

(2) When demolition/renovation operations must, of necessity take place in the outdoor air, friable asbestos removed in such operations shall be immediately bagged or contained in accordance with paragraph (1) of this Section.

(3) Friable asbestos materials used on pipes or other outdoor structures shall not be allowed to weather or deteriorate and become exposed to, or dispersed in the outside air.

(4) Friable asbestos materials shall, in addition to other provisions concerning disposal, be disposed of in a facility approved for asbestos by the Oklahoma Department of Environmental Quality, Land Protection Division.

**SUBCHAPTER 41. CONTROL OF EMISSION OF HAZARDOUS AIR POLLUTANTS AND TOXIC AIR CONTAMINANTS [REVOKED]**

**PART 1. GENERAL PROVISIONS [REVOKED]**

Section

- 252:100-41-1. Purpose [REVOKED]
- 252:100-41-1.1. Supersession by Subchapter 42 [REVOKED]
- 252:100-41-2. Definitions [REVOKED]

**PART 3. HAZARDOUS AIR POLLUTANTS [REVOKED]**

- 252:100-41-13. Purpose [REVOKED]
- 252:100-41-14. Reference to 40 CFR [REVOKED]
- 252:100-41-15. National emission standards for hazardous air pollutants (NESHAP)[REVOKED]
- 252:100-41-16. Asbestos [REVOKED]

**PART 5. TOXIC AIR CONTAMINANTS [REVOKED]**

- 252:100-41-35. Applicability [REVOKED]
- 252:100-41-36. General prohibitions; scope [REVOKED]
- 252:100-41-37. New sources [REVOKED]
- 252:100-41-38. Existing sources [REVOKED]
- 252:100-41-39. Area sources [REVOKED]
- 252:100-41-40. Maximum acceptable ambient concentrations (MAAC) [REVOKED]
- 252:100-41-41. Emissions inventories [REVOKED]
- 252:100-41-42. Compliance requirements [REVOKED]
- 252:100-41-43. Exemptions [REVOKED]
- 252:100-41-44. Compliance date [REVOKED]

**PART 1. GENERAL PROVISIONS [REVOKED]**

- 252:100-41-1. Purpose [REVOKED]
- 252:100-41-1.1. Supersession by Subchapter 42 [REVOKED]
- 252:100-41-2. Definitions [REVOKED]

**PART 3. HAZARDOUS AIR POLLUTANTS [REVOKED]**

- 252:100-41-13. Purpose [REVOKED]
- 252:100-41-14. Reference to 40 CFR [REVOKED]
- 252:100-41-15. National emission standards for hazardous air pollutants (NESHAP) [REVOKED]
- 252:100-41-16. Asbestos [REVOKED]

**PART 5. TOXIC AIR CONTAMINANTS [REVOKED]**

- 252:100-41-35. Applicability [REVOKED]
- 252:100-41-36. General prohibition; scope [REVOKED]
- 252:100-41-37. New sources [REVOKED]
- 252:100-41-38. Existing sources [REVOKED]
- 252:100-41-39. Area sources [REVOKED]
- 252:100-41-40. Maximum acceptable ambient concentrations (MAAC) [REVOKED]
- 252:100-41-41. Emissions inventories [REVOKED]
- 252:100-41-42. Compliance requirements [REVOKED]
- 252:100-41-43. Exemptions [REVOKED]
- 252:100-41-44. Compliance date [REVOKED]

**SUBCHAPTER 42. CONTROL OF TOXIC AIR CONTAMINANTS**

**PART 1. GENERAL PROVISIONS**

Section

- 252:100-42-1. Purpose
- 252:100-42-1.1 Supersession of Subchapter 41
- 252:100-42-2. Definitions
- 252:100-42-3. Applicability
- 252:100-42-4. Existing air pollution control requirements

**PART 3. STANDARDS**

Section

- 252:100-42-20. TAC MAAC

**PART 5. TAC MAAC EXCEEDANCE**

Section

- 252:100-42-30. Areas of concern
- 252:100-42-31. AOC Compliance strategies
- 252:100-42-32. Redesignation

## 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 contaminants (TAC) that are emitted into the ambient air.

### 252:100-42-1.1. Supersession of Subchapter 41

All parts of OAC 252:100-41, with the exception of Part 3, shall be superseded by this Subchapter.

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

The following words and terms when used in this Subchapter 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 TAC maximum acceptable ambient concentration (MAAC).

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

**"Malfunction"** means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

**"Maximum acceptable ambient concentration"** or **"MAAC"** means the action levels and averaging times contained in [Appendix O](#) of this Chapter for TAC.

**"Toxic air contaminant"** or **"TAC"** means any substance listed in [Appendix O](#) of this Chapter.

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

This Subchapter applies to stationary sources that emit any TAC.

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

## PART 3. STANDARDS

### 252:100-42-20. TAC MAAC

(a) **TAC MAAC.** The TAC MAAC list is located in [Appendix O](#) of this Chapter.

(b) **Protocol for creating and modifying the TAC MAAC list.**

(1) The Director may recommend substances to be added to the TAC MAAC list subject to the applicability of all of the following:

- (A) toxicity of the substance;
- (B) availability of methods for monitoring the ambient air concentration of the substance at the

levels deemed to be acceptable for human health;  
(C) quantity of the substance emitted in Oklahoma;  
and

(D) 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.

(2) The Director may recommend a substance be removed from the TAC MAAC list if the substance does not meet one of the criteria listed in subparagraphs 42-20(b)(1)(A) through (D).

(c) **Rulemaking requirements for TAC MAAC.** Adoption and modification of the TAC MAAC list will be in accordance with the rulemaking procedures of the Department.

## PART 5. TAC MAAC EXCEEDANCE

### 252:100-42-30. Areas of concern

(a) **Designation.**

(1) **Proposed AOC.**

(A) The Director may propose designation of an Area of Concern (AOC) for a TAC when it is demonstrated by monitoring that the MAAC for that TAC is exceeded in such a way as to endanger the public health.

(B) Excess emissions caused by malfunction shall not form the basis for an AOC designation.

(2) **AOC boundaries.**

(A) The boundaries of the AOC will be determined by monitoring, modeling, or other means approved by the Director.

(B) The impact of TAC emissions from stationary, mobile, and biogenic sources shall be considered in determining the boundaries for an AOC.

(3) **Monitoring and modeling.**

(A) **AOC and boundaries.** Monitoring and modeling for the proposed AOC and its boundaries will be performed by the Department in accordance with the requirements of 42-30(a)(3)(D)(i) and (ii); however, the Department will accept monitoring and modeling from other sources if such monitoring and modeling meet the requirements of 42-30(a)(3)(D)(i) and (ii), respectively.

(B) **Decision to monitor.** The decision to monitor for TAC MAAC exceedance in an area will be based on but not limited to:

- (i) complaints received from the public;
- (ii) information collected during compliance evaluations;
- (iii) emission inventory data; or
- (iv) EPA reports.

(C) **Monitoring sites.** Monitors for TAC shall only be placed in areas where human health may be endangered by emissions of TAC.

(D) **Acceptable monitoring and modeling methods.**

- (i) **Risk assessment and monitoring.**

(I) All risk assessment and monitoring methods used by the Department for purposes of this Subchapter shall be consistent with those in Volumes 1 and 2 of the United States Environmental Protection Agency Air Toxics Risk Assessment (ATRA) Reference Library, April 2004; documents referenced in ATRA; and State requirements in OAC 252:100-43.

(II) The Department will analyze the data collected from each monitoring location to determine the 95% upper confidence limit (95% UCL) for the mean ambient concentration for each TAC/monitor combination. The 95% UCL will be determined using at least 10 samples taken over a period of at least 30 days and will be the concentration used for comparison with the TAC MAAC action level for each monitoring location.

(ii) **Modeling.**

(I) 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).

(II) 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. When modeling is performed by owners or operators of stationary sources, written approval of the Director must be obtained for any modification or substitution.

(4) **Final designation.** The Director shall not make a final designation of an AOC until at least 30 days following the public meeting held pursuant to subsection 42-30(c) below.

(b) **Public notification.** At least 30 days prior to the public meeting set forth in subsection 42-30(c) below, the Department shall publish notice of the boundaries and the availability of information associated with the proposed AOC.

(1) The notice shall be published on the Department website, in two newspapers circulated statewide, and in one newspaper local to the AOC.

(2) The notice shall identify locations where information may be reviewed.

(3) The notice shall include the date, time, and place for the public meeting on the proposed designation.

(4) The notice shall identify the process by which written comments regarding the proposed designation may be submitted to the Department.

(c) **Public meeting.** The Department shall schedule and

hold a public meeting. Any local community meeting to be held on the proposed designation may be combined with the public meeting authorized by this Section.

**252:100-42-31. AOC Compliance strategies**

(a) **Applicability.** Following final designation of an AOC by the Director, the Department shall determine AOC Compliance Strategies to bring the AOC into compliance with the TAC MAAC. AOC Compliance Strategies developed by the Department shall apply to any stationary source or emissions unit that:

(1) impacts an AOC;

(2) emits the TAC 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 TAC promulgated under Sections 112(d) or 129 of the Federal Clean Air Act, OAC 252:100-17, Parts 5, 7, and 9, or required by a Consent Order or Decree issued by the Department or another regulatory agency.

(b) **AOC Compliance Strategy development.**

(1) **General requirements.** After making a final designation of an AOC, the Department shall prepare a compliance strategy for the AOC. In developing an AOC Compliance Strategy the Department shall:

(A) take into consideration what portion of the pollutant load is attributable to stationary sources versus that attributable to mobile sources, non-road sources, and biogenic sources;

(B) determine de minimis emission levels if appropriate for a particular TAC and a particular AOC; and

(C) advise, consult and cooperate with other agencies of the State, towns, cities, and counties, industries, other states and the federal government, and with affected groups in bringing the AOC into compliance.

(2) **Additional rulemaking.** Any new requirements or standards developed for an AOC Compliance Strategy shall be developed in accordance with the rulemaking procedures of the Department.

(3) **Permit requirements.** In accordance with 27A O.S., Section 2-5-112, the Department may as part of an AOC Compliance Strategy:

(A) require owners or operators to obtain permits for facilities that emit the TAC, for which the AOC was designated, in a concentration that causes or contributes to an off-site violation of the TAC MAAC in an AOC designated for that TAC; or

(B) require owners or operators of such facilities to modify any existing permit to include the TAC MAAC and any control measures required by paragraph 42-31(b)(4).

(4) **Control measures.** The availability, feasibility, and cost of any control measures, work practice standards, control equipment requirements, material substitution requirements, or stack emissions standards shall be considered in developing the AOC Compliance

Strategy.

(5) **On-site emissions.** Owners or operators of facilities located in an AOC shall not be required to demonstrate compliance with the TAC MAAC within the boundaries of their facilities.

(6) **Monitoring and modeling requirements.** As an AOC Compliance Strategy, the Department may require owners or operators of applicable stationary sources to perform ambient air monitoring and/or modeling for the TAC of concern. Such ambient air monitoring and modeling shall be performed using the references and requirements in 42-30(a)(3)(D)(i) and (ii).

(c) **Public notification.** Following final designation of an AOC, the Department shall publish a report outlining the compliance strategy developed to bring the AOC into compliance with the TAC MAAC.

### **252:100-42-32. Re-designation**

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

(b) **Public notice.** Following the re-designation of an AOC, the Department shall notify the public pursuant to paragraph 42-30(b)(1).

## **SUBCHAPTER 43. TESTING, MONITORING AND RECORDKEEPING**

### **PART 1. GENERAL PROVISIONS**

Section

252:100-43-1.	Purpose
252:100-43-1.1.	Definitions
252:100-43-1.2.	Applicability
252:100-43-2.	Testing and monitoring
252:100-43-3.	Requirement to test
252:100-43-4.	Monitoring required
252:100-43-5.	Acceptable methods
252:100-43-6.	Credible evidence
252:100-43-7.	Records and reports required

### **PART 3. SPECIFIC METHODS [REVOKED]**

252:100-43-15. Gasoline vapor leak detection procedure by combustible gas detector [AMENDED AND RENUMBERED TO 252:100-39-41.1]

### **PART 1. GENERAL PROVISIONS**

#### **252:100-43-1. Purpose**

The purpose of this Subchapter is to provide general requirements for testing, monitoring and recordkeeping.

#### **252:100-43-1.1. Definitions**

The following words and terms, when used in this Subchapter shall have the following meaning:

**"Method"** means a formalized program for the

measurement, analysis, and reporting of the physical and chemical properties of a process.

**"Monitoring"** means any form of collecting data on a routine basis to determine or otherwise assess compliance with emission limitations or standards. Recordkeeping may be considered monitoring where such records are used to determine or assess compliance with an emission limitation or standard (such as records of raw material content and usage, or records documenting compliance with work practice requirements). Monitoring may include one or more than one of the following data collection techniques, where appropriate for a particular circumstance:

(A) Continuous emission or opacity monitoring systems.

(B) Continuous process, capture system, control device or other relevant parameter monitoring systems or procedures, including a predictive emission monitoring system.

(C) Emission estimation and calculation procedures (e.g., mass balance or stoichiometric calculations).

(D) Maintenance and analysis of records of fuel or raw materials usage

(E) Recording results of a program to conduct specific operation and maintenance procedures.

(F) Verification of emissions, process parameters, capture system parameters, or control device parameters using portable or in situ measurement devices.

(G) Visible emission observations.

(H) Any other form of measuring, recording, or verifying on a routine basis emissions, process parameters, capture system parameters, control device parameters or other factors relevant to assessing compliance with emission limitations or standards.

**"Test"** means the collection of data resulting from the execution of a method.

#### **252:100-43-1.2. Applicability**

Requirements of this Subchapter apply to any testing, monitoring or recordkeeping activity, including permits, compliance, performance tests and enforcement, conducted at any stationary source. When other applicable federal and state requirements are more stringent than those of this Subchapter, then the more stringent requirements shall apply. Upon written request, the Director will make a determination whether any other applicable federal or state regulation is more stringent than those of this Subchapter.

#### **252:100-43-2. Testing and monitoring**

All testing and monitoring shall be conducted in accordance with the methods described in this Subchapter. All tests shall be made under the direction of a person qualified by training and/or experience in the appropriate field of air pollution control. The data from any required testing or monitoring not conducted in accordance with the provisions of this Subchapter shall not be considered valid