

SUBCHAPTER 44. MERCURY EMISSIONS FROM COAL-FIRED ELECTRIC STEAM GENERATING UNITS

252:100-44-1. Purpose

The purpose of this subchapter is to limit emissions of mercury (Hg) from new and existing coal-fired electric steam generating units. For the purposes of this subchapter the term "permitting authority" shall mean the Department of Environmental Quality (DEQ) and the term "Administrator" shall mean Administrator of the Environmental Protection Agency (EPA).

252:100-44-2. Reserved

252:100-44-3. Reference to 40 CFR

(a) For the purposes of this subchapter, the following Title 40 of the Code of Federal Regulations (40 CFR) provisions are hereby incorporated by reference as they existed on June 9, 2006:

60.4101, 60.4102, 60.4103, 60.4104, 60.4105, 60.4106, 60.4107, 60.4108, 60.4110, 60.4111, 60.4112, 60.4113, 60.4114, 60.4120, 60.4121, 60.4122, 60.4123, 60.4124, 60.4130, 60.4140, 60.4142 60.4150, 60.4151, 60.4152, 60.4153, 60.4154, 60.4155, 60.4156, 60.4157, 60.4160, 60.4161, 60.4162, 60.4170, 60.4171, 60.4172, 60.4173, 60.4174, 60.4175, and 60.4176.

(b) When a provision of 40 CFR is incorporated by reference in this subchapter, all citations contained therein are also incorporated by reference, except citations referencing 60.4141, which refers to section OAC 252:100-44-5.

252:100-44-4. Reserved

252:100-44-5. Timing Requirements for Hg Allowance Allocations.

(a) By November 17, 2006, the permitting authority will submit to the Administrator the Hg allowance allocations, in a format prescribed by the Administrator and in accordance with 40 CFR §60.4142(a) and (b), for the control periods in 2010, 2011, 2012, 2013, and 2014.

(b)(1) By October 31, 2008 and October 31 of each year thereafter, the permitting authority will submit to the Administrator the Hg allowance allocations, in a format prescribed by the Administrator and in accordance with 40 CFR §60.4142(a) and (b), for the control period in the sixth year after the year of the applicable deadline for submission under this paragraph.

(2) If the permitting authority fails to submit to the Administrator the Hg allowance allocations in accordance with paragraph (b)(1) of this section, the Administrator will assume that the allocations of Hg allowances for the applicable control

period are the same as for the control period that immediately precedes the applicable control period, except that, if the applicable control period is in 2018, the Administrator will assume that the allocations equal the allocations for the control period in 2017, multiplied by the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in Oklahoma's trading budget under 40 CFR §60.4140 for 2018 and thereafter and divided by such amount of ounces of Hg emissions for 2010 through 2017.

(c)(1) By October 31, 2010 and October 31 of each year thereafter, the permitting authority will submit to the Administrator the Hg allowance allocations, in a format prescribed by the Administrator and in accordance with 40 CFR §60.4142 (a), (c), and (d), for the control period in the year of the applicable deadline for submission under this paragraph.

(2) If the permitting authority fails to submit to the Administrator the Hg allowance allocations in accordance with paragraph (c)(1) of this section, the Administrator will assume that the allocations of Hg allowances for the applicable control period are the same as for the control period that immediately precedes the applicable control period, except that, if the applicable control period is in 2018, the Administrator will assume that the allocations equal the allocations for the control period in 2017, multiplied by the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in Oklahoma's trading budget under 40 CFR §60.4140 for 2018 and thereafter and divided by such amount of ounces of Hg emissions for 2010 through 2017 and except that any Hg Budget unit that would otherwise be allocated Hg allowances under 40 CFR §60.4142(a) and (b), as well as under 40 CFR §60.4142 (a), (c), and (d), for the applicable control period will be assumed to be allocated no Hg allowances under 40 CFR §60.4142 (a), (c), and (d) for the applicable control period.