Air Quality Implementation Plans;
State of Kansas; Cross-State Air Pollution Rule**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a December 1, 2015, State Implementation Plan (SIP) submittal from Kansas concerning allocations of Cross-State Air Pollution Rule (CSAPR) emission allowances. Under CSAPR, large electricity generating units in Kansas are subject to a Federal Implementation Plan (FIP) requiring the units to participate in CSAPR's Federal trading program for annual emissions of nitrogen oxides (NO_x). This action would approve Kansas' adoption into its SIP of state regulations establishing state-determined allocations to replace EPA's default allocations to Kansas units of CSAPR allowances for annual NO_x emissions for 2017 through 2019. EPA is proposing to approve the SIP revision because it meets the requirements of the Clean Air Act (CAA) and EPA's regulations for approval of an abbreviated SIP revision replacing EPA's default allocations of CSAPR emission allowances

with state-determined allocations. Approval of this SIP revision would not alter any provision of CSAPR's Federal trading program for annual NO_x emissions as applied to Kansas units other than the allowance allocation provisions, and the FIP requiring the units to participate in the trading program (as modified by the SIP revision) would remain in place.

DATES: Comments must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by Docket ID No.

EPA-R07-OAR-2016-0303, to <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy,

information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Gonzalez, Air Planning and Development Branch, Air and Waste Management Division, EPA Region 7, 11201 Renner Boulevard, Lenexa KS 66219; telephone number: (913) 551-7041; email address: gonzalez.larry@epa.gov

SUPPLEMENTARY INFORMATION:

This document proposes to take action on a revision to the SIP for Kansas concerning allocations of allowances used in the Cross-State Air Pollution Rule (CSAPR)¹ Federal trading program for annual emissions of nitrogen oxides (NO_x). We have published a direct final rule approving the State's SIP revision (s) in the Rules and Regulations section of this **Federal Register**, because we view this as a noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We

¹ Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48208 (August 8, 2011), (codified as amended at 40 CFR 52.38 and 52.39 and subparts AAAAA through DDDDD of 40 CFR part 97).

would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

Large electricity generating units in Kansas are subject to a CSAPR Federal Implementation Plan (FIP) that requires the units to participate in the Federal CSAPR NO_x Annual Trading Program.² Each of CSAPR's Federal trading programs includes default provisions governing the allocation among participating units of emission allowances used for compliance under that program. CSAPR also provides a process for the submission and approval of SIP revisions to replace EPA's default allocations with state-determined allocations.

The SIP revision approved in the direct final rule incorporates into Kansas's SIP state regulations establishing state-determined allowance allocations to replace EPA's default allocations to Kansas units of CSAPR NO_x Annual allowances issued for the control periods in 2017 through 2019. EPA is approving the SIP revision because it meets the requirements of the CAA

² EPA has proposed to replace the terms "Transport Rule" and "TR" in the text of the *Code of Federal Regulations* with the updated terms "Cross-State Air Pollution Rule" and "CSAPR." 80 FR 75706, 75759 (December 3, 2015). EPA uses the updated terms here.

and EPA's regulations for approval of an abbreviated SIP revision replacing EPA's default allocations of CSAPR emission allowances with state-determined allocations. Approval of the SIP revision does not alter any provision of the CSAPR NO_x Annual Trading Program as applied to Kansas units other than the allowance allocation provisions, and the FIP requiring the units to participate in that program (as modified by the SIP revision) remains in place. Because the SIP revision addresses only the control periods in 2017 through 2019, absent submission and approval of a further SIP revision, allocations of CSAPR NO_x Annual allowances for control periods in 2020 and later years will be made pursuant to the default allocation provisions.

Large electricity generating units in Kansas are also subject to an additional CSAPR FIP requiring them to participate in the Federal CSAPR SO₂ Group 2 Trading Program. Kansas' SIP submittal does not seek to replace the default allocations of CSAPR SO₂ Group 2 allowances to Kansas units. Approval of this SIP revision concerning another CSAPR trading program has no effect on the CSAPR SO₂ Group 2 Trading Program as applied to Kansas units, and the FIP requiring the units to participate in that program remains in place.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 16, 2016.

Mark Hague,
Regional Administrator,
Region 7.