

**SUMMARY OF COMMENTS AND STAFF RESPONSES FOR PROPOSED
NEW SUBCHAPTER 44, CONTROL OF MERCURY EMISSIONS FROM
COAL-FIRED ELECTRIC STEAM GENERATING PLANTS**

**COMMENTS RECEIVED PRIOR TO THE
APRIL 19, 2006, AIR QUALITY ADVISORY COUNCIL MEETING**

Written Comments

EPA Region 6 – Letter dated April 10, 2006, signed by David Neleigh, Chief, Air Permits Section, was received by FAX on April 10, 2006.

1. **COMMENT:** Option 1 – Adopting the Federal CAMR rules – It does not appear to be necessary to adopt 60.4130 and 60.4150 since these sections are reserved and they contain no actual regulatory language.

RESPONSE: Staff concurs.

2. **COMMENT:** Option 1 – Adopting the Federal CAMR rules – We consulted with EPA’s Clean Air Markets Division (CAMD) regarding whether 60.4141 and 60.4142 should be adopted by states who incorporate by reference the Federal CAMR rules. CAMD was of the opinion that both provisions need to be adopted by States to have an approvable state plan. Section 60.4141 outlines the State’s obligations for determining allowance allocations and the consequences of failure to satisfy these obligations. Section 60.4141 outlines the impacts on allocations arising from a state failing to submit mercury allocation by specified dates. This provision should, therefore, be included in the state plan to ensure that both the state and the owners/operators of units subject to the plan are aware of the deadlines and the consequences of failing to meet them. Section 60.4142 outlines the process by which states may calculate unit-by-unit allocations. Section 60.4142, therefore needs to be included in the state rules if this option is selected to define the State’s allocation method. If the state exercises its option to develop and adopt an alternative allocation methodology and still participate in the EPA administered trading program, that alternative methodology should be set forth in the state rules in lieu of the one specified in 60.4142. This provision allows the regulated community the opportunity to see how their allocations are calculated and, therefore, is necessary for the open and transparent process required in this type of trading program. The inclusion of the provision may thus minimize potential challenges from the regulated industry based on inaccurate assumptions concerning how the state determined the allocations.

RESPONSE: Staff concurs.

3. **COMMENT:** Option 2 – STAPPA/ALAPCO Model Rule – If Oklahoma adopts this approach, Oklahoma should outline in its State plan how it intends to enforce

against a source that does not achieve the appropriate mercury reduction as required by the rule. Are there penalties or sanctions?

RESPONSE: We will consider this comment if we go forward with this rule.

4. **COMMENT:** Option 2 – STAPPA/ALAPCO Model Rule - How will the percentage capture of inlet mercury be determined if a source selects this emission standard option? The definition of inlet mercury refers to “as determined by methods prescribed by the State.” Has the state defined the method(s) that it will recognize for determining inlet mercury concentration? Will the state utilize Continuous Emission Monitoring System, EPA Method 29, or EPA Method 101A of Appendix B, Part 61? The method(s) should be stated or referenced in the proposed rule and the State plan.

RESPONSE: We will consider this comment if we go forward with this rule.

5. **COMMENT:** Option 2 – STAPPA/ALAPCO Model Rule - Has Oklahoma calculated or determined the expected mercury reductions under the various options being considered for existing units in this approach? If so, was a comparison made to Oklahoma’s mercury emission budget of 0.721 tons per year for 2010-2017, and the 0.285 tons per year beginning in 2018?

RESPONSE: Not officially

6. **COMMENT:** Option 2 – STAPPA/ALAPCO Model Rule - Under this approach, is a source required to designate a mercury designated representative responsible for all recordkeeping and reporting per 60.4140 to comply with the requirement in 252:100-44-7a? This is not clear in this option. How does the Oklahoma Department of Environmental Quality (ODEQ) envision the interface between ODEQ, the U.S. Environmental Protection Agency, and the companies working to demonstrate that the state’s CAMR plan is meeting its mercury emission budget? We believe each company should designate a designated representative to be responsible for all certifications, recordkeeping, and reporting under this approach

RESPONSE: We will consider this comment if we go forward with this rule.

7. **COMMENT:** Option 3 – State Rewrites Federal CAMR with State Timelines/Requirements – EPA Region 6 believes that this approach will take significant time and coordination between Oklahoma and EPA Region 6. We also believe this approach will impact Oklahoma’s ability to submit a State plan to EPA for approval by November 17, 2006, as required by the CAMR requirements. Oklahoma does, however, have the option of pursuing this approach as long as it can demonstrate that its plan is at least as stringent as CAMR.

RESPONSE: We will consider this comment if we go forward with this rule.