

SUBCHAPTER 42. CONTROL OF TOXIC AIR POLLUTANTS

PART 1. GENERAL PROVISIONS

252:100-42-1. Purpose.

The purpose of this Subchapter 42 is to protect the public and the environment from the potentially harmful effects of toxic air pollutants (TAPs) that are emitted into the ambient air.

252:100-42-2. Definitions.

The following words and terms when used in this Subchapter 42 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 TAP ambient air concentration standard (AACS).

"Emissions unit" means, for the purposes of this Subchapter 42, any part of a stationary source which emits a TAP.

"Stationary source" means, for purposes of this Subchapter 42, the collection of equipment, activities, or both within a facility.

"Toxic air pollutant" or "TAP" means a substance that has been determined to be toxic to human health or to adversely affect the environment and is likely to be present in the ambient air in Oklahoma, and for which an Oklahoma ambient air concentration standard has been established in Appendix O of this Chapter, Toxic Air Pollutant Ambient Air Concentration Standards (TAP AACS).

252:100-42-3. Applicability.

This Subchapter 42 applies to stationary sources that emit any TAP.

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 TAP, shall be retained, unless a modification is approved by the Director.

PART 3. STANDARDS

252:100-42-20. TAP AACS.

(a) TAP AACS. The TAP AACS list is located in Appendix O of this Chapter.

(b) **Protocol.** The decision to add or remove a substance from the TAP AACS list will be based on:

- (1) toxicity of the substance;
- (2) availability of methods for monitoring the ambient air concentration of the substance at the levels deemed to be acceptable for human health;
- (3) quantity of the substance emitted in Oklahoma; and
- (4) 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.

(c) **TAP AACS Adoption and revision.** Modification of the TAP AACS list will be in accordance with the rulemaking procedures of the Department.

PART 5. TAP AACS EXCEEDANCE

252:100-42-50. Areas of concern.

(a) **Designation.** The Director may designate an Area of Concern (AOC) for a TAP when it is demonstrated by monitoring that the AACS for that TAP is exceeded. Designation of an AOC shall become final 30 days following designation or 30 days following a public meeting if requested pursuant to paragraph (b)(2) below.

(b) **Public notification.** The Department shall notify the public of the boundaries and other findings associated with the AOC.

(1) The Department shall publish notice of the findings, and at a minimum publish legal notice in one newspaper local to the AOC. The publication shall identify locations where information may be reviewed.

(2) The notice shall also include a 30-day opportunity to request, or give the date, time, and place for, a public meeting on the designation. If the Department receives timely request and determines that a significant degree of public interest in the designation exists, it shall schedule and hold such meeting. Any local community meeting to be held on the designation may be combined with the public meeting authorized by this paragraph.

(c) **Scope.** The impact of TAP 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.

(1) **Monitoring.** Monitoring data shall meet the requirements of federal ambient monitoring guidelines 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. Written approval of the Director must be obtained for any modification or substitution.

252:100-42-51. Strategies.

(a) **Applicability.** The requirements in paragraphs 42-51(b) (1) through (4) apply to any stationary source or emissions unit:

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

(2) that emits the TAP for which the AOC was designated;
and

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

(b) **Requirements.** Following designation of an AOC by the Director, the Department may require owners or operators of applicable stationary sources to take the measures in the following paragraphs. Owners or operators of facilities located in an AOC are not required to meet the TAP AACS on-site.

(1) **Control measures.** Owners or operators of a facility impacting an AOC shall take control measures determined by the Department. When determining control measures, the Department shall account for the impact of any emissions from mobile, non-road, or biogenic sources, and the availability and feasibility of control measures.

(2) **Permits required.** Owners or operators of facilities that emit a TAP for which the AOC was designated in a concentration that causes or contributes to an off-site violation of the TAP ACCS in an AOC designated for that TAP shall be required to obtain an operating permit from the Department or modify any existing permit to include

the TAP AACS and any control measures required by paragraph 42-51(b)(1).

(3) **Monitoring and modeling requirements.** The Department may require owners or operators of applicable stationary sources to perform ambient air monitoring and/or modeling for the TAP of concern.

(4) **Additional requirements.** The Department shall determine strategies to bring the AOC into compliance with the TAP AACS. These strategies may include rules as recommended by the Council and approved by the Board.

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

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