

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND
AUTHORIZATIONS [REVOKED]**

252:100-11-1. Purpose [REVOKED]

~~The purpose of this Subchapter is to provide 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 [REVOKED]

~~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 the three year period immediately preceding the date of the alternative emissions reduction plan. 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 that will undergo an emissions reduction or emissions increase in an alternative emissions reduction plan.~~

~~"Affected pollutant" for purposes of this Subchapter, means any regulated air pollutant that is reduced or increased as a result of the implementation of an alternative emissions reduction plan.~~

~~"Net emissions reduction" means the amount by which emissions 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 [REVOKED]

~~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., PSD, NESHAP, or NSPS) provided:~~

- ~~(1) the facility is either in compliance with all applicable state air pollution control rules, or~~
- ~~(2) if the facility is not in compliance with any emission limit or standard, the petition filed pursuant to the provisions of this Subchapter constitutes a commitment to achieve a net emissions reduction from the facility as a whole that is equal to or greater than the amount by which the emission limit or standard is exceeded.~~

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

~~(a) **Filing.** A facility seeking to operate under an alternative emissions reduction plan (referred to as the 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:~~

- ~~(1) identification of the applicant facility by name and location;~~
- ~~(2) the name, address, and telephone/fax numbers of the owner or operator of the applicant facility;~~
- ~~(3) the permit number under which each affected emission point is presently operating or, if the 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;~~
- ~~(6) a plot plan of all the emission points at the facility identifying the affected emission points within the facility and all 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 or proposed emission point, showing the location of existing air pollution control equipment and the particular emission points controlled by this equipment, and showing the proposed location of any new control equipment to be added as a result of the implementation of the alternative emissions reduction plan and the emission points to be controlled by this new equipment;~~
- ~~(7) the actual emission levels of all affected pollutants from each emission point;~~
- ~~(8) estimated levels of any affected pollutant 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;~~
- ~~(9) identification of all affected pollutants according to individual chemical components;~~
- ~~(10) as applicable, identification of particulate matter according to both chemical components and particle size;~~
- ~~(11) modeling/monitoring data substantiating the current ambient levels of all affected pollutants, and if required, modeling demonstrating that the plan will not cause or contribute to a violation of the NAAQS;~~
- ~~(12) the method utilized in calculating the projected emissions levels;~~
- ~~(13) if the applicant facility is out of compliance with any emission standard or limit, a compliance plan which includes dates and milestones for implementation of the elements of the alternative emissions reduction plan;~~
- ~~(14) the net emission reduction as defined in OAC 252:100-11-2, and;~~
- ~~(15) 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, located on contiguous or adjacent property, and affecting the same airshed, in addition to the information required in OAC 252:100-11-4(b), the application shall include a plot plan showing the physical relationship of the facilities with the measured distance between the facilities clearly marked.~~

252:100-11-5. Emissions reduction plan requirements and limitations [REVOKED]

(a) ~~Requirements.~~

~~(1) An acceptable alternative emissions reduction plan must result in a net emissions reduction, that is, a reduction in the facility's actual emissions of all regulated air pollutants for which the plan is proposed. (This does not include air pollutants that are increased due to control equipment or strategy.) This means that a facility must reduce emissions of these regulated air pollutants by an amount that brings the air burden to a level less than it would be if 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. The plan must conform to the following requirements.~~

~~(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.~~

~~(B) Facility wide increases in any regulated air pollutants that result from the implementation of the plan shall comply with limits, standards, and requirements applicable to the emission points involved.~~

~~(C) The plan shall not cause or contribute to a violation of the NAAQS for any regulated air pollutant.~~

~~(D) The plan shall contain enforceable methods of measurement, monitoring, and reporting.~~

~~(E) Plans involving Part 70 sources located in Nonattainment Areas, in addition to the requirement in OAC 252:100-11-5(a)(1)(A), (B), (C), and (D) must include a commitment to install, maintain, and operate RACT, as defined by applicable rules, or other control measures that would achieve equivalent reductions.~~

~~(2) Multiple facilities under the control of the same owner or operator may be included in the plan if the facilities are located on contiguous or adjacent property and the emissions from all the facilities involved affect the same airshed. In addition to the requirements of OAC 252:100-11-5(a)(1), the owner or operator must demonstrate 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 or better 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 [REVOKED]

~~(a) **Determination.** Within 30 days after receipt of all information required to accomplish the analysis 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 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) 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.~~

~~(e) **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) **Plan authorization.** Following receipt of the Air Quality Council's recommended revision of the SIP, the DEQ shall issue the plan authorization.~~

252:100-11-7. Duty to comply [REVOKED]

~~(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.~~

SUBCHAPTER 33. CONTROL OF EMISSION OF NITROGEN OXIDES [REVOKED]

252:100-33-1. Purpose [REVOKED]

~~The purpose of this Subchapter is to control the emission of nitrogen oxides from stationary sources to prevent the Oklahoma air quality standards from being exceeded and insure that the present level of air quality in Oklahoma is not degraded.~~

252:100-33-1.1. Definitions [REVOKED]

~~The following terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~**"New fuel burning equipment"** means any fuel burning equipment that was not in being on February 14, 1972, or any existing fuel burning equipment that was altered, replaced, or rebuilt after February 14, 1972, resulting in increased emissions of nitrogen oxides with the following exceptions:~~

~~(A) New fuel burning equipment for gas turbines means any gas turbine that was not in being on July 1, 1977, or any existing gas turbine that was altered, replaced, or rebuilt after July 1, 1977, resulting in increased emissions of nitrogen oxides; and~~

~~(B) New fuel burning equipment for direct fired processes means any direct fired fuel burning equipment or processes that were not in being on July 1, 1977, or any existing direct fired fuel burning equipment or processes that were altered, replaced, or rebuilt after July 1, 1977, resulting in increased emissions of nitrogen oxides.~~

~~**"Solid fossil fuel"** means solid fossil fuel such as coal and any solid fuel derived from naturally occurring coal or petroleum.~~

~~**"Three-hour average"** means the arithmetic average of sampling results or continuous emission monitoring data from three contiguous one-hour periods.~~

252:100-33-1.2. Applicability [REVOKED]

~~(a) This subchapter applies to new fuel burning equipment that meets both of the following criteria.~~

~~(1) The fuel burning equipment has a rated heat input of 50 MMBTU/hr or greater.~~

~~(2) The equipment burns solid fossil fuel, gaseous fuel, or liquid fuel, or a combination thereof.~~

~~(b) Glass melting furnaces that are subject to BACT requirements contained in a currently applicable Air Quality Division permit are exempt from the requirements of OAC 252:100-33-2. The NO_x emissions from this equipment shall not cause or contribute to an exceedance of any NAAQS or PSD increment.~~

252:100-33-2. Emission limits [REVOKED]

~~(a) Fuel burning equipment subject to this subchapter shall meet the following emission limitations except as provided in OAC 252:100-33-1.2(b) and 252:100-33-2(b).~~

~~(1) **Gas-fired fuel burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new gas-fired fuel burning equipment shall not exceed 0.20 lb/MMBTU (86 ng/J) heat input, three-hour average.~~

~~(2) **Liquid-fired fuel burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new liquid-fired fuel burning equipment shall not exceed 0.30 lb/MMBTU (129 ng/J) heat input, three-hour average.~~

~~(3) **Solid fossil fuel burning equipment.** Emissions of nitrogen oxides (calculated as nitrogen dioxide) from any new solid fossil fuel burning equipment shall not exceed 0.70 lb/MMBTU (300 ng/J) heat input, three-hour average.~~

~~(4) **Combination of fuels burned.** When different types of fuels are burned simultaneously in any combination, the NO_x standard (calculated as nitrogen dioxide in lb/MMBTU heat input, three-hour average) for the fuel burning equipment shall be determined by proration unless a secondary fuel is used in de minimis quantities (less than 5% of total BTU input annually). Compliance shall be determined using the following formula where X is the percent of total heat input derived from gaseous fuel, Y is the percent of total heat input derived from liquid fuel, and Z is the percent of total heat input derived from solid fuel:~~

~~NO₂ limit = 0.2X + 0.3Y + 0.7Z / (X + Y + Z).~~

~~(b) If fuel burning equipment, due to technological limitations, cannot meet the requirements of OAC 252:100-33-2(a) during startup and/or shutdown, the fuel burning equipment shall comply with BACT for startup and/or shutdown as contained in a currently applicable Air Quality Division permit. The NO_x emissions during startup and/or shutdown of this equipment shall not cause or contribute to an exceedance of any NAAQS or PSD increment. Approval of technological limitations by the Director in an Air Quality Division permit does not mean automatic approval by the EPA.~~