

SUBCHAPTER 42. CONTROL OF TOXIC AIR CONTAMINANTS

PART 1. GENERAL PROVISIONS

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PART 1. GENERAL PROVISIONS

252:100-42-1. Purpose.

The purpose of this Subchapter is to protect the public and the environment from the potentially harmful effects of toxic air contaminants (TAC) that are emitted into the ambient air.

252:100-42-1.1. Effective date.

(a) This Subchapter shall become effective on October 1, 2005.

(b) On October 1, 2005, all parts of OAC 252:100-41, with the exception of Part 3, shall be superseded by this Subchapter.

252:100-42-2. Definitions.

The following words and terms when used in this Subchapter shall have the following meanings unless the context clearly indicates otherwise.

"Area of concern" or "AOC" means a geographic area in Oklahoma designated as having exceeded a TAC maximum acceptable ambient concentration (MAAC).

"Emissions unit" means, for the purposes of this Subchapter, any part of a stationary source which emits a TAC.

"Maximum acceptable ambient concentration" or "MAAC" means the limits and averaging times contained in Appendix O of this Chapter for TAC.

"Stationary source" means, for purposes of this Subchapter, the collection of equipment, activities, or both within a facility.

"Toxic air contaminant" or "TAC" means any substance listed in Appendix O of this Chapter.

252:100-42-3. Applicability.

This Subchapter applies to stationary sources that emit any TAC.

252:100-42-4. Existing air pollution control requirements.

Any work practice, material substitution, or control equipment required by the Department prior to June 11, 2004, to control a TAC, shall be retained, unless a modification is approved by the Director.

PART 3. STANDARDS

252:100-42-20. TAC MAAC.

(a) TAC MAAC. The TAC MAAC list is located in Appendix O of this Chapter.

(b) Protocol.

(1) The Director may recommend substances to be added to the TAC MAAC list subject to the applicability of all of the following:

(A) toxicity of the substance;

(B) availability of methods for monitoring the ambient air concentration of the substance at the levels deemed to be acceptable for human health;

(C) quantity of the substance emitted in Oklahoma; and

(D) information indicating that anthropogenic emissions of the substance cause ambient air concentration levels to exceed those that have been determined to be acceptable based on health risks.

(2) The Director may recommend a substance be removed from the TAC MAAC list if the substance does not meet one of the criteria listed in 42-20(b)(1)(A) through (D).

(c) TAC MAAC adoption and revision. Adoption and modification of the TAC MAAC list will be in accordance with the rulemaking procedures of the Department.

PART 5. TAC MAAC EXCEEDANCE

252:100-42-30. Areas of concern.

(a) Designation.

(1) The Director may designate an Area of Concern (AOC) for a TAC when it is demonstrated by monitoring that the MAAC for that TAC is exceeded in such a way as to endanger the public health. This monitoring will be performed by the Department; however, the Department will accept monitoring from other sources if such monitoring meets the requirements of paragraph 42-31(d)(1). Designation of an AOC shall become final 30 days following the public meeting pursuant to subsection 42-30(c)below.

(2) The decision to monitor in an area will be based on but not limited to:

- (A) complaints received from the public;
- (B) information collected during inspections;
- (C) emission inventory data; or
- (D) EPA reports;

(b) Public notification. The Department shall publish prominent legal notice of the boundaries and the availability of information associated with the AOC. The notice shall be published on the Department website, in two newspapers circulated statewide, and in one newspaper local to the AOC. The publication shall identify locations where information may be reviewed. The publication shall include the date, time, and place for the public meeting on the designation.

(c) Public meeting. The Department shall schedule and hold a public meeting. Any local community meeting to be held on the designation may be combined with the public meeting authorized by this Section.

(d) Scope. The impact of TAC emissions from stationary, mobile, and biogenic sources shall be considered in designating an AOC, the boundaries of which shall be determined by monitoring, modeling, or other means approved by the Director. Such monitoring and modeling will be performed by the Department; however, the Department will accept monitoring and modeling from other sources if such monitoring and modeling meet the requirements of paragraphs 42-31(d)(1) and (2) respectively.

(1) Risk assessment and monitoring. All risk assessment and monitoring methods used by the Department for purposes of this Subchapter shall come from Volumes 1 and 2 of the United States Environmental Protection Agency Air Toxics Risk Assessment (ATRA) Reference Library, April 2004; documents referenced in ATRA; and State requirements in OAC 252:100-43.

(2) Modeling.

(A) All applications of air quality modeling shall be based on the applicable models, databases, and other requirements specified in appendix W of 40 CFR Part 51 Guideline on Air Quality Models and in OAC 252:100-8-35(e).

(B) Where an air quality model specified in appendix W of 40 CFR Part 51 Guideline on Air Quality Models is inappropriate, the model may be modified or another substituted. Such modification or substitution will be considered on a case-by-case basis. When modeling is performed by owners or operators of stationary facilities, written approval of the Director must be obtained for any modification or substitution.

252:100-42-31. AOC Compliance Strategies. Following designation of an AOC by the Director, the Department shall determine AOC Compliance Strategies to bring the AOC into compliance with the TAC MAAC.

(a) Applicability.

(1) AOC Compliance Strategies developed by the Department shall apply to any stationary source or emissions unit:

(A) that is located in or impacts an AOC;

(B) that emits the TAC for which the AOC was designated; and

(C) that is not subject to a final emission standard, work practice, or other requirement to control emissions of a TAC promulgated under Sections 112(d) and 129 of the Federal Clean Air Act, and OAC 252:100-17, Parts 5, 7, and 9.

(2) Owners or operators of facilities located in an AOC are not required to demonstrate compliance with the TAC MAAC within the boundaries of their facilities.

(b) Additional rulemaking. AOC Compliance Strategy rules shall be developed in accordance with the rulemaking procedures of the Department. Rules proposed as an AOC Compliance Strategy may include but shall not be limited to the measures in the following paragraphs.

(1) Control measures. In developing an AOC Compliance Strategy the Department shall take into consideration what portion of the pollutant load is attributable to stationary sources versus that attributable to mobile sources, non-road sources, and biogenic sources. The availability, feasibility, and cost of any control measures, work practice standards, control equipment requirements, material substitution requirements or stack

emissions standards will also be considered in developing the AOC Compliance Strategy.

(2) **Permits required.** As an AOC Compliance Strategy, the Department may:

(A) require owners or operators to obtain permits for facilities that emit the TAC for which the AOC was designated in a concentration that causes or contributes to an off-site violation of the TAC MAAC in an AOC designated for that TAC; or

(B) require owners or operators of such facilities to modify any existing permit to include the TAC MAAC and any control measures required by paragraph 42-31(b)(1).

(3) **Monitoring and modeling requirements.** As an AOC Compliance Strategy, the Department may require owners or operators of applicable stationary sources to perform ambient air monitoring and/or modeling for the TAC of concern. Such ambient air monitoring and modeling shall be performed using the references and requirements in paragraphs 42-30(d)(1) and (2).

(c) **Public notification.** The Department shall notify the public of strategies developed to bring the AOC into compliance with the TAC MAAC.

252:100-42-32. Re-designation.

(a) **Re-designation.** The Director shall re-designate an AOC as in compliance with the TAC MAAC when compliance is demonstrated through monitoring and/or modeling.

(b) **Public notice.** The Department shall notify the public within 30 days after the re-designation of an AOC.