

**SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS
AND AUTHORIZATIONS**

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**SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS
AND AUTHORIZATIONS**

252:100-11-1. Purpose

The purpose of this Subchapter is to provide ~~air contaminant sources~~ facilities located within the state an alternative means for reducing the total burden of regulated air pollutants released into the atmosphere.

252:100-11-2. Definitions

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

"Actual emissions" for purposes of this Subchapter, means the lowest emission rate in tons per year at which the facility actually emitted a specific pollutant during a three-year period preceding the date of the alternative emissions reduction plan and which is representative of normal operation. The DEQ may allow the use of a different time period upon a determination that it is more representative of normal operations.

"Affected emission point" for purposes of this Subchapter, means an emission point for which an alternative emissions reduction plan is being requested or an emission point that will undergo an emissions reduction based on the plan.

~~"Capability to emit"~~ means the maximum capacity of a source to emit considering reduction from air pollution controls and other enforceable restrictions such as hours of operation, types of raw material or fuel, etc.

~~"Facility"~~ means all of the pollutant-emitting activities which belong to the same industrial grouping as described in the Standard Industrial Classification Manual (1987 Supplement) with the same code number and which are under the control of the same person or under common control and which are located on contiguous or adjacent properties.

"Net emissions reduction" means the amount by which a source will reduce its levels of emitted pollutants under an Alternative Emissions Reduction Plan. Such determination shall be based on the allowable emissions of a specific pollutant under the Alternative Emissions Reduction Plan, subtracted from either the source's capability to emit or the amount allowed under the source's operating permit or regulation, whichever is less ~~the~~ amount the levels of emitted pollutants from a facility will be reduced in an alternative emissions reduction plan. Net emissions reduction shall be calculated by subtracting the emissions of a specific pollutant allowed under an alternative emissions reduction plan from the facility's actual emissions, potential emissions, the emissions allowed under the operating permit, or the emissions allowed by rule, whichever is least.

"Potential emissions" for purposes of this Subchapter, means

the level of emissions a source emits when operating at maximum capacity considering enforceable reductions from air pollution controls and other enforceable restrictions such as hours of operation, types of raw material or fuel, etc.

252:100-11-3. Applicability

The procedures detailed in this Subchapter shall be available to all air contaminant sources located within the state except those precluded by federal law or federal regulation, ~~e.g., Prevention of Significant Deterioration (PSD), National Emission Standards for Hazardous Air Pollutants (NESHAP) or New Source Performance Standards (NSPS),~~ (e.g., PSD, NESHAP, or NSPS) from participating in an alternative emissions reduction ~~program plan,~~ provided:

- (1) ~~the source facility~~ is either in compliance with all applicable state air pollution control rules, or
- (2) if the ~~source facility~~ is not in compliance, its petition filed pursuant to the provisions of this Subchapter constitutes a commitment to achieve a net emissions reduction of the affected pollutants from the source taken facility as a whole that is equal to or greater than the amount of the affected pollutants by which the affected emission point exceeds the applicable standards or limits.

252:100-11-4. Application for alternative emissions reduction plan authorizations

(a) **Filing.** A ~~source facility~~ seeking to operate under an alternative emissions reduction plan shall submit an application for authorization to the DEQ.

(b) **Content.** An alternative emissions reduction plan application shall include, but shall not be limited to, ~~the following information:~~

- (1) ~~Identification~~ identification of the applicant ~~source facility~~ by name and location;
- (2) ~~The~~ the name, address and telephone/fax numbers of the owner or operator of the applicant ~~source facility~~;
- (3) ~~The~~ the permit number under which each affected emission point is presently operating or, if the ~~commencement of emissions from each affected emission point occurred before the specified compliance date of the State's operating permit rule, the date of such commencement~~ affected emission point is grandfathered from permit requirements, the date emissions of each affected pollutant from each affected emission point commenced;
- (4) a narrative of the proposed plan including a description of the means and methods to achieve the proposed alternative reductions;
- (5) the specific requirement for which an exemption is being requested and why that requirement cannot or is not being met;

- ~~(4)(6) Identification of the affected emission points within the source and the affected pollutants emitted therefrom a plot plan of all the emission points at the facility identifying the affected emission points within the facility and the affected pollutants emitted from each emission point, clearly marking the measured distance between each affected emission point, showing the stack height of each emission point, showing the location of existing air pollution control equipment, and showing the particular emission points controlled by this equipment;~~
- ~~(5) Identification and location of existing air pollution control equipment with reference to the particular emissions sources controlled by same~~
- ~~(6)(7) The current the actual emission levels of the affected pollutants from each emission point;~~
- ~~(7) Estimated levels of the affected pollutants to be emitted should the authorization be issued, including:~~
- ~~(A) estimates of the levels of affected pollutants to be emitted from each emission point considered, and~~
- ~~(B) control strategies and/or equipment which will be implemented to control emission levels~~
- (8) estimated levels of the affected pollutants to be emitted should the authorization be issued including estimates of the levels of affected pollutants to be emitted from each emission point considered and control strategies and/or equipment that will be implemented to control emission levels;
- ~~(8)(9) Identification identification of affected pollutants according to individual chemical components; particulates shall be identified according to both chemical components and particle size, and~~
- (10) identification of particulate matter according to both chemical components and particle size;
- ~~(9) Any other information required by the application form including but not limited to:~~
- ~~(A) modeling/monitoring data substantiating the current ambient levels~~
- ~~(B) the method utilized in calculating the projected emissions levels~~
- ~~(C) a plot plan showing the physical relationship of each affected emission point, and~~
- ~~(D) the measured distance between each affected emission point clearly marked.~~
- (11) modeling/monitoring data substantiating the current ambient levels;
- (12) the method utilized in calculating the projected emissions levels;
- (13) if the applicant facility is out of compliance, a compliance plan which includes dates and milestones for implementation of the elements of the plan;

(14) the net emissions reduction as defined in OAC 252:100-11-2 for each affected pollutant;

(15) if necessary, modeling demonstrating that the alternative emissions reduction plan will not result in a violation of the NAAQS; and

(16) any other information required by the application form.

(c) **Multiple facilities.** If the application includes more than one facility under the control of the applicant, in addition to the information required in OAC 252:100-11-4(b), it the application shall include, in addition to the information required in 252:100-11-4(b) for the respective facilities, a plot plan showing the physical relationship of the facilities, and with the measured distance between the facilities clearly marked.

252:100-11-5. Alternative Emissions emissions reduction plan requirements and limitations

~~(a) **Application requirements Requirements.** An application for an alternative emissions reduction plan authorization must conform to the following requirements:~~

(1) An acceptable alternative emissions reduction plan must result in a net emissions reduction, that is, an actual reduction in the amount of the affected pollutants emitted under the plan as opposed to the levels of the affected pollutants emitted before the plan. This means that a facility must reduce emissions of the affected pollutants by an amount that brings the air burden of the affected pollutants to a level less than it would be if all affected emission points within the facility were in compliance. The exact amount of the net emissions reduction will be set on a case by case basis, taking into account the status of the area, topography, weather conditions, surrounding business/residential factors, etc. An alternative emissions reduction plan must conform to the following requirements.

~~(1)(A) A net emissions reduction as defined in OAC 252:100-11-2 must be shown as a result of the control strategies proposed in the application.~~

~~(2)(B) Applications Alternative emissions reduction plans involving Part 70 sources located in Nonattainment Areas, in addition to the requirement in (1) of this subsection OAC 252:100-11-5(a)(1)(A), must include a commitment to install reasonably available control technology RACT, as defined by applicable rules, or other or other control measures that would achieve equivalent reductions.~~

(C) The alternative emissions reduction plan shall not cause or contribute to a violation of the NAAQS.

(D) The alternative emissions reduction plan shall contain enforceable methods of measurement and monitoring.

(2) Multiple facilities under the control of the same owner

or operator may be included in an alternative emissions reduction plan if in addition to the requirements of OAC 252:100-11-5(a)(1), the owner or operator demonstrates by air quality modeling that the increases and decreases in facility emissions will not adversely affect air quality in the area impacted by the affected emission points and that the plan will result in the same air quality level overall.

(b) **Limitation.** The following limitations shall apply to all alternative emissions reduction plans:

(1) Net emissions reduction trade-offs will not be authorized across established pollutant categories; e.g., sulfur emissions may not be traded for hydrocarbon emissions.

(2) Net emissions reduction trade-offs of particulate matter will be authorized only if the trade-off results in a net reduction in particulate matter of equal or smaller average aerodynamic diameter.

252:100-11-6. Authorization procedures

(a) **Determination.** Within 30 days after receipt of all information required to accomplish the analysis ~~in 252:100-11-5~~ of an application for an alternative emissions reduction plan, the DEQ will make a determination whether the plan should be authorized, authorized with conditions or not authorized.

(b) **Petition for recommendation to revise SIP, public notice and Council hearing.**

(1) Upon a determination to authorize or authorize with conditions, but prior to authorization, the applicant shall file a petition with the DEQ seeking a hearing and recommendation by the Air Quality Council for a corresponding revision to the SIP.

~~(2) At least 30 days prior to a hearing before the Air Quality Council on the petition, the applicant shall notify the public by prominent advertisement in a newspaper of general circulation in the county in which the source is located:~~

~~(A) that a SIP petition has been filed~~

~~(B) that the application, petition and the DEQ analysis thereof are available, for 30 calendar days in at least one location in the county where the source is located for public review, and~~

~~(C) of the time, date and place of the hearing before the Air Quality Council and of a 30-day opportunity to submit written comments to the DEQ and/or the opportunity to comment at the hearing.~~

(2) The applicant shall notify the public of the public hearing for an alternative emissions reduction plan by methods contained in OAC 252:4-7-13.

(3) The public notice, as specified, will be sufficient to notify all sub-state entities and their representatives of the proposed recommendation for SIP revision.

(4) At such a hearing before the Air Quality Council, the applicant shall bear the burden of proof.

(c) **Major source.** In the case of a major source, as defined by the Federal Clean Air Act, that might impact the air quality of a neighboring State, the comment period for that State is extended to a 60 day period as required by Section 126 of the Federal Clean Air Act, 42 U.S.C. Section 7426.

~~(d) **Public notice Plan authorization.** Following receipt of the Air Quality Council's recommended revision of the SIP, the DEQ shall issue the plan authorization and the applicant shall publish public notice of that fact in a newspaper of general circulation in the county in which the source is located.~~

252:100-11-7. Duty to comply

(a) Upon issuance of the authorization for the alternative emissions reduction plan by the DEQ, the owner or operator shall be bound by the terms and conditions therein.

(b) Any owner or operator who violates the terms or conditions in the authorized plan shall be subject to enforcement under the Oklahoma Clean Air Act.