

## SUBCHAPTER 42. CONTROL OF TOXIC AIR POLLUTANTS (TAPs)

### 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 pollutants that are emitted into the ambient air.

#### 252:100-42-2. Definitions

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

"Area of concern" means a geographic area in Oklahoma designated as having exceeded a TAP.

"Toxic air contaminant" or "TAC" means any substance determined to be a category "A" (High Toxicity), category "B" (Moderate Toxicity) or category "C" (Low Toxicity) pollutant under the criteria set forth in 252:100-41-40 as of June 11, 2004.

"Toxic air pollutant" or "TAP" means a substance that has been determined to be toxic to human health 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, Toxic Air Pollutants Ambient Air Concentration Standards (AACS).

#### 252:100-42-3. Applicability.

(a) This Subchapter 42 applies to sources that emit any TAP on the TAP AACS list in Appendix O.

(b) Sources that are in compliance with equipment requirements, work practice requirements, or other requirements under Federal regulations promulgated under Section 112(d) of the Federal Clean Air Act as 40 CFR Parts 61 and 63 to control emissions of a TAP will be considered to be in compliance with this Subchapter for that TAP.

(c) Sources that are in compliance with equipment requirements, work practice requirements, or other requirements under Federal regulations promulgated under Section 129 of the Federal Clean Air Act as 40 CFR Part 60, Subparts Eb, Ec, and CCCC and OAC 252:100-17, Parts 5, 7 and 9 to control emissions of a TAP will be considered to be in compliance with this Subchapter for that TAP.

### PART 3. TAPS AMBIENT AIR CONCENTRATION STANDARDS

#### 252:100-42-20. TAPs ambient air concentration standards.

(a) TAPs ambient air concentration standards list. TAPS and their ambient air concentrations standards (AACS) are listed in Appendix O.

(b) Protocol for compiling the TAP AACS list and determining if a substance is a TAP. The decision to add a substance to or remove a substance from the TAP AACS list will be based on:

(1) the toxicity of the substance;

(2) the likelihood that anthropogenic emissions of the substance have caused or might cause ambient air concentration levels to exceed those that have been determined to be acceptable based on health risks.

(c) Protocol for adding substances to or removing substances from the TAP AACS list. Modification of the TAP AACS list in Appendix O will be in accordance with the rulemaking procedures contained in OAC 252:4-5 Rulemaking. After public notice, the proposed revision to Appendix O to add or delete a substance must be approved by the Air Quality Council and the Environmental Quality Board before going to the Governor's office and the State Legislature for approval.

#### PART 5. STATIONARY SOURCE REQUIREMENTS

252:100-42-30. Applicability. This Section 42-30 applies to any stationary source which emits any TAP.

#### 252:100-42-31. Compliance requirements

(a) Requirement to comply with TAPs AACS. Except as otherwise provided in this Subchapter, upon the effective date of this Subchapter 42 no person shall cause or permit the emission of any TAP from a stationary source in such concentration as to cause or contribute to a violation of the TAP AACS contained in Appendix O.

(b) Existing air pollution control equipment. A facility that has been required by an air quality permit prior to June 11, 2004, to install equipment to control TACs shall retain and use that equipment. A facility may apply to the Director to remove such control equipment.

#### PART 7 [RESERVED]

#### PART 9. AREAS OF CONCERN

#### 252:100-42-50. Proposed of areas of concern.

An area of concern for a TAP shall be designated by the Director following a public meeting when it is demonstrated that the AACS for that TAP is exceeded. The boundaries of that area

shall be determined by monitoring, modeling, or other methods approved by the Director.

(1) **Monitoring.** Monitoring data used by the Department to designate areas of concern shall meet the requirements of the Federal Ambient Monitoring Guidelines (EPA-450/4-87-007) and State requirements in OAC 252:100-43.

(2) **Modeling.**

(A) All applications of air quality modeling involved in this Subchapter 42 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 model substituted. Such a modification or substitution of a model may be made on a case-by-case basis. Written approval of the Director must be obtained for any modification or substitution.

#### **252:100-42-52. Planning and control strategies**

(a) **Scope.** The impact of stationary facilities, mobile sources, and biogenic sources shall be considered in determining whether there is a significant risk from a TAP to the public in an area of concern.

(1) **Stationary facility.** Owners or operators of stationary facilities that emit a TAP and are located in an area designated as an area of concern for that TAP shall be required to take the control measures determined by the Director.

(2) **Other sources.** The impact of mobile source emissions, nonroad emissions, and biogenic emissions on the area of concern will be considered.

(b) **DEQ responsibilities.**

(1) Following designation by the Director, the DEQ may require stationary facilities emitting a particular TAP and located in an area that has been designated an area of concern for that TAP or which is a proposed area of concern for that TAP to perform ambient air modeling and/or monitoring for that TAP.

(2) The DEQ shall determine strategies to bring the area of concern back into compliance with the TAP AACS. These strategies may include rules as recommended by the Council and approved by the Board.

(3) The DEQ shall notify the public of the boundaries and other Departmental findings associated with the area of concern.

(4) The Director shall redesignate an area of concern as in compliance with the TAP AACS when it is demonstrated through modeling and/or monitoring that the area complies with the TAP AACS.

(5) In an area of concern the Department may revoke a facility's de minimis status or permit exempt status through rulemaking.

APPENDIX O  
TOXIC AIR POLLUTANTS AMBIENT AIR CONCENTRATION STANDARDS (TAP  
AACS)  
[RESERVED]

[The Department is presently evaluating substances and concentrations for inclusion on this list. Information will be presented at a later date.]