

# Oklahoma EGU 111(d) Plan & Rulemaking Timelines



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# 4 General Criteria for EGU 111(d) Plans



- ❖ **Enforceable measures** that reduce CO<sub>2</sub> emissions from affected EGUs
- ❖ Measures must be projected to achieve emission performance **equivalent to or better than** state specific CO<sub>2</sub> goal on a timeline equivalent to that in the emission guidelines.
- ❖ **Quantifiable and verifiable** EGU CO<sub>2</sub> emission performance.
- ❖ Process for state reporting of plan implementation, CO<sub>2</sub> emission performance, and, if necessary, implementation of **corrective measures**



Questions??????

What can we do now to prepare?

What approach is best for Oklahoma?

Are statute changes needed?

Will DEQ need to adopt new rules?



**Oklahoma's EGU 111(d) Plan**  
- **The long road ahead**

# DEQ Permanent Rulemaking Process



Typically, it takes at least 18 months to promulgate a permanent air quality rule.

- Rule development with stakeholder input
- Oklahoma APA filings and publication requirements
- Public comments
- Air Quality Advisory Council Hearing
- DEQ Environmental Quality Board Hearing
- Legislative Approval
- Gubernatorial Approval
- Publication of Final Rule



If new DEQ rules needed ?

# Fast Track to DEQ Rule Effective 2016



- June 30, 2015 – EPA promulgates final rule
- October 2015 – Presentation on Key Concepts of DEQ Rule Proposal during Council meeting
- Week of Thanksgiving 2015 – Proposed rule & Notice of Rulemaking Intent to Governor & Oklahoma Secretary of Energy and Environment
- December 15, 2015 – Proposed rule available for public comment; 30-day public comment period begins

# DEQ Rule Effective 2016 (cont.)



- January 2016 – Air Quality Advisory Council Hearing
- March 2016 – Environmental Quality Board Hearing
- July 2016 – Permanent rule effective

# Oklahoma 111(d) Plan



- June 30, 2016 – Deadline for submitting State 111(d) Plan or request for extension to EPA
  - Extension state plan – June 30, 2017 deadline
  - Extension regional plan – June 30, 2018 deadline
- Publish proposed 111(d) Plan & 30-day public comment period prior to hearing
- Response to Comments part of Final 111(d) Plan – Allow at least 45 days to prepare and finalize.

# To Think About



- Rule effective after June 30, 2016 deadline for 111(d) Plan submittal
- Only one public comment period & Council meeting
- January Council meetings affected by winter storms
- If EPA final rule delayed, may be impossible to promulgate rule in 2016.
- Additional time may be needed if EPA final rule is substantially different than as proposed.
- Plan to request extension?

# Extension Request



If a state seeks an extension, must submit an initial plan with the following content by June 30, 2016:

- Description of plan approach and progress made in developing a complete plan
- Initial quantification of the level of emission performance that will be achieved through the plan
- Commitment to maintain existing measures that limit or avoid CO<sub>2</sub> emission (e.g., RPS, unit-specific limits on operation or fuel utilization), at least until the complete plan is approved.

# Extension Request (cont.)



- Comprehensive roadmap for complete the plan, including process, analytical methods, and schedule (including milestones) specifying when all necessary plan components will be complete (e.g., projection of emission performance; implementing legislation, regulations and agreements; necessary approvals)
- Identification of existing programs state intends to rely on to meet its goal
- Executed agreements (s) with other states (e.g., MOU), if regional approach is being pursued

# Extension Request (cont.)



- Commitment to submit a complete plan by the applicable required date and actions the state will take to show progress in addressing incomplete plan components
- Description of steps already taken toward developing complete plan
- Evidence of opportunity for public comment on the initial plan