

**567—34.205(455B) CAIR NO<sub>x</sub> allowance allocations.** The provisions in 40 CFR Part 96, Subpart EE, 96.141 and 96.143, as amended through April 28, 2006, are adopted by reference, except as indicated in this rule.

**34.205(1) State trading budget.** The provisions in 40 CFR 96.140 are not adopted by reference. The state's trading budget for annual allocations of CAIR NO<sub>x</sub> allowances for each control period from 2009 through 2014 is 32,692 tons. The state's trading budget for annual allocations of CAIR NO<sub>x</sub> allowances for each control period, starting in 2015, and for each control period thereafter, is 27,243 tons.

**34.205(2) CAIR NO<sub>x</sub> allowance allocations.** The provisions in 40 CFR 96.142 are not adopted by reference. The provisions in this subrule for CAIR NO<sub>x</sub> allowance allocations are adopted in lieu thereof.

*a.* The baseline heat input used with respect to CAIR NO<sub>x</sub> allowance allocations under paragraph 34.205(2) "b" for each CAIR NO<sub>x</sub> unit will be:

(1) For units commencing operation before January 1, 2001 (existing units), the average of the three highest amounts of the units' adjusted control period heat input (in mmBTU) for 2000 through 2004, with the adjusted control period heat inputs for each year calculated as follows:

1. If the unit is coal-fired during the year, the unit's control period heat input for such year is multiplied by 100 percent;

2. If the unit is oil-fired during the year, the unit's control period heat input for such year is multiplied by 60 percent; and

3. If numbered paragraphs "1" and "2" are not applicable to the unit, the unit's control period heat input for such year is multiplied by 40 percent.

(2) For units commencing operation on or after January 1, 2001, and commencing construction before January 1, 2006 (new units), the nameplate capacity of the generator being served, provided that if a generator is served by two or more units, then the nameplate capacity will be attributed to each unit in equal fraction of the total nameplate capacity, multiplied by:

1. 7900 BTU/kW, if the unit is coal-fired for the year; or

2. 6675 BTU/kW, if the unit is not coal-fired for the year.

*b.* (1) For each control period in 2009 and thereafter, but for no control period later than that control period required to meet the minimum timing requirements specified in 40 CFR 96.141(a) and 96.141(b), the department will allocate to all CAIR NO<sub>x</sub> units with a baseline heat input as determined in subparagraph 34.205(2) "a"(1) for existing units a total amount of CAIR NO<sub>x</sub> allowances equal to 95 percent for each control period from 2009 through 2014, and 97 percent for each control period in 2015 and thereafter, of the tons of NO<sub>x</sub> emissions in the state trading budget specified in subrule 34.205(1).

(2) The department will allocate CAIR NO<sub>x</sub> allowances to each CAIR NO<sub>x</sub> unit under subparagraph 34.205(2) "b"(1) for existing units in an amount determined by multiplying the total amount of CAIR NO<sub>x</sub> allowances allocated under subparagraph 34.205(2) "b"(1) by the ratio of the baseline heat input of such a CAIR NO<sub>x</sub> unit to the total amount of baseline heat input of all such CAIR NO<sub>x</sub> units and rounding to the nearest whole allowance as appropriate.

*c.* (1) For each control period in 2009 and thereafter, but for no control period later than is required to meet the minimum timing requirements set forth in 40 CFR 96.141(a) and 96.141(b), the department will allocate to all CAIR NO<sub>x</sub> units with a baseline heat input as determined in subparagraph 34.205(2) "a"(2) for new units a total amount of CAIR NO<sub>x</sub> allowances equal to 5 percent for each control period from 2009 through 2014, and 3 percent for each control period in 2015 and thereafter, of the tons of NO<sub>x</sub> emissions in the state trading budget as specified in subrule 34.205(1).

(2) The department will allocate CAIR NO<sub>x</sub> allowances to each CAIR NO<sub>x</sub> unit under subparagraph 34.205(2) "c"(1) for new units in an amount determined by multiplying the total amount of CAIR NO<sub>x</sub> allowances allocated under subparagraph 34.205(2) "c"(1) by the ratio of the baseline heat input of such a CAIR NO<sub>x</sub> unit to the total amount of baseline heat input of all such CAIR NO<sub>x</sub> units and rounding to the nearest whole allowance as appropriate.

*d.* The unit allocations of CAIR NO<sub>x</sub> allowances described in subparagraphs 34.304(2) "b"(2) and 34.304(2) "c"(2) are set forth in Tables 1A and 1B. Upon allocation, allowances may be tracked, transferred, banked and recorded as specified under 40 CFR 96.150 through 96.162 as amended through April 28, 2006.

**Table 1A. Annual NO<sub>x</sub> Allocations for Existing Units in Tons Per Year**

Facility ID	County	Unit ID	2009 – 2014	2015 and thereafter
Ames	Story	7	100	85
Ames	Story	8	351	299
Burlington Generating Station	Des Moines	1	1151	979
Cedar Falls Gas Turbine	Black Hawk	1	0	0
Cedar Falls Gas Turbine	Black Hawk	2	0	0
Council Bluffs Energy Center	Pottawattamie	1	307	261
Council Bluffs Energy Center	Pottawattamie	2	461	392
Council Bluffs Energy Center	Pottawattamie	3	4138	3521
Dubuque Generation Station	Dubuque	1	211	179
Dubuque Generation Station	Dubuque	5	145	123
Dubuque Generation Station	Dubuque	6	21	18
Earl F Wisdom Generation Station	Clay	1	75	64
Electrifarm Turbines	Black Hawk	GT1	7	6
Electrifarm Turbines	Black Hawk	GT2	8	7
Electrifarm Turbines	Black Hawk	GT3	8	7
Fair Station	Muscatine	2	205	174
George Neal North	Woodbury	1	765	651
George Neal North	Woodbury	2	1426	1213
George Neal North	Woodbury	3	2690	2289
George Neal South	Woodbury	4	3530	3004
Lansing Generating Station	Allamakee	1	5	5
Lansing Generating Station	Allamakee	2	13	11
Lansing Generating Station	Allamakee	3	161	137
Lansing Generating Station	Allamakee	4	1165	991
Lime Creek Combustion Turbines Station	Cerro Gordo	**1	3	2
Lime Creek Combustion Turbines Station	Cerro Gordo	**2	2	2
Louisa Station	Muscatine	101	3945	3357
Marshalltown	Marshall	**1	4	4
Marshalltown	Marshall	**2	7	6
Marshalltown	Marshall	**3	5	5
Milton L Kapp Generating Station	Clinton	2	1089	926
Muscatine	Muscatine	8	488	415
Muscatine	Muscatine	9	959	816
North Centerville Combustion Turbines	Appanoose	**1	1	1
North Centerville Combustion Turbines	Appanoose	**2	1	1
Ottumwa Generating Station	Wapello	1	4168	3547
Pella Station	Marion	6	69	59
Pella Station	Marion	7	71	60
Pella Station	Marion	8	0	0
Pleasant Hill	Polk	GT1	1	1
Pleasant Hill	Polk	GT2	1	1
Pleasant Hill	Polk	GT3	5	4
Prairie Creek Generating Station	Linn	3	317	270
Prairie Creek Generating Station	Linn	4	771	656
Riverside Station	Scott	9	591	502

Facility ID	County	Unit ID	2009 – 2014	2015 and thereafter
Sixth Street Generating Station	Linn	2	118	100
Sixth Street Generating Station	Linn	3	124	106
Sixth Street Generating Station	Linn	4	93	79
Sixth Street Generating Station	Linn	5	198	169
Streeter Station	Black Hawk	7	105	89
Summit Lake Facility	Union	1G	5	4
Summit Lake Facility	Union	2G	6	5
Sutherland Generating Station	Marshall	1	211	180
Sutherland Generating Station	Marshall	2	213	181
Sutherland Generating Station	Marshall	3	529	450
Sycamore Turbines	Polk	GT1	6	5
Sycamore Turbines	Polk	GT2	8	7

\*\*Denotes an affected unit for which the unit ID is unavailable.

**Table 1B. Annual NO<sub>x</sub> Allocations for New Units in Tons Per Year**

Facility ID	County	Unit ID	2009 – 2014	2015 and thereafter
Ames	Story	GT2	52	26
Council Bluffs Energy Center	Pottawattamie	4	713	356
Earl F Wisdom Generation Station	Clay	2	73	36
Emery Station	Cerro Gordo	11	130	65
Emery Station	Cerro Gordo	12	130	65
Emery Station	Cerro Gordo	13	187	93
Exira Station	Audubon	CT U-1	38	19
Exira Station	Audubon	CT U-2	38	19
Greater Des Moines Energy Center	Polk	GT1	137	69
Greater Des Moines Energy Center	Polk	GT2	137	69

**34.205(3) Compliance supplement pool.** In addition to the CAIR NO<sub>x</sub> trading budget specified in subrule 34.205(1), and the allocations specified in subrule 34.205(2), the department may allocate to CAIR NO<sub>x</sub> units for the control period in 2009 up to 6,978 CAIR NO<sub>x</sub> allowances from the state's compliance supplement pool. The allocation criteria set forth in 40 CFR 96.143 as amended through April 28, 2006, specifying requirements for affected units to request such allowances and for the department to allocate such allowances, are adopted by reference.

*a.* Public notice and public participation. The department shall provide public notice and an opportunity for public comments, including an opportunity for a hearing, before allocating allowances from the compliance supplement pool.

*b.* Public notice requirements. For purposes of this rule, the department shall give notice in a format designed to give general public notice including, but not limited to, electronic mail listserver, the department's official Web site, or a press release. The public notice shall include the following:

- (1) Identification of the source requesting the allowances.
- (2) Name and address of the requester.
- (3) The number of allowances requested.
- (4) The reason for the request.
- (5) The time and place of any scheduled public hearing.
- (6) A statement that any person may submit written comments or may request a public hearing, or both, on the proposed allowance allocation.
- (7) A statement of the procedures to request a public hearing.

(8) The name, address and telephone number of a person from whom additional information may be obtained.

(9) Locations where copies of the complete allowance request and the department's proposed allowance allocation may be reviewed, including the nearest department office, and the times at which the copies will be available for public inspection.

*c.* At least 30 days shall be provided for public comment. Notice of any public hearing shall be given at least 30 days in advance of the hearing.

*d.* The department shall keep a record of the commenters and the issues raised during the public participation process and shall prepare written responses to all comments received.

*e.* At the time that the department submits to the Administrator the final allowance allocations from the compliance supplement pool, the record and copies of the department's responses shall be made available to the public.