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

SUBCHAPTER 1. GENERAL PROVISIONS

Section
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252:100-1-1. Purpose

This Subchapter provides definitions of words and phrases used in Chapter 100. The definitions contained in the Oklahoma Clean Air Act, under which this regulation is promulgated, shall also apply. The Subchapter also contains a list of commonly used units with their abbreviations and a list of commonly used acronyms.

252:100-1-2. Statutory definitions

The definitions contained in the Oklahoma Environmental Quality Code at 27A O.S. Sections 2-01-102 and 2-05-101(2002) under which this Chapter is promulgated, shall apply for the following terms.

(1) air contaminants,
(2) air pollution,
(3) council,
(4) department,
(5) director,
(6) Executive Director, and
(7) person.

252:100-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise or unless defined specifically for a Subchapter, section, or subsection in the Subchapter, section, or subsection.

"Act" means the Federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

"Administrator" means, unless specifically defined otherwise, the Administrator of the United States Environmental Protection Agency (EPA) or the Administrator's designee.

"Air contaminant source" means any and all sources of emission of air contaminants (pollutants), whether privately or publicly owned or operated, or person contributing to emission of air contaminants. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores, heating and power plants or stations, buildings and other structures of all types.

"Air pollution abatement operation" means any operation which has as its essential purpose a significant reduction in:

(A) the emission of air contaminants, or
(B) the effect of such emission.

"Air pollution episode" means high levels of air pollution existing for an extended period (24 hours or more) of time which may cause acute harmful health effects during periods of atmospheric stagnation, without vertical or horizontal ventilation. This occurs when there is a high pressure air mass over an area, a low wind speed and there is a temperature inversion. Other factors such as humidity may also affect the episode conditions.

"Ambient air standards" or **"Ambient air quality standards"** means levels of air quality as codified in OAC 252:100-3.

"Atmosphere" means the air that envelops or surrounds the earth.

"Best available control technology" or **"BACT"** means the best control technology that is currently available as determined by the Division Director on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs of alternative control systems.

"Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

"Carbon dioxide equivalent emissions" or **"CO_2e"** means an amount of GHG emitted, and shall be computed by multiplying the mass amount of emissions, for each of the six greenhouse gases in the pollutant GHG, by the gas' associated global warming potential (GWP) published in Table A-1 to subpart A of 40 CFR Part 98 - Global Warming Potentials, and summing the resultant value for each to compute a CO_2e. For purposes of the definitions of "subject to regulation" in OAC 252:100-8-2 and 252:100-8-31, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries, as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

"Catalytic cracking unit" means a unit composed of a reactor, regenerator and fractionating towers which is used to convert certain petroleum fractions into more valuable products by passing the material through or commingled with a bed of catalyst in the reactor. Coke deposits produced on the catalyst during cracking are removed by burning off in the regenerator.

"Combustible materials" means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.

"Commence" means, unless specifically defined otherwise, that the owner or operator of a facility to which neither a NSPS or NESHAP applies has begun the construction or installation of the emitting units on a pad or in the final location at the facility.

"Commencement of operation" or **"commencing operation"** means the owner or operator of the stationary source has begun, or caused to begin, emitting a regulated air pollutant from any activity for which the stationary source is designed and/or permitted.

"Complete" means in reference to an application for a permit, the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Director from requesting or accepting any additional information.

"Construction" means, unless specifically defined otherwise, fabrication, erection, or installation of a source.

"Crude oil" means a naturally occurring hydrocarbon mixture which is a liquid at standard conditions. It may contain sulfur, nitrogen and/or oxygen derivatives of hydrocarbon.

"Direct fired" means that the hot gasses produced by the flame or heat source come into direct contact with the material being processed or heated.

"Division" means Air Quality Division, Oklahoma State Department of Environmental Quality.

"Dust" means solid particulate matter released into or carried in the air by natural forces, by any fuel-burning, combustion, process equipment or device, construction work, mechanical or industrial processes.

"EPA" means the United States Environmental Protection Agency.

"Excess emissions" means the emission of regulated air pollutants in excess of an applicable limitation or requirement as specified in the applicable limiting Subchapter, permit, or order of the DEQ. This term does not include fugitive VOC emissions covered by an existing leak detection and repair program that is required by a federal or state regulation.

"Existing source" means, unless specifically defined otherwise, an air contaminant source which is in being on the effective date of the appropriate Subchapter, section, or paragraph of these rules.

"Facility" means all of the pollutant-emitting activities that meet all the following conditions:

(A) Are under common control.
(B) Are located on one or more contiguous or adjacent properties.
(C) Have the same two-digit primary SIC Code (as described in the Standard Industrial Classification Manual, 1987).

"Federally enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State implementation plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

"Fossil fuel" means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

"Fuel-burning equipment" means any one or more of boilers, furnaces, gas turbines or other combustion devices and all appurtenances thereto used to convert fuel or waste to usable heat or power.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than a stack or chimney.

"Fugitive emissions" means, unless specifically defined otherwise, those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Fume" means minute solid particles generated by the condensation of vapors to solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination, or chemical reaction when these processes create airborne particles.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

"Greenhouse gas" or **"GHG"** means the air pollutant defined in 40 CFR § 86.1818-12(a) as the aggregate group of six greenhouse gases: carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

"Gross particulate matter" or **"GPM"** means particulate matter with an aerodynamic diameter greater than 10 micrometers.

"In being" means as used in the definitions of New Installation and Existing Source that an owner or operator has undertaken a continuous program of construction or modification or the owner or operator has entered into a binding agreement or contractual obligation to undertake and complete within a reasonable time a continuous program of construction or modification prior to the compliance date for installation as specified by the applicable regulation.

"Incinerator" means a combustion device specifically designed for the destruction, by high temperature burning, of solid, semi-solid, liquid, or gaseous combustible wastes and from which the solid residues contain little or no combustible material.

"Indirect fired" means that the hot gasses produced by the flame or heat source do not come into direct contact with the material, excluding air, being processed or heated.

"Installation" means an identifiable piece of process equipment.

"Lowest achievable emissions rate" or **"LAER"** means, for any source, the more stringent rate of emissions based on paragraphs (A) and (B) of this definition. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of LAER allow a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable standard of performance for the new source.

(A) LAER means the most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable, or

(B) LAER means the most stringent emissions limitation which is achieved in practice by such class or category of stationary sources.

"Major source" means any new or modified stationary source which directly emits or has the capability at maximum design capacity and, if appropriately permitted, authority to emit 100 tons per year or more of a given pollutant. (OAC 252:100-8, Part 3)

"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.

"Mist" means a suspension of any finely divided liquid in any gas or atmosphere excepting uncombined water.

"Modification" means any physical change in, or change in the method of operation of, a source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted, except that:

(A) routine maintenance, repair and replacement shall not be considered physical changes; and,

(B) the following shall not be considered a change in the method of operation:

(i) any increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(ii) an increase in hours of operation;

(iii) use of alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to such source the affected facility is designed to accommodate such alternative use.

"National Emission Standards for Hazardous Air Pollutants" or **"NESHAP"** means those standards found in 40 CFR Parts 61 and 63.

"New installation", "New source", or **"New equipment"** means an air contaminant source which is not in being on the effective date of these regulations and any existing source which is modified, replaced, or reconstructed after the effective date of the regulations such that the amount of air contaminant emissions is increased.

"New Source Performance Standards" or **"NSPS"** means those standards found in 40 CFR Part 60.

"Nonmethane organic compounds" or **"NMOC"** means nonmethane organic compounds, as defined in 40 CFR 60.754.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

"Organic compound" means any chemical compound containing the element carbon.

"Owner or operator" means any person who owns, leases, operates, controls or supervises a source.

"Part 70 permit" means (unless the context suggests otherwise) any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to this Chapter.

"Part 70 program" means a program approved by the Administrator under 40 CFR Part 70.

"Part 70 source" means any source subject to the permitting requirements of Part 5 of Subchapter 8, as provided in OAC 252:100-8-3(a) and (b).

"PM_{10} emissions" means particulate matter emitted to the ambient air with an aerodynamic diameter of 10 micrometers or less as measured by applicable reference methods, or an equivalent or alternative method.

"PM_{10}" means particulate matter with an aerodynamic diameter of 10 micrometers or less.

"$PM_{2.5}$" means particulate matter with an aerodynamic diameter of 2.5 micrometers or less.

"Particulate matter" or **"PM"** means any material that exists in a finely divided form as a liquid or a solid.

"Particulate matter emissions" means particulate matter emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method.

"Potential to emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation

or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

"Prevention of significant deterioration" or **"PSD"** means increments for the protection of attainment areas as codified in OAC 252:100-3.

"Process equipment" means any equipment, device or contrivance for changing any materials or for storage or handling of any materials, the use or existence of which may cause any discharge of air contaminants into the open air, but not including that equipment specifically defined as fuel-burning equipment, or refuse-burning equipment.

"Process weight" means the weight of all materials introduced in a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for the purposes of combustion. Process weight rate means a rate established as follows:

(A) for continuous or long-run, steady-state, operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(B) for cyclical or batch source operations, the total process weight for a period which covers a complete or an integral number of cycles, divided by the hours of actual process operation during such period.

(C) where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, that interpretation which results in the minimum value for allowable emission shall apply.

"Reasonably available control technology" or **"RACT"** means devices, systems, process modifications, or other apparatus or techniques that are reasonably available taking into account:

(A) The necessity of imposing such controls in order to attain and maintain a national ambient air quality standard;

(B) The social, environmental, and economic impact of such controls; and

(C) Alternative means of providing for attainment and maintenance of such standard.

"Reconstruction" means

(A) the replacement of components of an existing source to the extent that will be determined by the Executive Director based on:

(i) the fixed capital cost (the capital needed to provide all the depreciable components of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source);

(ii) the estimated life of the source after the replacements is comparable to the life of an entirely new source; and,

(iii) the extent to which the components being replaced cause or contribute to the emissions from the source.

(B) a reconstructed source will be treated as a new source for purposes of OAC 252:100-8, Part 9.

"Refinery" means any facility engaged in producing gasoline, kerosene, fuel oils or other products through distillation of crude oil or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

"Refuse" means, unless specifically defined otherwise, the inclusive term for solid, liquid or gaseous waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial, commercial and domestic solid, liquid or gaseous waste; trees or shrubs; tree or shrub trimmings; grass clippings; brick, plaster, lumber or other waste resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk or other such substances.

"Refuse-burning equipment" means any equipment, device, or contrivance, and all appurtenances thereto, used for the destruction of combustible refuse or other combustible wastes by burning.

"Regulated air pollutant" means any substance or group of substances listed in Appendix P of this Chapter, or any substance regulated as an air pollutant under any federal regulation for which

the Department has been given authority, or any other substance for which an air emission limitation or equipment standard is set by an enforceable permit.

"Responsible official" means one of the following:

(A) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the DEQ;

(B) For the partnership or sole proprietorship: a general partner or the proprietor, respectively;

(C) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For purposes of this Chapter, a principal executive officer or installation commander of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(D) For affected sources:

(i) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and

(ii) The designated representative for any other purposes under this Chapter.

"Shutdown" means the cessation of operation of any process, process equipment, or air pollution control equipment.

"Smoke" means small gas-borne or air-borne particles resulting from combustion operations and consisting of carbon, ash, and other matter any or all of which is present in sufficient quantity to be observable.

"Source operation" means the last operation preceding the emission of an air contaminant, which operation:

(A) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and,

(B) is not an air pollution abatement operation.

"Stack" means, unless specifically defined otherwise, any chimney, flue, duct, conduit, exhaust, pipe, vent or opening, excluding flares, designed or specifically intended to conduct emissions to the atmosphere.

"Standard conditions" means a gas temperature of 68 degrees Fahrenheit (20° Centigrade) and a gas pressure of 14.7 pounds per square inch absolute.

"Startup" means the setting into operation of any process, process equipment, or air pollution control equipment.

"Stationary source" means, unless specifically defined otherwise, any building, structure, facility, or installation either fixed or portable, whose design and intended use is at a fixed location and emits or may emit an air pollutant subject to OAC 252:100.

"Total Suspended Particulates" or **"TSP"** means particulate matter as measured by the high-volume method described in Appendix B of 40 CFR Part 50.

"Temperature inversion" means a phenomenon in which the temperature in a layer of air increases with height and the cool heavy air below is trapped by the warmer air above and cannot rise.

"Visible emission" means any air contaminant, vapor or gas stream which contains or may contain an air contaminant which is passed into the atmosphere and which is perceptible to the human eye.

"Volatile organic compound" or **"VOC"**means any organic compound that participates in atmospheric photochemical reactions resulting in the formation of tropospheric ozone. Carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, ammonium carbonates, tert-butyl acetate and compounds listed in 40 CFR 51.100(s)(1) are presumed to have negligible photochemical reactivity and are not considered to be VOC.

252:100-1-4. Units, abbreviations, and acronyms

(a) Abbreviations and symbols of units of measure.
- (1) Btu - British thermal unit
- (2) cm/sec - centimeter per second
- (3) CO_2e - carbon dioxide equivalent
- (4) dscf - dry cubic feet at standard conditions
- (5) dscm - dry cubic meter at standard conditions
- (6) ft/min - feet per minute
- (7) gal - gallon
- (8) gal/d - gallons per day
- (9) gal/yr - gallons per year
- (10) gr/dscf - grains per dry standard cubic foot
- (11) hr - hour
- (12) Hg - mercury
- (13) hp - horsepower
- (14) H_2O - water
- (15) H_2S - hydrogen sulfide
- (16) H_2SO_4 - sulfuric acid
- (17) kg - kilogram
- (18) kg/metric ton - kilograms per metric ton
- (19) kPa - kilopascals
- (20) l - liter
- (21) l/yr - liters per year
- (22) LT/D - long tons per day
- (23) lb/wk - pounds per week
- (24) lb - pound
- (25) lbs/hr - pounds per hour
- (26) m^3 - cubic meter
- (27) mg/dscm - milligrams per dry standard cubic meter
- (28) MMBTU/hr - million british thermal units per hour
- (29) Mg - megagram 10^6 gram
- (30) Mg/yr - megagrams per year
- (31) mg/l - milligrams per liter
- (32) m/min - meter per minute
- (33) ng/dscm - nanograms per dry standard cubic meter
- (34) ng/J - nanograms per Joule
- (35) oz/in^2 - ounce per square inch
- (36) ppm - parts per million
- (37) psia - pounds per square inch absolute
- (38) psig - pounds per square inch gage
- (39) ppmv - parts per million by volume
- (40) SO_2 - sulfur dioxide
- (41) TPY - tons per year
- (42) $\mu g/m^3$ - micrograms per cubic meter

(b) Acronyms.
- (1) A.I.S.I. - American Iron and Steel Institute
- (2) A.S.M.E. - American Society of Mechanical Engineers
- (3) A.S.T.M. - American Society for Testing and Materials

(4) BACT - Best Available Control Technology
(5) CEM - Continuous Emission Monitor
(6) CFR - Code of Federal Regulations
(7) COM - Continuous Opacity Monitor
(8) DEQ - Department of Environmental Quality
(9) EPA - Environmental Protection Agency
(10) GHG - Greenhouse Gas
(11) HAP - Hazardous Air Pollutants
(12) HMIWI - Hospital/Medical/Infectious Waste Incinerator
(13) MACT - Maximum Achievable Control Technology
(14) MSW - Municipal Solid Waste
(15) MWC - Municipal Waste Combustors
(16) NAAQS - National Ambient Air Quality Standards
(17) NESHAP - National Emissions Standards for Hazardous Air Pollutants
(18) NSPS - New Source Performance Standards
(19) OAC - Oklahoma Administrative Code
(20) PBR - Permit by Rule
(21) PM - Particulate Matter
(22) PSD - Prevention of Significant Deterioration
(23) SIC - Standard Industrial Classification
(24) SIP - State Implementation Plan
(25) TSP - Total Suspended Particulates
(26) VOC - Volatile Organic Compound
(27) 27A O.S. - Title 27A Oklahoma Statutes

SUBCHAPTER 2. INCORPORATION BY REFERENCE

Section

252:100-2-1. Purpose

The purpose of this Subchapter is to incorporate by reference applicable provisions of Title 40 of the Code of Federal Regulations (40 CFR).

252:100-2-3. Incorporation by reference

Except as provided under this section, the provisions of 40 CFR listed in Appendix Q are hereby incorporated by reference as they existed on August 1, 2011.

(1) **Inclusion of 40 CFR citations and definitions.** When a provision of 40 CFR is incorporated by reference, all citations contained therein are also incorporated by reference.

(2) **Inconsistencies or duplications of requirements or incorporation dates.**

(A) in the event that there are inconsistencies or duplications between the requirements of this Chapter and the requirements of those provisions incorporated by reference in Appendix Q or elsewhere in this Chapter, the more stringent requirements shall apply.

(B) In the event that a specific date of incorporation is indicated in Appendix Q or a subchapter of this Chapter, the specified date of incorporation shall apply.

(3) **Terminology related to 40 CFR.** For purposes of interfacing with 40 CFR and unless the context clearly indicates otherwise, the following terms apply.

(A) "Administrator" is synonymous with "Executive Director."

(B) "EPA" is synonymous with "Department of Environmental Quality." (DEQ).

SUBCHAPTER 3. AIR QUALITY STANDARDS AND INCREMENTS

Section
252:100-3-1. Purpose
252:100-3-2. Primary standards
252:100-3-3. Secondary standards
252:100-3-4. Significant deterioration increments

252:100-3-1. Purpose

The purpose of this Subchapter is to enumerate the primary and secondary ambient air quality standards and the significant deterioration increments.

252:100-3-2. Primary standards

The table in Appendix E of this chapter enumerates the primary ambient air quality standards.

252:100-3-3. Secondary standards

The table in Appendix F of this Chapter enumerates the secondary ambient air quality standards.

252:100-3-4. Significant deterioration increments

(a) Significant deterioration, as used in the phrase Prevention of Significant Deterioration (PSD), means an increase in ambient air pollution above a baseline plus a specific increment allowed for one of three classes of areas. See OAC 252:100-8, Part 7.

(b) The allowable increments are as follows:

(1) Class I Areas:

(A) $PM_{2.5}$ (effective October 20, 2011):

(i) annual arithmetic mean: maximum allowable increase is 1 microgram per cubic meter.

(ii) twenty-four hour maximum: maximum allowable increase is 2 micrograms per cubic meter.

(B) PM_{10}:

(i) annual arithmetic mean: maximum allowable increase is 4 micrograms per cubic meter.

(ii) twenty-four hour maximum: maximum allowable increase is 8 micrograms per cubic meter.

(C) Sulfur dioxide:

(i) annual arithmetic mean: maximum allowable increase is 2 micrograms per cubic meter.

(ii) twenty-four hour maximum: maximum allowable increase is 5 micrograms per cubic meter.

(iii) three-hour maximum: maximum allowable increase is 25 micrograms per cubic meter.

(D) Nitrogen dioxide (effective May 11, 1991), annual arithmetic mean: maximum allowable increase is 2.5 micrograms per cubic meter.

(2) Class II Areas:

(A) $PM_{2.5}$ (effective October 20, 2011):

(i) annual arithmetic mean: maximum allowable increase is 4 micrograms per cubic meter.

(ii) twenty-four hour maximum: maximum allowable increase is 9 micrograms per cubic meter.

(B) PM_{10}:

(i) annual arithmetic mean: maximum allowable increase is 17 micrograms per cubic meter.

(ii) twenty-four hour maximum: maximum allowable increase is 30 micrograms per cubic meter.

(C) Sulfur dioxide:

(i) annual arithmetic mean: maximum allowable increase is 20 micrograms per cubic meter.
(ii) twenty-four hour maximum: maximum allowable increase is 91 micrograms per cubic meter.
(iii) three-hour maximum: maximum allowable increase is 512 micrograms per cubic meter.

(D) Nitrogen dioxide (effective May 11, 1991), annual arithmetic mean: maximum allowable increase is 25 micrograms per cubic meter.

(3) Class III Areas:

(A) $PM_{2.5}$ (effective October 20, 2011):
(i) annual arithmetic mean: maximum allowable increase is 8 micrograms per cubic meter.
(ii) twenty-four hour maximum: maximum allowable increase is 18 micrograms per cubic meter.

(B) PM_{10}:
(i) annual arithmetic mean: maximum allowable increase is 34 micrograms per cubic meter.
(ii) twenty-four hour maximum: maximum allowable increase is 60 micrograms per cubic meter.

(C) Sulfur dioxide:
(i) annual arithmetic mean: maximum allowable increase is 40 micrograms per cubic meter.
(ii) twenty-four hour maximum: maximum allowable increase is 182 micrograms per cubic meter.
(iii) three-hour maximum: maximum allowable increase is 700 micrograms per cubic meter.

(D) Nitrogen dioxide (effective May 11, 1991), annual arithmetic mean: maximum allowable increase is 50 micrograms per cubic meter.

SUBCHAPTER 4. NEW SOURCE PERFORMANCE STANDARDS [REVOKED]

Section

252:100-4-1. Purpose [REVOKED]

252:100-4-2. [REVOKED]

252:100-4-3. Reference to 40 CFR [REVOKED]

252:100-4-4. [REVOKED]

252:100-4-5. Incorporation by reference [REVOKED]

SUBCHAPTER 5. REGISTRATION, EMISSION INVENTORY AND ANNUAL OPERATING FEES

Section

252:100-5-1. Purpose

This Subchapter requires potential sources of air contaminants to register with the Division. It also requires facilities that emit air contaminants to file an emission inventory and pay annual operating fees.

252:100-5-1.1. Definitions

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

"Actual emissions" means the total amount of any regulated air pollutant actually emitted from a given facility during a particular calendar year, determined using methods contained in 252:100-5-2.1(d).

"Allowable emissions" means:

(A) The total amount of any regulated air pollutant emitted based on limits contained in an enforceable permit or potential to emit, or

(B) For grandfathered sources, emission limits based on maximum design capacity and considering all applicable rules.

"Consumer Price Index" means an index determined by the U.S. Department of Labor measuring the change in the cost of typical wage-earner purchases of goods and services expressed as a percentage of the cost of these same goods and services in a base period.

"Date of billing" means the date the fee was billed. In the case no fee was billed because the owner or operator failed to submit the required annual emission inventory, the date of billing shall mean the date on which the fee would have been billed had the emission inventory been submitted when due.

"Emission inventory" means a compilation of all point source, storage and process fugitive air emissions for all regulated air pollutants at a given facility.

"Error" means, with regard to fees, a fee overpayment made as a result of a mistake on the part of the DEQ in invoicing or the part of the owner or operator in calculating emissions. It does not mean a mistake made in the decision to use or not to use a particular emission factor or method of calculation.

"Grandfathered source" means a stationary source that was in operation in Oklahoma when an otherwise applicable rule was promulgated unless that rule specifically applies to existing sources or the source has undergone modification since that rule was promulgated.

"Minor facility" means a facility which is not a Part 70 source.

"Process Fugitive Emissions" means those emissions created by or incidental to any particular process which become airborne or have the potential to become airborne, and could not reasonably, taking into account economic considerations, be made to pass through a stack, chimney, vent or other functionally equivalent opening.

"Regulated pollutant (for fee calculation)", which is used only for purposes of this Subchapter, means any "regulated air pollutant" except the following:

(A) Carbon monoxide.

(B) Gross particulate matter (GPM).

252:100-5-2. Registration of potential sources of air contaminants

(a) **Filing.** In addition to any requirements for the submission of information found in any other regulation in this Chapter, the owner or operator of an air contaminant source shall, upon request, provide the Division with information necessary to evaluate the source's potential for causing air pollution.

(b) **Necessary information.** The following information shall be included for each source:

(1) Total weight of the contaminant released per day.
(2) Period or periods of operation.
(3) Composition of the contaminant.
(4) Physical state of the contaminant.
(5) Temperature and moisture content of the air or gas stream at the point where released into the atmosphere.
(6) Efficiency of any control device.
(7) Such other information as may be specifically requested by the Director.

252:100-5-2.1. Emission inventory

(a) **Requirement to file an emission inventory.** The owner or operator of any facility that is a source of air contaminants shall submit a complete emission inventory annually on forms obtained from the Division.

(1) **General requirements.** The inventory shall cover operations during a calendar year and shall be submitted prior to April 1 of the following year. Upon receiving a written demonstration of good cause the Director may grant an extension for submittal beyond the April 1 deadline.

(2) **Permit by rule.** The owner or operator of a facility registered under a permit by rule as outlined in Subchapter 7 and emitting 5 tons per year or less of each regulated air pollutant is required to submit an emission inventory for that facility once every 5 years. The inventory shall cover operations during the last year of each 5-year period and be submitted by March 1 of the following year.

(3) **Permit exempt facilities and de minimis facilities**. The owners or operators of permit exempt facilities or de minimis facilities, as these terms are defined in OAC 252:100-7-1.1, are not required to submit an annual emission inventory.

(4) **Special inventories.** Upon request by the Director, the owner or operator of a facility that emits or has the potential to emit any regulated air pollutant shall file an emission inventory with the Division. The Director is authorized to request this inventory when emission related data is necessary for program planning or compliance with State or Federal rules, regulations, standards, or requirements.

(b) **Content.** All inventories submitted to the Division shall include, but shall not be limited to, the following:

(1) For those emissions subject to a permit, the permit number and the permitted allowable emissions as set forth therein.

(2) The amount of the actual emissions, including quantifiable excess emissions, and the basis for such determination. If the total actual emissions of any regulated air pollutant from a facility vary from the allowable or from the previous year's actual by more than 30%, the Department may require the owner or operator to provide an explanation for the difference in order to determine compliance with the Oklahoma Clean Air Act or any rule promulgated thereunder, or any permit condition prescribed or order issued pursuant thereto.

(3) For those emissions not the subject of a permit and when requested by the AQD, a list of all OAC 252:100 rules setting forth emission limitations applicable to the facility in question and the maximum yearly allowable for the facility.

(c) **Documentation.** All calculations and assumptions must be verified by proper documentation. All supporting data, including actual production, throughput and measurement records along with engineering calculations and other data utilized in accordance with OAC 252:100-5-2.1(d) must be maintained for at least 5 years by the current owner or operator at the facility in conjunction with facility records of the emission inventory. This information must either be submitted to the Division or made available for inspection upon request.

(d) **Method of calculation.** The best available data at the time the emission inventory is or should have been prepared shall be used to determine emissions. It shall be the burden of the owner or operator to select the best available data, based on an acceptable method of calculation. The method of calculation used to determine emissions shall be binding upon the owner or operator and the Division for the purpose of calculating fees under OAC 252:100-5-2.2 unless

challenged by the owner or operator prior to September 1 of the year the inventory is due or by the Division within six (6) months after the date the inventory is received. Acceptable methods of calculation for determining actual emissions are:

(1) Emission factors utilized in the issuance of a currently applicable Oklahoma Air Quality permit(s) for the facility.

(2) Stack tests using appropriate EPA test methods, with advance notification and opportunity for observation by the Division.

(3) Stack tests using appropriate EPA test methods may be used for determining the emissions of identical equipment (i.e., same model, same location, and same operating conditions and parameters) when:

(A) Tests are performed by persons qualified by training and experience to perform said tests.

(B) Copies of the test results and methods are available for review by the Division.

(4) Continuous emissions monitoring data, when supported by required certification and calibration data.

(5) Current AP-42 factors or other factors acceptable to the Division.

(6) Manufacturer's test data, when approved by the Division as reliable.

(7) EPA and EPA-contracted industry-specific emission study data when it can be shown to be applicable to the facility in question and approved for use in the emission inventory by the Division.

(8) Fuel usage and other mass-balance methods when supported by specific records applicable to the materials on which the calculations are based and approved for use in the emission inventory by the Division.

(9) Any other method that can be shown to be reasonably accurate when supported by engineering data and calculations, and approved for use in the emission inventory by the Division.

(e) **Methods of verification.** Emission inventories determined by the Division to be substantially incomplete or substantially incorrect shall, upon the request of the Division, be subject to verification if not satisfactorily completed or corrected within a reasonable time. Verification shall be accomplished by an appropriate stack test using EPA approved methods, installation of continuous monitoring equipment, or other methods acceptable to the Division.

(f) **Certification.** The emission inventory shall contain certification by a responsible official of the truth, accuracy, and completeness of the document. This certification shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

252:100-5-2.2. Annual operating fees

(a) **Applicability.**

(1) OAC 252:100-5-2.2 applies to all facilities that are sources of air pollution, including government facilities, regardless of whether the source is currently permitted or whether an emission inventory has or has not at any time been submitted for the facility. The owners or operators of Part 70 sources shall pay annual fees that are sufficient to cover the Part 70 program costs. The permitting authority shall ensure that the fees required by OAC 252:100-5-2.2(b)(2) will be used solely for Part 70 program costs.

(2) OAC 252:100-5-2.2 does not apply to de minimis facilities or to permit exempt facilities.

(b) **Fee schedule.**

(1) **Minor facilities.** Beginning July 1, 2008, annual operating fees invoiced for minor facilities shall be $25.12 per ton of regulated air pollutant (for fee calculation). The invoiced annual operating fees shall be discounted appropriately in any given year if the Department determines that other revenues, including appropriated state general revenue funds, have increased sufficiently to adequately fund the air program.

(2) **Part 70 Sources.** Beginning July 1, 2008, annual operating fees invoiced for Part 70 sources shall be $32.30 per ton of regulated air pollutant (for fee calculation) and shall be

adjusted each year pursuant to (b)(3) of this section. The invoiced CPI-adjusted annual operating fees shall be discounted appropriately in any given year if the Department determines that other revenues, including appropriated state general revenue funds, have increased sufficiently to adequately fund the air program. Any discount would not affect CPI adjustments.

(3) **Use of Consumer Price Index (CPI) to adjust annual operating fees.** Annual operating fees for Part 70 sources shall be adjusted automatically each year by the percentage, if any, by which the CPI for the most recent calendar year ending before the beginning of such year differs from the CPI for the calendar year 2007. The CPI for any calendar year is the average of the CPI for all-urban consumers published by the Department of Labor, as of the close of the twelve-month period ending on August 31 of each calendar year.

(c) **Payment.**

(1) Fees are due and payable on the invoice due date(s). Fees shall be considered delinquent 30 days after the invoice due date(s). Within five (5) years but not before a grace period of 120 days from the invoice due date, the DEQ may issue an administrative order to recover such fees and may assess a reasonable administrative fine in accordance with the provisions of the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 *et seq.*, to an owner or operator of a facility who has failed to pay or has underpaid such fees.

(2) If an owner or operator has failed to submit the required annual emission inventory, the DEQ may issue an administrative order to recover fees that would have been invoiced had the emission inventory been submitted when due. The DEQ may issue such order within five (5) years from the date of billing and may assess a reasonable administrative fine in accordance with the provisions of the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 *et seq.*

(3) When a fee overpayment has been made as a result of an error, an owner or operator may seek a credit for such fee overpayment within five years from the date on which payment of the fee was received by the DEQ.

(d) **Basis for annual operating fees.**

(1) Operating fees shall be calculated on a source-specific basis and based on actual emissions of regulated pollutants (for fee calculation) as set forth in the facility emission inventory unless the owner or operator elects to pay fees on allowable emissions.

(2) Regulated pollutants (for fee calculation) in excess of 4,000 tons per year per pollutant for a Part 70 source shall not be considered in the calculation of the annual fee.

252:100-5-2.3. Annual operating fees for area sources of air pollution

(a) **Applicability**. Area sources as defined in 40 CFR § 63.2 that are not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 but are subject to one or more National Emission Standards for Hazardous Air Pollutants at 40 CFR Part 63, are subject to annual operating fees as provided in this section.

(b) **Fee schedule.**

(1) **Gasoline dispensing facilities.** Gasoline dispensing facility area sources that are subject to 40 CFR Part 63, Subpart CCCCCC, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, but not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 shall pay an annual operating fee based on average monthly gasoline throughput.

(A) Gasoline stations with throughput of 10,000 gallons or less shall pay an annual operating fee of $250.

(B) Gasoline stations with throughput of more than 10,000 gallons but less than 100,000 gallons shall pay an annual operating fee of $500.

(C) Gasoline stations with throughput of 100,000 gallons or more shall pay an annual operating fee of $750.

(2) **Gasoline distribution bulk terminals, bulk plants, and pipeline facilities.** Area source gasoline distribution bulk terminals, bulk plants, and pipeline facilities that are subject to 40 CFR Part 63, Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for

Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, but not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 shall pay an annual operating fee of $500.

(3) **Other existing area sources.** Area sources as defined in 40 CFR § 63.2 that are not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 but are subject to an emission standard, equipment standard, or work practice standard in any federal NESHAP (40 CFR Part 63) shall pay an annual operating fee of $250.

(c) **Payment.** Area sources that are assessed annual operating fees are subject to the provisions of OAC 252:100-5-2.2(c)(1).

(d) **Provisions for fee adjustment**. The invoiced annual operating fees shall be discounted appropriately in any given year if the Department determines that other revenues, including appropriated state general revenue funds, have increased sufficiently to adequately fund the air program.

252:100-5-3. Confidentiality of proprietary information

[Refer to 27A O.S. § 2-5-105.18.]

SUBCHAPTER 6. PERMITTING [REVOKED]

PART 1. GENERAL PROVISIONS AND DEFINITIONS [REVOKED]

Section

PART 3. TYPES OF PERMITS AND OTHER AUTHORIZATIONS [REVOKED]

PART 5. APPLICATION AND APPLICATION PROCESSING [REVOKED]

PART 1. GENERAL PROVISIONS AND DEFINITIONS [REVOKED]

252:100-6-1. Purpose [REVOKED]

252:100-6-2. Definitions [REVOKED]

252:100-6-3. Uniform permitting processes [REVOKED]

PART 3. TYPES OF PERMITS AND OTHER AUTHORIZATIONS [REVOKED]

252:100-6-30. Authorizations in general [REVOKED]

252:100-6-31. Dual system of construction and operating permits [REVOKED]

252:100-6-32. Permit modifications [REVOKED]

252:100-6-33. Other air quality authorizations [REVOKED]

PART 5. APPLICATION AND APPLICATION PROCESSING [REVOKED]

252:100-6-50. Uniform processes applied to air quality applications [REVOKED]

SUBCHAPTER 7. PERMITS FOR MINOR FACILITIES

PART 1. GENERAL PROVISIONS

Section
252:100-7-1. Purpose
252:100-7-1.1. Definitions
252:100-7-2. Requirement for permits for minor facilities
252:100-7-2.1 Minor permits for greenhouse gas (GHG) emitting facilities

PART 2. PERMIT APPLICATION FEES

252:100-7-3. Permit application fees
252:100-7-4. Annual operating permit fees applicable to minor and major sources [REVOKED]

PART 3. CONSTRUCTION PERMITS

252:100-7-15. Construction permit
252:100-7-16. Stack height limitation [REVOKED]

PART 4. OPERATING PERMITS

252:100-7-17. Relocation permits for portable sources
252:100-7-18. Operating permit

PART 5. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS

252:100-7-30. Applicability
252:100-7-31. Definitions [REVOKED]
252:100-7-32. Source applicability determination
252:100-7-33. Review, applicability and exemptions [REVOKED]
252:100-7-34. Control technology
252:100-7-35. Air quality impact evaluation
252:100-7-36. Source impacting Class I areas [REVOKED]
252:100-7-37. Innovative control technology

PART 7. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS

252:100-7-50 Applicability
252:100-7-51 Definitions [REVOKED]
252:100-7-52. Source applicability determination
252:100-7-53. Exemptions
252:100-7-54. Requirements for sources located in nonattainment areas

PART 9. PERMITS BY RULE

252:100-7.60 Permit by rule
252:100-7-60.1 Cotton gins
252:100-7-60.2 Grain elevators
252:100-7-60.3 Particulate matter emissions

252:100-7-60.4 VOC storage and loading facilities

PART 1. GENERAL PROVISIONS

252:100-7-1. Purpose

This Subchapter sets forth permit application fees and the basic substantive requirements for permits for minor facilities.

252:100-7-1.1. Definitions

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

"Actual emissions" means the total amount of any regulated air pollutant actually emitted from a given facility during a particular calendar year, determined using methods contained in OAC 252:100-5-2.1(d).

"Best Available Control Technology" or **"BACT"** means the best control technology that is currently available as determined by the Director on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs.

"Commence" means, as applied to the construction or modification of a minor facility to which neither a NSPS or NESHAP applies, that the owner or operator has begun the construction or installation of the emitting equipment on a pad or in the final location at the facility.

"De minimis facility" means a facility that meets the requirements contained in paragraphs (A) and (B) of this definition.

(A) All the air pollutant emitting activities at the facility are on the de minimis list contained in Appendix H or the facility meets all of the following de minimis criteria:

(i) The facility has actual emissions of 5 tpy or less of each regulated air pollutant, except that fraction of particulate matter that exhibits an aerodynamic particulate diameter of more than 10 micrometers (μm).

(ii) The facility is not a "major source" as defined in OAC 252:100-8-2.

(iii) The facility is not a "major stationary source" as defined in OAC 252:100-8-31 for facilities in attainment areas.

(iv) The facility is not a "major stationary source" as defined in OAC 252:100-8-51 for facilities in nonattainment areas.

(v) The facility is not operated in conjunction with another facility or source that is subject to air quality permitting.

(vi) The facility has not opted to obtain or retain an Air Quality Division permit.

(B) The facility is not subject to the Federal NSPS (40 CFR Part 60) or the Federal NESHAP (40 CFR Parts 61 and 63).

"Facility" means all of the pollutant-emitting activities that meet all the following conditions:

(A) Are under common control.

(B) Are located on one or more contiguous or adjacent properties.

(C) Have the same two-digit primary SIC Code (as described in the Standard Industrial Classification Manual, 1987).

"Hazardous Air Pollutant" or **"HAP"** means any hazardous air pollutant regulated under Section 112 of the Federal Clean Air Act, 42 U.S.C. Section 7412, and subject to NESHAP.

"Minor facility" means a facility which is not a Part 70 source.

"National Emission Standards for Hazardous Air Pollutants" or **"NESHAP"** means those standards as published by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Section 112 of the Federal Clean Air Act, 42 U.S.C. Section 7412.

"New portable source" means a portable source that has never operated within the State of Oklahoma. This includes sources that are initially constructed and existing facilities that are relocating into Oklahoma from another state.

"New Source Performance Standards" or **"NSPS"** means those standards found in 40 CFR Part 60.

"Permit exempt facility" means a facility that:

(A) has actual emissions in every calendar year that are 40 tpy or less of each regulated air pollutant;

(B) is not a de minimis facility as defined in OAC 252:100-7-1.1;

(C) is not a "major source" as defined in OAC 252:100-8-2 for Part 70 sources;

(D) is not a "major stationary source" as defined in OAC 252:100-8-31 for PSD facilities in attainment areas;

(E) is not a "major stationary source" as defined in OAC 252:100-8-51 for facilities in nonattainment areas;

(F) is not operated in conjunction with another facility or source that is subject to air quality permitting;

(G) is not subject to an emission standard, equipment standard, or work practice standard in the Federal NSPS (40 CFR Part 60) or the Federal NESHAP (40 CFR Parts 61 and 63); and

(H) is not subject to the requirements of OAC 252:100-39-47.

"Portable source" means a source with design and intended use to allow disassembly or relocation.

"Relocate" means to move a source from one geographical location to another. The term does not include minimal moves within the facility boundaries.

"Regulated air pollutant" means any substance or group of substances listed in Appendix P of this Chapter, or any substance regulated as an air pollutant under any federal regulation for which the Department has been given authority, or any other substance for which an air emission limitation or equipment standard is set by an enforceable permit.

252:100-7-2. Requirement for permits for minor facilities

(a) **Permit required.** Except as provided in OAC 252:100-7-2 and 252:100-7-18(b), no person may commence construction or modification of any minor facility, may operate any new minor facility, or may relocate any minor portable source without obtaining a permit from the DEQ. For additional application and permitting procedures, see OAC 252:4, Subchapter 7. Environmental Permit Process.

(b) **Exceptions.**

(1) **De minimis facilities.** De minimis facilities are exempted from the permitting requirements of OAC 252:100-7. De minimis facilities remain subject only to the following air quality control rules:

(A) De minimis facilities must comply with OAC 252:100-13, Open Burning.

(B) With the exception of those de minimis cotton gin facilities or grain, feed or seed facilities that comply with the requirements of 252:100-23, Control of Emissions from Cotton Gins or 252:100-24, Particulate Matter Emissions from Grain, Feed or Seed Operations, de minimis facilities remain subject to OAC 252:100-25, Visible Emissions and Particulates.

(C) With the exception of those de minimis cotton gin facilities or grain, feed or seed facilities that comply with the requirements of 252:100-23, Control of Emissions from Cotton Gins or Subchapter 24 Particulate Matter Emissions from Grain, Feed or Seed Operations, de minimis facilities remain subject to OAC 252:100-29, Control of Fugitive Dust.

(D) De minimis facilities must comply with OAC 252:100-42 Control of Toxic Air Contaminants.

(2) **Permit exempt facilities.** Permit exempt facilities are exempted from the permitting requirements of OAC 252:100-7, the requirement to submit an annual emission inventory as required by OAC 252:100-5-2.1, and the requirement to pay annual operating fees as required by OAC 252:100-5-2.2(b). Permit exempt facilities remain subject to all other applicable State and Federal air quality control rules and standards.

(c) **Permit application.**

(1) All applications shall be signed by the applicant.

(2) The signature on an application for a permit shall constitute an implied agreement that the applicant shall be responsible for assuring construction or operation, as applicable, in accordance with the application and OAC 252:100.

(3) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit such supplementary facts or corrected information within 30 days unless the applicant's request for more time has been approved by the DEQ. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of the draft permit.

(d) **Applicability determination.** Upon written request along with the required fee and any relevant information needed, the DEQ will make a determination of whether a permit is required.

(e) **Change in permit status.** The owner or operator of a permitted facility may at any time notify the DEQ that the facility:

(1) Is de minimis, requesting termination of the permit, or

(2) Qualifies for either a permit by rule or a general permit, submitting the appropriate application for such permit, or

(3) Is permit exempt, requesting termination of the permit.

(f) **Transfer of permit.** The transfer of ownership of a stationary source or a facility is an administrative amendment that shall subject the new owner or operator to existing permit conditions and/or compliance schedules. A new permit is not required. The transferor shall notify the DEQ using a prescribed form no later than 30 days following the change in ownership.

(g) **Emission calculation methods.** The methods in OAC 252:100-5-2.1(d) shall be used when calculating regulated air pollutant emission rates for purposes of determining if a DEQ-issued air quality permit is required or what type of permit is required.

252:100-7-2.1. Minor permits for greenhouse gas (GHG) emitting facilities

Greenhouse gas (GHG) emissions shall not be included in a minor facility permit nor cause a facility to be subject to minor facility permitting requirements contained in OAC 252:100-7, unless the owner or operator of that facility requests that GHG emission limits and/or physical or operational limitations be included in a minor permit for the facility to set enforceable limits to keep potential GHG emission levels below the applicability threshold levels for the PSD construction permit program and/or the Part 70 operating permit program. Physical or operational limitations may include, but are not limited to, air pollution control equipment, restrictions on hours of operation, and/or restrictions on the type or amount of material combusted, stored, or processed.

PART 2. PERMIT APPLICATION FEES

252:100-7-3. Permit application fees

Minor facility permit application fees. A permit application or a request for an applicability determination will be assessed a one-time fee that must accompany the application or request. Applications received without appropriate fees are incomplete. Fees must be paid by check or money order made payable to the Department of Environmental Quality in accordance with the following fee schedule:

(1) **Applicability determination.** $500, to be credited against the construction or operating permit application fee, if a permit is required. If no permit is required, the fee will be retained to cover the cost of making the determination.

(2) **Construction permit application fees.**

(A) Permit by rule registration - $250

(B) General permit authorization or NOI (Notice of Intent) - $500

(C) Individual permit (initial construction or for added emissions) - $2000

(D) Amendments of individual permits which do not increase emissions - $500

(E) Extension of time and transfer of ownership - no fee

(3) **Operating permit application fees.**

(A) Permit by rule registration - $100
(B) General permit authorization - $500
(C) Individual permit - $750
(D) Modification of individual permit - $750
(E) Relocation - $250

252:100-7-4. Annual operating permit fees applicable to minor and major sources [REVOKED]

PART 3. CONSTRUCTION PERMITS

252:100-7-15. Construction permit

(a) **Construction permit required.** A construction permit is required to commence construction or installation of a new facility or the modification of an existing facility as specified in OAC 252:100-7-15(a)(1) and (2).

(1) **New Facility.** No person shall cause or allow the construction or installation of any new minor facility other than a de minimis facility or a permit exempt facility as defined in OAC 252:100-7-1.1 without first obtaining a DEQ-issued air quality construction permit.

(2) **Modification of an existing facility.**

(A) A construction permit is required for any modification that would cause an existing facility to no longer qualify for de minimis status, permit exempt facility status, or its current permit category.

(B) A construction permit is required for an existing facility covered by an individual permit:

(i) to add a piece of equipment or a process that is subject to an emission standard, equipment standard, or work practice standard in a federal NSPS (40 CFR Part 60) or a federal NESHAP (40 CFR Parts 61 and 63) or

(ii) to add or physically modify a piece of equipment or a process that results in an increase in actual emissions of any one regulated air pollutant by more than 5 TPY.

(b) **Permit categories.** Three types of construction permits are available: permit by rule, general permit, and individual permit. A permit by rule may be adopted or a general permit may be issued for an industry if there are a sufficient number of facilities that have the same or substantially similar operations, emissions, and activities that are subject to the same standards, limitations, and operating and monitoring requirements.

(1) **Permit by rule.** An owner or operator of a minor facility may apply for registration under a permit by rule if the following criteria are met:

(A) The facility has actual emissions of 40 TPY or less of each regulated air pollutant, except HAPs.

(B) The facility does not emit or have the potential to emit 10 TPY or more of any single HAP or 25 TPY or more of any combination of HAPs.

(C) The DEQ has established a permit by rule for the industry in Part 9 of this Subchapter.

(D) The owner or operator of the facility certifies that it will comply with the applicable permit by rule.

(E) The facility is not operated in conjunction with another facility or source that is subject to air quality permitting.

(2) **General permit.** Minor facilities may qualify for authorization under a general permit if the following criteria are met:

(A) The facility has actual emissions less than 100 TPY of each regulated air pollutant, except for HAPs.

(B) The facility does not emit or have the potential to emit 10 TPY or more of any single HAP or 25 TPY or more of any combination of HAPs.

(C) The DEQ has issued a general permit for the industry.

(3) **Individual permit.** The owners or operators of minor facilities requiring permits under this Subchapter which do not qualify for permit by rule or a general permit shall obtain individual permits. An owner or operator may apply for an individual permit even if the facility qualifies for a permit by rule or a general permit.

(c) **Content of construction permit application.** Construction permit applications shall contain at least the data and information listed in OAC 252:100-7-15(c)(1) and (2).

(1) **Individual permit.** An applicant for an individual construction permit shall provide data and information required by this Chapter on an application form available from the DEQ. Such data and information should include but not be limited to:

(A) site information,
(B) process description,
(C) emission data,
(D) BACT when required,
(E) sampling point data and
(F) modeling data when required.

(2) **General permit.** An applicant for authorization under a general permit shall provide data and information required by that permit on a form available from the DEQ. For general permits that provide for application through the filing of a notice of intent (NOI), authorization under the general permit is effective upon receipt of the NOI.

(d) **Permit contents.** The construction permit:

(1) Shall require the permittee to comply with all applicable air pollution rules.
(2) Shall prohibit the exceedance of ambient air quality standards contained in OAC 252:100-3.
(3) May establish permit conditions and limitations as necessary to assure compliance with all rules.

(e) **Failure to comply with a construction permit.** A violation of the limitations or conditions contained in the construction permit shall subject the owner or operator of a facility to any or all enforcement penalties, including permit revocation, available under the Oklahoma Clean Air Act and Air Pollution Control Rules. No operating permit will be issued until the violation has been resolved to the satisfaction of the DEQ.

(f) **Cancellation of authority to construct or modify.** A duly issued permit to construct or modify will terminate and become null and void (unless extended as provided below) if the construction is not commenced within 18 months of the permit issuance date, or if work is suspended for more than 18 months after it has commenced.

(g) **Extension of authorization to construct or modify.**

(1) Prior to the permit expiration date, a permittee may apply for extension of the permit by written request of the DEQ stating the reasons for the delay/suspension and providing justification for the extension. The DEQ may grant:

(A) one extension of 18 months or less or
(B) one extension of up to 36 months where the applicant is proposing to expand an already existing facility to accommodate the proposed new construction or the applicant has expended a significant amount of money (1% of total project cost as identified in the original application, not including land cost) in preparation for meeting the definition of "commence construction" at the proposed site.

(2) If construction has not commenced within three (3) years of the effective date of the original permit, the permittee must undertake and complete an appropriate available control technology review and an air quality analysis. This review must be approved by the DEQ before construction may commence.

252:100-7-16. Stack height limitation [REVOKED]

PART 4. OPERATING PERMITS

252:100-7-17. Relocation permits for portable sources

Relocation permits may be issued to portable sources determined to be operating in compliance with any permit or all applicable air quality control rule(s).

(1) **Permit Required.** A relocation permit issued by the DEQ shall be required for the relocation of any portable source from one site to another. A relocation permit does not take the place of an operating permit. Any purported or attempted relocation of such a source without such permit shall automatically void the operating permit or the grandfather exemption for that source.

(2) **Applicability and permit duration.** The relocation of portable sources shall be limited to previously permitted or existing sources within attainment regions of this state and shall be valid for only two years. Failure of the source to change its locale within the two-year time period will be considered prima facie evidence that the source is a stationary source and subject it, at that time, to permit analysis requirements as stated in 252:100-7-15(c) to determine whether a modification of the operating permit is necessary.

252:100-7-18. Operating permit

(a) **Permit required.** An operating permit is required for a minor facility as specified in OAC 252:100-7-18(a)(1) and (2).

(1) **New facility.** No person shall cause or authorize the operation of a new minor facility for more than a 180-day period after commencement of operation without applying for a DEQ-issued air quality operating permit.

(2) **Modification of an existing facility.** No person shall cause or authorize the operation of a minor facility modified pursuant to OAC 252:100-7-15(a)(2) for more than a 180-day period after commencement of operation without applying for a DEQ-issued air quality operating permit.

(b) **Administrative permit amendment.** An administrative permit amendment to an operating permit does not require a prior construction permit. Except for correction of typographical errors, application for an administrative permit amendment shall be made to the DEQ in writing within 30 days of the date the change occurred. Application for correction of typographical errors can be made at anytime. An administrative permit amendment can be made to:

(1) correct typographical errors;

(2) identify a change in name, address, or phone number of any person identified in the permit, or provide a similar minor administrative change at the facility;

(3) require more frequent monitoring or reporting by the permittee; and/or

(4) allow other permit amendments that are not physical or operational changes and that do not result in an increase in emissions.

(c) **Denial or revocation of a permit to operate.** No owner or operator shall cause or authorize the operation of a minor facility if the DEQ denies or revokes a permit to operate.

(d) **Permit Categories.** Three types of operating permits are available. See OAC 252:100-7-15(b) for a complete description of the permit categories.

(e) **Permit application requirements.** An operating permit application shall meet the following requirements.

(1) **New or modified facility.** An operating permit application must contain the following information.

(A) **Application content.** Application shall be made on a form provided by the DEQ. An application shall contain:

(i) The proposed operation start-up date, or phased dates when applicable.

(ii) Revisions to the installation/construction, if any, that differed from the construction design and plan given in the permit application material, data and specifications.

(B) **Emission tests.** Before a permit to operate a new or modified minor facility is granted, the applicant, if required by the DEQ, shall conduct emission tests in accordance with methods approved by the DEQ with the tests being made at the expense of the applicant. The DEQ shall be given advance notice of the tests, may monitor performance tests conducted by the applicant, and may also conduct emissions tests. The results of any required test must be provided to the DEQ along with supporting information as required.

(2) **Contents of an application for an administrative permit amendment.** The application may be made on the DEQ application form or it may be in letter form. The application shall:
(A) describe the change to be made to the permit,
(B) include the date the change occurred,
(C) identify the facility and source involved, and
(D) be signed by the applicant.

(f) **Operating permit conditions.**
(1) Emission limitations established and made a part of the construction permit are incorporated into and become enforceable limitations of the subsequently issued operating permit.
(2) Permit limitations in adjustment of, or in addition to, the facility's construction permit limitations may be made a condition of the facility's operating permit issuance.

PART 5. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS

252:100-7-30. Applicability [AMENDED AND RENUMBERED TO 252:100-8-30]

252:100-7-31. Definitions [REVOKED]

252:100-7-32. Source applicability determination [AMENDED AND RENUMBERED TO 252:100-8-32]

252:100-7-33. Review, applicability and exemptions [REVOKED]

252:100-7-34. Control technology [AMENDED AND RENUMBERED TO 252:100-8-34]

252:100-7-35. Air quality impact evaluation [AMENDED AND RENUMBERED TO 252:100-8-35]

252:100-7-36. Source impacting Class I areas [REVOKED]

252:100-7-37. Innovative control technology [AMENDED AND RENUMBERED TO 252:100-8-37]

PART 7. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS

252:100-7-50. Applicability [AMENDED AND RENUMBERED TO 252:100-8-50]

252:100-7-51. Definitions [REVOKED]

252:100-7-52. Source applicability determination [AMENDED AND RENUMBERED TO 252:100-8-52]

252:100-7-53. Exemptions [AMENDED AND RENUMBERED TO 252:100-8-53]

252:100-7-54. Requirements for sources located in nonattainment areas [AMENDED AND RENUMBERED TO 252:100-8-54]

PART 9. PERMITS BY RULE

252:100-7-60. Permit by rule
(a) **Applicability.** A minor facility may be constructed or operated under this rule and will be exempt from any other permitting requirements in this Chapter if it meets the requirements of 100-7-15(b)(1) and this Part.

(b) **General requirements.**

(1) To construct or operate a facility under a permit by rule, the owner or operator should submit a letter to the Division requesting registration under the appropriate permit by rule. The letter must contain written certification by the owner or operator that the facility will be constructed or operated in compliance with such permit by rule. A construction or operating permit application fee, as specified in 252:100-7-3, must accompany the letter.

(2) In accordance with the requirements of Subchapter 5, an emission inventory shall be submitted to the DEQ every year, except that facilities emitting 5 tons per year or less of each regulated pollutant are required to submit an emission inventory once every 5 years. No other reporting requirements shall apply unless required by NSPS in Subchapter 4 or NESHAP in Subchapter 41.

(3) Compliance inspections will be conducted by the DEQ in response to complaints and on a random basis.

(4) Any change that would cause a facility to no longer qualify for a permit by rule will require the owner or operator to apply for an individual or, if applicable, general permit.

(c) **Registration.** After receiving the appropriate application fee and certification, the DEQ will acknowledge in writing that the facility is registered to construct or operate under the specified permit by rule. No facility may be constructed or operated under a permit by rule until DEQ issues written acknowledgement of the registration.

252:100-7-60.1. Cotton gins

See 252:100-23-7.

252:100-7-60.2. Grain elevators

See 252:100-24-7.

252:100-7-60.3. Particulate matter emissions

See 252:100-19-13.

252:100-7-60.4. VOC storage and loading facilities

See 252:100-37, Part 9.

SUBCHAPTER 8. PERMITS FOR PART 70 SOURCES AND MAJOR NEW SOURCE REVIEW (NSR) SOURCES

PART 1. GENERAL PROVISIONS

Section

PART 3. PERMIT APPLICATION FEES

PART 5. PERMITS FOR PART 70 SOURCES

PART 7. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS

PART 9. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS

PART 11. VISIBILITY PROTECTION STANDARDS

PART 1. GENERAL PROVISIONS

252:100-8-1. Purpose

This Subchapter sets forth permit application fees and the substantive requirements for permits for Part 70 sources.

252:100-8-1.1. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise. Except as specifically provided in this section, terms used in this Subchapter retain the meaning accorded them under the applicable requirements of the Act.

"A stack in existence" means for purposes of OAC 252:100-8-1.5 that the owner or operator had:

(A) begun, or caused to begin, a continuous program of physical on-site construction of the stack; or

(B) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

"Actual emissions" means, except for Parts 7 and 9 of this Subchapter, the total amount of any regulated air pollutant emitted from a given facility during a particular calendar year, determined using methods contained in OAC 252:100-5-2.1(d).

"Adverse impact on visibility" means, for purposes of Parts 7 and 11, visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made by the DEQ on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with (1) times of visitor use of the Federal Class I area, and (2) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

"Dispersion technique" means for purposes of OAC 252:100-8-1.5 any technique which attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height; varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters or combining exhaust gases from several existing stacks into one stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. The preceding sentence does not include:

(A) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

(B) The merging of exhaust gas streams where:

(i) the source owner or operator documents that the facility was originally designed and constructed with such merged streams;

(ii) after July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from "dispersion technique"

applicability shall apply only to the emission limitation for the pollutant affected by such change in operation; or

(iii) before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation existed prior to the merging, there was an increase in the quantity of pollutants actually emitted prior to the merging, it shall be presumed that merging was primarily intended as a means of gaining emissions credit for greater dispersion. Before such credit can be allowed, the owner or operator must satisfactorily demonstrate that merging was not carried out for the primary purpose of gaining credit for greater dispersion.

(C) Manipulation of exhaust gas parameters, merging of exhaust gas streams from several existing stacks into one stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise in those cases where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

"Emission limitations and emission standards" means for purposes of OAC 252:100-8-1.5 requirements that limit the quantity, rate or concentration of emissions of air pollutants on a continuous basis, including any requirements that limit the level of opacity, prescribe equipment, set fuel specifications or prescribe operation or maintenance procedures for a source to assure continuous reduction.

"Natural conditions" includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

"Secondary emissions" means, for purposes of Parts 7 and 9 of this Subchapter, emissions which occur as a result of the construction or operation of a major stationary source or modification, but do not come from the source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(A) emissions from trains coming to or from the new or modified stationary source; and,

(B) emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major source or modification.

"Stack" means for purposes of OAC 252:100-8-1.5 any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct but not including flares.

"Visibility impairment" means any humanly perceptible reduction in visibility (light extinction, visual range, contrast, and coloration) from that which would have existed under natural conditions.

252:100-8-1.2. General information

(a) **Permit categories.** Two types of construction and operating permits are available: general permit and individual permit.

(1) **General permit.**

(A) A general permit may be issued for an industry if there are a sufficient number of facilities that have the same or substantially similar operations, emissions and activities which are subject to the same standards, limitations and operating and monitoring requirements.

(B) Facilities may be eligible for authorization under a general permit if the following criteria are met:

(i) The facility has actual emissions of 100 tpy or more of any one regulated air pollutant emitted and/or is a Part 70 source.

(ii) The DEQ has issued a general permit for the industry.

(2) **Individual permit.** Facilities requiring permits under this Subchapter that do not qualify for a general permit shall obtain individual permits. An owner or operator may apply for an individual permit even if the facility qualifies for a general permit.

(b) **Applicability determination.** Any person may submit a request in writing that the DEQ make a determination as to whether a particular source or installation, which that person operates or

proposes to operate, is subject to the permit requirements of this Subchapter. The request must contain sufficient information for the DEQ to make the requested determination and the required fee. The DEQ may request any additional information that it needs for purposes of making the determination.

252:100-8-1.3. Duty to comply

(a) An owner or operator who applies for a permit or authorization, upon notification of coverage, shall be bound by the terms and conditions therein.

(b) An owner or operator who violates any condition of a permit or authorization is subject to enforcement under the Oklahoma Clean Air Act.

252:100-8-1.4. Cancellation or extension of a construction permit or authorization under a general construction permit

(a) **Cancellation of permit or authorization to construct or modify.** A duly issued permit or authorization to construct or modify will terminate and become null and void (unless extended as provided in Subsection (b) of this Section) if the construction is not commenced within 18 months after the date the permit or authorization was issued, or if work is suspended for more than 18 months after it has commenced.

(b) **Extension of permit or authorization to construct or modify.**

(1) Prior to the expiration date of the permit or authorization, a permittee may apply for extension of the permit or authorization by written request of the DEQ stating the reasons for the delay or suspension and providing justification for the extension. The DEQ may grant:

(A) One extension of 18 months or less, or

(B) One extension of up to 36 months where the applicant is proposing to expand an already existing facility to accommodate the proposed new construction or the applicant has expended a significant amount of money (1% of total project cost as identified in the original application, not including land cost) in preparation for meeting the definition of "commence construction" at the proposed site, or

(C) One extension of up to 72 months will be granted to major industrial facilities (project cost greater than $100,000,000.00), where the applicant proposes to construct at an existing site and demonstrates that the existing site was originally designed and constructed to accommodate the proposed new facilities. The applicant shall show a commitment to the site by having purchased land necessary to construct facilities covered by this extension and expended $1,000,000.00 or more on engineering and/or site development.

(2) If construction has not commenced within three (3) years of the effective date of the original permit or authorization, the permittee must undertake and complete an appropriate available control technology review and an air quality analysis. This review must be approved by the DEQ before construction may commence.

(3) Upon formal request of any applicant whose permit has been denied for lack of increment, the DEQ may require any permittee under OAC 252:100:8-1.4(b)(1)(B) or (C), to furnish a complete air quality analysis and/or an appropriate available control technology review if such review is required in order to provide new or current information.

252:100-8-1.5. Stack height limitations

(a) **Stack height exclusion.** Air quality modeling or ambient impact evaluation shall exclude the effect of that portion of the height of any stack which exceeds good engineering practice or the effect of any other dispersion techniques.

(b) **Determination of good engineering practice (GEP) stack height.** GEP stack height shall be the greater of:

(1) 65 meters, measured from the ground-level elevation at the base of the stack; or

(2) The height under either OAC 252:100-8-1.5(b)(2)(A) or (B):

(A) for stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable permits or approvals required under OAC 252:100-8 or 40 CFR Part

52, Hg = 2.5H, provided the owner or operator can demonstrate that this equation was relied upon in establishing an emission limitation;

(B) for all other stacks, Hg = H + 1.5L, where:

(i) Hg = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

(ii) H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

(iii) L = lesser dimension (height or projected width) of nearby structure(s), provided that the owner or operator may be required to verify such GEP stack height by the use of a field study or fluid model as the Executive Director shall determine; or

(3) The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(c) **Nearby.**

(1) **For the formulae in OAC 252:100-8-1.5(b)(2).** A structure or terrain feature shall be considered nearby if it is located within a distance of up to five times the lesser of the height or the width of a structure, but not more than 0.5 miles (0.8 km).

(2) **For demonstration in OAC 252:100-8-1.5(b)(3).**

(A) A structure or terrain feature shall be considered nearby if located at a distance not greater than 0.5 mile (0.8 km), except that

(B) A portion of a terrain feature may be considered nearby if:

(i) It falls within a distance (not to exceed 2 miles) of up to 10 times the maximum height (Ht) of the feature, and

(ii) At a distance of 0.5 mile, the height of such feature is at least 40 percent of the GEP stack height determined by the formulae provided in OAC 252:100-8-1.5(b)(2)(B) or 85.3 feet (26 meters), whichever is greater, as measured from the base of the stack.

(3) **Measurement of height of structure or terrain.** The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(d) **Excessive concentrations.** When utilized for the purpose of determining GEP stack height under OAC 252:100-8-1.5(b)(3), excessive concentrations shall be as follows:

(1) For sources seeking credit for stack height exceeding that calculated under OAC 252:100-8-1.5(b)(2), a maximum ground-level pollutant concentration from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which, when combined with the impacts due to all sources, produces a concentration in excess of an ambient air quality standard. For sources subject to the prevention of significant deterioration program (Part 7 of this Subchapter or Federal 40 CFR 52.21), the same criteria apply except that a concurrent exceedance of a prevention of significant deterioration increment is experienced. In making demonstrations under this part, the allowable emission rate shall conform to the new source performance standard that is applicable to the source category unless the owner or operator can demonstrate that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the owner or operator;

(2) For sources seeking credit after October l, 1983, for increases in existing stack heights up to the heights established under OAC 252:100-8-1.5(b)(2) either:

(A) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as specified in OAC 252:100-8-1.5(b)(2), except that the emission rate specified by any applicable state implementation plan (or, in the absence of such a limit, the actual emission rate) shall be used, or

(B) the actual presence of a local nuisance caused by the existing stack, as determined by the Director; and

(3) For sources seeking credit after January 12, 1979 for a stack height determined under OAC 252:100-8-1.5(b)(2) where the Director requires the use of a field study or fluid model to verify

GEP stack height, for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by the formulae in OAC 252:100-8-1.5(b)(2), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes or eddy effects.

PART 3. PERMIT APPLICATION FEES

252:100-8-1.7. Permit application fees

A permit application or a request for an applicability determination will be assessed a one-time fee, which must accompany the application or request. Applications received without appropriate fees are administratively incomplete. Fees must be paid by check or money order made payable to the Department of Environmental Quality in accordance with the following fee schedule:

(1) **Applicability determination.** $500, to be credited against the construction or operating permit application fee, if a permit is required. If no permit is required, the fee will be retained to cover the cost of making the determination.

(2) **Construction permit application.**

(A) New Part 70 source - $7500.

(B) Modification of a Part 70 source - $5000.

(C) Authorization under a general permit - $900.

(3) **Operating permit application.**

(A) Initial Part 70 permit - $7500.

(B) Authorization under a general permit - $900

(C) Renewal Part 70 permit - $7500.

(D) Significant modification of Part 70 permit - $6000.

(E) Minor modification of Part 70 permit - $3000.

(F) Part 70 Temporary Source Relocation - $500.

PART 5. PERMITS FOR PART 70 SOURCES

252:100-8-2. Definitions

The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise. Except as specifically provided in this Section, terms used in this Part retain the meaning accorded them under the applicable requirements of the Act.

"Administratively complete" means an application that provides:

(A) All information required under OAC 252:100-8-5(c), (d), or (e);

(B) A landowner affidavit as required by OAC 252:4-7-13(b);

(C) The appropriate application fees as required by OAC 252:100-8-1.7; and

(D) Certification by the responsible official as required by OAC 252:100-8-5(f).

"Affected source" means the same as the meaning given to it in the regulations promulgated under Title IV (acid rain) of the Act.

"Affected states" means:

(A) all states:

(i) That are one of the following contiguous states: Arkansas, Colorado, Kansas, Missouri, New Mexico and Texas, and

(ii) That in the judgment of the DEQ may be directly affected by emissions from the facility seeking the permit, permit modification, or permit renewal being proposed; or

(B) all states that are within 50 miles of the permitted source.

"Affected unit" means the same as the meaning given to it in the regulations promulgated under Title IV (acid rain) of the Act.

"Applicable requirement" means all of the following as they apply to emissions units in a Part 70 source subject to this Chapter (including requirements that have been promulgated or approved by EPA through rulemaking at the time of issuance but have future effective compliance dates):

(A) Any standard or other requirements provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that

implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR Part 52;

(B) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D, of the Act;

(C) Any standard or other requirement under section 111 of the Act, including section 111(d);

(D) Any standard or other requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7) of the Act, but not including the contents of any risk management plan required under 112(r) of the Act;

(E) Any standard or other requirement of the acid rain program under Title IV of the Act or the regulations promulgated thereunder;

(F) Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

(G) Any standard or other requirement governing solid waste incineration, under section 129 of the Act;

(H) Any standard or other requirement for consumer and commercial products, under section 183(e) of the Act;

(I) Any standard or other requirement for tank vessels, under section 183(f) of the Act;

(J) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and

(K) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the Act.

"Begin actual construction" means for purposes of this Part, that the owner or operator has begun the construction or installation of the emitting equipment on a pad or in the final location at the facility.

"Designated representative" means with respect to affected units, a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit.

"Draft permit" means the version of a permit for which the DEQ offers public participation under 27A O.S.§§ 2-14-101 through 2-14-401 and OAC 252:4-7 or affected State review under OAC 252:100-8-8.

"Emergency" means, when used in OAC 252:100-8-6(a)(3)(C)(iii)(I) and (e), any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

"Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

"Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. Fugitive emissions from valves, flanges, etc. associated with a specific unit process shall be identified with that specific emission unit. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the Act.

"Final permit" means the version of a part 70 permit issued by the DEQ that has completed all review procedures required by OAC 252:100-8-7 through 252:100-8-7.5 and OAC 252:100-8-8.

"Fugitive emissions" means those emissions of regulated air pollutants which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

"General permit" means a part 70 permit that meets the requirements of OAC 252:100-8-6.1.

"Insignificant activities" means individual emissions units that are either on the list approved by the Administrator and contained in Appendix I, or whose actual calendar year emissions do not exceed any of the limits in (A) and (B) of this definition. Any activity to which a State or federal applicable requirement applies is not insignificant even if it meets the criteria below or is included on the insignificant activities list.

(A) 5 tons per year (TPY) of any one criteria pollutant.

(B) 2 tons per year for any one hazardous air pollutant (HAP) or 5 tons per year for an aggregate of two or more HAPs, or 20 percent of any threshold less than 10 tons per year for single HAP that the EPA may establish by rule.

"MACT" means maximum achievable control technology.

"Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that is described in subparagraph (A), (B), or (C) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit primary SIC code) as described in the Standard Industrial Classification Manual, 1987.

(A) A major source under section 112 of the Act, which is defined as:

(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 TPY or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the Act, 25 TPY or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or.

(ii) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

(B) A major stationary source of air pollutants, as defined in section 302 of the Act, that directly emits or has the potential to emit, 100 TPY or more of any air pollutant (except gross particulate matter) subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the Act, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);
(ii) Kraft pulp mills;
(iii) Portland cement plants;
(iv) Primary zinc smelters;
(v) Iron and steel mills;
(vi) Primary aluminum ore reduction plants;
(vii) Primary copper smelters;
(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
(ix) Hydrofluoric, sulfuric, or nitric acid plants;
(x) Petroleum refineries;
(xi) Lime plants;
(xii) Phosphate rock processing plants;
(xiii) Coke oven batteries;
(xiv) Sulfur recovery plants;
(xv) Carbon black plants (furnace process);
(xvi) Primary lead smelters;
(xvii) Fuel conversion plants;
(xviii) Sintering plants;

(xix) Secondary metal production plants;
(xx) Chemical process plants (not including ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140);
(xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(xxiii) Taconite ore processing plants;
(xxiv) Glass fiber processing plants;
(xxv) Charcoal production plants;
(xxvi) Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
(xxvii) All other stationary source categories which, as of August 7, 1980, are being regulated by a standard promulgated under section 111 or 112 of the Act.

(C) A major stationary source as defined in part D of Title I of the Act, including:
(i) For ozone non-attainment areas, sources with the potential to emit 100 TPY or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 TPY or more in areas classified as "serious," 25 TPY or more in areas classified as "severe," and 10 TPY or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 TPY of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the Act, that requirements under section 182(f) of the Act do not apply;
(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 TPY or more of volatile organic compounds;
(iii) For carbon monoxide non-attainment areas:
(I) that are classified as "serious"; and
(II) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 TPY or more of carbon monoxide; and
(iv) For particulate matter (PM_{10}) non-attainment areas classified as "serious," sources with the potential to emit 70 TPY or more of PM_{10}.

"Maximum capacity" means the quantity of air contaminants that theoretically could be emitted by a stationary source without control devices based on the design capacity or maximum production capacity of the source and 8,760 hours of operation per year. In determining the maximum theoretical emissions of VOCs for a source, the design capacity or maximum production capacity shall include the use of raw materials, coatings and inks with the highest VOC content used in practice by the source.

"Permit" means (unless the context suggests otherwise) any permit or group of permits covering a Part 70 source that is issued, renewed, amended, or revised pursuant to this Chapter.

"Permit modification" means a revision to a Part 70 construction or operating permit that meets the requirements of OAC 252:100-8-7.2(b).

"Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in OAC 252:100-5-2.2 (whether such costs are incurred by the DEQ or other State or local agencies that do not issue permits directly, but that support permit issuance or administration).

"Permit revision" means any permit modification or administrative permit amendment.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations promulgated thereunder.

"Proposed permit" means the version of a permit that the DEQ proposes to issue and forwards to the Administrator for review in compliance with OAC 252:100-8-8.

"Regulated air pollutant" means the following:

(A) Nitrogen oxides or any volatile organic compound (VOC), including those substances defined in OAC 252:100-1-3, 252:100-37-2, and 252:100-39-2, except those specifically excluded in the EPA definition of VOC in 40 CFR 51.100(s);

(B) Any pollutant for which a national ambient air quality standard has been promulgated;

(C) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(D) Any Class I or II ozone-depleting substance subject to a standard promulgated under or established by Title VI of the Act;

(E) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the Act (Hazardous Air Pollutants), including sections 112(g) (Modifications), (j) (Equivalent Emission Limitation by Permit, and (r) (Prevention of Accidental Releases), including the following:

(i) any pollutant subject to the requirements under section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the Act (Schedule for Standards and Review), any pollutant for which a subject source would be major shall be considered to be regulated as to that source on the date 18 months after the applicable date established pursuant to section 112(e) of the Act; and,

(ii) any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to the section 112(g)(2) requirement; or

(F) Any other substance for which an air emission limitation or equipment standard is set by an existing permit or regulation.

"Renewal" means the process by which a permit is reissued at the end of its term.

"Section 502(b)(10) changes" means changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

"Small unit" means a fossil fuel fired combustion device which serves a generator with a name plate capacity of 25 MWe or less.

"State-only requirement" means any standard or requirement pursuant to Oklahoma Clean Air Act (27A O.S.§§ 2-5-101 through 2-5-118, as amended) that is not contained in the State Implementation Plan (SIP).

"State program" means a program approved by the Administrator under 40 CFR Part 70.

"Stationary source" means any building, structure, facility, or installation that emits or may emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act as it existed on January 2, 2006.

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the federal Clean Air Act, or a nationally-applicable regulation codified by the EPA Administrator in subchapter C of Chapter I of 40 CFR, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(A) Greenhouse gases (GHG) shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 TPY CO_2 equivalent emissions (CO_2e) and are otherwise subject to regulation as previously described in this definition.

(B) The term TPY CO_2 equivalent emissions (CO_2e) shall represent an amount of GHG emitted, and shall be computed by multiplying the mass amount of emissions (TPY), for each of the six greenhouse gases in the pollutant GHG, by the gas' associated global warming potential (GWP) published in Table A-1 to subpart A of 40 CFR Part 98 - Global Warming Potentials, and summing the resultant value for each to compute a TPY CO_2e. For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of

non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries, as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(C) If federal legislation or a federal court stays, invalidates, delays the effective date, or otherwise renders unenforceable by the EPA, in whole or in part, the EPA's tailoring rule (75 FR 31514, June 3, 2010), endangerment finding (74 FR 66496, December 15, 2009), or light-duty vehicle greenhouse gas emission standard (75 FR 25686, May 7, 2010), this definition shall be enforceable only to the extent that it is enforceable by the EPA.

"Trivial activities" means any individual or combination of air emissions units that are considered inconsequential and are on a list approved by the Administrator and contained in Appendix J.

"Unit" means, for purposes of Title IV, a fossil fuel-fired combustion device.

252:100-8-3. Applicability

(a) **Covered sources.** Except as exempted from the requirement to obtain a permit under subsection (b) of this Section or elsewhere in this Subchapter, the sources listed below are subject to the permitting requirements under this Subchapter. A major source or major stationary source shall remain a Part 70 source until a federally enforceable permit is obtained which contains emission limitations and/or conditions to limit the operation of the facility to below that which would define it as a covered source pursuant to this section.

(1) Any major source (as defined in OAC 252:100-8-2);

(2) Any source subject to a NSPS;

(3) Any source, including an area source, subject to a NESHAP;

(4) Any affected source (as defined in OAC 252:100-8-2);

(5) Any source in a source category designated by the Administrator pursuant to 40 CFR §70.3; and

(6) Any major stationary source required to have a permit under Parts 7 or 9 of this Subchapter.

(b) **Source category exemptions.**

(1) All sources listed in subsection (a) of this section that are not major sources, major stationary sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act, are exempt from the obligation to obtain a Part 70 permit unless required to do so by appropriate implementation of EPA administrative rulemaking for non-major sources. Any such exempt source may opt to apply for a permit under these rules and shall be issued a permit if the applicant otherwise satisfies all of the requirements of this Chapter.

(2) If the Administrator determines after appropriate rulemaking that an exemption is applicable to non-major sources when adopting standards or other requirements under section 111 or section 112 of the Act after July 21, 1992, then at that time the exemption will apply.

(3) Unless otherwise required to obtain a Part 70 permit, the following source categories are exempted from the obligation to obtain a Part 70 permit:

(A) All sources in source categories that would be required to obtain a permit solely because they are subject to part 60, subpart AAA -- Standards of Performance for New Residential Wood Heaters; and

(B) All sources in source categories that would be required to obtain a permit solely because they are subject to part 61, subpart M -- National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation.

252:100-8-4. Requirements for construction and operating permits

(a) **Construction permits.**

(1) **Construction permit required.** No person shall begin actual construction or installation of any new source that will require a Part 70 operating permit without first obtaining a DEQ-issued air quality construction permit under Part 5 of OAC 252:100-8. A construction permit is also required prior to reconstruction of a major affected source under 40 CFR Part 63, reconstruction of a major source if it would then become a major affected source under 40 CFR 63, or for any physical change that would be a significant modification under OAC 252:100-8-7.2(b)(2). In addition to the requirements of this Part, sources subject to Part 7 or Part 9 of this Subchapter must also meet the applicable requirements contained therein.

(2) **Requirement for case-by-case MACT determinations.**

(A) **Applicability.** The requirement for case-by-case MACT determinations apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after June 29, 1998, unless the source has been specifically regulated or exempted from regulation under a subpart of 40 CFR Part 63, or the owner or operator has received all necessary air quality permits for such construction or reconstruction before June 29, 1998.

(B) **Exclusions.** The following sources are not subject to this subsection.

(i) Electric utility steam generating units unless and until these units are added to the source category list.

(ii) Stationary sources that are within a source category that has been deleted from the source category list.

(iii) Research and development activities as defined in 40 CFR § 63.41.

(C) **MACT determinations.** If subject to this subsection, an owner or operator may not begin actual construction or reconstruction of a major source of HAP until obtaining from the DEQ an approved MACT determination in accordance with the following regulations: 40 CFR 63.41, 40 CFR 63.43 and 40 CFR 63.44, which are hereby incorporated by reference as they exist on July 1, 2000.

(b) **Operating permits.**

(1) **Operating permits required.** Except as provided in subparagraphs (A) and (B) of this paragraph, no Part 70 source subject to this Chapter may operate after the time that it is required to file a timely application with the DEQ, except in compliance with a DEQ-issued permit.

(A) If the owner or operator of a source subject to the requirement to obtain a Part 70 permit submits a timely application for Part 70 permit issuance or renewal, that source's failure to have a Part 70 permit shall not be a violation of the requirement to have such a permit until the DEQ takes final action on the application. This protection shall cease to apply if the applicant fails to submit, by the deadline specified in writing by the DEQ or OAC 252:100-8-4, any additional information identified as being reasonably required to process the application.

(B) If the owner or operator of a source subject to this Subchapter files a timely application that the DEQ determines to be administratively incomplete due to the applicant's failure to timely provide additional information requested by the DEQ, the applicant loses the protection granted under paragraph (A) of this Section. The source's failure to have a Part 70 permit shall be deemed a violation of this Subchapter.

(C) Filing an operating permit application shall not affect the requirement, if any, that a source have a construction permit.

(2) **Duty to apply.** For each Part 70 source, the owner or operator shall submit a timely and complete permit application on forms supplied by the DEQ in accordance with this section.

(3) **Timely application.** Sources that are subject to the operating permit program established by this Chapter as of March 6, 1996, shall file applications on the following schedules outlined in OAC 252:100-8-4(b)(4). A timely application is one that is postmarked on or before the relevant date listed in OAC 252:100-8-4(b). In the event a major source consists of operations under multiple SIC codes, the primary activity shall form the basis for the initial permit application.

(4) **Application submittal schedule.** The following sources are subject to the operating permit program and shall submit initial permit applications according to the following schedule.

(A) No later than September 5, 1996:

(i) Affected sources under the acid rain provisions of the Act shall submit a permit application for at least the affected units at the site. Regardless of the effective date of the program and the requirement to file an application defined in this section, applications for initial Phase II acid rain permits shall be submitted to the DEQ no later than January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides, pursuant to the Act, §407.

(ii) Any owner or operator shall submit no less than one-third of their total applications for Part 70 sources located at sources classified by the following Source Standard Industrial Classification Codes and which belong to a single major industrial grouping other than 28 (Chemicals and allied products) or 29 (Petroleum refining and related industries):

(I) Petroleum and Natural Gas, 1311;

(II) Natural Gas Liquids, 1321;

(III) Electric Services, 4911, 4961;

(IV) Natural Gas Transmission, 4922;

(V) Natural Gas Transmission and Distribution, 4923; and

(VI) Petroleum Bulk Stations and Terminals, 5171.

(B) All remaining Part 70 sources identified in (b)(4)(A)(ii) of this Subsection shall be subject to the operating permit program and shall submit initial permit applications no later than March 5, 1997.

(C) No later than March 5, 1997, any owner or operator shall submit their applications for Part 70 sources located at sources classified by the following Standard Industrial Classification Codes:

(i) Metals, 3312, 3315, 3321, 3341, 3351, 3411, 3412, 3432, 3466,

(ii) Brick Plants, 3251, 3297,

(iii) Commercial Printing, 2752, 2761.

(D) No later than July 5, 1998, any owner or operator shall submit their applications for Part 70 sources located at sources classified by the following Standard Industrial Classification Codes:

(i) Refineries, 2911;

(ii) Cement Plants, 3241;

(iii) Chemical/Carbon, 2819, 2821, 2851, 2861, 2869, 2891, 2895, 2899, 2999, 3053, 3086, 3089;

(iv) Petroleum Transportation/Terminals/Storage, 4612, 4613;

(v) Food Products, 2013, 2074, 2095.

(E) All remaining Part 70 sources shall be subject to the operating permit program and shall submit initial permit applications no later than March 6, 1999.

(5) **Newly regulated sources.** A source that becomes subject to the Part 70 operating permit program on or after March 6, 1996, shall file an administratively complete operating permit application in accordance with the following schedule.

(A) A new source shall file an administratively complete operating permit application within 180 days of commencement of operation.

(B) An existing source that becomes subject to the Part 70 operating permit program due to modification shall file an administratively complete operating permit application within 180 days of commencement of operation of the modification.

(C) An existing source that becomes subject to the Part 70 operating permit program without undergoing physical or operational changes resulting in an increase in the emission of any air pollutant subject to regulation shall file an administratively complete operating permit application within 12 months after the date the source first becomes subject to the Part 70 operating permit program.

(6) **Application acceptability.** Notwithstanding the deadlines established in paragraph (4) of this subsection, an application filed prior to the above deadlines following submission of the state program to EPA for approval shall be accepted for processing.

(7) **112(g) applications.** A source that is required to meet the requirements under section 112(g) of the Act, or to have a permit under a preconstruction review program under Title I of such Act, shall file an application to obtain an operating permit or permit amendment or modification within twelve months of commencing operation. Where an existing Part 70 operating permit would prohibit such construction or change in operation, the source must obtain a construction permit before commencing construction.

(8) **Application for renewal.** Sources subject to this Chapter shall file an application for renewal of an operating permit at least 180 days before the date of permit expiration, unless a longer period (not to exceed 540 days) is specified in the permit. Renewal periods greater than 180 days are subject to negotiation on a case-by-case basis.

(9) **Phase II acid rain permits.** Sources required to submit applications under the Acid Rain Program shall submit these applications as required by 40 CFR 72.30(b)(2)(i) through (viii).

(10) **Application completeness.** See Environmental Permit Process, OAC 252:4-7-7 and the definition of "administratively complete" in OAC 252:100-8-2.

252:100-8-5. Permit applications

(a) **Confidential information.** If a source submits information to the DEQ under a claim of confidentiality, the source shall also submit a copy of such information directly to the Administrator, if the DEQ requests that the source do so.

(b) **Duty to supplement or correct application.** Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit such supplementary facts or corrected information within 30 days unless the applicant's request for more time has been approved by the DEQ. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(c) **Standard application form and required information.** Sources that are subject to the Part 70 permit program established by this Chapter shall file applications on the standard application form that the DEQ makes available for that purpose. The application must include information needed to determine the applicability of any applicable requirement, or state-only requirement, or to evaluate the fee amount required under the schedule approved pursuant to OAC 252:100-5-2.2(b)(2). The

applicant shall submit the information called for by the application form for each emissions unit at the source to be permitted. The source must provide a list of any insignificant activities that are exempted because of size or production rate. Trivial activities need not be listed. The standard application form and any attachments shall require that the information required by OAC 252:100-8-5(d) and/or (e) be provided.

(d) **Construction permit applications.**

(1) An application for a construction permit shall provide data and information required by this Chapter and/or requested on the application form available from the DEQ pursuant to the requirements of this Chapter. Such data and information shall include but not be limited to site information, process description, emission data and when required, BACT, modeling and sampling point data as follows:

(A) **BACT determination.** To be approved for a construction permit, a major source must demonstrate that the control technology to be applied is the best that is available for each pollutant that would cause the source to be defined as a major source. This determination will be made on a case-by-case basis taking into account energy, environmental, and economic impacts and other costs of alternative control systems. Unless required under Part 7 of this Subchapter, a BACT determination is not required for a modification that will result in an increase of emissions of less than 100 tons per year of any regulated air pollutant.

(B) **Modeling.** Any air quality modeling or ambient impact evaluation that is required shall be prepared in accordance with procedures acceptable to the DEQ and accomplished by the applicant.

(C) **Sampling points.** If required by the DEQ an application shall show how the new source will be equipped with sampling ports, instrumentation to monitor and record emission data and other sampling and/or testing equipment.

(2) Construction permit applications for new sources must also include the requirements for operating permits contained in OAC 252:100-8-5(e) to the extent they are applicable.

(e) **Operating permit applications.**

(1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(2) A description of the source's processes and products (by two-digit Standard Industrial Classification Code) including any associated with each alternate scenario identified by the source.

(3) The following emissions-related information:

(A) All emissions of pollutants for which the source is major, and all emissions (including fugitive emissions) of regulated air pollutants. Fugitive emissions shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source. The permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under OAC 252:100-8-5(c) or OAC 252:100-8-3(b).

(B) Identification and description of all points of emissions described in OAC 252:100-8-5(e)(3)(A) in sufficient detail to establish the basis for fees and applicability of the Act's requirements.

(C) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard.

(D) The following information to the extent it is needed to determine or regulate emissions:

(i) fuels,

(ii) fuel use,

(iii) raw materials,

(iv) production rates, and

(v) operating schedules.

(E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.

(F) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the covered source.

(G) Other information required by any applicable requirement, or state-only requirement (including information related to stack height limitations developed pursuant to section 123 of the Act).

(H) Calculations on which the information in items (A) through (G) of this paragraph is based.

(4) The following air pollution control requirements:

(A) Citation and description of all applicable requirements and all state-only requirements.

(B) Description of or reference to any applicable test method for determining compliance with each applicable requirement and state-only requirement.

(5) Other specific information required under the DEQ's rules and statutes to implement and enforce other applicable requirements of the Act or of this Chapter or to determine the applicability of such requirements.

(6) An explanation of any proposed exemptions from otherwise applicable requirements and state-only requirements.

(7) Additional information as determined to be necessary by the DEQ to define alternative operating scenarios identified by the source pursuant to OAC 252:100-8-6(a)(9) or to define permit terms and conditions implementing OAC 252:100-8-6(f) or 252:100-8-6(a)(10).

(8) A compliance plan for all covered sources that contains all the following:

(A) A description of the compliance status of the source with respect to all applicable requirements and state-only requirements as follows:

(i) For applicable requirements and state-only requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.

(ii) For applicable requirements and state-only requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis shall satisfy this provision, unless a more detailed schedule is expressly required by the applicable requirement.

(iii) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.

(B) For sources not in complete compliance, a compliance schedule as follows:

(i) A schedule of compliance for sources that are not in compliance with all applicable requirements and state-only requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements and state-only requirements for which the source will be in noncompliance at the time of

permit issuance. This compliance schedule shall resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction non-compliance with, the applicable requirements on which it is based.

(ii) A schedule for submission of certified progress reports no less frequently than every 6 months.

(C) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(9) Requirements for compliance certification, including the following:

(A) A certification of compliance with all applicable requirements and state-only requirements by a responsible official consistent with OAC 252:100-8-5(f) and section 114(a)(3) of the Act;

(B) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(C) A schedule for submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement state-only requirements or by the permitting authority; and

(D) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.

(10) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act.

(f) **Certification.** Any application form, report, or compliance certification submitted pursuant to this Chapter shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Chapter shall be signed by a responsible official and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

252:100-8-6. Permit content

(a) **Standard permit requirements.** Part 70 permits issued under this Chapter shall include all applicable requirements and state-only requirements (as defined in OAC 252:100-8-2) that apply to the permitted source at the time of issuance. Each permit shall include the elements in paragraphs (1) through (4) of subsection (a) of this Section.

(1) **Emission limitations and standards.** The permit shall specify emissions limitations and standards that constitute applicable requirements and state-only requirements and shall include those operational conditions and limitations necessary to assure compliance with all such requirements.

(A) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement or state-only requirement upon which the term or condition is based.

(B) The permit shall state that, where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by EPA.

(C) If the State implementation plan or an applicable requirement allows a source to comply through an alternative emission limit or means of compliance, a source may request that such an alternative limit or means of compliance be specified in its permit. Such an alternative emission limit or means of compliance shall be included in a source's permit upon a showing that it is quantifiable, accountable, enforceable, and based on replicable procedures. The source shall propose permit terms and conditions to satisfy these requirements in its application.

(2) **Permit duration.**

(A) **Operating permits.** The permit shall specify a fixed term. The DEQ shall issue permits for any fixed period requested in the permit application, not to exceed five years, except as follows:

(i) Permits issued to affected sources shall in all cases have a fixed term of five years.

(ii) Permits issued to solid waste incineration units combusting municipal waste subject to standards under section 129(e) of the Act shall have a term not to exceed 12 years. Such permits shall be reviewed every five years.

(B) **Construction permits.** See OAC 252:100-8-1.4.

(3) **Monitoring and related recordkeeping and reporting requirements.**

(A) **Monitoring requirements.**

(i) The permit shall specify all emissions monitoring and analysis procedures or test methods required under applicable requirements and state-only requirements, including any procedures and methods promulgated pursuant to sections 114(a)(3) or 504(b) of the Act.

(ii) The permit shall specify periodic monitoring during the relevant time period sufficient to yield reliable data that are representative of the source's compliance with the permit, as reported pursuant to (a)(3)(C) of this section when an applicable requirement or state-only requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of recordkeeping designed to serve as monitoring). Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement or state-only requirement. Recordkeeping provisions may be sufficient to meet the requirements of this subparagraph.

(iii) The permit shall specify as necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(iv) The permit shall contain provisions for the permittee to request the use of alternative test methods or analysis procedures, and provisions for the DEQ to approve or disapprove the request within 60 days.

(B) **Recordkeeping requirements.** The permit shall incorporate all applicable recordkeeping requirements.

(i) When applicable the permit shall require records of required monitoring information that include:

(I) the date, place as defined in the permit, and time of sampling or measurements;

(II) the date(s) analyses were performed;

(III) the company or entity that performed the analyses;

(IV) the analytical techniques or methods used;

(V) the results of such analyses; and

(VI) the operating conditions existing at the time of sampling or measurement.

(ii) When applicable, the permit shall require retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original stripchart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, the permit may specify that records may be maintained in computerized form.

(C) **Reporting requirements.** The permit shall incorporate all applicable reporting requirements and contain the following requirements.

(i) A permit issued under this Part shall require the permittee to submit a report of any required monitoring at least every six months. To the extent possible, the schedule for submission of such reports shall be timed to coincide with other periodic reports required by the permit, including the permittee's annual compliance certification. However, the reports may be submitted at any time within the reporting period, as stipulated in the permit.

(ii) Each report submitted under (C)(I) of this paragraph shall identify any exceedances from permit requirements since the previous report that have been monitored by the monitoring systems required under the permit, and any exceedances from the monitoring, recordkeeping and reporting requirements under the permit.

(iii) In addition to semiannual monitoring reports, each permittee shall be required to submit the following supplemental reports.

(I) Any exceedance resulting from an emergency as defined in OAC 252:100-8-2 or upset conditions as defined in the permit shall be reported promptly but no later than 4:30 p.m. on the next working day after the permittee first becomes aware of the exceedance. The initial report must contain a description of the emergency or upset conditions, any steps taken to mitigate emissions, and corrective actions taken. Quantification of exceedances attributable to emergencies or upset conditions shall be made by the best available method. If the permittee wishes to assert the affirmative defense authorized under subsection (e) of this Section for emergencies, the permittee shall submit a followup written report within 10 working days of first becoming aware of the exceedance.

(II) Any exceedance that poses an imminent and substantial danger to public health, safety, or the environment shall be reported as soon as is practicable; but under no circumstance shall notification be more than 24 hours after exceedance.

(III) Any other exceedances that are identified in the permit as requiring more frequent reporting than the permittee's semiannual report shall be reported on the schedule specified in the permit.

(IV) All reports of exceedances shall identify the probable cause of the exceedances and any corrective actions or preventive measures taken.

(iv) Every report submitted under this subsection shall be certified by a responsible official, except that if a report of an exceedance required under (C)(iii) of this paragraph must be submitted within ten days of the exceedance, the report may be submitted in the first instance without a certification if an appropriate certification is provided within ten days thereafter, together with any corrected or supplemental information required concerning the exceedance. Reports submitted shall be consistent with the requirements of OAC 252:100-9.

(4) **Risk management plans.** If the source is required to develop and register a risk management plan pursuant to section 112(r) of the Act, the permit need only specify that the permittee will comply with the requirement to register such a plan. Although the requirement to have a risk management plan may be a term of the permit, the risk management plan contents are not part of the permit.

(5) **Title IV allowances.**

(A) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

(B) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(C) The permit shall prohibit emissions exceeding any allowance that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder. Compliance with this paragraph will be determined on January 31st of any given year and be based on actual emissions and the number of allowances held for the previous calendar year.

(6) **Severability clause.** The permit shall include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

(7) **General requirements.** The permit shall include the following provisions.

(A) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Oklahoma Clean Air Act and is grounds for:

(i) enforcement action;

(ii) permit termination, revocation and reissuance, or modification; or

(iii) denial of a permit renewal application.

(B) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this subsection shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in assessing penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations.

(C) The permit may be modified, revoked, reopened, and reissued, or terminated for cause. Except as provided under OAC 252:100-8-7.2(b)(1) for minor permit modifications, the filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(D) The permit does not convey any property rights of any sort or any exclusive privilege.

(E) The permittee shall furnish to the DEQ, upon receipt of a written request and within a reasonable time, any information that the DEQ may request to determine whether cause exists for modifying, reopening, or revoking and reissuing or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the DEQ copies of records required to be kept by the permit. The permittee may make a claim of confidentiality pursuant to 27A O.S. § 2-5-105.18 for any information or records submitted under this paragraph.

(8) **Fees.** The permit shall provide that the permittee will pay fees to the DEQ consistent with the fee schedule established under OAC 252:100-5-2.2.

(9) **Emissions trading.** The permit shall provide that no permit revision shall be required under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.

(10) **Operating scenarios.** The permit shall include terms and conditions applicable to all operating scenarios described in the permit application and eligible for approval under applicable requirements and state-only requirements. The permit shall authorize the permittee to make changes among operating scenarios authorized in the permit without notice, but shall require the permittee contemporaneously with making a change from one operating scenario to another to record in a log at the permitted facility the scenario under which it is operating.

(11) **Emissions averaging.** The permit shall include terms and conditions, if the permit applicant requests them, for the trading or averaging of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading or averaging such increases and decreases. Such terms and conditions shall include terms under subsections (a) and (c) of this Section to determine compliance and shall satisfy all requirements of the applicable requirements authorizing such trading or averaging.

(b) **Federally enforceable requirements.**

(1) Except as provided in paragraph (b)(2) of this Section, all terms and conditions in a permit issued under this Section, including any provisions designed to limit a source's potential to emit, are enforceable by the DEQ, by EPA, and by citizens under section 304 of the Act.

(2) Notwithstanding paragraph (b)(1) of this Section, the DEQ shall designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or any of its applicable requirements, and such terms and conditions shall not be enforceable by EPA and citizens under section 304 of the Act.

(c) **Compliance requirements.** All permits issued under this Part shall contain the following elements with respect to compliance.

(1) Consistent with paragraph (a)(3) of this Section, the permit shall contain compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a permit under this Part shall contain a certification by a responsible official as to the results of the required monitoring.

(2) The permit shall contain inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized officials of the DEQ to:

(A) enter upon the permittee's premises during reasonable/normal working hours where a source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(B) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(C) inspect at reasonable times and using reasonable safety practices any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(D) as authorized by the Oklahoma Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit.

(3) The permit shall contain a schedule of compliance if required under OAC 252:100-8-5(e)(8)(B).

(4) To the extent required under an applicable schedule of compliance and OAC 252:100-8-5(e)(8), the permit shall contain the requirement for progress reports to be submitted

semiannually or more frequently if specified in the applicable requirement or by the DEQ. Such progress reports shall contain:

(A) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(B) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(5) The permit shall contain requirements for compliance certification with terms and conditions contained in the permit that are federally enforceable, including emission limitations, standards, or work practices. Each permit shallcontain all of the following specifications and requirements.

(A) Each permit shall specify the frequency (which shall be annually unless the applicable requirement or state-only requirement specifies submission more frequently) of submissions of compliance certifications.

(B) Each permit shall specify in accordance with paragraph (a)(3) of this Section, a means for monitoring the compliance of the source with emissions limitations, standards, and work practices.

(C) Each permit shall include a requirement that the compliance certification include:

(i) the identification of each term or condition of the permit that is the basis of the certification;

(ii) the permittee's current compliance status, as shown by monitoring data and other information available to the permittee;

(iii) whether compliance was continuous or intermittent;

(iv) the method(s) used for determining the compliance status of the source, currently and over the reporting period as required by paragraph (a)(3) of this Section; and

(v) such other facts as the DEQ may require to determine the compliance status of the source.

(D) Each permit shall contain a requirement that all compliance certifications be submitted to EPA as well as to the DEQ.

(E) Each permit shall contain such additional requirements as may be specified pursuant to sections 114(a)(3) and 504(b) of the Act.

(6) Each permit shall contain such other provisions as the DEQ may require.

(d) **Permit shield.**

(1) Each operating permit issued under this Part shall include a "permit shield" provision, which shall state that compliance with the terms and conditions of the permit (including terms and conditions established for alternate operating scenarios, emissions trading, and emissions averaging, but excluding terms and conditions for which the permit shield is expressly prohibited under this Subchapter) shall be deemed compliance with the applicable requirements identified and included in the permit.

(2) Upon request, the DEQ shall include in the permit or in a separate written finding issued with the permit a determination identifying specific requirements that do not apply to the source. The source shall specify in its application for such a determination the requirements for which the determination is requested. If the determination is issued in a separate finding, that finding shall be summarized in the permit. The permit shall state that the permit shield applies to any requirements so identified. A request for a determination to extend the shield to requirements deemed inapplicable to the source may be made either in the original permit application or in a subsequent application for a permit modification.

(3) A Part 70 permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

(4) Nothing in this Section or in the permit shall alter or affect:

(A) the provisions of section 303 of the Act, including the authority of the Administrator under that section;

(B) the liability of an owner or operator of a source for any violation of applicable requirements or state-only requirements prior to or at the time of permit issuance;

(C) the applicable requirements of the acid rain program, consistent with section 408(a) of the Act; or

(D) the ability of EPA to obtain information from a source pursuant to section 114 of the Act.

(e) **Emergencies.**

(1) An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (e)(3) of this Section and the reporting requirements of OAC 252:100-8-6(a)(3)(C)(iii)(I) are met.

(2) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs or other relevant evidence that:

(A) an emergency occurred and that the permittee can identify the cause(s) of the emergency;

(B) the permitted facility was at the time being properly operated;

(C) during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit.

(3) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(4) The provision in this subsection is in addition to any emergency or upset provision contained in any applicable requirement or OAC 252:100-9.

(f) **Operational flexibility.**

(1) **Applicant's duty to apply for alternative scenarios.** A facility may implement any operating scenario allowed for in its Part 70 permit without the need for any permit revision or any notification to the permitting authority. It is incumbent upon the Part 70 permit applicant to apply for any reasonably anticipated alternative facility operating scenarios at the time of initial or renewal permit application.

(2) **Changes resulting in no emissions increases.** A permitted Part 70 source may make the following changes within the facility.

(A) Such a source may make changes that are not modifications under any provision of Title I of the Act.

(B) Such a source may make changes that do not cause any hourly or annual permitted emission rate of any existing emissions unit to be exceeded.

(C) Such a source may make changes that result in a net change in emissions of zero, provided that the facility notifies the DEQ and EPA in writing at least 7 days in advance of the proposed changes. The source, DEQ, and EPA shall attach each such notice to their copy of the relevant permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change. The permit shield described in OAC 252:100-8-6(d) does not apply to any change made pursuant to this subsection.

252:100-8-6.1. General permits

(a) **Applicability.**

(1) The DEQ may, after notice and opportunity for public participation, issue a general permit for any source category if it concludes that the category is appropriate for permitting on a generic basis. Any general permit shall comply with all requirements applicable to other Part 70 permits. No general permit may be issued for affected sources under the acid rain program unless otherwise provided in regulations promulgated under Title IV of the Act.

(2) A general permit may be issued for a source category based upon an application from a source within the source category or upon the DEQ's own initiative. The DEQ shall, following receipt of an application for a general permit, or upon a determination that issuance of a general permit for a category of sources may be appropriate, follow the same procedures for issuance of a general permit as for any other permit issued under this part.

(3) A general permit may be issued to establish:

(A) Terms and conditions to implement applicable requirements and state-only requirements for a source category.

(B) Terms and conditions to implement applicable requirements and state-only requirements for specified categories of changes to permitted sources.

(C) Terms and conditions for new requirements that apply to sources with existing permits.

(D) Federally-enforceable caps on emissions from sources in a specified category.

(4) The DEQ may issue a general permit if it finds that:

(A) There are several permittees, permit applicants, or potential permit applicants who:

(i) Have the same or substantially similar operations, emissions, activities, or facilities.

(ii) Emit the same types of regulated air pollutants.

(B) The operations, emissions, activities, or facilities are subject to the same or similar:

(i) Standards, limitations, and operating requirements.

(ii) Monitoring requirements.

(5) If some, but not all, of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the source must apply for an individual Part 70 permit for all of its covered sources.

(6) Facilities located in areas that are federally designated as non-attainment are not eligible for coverage under a general permit.

(7) Sites that are not in compliance with all applicable State and Federal air regulations are eligible for a general operating permit only if:

(A) They submit to DEQ an approvable compliance plan, and

(B) The facility submits to Tier II public review.

(8) Facilities with existing state operating permits are eligible for coverage under a general operating permit.

(9) Facilities existing prior to the effective date of any applicable standard that would have created specific quantifiable and enforceable emission rates are eligible for coverage under a general operating permit.

(b) **Authorization.**

(1) A general permit issued under this section shall identify criteria by which sources may qualify for the general permit. After a general permit has been issued, any source may submit a request to be covered under the permit in the form of an application for authorization to operate under the general permit. Such application shall identify the source and provide information sufficient to demonstrate that it falls within the source category covered by the general permit, together with any additional information that may be specified in the general permit.

(2) See OAC 252:4-7 for Tier I permitting processes and timelines for individual authorizations under general permits. The DEQ shall act to approve or deny the application within 90 days of filing.

(3) A final action approving an authorization to operate under a general permit shall not be subject to public comment or judicial review.

(4) The DEQ will publish, at least monthly, an updated list of sources approved for inclusion under the general permit and any aggrieved person may petition the DEQ to review the approval of any stationary source for inclusion under a general permit within 30 days after publication of the list.

(5) A copy of the general permit, together with a list of sources approved for coverage under it, shall be kept on file for public review at the offices of the DEQ.

(c) **Permit shield.** A general permit issued under this section shall provide that any source approved for coverage under a general permit shall be entitled to the protection of the permit shield for all operations, activities, and emissions addressed by the general permit, unless and to the extent that it is subsequently determined that the source does not qualify for the conditions and terms of the general permit.

(d) **Revisions.**

(1) If an owner or operator of a source(s) makes a change to a source covered by a general permit that affects any applicability information supplied in the general permit application, but the source is still eligible for coverage under a general permit, the owner or operator must revise the general permit application and submit it to the DEQ within 60 days.

(2) After coverage is granted to a source under the general permit, physical changes to the facility which result in the addition of equipment new to the facility, either as a replacement (except like-kind replacements) or net addition, will require a construction permit or a new authorization. Any significant modification to a stationary source included under a general permit shall subject the source to a Tier II review.

(3) If equipment new to the facility is newly purchased or is relocated from another facility where a permit was issued with enforceable emissions limits on that equipment, then authorization under the general permit shall be modified or amended to include an emissions limit for the newly purchased or relocated equipment. "Grandfathered" emissions sources at the facility will retain only the equipment descriptions as permit conditions. "Grandfathered" means a unit that was in existence prior to the effective date of any applicable regulation that would have created specific quantifiable and enforceable emissions rate limits.

(4) For a general operating permit, if emissions change for any reason that subjects the facility to PSD permitting requirements, then the facility no longer qualifies for a general operating permit. However, the existing general operating permit will remain valid during the time period covered by the PSD construction permit until the facility receives a Part 70 site specific operating permit for the entire facility.

(e) **Permit content.** Specific terms and conditions that will make the applicable rules and requirements enforceable shall be stipulated in the general permit.

(f) **Renewal of general operating permits.**

(1) The DEQ will initiate the renewal process for a general operating permit at least 180 days prior to the permit's expiration date and will follow the requirements in 252:100-8-7(a).

(2) Owners or operators shall apply to renew an authorization at least 60 days prior to expiration of the existing authorization. Upon submittal of a timely and administratively complete application, the applicant may continue to operate until such time as the DEQ grants or denies coverage under the general operating permit.

252:100-8-6.2. Temporary sources

The DEQ may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(2) Requirements that the owner or operator notify the permitting authority at least ten days in advance of each change in location; and

(3) Conditions that assure compliance with all other provisions of this section.

252:100-8-6.3. Special provisions for affected (acid rain) sources

(a) **Application binding until permit issuance or denial.** A complete acid rain permit application is binding on the applicant and enforceable as a permit until an acid rain permit is issued or denied. For applicable permitting processes, see OAC 252:4-7.

(b) **Exemption petitions.** Applicants with small units that burn low sulfur fuel or sources that retire a unit can petition to have such units exempted from certain permitting and monitoring requirements under the acid rain regulations.

(c) **Permit shield.** The acid rain portion of every operating permit is covered by a permit shield. This shield assures that an applicant operating in accordance with a permit issued in accordance with Title IV of the Act, will be deemed to be operating in compliance with the Acid Rain Program.

(d) **Modifications.** See 40 CFR 72.82.

(e) **Duration.** Acid rain permits will have a term of five years commencing on the permits effective date. The DEQ may issue a permit with a future effective date.

(f) **Right of intervention.** The Administrator may intervene as a matter of right in any administrative appeal involving an Acid Rain permit or denial of an Acid Rain permit.

(g) **Administrative appeal.** The administrative appeal period shall be no more than 90 days following the issuance of the Acid Rain permit and the judicial appeal period shall be no more than 90 days following a final agency action.

(h) **Adoption of 40 CFR Part 72 by reference.** DEQ hereby adopts and incorporates by reference the provisions of 40 CFR Part 72, as published in the Federal Register on January 11, 1993, on March 23, 1993, and on October 24, 1997, for purposes of implementing an acid rain program that meets the requirements of Title IV of the Act. The term "permitting authority" shall mean the Oklahoma Department of Environmental Quality and the term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency. If the provisions or requirements of 40 CFR Part 72 conflict with or are not included in 252:100-8, the Part 72 provisions and requirements shall apply and take precedence.

252:100-8-7. Permit issuance

(a) **Criteria for issuance.** A permit, permit modification, or renewal may be issued only if the applicable requirements of 27A O.S. §§ 2-14-101 through 2-14-401; OAC 252:4-7; and this Chapter have been met and the DEQ has determined that the conditions of the permit provide for compliance with all applicable requirements and, for applications subject to OAC 252:100-8-8, that the requirements of that Section have been satisfied.

(b) **Draft permits and notice thereof.** See OAC 252:4-7. A statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions) shall accompany the draft permit.

(c) **EPA review.** See OAC 252:100-8-8.
(d) **DEQ final action.** See OAC 252:4-7 and 252:100-8-8 when applicable.
(e) **Timeline for technical review and issuance.** The DEQ shall take final action on each application for a permit within 18 months after beginning its technical review in accordance with OAC 252:4-7-4 through 252:4-7-12 and OAC 252:4-7-31; and OAC 252:100-8-4(b)(7).

252:100-8-7.1. Permit renewal and expiration

(a) **Timely application for permit renewal.**

(1) Applications for permit renewal and for permits for new Part 70 sources or amendments, shall be considered timely if the applicant meets the requirements of this subsection.

(2) Stationary sources operating under permits issued by the DEQ under this Subchapter shall apply for permit reissuance at least 180 days before the expiration of the existing permit, unless the permit specifies that the application must be submitted sooner. The DEQ shall require in a permit that a reissuance application be submitted sooner if it determines that an earlier application is needed to minimize the possibility of expiration prior to reissuance. The DEQ may make the determination if it anticipates a relatively lengthy permit review process due to the complexity of the stationary source or anticipated involvement of the public. In no event shall the permit require application for reissuance sooner than eighteen months prior to the expiration of the permit.

(b) **Application content for renewal of expiring permit.** In submitting an application for renewal of a Part 70 operating permit, a source may identify and incorporate by reference terms and conditions in its previous permit and permit application(s) that should remain unchanged. In addition, a renewal application must contain:

(1) information specified in 252:100-8-5(e) for those products, processes, operations, and emissions:

(A) That are not addressed in the existing permit;

(B) That are subject to applicable requirements or state-only requirements that are not addressed in the existing permit; or

(C) For which the source seeks permit terms and conditions that differ from those in the existing permit; and

(2) a compliance plan and certification as required in 252:100-8-5(e)(8) and (9).

(c) **Issuance of renewal permit.** Applications for permit renewal shall be subject to the same procedural requirements, including those for public participation, affected State comment, and EPA review, that apply to initial permit issuance under 252:100-8-7(a).

(d) **Expiration of permit.**

(1) A source's right to operate shall terminate upon the expiration of its permit unless a timely and complete renewal application has been submitted at least 180 days before the date of expiration.

(2) If a timely and complete application for a permit renewal is submitted, but the DEQ fails to take final action to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.

252:100-8-7.2. Administrative permit amendments and permit modifications

(a) **Administrative permit amendments.**

(1) An administrative permit amendment:

(A) Corrects typographical errors;

(B) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;

(C) Requires more frequent monitoring or reporting by the permittee;

(D) Allows for a change in ownership or operational control of a source where no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the DEQ;

(E) Incorporates into the permit the requirements from preconstruction review permits issued by the DEQ under this Part.

(2) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by 40 CFR Part 72.

(3) An administrative permit amendment shall be made by the DEQ in accordance with the following:

(A) The DEQ shall take final action on a request for an administrative permit amendment within 60 days from the date of receipt of such a request, and may incorporate the proposed changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this paragraph.

(B) The DEQ shall submit a copy of the revised permit to the Administrator.

(C) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(4) The DEQ shall, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in OAC 252:100-8-6(d) for administrative permit amendments made pursuant to OAC 252:100-8-7.2(a)(1)(E).

(b) **Permit modification.** A permit modification is any revision to a permit that cannot be accomplished under OAC 252:100-8-7.2(a). A permit modification for purposes of the acid rain portion of the permit shall be governed by 40 CFR Part 72.

(1) **Minor permit modification procedures.**

(A) **Criteria.**

(i) Minor permit modification procedures may be used only for those permit modifications that:

(I) Do not violate any applicable requirement, or state-only requirements;

(II) Do not involve significant changes to existing monitoring, reporting or recordkeeping requirements in the permit;

(III) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(IV) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement or state-only requirement which the source has assumed to avoid some other applicable requirement or state-only requirement to which the source would otherwise be subject. Such terms and conditions include federally-enforceable emissions caps assumed to avoid classification as a modification under any provision of Title I and alternative emissions limits approved pursuant to regulations promulgated under § 112(i)(5) of the Act; and

(V) Are not modifications under any provision of Title I of the Act.

(ii) Notwithstanding OAC 252:100-8-7.2(b)(1)(A)(i) and 252:100-8-7.2(b)(2)(A), minor permit modification procedures may be used for permit modifications involving the use

of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the State's implementation plan or in applicable requirements promulgated by EPA.

(B) **Application.** To use the minor permit modification procedures, a source shall submit an application requesting such use which shall meet the permit application requirements of Tier I under OAC 252:4-7 and shall include the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements or state-only requirements that will apply if the change occurs;

(ii) The source's suggested modification language;

(iii) Certification by a responsible official, that the application and the proposed modification meet the criteria for use of minor permit modification procedures; and

(iv) Completed forms for any notices required by OAC 252:4-7 and OAC 252:100-8-7.2(b)(1)(C).

(C) **EPA and affected state notification.** If the proposed minor modification is of a permit that underwent EPA review in accordance with OAC 252:100-8-8, the provisions of that section shall apply to the minor modification application.

(D) **Timetable for issuance.** Within 90 days of the DEQ's receipt of a complete application under OAC 252:4-7 the DEQ shall:

(i) Issue the minor permit modification as approved;

(ii) Deny the minor permit modification application; or

(iii) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures or administrative amendment procedures.

(E) **Source's ability to make change.** Immediately after filing an application meeting the requirements of these minor permit modification procedures, the source is authorized to make the change or changes proposed in the application. After the source makes the change and until the DEQ takes any of the actions specified in OAC 252:100-8-7.2(b)(1)(D)(i) through (iii), the source must comply with the applicable requirements and state-only requirements governing the change and the proposed permit terms and conditions. During this period, the source need not comply with the existing terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(F) **Permit shield.** The permit shield under OAC 252:100-8-6(d) will not extend to minor permit modifications.

(G) **Permittee's risk in commencing construction.** The permittee assumes the risk of losing any investment it makes toward implementing a modification prior to receiving a permit amendment authorizing the modification. The DEQ will not consider the possibility of the permittee suffering financial loss due to such investment when deciding whether to approve, deny, or approve in modified form a minor permit amendment.

(2) **Significant modification procedures.**

(A) **Criteria.** Significant modification procedures shall be used for applications requesting permit modifications that:

(i) Involve any significant changes in existing monitoring requirements in the permit;.

(ii) Relax any reporting or recordkeeping requirements.

(iii) Change any permit condition that is required to be based on a case-by-case determination of an emission limitation or other standard, on a source-specific determination of ambient impacts, or on a visibility or increment analysis;

(iv) Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement or state-only requirement which the source has assumed to avoid some other applicable requirement or state-only requirement to which the source would otherwise be subject. Such terms and conditions include:

(I) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I;

(II) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act; and

(v) Are modifications under any provision of Title I of the Act; and,

(vi) Do not qualify as minor permit modifications or administrative amendments.

(B) **Procedures for processing.** Significant permit modifications shall meet all requirements of these rules that are applicable to Tier II applications. The application for the modification shall describe the change, the emissions resulting from the change, and any new applicable requirements or state-only requirements that will apply if the change occurs.

(C) **Issuance.** The DEQ shall complete review of significant permit modifications within nine months after receipt of a complete application, but shall be authorized to extend that date by up to three months for cause.

252:100-8-7.3. Reopening of operating permits for cause

(a) **Mandatory reopening.** Each issued permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration date of the permit. A permit shall be reopened and revised under any of the following circumstances:

(1) Additional federal applicable requirements become applicable to a stationary source with a remaining permit term of three or more years. Such a reopening and amendment shall be completed not later than 18 months after promulgation of the federal applicable requirement. Reopening is allowed if an applicable requirement becomes effective and the original permit or any of its terms and conditions has been extended pursuant to the application shield provided at 252:100-8-7.1(d)(2) beyond the 18-month timeframe for revision. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire.

(2) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(3) The DEQ or the EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards, limitations, or other terms or conditions of the permit.

(4) The Administrator or the DEQ determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(b) **Discretionary reopening.** The DEQ may reopen and amend a permit when:

(1) additional state-only requirements become applicable to a permitted stationary source and the effective date of the requirement is at least 18 months prior to the date on which the permit is due to expire;

(2) alterations or modifications to the permitted facility will result in or have the potential to result in significant alteration of the nature or quantity of regulated air pollutants to be emitted by the permittee;

(3) the DEQ receives information previously unavailable to the DEQ that shows that the terms and conditions of the permit do not accurately represent the actual circumstances relating to the permitted facility;

(4) a court of competent jurisdiction invalidates or modifies an Oklahoma or federal statute or rule or federal guideline upon which a condition of the permit is based; or

(5) an event occurs that is beyond the control of the permittee that necessitates modification of a compliance schedule in the permit.

(c) **Reopening procedures.** To reopen and amend a permit, the DEQ shall follow the procedures that apply to significant permit modifications under this Subchapter, unless the amendment can be made as an administrative amendment under 252:100-8-7.2(a). Mandatory reopenings under 252:00-8-7.3(a) shall be made as expeditiously as practicable. In lieu of an application, the significant permit modification process will commence when the DEQ gives the permittee written notice of its intent to amend the permit. The DEQ shall not issue the amendment, or make public notice of the amendment where public notice is required, until at least thirty days after the DEQ has given the permittee written notice of its intent to amend the permit, unless the permittee consents to less notice, or in the case of an emergency. In cases where public participation is required, only those portions of the permit that the DEQ proposes to amend shall be open for public comment or consideration at a meeting or hearing.

(d) **Reopenings for cause by EPA.**

(1) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a permit, the Administrator shall notify the DEQ and the permittee of such findings in writing.

(2) The DEQ shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend this 90-day period for an additional 90 days if he finds that a new or revised permit application is necessary or that the DEQ must require the permittee to submit additional information.

(3) The Administrator will review the proposed determination from the DEQ within 90 days of receipt.

(4) The DEQ shall have 90 days from receipt of an EPA objection to resolve any objection that EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with the Administrator's objection.

(5) If the DEQ fails to submit a proposed determination pursuant to this subsection, or fails to resolve any objection pursuant to this subsection, the Administrator will terminate, modify, or revoke and reissue the permit after taking the following actions:

(A) Providing at least 30 days' notice to the permittee in writing of the reasons for any such action.

(B) Providing the permittee an opportunity for comment on the Administrator's proposed action and an opportunity for a hearing.

252:100-8-7.4. Revocations of operating permits

(a) **Revocation of a permit or authorization under a general permit without reissuance.** The DEQ may revoke permits or authorizations under a general permit and not reissue them when:

(1) there exists at the permitted facility unresolved noncompliance with applicable requirements or a condition of the permit or authorization, and the permittee refuses to undertake an enforceable schedule of compliance to resolve the noncompliance;

(2) the permittee fails to disclose fully the facts relevant to issuance of the permit or authorization or submits false or misleading information to the DEQ or the Administrator;

(3) the permittee has failed to comply with any requirement under 252:100-5 to pay fees; or

(4) the permittee has failed to pay a penalty owed pursuant to court order, consent decree, stipulation agreement, or schedule of compliance.

(b) **Revocation procedures.** The DEQ shall give notice to the permittee of its intention to revoke a permit without reissuance. This notice must state that within 30 days of the receipt of the notice the permittee may request a contested case hearing be held on the proposed action, except that the DEQ may provide less notice in case of an emergency. If the permittee requests a contested case hearing, the DEQ shall hold the hearing in accordance with the Oklahoma Administrative Procedures Act.

252:100-8-7.5. Judicial review

Any final action in granting or denying an application for a permit, permit amendment or modification, or permit renewal shall be subject to judicial review in the court of appropriate jurisdiction upon an application filed by the applicant or permittee, or by any affected state or other person who participated in the public comment process. Except for authorizations under General Permits, judicial review is available to all affected parties for all final permit actions including minor modifications and administrative actions. If no public comment procedure was employed for the action under challenge, an application for review may be filed by the permittee or an affected state. The opportunity for judicial review provided for in this subsection shall be the exclusive means for obtaining judicial review of any permit action.

(1) No application for judicial review may be filed more than 90 days following the final action on which review is sought, unless the grounds for review arose at a later time, in which case the application for review shall be filed within 90 days of the date on which the grounds for review first arose and review shall be limited to such later-arising grounds.

(2) Any application for judicial review shall be limited to issues that:

(A) were raised in comments filed with the DEQ or during a public hearing on the proposed permit action (if the grounds on which review is sought were known at that time), except that this restriction shall not apply if the person seeking review was not afforded an advance opportunity to comment on the challenged action; and

(B) are germane and material to the permit action at issue.

(3) For purposes of this section, "final action" shall include a failure by the DEQ to take final action to grant or deny an application within the time specified in this Chapter.

252:100-8-8. Permit review by EPA and affected states

(a) **Applicability.** This Section applies to all Subchapter 8 permit actions except administrative permit amendments.

(b) **Format.** To the extent practicable, information provided to the EPA by applicants shall be in computer-readable format compatible with EPA's national database management system.

(c) **Recordkeeping.** The DEQ will keep for 5 years records required by this Section and will submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the State program complies with the requirements of the Act or of this Chapter.

(d) **Transmission of information to EPA.** The DEQ shall provide to the Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final permit, unless waived by the Administrator for a category of sources other than major sources. In the alternative, the DEQ may require an applicant upon filing to provide a copy of the permit application (including the compliance plan) directly to the Administrator. Upon agreement

with the Administrator, the DEQ may submit a permit application summary form and any relevant portion of the permit application and compliance plan, in place thereof.

(e) **Transmission of notice of draft permit to affected states.** The DEQ shall give notice of each draft permit to any affected State on or before the time that this notice is provided to the public under 27A O.S. § 2-14-302, except to the extent that paragraph 8-7.2(b)(1)regarding minor permit modification applications, and 40 CFR § 70.7(e)(3)(iii) regarding group processing of minor permit modifications, requires the timing of the notice to be different.

(f) **Timelines for submission of EPA review copy.**

The DEQ shall review public comments, revise the draft permit as appropriate and submit the proposed permit to EPA for review no later than 60 days before the issuance deadline established in OAC 252:4-7-31, except as provided in OAC 252:4-7-9 through 4-7-11, which stop the review timeline and provide additional time for permit review.

(g) **Notice of non-acceptance.** The DEQ shall notify the Administrator and any affected State in writing of any refusal by the DEQ to accept all recommendations for the proposed permit that the affected State submitted during the review period. The notice will include the DEQ's reasons for not accepting any such recommendation. The DEQ is not required to accept recommendations that are not based on applicable requirements of the Oklahoma Clean Air Act or 40 CFR Part 70.

(h) **EPA review and non-objection.** Upon receipt of notice from the EPA that it will not object to a proposed permit, the DEQ shall issue the proposed permit as final unless an administrative permit hearing has been timely and properly requested.

(i) **EPA review and objection.**

(1) **Timing.** No permit for which an application must be transmitted to the Administrator under subsection (a) of this Section shall be issued if the Administrator objects to its issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

(2) **Form of objection.** An EPA objection shall include a statement of the Administrator's reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections.

(3) **Additional grounds.** Failure of the DEQ to do any of the following also shall constitute grounds for an objection:

(A) Comply with subsections (d) or (e) of this Section;

(B) Submit any information necessary to review adequately the proposed permit; or

(C) Process the permit application according to the uniform permitting requirements of OAC 252:4-7 Part 1.

(4) **Copy.** The Administrator will provide the permit applicant a copy of the objection.

(5) **DEQ response.** The DEQ shall consult with EPA and the applicant and shall amend the permit and submit for approval an amended proposed permit to EPA within 90 days after the date of EPA's objection.

(6) **Failure of DEQ to respond.** If the DEQ fails, within 90 days after the date of the EPA objection, to amend and resubmit the amended proposed permit in response to the objection, the Administrator will issue or deny the permit in accordance with the requirements of EPA's Part 71 regulations.

(j) **Public petitions to the Administrator.** If the Administrator does not object in writing under subsection (h) of this Section, any person that meets the requirements of this subsection may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that the petitioner raised with reasonable specificity during the public comment period provided for in 27A

O.S. § 2-14-302.A.2., unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under this subsection, the DEQ shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection. If the DEQ has issued a permit prior to receipt of an EPA objection under this subsection, the Administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in 40 CFR §§ 70.7(g)(4) or (5)(i) and (ii) except in unusual circumstances. If the DEQ revokes the permit, it may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

(k) **Effect on administrative permit hearing.** When a public petition or an EPA objection is registered on a proposed permit on which an administrative permit hearing has been requested in accordance with the Oklahoma Uniform Environmental Permitting Act, 27A O.S. §§ 2-14-101 through 2-14-401, the DEQ may stay the evidentiary part of the hearing involving cross-examination until EPA objections are resolved.

252:100-8-9. Permit fees

[252:100-8-9(a), (b), (c), (d)(1), (d)(3) and (d)(4) amended and renumbered to 252:100-5. 252:100-8-9(d)(2) amended and renumbered to 252:100-8-1.7]

PART 7. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) REQUIREMENTS FOR ATTAINMENT AREAS

252:100-8-30. Applicability

(a) **General applicability.**

(1) The requirements of this Part shall apply to the construction of any new major stationary source or any project that is a major modification at an existing major stationary source in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the Act.

(2) The requirements of OAC 252:100-8-34 through 252:100-8-36.2 apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this Part otherwise provides.

(3) No new major stationary source or major modification to which the requirements of OAC 252:100-8-34 through 252:100-8-36.2(b) apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements.

(4) The requirements of OAC 252:100-8, Parts 1, 3, and 5 also apply to the construction of all new major stationary sources and major modifications.

(b) **Major modification.**

(1) **Major modification applicability determination.**

(A) Except as otherwise provided in OAC 252:100-8-30(c), and consistent with the definition of "major modification", a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases:

(i) a significant emissions increase and

(ii) a significant net emissions increase.

(B) The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) **Calculating significant emissions increase and significant net emissions increase before beginning actual construction.** The procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions units being modified, according to OAC 252:100-8-30(b)(3) through (5). This is the first step in determining if a proposed modification would be considered a major modification. The procedure for calculating whether a significant net emissions increase will occur at the major stationary source is contained in the definition of "net emissions increase". This is the second step in the process of determining if a proposed modification is a major modification. Both steps occur prior to the beginning of actual construction. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(3) **Actual-to-projected-actual applicability test for projects that only involve existing emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit, equals or exceeds the amount that is significant for that pollutant.

(4) **Actual-to-potential test for projects that only involve construction of a new emissions unit(s).** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the amount that is significant for that pollutant.

(5) **Hybrid test for projects that involve multiple types of emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in OAC 252:100-8-30(b)(3) or (4) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the amount that is significant for that pollutant.

(6) **Actual-to-potential test for projects that only involve existing emissions units.** In lieu of using the actual-to-projected-actual test, owners or operators may choose to use the actual-to-potential test to determine if a significant emissions increase of a regulated NSR pollutant will result from a proposed project. A significant emissions increase of a regulated NSR pollutant will occur if the sum of the difference between the potential emissions and the baseline actual emissions for each existing emissions unit, equals or exceeds the amount that is significant for that pollutant. Owners or operators who use the actual to potential test will not be subject to the recordkeeping requirements in OAC 252:100-8-36.2(c).

(c) **Plantwide applicability limitation (PAL).** Major stationary sources seeking to obtain or maintain a PAL shall comply with the requirements under OAC 252:100-8-38.

252:100-8-31. Definitions

The following words and terms when used in this Part shall have the following meaning, unless the context clearly indicates otherwise. All terms used in this Part that are not defined in this Section shall have the meaning given to them in OAC 252:100-1-3, 252:100-8-1.1, or in the Oklahoma Clean Air Act.

"Actual emissions" means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (A) through (C) of this definition, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under OAC 252:100-8-38. Instead, the definitions of "projected actual emissions" and "baseline actual emissions" shall apply for those purposes.

(A) In general, actual emissions as of a particular date shall equal the average rate in TPY at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(B) The Director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(C) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(A) the applicable standards as set forth in 40 CFR Parts 60 and 61;

(B) the applicable State rule allowable emissions; or,

(C) the emissions rate specified as an enforceable permit condition.

"Baseline actual emissions" means the rate of emissions, in TPY, of a regulated NSR pollutant, as determined in accordance with paragraphs (A) through (E) of this definition.

(A) The baseline actual emissions shall be based on current emissions data and the unit's utilization during the period chosen. Current emission data means the most current and accurate emission factors available and could include emissions used in the source's latest permit or permit application, the most recent CEM data, stack test data, manufacturer's data, mass balance, engineering calculations, and other emission factors.

(B) For any existing electric utility steam generating unit (EUSGU), baseline actual emissions means the average rate, in TPY, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding the date that a complete permit application is received by the Director for a permit required under OAC 252:100-8. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with start-ups, shutdowns, and malfunctions.

(ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period shall be used to determine the baseline actual emissions for all the emissions units affected by the project. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(iv) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in TPY, and for adjusting this amount if required by (B)(ii) of this definition.

(C) For an existing emissions unit (other than an EUSGU), baseline actual emissions means the average rate in TPY, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction

of the project, or the date a complete permit application is received by the Director for a permit required either under this Part or under a plan approved by the Administrator, whichever is earlier, except that the 10 year period shall not include any period earlier than November 15, 1990.

(i) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a MACT standard that the Administrator proposed or promulgated under 40 CFR 63, the baseline actual emissions need only be adjusted if DEQ has taken credit for such emissions reduction in an attainment demonstration or maintenance plan consistent with requirements of 40 CFR 51.165(a)(3)(ii)(G).

(iv) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(v) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in TPY, and for adjusting this amount if required by (C)(ii) and (iii) of this definition.

(D) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(E) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing EUSGU in accordance with the procedures contained in paragraph (B) of this definition, for other existing emissions units in accordance with the procedures contained in Paragraph (C) of this definition, and for a new emissions unit in accordance with the procedures contained in paragraph (D) of this definition.

"Baseline area" means any intrastate areas (and every part thereof) designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than 1 $\mu g/m^3$ (annual average) for SO_2, NO_2, or PM_{10}; or equal or greater than 0.3 $\mu g/m^3$ (annual average) for $PM_{2.5}$.

(A) Area redesignations under section107(d)(1)(A)(ii) or (iii) of the Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification which:

(i) establishes a minor source baseline date; or

(ii) is subject to 40 CFR 52.21 or OAC 252:100-8, Part 7, and would be constructed in the same State as the State proposing the redesignation.

(B) Any baseline area established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such baseline area shall not remain in effect if the Director rescinds the corresponding

minor source baseline date in accordance with paragraph (D) of the definition of "baseline date".

"Baseline concentration" means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date.

(A) A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(i) the actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided in (B) of this definition.

(ii) the allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(B) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(i) actual emissions from any major stationary source on which construction commenced after the major source baseline date; and,

(ii) actual emissions increases and decreases at any stationary source occurring after the minor source baseline date.

"Baseline date" means:

(A) Major source baseline date means:

(i) in the case of PM_{10} and sulfur dioxide, January 6, 1975;

(ii) in the case of nitrogen dioxide, February 8, 1988; and

(iii) in the case of $PM_{2.5}$, October 20, 2010.

(B) Minor source baseline date means the earliest date after the trigger date on which a major stationary source or major modification (subject to 40 CFR 52.21 or OAC 252:100-8, Part 7) submits a complete application. The trigger date is:

(i) in the case of PM_{10} and sulfur dioxide, August 7, 1977;

(ii) in the case of nitrogen dioxide, February 8, 1988; and

(iii) in the case of $PM_{2.5}$, October 20, 2011.

(C) The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

(i) the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under section 107(d)(1)(A)(ii) or (iii) of the Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under OAC 252:100-8, Part 7; and

(ii) in the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant.

(D) Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the Director may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Director, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM_{10} emissions.

"Begin actual construction" means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature.

(A) Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures.

(B) With respect to a change in method of operation this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

"Best available control technology" or **"BACT"** means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the Director, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR parts 60 and 61. If the Director determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

"Clean coal technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean coal technology demonstration project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology", up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the EPA. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.

"Commence" means, as applied to construction of a major stationary source or major modification, that the owner or operator has all necessary preconstruction approvals or permits and either has:

(A) begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or,

(B) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

"Continuous emissions monitoring system" or **"CEMS"** means all of the equipment that may be required to meet the data acquisition and availability requirements to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

"Continuous emissions rate monitoring system" or **"CERMS"** means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

"Continuous parameter monitoring system" or **"CPMS"** means all of the equipment necessary to meet the data acquisition and availability requirements to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2, or CO_2 concentrations), and to record average operational parameter value(s) on a continuous basis.

"Electric utility steam generating unit" or **"EUSGU"** means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emissions unit" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an EUSGU. There are two types of emissions units as described in paragraphs (A) and (B) of this definition.

(A) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(B) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (A) of this definition. A replacement unit is an existing emissions unit.

"Federal Land Manager" means with respect to any lands in the United States, the Secretary of the department with authority over such lands.

"High terrain" means any area having an elevation 900 feet or more above the base of the stack of a source.

"Innovative control technology" means any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental impacts.

"Low terrain" means any area other than high terrain.

"Major modification" means:

(A) Any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source is a major modification.

(i) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for VOC or NO_X shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(I) routine maintenance, repair and replacement;

(II) use of an alternative fuel or raw material by reason of any order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(III) use of an alternative fuel by reason of an order or rule under section 125 of the Act;

(IV) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(V) use of an alternative fuel or raw material by a stationary source which the source was capable of accommodating before January 6, 1975, (unless such change would be prohibited under any enforceable permit condition which was established after January 6, 1975) or the source is approved to use under any permit issued under 40 CFR 52.21 or OAC 252:100-7 or 252:100-8;

(VI) an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975;

(VII) any change in source ownership;

(VIII) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided the project complies with OAC 252:100 and other requirements necessary to attain and maintain the NAAQS during the project and after it is terminated;

(IX) the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, provided that the project does not result in an increase in the potential to emit of any regulated pollutant (on a pollutant-by-pollutant basis) emitted by the unit; or

(X) the reactivation of a very clean coal-fired EUSGU.

(B) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under OAC 252:100-8-38 for a PAL for that pollutant. Instead, the definition of "PAL major modification" at 40 CFR 51.166(w)(2)(viii) shall apply.

"Major stationary source" means

(A) A major stationary source is:

(i) any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 TPY or more of a regulated NSR pollutant:

(I) carbon black plants (furnace process),

(II) charcoal production plants,

(III) chemical process plants, (not including ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140),

(IV) coal cleaning plants (with thermal dryers),

(V) coke oven batteries,

(VI) fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input,

(VII) fossil fuel-fired steam electric plants of more than 250 million BTU per hour heat input,

(VIII) fuel conversion plants,

(IX) glass fiber processing plants,

(X) hydrofluoric, sulfuric or nitric acid plants,

(XI) iron and steel mill plants,

(XII) kraft pulp mills,

(XIII) lime plants,

(XIV) municipal incinerators capable of charging more than 250 tons of refuse per day,

(XV) petroleum refineries,

(XVI) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
(XVII) phosphate rock processing plants,
(XVIII) portland cement plants,
(XIX) primary aluminum ore reduction plants,
(XX) primary copper smelters,
(XXI) primary lead smelters,
(XXII) primary zinc smelters,
(XXIII) secondary metal production plants,
(XXIV) sintering plants,
(XXV) sulfur recovery plants, or
(XXVI) taconite ore processing plants;

(ii) any other stationary source not on the list in (A)(i) of this definition which emits, or has the potential to emit, 250 TPY or more of a regulated NSR pollutant;

(iii) any physical change that would occur at a stationary source not otherwise qualifying as a major stationary source under this definition if the change would constitute a major stationary source by itself.

(B) A major source that is major for VOC or NO_X shall be considered major for ozone.

(C) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Part whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(i) the stationary sources listed in (A)(i) of this definition;

(ii) any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

"Necessary preconstruction approvals or permits" means those permits or approvals required under all applicable air quality control laws and rules.

"Net emissions increase" means:

(A) with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(i) the increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to OAC 252:100-8-30(b); and,

(ii) any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under (A)(ii) of this definition shall be determined as provided in the definition of "baseline actual emissions", except that (B)(iii) and (C)(iv) of that definition shall not apply.

(B) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within 3 years before the date that the increase from the particular change occurs.

(C) An increase or decrease in actual emissions is creditable only if:

(i) it is contemporaneous; and

(ii) he Director has not relied on it in issuing a permit for the source under OAC 252:100-8, Part 7, which permit is in effect when the increase in actual emissions from the particular change occurs.

(D) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

(E) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(F) A decrease in actual emissions is creditable only to the extent that it meets all the conditions in (F)(i) through (iii) of this definition.

(i) It is creditable if the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions.

(ii) It is creditable if it is enforceable as a practical matter at and after the time that actual construction on the particular change begins.

(iii) It is creditable if it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(G) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(H) Paragraph (A) of the definition of "actual emissions" shall not apply for determining creditable increases and decreases.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Predictive emissions monitoring system" or **"PEMS"** means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O_2, or CO_2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

"Prevention of Significant Deterioration (PSD) program" means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166, or the program in 40 CFR 52.21. Any permit issued under such a program is a major NSR permit.

"Project" means a physical change in, or change in method of operation of, an existing major stationary source.

"Projected actual emissions" means

(A) Projected actual emissions means the maximum annual rate, in TPY, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant, and full utilization of the unit would result in a significant emissions increase, or a significant net emissions increase at the major stationary source.

(B) In determining the projected actual emissions under paragraph (A) of this definition (before beginning actual construction), the owner or operator of the major stationary source:

(i) shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved plan; and

(ii) shall include fugitive emissions to the extent quantifiable and emissions associated with start-ups, shutdowns, and malfunctions; and

(iii) shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or,

(iv) in lieu of using the method set out in (B)(i) through (iii) of this definition, may elect to use the emissions unit's potential to emit, in TPY.

"Reactivation of a very clean coal-fired electric utility steam generating unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(A) has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the Department's emissions inventory at the time of enactment;

(B) was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;

(C) is equipped with low-NO_X burners prior to the time of commencement of operations following reactivation; and

(D) is otherwise in compliance with the requirements of the Act.

"Regulated NSR pollutant" means

(A) A regulated NSR pollutant is:

(i) any pollutant for which a NAAQS has been promulgated and any pollutant identified under (A)(i) of this definition as a constituent or precursor to such pollutant. Precursors identified by the Administrator for purposes of NSR are the following:

(I) volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(II) sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

(III) nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas, unless the State demonstrates to the EPA Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(IV) volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area, unless the State demonstrates to the EPA Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(ii) any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or

(iv) any pollutant that otherwise is "subject to regulation" under the Act as defined in the definition of "subject to regulation" in OAC 252:100-8-31;

(v) PM emissions, $PM_{2.5}$ emissions, and PM_{10} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. Such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, $PM_{2.5,}$ and PM_{10} in PSD permits.

(B) Regulated NSR pollutant does not include:

(i) any or all HAP either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112(b)(3) of the Act, unless the listed HAP is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act; or

(ii) any pollutant that is regulated under section 112(r) of the Act, provided that such pollutant is not otherwise regulated under the Act.

"Replacement unit" means an emissions unit for which all the criteria listed in paragraphs (A) through (D) of this definition are met. No creditable emission reduction shall be generated from shutting down the existing emissions unit that is replaced.

(A) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15(b)(1), or the emissions unit completely takes the place of an existing emissions unit.

(B) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(C) The replacement unit does not alter the basic design parameter(s) of the process unit.

(D) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operating by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

"Repowering" means

(A) Repowering shall mean the replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(B) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(C) The Director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Act.

"Significant" means:

(A) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following significant emission rates:

(i) carbon monoxide: 100TPY,

(ii) nitrogen oxides: 40 TPY,

(iii) sulfur dioxide: 40 TPY,

(iv) particulate matter: 25 TPY of particulate matter emissions or 15 TPY of PM_{10} emissions,

(v) $PM_{2.5}$: 10 TPY of direct $PM_{2.5}$ emissions; 40 TPY of sulfur dioxide emissions; or 40 TPY of nitrogen oxide emissions unless demonstrated not to be a $PM_{2.5}$ precursor under the definition of "regulated NSR pollutant",

(vi) ozone: 40 TPY of VOC or NO_X,

(vii) lead: 0.6 TPY,

(viii) fluorides: 3 TPY,

(ix) sulfuric acid mist: 7 TPY,

(x) hydrogen sulfide (H_2S): 10 TPY,

(xi) total reduced sulfur (including H_2S): 10 TPY,

(xii) reduced sulfur compounds (including H_2S): 10 TPY,

(xiii) municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.5×10^{-6} TPY,

(xiv) municipal waste combustor metals (measured as particulate matter): 15 TPY,

(xv) municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 40 TPY,

(xvi) municipal solid waste landfill emissions (measured as nonmethane organic compounds): 50 TPY.

(B) Any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 6 miles of a Class I area, and have an impact on such area equal to or greater than 1 $\mu g/m^3$ (24-hour average).

"Significant emissions increase" means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.

"Significant net emissions increase" means a significant emissions increase and a net increase.

"Stationary source" means any building, structure, facility or installation which emits or may emit a regulated NSR pollutant.

"Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the federal Clean Air Act, or a nationally-applicable regulation codified by the EPA Administrator in subchapter C of Chapter I of 40 CFR, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(A) Greenhouse gases (GHG) shall not be subject to regulation except as provided in (D) through (E) of this definition.

(B) For purposes of (C) through (E) of this definition, the term TPY CO_2 equivalent emissions (CO_2e) shall represent an amount of GHG emitted, and shall be computed as follows:

(i) Multiplying the mass amount of emissions (in TPY), for each of the six greenhouse gases in the pollutant GHG, by the gas' associated global warming potential (GWP) published in Table A-1 to subpart A of 40 CFR Part 98 ~~B~~ Global Warming Potentials. For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries, as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and

liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(ii) Summing the resultant value from (B)(i) of this definition for each gas to compute a TPY CO_2e.

(C) The term emissions increase as used in (D) through (E) of this definition shall mean that both a significant emissions increase (as calculated using the procedures in OAC 252:100-8-30(b)(1) through (5)) and a significant net emissions increase (as defined in the definitions of "net emissions increase" and "significant" in 252:100-8-31) occur. For the pollutant GHG, an emissions increase shall be based on TPY CO_2e, and shall be calculated assuming the pollutant GHG is a regulated NSR pollutant, and "significant" is defined as 75,000 TPY CO_2e and the emissions are otherwise subject to regulation as previously described in this definition.

(D) Beginning January 2, 2011, the pollutant GHG is subject to regulation if it meets the other requirements of this definition and if:

(i) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHG, and also will emit or will have the potential to emit 75,000 TPY CO_2e or more; or

(ii) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHG, and also will have an emissions increase of a regulated NSR pollutant, and an emissions increase of 75,000 TPY CO_2e or more.

(E) Beginning July 1, 2011, in addition to the provisions in (D) of this definition, the pollutant GHG shall also be subject to regulation:

(i) At a new stationary source that will emit or have the potential to emit 100,000 TPY CO_2e; or

(ii) At an existing stationary source that emits or has the potential to emit 100,000 TPY CO_2e, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 TPY CO_2e or more.

(F) If federal legislation or a federal court stays, invalidates, delays the effective date, or otherwise renders unenforceable by the EPA, in whole or in part, the EPA's tailoring rule (75 FR 31514, June 3, 2010), endangerment finding (74 FR 66496, December 15, 2009), or light-duty vehicle greenhouse gas emission standard (75 FR 25686, May 7, 2010), this definition shall be enforceable only to the extent that it is enforceable by the EPA.

"Temporary clean coal technology demonstration project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Oklahoma Air Pollution Control Rules in OAC 252:100 and other requirements necessary to attain and/or maintain the NAAQS during and after the project is terminated.

252:100-8-32. Source applicability determination [REVOKED]

252:100-8-32.1. Ambient air increments and ceilings

(a) **Ambient air increments.** Increases in pollutant concentration over the baseline concentration in Class I, II, or III areas shall be limited to those listed in OAC 252:100-3-4 regarding significant deterioration increments.

(b) **Ambient air ceilings.** No concentration of a pollutant shall exceed whichever of the following concentrations is lowest for the pollutant for a period of exposure:

(1) the concentration allowed under the secondary NAAQS, or

(2) the concentration permitted under the primary NAAQS.

252:100-8-32.2. Exclusion from increment consumption

The following cases are excluded from increment consumption.

(1) Concentrations from an increase in emissions from any stationary source converting from the use of petroleum products, natural gas, or both by reason of any order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act shall be excluded.

(A) Such exclusion is limited to five years after the effective date of the order or plan whichever is applicable.

(B) If both an order and a plan are applicable, the exclusion shall not apply more than five years after the later of the effective dates.

(2) Emissions of particulate matter from construction or other temporary emission-related activities of new or modified sources shall be excluded.

(3) A temporary increase of sulfur dioxide, particulate matter, or nitrogen oxides from any stationary source by order or authorized variance shall be excluded. For purposes of this exclusion any such order or variance shall:

(A) specify the time over which the temporary emissions increase would occur (not to exceed 2 years in duration unless a longer time is approved by the Director);

(B) specify that the exclusion is not renewable;

(C) allow no emissions increase from a stationary source which would impact a Class I area or an area where an applicable increment is known to be violated or cause or contribute to the violation of a NAAQS; and

(D) require limitations to be in effect by the end of the time period specified in such order or variance, which would ensure that the emissions levels from the stationary source affected would not exceed those levels occurring from such source before the order or variance was issued.

252:100-8-32.3. Stack heights

(a) Emission limitation of any air pollutant under this Part shall not be affected in any manner by:

(1) stack height of any source that exceeds good engineering practice, or

(2) any other dispersion technique.

(b) OAC 252:100-8-32.3(a) shall not apply with respect to stack heights in existence before December 31, 1970, or to dispersion techniques implemented before then.

252:100-8-33. Exemptions

(a) **Exemptions from the requirements of OAC 252:100-8-34 through 252:100-8-36.2.**

(1) The requirements of OAC 252:100-8-34 through 252:100-8-36.2 do not apply to a particular major stationary source or major modification if the source or modification is:

(A) a nonprofit health or nonprofit educational institution; or

(B) major only if fugitive emissions, to the extent quantifiable, are included in calculating the potential to emit and such source is not one of the categories listed in paragraph (C) of the definition of "Major stationary source"; or

(C) a portable stationary source which has previously received a permit under the requirements contained in OAC 252:100-8-34 through 252:100-8-36.2 and proposes to relocate to a temporary new location from which its emissions would not impact a Class I area or an area where an applicable increment is known to be violated.

(2) The requirements in OAC 252:100-8-34 through 252:100-8-36.2 do not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or

operator demonstrates that the source or modification is located in an area designated as nonattainment for that pollutant under section 107 of the Act.

(b) **Exemption from air quality impact analyses in OAC 252:100-8-35(a) and (c) and 252:100-8-35.2.**

(1) The requirements of OAC 252:100-8-35(a) and (c) and 252:100-8-35.2 are not applicable with respect to a particular pollutant, if the allowable emissions of that pollutant from a new source, or the net emissions increase of that pollutant from a modification, would be temporary and impact no Class I area and no area where an applicable increment is known to be violated.

(2) The requirements of OAC 252:100-8-35(a) and (c) and 252:100-8-35.2 as they relate to any PSD increment for a Class II area do not apply to a modification of a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated NSR pollutant from the modification after the application of BACT, would be less than 50 TPY.

(c) **Exemption from air quality analysis requirements in OAC 252:100-8-35(c).**

(1) The monitoring requirements of OAC 252:100-8-35(c) regarding air quality analysis are not applicable for a particular pollutant if the emission increase of the pollutant from a proposed major stationary source or the net emissions increase of the pollutant from a major modification would cause, in any area, air quality impacts less than the following significant monitoring concentrations (SMC):

(A) Carbon monoxide - 575 $\mu g/m^3$, 8-hour average,

(B) Nitrogen dioxide - 14 $\mu g/m^3$, annual average,

(C) $PM_{2.5}$ - 4 $\mu g/m^3$, 24-hour average,

(D) PM_{10} - 10 $\mu g/m^3$, 24-hour average,

(E) Sulfur dioxide -13 $\mu g/m^3$, 24-hour average,

(F) Ozone - no de minimis air quality level is provided for ozone, however any net increase of 100 TPY or more of VOC or NO_X subject to PSD would require an ambient impact analysis, including the gathering of ambient air quality data,

(G) Lead - 0.1 $\mu g/m^3$, 24-hour 3-month average,

(H) Fluorides - 0.25 $\mu g/m^3$, 24-hour average,

(I) Total reduced sulfur - 10 $\mu g/m^3$, 1-hour average,

(J) Hydrogen sulfide - 0.2 $\mu g/m^3$, 1-hour average, or

(K) Reduced sulfur compounds - 10 $\mu g/m^3$, 1-hour average.

(2) The monitoring requirements of OAC 252:100-8-35(c) are not applicable for a particular pollutant if the pollutant is not listed in preceding OAC 252:100-8-33(c)(1).

(d) **Exemption from monitoring requirements in OAC 252:100-8-35(c)(1)(B) and (D).**

(1) The requirements for air quality monitoring in OAC 252:100-8-35(c)(1)(B) and (D) shall not apply to a particular source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if a permit application was submitted on or before June 8, 1981, and the Director subsequently determined that the application was complete except for the requirements in OAC 252:100-8-35(c)(1)(B) and (D). Instead, the requirements in 40 CFR 52.21(m)(2) as in effect on June 19, 1978, shall apply to any such source or modification.

(2) The requirements for air quality monitoring in OAC 252:100-8-35(c)(1)(B) and (D) shall not apply to a particular source or modification that was not subject to 40 CFR 52.21 as in effect on June 19, 1978, if a permit application was submitted on or before June 8, 1981, and the Director subsequently determined that the application as submitted was complete, except for the requirements in OAC 252:100-8-35(c)(1)(B) and (D).

(e) **Exemption from the preapplication analysis required by OAC 252:100-8-35(c)(1)(A), (B), and (D).**

(1) The Director shall determine if the requirements for air quality monitoring of PM_{10} in OAC 252:100-8-35(c)(1)(A), (B), and (D) may be waived for a particular source or modification when an application for a PSD permit was submitted on or before June l, 1988, and the Director subsequently determined that the application, except for the requirements for monitoring particulate matter under OAC 252:100-8-35(c)(1)(A), (B), and (D), was complete before that date.

(2) The requirements for air quality monitoring of PM_{10} in OAC 252:100-8-35(c)(1)(B)(i), 252:100-8-35(c)(1)(D), and 252:100-8-35(c)(3) shall apply to a particular source or modification if an application for a permit was submitted after June l, 1988, and no later than December 1, 1988. The data shall have been gathered over at least the period from February l, 1988, to the date the application became otherwise complete in accordance with the provisions of OAC 252:100-8-35(c)(1)(C), except that if the Director determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than 4 months), the data required by OAC 252:100-8-35(c)(1)(B)(ii) shall have been gathered over that shorter period.

(f) **Exemption from BACT requirements and air quality analyses requirements.** If a complete permit application for a source or modification was submitted before August 7, 1980 the requirements for BACT in OAC 252:100-8-34 and the requirements for air quality analyses in OAC 252:100-8-35(c)(1) are not applicable to a particular stationary source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978. Instead, the federal requirements at 40 CFR 52.21 (j) and (n) as in effect on June 19, 1978, are applicable to any such source or modification.

(g) **Exemption from OAC 252:100-8-35(a)(1)(B).** The permitting requirements of OAC 252:100-8-35(a)(1)(B) do not apply to a stationary source or modification with respect to any PSD increment for nitrogen oxides if the owner or operator of the source or modification submitted a complete application for a permit before February 8, 1988.

252:100-8-34. Control technology review

(a) **Requirement to comply with rules and regulations.** A major stationary source or major modification shall meet each applicable emissions limitation under OAC 252:100 and each applicable emission standard and standard of performance under 40 CFR parts 60 and 61.

(b) **Requirement to apply best available control technology (BACT).**

(1) A new major stationary source shall apply BACT for each regulated NSR pollutant that it would have the potential to emit in significant amounts.

(2) A major modification shall apply BACT for each regulated NSR pollutant for which it would be a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

(3) For phased construction projects the determination of BACT shall be reviewed and modified at the discretion of the Director at a reasonable time but no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator may be required to demonstrate the adequacy of any previous determination of BACT.

252:100-8-35. Air quality impact evaluation

(a) **Source impact analysis (impact on NAAQS and PSD increment).**

(1) **Required demonstration.** The owner or operator of the proposed source or modification shall demonstrate that, as of the source's start-up date, allowable emissions increases from that source or modification, in conjunction with all other applicable emissions increases or reductions

(including secondary emissions) would not cause or contribute to any increase in ambient concentrations that would exceed:

(A) any NAAQS in any air quality control region; or

(B) the remaining available PSD increment for the specified air contaminants in any area as determined by the Director.

(2) **Significant impact levels (SILs).** For purposes of $PM_{2.5}$, the demonstration required in OAC 252:100-8-35(a)(1) is deemed to have been made if the emissions increase from the new stationary source alone or from the modification alone would cause, in all areas, air quality impacts less than the following significant impact levels (SILs).

(A) The SILs for $PM_{2.5}$ annual averaging time are 0.06 $\mu g/m^3$ for a Class I Area, 0.3 $\mu g/m^3$ for a Class II Area, and 0.3 $\mu g/m^3$ for a Class III Area.

(B) The SILs for $PM_{2.5}$ 24-hour averaging time are 0.07 $\mu g/m^3$ for a Class I Area, 1.2 $\mu g/m^3$ for a Class II Area, and 1.2 $\mu g/m^3$ for a Class III Area.

(b) **Air quality models.**

(1) All estimates of ambient concentrations required under this Part shall be based on the applicable air quality models, data bases, and other requirements specified in appendix W of 40 CFR 51 (Guideline on Air Quality Models) as it existed on January 2, 2006.

(2) Where an air quality model specified in appendix W of 40 CFR 51 (Guideline on Air Quality Models) as it existed on January 2, 2006, is inappropriate, the model may be modified or another model substituted, as approved by the Administrator. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Modified or substitute models shall be submitted to the Administrator with written concurrence of the Director. In addition, use of a modified or substituted model must be subject to notice and opportunity for public comment under procedures set forth in Sec. 51.102 as it existed on January 2, 2006.

(c) **Air quality analysis.**

(1) **Preapplication analysis.**

(A) **Ambient air quality analysis.** Any application for a permit under this Part shall contain, as the Director determines appropriate, an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(i) for a new source, each regulated pollutant that it would have the potential to emit in a significant amount;

(ii) for a major modification, each regulated pollutant for which it would result in a significant net emissions increase.

(B) **Monitoring requirements.**

(i) **Non-NAAQS pollutants.** For any such pollutant for which no NAAQS exists, the analysis shall contain such air quality monitoring data as the Director determines is necessary to assess the ambient air quality for that pollutant in that area.

(ii) **NAAQS pollutants.** For visibility and any pollutant, other than VOC, for which a NAAQS does exist, the analysis shall contain continuous air quality monitoring data gathered to determine if emissions of that pollutant would cause or contribute to a violation of the NAAQS or any PSD increment.

(C) **Monitoring method.** With respect to any requirements for air quality monitoring of PM_{10} under OAC 252:100-8-33(e)(1) and (2), the owner or operator of the source or modification shall use a monitoring method approved by the Director and shall estimate the ambient concentrations of PM_{10} using the data collected by such approved monitoring method in accordance with estimating procedures approved by the Director.

(D) **Monitoring period.** In general, the required continuous air monitoring data shall have been gathered over a period of up to one year and shall represent the year preceding submission of the application. Ambient monitoring data gathered over a period shorter than one year (but no less than four months) or for a time period other than immediately preceding the application may be acceptable if such data are determined by the Director to be within the time period that maximum pollutant concentrations would occur, and to be complete and adequate for determining whether the source or modification will cause or contribute to a violation of any applicable NAAQS or consume more than the remaining available PSD increment.

(E) **Monitoring period exceptions.**

(i) **Exceptions for applications that became effective between June 8, 1981, and February 9, 1982.** For any application which became complete except for the monitoring requirements of OAC 252:100-8-35(c)(1)(B)(ii) and 252:100-8-35(c)(1)(D), between June 8, 1981, and February 9, 1982, the data that 252:100-8-35(c)(1)(B)(ii) requires shall have been gathered over the period from February 9, 1981, to the date the application became otherwise complete, except that:

(I) If the source or modification would have been major for that pollutant under 40 CFR 52.21 as in effect on June 19, 1978, any monitoring data shall have been gathered over the period required by those regulations.

(II) If the Director determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period, not to be less than four months, the data that OAC 252:100-8-35(c)(1)(B)(ii) requires shall have been gathered over that shorter period.

(III) If the monitoring data would relate exclusively to ozone and would not have been required under 40 CFR 52.21 as in effect on June 19, 1978, the Director may waive the otherwise applicable requirements of OAC 252:100-8-35(c)(1)(E)(i) to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over a full year.

(ii) **Monitoring period exception for PM_{10}.** For any application that became complete, except for the requirements of OAC 252:100-8-35(c)(1)(B)(ii) and 252:100-8-35(c)(1)(D) pertaining to monitoring of PM_{10}, after December l, 1988, and no later than August l, 1989, the data that 252:100-8-35(c)(1)(B)(ii) requires shall have been gathered over at least the period from August l, 1988, to the date the application becomes otherwise complete, except that if the Director determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not less than 4 months), the data that 252:100-8-35(c)(1)(B)(ii) requires shall have been gathered over that shorter period.

(F) **Ozone post-approval monitoring.** The owner or operator of a proposed major stationary source or major modification of VOC who satisfies all conditions of OAC 252:100-8-54 and 40 CFR 51, Appendix S, Section IV as it existed on January 16, 1979, may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under OAC 252:100-8-35(c)(1).

(2) **Post-construction monitoring.** The owner or operator of a new major stationary source or major modification shall conduct, after construction, such ambient monitoring and visibility monitoring as the Director determines is necessary to determine the effect its emissions may have, or are having, on air quality in any area.

(3) **Operation of monitoring stations.** The operation of monitoring stations for any air quality monitoring required under this Part shall meet the requirements of 40 CFR 58 Appendix B as it existed January 2, 2006.

252:100-8-35.1. Source information

(a) The permit application for a proposed new major stationary source or major modification subject to this Part shall contain the construction permit application content required in OAC 252:100-8-4.

(b) In addition to the requirements of OAC 252:100-8-35.1(a), the owner or operator of a proposed new major stationary source or major modification subject to this Part shall supply the following information in the permit application.

(1) The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this Part.

(2) The permit application shall contain a detailed description of the system of continuous emission reduction planned for the source or modification, emission estimates, and any other information necessary to determine that BACT as applicable would be applied.

(3) Upon request of the Director, the owner or operator shall also provide information on:

(A) the air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact; and

(B) the air quality impacts and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

252:100-8-35.2. Additional impact analyses

(a) **Growth analysis.** The permit application shall provide an analysis of the projected air quality impact and impairment to visibility, soils, and vegetation as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification.

(b) **Visibility monitoring.** The Director may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the Director deems necessary and appropriate.

252:100-8-36. Source impacting Class I areas

(a) **Class I area variance.** Permits may be issued at variance to the limitations imposed on a Class I area in compliance with the procedures and limitations established in State and Federal Clean Air Acts.

(b) **Notice to Federal Land Managers.**

(1) The Director shall notify any affected Federal Land Manager of the receipt of any permit application for a proposed major stationary source or major modification, emissions from which may affect a Class I area. Such notification must be made in writing within 30 days of receipt of an application for a permit to construct and at least 60 days prior to public hearing on the application. The notification must include a complete copy of the permit application. The Director shall also notify any affected Federal Land Manager within 30 days of receipt of any advance notification of such permit application.

(2) The permit application will contain an analysis on the impairment of visibility and an assessment of any anticipated adverse impacts on soils and vegetation in the vicinity of the source resulting from construction of the source.

(c) **Visibility analysis.** Any analysis performed by the Federal Land Manager shall be considered by the Director provided that the analysis is filed with the DEQ within 30 days of receipt of the

application by the Federal Land Manager. Where the Director finds that such an analysis does not demonstrate to the satisfaction of the Director that an adverse impact on visibility will result in the Federal Class I area, the Director will, in any notice of public hearing on the permit application, either explain the decision or give notice as to where the explanation can be obtained.

(d) **Permit denial.** Upon presentation of good and sufficient information by a Federal Land Manager, the Director may deny the issuance of a permit for a source, if the emissions will adversely impact areas categorized as Class I areas even though the emissions would not cause the increment for such Class I areas to be exceeded.

252:100-8-36.1. Public participation

See OAC 252:4 and O.S. §§ 27A-2-5-112 and 27A-2-14-101 to § 2-14-304.

252:100-8-36.2. Source obligation

(a) **Obtaining and complying with preconstruction permits.** Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this Part or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this Part who commences construction after the effective date of these regulations without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action.

(b) **Consequences of relaxation of permit requirements.** When a source or modification becomes major solely by virtue of a relaxation in any enforceable permit limitation established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the requirements of OAC 252:100-8, Parts 1, 3, 5, and 7 and 252:100-8-34 through 252:100-8-37 shall apply to that source or modification as though construction had not yet commenced on it.

(c) **Requirements when using projected actual emissions.** The following specific provisions apply to projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) when the owner or operator elects to use the method specified in (B)(i) through (iii) of the definition of "projected actual emissions" for calculating projected actual emissions.

(1) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) A description of the project;

(B) Identification of the existing emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (B)(iii) of the definition of "projected actual emissions" and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(2) If the emissions unit is an existing EUSGU, before beginning actual construction, the owner or operator shall provide a copy of the information set out in OAC 252:100-8-36.2(c)(1) to the Director. Nothing in OAC 252:100-8-36.2(c)(2) shall be construed to require the owner or operator of such a unit to obtain any determination from the Director before beginning actual construction.

(3) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in OAC 252:100-8-36.2(c)(1)(B); and calculate and maintain a record of the annual emissions, in TPY on a calendar year basis, for a period of 5 years following resumption of regular operations after

the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(4) If the unit is an existing EUSGU, the owner or operator shall submit a report to the Director within 60 days after the end of each year during which records must be generated under OAC 252:100-8-36.2(c)(3) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(5) If the unit is an existing unit other than an EUSGU, the owner or operator shall submit a report to the Director if the annual emissions, in TPY, from the project identified in OAC 252:100-8-36.2(c)(1), exceed the baseline actual emissions (as documented and maintained pursuant to 252:100-8-36.2(c)(1)(C)) by an amount that is significant for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to 252:100-8-36.2(c)(1)(C). Such report shall be submitted to the Director within 60 days after the end of such year. The report shall contain the following:

(A) The name, address and telephone number of the major stationary source;

(B) The annual emissions as calculated pursuant to OAC 252:100-8-36.2(c)(3); and

(C) Any other information that the owner or operator wishes to include in the report (*e.g.*, an explanation as to why the emissions differ from the preconstruction projection).

(6) The owner or operator of the source shall make the information required to be documented and maintained pursuant to OAC 252:100-8-36.2(c) available for review upon request for inspection by the Director or the general public.

(7) The requirements of OAC 252:100-8-34 through 252:100-8-36.2 shall apply as if construction has not yet commenced at any time that a project is determined to be a major modification based on any credible evidence, including but not limited to emissions data produced after the project is completed. In any such case, the owner or operator may be subject to enforcement for failure to obtain a PSD permit prior to beginning actual construction.

(8) If an owner or operator materially fails to comply with the provisions of OAC 252:100-8-36.2(c), then the calendar year emissions are presumed to equal the source's potential to emit.

252:100-8-37. Innovative control technology

(a) An applicant for a permit for a proposed major stationary source or major modification may request the Director in writing to approve a system of innovative control technology.

(b) The Director may determine that the innovative control technology is permissible if:

(1) The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare or safety in its operation or function.

(2) The applicant agrees to achieve a level of continuous emissions reductions equivalent to that which would have been required for BACT under OAC 252:100-8-34(b)(1) by a date specified by the Director. Such date shall not be later than 4 years from the time of start-up or 7 years from permit issuance.

(3) The source or modification would meet the requirements equivalent to those in OAC 252:100-8-34 and 252:100-8-35(a) based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the Director.

(4) The source or modification would not, before the date specified, cause or contribute to any violation of the applicable NAAQS, or impact any Class I area or area where an applicable increment is known to be violated.

(5) All other applicable requirements including those for public participation have been met.

(6) The provisions of OAC 252:100-8-36 (relating to Class I areas) have been satisfied with respect to all periods during the life of the source or modification.

(c) The Director shall withdraw approval to employ a system of innovative control technology made under OAC 252:100-8-37, if:

(1) The proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or,

(2) The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare or safety; or,

(3) The Director decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare or safety.

(d) If a source or modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with OAC 252:100-8-37(c), the Director may allow the source or modification up to an additional 3 years to meet the requirement for application of BACT through the use of a demonstrated system of control.

252:100-8-38. Actuals PAL

(a) **Incorporation by reference.** With the exception of the definitions in OAC 252:100-8-38(c), 40 CFR 51.166(w), Actuals PALs, is hereby incorporated by reference, as it exists on July 2, 2007, and does not include any subsequent amendments or editions to the referenced material.

(b) **Inclusion of CFR citations and definitions.** When a provision of Title 40 of the Code of Federal Regulations (40 CFR) is incorporated by reference, all citations contained therein are also incorporated by reference.

(c) **Terminology related to 40 CFR 51.166(w).** For purposes of interfacing with 40 CFR, the following terms apply.

(1) "Baseline actual emissions" is synonymous with the definition of "baseline actual emissions" in OAC 252:100-8-31.

(2) "Building, structure, facility, or installation" is synonymous with the definition of "building, structure, facility, or installation" in OAC 252:100-1-3.

(3) “EPA" is synonymous with Department of Environmental Quality (DEQ) unless the context clearly indicates otherwise.

(4) "Major modification" is synonymous with the definition of "major modification" in OAC 252:100-8-31.

(5) "Net emissions increase" is synonymous with the definition of "net emissions increase" in OAC 252:100-8-31.

(6) "Reviewing authority" is synonymous with "Director".

(7) "State implementation plan" is synonymous with OAC 252:100.

(8) "Volatile organic compound (VOC)" is synonymous with the definition of "volatile organic compound" or "VOC" in OAC 252:100-1-3.

252:100-8-39. Severability

If any provision of this Part, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

PART 9. MAJOR SOURCES AFFECTING NONATTAINMENT AREAS

252:100-8-50. Applicability

(a) **General applicability.**

(1) The requirements of this Part shall apply to the construction of any new major stationary source or major modification which would locate in or affect a nonattainment area located in Oklahoma, designated under section 107(d)(1)(A)(i) of the Act, if the stationary source or modification is major for the pollutant for which the area is designated nonattainment.

(2) The requirements of OAC 252:100-8, Parts 1, 3, and 5 also apply to the construction of any new major stationary source or major modification.

(3) In addition, the requirements of a PSD review (OAC 252:100-8, Part 7) would be applicable if any regulated NSR pollutant other than the nonattainment pollutant is emitted in significant amounts by that source or modification.

(b) **Major modification.**

(1) **Major modification applicability determination.**

(A) Except as otherwise provided in OAC 252:100-8-50(c), and consistent with the definition of "major modification" contained in OAC 252:100-8-51, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases:

(i) a significant emissions increase, and

(ii) a significant net emissions increase.

(B) The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(2) **Calculating significant emissions increase and significant net emissions increase.** The procedure for calculating whether a significant emissions increase will occur depends upon the type of emissions unit(s) being modified, according to OAC 252:100-8-50(b)(3) through (5). This is the first step in determining if a proposed modification would be considered a major modification. The procedure for calculating whether a significant net emissions increase will occur at the major stationary source is contained in the definition of "net emissions increase" in OAC 252:100-8-50.1 and 252:100-8-51. This is the second step in the process of determining if a proposed modification is a major modification. Both steps occur prior to the beginning of actual construction. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(3) **Actual-to-projected-actual applicability test for projects that only involve existing emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, as applicable, for each existing emissions unit, equals or exceeds the amount that is significant for that pollutant.

(4) **Actual-to-potential test for projects that only involve construction of a new emissions unit(s).** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the amount that is significant for that pollutant.

(5) **Hybrid test for projects that involve multiple types of emissions units.** A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in OAC 252:100-8-50(b)(3) and (4) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the amount that is significant for that pollutant.

(c) **Plantwide applicability limitation (PAL).** Major stationary sources seeking to obtain or maintain a PAL shall comply with requirements under OAC 252:100-8-56.

252:100-8-50.1. Incorporation by reference

(a) **Inclusion of CFR citations and definitions.** When a provision of Title 40 of the Code of Federal Regulations (40 CFR) is incorporated by reference, all citations contained therein are also incorporated by reference.

(b) **Terminology related to 40 CFR.** When these terms are used in rules incorporated by reference from 40 CFR, the following terms or definitions shall apply.

(1) "Baseline actual emissions" is synonymous with the definition of "baseline actual emissions" in OAC 252:100-8-31.

(2) "Building, structure, facility, or installation" is synonymous with the definition of "building, structure, facility, or installation" in OAC 252:100-1-3.

(3) "EPA" is synonymous with Department of Environmental Quality (DEQ) unless the context clearly indicates otherwise.

(4) "Major modification" is synonymous with the definition of "major modification" in OAC 252:100-8-51.

(5) "Net emissions increase" is synonymous with the definition of "net emissions increase" in OAC 252:100-8-51.

(6) "Regulated NSR pollutant" is synonymous with the definition of "regulated NSR pollutant" in OAC 252:100-8-51.

(7) "Reviewing authority" is synonymous with "Director".

(8) "Secondary emissions" is synonymous with the definition of "secondary emissions" in OAC 252:100-8-1.1.

(9) "State implementation plan" is synonymous with OAC 252:100.

(10) "Volatile organic compound (VOC)" is synonymous with the definition of "volatile organic compound" or "VOC" in OAC 252:100-1-3.

252:100-8-51. Definitions

The definitions in 40 CFR 51.165(a)(1) are hereby incorporated by reference as they exist on July 1, 2010, except for the definitions found at 40 CFR 51.165(a)(1)(xxxv) "baseline actual emissions"; (ii) "building, structure, facility, or installation"; (xlv) "fixed capital cost"; (xliv) "functionally equivalent component"; (v) "major modification"; (vi) "net emissions increase"; (xliii) "process unit"; (xxxvii) "regulated NSR pollutant"; (xxxviii) "reviewing authority"; (viii) "secondary emissions"; (xlvi) "total capital investment"; and (xix) "volatile organic compound (VOC)". With the exception of "reviewing authority", "fixed capital cost", "functionally equivalent component", "process unit", and "total capital investment", these terms are defined in OAC 252:100-8-31, 252:100-8-51, or 252:100-1-3. The following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise.

"Major modification" means:

(A) Any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase of a regulated NSR pollutant and a significant net emissions increase of that pollutant from the major stationary source is a major modification.

(i) Any significant emissions increase from any emissions unit or net emissions increase at a major stationary source that is significant for VOC and/or oxides of nitrogen (NO_X) shall be considered significant for ozone.

(ii) A physical change or change in the method of operation shall not include:

(I) routine maintenance, repair and replacement;

(II) use of an alternative fuel or raw material by reason of any order under sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(III) use of an alternative fuel by reason of an order or rule under section 125 of the Act;

(IV) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(V) use of an alternative fuel or raw material by a source which the source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976, or the source is approved to use under any permit issued under 40 CFR 52.21 or OAC 252:100-7 or 8;

(VI) an increase in the hours of operation or in the production rate unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976;

(VII) any change in source ownership;

(VIII) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with OAC 252:100 and other requirements necessary to attain and maintain the NAAQS during the project and after it is terminated.

(B) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under OAC 252:100-8-56 for a PAL for that pollutant. Instead the definition at 40 CFR 51.165(f)(2)(viii) shall apply.

(C) For the purpose of applying the requirements of OAC 252:100-8-54.1(a) to modifications at major stationary sources of NO_X located in ozone nonattainment areas or in ozone transport regions (as defined in 42 U.S.C. § 7511c), whether or not subject to subpart 2, part D, title I of the Act, any significant net emissions increase of NO_X is considered significant for ozone.

(D) Any physical change in, or change in the method of operation of, a major stationary source of VOCs that results in any increase in emissions of VOCs from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the Act.

"Net emissions increase" means:

(A) With respect to any regulated NSR pollutant emitted by a major stationary source, net emissions increase shall mean the amount by which the sum of the following exceeds zero:

(i) the increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to OAC 252:100-8-50(b); and,

(ii) any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under (A)(ii) of this definition shall be determined as provided in the definition of "baseline actual emissions", except that (B)(iii) and (C)(iv) of that definition shall not apply.

(B) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within 3 years before the date that the increase from the particular change occurs.

(C) An increase or decrease in actual emissions is creditable only if:

(i) it is contemporaneous; and

(ii) the Director has not relied on it in issuing a permit under OAC 252:100-8, Part 9, which permit is in effect when the increase in actual emissions from the particular change occurs.

(D) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

(i) the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) it is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(iii) the Director has not relied on it in issuing any permit under OAC 252:100; and,

(iv) it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(F) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational after a reasonable shakedown period, not to exceed 180 days.

(G) Paragraph 40 CFR 51.165(a)(1)(xii)(B) of the definition of "actual emissions" shall not apply for determining creditable increases and decreases or after a change.

"Regulated NSR pollutant" for purposes of this Part, means any or all of the following:

(A) Nitrogen oxides or volatile organic compounds;

(B) Any pollutant for which a NAAQS has been promulgated;

(C) Any pollutant that is identified under this paragraph as a constituent or precursor of a general pollutant listed under paragraph (A) or (B) of this definition, provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. Precursors identified by the Administrator for purposes of NSR are the following:

(i) Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.

(ii) Sulfur dioxide is a precursor to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas.

(iii) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all $PM_{2.5}$ nonattainment areas, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(iv) Volatile organic compounds and ammonia are presumed not to be precursors to $PM_{2.5}$ in any $PM_{2.5}$ nonattainment area, unless the State demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds or ammonia from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations, or

(D) $PM_{2.5}$ emissions and PM_{10} emissions, including gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. Such

condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for $PM_{2.5}$ and PM_{10} in nonattainment major NSR permits.

252:100-8-51.1. Emissions reductions and offsets

(a) The requirements in 40 CFR 51.165(a)(3) regarding emissions reductions and offsets are hereby incorporated by reference as they exist on July 2, 2007.

(b) The requirements in subsection 40 CFR 51.165(a) (9) dealing with offset ratios are hereby incorporated by reference as they exist on July 1, 2010.

(c) The requirements in 40 CFR 51.165(a)(11) regarding emission offsets are hereby incorporated by reference as they exist on July 1, 2010.

252:100-8-52. Applicability determination for sources in attainment areas causing or contributing to NAAQS violation

(a) The requirements in 40 CFR 51.165(b) regarding a source located in an attainment or unclassifiable area but causing or contributing to a NAAQS violation are hereby incorporated by reference as they exist on December 20, 2010.

(b) Sources of VOC located outside a designated ozone nonattainment area will be presumed to have no significant impact on the designated nonattainment area. If ambient monitoring indicates that the area of source location is in fact nonattainment, then the source may be granted its permit since the area has not yet been designated nonattainment.

(c) Sources locating in an attainment area but impacting on a nonattainment area above the significant levels listed in OAC 252:100-8-52(a) are exempted from the condition of OAC 252:100-8-54(4)(A).

(d) The determination whether a source or modification will cause or contribute to a violation of an applicable ambient air quality standard for sulfur dioxide, particulate matter or carbon monoxide will be made on a case-by-case basis as of the proposed new source's start-up date by an atmospheric simulation model. For sources of nitrogen oxides the model can be used for an initial determination assuming all the nitric oxide emitted is oxidized to nitrogen dioxide by the time the plume reaches ground level, and the initial concentration estimates will be adjusted if adequate data are available to account for the expected oxidation rate.

(e) The determination as to whether a source would cause or contribute to a violation of applicable ambient air quality standards will be made on a case-by-case basis as of the new source's start-up date. Therefore, if a designated nonattainment area is projected to be attainment as part of the state implementation plan control strategy by the new source start-up date, offsets would not be required if the new source would not cause a new violation.

252:100-8-53. Exemptions

(a) The requirements in 40 CFR 51.165(a)(4) regarding exemption of fugitive emissions in determining if a source or modification is major are hereby incorporated by reference as they exist on July 2, 2007.

(b) Nonattainment area requirements do not apply to a particular source or modification locating in or impacting on a nonattainment area if the source or modification was not subject to 40 CFR Part 51, Appendix S (emission offset interpretative ruling) as it existed on January 16, 1979, and the source:

(1) obtained all final federal and state construction permits before August 7, 1980;

(2) commenced construction within 18 months from August 7, 1980, or any earlier time required by the State Implementation Plan; and,

(3) did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time.

(c) Secondary emissions are excluded in determining the potential to emit. However, upon determination of the Director, if a source is subject to the requirements on the basis of its direct emissions, the applicable requirements must also be met for secondary emissions but the source would be exempt from the conditions of OAC 252:100-8-52(d) and 252:100-8-54(1) through 252:100-8-54(3). Also, the indirect impacts of mobile sources are excluded.

(d) As specified in the applicable definitions, the requirements of Part 7 for PSD and Part 9 for nonattainment areas of this Subchapter are not applicable to a modification if the existing source was not major on August 7, 1980, unless the proposed addition to the existing minor source is major in its own right.

252:100-8-54. Requirements for sources located in nonattainment areas

In the event a major source or modification would be constructed in an area designated as nonattainment for a pollutant for which the source or modification is major, approval shall be granted only if the following conditions are met:

(1) The new source must demonstrate that it has applied control technology which the Director, on a case-by-case basis, determines is achievable for a source based on the lowest achievable emission rate (LAER) achieved in practice by such category of source (i.e., lowest achievable emission rate as defined in the Act).

(2) If the Director determines that imposition of an enforceable numerical emission standard is infeasible due to technological or economic limitations on measurement methodology, a design, equipment, work practice or operational standard, or combination thereof, may be prescribed as the emission limitation rate.

(3) The owner or operator of the new source must demonstrate that all other major sources owned or operated by such person in Oklahoma are in compliance, or are meeting all steps on a schedule for compliance, with all applicable limitations and standards under Oklahoma and Federal Clean Air Acts.

(4) The owner or operator of the new source must demonstrate that upon commencing operations:

(A) The emissions from the proposed source and all other sources permitted in the area do not exceed the planned growth allowable for the area designated in the State Implementation Plan; or,

(B) The total allowable emissions from existing sources in the region and the emissions from the proposed source will be sufficiently less than the total emissions from existing sources allowed under the State Implementation Plan at the date of construction permit application so as to represent further progress toward attainment or maintenance of the ambient air quality standards in the problem area.

(5) The owner or operator may present with the application an analysis of alternate sites, sizes and production processes for such proposed source.

252:100-8-54.1 Ozone and PM-10 precursors

(a) **Ozone.** The requirements of Part 9 of OAC 252:100-8 applicable to major stationary sources and major modifications of VOCs shall apply to NO_X emissions from major stationary sources and major modifications of NO_X in an ozone transport region (as defined in 42 U.S.C. § 7511c) or in any ozone nonattainment area, except in ozone nonattainment areas or in portions of an ozone transport

region where the Administrator has granted a NO_X waiver applying the standards set forth under section 182(f) of the Act and the waiver continues to apply.
(b) **PM-10 precursors.** The requirements of Part 9 of OAC 252:100-8 applicable to major stationary sources and major modifications of PM-10 shall also apply to major stationary sources and major modifications of PM-10 precursors, except where the Administrator determines that such sources do not contribute significantly to PM-10 levels that exceed the PM-10 ambient standards in the area.

252:100-8-55. Source obligation
(a) **Construction permits required.** An owner or operator shall obtain a construction permit prior to commencing construction of a new major stationary source or major modification.
(b) **Responsibility to comply and the consequences of relaxation of permit conditions.** The requirements in 40 CFR 51.165(a)(5) regarding the responsibility to comply with applicable local State or Federal law and the consequences of becoming a major source by virtue of a relaxation in any enforcement limitation are hereby incorporated by reference as they exist on July 2, 2007.
(c) **Requirements when using projected actual emissions.**
(1) The specific provisions in 40 CFR 51.165(a)(6)(i) through (v) (as they exist on July 2, 2007) shall apply to projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) when the owner or operator elects to use the methods specified in the definition of "projected actual emissions" at 40 CFR 51.165(a)(1)(xxviii)(B)(1) through (3) for calculating projected actual emissions.
(2) The requirements in 40 CFR 51.165(a)(6)(i) through (v) are hereby incorporated by reference as they exist on July 2, 2007
(d) **Availability of information.** The requirements in 40 CFR 51.165(a)(7) regarding availability of information required to document the use of projected actual emissions for determining if a project is a major modification are hereby incorporated by reference as they exist on July 2, 2007.

252:100-8-56. Actuals PAL
The requirements in 40 CFR 51.165(f) regarding actuals PAL except for the terminology contained in OAC 252:100-8-50.1(b), are hereby incorporated by reference as they exist on July 2, 2007.

252:100-8-57. Severability
If any provision of this Part, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

PART 11. VISIBILITY PROTECTION STANDARDS

252:100-8-70. Applicability
This Part applies to any BART-eligible source (existing stationary facility as defined in OAC 252:100-8-71) which may reasonably be anticipated to cause or contribute to visibility impairment at any mandatory Class I Federal area.

252:100-8-71. Definitions
The following words and terms when used in this Part shall have the following meaning, unless the context clearly indicates otherwise. All terms used in this Part that are not defined in this

Subsection shall have the meaning given to them in OAC 252:100-1-3, 252:100-8-1.1, 252:100-8-31, or in the Oklahoma Clean Air Act.

"BART-eligible source" means an existing stationary facility as defined in this Section.

"Best Available Retrofit Technology" or **"BART"** means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by a BART-eligible source. The emission limitation must be established on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

"Deciview" means a measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements): Deciview haze index=10 $\ln_e$ (b_{ext}/10 Mm^{-1}); where b_{ext}=the atmospheric light extinction coefficient, expressed in inverse megameters (Mm^{-1}).

"Existing stationary facility" means any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 TPY or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted.

(A) Fossil-fuel fired steam electric plants of more than 250 million Btu/hr input,
(B) Coal cleaning plants (thermal dryers),
(C) Kraft pulp mills,
(D) Portland cement plants,
(E) Primary zinc smelters,
(F) Iron and steel mill plants,
(G) Primary aluminum ore reduction plants,
(H) Primary copper smelters,
(I) Municipal incinerators capable of charging more than 250 tons of refuse per day,
(J) Hydrofluoric, sulfuric, and nitric acid plants,
(K) Petroleum refineries,
(L) Lime plants,
(M) Phosphate rock processing plants,
(N) Coke oven batteries,
(O) Sulfur recovery plants,
(P) Carbon black plants (furnace process),
(Q) Primary lead smelters,
(R) Fuel conversion plants,
(S) Sintering plants,
(T) Secondary metal production facilities,
(U) Chemical process plants,
(V) Fossil-fuel boilers of more than 250 million Btu per hour heat input,
(W) Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels,
(X) Taconite ore processing facilities,
(Y) Glass fiber processing plants, and

(Z) Charcoal production facilities

"In existence" means that the owner or operator has obtained all necessary preconstruction approvals or permits required by the Department and EPA and either has:

(A) begun, or caused to begin, a continuous program of physical on-site construction of the facility; or

(B) entered into binding agreements or contractual obligations which cannot be cancelled or modified without substantial loss to the owner or operator to undertake a program of construction of the facility to be completed in a reasonable time.

"In operation" means engaged in activity related to the primary design function of the source.

"Integral vista" means a view perceived from within the mandatory Class I Federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal area.

"Mandatory Class I Federal area" means any area identified in 40 CFR part 81, subpart D.

"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Reasonably attributable" means attributable by visual observation or any other technique the Department deems appropriate.

"Secondary emissions" means emissions which occur as a result of the construction or operation of a BART-eligible source but do not come from the BART-eligible source. Secondary emissions may include, but are not limited to, emissions from ships or trains coming to or from the BART-eligible source.

"Visibility in any mandatory Class I Federal area" includes any integral vista associated with that area.

252:100:8-72. Incorporation by reference

Appendix Y, Guidelines for BART Determinations Under the Regional Haze Rule, of 40 CFR 51 is hereby incorporated by reference as it exists July 6, 2005.

252:100-8-73. BART applicability

(a) Each BART-eligible source that emits any air pollutant which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal area is subject to BART. This shall be determined using the criteria in Section III of Appendix Y of 40 CFR 51 in effect on July 6, 2005. Thresholds for visibility impairment are set forth in OAC 252:100-8-73(a)(1) and (2).

(1) A source that is responsible for an impact of 1.0 deciview or more is considered to cause visibility impairment.

(2) A source that causes an impact greater than 0.5 deciviews contributes to visibility impairment.

(b) Air pollutants emitted by sources in Oklahoma which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal area are NO_X, SO_2, PM-10, and PM-2.5.

(c) The owner or operator of a BART-eligible source may request and obtain a waiver from the Department that a BART determination is not required:

(1) for SO_2 or for NO_X if the BART-eligible source has the potential to emit less than 40 TPY of such pollutant(s),

(2) for PM-10 if the BART-eligible source has the potential to emit less than 15 TPY of such pollutant, or

(3) if the owner or operator of the BART–eligible source demonstrates by modeling, in accordance with a protocol approved by the Director, that a source does not emit any air pollutant which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I Federal area.

252:100-8-74. Exemption from BART requirements

(a) The owner or operator of any BART-eligible source subject to the requirements of this Part to install, operate, and maintain BART may apply to the Administrator for exemption from that requirement.

(b) Should the owner or operator of a BART-eligible source wish to apply for exemption as provided for in 40 CFR 51.303, such application must be accompanied by a written concurrence from the Director.

252:100-8-75. Visibility standards for existing stationary facilities

(a) The owner or operator of a BART-eligible source that emits any air pollutant which causes or contributes to visibility impairment in any mandatory Class I Federal area shall establish emissions limitations by the application of BART.

(1) The determination of BART must be based on an analysis of the best system of continuous emission control technology available and associated emission reduction achievable for each BART-eligible source that is subject to BART.

(2) After the level of control that represents BART is determined, an emission limit representing this level of control must be established.

(3) BART may be established as design, equipment, work practice, or other operational standards or combination thereof, when limitations on measurement technologies make emission standards infeasible, if such application achieves equivalent results. Such standard, to the degree possible, shall set forth the emission reduction to be achieved and must provide for compliance by means which achieve equivalent results.

(b) The determination of BART shall be made pursuant to the guidelines in Appendix Y of 40 CFR 51 in effect on July 6, 2005.

(c) The owner or operator of a BART-eligible source shall submit to the Director by December 1, 2006:

(1) an application for a waiver pursuant to OAC 252:100-8-73, or

(2) an application for an exemption pursuant to OAC 252:100-8-74.

(d) A BART-eligible source that has not applied for a waiver pursuant to OAC 252:100-8-73 or an exemption pursuant to OAC 252:100-8-74 shall submit to the Director a BART determination by March 30, 2007.

(e) The owner or operator of each BART-eligible source subject to BART shall install and operate BART no later than five years after EPA approves the Oklahoma Regional Haze SIP.

(f) The owner or operator of each source subject to BART shall maintain the control equipment required by this Part and establish procedures to ensure such equipment is properly and continuously operated and maintained.

(g) The owner or operator of any BART-eligible source that might cause or contribute to visibility impairment in any mandatory Class I Federal area must provide a BART analysis at such times, as

determined by the Administrator, as new technology for control of the pollutant becomes reasonably available if:

(1) the pollutant is emitted by that BART-eligible source;

(2) controls representing BART for the pollutant have not previously been required under this Part; and

(3) the visibility impairment in any mandatory Class I Federal area is reasonably attributable to the emissions of that pollutant.

252:100-8-76. Permit requirements

The BART requirements for any BART-eligible source that is subject to BART shall be submitted to the Director in an application for a permit modification pursuant to OAC 252:100-8-7.2 no later than March 30, 2007.

252:100-8-77. Cap and/or trade program

Nothing in this rule precludes the establishment of a cap and/or trade program that will achieve greater reasonable progress than would be achieved through the installation and operation of BART.

252:100-8-78. Modeling

All modeling required by this Part shall be performed in accordance with a protocol approved by the Director.

SUBCHAPTER 9. EXCESS EMISSION REPORTING REQUIREMENTS

Section

252:100-9-1. Purpose

This Subchapter sets forth requirements for the reporting of excess emissions and establishes affirmative defense provisions for facility owners and operators for excess emissions.

252:100-9-1.1. Applicability

This subchapter applies to the owners and operators of air contaminant sources that are subject to emission limitations in OAC 252:100, an enforceable permit, an administrative order or a judicial order.

252:100-9-2. Definitions

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

"Bypass" means intentionally avoiding the use of air pollution control equipment.

"Excess emissions" means the emission of regulated air pollutants or opacity in excess of an applicable limitation or requirement as specified in the applicable rule(s), enforceable permit, administrative or judicial order. This term does not include fugitive VOC emissions covered by an existing leak detection and repair program that is required by a federal or state regulation.

"Excess emission episode" means a continuous period of excess emissions occurring from one emission unit.

"Excess emission event" means the period of time during which excess emissions occurred, either continuously or intermittently, as a result of the same primary cause. An excess emission event may include one or more excess emission episodes.

"Primary cause" means the fundamental aspect of the cause that can logically be identified. In the event of a series of causes, one leading to another, the fundamental cause is the primary cause.

"Working day" means 8:00 a.m. to 4:30 p.m. each day except Saturday, Sunday, or a legal holiday for state employees as proclaimed by the Governor.

252:100-9-3. General reporting requirements [REVOKED]

Agency Note: Amended and moved to 252:100-9-3.1 and 100-9-3.3.

252:100-9-3.1. Excess emission reporting requirements [AMENDED AND RENUMBERED TO 252:100-9-7]

252:100-9-3.2. [RESERVED]

252:100-9-3.3. Demonstration of cause [AMENDED AND RENUMBERED TO 252:100-9-8]

252:100-9-4. Maintenance procedures [REVOKED]

Agency Note: Amended and moved to 100-9-3.3.

252:100-9-5. Malfunctions and releases [REVOKED]

Agency Note: Amended and moved to 100-9-3.3.

252:100-9-6. Excesses resulting from engineering limitations [REVOKED]

Agency Note: Amended and moved to 100-9-3.3.

252:100-9-7. Excess emission reporting requirements

(a) **Immediate notice.** Except as provided in OAC 252:100-9-7(a)(1), the owner or operator of a source of excess emissions shall notify the Director as soon as possible but no later than 4:30 p.m. the following working day of the first occurrence of excess emissions in each excess emission event. Notification may be made by telephone (1-877-277-6236), by email (excessemissions@deq.ok.gov),

by web (http://www.deq.state.ok.us/excessemissions) or by other method as approved in writing by the Director prior to the excess emission event.

(1) Immediate notification shall not be required for:

(A) excess emission events with a primary cause of startup or shutdown as defined in OAC 252:100-1-3; or

(B) excess emissions that do not exceed ten percent (10%) opacity above the applicable opacity limit or standard; or

(C) excess emissions that do not exceed ten percent (10%) of the applicable non-opacity emission limit or standard and are less than two hundred (200) pounds of the relevant regulated pollutant during any twenty-four (24) hour period.

(2) In any event, no excess emission shall be exempt from the immediate notification requirements of OAC 252:100-9-7(a), if the emission is:

(A) in excess of a limit of a hazardous air pollutant as defined in OAC 252:100-7-1.1 or a toxic air contaminant as listed in Appendix O of this Chapter; or

(B) in excess of a limit of a criteria pollutant or ozone precursor emitted from a source located in an area designated as nonattainment for the relevant criteria pollutant.

(3) Any required immediate notice shall include:

(A) the company name,

(B) the facility name,

(C) the event date,

(D) the event start time,

(E) the emission unit,

(F) the primary cause, if known, and

(G) the opacity and/or pollutant(s) emitted.

(4) If an immediate notice is submitted and the owner or operator discovers that no excess emission has occurred, the owner or operator shall retract the immediate notice in writing within thirty (30) days of submission of the immediate notice.

(b) **Excess emission event report.** No later than thirty (30) calendar days after the start of any excess emission event, the owner or operator of an air contaminant source from which excess emissions have occurred shall submit a report for each excess emission event describing the extent of the event and the actions taken by the owner or operator of the facility in response to this event. After receiving a written request prior to the thirty (30) day deadline, the Director may grant an extension. The report shall include:

(1) The date and start time of each excess emission event.

(2) The start time and duration of each excess emission episode in the excess emission event.

(3) The common name and the permit established identifier(s) from which the excess emissions occurred.

(4) The applicable authorized emission limits, related to the air contaminant sources involved in the event, including:

(A) any applicable permit number(s) and condition(s); and/or

(B) any applicable rule, administrative order provision, or judicial order provision.

(5) The amount by which the total emissions exceeded the applicable limitation or requirement, expressed in units of the applicable limitation or requirement, including the data and calculations used to compute the magnitude of said event. Include the total mass of any quantifiable air contaminants released in excess of the applicable limitation or requirement. Good practice and methods must be used to provide reasonably accurate representations for excess emissions.

(6) The primary cause of the event, including the reason for any relevant startup or shutdown.

(7) The immediate action taken to address the excess emission event and the corrective action(s) taken to address the primary cause of the excess emission event. If no corrective actions are taken, the report shall include a detailed explanation for that conclusion.

(8) The corrective action(s) taken to address a reoccurrence of the excess emission event.

(9) Any additional information that may be requested by the Division.

(c) **Ongoing events.** If an excess emission event is ongoing at the time the excess emission event report required by OAC 252:100-9-7(b) is submitted, the owner or operator shall submit a final excess emission event report within thirty (30) calendar days after the end of the ongoing event. If an excess emission event is ongoing for one or more calendar quarters, the owner or operator shall file updated excess emission event reports within thirty (30) calendar days after the end of each calendar quarter until the event has ended. The updated reports shall be clearly identified as updated reports.

(d) **Alternative reporting.** Owners or operators of air contaminant sources subject to the excess emission reporting requirements of OAC 252:100-9-7(b) and the reporting requirements of 40 CFR Parts 60, 61 and 63 may submit a written request to the Director for a case-by-case determination allowing alternative reporting. The written request shall include an alternative reporting plan and explain the extent to which the federal reporting requirements duplicate the requirements of this subchapter. A written determination on an alternative reporting request shall be made within ninety (90) days after such request is received by the Director. If no determination is made within the ninety (90) day period, the owner or operator making such request may operate under the proposed alternative reporting plan until the Director issues a determination.

(e) **Certificate of truth, accuracy and completeness required.** Any report filed pursuant to this subchapter shall contain a certification of truth, accuracy and completeness. This certification shall include an original signature by a responsible official or designee and shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in this document are true, accurate and complete."

252:100-9-8. Affirmative defenses

(a) **General.** All periods of excess emissions regardless of cause are violations of the Act and rules promulgated thereunder, the Oklahoma Clean Air Act and rules promulgated thereunder, and applicable permit or other authorization of the DEQ. An affirmative defense is provided to owners and operators for civil or administrative penalty actions for excess emissions during periods of startup, shutdown and malfunction.

(b) **Affirmative defenses for excess emissions during malfunctions.** To establish the affirmative defense and to be relieved of a civil or administrative penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the requirements of OAC 252:100-9-7 and establish by a preponderance of the evidence:

(1) The excess emissions were caused by a sudden and not reasonably preventable breakdown of air pollution control equipment or process equipment, or the failure of a process to operate in the normal or usual manner.

(2) The excess emissions did not stem from any activity or event that could have been planned for or reasonably foreseen and avoided.

(3) Repairs were made as expeditiously as possible.

(4) The amount and duration of the excess emissions, including any bypass, were minimized to the extent practicable during periods of such emissions.

(5) Reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality.

(6) The reason(s) any monitoring systems were not kept in operation, if applicable.

(7) The owner or operator's actions during the period of excess emissions were documented by contemporaneous operating logs or other relevant evidence.

(8) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation or maintenance.

(9) To the maximum extent practicable, the air pollution control equipment or process equipment was maintained and operated in a manner consistent with good practice for minimizing emissions; provided, however, that this provision shall not be construed to automatically require the shutdown of process equipment to minimize emissions.

(c) **Affirmative defenses for excess emissions during startup and shutdown.** To establish the affirmative defense and to be relieved of a civil or administrative penalty in any action to enforce an applicable requirement, the owner or operator of the facility must meet the requirements of OAC 252:100-9-7 and establish by a preponderance of the evidence:

(1) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through reasonable planning and design.

(2) The excess emissions were not part of a recurring pattern indicative of inadequate operation or maintenance.

(3) If the excess emissions were caused by a bypass, the bypass was unavoidable to prevent loss of life, personal injury or severe property damage.

(4) The frequency and duration of operation in startup and shutdown periods were minimized to the extent practicable.

(5) Reasonable steps were taken to minimize the impact of excess emissions on ambient air quality.

(6) The reason(s) any monitoring systems were not kept in operation, if applicable.

(7) The owner or operator's actions during the period of excess emissions were documented by contemporaneous operating logs or other relevant evidence.

(8) The facility was operated in a manner consistent with good practice for minimizing emissions; provided, however, that this provision shall not be construed to require the use or installation of additional or redundant pollution control equipment not otherwise required and that this provision shall not be construed to automatically require the shutdown of process equipment to minimize emissions.

(d) **Affirmative defenses prohibited.** The affirmative defense provisions of this section shall not be available for:

(1) Claims for injunctive relief.

(2) SIP limits or permit limits that have been set taking into account potential emissions during startup and shutdown, including, but not limited to, limits that indicate they apply during startup and shutdown, and limits that explicitly indicate they apply at all times or without exception.

(3) Excess emissions that cause an exceedance of the NAAQS or PSD increments.

(4) Failure to meet federally promulgated emission limits, including, but not limited to, 40 CFR Parts 60, 61 and 63.

(5) Violations of requirements that derive from 40 CFR Parts 60, 61 and 63.

(e) **Affirmative defense determination.** In making any determination whether a source established an affirmative defense, the Director shall consider the information within the notification required in OAC 252:100-9-7 and any other information the Director deems necessary and relevant, which may include, but is not limited to, physical inspection of the facility and review of documentation pertaining to the maintenance and operation of emission units and air pollution control equipment. This section should not be construed as limiting EPA or citizens' authority under the Act.

SUBCHAPTER 11. ALTERNATIVE EMISSIONS REDUCTION PLANS AND AUTHORIZATIONS

Section

252:100-11-1. Purpose

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

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

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

(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

(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

(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.

(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) **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

(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 13. OPEN BURNING

Section

252:100-13-1. Purpose

The purpose of this Subchapter is to control the open burning of refuse and other combustible materials.

252:100-13-2. Definitions

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

"Combustible materials" means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.

"Domestic refuse" means combustible materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. It does not include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances.

"Fire training" means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.

"Human-made structure" means any structure constructed with the intent of providing shelter to persons or property. It does not include structures constructed specifically for live-burn fire training purposes.

"Land clearing operation" means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of right-of-ways. It does not include the clearing of vegetation such as trimmings, fallen limbs, branches, or leaves, or other wastes from routine property maintenance activities.

"Open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

"Open-pit incinerator" means a device consisting of a pit (into which the material to be combusted is placed) and nozzles, pipes, and other appurtenances designed and arranged in a manner to deliver additional air and/or auxiliary fuel to, or near, the zone of combustion so that theoretically complete combustion is accomplished or approached.

"Products of combustion" means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.

"Refuse" means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.

"Yard brush" means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any non-vegetative material.

252:100-13-3. Scope [REVOKED]

252:100-13-4. Effective date [REVOKED]

252:100-13-5. Open burning prohibited

The open burning of refuse and combustible materials is prohibited unless conducted in strict accordance with the conditions and requirements contained in 252:100-13-7 and 252:100-13-9. Under no circumstances shall the open burning of tires be allowed.

252:100-13-6. Salvage operations utilizing open burning prohibited [REVOKED]

252:100-13-7. Allowed open burning

When not prohibited by law or ordinance, the following types of burning are allowed, provided the conditions and requirements in 252:100-13-9 have been met:

(1) **Fire training.** Open burning of human-made structures for the purpose of fire training is allowed as provided for in Oklahoma Clean Air Act, 27A O.S., § 2-5-106.1. Industrial and commercial facilities and fire training schools conducting on-site live burn fire training are not subject to this provision.

(2) **Elimination of hazards.** Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of:

(A) A fire hazard that cannot be abated by any other means.

(B) A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal if authorization is also received from the DEQ prior to such burning.

(3) **Recreational and ceremonial fires.** Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.

(4) **Land management and land clearing operations.** Open burning is allowed for the following land management and land clearing operations.

(A) Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma State Department of Agriculture, and the United States Forest Service.

(B) Fires purposely set for land clearing operations if conducted at least 500 feet upwind of any occupied residence other than those located on the property on which the burning is conducted, except that such burning must be conducted in open-pit incinerators in counties or areas that are or have been designated nonattainment.

(5) **Burning of domestic refuse**. Where no collection and disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.

(6) **Hydrocarbon burning.** Open burning of hydrocarbons is allowed for:

(A) The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.

(B) The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.

(7) **Open-pit incinerator.** Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Subchapter may be burned in an open-pit incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of the open-pit incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the open-pit incinerator is located in order to burn the material.

(8) **Yard brush.** Yard brush may be burned on the property where the waste is generated.

252:100-13-8. [RESERVED]

252:100-13-9. General conditions and requirements for allowed open burning

The open burning of refuse and other combustible material may be conducted only if the following conditions and requirements are met:

(1) No public nuisance is or will be created.

(2) The burning is controlled so that a visibility hazard is not created on any roadway, rail track or air field as a result of the air contaminants being emitted.

(3) The burning is conducted so that the contaminants do not adversely affect the ambient air qualityof a city or town.

(4) The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits.

This requirement does not apply to the open burning allowed under 252:100-13-7(2), (3), (4)(A) and (6)(B).

252:100-13-10. Disaster relief

Notwithstanding the prohibition in 252:100-13-5, the Executive Director of the DEQ may allow the open burning of debris resulting from a disaster if the Director determines such burning is necessary to protect public health and safety. Such approval, if granted, shall be accompanied by appropriate guidelines for burning the debris.

252:100-13-11. Responsibility for consequences of open burning

Persons who conduct open burning in accordance with the provisions of this Subchapter are not exempt or excused from the consequences, damages, or injuries that may result from such conduct, nor are they exempt or excused from complying with all applicable laws, ordinances, rules, and orders.

SUBCHAPTER 15. MOTOR VEHICLE POLLUTION CONTROL DEVICES [REVOKED]

Section

252:100-15-1. Purpose [REVOKED]

252:100-15-2. Definitions [REVOKED]

252:100-15-3. Scope [REVOKED]

252:100-15-4. Prohibitions [REVOKED]

252:100-15-5. Maintenance, repair, or testing [REVOKED]

252:100-15-6. Liquified petroleum gas [REVOKED]

SUBCHAPTER 17. INCINERATORS

PART 1. GENERAL PROVISIONS

Section

PART 3. GENERAL PURPOSE INCINERATORS [AMENDED]

PART 5. MUNICIPAL WASTE COMBUSTORS

PART 7. HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS

PART 9. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

PART 11. OTHER SOLID WASTE INCINERATION UNITS

PART 1. GENERAL PROVISIONS

252:100-17-1. Purpose

The purpose of this subchapter is to specify design and operating requirements, and emission limitations for incinerators and municipal waste combustors (MWC).

252:100-17-1.1. Reference to 40 CFR

See OAC 252:100-2.

252:100-17-1.2. Terminology related to 40 CFR [REVOKED]

252:100-17-1.3. Incinerators and fuel-burning equipment or units

Any incinerator or MWC subject to the requirements of any part of this subchapter that is used to generate useful heat energy is also considered fuel-burning equipment or a fuel-burning unit and is subject to all applicable requirements of this chapter.

PART 3. GENERAL PURPOSE INCINERATORS

252:100-17-2. Applicability

This part applies to any new and existing incinerator not subject to 40 CFR Part 60, Subparts E, Ea, Eb, Ec, or EEEE, or Parts 4, 5, 7, 9, or 11 of this subchapter.

252:100-17-2.1. Exemptions

Thermal oxidizers, flares and any other air pollution control devices are exempt from the requirements of this part.

252:100-17-2.2. Definitions

The following words and terms when used in this part and Part 4 of this subchapter shall have the following meaning unless the context clearly indicates otherwise:

"Capacity" means the maximum design charging rate of refuse in pounds per hour (lb/hr) an incinerator is designed to receive.

"Particulate matter" or "total particulate matter" means the sum of all filterable and condensable particulate matter emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method.

"Primary combustion chamber" means the initial incinerator chamber where refuse is charged, ignited, and burned.

"Secondary combustion chamber" means a component of the general purpose incinerator that receives combustion gases from the primary combustion chamber and in which the combustion process is completed.

252:100-17-3. Opacity

See OAC 252:100-25-3.

252:100-17-4. Particulate matter

The emissions of particulate matter from an incinerator subject to the requirements of this part shall not exceed the applicable allowable particulate matter emission rate contained in Appendix A of this chapter. Solid fuels charged will be considered part of the refuse weight.

252:100-17-5. Incinerator design and operation requirements

An incinerator subject to this part shall be designed and built with a primary combustion chamber that maintains a temperature of at least 800°F in the primary combustion chamber at all times when refuse is being incinerated, and a secondary combustion chamber(s) that is adequately designed and operated to combust gaseous and particulate matter suspended in the exhaust gas stream from the primary combustion chamber. The combustion device in each combustion chamber shall be in operation at all times when refuse is being incinerated.

252:100-17-5.1. Alternative incinerator design requirements

Notwithstanding OAC 252:100-17-5, the Director may approve an alternative incinerator design if the owner or operator of the proposed incinerator demonstrates to the satisfaction of the Director that the incinerator will comply with OAC 252:100-17-4 and all other applicable requirements of this chapter.

252:100-17-6. Allowable emission of particulates [REVOKED]

252:100-17-7. Test methods

See OAC 252:100-43.

PART 4. BIOMEDICAL WASTE INCINERATORS

Section

252:100-17-11. Emission limits

252:100-17-8. Applicability

This part applies to any new or existing biomedical waste incinerator that is not subject to the requirements of Part 7 of this subchapter or is exempted from the requirements of Subpart Ec of 40 CFR Part 60.

252:100-17-9. Definitions

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

"Antineoplastic agents" means drugs used to inhibit and combat the development of neoplasms.

"Biomedical radioactive waste" means low-level radioactive waste as defined in 40 CFR 60.51c.

"Biomedical waste" means medical/infectious waste as defined in 40 CFR 60.51c, Chemotherapeutic waste and biomedical radioactive waste.

"Biomedical waste incinerator" means an incinerator used to burn biomedical waste.

"Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents.

"Neoplasms" means tumors consisting of an abnormal proliferation of cells. The growth of this clone of cells exceeds, and is uncoordinated with, that of the normal tissues around it. Neoplasms may be benign, pre-malignant or malignant.

252:100-17-10. Design and operation

An incinerator subject to this part shall be designed and built with a primary combustion chamber and secondary combustion chamber(s) each equipped with burners or other combustion devices that maintain the applicable temperature and retention time specified in (1) through (3) of this section in both the primary and secondary combustion chamber(s) at all times when biomedical waste is being incinerated.

(1) The temperature in the primary combustion chamber shall not be less than 1,200°F.

(2) The temperature in the secondary combustion chamber(s) shall not be less than 1,800°F with a retention time of not less than one (1) second when processing biomedical waste containing no chemotherapeutic waste.

(3) The temperature in the secondary combustion chamber(s) shall not be less than 2,000°F with a retention time of not less than two (2) seconds when processing biomedical waste containing chemotherapeutic waste.

252:100-17-11. Emission limits

Emissions from any biomedical waste incinerator subject to the requirements of this part shall not exceed the limits specified in (1) through (3) of this section. Any required performance testing shall be conducted while the incinerator is operating between 90% and 100% of operating capacity, or under other representative operating conditions specified by an applicable permit or testing method.

(1) **Hydrochloric acid (HCl).** Emissions of HCl shall not exceed 4.0 lb/hr.

(2) **Particulate matter.** Emissions of particulate matter shall not exceed 0.08 gr/dscf (grains per dry standard cubic foot) corrected to12% carbon dioxide in the emission gas stream.

(3) **Carbon monoxide (CO).** Emissions of CO shall not exceed 100 ppm by volume corrected to standard conditions in the emission gas stream.

PART 5. MUNICIPAL WASTE COMBUSTORS

252:100-17-14. Effective date; applicability

This Part is effective as of March 23, 1997 and applies to large MWC units.

252:100-17-14.1. Definitions

The definitions in 40 CFR 60.51b are hereby incorporated by reference as they exist on November 6, 2006, except for the definition of municipal waste combustor plant. In addition to the incorporated definitions, the following words and terms, when used in this Part, shall have the following meanings, unless the context clearly indicates otherwise:

"EPA" means the Administrator of the U.S. EPA or employee of the U.S. EPA who is delegated to perform the specified task.

"Municipal waste combustor" or "MWC" means each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste for which construction was commenced on or before September 20, 1994.

"Municipal waste combustor plant" means one or more municipal waste combustor units at the same location.

"Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion" means a combustion unit that was converted from a wet refuse-derived fuel process to a dry refuse-derived fuel process, and because of constraints in the design of the system, includes a low furnace height (less than 60 feet between the grate and the roof) and a high waste capacity-to-undergrate air zone ratio (greater than 300 tons of waste per day (tpd) fuel per each undergrate air zone).

"Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable" means a spreader stoker type combustor with a fixed floor grate design that typically fires 100 percent refuse-derived fuel but is equipped to burn 100 percent coal instead of refuse-derived fuel to fulfill 100 percent steam or energy demand.

252:100-17-14.2. Terminology related to 40 CFR

When these terms are used in rules incorporated by reference, the following definitions shall apply:

"Affected facility" is synonymous with municipal waste combustor unit.

"State plan" is a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cb of 40 CFR Part 60.

252:100-17-15. Exemptions

(a) Any MWC unit that is capable of combusting more than 250 tons per day of MSW and is subject to a federally enforceable permit limiting the maximum amount of MSW that may be combusted in the unit to less than or equal to 11 tons per day is not subject to this Part if the owner/operator:

(1) Notifies the EPA of an exemption claim.

(2) Provides the EPA with a copy of the federally enforceable permit that limits the firing of MSW to less than or equal to 11 tons per day.

(3) Keeps records of the amount of MSW fired per day.

(b) A qualifying small power production facility, (as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C.§796(17)(C)), that produces electric energy from homogeneous waste is not subject to this Part if the owner/operator:

(1) Notifies the EPA of an exemption claim.

(2) Provides the EPA data documenting that the facility qualifies for this exemption.

(c) A qualifying cogeneration facility, (as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C.§796(18)(B)), that burns homogeneous waste to produce electric energy, steam, or other useful energy used for industrial, commercial, heating, or cooling purposes, is not subject to this Part if the owner/operator:

(1) Notifies the EPA of an exemption claim.

(2) Provides the EPA data documenting that the facility qualifies for this exemption.

(d) Any unit combusting a single-item waste stream of tires is not subject to this Part if the owner/operator:

(1) Notifies the EPA of an exemption claim.

(2) Provides the EPA with data documenting that the unit qualifies for this exemption.

(e) Any unit required to have a hazardous waste permit is not subject to this Part.

(f) Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals is not subject to this Part.

(g) Any cofired combustor that meets the capacity specifications in paragraph (a) of this section is not subject to this Part if the owner/operator:

(1) Notifies the EPA of an exemption claim.

(2) Provides the EPA with a copy of the federally enforceable permit.

(3) Keeps separate records, on a calendar quarter basis, of the weight of MSW and the weight of all other fuels combusted at the cofired combustor.

(h) Air curtain incinerators that meet the capacity specifications in 252:100-17-23 of this Subchapter and combust a 100 percent yard waste fuel stream are not subject to this Part, except:

(1) The opacity limit under section 252:100-17-23 of this Subchapter.

(2) The testing procedures under section 252:100-17-25 of this Subchapter.

(3) The reporting and recordkeeping provisions under section 252:100-17-26 of this Subchapter.

(i) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit are not subject to this Part if the owner/operator of the unit maintains records of:

(1) The weight of plastics, rubber, and/or rubber tires processed on a calendar quarter basis.

(2) The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis.

(3) The name and address of the purchaser of the feedstocks.

(j) The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced by plastics/rubber recycling units are not subject to this Part.

(k) Cement kilns firing MSW are not subject to this Part.

(l) No MWC is subject to subpart E of 40 CFR Part 60.

(m) Physical or operational changes made to an existing municipal waste combustor unit primarily for the purpose of complying with this Part are not considered in determining whether the unit is a modified or reconstructed facility under subpart Ea or subpart Eb of 40 CFR Part 60.

252:100-17-16. Standards for particulate matter and opacity

(a) **Particulate matter**.

(1) Before April 28, 2009, the concentration of particulate matter contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 27 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(2) By April 28, 2009, the concentration of particulate matter contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 25 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(b) **Opacity.** Opacity of gases discharged to the atmosphere from a MWC unit shall not exceed 10 percent (6-minute average).

252:100-17-17. Standards for municipal waste combustor metals

(a) **Cadmium.**

(1) Before April 28, 2009, the concentration of cadmium contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 40 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(2) By April 28, 2009, the concentration of cadmium contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 35 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(b) **Lead.**

(1) By December 19, 2000, the concentration of lead contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 490 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(2) By August 26, 2002, or three years after EPA approval of the State plan, whichever is first, the concentration of lead contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 440 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(3) By April 28, 2009, the concentration of lead contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 400 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(c) **Mercury.**

(1) Before April 28, 2009, the concentration of mercury contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 80 micrograms per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85 percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

(2) By April 28, 2009, the concentration of mercury contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 50 micrograms per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85 percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

252:100-17-18. Standards for municipal waste combustor acid gases expressed as sulfur dioxide and hydrogen chloride

(a) **Sulfur dioxide.**

(1) By December 19, 2000, the concentration of sulfur dioxide contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 31 parts per million by volume (ppmv) or 25 percent of the potential sulfur dioxide emission concentration (75 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(2) By August 26, 2002, or three years after EPA approval of the State plan, which ever is first, the concentration of sulfur dioxide contained in the gases discharged to the atmosphere from a

MWC unit shall not exceed 29 ppmv or 25 percent of the potential sulfur dioxide emission concentration (75 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(b) **Hydrogen chloride.**

(1) By December 19, 2000, the concentration of hydrogen chloride contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 31 parts per million by volume (ppmv) or 5 percent of the potential hydrogen chloride emission concentration (95 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

(2) By August 26, 2002, or three years after EPA approval of the State plan, which ever is first, the concentration of hydrogen chloride contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 29 ppmv or 5 percent of the potential hydrogen chloride emission concentration (95 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

252:100-17-19. Standards for municipal waste combustor organics expressed as total mass dioxins/furans

(a) The concentration of organics, expressed as total mass dioxins/furans, contained in the gases discharged to the atmosphere from a MWC unit shall not exceed:

(1) Before April 28, 2009, with electrostatic precipitator: 60 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(2) By April 28, 2009, with electrostatic precipitator: 35 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(3) Without electrostatic precipitator: 30 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(b) MWC units that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen, may elect the alternative performance testing schedule for dioxins/furans as specified in 40 CFR 60.58b(g)(5)(iii).

252:100-17-20. Standards for nitrogen oxides

(a) **Nitrogen oxides emission limits.** The concentration of nitrogen oxides contained in the gases discharged into the atmosphere from a MWC unit shall not exceed the following:

NITROGEN OXIDES LIMITS

Municipal Waste Combuster Technology	Nitrogen oxides emission limit (ppm by volume)[a]	
	Before April 28, 2009	On or After April 28, 2009
Mass burn waterwall	205	205
Mass burn rotary waterwall	250	210
Refuse-derived fuel combustor	250	250
Fluidized bed combustor (by December 19, 2000)	240	

Fluidized bed combustor (by August 26, 2002, or three years after EPA approval of the State plan, whichever is first)	180	180
Mass burn refractory combustors	No limit	No limit

[a]Corrected to 7 percent oxygen, dry basis, 24 hr daily arithmetic average

(b) **Nitrogen oxides emissions averaging.** The owner or operator of a MWC plant may elect to implement a nitrogen oxides emissions averaging plan for the MWC units that are located at that plant.

(1) The following units cannot be included in the emissions averaging plan:

(A) MWC units subject to Subpart Ea or Eb of 40 CFR Part 60.

(B) Mass burn refractory MWC units and other MWC technologies not listed in paragraph (b)(3) of this section may not be included in the emissions averaging plan.

(2) Prior to implementing the nitrogen oxides emissions averaging plan, the units to be included must be identified in the initial performance test report specified in 40 CFR 60.59b(f) or in the annual report specified in 40 CFR 60.59b(g), as applicable. The units which are included in the averaging plan may be redesignated each calendar year. Partial year redesignation is allowable with DEQ approval.

(3) To implement the emissions averaging plan, the average daily (24-hour) nitrogen oxides emission concentration level discharged from the units included in the emission averaging plan shall be no greater than the levels specified in this section. Emission limits for the nitrogen oxides concentration level for each type of unit are as follows:

NITROGEN OXIDES LIMITS FOR EXISTING DESIGNATED FACILITIES INCLUDED IN AN EMISSIONS AVERAGING PLAN AT A MUNICIPAL WASTE COMBUSTOR PLANT[a]

Municipal waste combustor technology	Nitrogen oxides emission limit (ppm by volume)[b]	
	Before April 28, 2009	On or After
Mass burn waterwall	185	185
Mass burn rotary waterwall	220	190
Refuse-derived fuel combustor	230	230
Fluidized bed combustor	165	165

[a]Mass burn refractory municipal waste combustors and other MWC technologies not listed above may not be included in an emissions averaging plan.

[b]Corrected to 7 percent oxygen, dry basis, 24 hr daily arithmetic average

(4) Under the emissions averaging plan, the average daily nitrogen oxides emissions specified in paragraph (b)(3) of this section shall be calculated using the equation in Appendix K of this

Chapter. MWC units that are off-line shall not be included in calculating the average daily nitrogen oxides emission level.

(5) For any day a unit included in the emissions averaging plan is off-line, the owner or operator of the MWC plant must demonstrate compliance according to either paragraph (b)(5)(A) or both paragraphs (b)(5)(B) and (b)(5)(C) of this section.

(A) Compliance with the applicable limits specified in (b)(3) of this Part shall be demonstrated using the averaging procedure specified in paragraph (b)(4) of this section. The averaging procedure will include the MWC units in the plan that are on-line.

(B) For each of the units included in the emissions averaging plan, the nitrogen oxides emissions shall be calculated on a daily average basis. The nitrogen oxides emissions level shall be equal to or less than the maximum daily nitrogen oxides emission levels achieved by that unit on any of the days during which the emissions averaging plan was achieved with all units on-line during the most recent calendar quarter. The requirements of this paragraph do not apply during the first quarter of operation under the emissions averaging plan.

(C) The average nitrogen oxides emissions (kilograms per day) calculated according to paragraph (b)(5)(C)(ii) of this section shall not exceed the average nitrogen oxides emissions (kilograms per day) calculated according to paragraph (b)(5)(C)(i) of this section.

(i) The average nitrogen oxides emissions shall be calculated for all days during which the emissions averaging plan was implemented and achieved and during which all MWC units were on-line. The average nitrogen oxides emissions (kilograms per day) shall be calculated, on a calendar year basis, according to paragraphs (b)(5)(C)(i)(I) through (b)(5)(C)(i)(III) of this section.

(I) The daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated for each MWC unit included in the emissions averaging plan. The calculation shall be based on the hourly nitrogen oxides data required under 40 CFR 60.58b(h) and specified under 40 CFR 60.58b(h)(5). The flue gas flow rate is determined using the hourly average steam or feedwater flow rate and Table 19-1 of EPA Reference Method 19, which is hereby incorporated by reference as it exists on July 1, 2002.

(II) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each unit calculated under paragraph (b)(5)(C)(i)(I) of this section.

(III) On a calendar year basis, the average nitrogen oxides emissions (kilograms per day), shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under paragraph (b)(5)(C)(i)(II) of this section divided by the number of calendar days for which a daily total was calculated.

(ii) The average nitrogen oxides emissions shall be calculated for all days during which one or more of the MWC units under the emissions averaging plan was off-line. The average nitrogen oxides emissions (kilograms per day) shall be calculated according to paragraphs (b)(5)(C)(ii)(I) through (b)(5)(C)(ii)(III) of this section on a calendar year basis.

(I) For each MWC unit included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides data required under 40 CFR 60.58b(h)and specified under 40 CFR 60.58b(h)(5), the flue gas flow rate determined using Table 19-1 of the EPA

Reference Method 19, which is hereby incorporated by reference as it exists on July 1, 2002 and the hourly average steam or feedwater flow rate.

(II) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each MWC unit as calculated under paragraph (b)(5)(C)(ii)(I) of this section.

(III) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under paragraph (b)(5)(C)(ii)(II) of this section divided by the number of calendar days for which a daily total was calculated.

252:100-17-21. Standards for municipal waste combustor operating practices

(a) The concentration of carbon monoxide contained in the gases discharged to the atmosphere from a MWC unit shall not exceed the following limits for each type of affected equipment:

MUNICIPAL WASTE COMBUSTOR OPERATING LIMITS

Municipal waste combustor technology	Carbon monoxide emissions level (ppm by volume)[a]	Averaging Time[b] (hours)
Mass burn waterwall	100	4
Mass burn refractory	100	4
Mass burn rotary refractory	100	24
Mass burn rotary waterwall	250	24
Modular starved air	50	4
Modular excess air	50	4
Refuse-derived fuel stoker	200	24
Fluidized bed, mixed fuel (wood/refuse-derived fuel)	200	24[c]
Bubbling fluidized bed combustor	100	4
Circulating fluidized bed combustor	100	4
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor	150	4
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor	200	24
Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion	250	24[c]
Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable	250	24[c]

[a]Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent oxygen, dry basis. Calculated as an arithmetic average.

[b]Averaging times are 4-hour or 24-hour block averages.

[c]24-hour block average, geometric mean.

(b) An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.53b(b) and (c), which is hereby incorporated by reference as it exists on November 6, 2006.

252:100-17-22. Standards for municipal waste combustor fugitive ash emissions

An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.55b, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-17-23. Standards for air curtain incinerators

An owner or operator of an air curtain incinerator with the capacity to burn greater than 250 tons per day of MSW and for which construction commenced on or before September 20, 1994, and that combusts a fuel feed stream of 100 percent yard waste, shall not cause to be discharged into the atmosphere from that incinerator any gases that exhibit greater than 10 percent opacity (6-minute average). An opacity level of up to 35 percent (6-minute average) is permitted during startup periods within the first 30 minutes of unit operation.

252:100-17-24. Standards for municipal waste combustor operator training and certification

(a) Each chief facility operator and shift supervisor shall obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers (ASME) [QRO-1-1994 Standard for the Qualification and Certification of Resource Recovery Facility Operators] or a State certification program no later than the date 6 months after the startup of a MWC unit or 12 months after the date of State plan approval, whichever is later.

(b) Each chief facility operator and shift supervisor shall have completed full certification or submitted an application, that has been accepted by the appropriate certification program, for a full certification exam with either the ASME [QRO-1-1994 Standard for the Qualification and Certification of Resource Recovery Facility Operators] or a State certification program no later than the date 6 months after the startup of a MWC unit or 12 months after the date of State plan approval, whichever is later.

(c)

(1) No owner or operator of a MWC unit shall allow the unit to be operated at any time unless one of the following persons is on duty:

(A) A fully certified chief facility operator.

(B) A provisionally certified chief facility operator who has met the qualification requirements specified in ASME [QRO-1-1994 section 2.2.2] and has made an application for a full certification exam following the ASME [QRO-1-1994 section 4.3.1] application process, according to the schedule specified in paragraph (b) of this section.

(C) A fully certified shift supervisor.

(D) A provisionally certified shift supervisor who has met the qualification requirements specified in ASME [QRO-1-1994 section 2.2.2] and has made an application for a full certification exam following the ASME [QRO-1-1994 section 4.3.1] application process, according to the schedule specified in paragraph (b) of this section.

(2) The requirement specified in paragraph (c) of this section shall take effect no later than the date 6 months after the startup of a MWC unit or 12 months after the date of State plan approval, whichever is later.

(3) If both the certified chief facility operator and certified shift supervisor are unavailable, a provisionally certified control room operator who is on-site at the MWC may fulfill the

requirement in paragraph (c) of this section. Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, the owner or operator of the affected facility must meet one of three criteria:

(A) When the certified chief facility operator and certified shift supervisor are both off site for 12 hours or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor.

(B) When the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for two weeks or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Director. However, the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified in 40 CFR 60.59b(g)(5).

(C) When the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without approval by the Director. However, the owner or operator of the affected facility must take two actions:

(i) Notify the Director in writing. In the notice, state what caused the absence and what actions are being taken by the owner or operator of the facility to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable.

(ii) Submit a status report and corrective action summary to the Director every four weeks following the initial notification. If the Director provides notice that the status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Director withdraws the disapproval, municipal waste combustion unit operation may continue.

(4) A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion unit may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Director for up to six months before taking the ASME QRO certification exam.

(d) All chief facility operators, shift supervisors, and control room operators at MWC units must complete the EPA or State MWC operator training course no later than the date 6 months after the date of startup of the MWC or by 12 months after the date of State plan approval, whichever is later.

(e) The requirement specified in paragraph (d) of this section does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the date of State plan approval.

(f) The owner or operator may request that the DEQ waive the requirement specified in paragraph (d) of this section for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before the date of State plan approval.

(g) The owner or operator of a MWC unit shall develop and update on an annual basis, a site-specific operating manual. The operating manual shall, at a minimum, address the elements of

MWC unit operation specified in paragraphs (g)(1) through (g)(11) of this section.

(1) A summary of the applicable standards under this Part.

(2) A description of basic combustion theory applicable to a MWC unit.

(3) Procedures for receiving, handling, and feeding MSW.

(4) MWC unit start-up, shutdown, and malfunction procedures.

(5) Procedures for maintaining proper combustion air supply levels.

(6)Procedures for operating the MWC unit within the standards established under this Part.

(7) Procedures for responding to periodic upset or off-specification conditions.

(8) Procedures for minimizing particulate matter carryover.

(9) Procedures for handling ash.

(10) Procedures for monitoring MWC unit emissions.

(11) Reporting and recordkeeping procedures.

(h) The owner or operator of a MWC unit shall establish a training program to review the operating manual according to the schedule specified in paragraphs (h)(1) and (h)(2) of this section. The training shall be provided to each person who has responsibilities affecting the operation of the unit including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

(1) Each person specified in paragraph (h) of this section shall undergo initial training no later than the date specified in paragraph (h)(1)(A), (h)(1)(B), or (h)(1)(C), whichever is later.

(A) The date 6 months after the date of startup of the unit.

(B) The date prior to the day the person assumes responsibilities affecting MWC unit operation.

(C) Twelve months after date of State plan approval.

(2) Annually, following the initial review required by paragraph (h)(1) of this section, each person specified in paragraph (h) of this section shall review the operating manual updates, any operational lessons learned/experiences of the past year, and provide for review of any section which an employee requests.

(i) The operating manual required by paragraph (h) of this section shall be kept in a readily accessible location for all persons required to undergo training under paragraph (h) of this section no later than 6 months after start-up or 12 months after the date of State plan approval. The operating manual and records of training shall be available for inspection by the DEQ upon request.

252:100-17-25. Compliance and performance testing

An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.58b, which is hereby incorporated by reference as it exists on November 6, 2006.

252:100-17-26. Reporting and recordkeeping requirements

Except for the provisions of subsection 60.59b(a), b(5), and d(11), 40 CFR 60.59b is hereby incorporated by reference as it exists on November 6, 2006.

252:100-17-27. Compliance schedules

(a) All MWC units must close or be in compliance with all requirements contained in this Part within 3 years following approval of the State plan. However, all MWC units for which construction, modification, or reconstruction is commenced after June 26, 1987 shall comply with the emission limit for mercury specified in 252:100-17-17(c) and the emission limit for dioxin/furans specified in 252:100-17-19 within 1 year following issuance of a revised construction or operating

permit, if a permit modification is required, or within 1 year following approval of the State plan, whichever is later.

(b) All MWC units choosing to comply with all requirements contained in this Part in more than 1 year but less than 3 years following the date of issuance of a revised construction or operation permit if a permit modification is required, or more than 1 year but less than 3 years following approval of the State plan if a permit modification is not required, shall enter into a consent order that includes measurable and enforceable incremental steps of progress toward compliance. These steps are specified below:

(1) Date for submittal of the final control plan to the DEQ.

(2) Date for obtaining services of an architectural and engineering firm regarding the air pollution control device(s).

(3) Date for initiation of installation of the air pollution control device(s).

(4) Date for completion of installation of the air pollution control device(s).

(5) Date for final compliance.

(c) All MWC units with a compliance schedule of more than 1 year after approval of the State plan in accordance with paragraph (b) of this section, shall provide performance test results for dioxin/furan emissions for each unit. However, where the MWC owner/operator can demonstrate that multiple units have the same design, operate with the same fuel, have the same operating parameters, and are expected to have similar emission levels, the results of a dioxin/furan test from one unit may be provided as representative of all such units. The performance test results shall have been conducted during or after 1990. The performance test shall be conducted according to the procedures in 252:100-17-25.

(d) All MWC units intending to close in more than 1 year but less than 3 years after State plan approval shall enter into a consent order to close. The closure order must include the date of plant closure.

PART 7. HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS

252:100-17-40. Effective date; applicability

This Part applies to each individual hospital/medical/infectious waste incinerator (HMIWI) for which construction was commenced on or before June 20, 1996.

252:100-17-41. Definitions

(a) The definitions in 40 CFR 60.51c are hereby incorporated by reference as they exist on July 1, 2002.

(b) The following words and terms when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

"Small rural HMIWI" is defined as any small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week (lb/wk) of hospital waste and medical/infectious waste.

"Standard Metropolitan Statistical Area" or **"SMSA"** means any areas listed in the Office of Management and Budget Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993.

252:100-17-42. Terminology related to 40 CFR

For purposes of interfacing with 40 CFR, the following term applies:

"Affected facility" is synonymous with HMIWI or HMIWI unit.

252:100-17-43. Exemptions

(a) Except as provided in paragraphs (b) through (h) of this section, each HMIWI is subject to the requirements in this Part.

(b) A incinerator is not subject to this Part during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the incinerator:

(1) Notifies the DEQ of an exemption claim.

(2) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.

(c) Any co-fired combustor is not subject to this Part if the owner or operator of the co-fired combustor:

(1) Notifies the DEQ of an exemption claim.

(2) Provides the DEQ an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted.

(3) Keeps records on a calendar quarter basis of the weight of hospital waste, medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

(d) Any incinerator required to have a hazardous waste permit is not subject to this Part.

(e) Any incinerator which meets the applicability requirements under Part 5 of this Subchapter or 40 CFR 60 Subparts Ea, Eb, or Ec.

(f) Any pyrolysis unit is not subject to this Part.

(g) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this Part.

(h) Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with this Part are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 CFR 60 Subpart Ec.

252:100-17-44. Emission limits

(a) **Regulated pollutants.** On and after the date on which the initial performance test is completed or is required to be completed, whichever date comes first, no owner or operator of a HMIWI subject to this Part shall cause to be discharged into the atmosphere from that facility any gases that contain stack emissions in excess of the emission limits in Appendix M.

(b) **Opacity.** On or after the date on which the initial performance test is completed or is required to be completed, whichever date comes first, no owner or operator of a HMIWI subject to this Part shall cause to be discharged into the atmosphere from the stack of that facility any gases that exhibit greater than 10 percent opacity (6-minute block average).

252:100-17-45. Standards for HMIWI operator training and certification

By October 1, 2000, an owner or operator of an HMIWI shall comply with all provisions specified in 40 CFR 60.53c, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-17-46. Standards for waste management plans

By October 1, 2000, an owner or operator of an existing HMIWI shall comply with all provisions specified in 40 CFR 60.55c, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-17-47. Compliance, performance testing and monitoring requirements

(a) Except for sections 60.56c (b)(12) and (c)(3), an owner or operator of a small, medium or large HMIWI shall comply with the compliance and performance testing requirements of 40 CFR 60.56c, which is hereby incorporated by reference as it exists on July 1, 2002.

(b) An owner or operator of a small rural HMIWI shall meet the following requirements:

(1) Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11)(Hg only), and (c)(1). The 2,000 lb/week limitation for small rural HMIWI units does not apply during performance tests.

(2) Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits.

(3) Following the date on which the initial performance test is completed or required to completed, whichever date comes first, ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown, and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s).

(4) Except as provided in paragraph (b)(5) of this section, operation of the HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits.

(5) The owner or operator may conduct a repeat performance test within 30 days of violation of the applicable operating parameter(s) to demonstrate that the HMIWI is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under (b)(4) of this section.

(c) An owner or operator of any small, medium, or large HMIWI shall comply with all monitoring provisions specified in 40 CFR 60.57c, which is hereby incorporated by reference as it exists on July 1, 2002.

(d) An owner or operator of a small rural HMIWI shall comply with the following monitoring requirements:

(1) Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.

(2) Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

(3) The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital waste and/or medical/infectious waste.

252:100-17-48. Equipment inspection of small rural HMIWI

(a) An owner or operator of a small rural HMIWI shall conduct an initial equipment inspection by October 1, 2000, and annually (no more than 12 months following the previous equipment inspection) thereafter. At a minimum, an inspection shall include the following:

(1) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation; clean pilot flame sensor, as necessary.

(2) Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary.

(3) Inspect hinges and door latches, and lubricate as necessary.

(4) Inspect dampers, fan, and blower for proper operation.

(5) Inspect HMIWI door and door gaskets for proper sealing.

(6) Inspect motors for proper operation.

(7) Inspect primary chamber refractory lining, clean and repair/replace lining as necessary.

(8) Inspect incinerator shell for corrosion and/or hot spots.

(9) Inspect incinerator secondary/tertiary chambers and stack; clean as necessary.

(10 Inspect mechanical loader, including limit switches, for proper operation, if applicable.

(11) Visually inspect waste bed (grates) and repair/seal, as appropriate.

(12) For the burn cycle that follows, inspection, document that the incinerator is operating properly and make any necessary adjustments.

(13) Inspect air pollution control device(s) for proper operation, if applicable.

(14) Inspect waste heat boiler system(s) to ensure proper operation, if applicable.

(15) Inspect bypass stack components.

(16) Ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment.

(17) Generally observe that the equipment is maintained in good operating condition.

(b) Within 10 operating days following an equipment inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from the DEQ establishing a later date whereby all necessary repairs shall be completed.

(c) If during an equipment inspection the need for repairs is identified, it shall not be considered a violation of this section unless the repairs are not completed within the timeframe required in 252:100-17-48(b).

(d) An inspection of a small rural HMIWI performed by a DEQ or EPA representative in accordance with 252:100-17-48(a) shall satisfy the annual inspection requirement for that facility and re-start the 12-month inspection clock.

252:100-17-49. Reporting and recordkeeping requirements

(a) Except for Sections 60.58c (b)(2)(ii) and (b)(7), an owner or operator of a HMIWI shall comply with all of the requirements specified 40 CFR 60.58c(b), (c), (d), (e), and (f), which are hereby incorporated by reference as they exist on July 1, 2002.

(b) An owner or operator of a small rural HMIWI shall:

(1) Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or an alternate date approved by the DEQ.

(2) Submit an annual report containing information recorded under paragraph (b)(1) of this section no later than 60 days following the year in which data were collected. The report shall be signed by the facility's manager. Subsequent reports shall be sent no later than 12 calendar months following the previous report until the HMIWI unit is subject to Part 70 permitting

requirements under 252:100-8. After the HMIWI unit is subject to Part 70 requirements, the owner or operator must submit these reports semiannually.

252:100-17-50. Part 70 permits.

The owner or operator of a HMIWI, that is not otherwise a Part 70 source must submit to the DEQ a complete application for a Part 70 operating permit on or before March 19, 2000.

252:100-17-51. Compliance schedules

(a) Except as provided in paragraphs (b) and (c) of the section, the owner or operator of any HMIWI unit shall comply with all the requirements of this Part or shall close the HMIWI unit(s) and take any steps necessary to render the unit(s) inoperable within 1 year following the approval of the State Plan or by October 1, 2000, whichever date is first.

(b) The DEQ may grant an extension of up to 3 years or until September 16, 2002, whichever date is earlier, for closing a HMIWI if the owner or operator demonstrates that no waste disposal options exist other than onsite incineration. The owner or operator shall:

(1) Submit to the DEQ documentation of the analyses undertaken to support the need for an extension, including an explanation of why 1 year after approval of the State plan is not sufficient time to close the HMIWI.

(2) Submit to the DEQ an evaluation of the option to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.

(3) Enter into a consent order to close. The closure order must include the date of plant closure.

(c) The DEQ will allow up to 3 years or until September 16, 2002, whichever date is earlier, for the installation of air pollution control equipment to comply with the requirements of this Part provided the owner or operator of the HMIWI:

(1) Submits a final control plan within 9 months of the date the State plan was approved or by July 1, 2000, whichever date is first. The final control plan must include a description of the control the source will use to comply with the emission limitations and other requirements.

(2) Awards contracts for control systems and process modification or orders for purchase of components within 1 year of the date of State plan approval or by October 1, 2000, whichever date is first.

(3) Initiates on-site construction or installation of the air pollution device(s) or process changes within 15 months of the date of State Plan approval or by January 1, 2001, whichever date is first.

(4) Completes on-site construction or installation of control equipment or process changes within 30 months of date of State plan approval or by March 1, 2002, whichever date is first.

(5) Submits results of initial performance test to the DEQ within 34 months of the date of State plan approval or by July 1, 2002, whichever date is first.

(6) Achieves final compliance with the emission limitations and other requirements within 3 years of the date of State plan approval or by September 16, 2002, whichever date is first.

PART 9. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

252:100-17-60. Effective date; applicability

(a) This Part applies to each individual commercial and industrial solid waste incineration (CISWI) unit for which construction was commenced on or before November 30, 1999.

(b) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit is no longer subject to this Part and becomes subject to 40 CFR 60, Subpart CCCC, that has been adopted by reference at OAC 252:100-4-5.
(c) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with this Part, such changes do not qualify as a modification or reconstruction.

252:100-17-61. Definitions

The definitions in 40 CFR 60.2265 are hereby incorporated by reference, as they exist on September 22, 2005.

252:100-17-62. Terminology related to 40 CFR

For purposes of interfacing with 40 CFR, the following terms apply:

"Affected facility" is synonymous with "commercial and industrial solid waste incinerator (CISWI)" or "CISWI unit".

"Administrator" is synonymous with "Executive Director".

252:100-17-63. Exemptions

(a) Except as provided in subsections (b) through (p) of this section, each CISWI is subject to the requirements in this Part.
(b) **Pathological waste incineration units.** Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 are not subject to this Part if the owner or operator meets the two requirements specified in paragraphs (b)(1) and (2) of this section.

(1) Notifies the DEQ that the unit meets these criteria.

(2) Keeps records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(c) **Agricultural waste incineration units.** Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 are not subject to this Part if the owner or operator meets the two requirements specified in paragraphs (c)(1) and (2) of this section.

(1) Notifies the DEQ that the unit meets these criteria.

(2) Keeps records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(d) **Municipal waste combustion units.** Incineration units that meet either of the two criteria specified in paragraphs (d)(1) or (2) of this section are not subject to this Part.

(1) Are regulated under Part 5 of this Subchapter or 40 CFR 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); Subpart Eb (Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994); or Subpart AAAA (Standards of Performance for New Stationary Sources: Small Municipal Waste Combustion Units).

(2) Burn greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR 60, Subpart Ea, Subpart Eb, or Subpart AAAA, and that have the capacity to burn less than

35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if the owner or operator meets the two requirements in paragraphs (d)(2)(A) and (B) of this section.

(A) Notifies the DEQ that the unit meets these criteria.

(B) Keeps records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(e) **Medical waste incineration units.** Incineration units regulated under Part 7 of the Subchapter or 40 CFR 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) are not subject to this Part.

(f) **Small power production facilities.** Units that meet the three requirements specified in paragraphs (f)(1) through (3) of this section are not subject to this Part.

(1) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(3) The owner or operator notifies the DEQ that the unit meets all of these criteria.

(g) **Cogeneration facilities.** Units that meet the three requirements specified in paragraphs (g)(1) through (3) of this section are not subject to this Part.

(1) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(2) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(3) The owner or operator notifies the DEQ that the unit meets all of these criteria.

(h) **Hazardous waste combustion units.** Units that meet either of the two criteria specified in paragraph (h)(1) or (2) of this section are not subject to this Part.

(1) Units for which the owner or operators is required to get a permit under section 3005 of the Solid Waste Disposal Act.

(2) Units regulated under 40 CFR part 63, Subpart EEEE (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).

(i) **Materials recovery units.** Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters, are not subject to this Part.

(j) **Air curtain incinerators.** Air curtain incinerators that burn only the materials listed in paragraphs (j)(1) through (3) of this section are only required to meet the requirements under 40 CFR Sections 60.2245 through 60.2260 and the requirements of OAC 252:100-17-73.

(1) 100 percent wood waste.

(2) 100 percent clean lumber.

(3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(k) **Cyclonic barrel burners.**

(l) **Rack, part, and drum reclamation units.**

(m) **Cement kilns.** Kilns regulated under 40 CFR 63, Subpart LLL, (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) are not subject to this Part.

(n) **Sewage sludge incinerators.** Incineration units regulated under 40 CFR 60, Subpart O (Standards of Performance for Sewage Treatment Plants) are not subject to this Part.

(o) **Chemical recovery units.** Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds are not subject to this Part.

The seven types of units described in paragraphs (o)(1) through (7) of this section are considered chemical recovery units.

(1) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(2) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(3) Units burning only wood or coal feedstock for the production of charcoal.

(4) Units burning only manufacturing byproduct streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(5) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(6) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(7) Units burning only photographic film to recover silver.

(p) **Laboratory analysis units.** Units that burn samples of materials for the purpose of chemical or physical analysis are not subject to this Part.

252:100-17-64. Emission limits

On and after the date on which the initial performance test is completed or is required to be completed, whichever date comes first, no CISWI subject to this Part shall discharge into the atmosphere from that facility any gases that contain stack emissions in excess of the emission limits in Table 1 of 40 CFR 60, CCCC, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-17-65. Operating limits

(a) Except for 40 CFR 60.2110(b), a CISWI shall comply with all of the requirements specified 40 CFR 60.2110, 60.2115 and 60.2120 and Table 2 of 40 CFR 60, Subpart CCCC, which are hereby incorporated by reference, as they exist on July 1, 2002.

(b) The CISWI must be operated within the operating limits established during initial performance test.

252:100-17-66. Standards for CISWI operator training and qualification requirements

(a) The CISWI operator training and qualification requirements in 40 CFR 60.2070, 60.2080, 60.2085, 60.2090, 60.2095 and 60.2100 are hereby incorporated by reference, as they exist on July 1,2002.

(b) The operator training course must be completed by the latest of the three dates specified in (1) through (3) of this paragraph.

(1) December 1, 2005.

(2) Six months after CISWI unit startup.

(3) Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

252:100-17-67. Standards for waste management plans

(a) The CISWI waste management plan requirements in 40 CFR 60.2055 and 60.2065, are hereby incorporated by reference, as they exist on July 1,2002.

(b) The waste management plan must be submitted to the DEQ no later than April 1, 2004.

252:100-17-68. Performance testing

40 CFR 60.2125 and 60.2130 are hereby incorporated by reference as they exist on July 1, 2002.

252:100-17-69. Initial compliance requirements

(a) 40 CFR 60.2135 is hereby incorporated by reference, as it exists on July 1, 2002.

(b) The initial performance test must be conducted no later than 180 days after the final compliance date or December 1, 2005, whichever is earlier.

252:100-17-70. Continuous compliance requirements

40 CFR 60.2145, 60.2150, 60.2155, and 60.2160 are hereby incorporated by reference, as they exist on July 1, 2002.

252:100-17-71. Monitoring

40 CFR 60.2165 and 60.2170 are hereby incorporated by reference, as they exist on July 1, 2002.

252:100-17-72. Reporting and recordkeeping requirements

Except for 40 CFR 60.2175(g), 40 CFR 60.2175, 60.2180, 60.2200, 60.2205, 60.2210, 60.2215, 60.2220, 60.2225, 60.2230, 60.2235 and 60.2240 are hereby incorporated by reference, as they exist on July 1, 2002.

252:100-17-73. Part 70 permits

(a) The owner or operator of a CISWI, that is not otherwise a Part 70 source, must submit to the DEQ a complete application for a Part 70 operating permit on or before December 1, 2003.

(b) 40 CFR 60.2242 is hereby incorporated by reference, as it exists on July 1, 2002.

252:100-17-74. Air curtain incinerators

(a) 40 CFR 60.2245, 60.2255 and 60.2260 are hereby incorporated by reference, as they exist on July 1, 2002.

(b) After the date the initial stack test is required or completed (whichever is earlier), the owner or operator must meet the limitations in paragraphs (b)(1) and (2) of this section.

(1) The opacity limitation is 10 percent (6-minute average), except as described in paragraph (b)(2) of this section.

(2) The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

(c) Except during malfunctions, the requirements of OAC 252:100-17-74(b) apply at all times, and each malfunction must not exceed 3 hours.

252:100-17-75. Compliance schedules

(a) Except as provided in paragraphs (b) and (c) of this section, the owner or operator of any CISWI unit, including air curtain incinerators, shall comply with all the requirements of this Part or shall close the CISWI unit(s) and take any steps necessary to render the unit(s) inoperable by December 1, 2003.

(b) The DEQ may grant an extension to December 1, 2005, for closing a CISWI if the owner or operator demonstrates that no waste disposal options exist other than onsite incineration. The owner or operator shall:

(1) Submit to the DEQ documentation of the analyses undertaken to support the need for an extension, including an explanation of why 1 year after approval of the State plan is not sufficient time to close the CISWI.

(2) Submit to the DEQ an evaluation of the option to transport the waste offsite to a commercial waste treatment and/or disposal facility on a temporary or permanent basis.

(3) Enter into a consent order to close. The closure order must include the date of plant closure.

(c) The DEQ will allow an extension to December 1, 2005, for the installation of air pollution control equipment to comply with the requirements of this Part provided the owner or operator of the CISWI:

(1) Submits a final control plan by January 1, 2004. The final control plan must include a description of the control the source will use to comply with the emission limitations and other requirements.

(2) Achieves final compliance with the emission limitations and other requirements by December 1, 2005.

(d) The owner or operator of the CISWI shall send written notification to the DEQ to confirm achievement of the events specified in (c)(2) of this section.

(1) The notification shall be postmarked no later than 10 business days after the compliance date for the requirement.

(2) The notification shall include the signature of the owner or operator.

(e) If the owner or operator fails to meet any of the compliance requirements specified in OAC 252:100-17-75(c), he shall notify the DEQ in writing within 10 business days after the compliance deadline and continue to submit reports each subsequent calendar month until compliance with that requirement is achieved.

252:100-17-76. CISWI closure

(a) If the CISWI unit is closed but will be restarted prior to December 1, 2005, the owner or operator shall meet the increments of progress specified in OAC 252:100-17-75.

(b) If the CISWI unit is closed but will be restarted on or after December 1, 2005, the owner or operator shall complete emission control retrofits and meet the emission limitations and operating limits on the date the CISWI unit restarts operations.

(c) If the CISWI unit is permanently closed, the owner or operator shall submit a closure notification, including the date of closure, to the DEQ by January 1, 2004.

PART 11. OTHER SOLID WASTE INCINERATION UNITS

252:100-17-90. Effective date; applicability

(a) This Part applies to each individual existing other solid waste incineration (OSWI) unit or air curtain incinerator for which construction was commenced on or before December 9, 2004.

(b) OSWI units for which construction was commenced after December 9, 2004 are subject to 40 CFR 60, Subpart EEEE.

(c) If the owner or operator of an OSWI unit makes changes that meet the definition of modification or reconstruction on or after June 16, 2006, the OSWI unit or air curtain incinerator is no longer subject to this Part and becomes subject to 40 CFR 60, Subpart EEEE.

(d) If the owner or operator of an OSWI unit makes physical or operational changes to an existing OSWI unit or air curtain incinerator primarily to comply with this Part, such changes do not qualify as a modification or reconstruction.

(e) Applicability of this Part to air curtain incinerators is in 40 CFR 60.2888, which is incorporated by reference as it exists on December 16, 2005.

252:100-17-91. Definitions

The definitions in 40 CFR 60.2977 are hereby incorporated by reference, as they exist on December 16, 2005.

252:100-17-92. Terminology related to 40 CFR

For purposes of interfacing with 40 CFR, the following terms apply:

"Affected facility" is synonymous with "other solid waste incinerator (OSWI)" or "OSWI unit" or "air curtain incinerator."

"Existing OSWI" is any unit or air curtain incinerator for which construction was commenced on or before December 9, 2004.

"Final compliance" means that an owner/operator has completed all process changes and retrofit of control devices so that, when the incineration unit begins operation, all process changes and air pollution control devices necessary to meet the emission limitations operate as designed.

252:100-17-93. Exemptions

This Part does not apply to the types of units described in OAC 252:100-17-93(1) through (16) if the owner or operator meets the requirements of this Section.

(1) **Cement kilns.** The unit is excluded if it is regulated under 40 CFR 63, subpart LLL (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry).

(2) **Co-fired combustors.** The unit, that would otherwise be considered a very small municipal waste combustion unit, is excluded if the owner or operator of the unit meets the five requirements specified in OAC 252:100-17-93(2)(A) through (E).

(A) Has a Federally enforceable permit limiting the combustion of municipal solid waste to 30% of the total fuel input by weight.

(B) Notifies the Director that the unit qualifies for the exclusion.

(C) Provides the Administrator with a copy of the federally enforceable permit.

(D) Records the weights, each calendar quarter, of municipal solid waste and of all other fuels combusted.

(E) Keeps each report for 5 years. These records must be kept on site for at least 2 years, but may be kept off site for the remaining 3 years.

(3) **Cogeneration facilities.** The unit is excluded if it meets the three requirements specified in OAC 252:100-17-93(3)(A) through (C).

(A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator of the unit notifies the Director that the unit meets all of these criteria.

(4) **Commercial and industrial solid waste incineration units.** The unit is excluded if it is regulated under 40 CFR 60, subparts CCCC or DDDD or 40 CFR 62, subpart III and is required to meet the emission limitations established in those subparts.

(5) **Hazardous waste combustion units.** The unit is excluded if it meets either of the two criteria specified OAC 252:100-17-93(5)(A) or (B).

(A) The owner/operator of the unit is required to get a permit for the unit under section 3005 of the Solid Waste Disposal Act.

(B) The unit is regulated under 40 CFR part 63, subpart EEE (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).

(6) **Hospital/medical/infectious waste incinerators.** The unit is excluded if it is regulated under 40 CFR 60, subparts Ce or Ec (New Source Performance Standards and Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators) or 40 CFR 62, subpart HHH (Federal Plan for Hospital/Medical/ Infectious Waste Incinerators constructed on or before June 20, 1996).

(7) **Rural institutional waste incinerators.** The incineration unit is excluded if it is an institutional waste incinerator, as defined in OAC 252:100-17-91, and the application for exclusion described in OAC 252:100-17-93(7)(A) and (B) has been approved by the Director.

(A) Prior to 1 year before the final compliance date, an application and supporting documentation demonstrating that the institutional waste incineration unit meets the two requirements specified in OAC 252:100-17-93(7)(A)(i) and (ii) must be submitted to the Director for approval.

(i) The unit is located more than 50 miles from the boundary of the nearest Metropolitan Statistical Area,

(ii) Alternative disposal options are not available or are economically infeasible.

(B) The application described in OAC 252:100-17-93(7)(A) must be revised and resubmitted to the Director for approval every 5 years following the initial approval of the exclusion for the unit.

(C) If the owner or operator re-applied for an exclusion pursuant to OAC 252:100-17-93(7)(B) and was denied exclusion by the Director, the owner or operator has 3 years from the expiration date of the current exclusion to comply with the emission limits and all other applicable requirements of this subpart.

(8) **Institutional boilers and process heaters.** The unit is excluded if it is regulated under 40 CFR part 63, subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters).

(9) **Laboratory Analysis Units.** The unit is excluded if it burns samples of materials only for the purpose of chemical or physical analysis.

(10) **Materials recovery units.** The unit is excluded if it combusts waste for the primary purpose of recovering metals. Examples include primary and secondary smelters.

(11) **Pathological waste incineration units.** The institutional waste incineration unit or very small municipal waste combustion unit is excluded from this subpart if it burns 90% or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in OAC 252:100-17-91 and the owner or operator of the unit notifies the Director that the unit meets these criteria.

(12) **Small or large municipal waste combustion units.** The unit is excluded if it is regulated under 40 CFR 60, AAAA, BBBB, Ea, Eb, or Cb, 40 CFR 62, subparts FFF or JJJ and is required to meet the emission limitations established in those subparts.

(13) **Small power production facilities.** The unit is excluded if it meets the three requirements specified in OAC 252:100-93(13)(A) through (C).

(A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) The owner or operator of the unit notifies the Director that the unit meets all of these criteria.

(14) **Temporary-use incinerators and air curtain incinerators used in disaster recovery.** The incineration unit is excluded if it is used on a temporary basis to combust debris from a disaster or emergency such as a tornado, hurricane, flood, ice storm, high winds, or act of bioterrorism and complies with the requirements in 40 CFR 60.2969.

(15) **Units that combust contraband or prohibited goods.** The incineration unit is excluded if the unit is owned or operated by a government agency such as police, customs, agricultural inspection, or a similar agency to destroy only illegal or prohibited goods such as illegal drugs, or agricultural food products that can not be transported into the country or across state lines to prevent biocontamination. The exclusion does not apply to items either confiscated or incinerated by private, industrial, or commercial entities.

(16) **Incinerators used for national security.** The incineration unit is excluded if it meets the requirements specified in either OAC 252:100-17-93(A) or (B).

(A) The incineration unit is used solely during military training field exercises to destroy national security materials integral to the field exercises.

(B) The incineration unit is used solely to incinerate national security materials, its use is necessary to safeguard national security, the owner or operator follows the exclusion request requirements in OAC 252:100-17-93(16)(B)(i) and (ii), and the Director has approved the request for exclusion.

(i) The request for exclusion and supporting documentation must demonstrate both that the incineration unit is used solely to destroy national security materials and that a reliable alternative to incineration that ensures acceptable destruction of national security materials is unavailable, on either a permanent or temporary basis.

(ii) The request for exclusion must be submitted to the Director prior to 1 year before the final compliance date.

252:100-17-94. Emission limits

On and after the date on which the initial performance test is completed or is required to be completed, whichever date comes first, no OSWI subject to this Part shall discharge into the atmosphere from that facility any gases that contain stack emissions in excess of the emission limits in Table 1 of 40 CFR 60, EEEE. Table 1 of 40 CFR 60, Subpart EEEE is hereby incorporated by reference as it exists on December 16, 2005.

252:100-17-95. Operating limits

(a) Except for 40 CFR 60.2916(b), an OSWI shall comply with all of the requirements specified in 40 CFR 60.2916, 60.2917 and 60.2918 and Table 2 of 40 CFR 60, subpart EEEE, which are hereby incorporated by reference, as they exist on December 16, 2005.

(b) The OSWI must be operated within the operating limits established during initial performance test beginning on the date 180 days after final compliance date.

(c) The final compliance date can be no later than 3 years after the effective date of State plan approval or December 16, 2010, whichever is earlier.

252-100-17-96. Standards for OSWI operator training and qualification requirements

(a) The OSWI operator training and qualification requirements in 40 CFR 60.2905, 60.2907, 60.2908, 60.2909, 60.2910 except for 60.2910(b)(1), and 60.2911 are hereby incorporated by reference, as they exist on December 16, 2005.

(b) The operator training course must be completed by the latest of the three dates specified in OAC 252:100-17-96(b)(1) through (3).

(1) Final Compliance date.

(2) Six months after OSWI unit startup.

(3) Six months after an employee of the owner/operator assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.

(c) The initial review of documentation required to be kept on site as required in 40 CFR 60.2910 must be conducted by the latest of three dates specified in OAC 252:100-17-96(c)(1) through (3).

(1) Final Compliance date.

(2) Six months after OSWI unit startup.

(3) Six months after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.

252:100-17-97. Waste Management Plans

Unless otherwise exempted, the owner or operator of an OSWI unit subject to this Part shall submit a waste management plan, as specified in 40 CFR 60.2899 and 60.2901, to the Director no later than 60 days following the initial performance test as specified in OAC 252:100-17-98 and 252:100-17-99. Parts 60.2899 and 60.2901 of Title 40 of CFR are hereby incorporated by reference as they exist on December 16, 2005.

252:100-17-98. Performance testing

Parts 60.2922 and 60.2923 of Title 40 of CFR are hereby incorporated by reference as they exist on December 16, 2005.

252:100-17-99. Initial compliance requirements

(a) The owner or operator must conduct an initial performance test, as required under 40 CFR 60.8, to determine compliance with the emission limitations in Table 1 of 40 CFR 60 subpart EEEE and to establish operating limits using the procedure in 40 CFR 60.2916 or 60.2917 except for 60.2916(b). The initial performance test must be conducted using the test methods listed in Table 1 of 40 CFR 60 subpart EEEE and the procedures in 40 CFR 60.2922.

(b) The initial performance test must be conducted no later than 180 days after the final compliance date.

252:100-17-100. Continuous compliance requirements

Parts 60.2932, 60.2933, 60.2934, and 60.2935 of Title 40 of CFR are hereby incorporated by reference, as they exist on December 16, 2005.

252:100-17-101. Monitoring

(a) Except for 2940(b), an OSWI shall comply with 40 CFR 60.2939, 60.2940, 60.2941, 60.2942, 60.2943, 60.2944, and 60.2945, which are hereby incorporated by reference as they exist on December 16, 2005.

(b) The initial evaluation of the CEMS shall be completed within 180 days after the final compliance date in OAC 252:100-17-106(a)

252:100-17-102. Reporting and recordkeeping requirements

(a) Parts 60.2949, 60.2950, 60.2951, 60.2954, 60.2955, 60.2956, 60.2957, 60.2958, 60.2959, 60.2960, 60.2961, and 60.2962 of Title 40 of CFR are hereby incorporated by reference as they exist on December 16, 2005.

(b) The owner or operator of an OSWI must also submit a waste management plan as specified in OAC 252:100-17-97.

252:100-17-103. Part 70 permits

The owner or operator of an OSWI that does not meet requirements for exemption as listed in 252:100-17-92 must submit to the Director a complete application for a Part 70 operating permit on or before December 1, 2008.

252:100-17-104. Requirements for temporary-use incinerators and air curtain incinerators used in disaster recovery

Part 60.2969 of Title 40 of CFR is hereby incorporated by reference as it exists on December 16, 2005.

252:100-17-105. Air curtain incinerators that burn only wood waste, clean lumber, and yard waste

(a) Parts 60.2970, 60.2971 except for 60.2971(a), 60.2972, 60.2973 except for 60.2973(a), and 60.2974 of Title 40 of CFR are hereby incorporated by reference as they exist on December 16, 2005.

(b) Within 180 days after the final compliance date, the two limitations specified in paragraphs OAC 252:100-17-105(b)(1) and (2) must be met.

(1) The opacity limitation is 10 percent (6 minute Method 9 block average), except as described in paragraph (b)(2) of this section.

(2) The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.

(c) Except during malfunctions, the requirements of OAC 252:100-17-105(b) apply at all times, and each malfunction must not exceed 3 hours.

252:100-17-106. Compliance schedules

(a) The final compliance date can be no later than 3 years after the effective date of State plan approval or December 16, 2010, whichever is earlier.

(b) The owner or operator must submit a notification to the Director stating whether final compliance has been achieved, postmarked within 10 business days after the final compliance date.

252:100-17-107. OSWI closure

(a) If the OSWI unit is closed but will be restarted prior to final compliance date as contained in OAC 252:100-17-106(a), the owner or operator shall meet the final compliance date.

(b) If the OSWI unit is closed but will be restarted on or after the final compliance date specified in OAC 252:100-17-106(a), the owner or operator shall complete emission control retrofits and meet

the emission limitations and operating limits on the date the OSWI unit restarts operations. An initial performance test must be conducted within 30 days of restarting an OSWI unit.
(c) If the OSWI unit is permanently closed, it must be closed before the final compliance date specified in OAC 252:100-17-106(a) and the owner or operator shall submit a closure notification, including the date of closure, to the Director by the final compliance date.

252:100-17-108. Equations

Equations to use when calculations are required to comply with this Part are contained in 40 CFR 60.1975, which is hereby incorporated by reference as it exists on December 16, 2005.

SUBCHAPTER 19. CONTROL OF EMISSION OF PARTICULATE MATTER

Section

252:100-19-1. Purpose

The purpose of this Subchapter is to control the emission of particulate matter.

252:100-19-1.1. Definitions

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

"Condensable particulate matter" means material that is vapor phase at stack conditions, but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack. Condensable particulate matter is considered PM-2.5.

"Filterable particulate matter" means particles that are directly emitted by a source as a solid or liquid at stack or release conditions and captured on the filter of a stack test train.

"Fuel-Burning unit" means any internal combustion engine or gas turbine, or other combustion device used to convert the combustion of fuel into usable energy.

"Fossil fuel" means coal, petroleum, natural gas, or any fuel derived from coal, petroleum, or natural gas.

"Haul road" means a road on private property used to transport material or equipment by

motorized vehicles.

"Industrial process" means any source, activity or equipment, excluding fuel-burning units, which can reasonably be expected to emit particulate matter. The term includes, but is not limited to crushing, milling, screening, mixing and conveying. The term does not include maintenance activities unless maintenance is the primary activity of the facility.

"Particulate matter facility" means a facility from which particulate matter is the predominant emission, excluding fugitive emissions and emissions resulting from control equipment malfunctions.

"Total particulate matter" means the sum of all filterable and condensable particulate matter emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method.

"Wood fuel" means any fuel which, excluding air and water, is at least 80 percent by weight cellulose, hemicellulose and lignin, and has a heat value of less than 9,500 BTU per pound; or any wood derived fuel as approved by the Division.

252:100-19-2. Emission of particulate matter prohibited [REVOKED]

252:100-19-3. Existing equipment [REVOKED]

252:100-19-4. Allowable particulate matter emission rates from fuel-burning units

Except as provided in 252:100-19-10, 252:100-19-11 and 252:100-19-12 the emission of particulate matter resulting from the combustion of fuel in any new or existing fuel-burning unit shall not exceed the limits specified in Appendix C.

252:100-19-5. Refuse burning prohibited [REVOKED]

252:100-19-6. Allowable emission of particulate matter [REVOKED]

252:100-19-7. Particulate matter emission limits [REVOKED]

252:100-19-10. Allowable particulate matter emission rates from indirectly fired wood fuel-burning units

The emission of particulate matter resulting from the combustion of wood fuel in any new or existing indirectly fired fuel-burning unit shall not exceed the limits specified in Appendix D.

252:100-19-11. Allowable particulate matter emission rates from combined wood fuel and fossil fuel fired steam generating units

Any combined wood fuel and fossil fuel fired steam generating unit with a maximum design heat input of more than 250 million BTUs per hour which commenced construction after March 4, 1978, shall not emit total particulate matter in excess of 0.1 pound per million BTUs

252:100-19-12. Allowable particulate matter emission rates from directly fired fuel-burning units and industrial processes

The emission of particulate matter from any new or existing directly fired fuel-burning unit or from any emission point in an industrial process shall not exceed the limits specified in Appendix G.

252:100-19-13. Permit by rule

(a) **Applicability.** Any particulate matter facility may be constructed or operated under this section if:

(1) it meets the requirements in 252:100-7-60, and

(2) it is not subject to any New Source Performance Standard (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP), Maximum Achievable Control Technology (MACT) standard or other Permit by Rule (PBR).

(b) **Requirements.** In addition to the requirements of 252:100, the owner or operator of a particulate matter facility permitted under this section shall comply with the following requirements.

(1) All water sprays, bag houses, cyclones, or other particulate matter control equipment shall be properly maintained and operated.

(2) Haul roads and material piles shall be watered or treated as necessary to minimize emissions of fugitive dust.

SUBCHAPTER 21. PARTICULATE MATTER EMISSIONS FROM WOOD-WASTE BURNING EQUIPMENT [REVOKED]

Section

252:100-21-1. Purpose [REVOKED]

252:100-21-2. Emission prohibition [REVOKED]

252:100-21-3. Limitations [AMENDED AND RENUMBERED TO 252:100-19-11]

252:100-21-4. Allowable emissions [REVOKED]

252:100-21-5. Emission limits [AMENDED AND RENUMBERED TO 252:100-19-10]

SUBCHAPTER 23. CONTROL OF EMISSIONS FROM COTTON GINS

Section

252:100-23-1. Purpose

The purpose of this Subchapter is to control emissions from cotton gins.

252:100-23-2. Definitions

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

"Cotton gin" means any facility that removes seed, lint, and trash from raw cotton and bales of lint cotton for further processing. Each equipment exhaust, including the trash and burr hopper, located at a cotton gin shall be considered an individual process emission source.

"Existing gin" means a gin which was in existence and had submitted current emission inventories to the Division for the most recent two ginning seasons and was in possession of a valid annual renewable fee receipt prior to May 1, 1993. All other gins shall be considered "new".

"Gin site" means the land upon which a cotton gin is located and all contiguous land having common ownership or use.

"High efficiency cyclone" means any cyclone type collector of the 2D-2D or 1D-3D configuration. These designations refer to the ratio of cylinder to cone length, where D is the diameter of the cylinder portion. A 2D-2D cyclone would exhibit a cylinder length of 2 x D and a cone length of 2 x D (90 percent collection efficiency). A 1D-3D cyclone would exhibit a cylinder length of 1 X D and a cone length of 3 x D (95 percent collection efficiency).

"High pressure exhausts" means the exhaust cotton handling air systems located at a cotton gin which are not defined as "low pressure exhausts".

"Low pressure exhausts" means the exhaust air systems at a cotton gin which handle air from the cotton lint handling system and battery condenser.

252:100-23-3. Applicability, general requirements

(a) **Applicability.** Effective May 1, 1993, the provisions of this Subchapter are applicable to all new, modified, and existing cotton gins operating in the State of Oklahoma. Cotton gins in compliance with this Subchapter are exempt from the requirements of 252:100-25, 252:100-19-12, and 252:100-29.

(b) **General requirements.**

(1) **Permits required.** In addition to the requirements of this Subchapter, each new or modified cotton gin shall comply with the permitting requirements of OAC 252:100-7.

(2) **Air toxics emissions.** The requirements of this Subchapter are in addition to any which may be required under 252:100-41.

(3) **Recordkeeping.** The owner or operator of a cotton gin shall maintain a log documenting the daily process weight and hours of operation . Air emission control equipment replacement/repair costs shall also be recorded. These records shall be maintained for a period of two years and shall be made available for inspection by DEQ personnel during normal business hours.

(4) **Test methods.**

(A) Visible emissions testing shall be conducted using EPA reference method 9 contained in 40 CFR Part 60, Appendix A . Testing shall be performed by a Certified Visible Emissions Evaluator.

(B) Dispersion modeling for PM-10 shall be performed using an EPA approved modeling method.

252:100-23-4. Visible emissions (opacity) and particulates

(a) **Opacity limit.** No person shall allow the discharge of any fumes, aerosol, mist, gas, smoke,

vapor, particulate matter or any combination thereof exhibiting greater than 20% opacity. This requirement shall not apply to visible emissions exhibiting greater than 20% opacity emitted during short-term occurrences, which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours, during which the average of any six-minute period shall not exceed 60% opacity.

(b) **Alternative opacity limit.** The 20% opacity limit as required under 252:100-23-4(a) may be increased for particulates only provided that the owner or operator demonstrates to the satisfaction of the Air Quality Council at public hearing that those requirements listed in 252:100-25-4(a) through (c) have been met.

(c) **PM-10 emissions limit.** No cotton gin shall be operated so as to cause or contribute to a violation of the PM-10 ambient air quality standards or any other ambient air quality standard established in 252:100-3.

252:100-23-5. Emission control equipment

(a) **Low pressure exhausts.** For emission control from low pressure exhausts, the use of screens with a mesh size of 70 by 70 or finer (U.S. Sieve), or the use of perforated condenser drums with holes not exceeding 0.045 inches in diameter or equipment of equivalent design efficiency as determined by the Executive Director shall be required.

(b) **High pressure exhausts.** For emission control from high pressure exhausts, the use of 2D-2D cyclones shall be required for existing gins. Existing gins shall install and use 1D-3D cyclone collectors or equivalent when the capital cost of repair or replacement of the existing 2D-2D cyclone exceeds 50% of the capital cost of a new 1D-3D cyclone. New or modified cotton gins shall utilize a 1D-3D cyclone collector or equipment of equivalent collection efficiency upon commencement of operation.

(c) **Burr hoppers.** For emission control during dumping, burr hoppers at existing gin sites located within the corporate city limits of any city or within 300 feet of two or more occupied establishmentsmust be totally enclosed. All new gin sites shall install and use a total enclosure on the burr hopper.

252:100-23-6. Fugitive dust controls

(a) For control of fugitive dust, no person shall allow the handling, transporting, or disposition of any substance or material that is likely to be scattered by the air or wind, and no person shall operate or maintain any gin site, open area, right-of-way, storage pile or materials, vehicle, or construction, or any other enterprise which involves any material or substance likely to be scattered by the wind or air, that would be classified as air pollution without taking reasonable precautions to minimize atmospheric pollution.

(b) No person shall allow the discharge of any visible fugitive dust emissions beyond the property line on which the emissions originate.

252:100-23-7. Permit by rule

(a) **Applicability.** Any new or existing facility may be constructed or operated under this section if it meets the requirements of 252:100-7-60(a), (b), and (c) and has the Standard Industrial Classification (SIC) code 0724 Cotton Ginning.

(b) **Requirements.**

(1) In addition to the requirements in 252:100-7-60(a), (b), and (c), an owner or operator of a facility subject to this section shall comply with all of the requirements of this Subchapter.

(2) Maximum production rate of a facility subject to this section shall be 36,000 bales per year.

SUBCHAPTER 24. PARTICULATE MATTER EMISSIONS FROM GRAIN, FEED OR SEED OPERATIONS

Section
252:100-24-1. Purpose
252:100-24-2. Definitions
252:100-24-3. Applicability, general requirements
252:100-24-4. Visible emissions (opacity) limit
252:100-24-5. Certification
252:100-24-6. Fugitive dust controls
252:100-24-7. Permit by rule

252:100-24-1. Purpose

The purpose of this Subchapter is to control emissions from facilities that handle, store or process grains, feeds or seeds.

252:100-24-2. Definitions

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

"Enclosed Grain Handling Equipment" means equipment that is totally self-contained or is enclosed within a structure at a grain, feed, or seed facility. Emissions from this equipment shall not be exhausted to the atmosphere except through non-pressurized vents/openings, and shall not be considered a source subject to emission calculations.

"Grain, Feed, or Seed Facility" means the contiguous or adjacent area under common control upon which a grain elevator, feed mill, or grain and seed processing equipment or structures are located, and all contiguous sites having common control.

"Grain, Feed, or Seed Operation" means any facility or installation at which grain, feed, or seed is loaded, handled, cleaned, dried, stored, treated, or otherwise processed.

"Leg Capacity" means the maximum process rate for which the manufacturer designs the elevating portion of a grain, feed, or seed facility on a per leg basis.

"Loading-out hours of operation" means the hours calculated by dividing the cumulative total quantity loaded out for a given time period by 75% of the rated leg capacity. This quotient is equivalent hours (not actual hours) of operation required to process the material loaded out. Actual leg capacity may be adjusted to more or less than 75% by individual facilities if documentation supporting the proposed adjustment is submitted to and approved by the Division Director.

"Non-pressurized Vent or Opening" means any vent or opening which allows the emissions of air and/or contaminants at pressures substantially equivalent to atmospheric pressure without the use of mechanically-induced air flow.

"Pressurized Vent or Opening" means any vent or opening which allows the emissions of air and/or contaminants at pressures greater than atmospheric pressure indicating the use of mechanically-induced air flow.

"Receiving hours of operation" means hours calculated by dividing the cumulative total quantity received for a given time period by 75% of the rated leg capacity. This quotient is equivalent hours (not actual hours) of operation required to process the material received. Actual

leg capacity may be adjusted to more or less than 75% by individual facilities if documentation supporting the proposed adjustment is submitted to and approved by the Division Director.

"Total hours of operation" means the sum of the receiving hours of operation and the loading out hours of operation. Actual hours may be less since receiving and loading-out operations may occur simultaneously.

252:100-24-3. Applicability, general requirements

(a) **Applicability.** The provisions of this Subchapter are applicable to all new, modified, and existing grain, feed, or seed facilities in the State of Oklahoma.

(1) Facilities in compliance with 252:100-25, 252:100-19-12, and 252:100-29 are not required to comply with this Subchapter.

(2) Facilities in compliance with this Subchapter are exempt from the requirements of 252:100-25 (visible emissions), 252:100-19-12 (process weight), and 252:100-29 (fugitive dust).

(b) **General requirements.**

(1) **Permits required.** In addition to the requirements of this subchapter, each new, modified or existing grain, feed, or seed facility shall comply with the permitting requirements of 252:100-7 or 252:100-8.

(2) **Air toxics emissions.** Grain, feed, or seed facilities that emit toxic air pollutants specified in 252:100-42 are subject to all applicable requirements contained therein.

(3) **Record-keeping.** The owner or operator of a facility shall maintain a daily log documenting commodity receipts and load-outs and hours of operation for each. These records shall be maintained for a period of two years and shall be made available for inspection by the DEQ during normal business hours.

(4) **Visible emissions test.** Visible emissions (opacity) testing shall be conducted using EPA reference method 9 contained in 40 CFR, Part 60, Appendix A and must be performed by a Certified Visible Emission Evaluator.

(5) **Determination of emissions.** Emissions from grain, feed, or seed facilities shall be determined by the best available data. This may include actual emissions as determined by stack testing, mass balance calculations, emission calculations using approved published emissions factors, or any other reasonably accurate method approved in advance by the DEQ.

252:100-24-4. Visible emissions (opacity) limit

(a) **Opacity limit.** No person shall allow the discharge of any fumes, aerosol, mist, gas, smoke, vapor, particulate matter or any combination thereof exhibiting greater than 20% opacity. This requirement shall not apply to visible emissions exhibiting greater than 20% opacity emitted during short-term occurrences, which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours, during which the average of any six-minute period shall not exceed 60% opacity.

(b) **Alternate opacity limit.** The 20% opacity limit required under 252:100-24-4 (a) may be increased for particulates only provided that the owner or operator demonstrates to the satisfaction of the Air Quality Council at public hearing that those requirements listed in 252:100-25-4 (a) through (c) have been met.

(c) **Exceptions.** Exceptions to the 20% opacity limit described in 252:100-24-4 (a) are provided as follows:

(1) Visible emissions from loading-out (shipping) shall be no more than sixty-five percent (65%) opacity, and visible emissions from unloading (receiving) shall be no more than fifty-five percent

(55%) opacity.

(2) Emissions from pressurized vents or openings without control devices shall either be enclosed, exhausted through a control device, or shall be limited to no greater than ten percent (10%) opacity.

(3) Emissions from non-pressurized vents or openings without control devices shall be limited to no greater than 10% opacity.

252:100-24-5. Certification

(a) **Initial certification.** Any grain, feed or seed facility in existence on September 28, 1994, shall provide written certification of compliance with this subchapter by September 28, 1995, or within six months of receiving an initial certification form from DEQ.

(b) **Annual certification.** The owner, operator or other designated responsible party of a grain, feed or seed facility shall submit along with the annual emissions inventory, an annual certification of quantities received and loaded-out.

252:100-24-6. Fugitive dust controls

(a) All facilities will take reasonable precautions to prevent the discharge of any fugitive dust emissions beyond the property line from which the emissions originate.

(b) No persons shall allow fugitive dust emissions beyond the property line in such a manner as to damage or to interfere with the use of adjacent properties.

(c) All facilities shall make best efforts to reduce fugitive dust emissions during load-out by minimizing the distance from the load-out spout to the top of the receiving vessel.

252:100-24-7. Permit by rule

(a) **Applicability.** Any new or existing source may be constructed or operated under this section if it meets the requirements of 252:100-7-60(a), (b), and (c) and has the Standard Industrial Classification (SIC) code 5153, Grain and Field Beans.

(b) **Requirements.**

(1) In addition to the requirements in 252:100-7-60(a), (b), and (c), an owner or operator of a facility subject to this section shall comply with all of the requirements of this Subchapter, with the exception of 252:100-24-5(a) and (b).

(2) The total annual emissions of PM-10 shall be calculated using the equation provided in Appendix L, which was derived from AP-42 9.9.1, Grain Elevators and Processes.

(3) For grain storage elevators located at any wheat flour mill, wet corn mill, dry corn mill, rice mill or soybean oil extraction plant, with a permanent grain storage capacity of 35,200 m^3, or grain terminal elevators with a permanent storage capacity of more than 88,100 m^3, which have commenced construction, modification, or reconstruction after August 3, 1978, the requirements of 40 CFR, Part 60, Subpart DD are also applicable.

SUBCHAPTER 25. VISIBLE EMISSIONS AND PARTICULATES

Section

252:100-25-1. Purpose

The purpose of this Subchapter is to control visible emissions and particulate matter from the operation of any air contaminant source.

252:100-25-2. General prohibition

No owner or operator of any air contaminant source shall allow emissions from said source so as to cause or contribute to air pollution.

252:100-25-2.1. Definitions

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

"One-hour period" means, for units with an operable Continuous Opacity Monitor (COM), any 60-minute period commencing on the hour.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Six-minute period" means, for units with an operable COM, any one of the ten equal parts of a one-hour period.

"Unit" means any piece of equipment that has the potential to emit air contaminants in the form of visible emissions.

252:100-25-3. Opacity limit

(a) Units subject to an opacity limit promulgated under section 111 of the Federal Clean Air Act are exempt from this section.

(b) No person shall allow the discharge of any fumes, aerosol, mist, gas, smoke, vapor, particulate matter, or any combination thereof exhibiting greater than 20% opacity except for:

(1) Short term occurrences, which consist of not more than one six-minute period in any consecutive 60 minutes, not to exceed three such periods in any consecutive 24 hours. For units with COMs operated and maintained in accordance with Performance Specification 1 (40 CFR Part 60, Appendix B), short term occurrences which consist of not more than one six-minute period in any one-hour period, not to exceed three such periods in any consecutive 24 hours. In neither case shall the average of any six-minute period exceed 60% opacity.

(2) Smoke resulting from fires covered by the exceptions outlined in OAC 252:100-13-7.

(3) An emission, where the presence of uncombined water is the only reason for failure to meet the requirements of OAC 252:100-25-3(b).

(4) Smoke generated due to a malfunction in a facility, when the source of the fuel producing the smoke is not under the direct and immediate control of the facility and the immediate constriction of the fuel flow at the facility would produce a hazard to life and/or property.

(c) To determine compliance with this Section, opacity shall be read by either:

(1) A Certified Visible Emission Evaluator using Test Method 9 (40 CFR Part 60, Appendix A).

(2) A COM installed, calibrated, operated and maintained in accordance with Performance Specification 1 (40 CFR Part 60, Appendix B).

252:100-25-4. Alternative for particulates

(a) The 20% opacity limit required under 252:100-25-3 may be increased for particulates only, provided that the owner or operator demonstrates to the satisfaction of the Air Quality Council at public hearing that:

(1) The owner or operator has installed air pollution control equipment to attempt to control both visible and particulate matter emissions to the limit required by applicable Subchapters.

(2) The pollution control equipment installed:

(A) Has been properly maintained.

(B) Is in good working order.

(C) Is operated to minimize emissions.

(3) The installed control equipment does not control opacity to the limit required in 252:100-25-3.

(4) The owner or operator has conducted stack test(s) using appropriate test methods as approved by the Division to determine mass emissions at maximum allowed capacity and has determined such emissions meet all applicable particulate matter requirements (i.e., permit limit, rule limit, process limit).

(5) The owner or operator has conducted detailed modeling and other measures (e.g., monitoring) deemed necessary by the Executive Director to demonstrate that the maximum impact of any increase of opacity will not exceed 5 ug/m^3 PM-10 24-hour average at any point of impact or 1 ug/m^3 PM-10 annual average at any point of impact.

(b) Upon completion of the demonstration specified in (a) of this Section, the opacity allowed will be based on the opacity read by a Certified Visible Emission Evaluator at the time of the maximum operation stack test.

(c) Applications for an alternative under 252:100-25-4 will be submitted to the Director of the Division for review and recommendation to the Air Quality Council for final action.

252:100-25-5. Continuous emission monitoring for opacity

(a) Continuous monitoring of opacity is required for fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries and fossil fuel-fired steam generators in accordance with 40 CFR Part 51, Appendix P, which is hereby incorporated by reference as it existed on July 1, 1998.

(b) Owners or operators of these emission sources shall:

(1) Install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring opacity.

(2) Complete the installation and performance tests of such equipment and begin monitoring and recording by January 1, 2001.

(c) This section shall not apply to:

(1) Sources already subject to a new source performance standard promulgated in 40 CFR Part 60 pursuant to section 111 of the Clean Air Act.

(2) Sources scheduled for retirement within 5 years after the effective date of this rule, provided adequate evidence and guarantees are available to show the source will cease operations prior to such date.

(d) Alternative monitoring requirements different from the provisions of Parts 1 through 5 of Appendix P may be approved by the DEQ and EPA on a case-by-case basis if continuous monitoring cannot be implemented by a source due to physical plant limitations or extreme economic reasons. For example, the following alternative monitoring requirements may be used for natural gas-fired facilities that burn oil on an emergency basis only (including periodic system testing not to exceed 40 hours per calendar year):

(1) A Certified Visible Emission Evaluator shall read visual emissions once per day when fuel oils are burned.
(2) Visual emissions readings shall be conducted in accordance with EPA Test Method 9 (40 CFR Part 60, Appendix A).
(3) Records of fuel oil burned (including type, amount, and duration burned) and visible emissions read shall be maintained for 2 years.

SUBCHAPTER 27. PARTICULATE MATTER EMISSIONS FROM INDUSTRIAL AND OTHER PROCESSES AND OPERATIONS [REVOKED]

Section

252:100-27-1. Purpose [REVOKED]

252:100-27-2. Process emission limitations [AMENDED AND RENUMBERED TO 252:100-19-12]

252:100-27-3. Exception to emission limits [REVOKED]

252:100-27-4. Sampling and testing [REVOKED]

252:100-27-5. Allowable rate of emission [AMENDED AND RENUMBERED TO 252:100-19-12]

SUBCHAPTER 29. CONTROL OF FUGITIVE DUST

Section

252:100-29-1. Purpose

The purpose of this Subchapter is to control the release of fugitive dust into the air by any operation or action.

252:100-29-2. Prohibitions

(a) **Prohibitions.** No person shall cause or allow any fugitive dust source to be operated, or any substances to be handled, transported or stored, or any structure constructed, altered, or demolished

to the extent that such operation or activity may enable fugitive dust to become airborne and result in air pollution, without taking reasonable precautions to minimize or prevent pollution.

(b) **Reasonable precautions.** Reasonable precautions include, but are not limited to, those actions set forth below at OAC 252:100-29-3(1) through (6).

(c) **Emission boundaries.**

(1) No person shall cause or allow the discharge of any visible fugitive dust emissions beyond the property line of the property on which the emissions originate in such a manner as to damage or to interfere with the use of adjacent properties. If the DEQ determines that this rule has been violated, the owner or operator of the fugitive dust emissions source or sources shall implement controls, subject to economic and technological feasibility, to prevent future violations.

(2) No persons shall cause or allow the discharge of any visible fugitive dust emissions beyond the property line of the property on which the emissions originate in such a manner as to cause air quality standards to be exceeded or interfere with the maintenance of air quality standards.

252:100-29-3. Precautions required in maintenance or nonattainment areas

As of the adoption of this Subchapter, in areas designated as Air Quality Maintenance Areas or Nonattainment Areas for particulate matter, the Director shall require specific reasonable precautions that may include, but shall not be limited to, the following:

(1) The use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, driveways and parking lots or the clearing of land for commercial, industrial, or residential development.

(2) The application of water or suitable chemicals or some other covering on materials stockpiles and other surfaces that can create air-borne dusts under normal conditions.

(3) The installation and use of hoods, fans and dust collectors to enclose and vent the handling of dusty materials or the use of water sprays or other acceptable measures to suppress dust emission during handling. Adequate containment methods shall be employed during sandblasting or other similar operations.

(4) The covering or wetting of open-bodied trucks, trailers, or railroad cars when transporting dusty materials in areas where the general public must have access .

(5) The removal as necessary from paved street and parking surfaces of materials that have a tendency to become airborne.

(6) The planting and maintenance of vegetative ground cover as necessary.

252:100-29-4. Exception for agricultural purposes

Section 252:100-29-3 shall not apply to the clearing or preparation of land used solely for agricultural purposes. For the purpose of this Subchapter "agricultural purposes" shall be limited to the raising of livestock or crops for food or fiber.

252:100-29-5. Variance [REVOKED]

SUBCHAPTER 31. CONTROL OF EMISSION OF SULFUR COMPOUNDS

PART 1. GENERAL PROVISIONS

Section

PART 1. GENERAL PROVISIONS

252:100-31-1. Purpose

The purpose of this subchapter is to control emissions of sulfur compounds from stationary sources.

252:100-31-2. Definitions

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

"Alternative fuel" means fuel derived from any source other than petroleum, natural gas, or coal. Alternative fuel includes, but is not limited to, biogas, waste-derived fuel, recycled tires, tire-derived fuel, and wood fuel as defined in OAC 252:100-19-1.

"Black liquor solids" means the dry weight of the solids, that enter the recovery furnace in the black liquor.

"Digester system" means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tank(s), blow tank(s), chip steamer(s), and condenser(s).

"Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

"Kraft pulp mill" means any pulp mill process facility that produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

"Lime kiln" means a unit used to calcine lime mud, which consists primarily of calcium

carbonate, into quickline, which is calcium oxide.

"Multiple-effect evaporator system" means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separated from the pulp (black liquor).

"Petroleum and natural gas process equipment" means the process equipment used to convert crude petroleum and/or natural gas into refined products. Petroleum and natural gas process equipment includes, but is not limited to, distillation columns, treating columns, catalytic cracking units, catalytic reforming units, sulfur removal equipment, petroleum coke units, flares, heat exchangers, reboilers, jet ejectors, compressors, recompressors, and any other auxiliary equipment pertinent to the process.

"Petroleum and natural gas process facility" means a facility that is engaged in converting crude petroleum and/or natural gas into refined products. Petroleum and natural gas process facilities include petroleum refineries and natural gas processing plants (as defined in 40 CFR §60.631), but do not include petroleum and natural gas production, gathering, and transportation facilities.

"Recovery furnace" means either a straight kraft-recovery furnace or a cross-recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.

"Smelt-dissolving tank" means a vessel used for dissolving the smelt collected from the recovery furnace.

"Sulfur recovery unit" means a process device that recovers elemental sulfur from acid gas.

"Sweetening unit" means a natural gas processing device that removes hydrogen sulfide and carbon dioxide from the gas stream.

"Total reduced sulfur" or **"TRS"** means the sum of the compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

252:100-31-3. Performance testing [REVOKED]

252:100-31-4. Excess emission reporting and alternative reporting schedule

Any excess emission resulting from a violation of any emission limit contained in this subchapter shall be reported in accordance with the requirements of OAC 252:100-9. In the event that the excess emission is also a violation of an applicable 40 CFR Part 60 emission limit, the owner or operator may report the excess emission as part of an alternative reporting schedule applied for or obtained under OAC 252:100-9-7(d), if the following requirements are met.

(1) The excess emission occurs at the same emission unit at the same time.

(2) The emission limit is for the same regulated air pollutant, and has the same averaging time and units of measure as the applicable 40 CFR Part 60 emission limit.

PART 2. AMBIENT AIR CONCENTRATION LIMITS OR IMPACTS FOR NEW AND EXISTING EQUIPMENT, SOURCES, OR FACILITIES

252:100-31-7. Allowable hydrogen sulfide (H_2S) ambient air concentrations for new and existing sources

(a) [Reserved]

(b) **Hydrogen sulfide.** Emissions of H_2S from any facility shall not cause an ambient air concentration of H_2S greater than 0.2 ppm at standard conditions, 24-hour average.

(c) **Exceptions.** The standards set in this section shall not apply to ambient air concentrations or

impacts occurring on the property from which such emission occurs, providing such property, from the emission point to the point of any such concentration, is controlled by the person responsible for such emission.

(d) **Compliance assurance.** Upon approval of the Director, facility operators may use appropriate material balances, performance test data, and/or emission factors to determine stack emissions combined, when necessary, with the appropriate EPA-approved atmospheric dispersion models to determine ambient air concentration or impact in lieu of ambient air monitoring as proof of compliance with the limit set in this section.

PART 3. EXISTING EQUIPMENT STANDARDS

252:100-31-12. Sulfur oxides [REVOKED]

252:100-31-13. Requirements for existing sulfuric acid plants

Any sulfuric acid plant that was in being on or before August 17, 1971 shall comply with the following requirements.

(1) **Sulfuric acid mist.** Emissions of sulfuric acid mist shall not exceed 0.5 pounds per ton of acid produced (250 grams per metric ton). The acid production shall be expressed as 100% sulfuric acid (H_2SO_4).

(2) **Emission monitoring.** The owner or operator shall install, calibrate, maintain, and operate a continuous SO_2 emissions monitoring system for any sulfuric acid plant with a production capacity greater than 300 tons per day expressed as 100% acid, except where the conversion of sulfuric acid is utilized to prevent emissions of sulfur dioxide or other sulfur compounds.

(3) **Installation, calibration, maintenance and operation of emission monitoring systems.** Required emission monitoring systems shall be installed, calibrated, maintained, and operated in accordance with 40 CFR Part 60, Appendix B, and 40 CFR Part 51, Appendix P.

252:100-31-14. Hydrogen sulfide [REVOKED]

252:100-31-15. Requirements for existing kraft pulp mills

After May 8, 1989, any kraft pulp mill that was in being on or before July 1, 1972 shall comply with the following requirements.

(1) TRS emissions from any recovery furnace shall not exceed 40 ppm, measured as H_2S on a dry basis and on a 12-hour average, converted to eight percent (8%) by volume oxygen.

(2) TRS emissions from any lime kiln shall not exceed 40 ppm measured as H_2S on a dry basis and on a 12-hour average, corrected to ten percent (10%) by volume oxygen.

(3) TRS emissions from any smelt-dissolving tank shall not exceed 0.033 pounds TRS per ton (0.016 g TRS/kg) of black liquor solids, measured as H_2S on a 12-hour average.

(4) Non-condensable gases from all evaporators and digester systems shall be efficiently incinerated or otherwise treated to limit emissions of TRS to less than five (5) ppmv, measured as H_2S at standard conditions on a dry basis.

252:100-31-16. Requirements for existing fossil fuel-fired steam generators

Any fossil fuel-fired steam generator unit that was in being on or before July 1, 1972 shall comply with the following requirements.

(1) **Emission monitoring.** The owner or operator shall install, calibrate, maintain, and operate a

continuous SO_2 emissions monitoring system for any fossil fuel-fired steam generator that utilizes an air pollution abatement operation to reduce the emissions of sulfur oxides. Continuous monitoring of oxygen or carbon dioxide is required if it is necessary to convert SO_2 monitoring results.

(2) **Installation, calibration, maintenance, and operation of emission monitoring systems.** Required emission monitoring systems shall be installed, calibrated, maintained, and operated in accordance with 40 CFR Part 60, Appendix B, and 40 CFR Part 51, Appendix P.

PART 5. NEW EQUIPMENT STANDARDS

252:100-31-25. Requirements for new fuel-burning equipment

Any fuel-burning equipment that was not in being on or before July 1, 1972 or that is modified after July 1, 1972 shall comply with the following requirements.

(1) **Emission limits.** Emissions of SO_2 attributable to the burning of fuel by fuel-burning equipment shall meet the following limits.

(A) **Gaseous fuel.** Emissions of SO_2 from combustion of natural gas or other gaseous fuel in fuel-burning equipment shall not exceed 0.2 lb/MMBTU heat input (86 ng/J).

(B) **Liquid fuel.** Emissions of SO_2 from combustion of liquid fuel in fuel-burning equipment shall not exceed 0.8 lb/MMBTU heat input (340 ng/J).

(C) **Solid fuel.** Emissions of SO_2 from combustion of solid fuel in fuel-burning equipment shall not exceed 1.2 lb/MMBTU heat input (520 ng/J).

(D) **Combination of fuels burned.** When different types of fuels are burned simultaneously in any combination, emissions of SO_2 shall not exceed the applicable limit determined by proration unless a secondary fuel is used in de minimis quantities (less than five percent (5%) of total BTU heat input annually). The applicable limit, in lb/MMBTU heat input, 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:

$$SO_2 \text{ limit} = (0.2X + 0.8Y + 1.2Z)/(X + Y + Z).$$

(2) **Averaging time.** The averaging time for the emission limits set in OAC 252:100-31-25(1) is three (3) hours unless a solid fuel sampling and analysis method is used to determine emission compliance. In that case the averaging time is 24 hours.

(3) **Additional requirements for sources with heat input of 250 MMBTU/hr or more.** Any fuel-burning equipment with design heat input values of 250 MMBTU/hr or more shall comply with the following requirements.

(A) **Emission monitoring.**

(i) **Opacity.** A photoelectric or other type smoke detector and recorder shall be used to monitor opacity, except where gaseous fuel is the only fuel burned.

(ii) **Sulfur dioxide.** The owner or operator shall install, calibrate, maintain, and operate a continuous SO_2 emissions monitoring system, except where:

(I) gaseous fuel containing less than 0.1% by weight sulfur (0.29 gr/scf or approximately 500 ppmv at standard conditions on a dry basis) is the only fuel burned; or

(II) a solid or liquid fuel sampling and analysis method is used to determine SO_2 emission compliance.

(iii) **Installation, calibration, maintenance, and operation of emission**

monitoring systems. Required emission monitoring systems shall be installed, calibrated, maintained, and operated in accordance with 40 CFR Part 60, Appendix B, and 40 CFR Part 51, Appendix P.

(B) **Fuel monitoring.** The sulfur content of solid or liquid fuels as burned shall be determined in accordance with methods previously approved by the Director or in accordance with Method 19 of 40 CFR Part 60, Appendix A.

(C) **Recordkeeping.** The owner or operator shall maintain records of all measurements required in(A) and (B) of this subsection in accordance with the applicable requirements of OAC 252:100-43-7, including compliance status records and excess emissions measurements.

(4) **Alternative fuel.** The requirements of this section apply to any fuel-burning equipment that uses an alternative fuel, unless another limit representing BACT or equivalent is specified in the source's permit. Use of an alternative fuel in fuel-burning equipment is allowed, provided its use is authorized under an enforceable permit. Use of an alternative fuel in fuel-burning equipment is subject to any applicable restrictions or prohibitions that may exist in other provisions of state or federal statutes or rules, e.g., OAC 252:100-8-32.1, 252:100-31-7, 252:100-42, and/or 40 CFR Parts 60, 61, and/or 63.

252:100-31-26. Requirements for new petroleum and natural gas processes

Any petroleum and natural gas process that was not in being on or before December 31, 1974 or that is modified after December 31, 1974 shall comply with the following requirements.

(1) **Hydrogen sulfide standards and alarm systems.**

(A) H_2S contained in the waste gas stream from any petroleum or natural gas process equipment shall be reduced by 95% by removal or by being oxidized to SO_2 prior to being emitted to the ambient air. This requirement shall not apply if a facility's emissions of H_2S do not exceed 0.3 lb/hr, two-hour average.

(B) The owner or operator shall install, maintain, and operate an alarm system that will signal a malfunction for all thermal devices used to control H_2S emissions from petroleum and natural gas processing facilities regulated under this subparagraph.

(2) **Oxides of sulfur.** The following requirements apply to any gas sweetening unit or petroleum refinery process equipment with a sulfur content of greater than 0.54 LT/D in the acid gas stream. Alternatively, any gas sweetening unit or petroleum refinery process equipment with an emission rate of 100 lb/hr or less of SO_X expressed as SO_2, two-hour average, shall be considered to be below this threshold.

(A) **Natural gas sweetening units.** The sulfur content of any acid gas stream from any gas sweetening unit shall be reduced by use of a sulfur recovery unit prior to release of the gas to the ambient air. The sulfur recovery units shall have the sulfur recovery efficiencies required in (C) through (F) of this subparagraph.

(B) **Petroleum refinery processing.** Sulfur recovery units operating in conjunction with any refinery process shall have the sulfur recovery efficiencies required in (C) through (F) of this subparagraph.

(C) **Sulfur content greater than 0.54 LT/D but less than or equal to 5.0 LT/D.** When the sulfur content of the acid gas stream from gas sweetening unit or refinery process is greater than 0.54 LT/D but less than or equal to 5.0 LT/D, the recovery efficiency of the sulfur recovery unit shall be at least 75%.

(D) **Sulfur content greater than 5.0 LT/D but less than or equal to 150.0 LT/D.**

When the sulfur content of the acid gas stream from a gas sweetening unit or refinery process is greater than 5.0 LT/D but less than or equal to 150.0 LT/D, the required recovery efficiency of the sulfur recovery unit shall be calculated using the following formula, where Z is the minimum sulfur recovery efficiency required and X is the sulfur feed rate, expressed in LT/D of sulfur and rounded to one decimal place: $Z = 92.34X^{0.00774}$.

(E) **Sulfur content greater than 150.0 LT/D but less than or equal to 1500.0 LT/D.** When the sulfur content of the acid gas stream from a gas sweetening unit or refinery process is greater than 150.0 LT/D but less than or equal to 1500.0 LT/D, the required recovery efficiency of the sulfur recovery unit shall be calculated using the following formula, where Z is the sulfur recovery efficiency required and X is the sulfur feed rate, expressed in LT/D of sulfur and rounded to one decimal place: $Z = 88.78X^{0.0156}$.

(F) **Sulfur content greater than 1500.0 LT/D.** When the sulfur content of the acid gas stream from a gas sweetening unit or refinery process is greater than 1500.0 LT/D, the recovery efficiency of the sulfur recovery unit shall be at least 99.5%.

252:100-31-27. Pulp mills [REVOKED]

SUBCHAPTER 33. CONTROL OF EMISSION OF NITROGEN OXIDES

Section

252:100-33-1. Purpose

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

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

(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

(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: NO_2 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.

252:100-33-3. Performance testing [REVOKED]

SUBCHAPTER 35. CONTROL OF EMISSION OF CARBON MONOXIDE

Section
252:100-35-1. Purpose
252:100-35-1.1. Definitions
252:100-35-2. Emission limits
252:100-35-3. Performance testing [REVOKED]

252:100-35-1. Purpose

The purpose of this Subchapter is to control emissions of carbon monoxide from stationary sources to prevent the Oklahoma Air Quality Standard from being exceeded and ensure that the present level of air quality in Oklahoma is not degraded.

252:100-35-1.1. Definitions

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

"Basic oxygen furnace" means a furnace in which the melting and refining of iron are accomplished by the addition at high velocities of large amounts of high purity oxygen to the atmosphere above the surface of the metal bath. The metal is held in a tiltable vessel with a basic refractory lining. Such a furnace includes the furnace proper, oxygen lance, scrap and flux charging units, iron transfer units, gas collecting and cleaning equipment, stacks and any other auxiliaries pertinent to the process.

"Blast furnace" means furnace and equipment used in connection with the smelting process of reducing metallic ores to molten metal in which primarily oxygen is removed from the ore and gas is produced as a by-product. The furnace and equipment consists of, but is not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust-cleaning devices, after-burner, and other auxiliaries pertinent to the process.

"Existing source" means any gray iron cupola, blast furnace, basic oxygen furnace, petroleum catalytic cracking unit or petroleum catalytic reforming unit, in being on July 1, 1972, and not modified thereafter so as to increase the emission of carbon monoxide.

"Gray iron cupola" means shaft-type furnace used for the melting of metals usually consisting of, but not limited to, the furnace proper, tuyeres, fans or blowers, tapping spout, charging equipment, gas-cleaning devices and other auxiliaries. Shaft furnaces used for processing non-metallic materials are not included under this definition but are included in the definition of process equipment.

"New source" means any gray iron cupola, blast furnace, basic oxygen furnace, petroleum catalytic cracking unit or petroleum catalytic reforming unit, in being after July 1, 1972.

252:100-35-2. Emission limits

(a) **Existing sources.** The emission of carbon monoxide from any existing source located in or significantly impacting (i.e., 500 ug/m^3 on an 8-hour average) on a nonattainment area for carbon monoxide shall be reduced by use of complete secondary combustion of the waste gas generated. Removal of 93 percent or more of the carbon monoxide generated shall be considered equivalent to complete secondary combustion. Existing equipment subject to this Subchapter must meet the emission limitations as expeditiously as practicable, but no later than 3 years after nonattainment designation by the Administrator.

(b) **New sources.** The emission of carbon monoxide from any new source shall be reduced by

use of complete secondary combustion of the waste gas generated. Removal of 93 percent or more of the carbon monoxide generated shall be considered equivalent to secondary combustion.

252:100-35-3. Performance testing [REVOKED]

SUBCHAPTER 37. CONTROL OF EMISSION OF VOLATILE ORGANIC COMPOUNDS (VOCs)

PART 1. GENERAL PROVISIONS

Section

PART 3. CONTROL OF VOCs IN STORAGE AND LOADING OPERATIONS

PART 5. CONTROL OF VOCs IN COATING OPERATIONS

PART 7. CONTROL OF SPECIFIC PROCESSES

PART 9. PERMIT BY RULE FOR VOC STORAGE AND LOADING FACILITIES

PART 1. GENERAL PROVISIONS

252:100-37-1. Purpose

The purpose of this Subchapter is to reduce the formation of ozone by controlling the emissions of volatile organic compounds (VOCs) from stationary sources.

252:100-37-2. Definitions

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

"Acrylic" means a chemical coating containing polymers or co-polymers of acrylic or substitute acrylic acid in combination with resinous modifiers. The primary mode of cure is solvent evaporation.

"Alkyd primer" means a chemical coating composed primarily of alkyd applied to a surface to provide a firm bond between the substrate and any additional coating.

"Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at normal operating conditions.

"Custom product finish" means a proprietary chemical coating designed for a specific customer and use.

"Drilling or production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

"Effluent water separator" means any container in which any VOC floating on, entrained in, or contained in water entering the container is physically separated and removed from the water prior to discharge of the water from the container.

"Epoxy" means a chemical coating containing epoxy groups and suitable chemical cross-linking agents. The primary mode of cure involves a chemical reaction between the epoxy and the cross-linking agent.

"External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

"Lease custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other form of transportation.

"Maintenance finish" means a chemical coating that protects a given substrate from adverse chemical or physical conditions.

"Nitrocellulose lacquer (NC lacquer)" means a chemical coating containing nitrocellulose and suitable resinous modifiers . The primary mode of cure is solvent evaporation.

"Submerged fill pipe" means any fill pipe or discharge nozzle that meets any one of the following conditions.

(A) The bottom of the discharge pipe or nozzle is below the surface of the liquid in the receiving vessel for at least 95 percent of the volume filled.

(B) The bottom of the discharge pipe or nozzle is less than 6 inches from the bottom of the receiving vessel.

(C) The bottom of the discharge pipe or nozzle is less than 2 pipe or nozzle diameters from the bottom of the receiving vessel.

"Vinyl" means a chemical coating containing plasticized or unplasticized polymers and co-polymers of vinyl acetate, vinyl chloride, polyvinyl alcohols or their condensation products. The primary mode of cure is solvent evaporation.

252:100-37-3. Applicability and compliance

(a) **New sources.** This Subchapter shall apply to all new installations of any equipment or processes described in this Subchapter after the effective date of December 28, 1974.

(b) **Existing sources.** Sections 15, 16, 35, 36, 37, and 38 of this Subchapter shall apply to all existing installations of any equipment or processes in use and described in this Subchapter that are located in Tulsa County or Oklahoma County after the effective date of June 9, 1981. The retrofit requirements for crude petroleum storage vessels apply only to vessels of greater than 420,000 gal (1,590 m^3) capacity.

(c) **Permit-by-rule facilities.** This Subchapter does not apply to facilities registered under the VOC storage and loading facility permit-by-rule except as provided in Part 9.

252:100-37-4. Exemptions

(a) VOCs with vapor pressures less than 1.5 pounds per square inch absolute (psia) under actual storage conditions are exempt from 252:100-37-15, 252:100-37-16 and 252:100-37-35 through 252:100-37-38.

(b) Petroleum or condensate stored, processed, treated, loaded, and/or transferred at a drilling or production facility prior to lease custody transfer is exempt from this Subchapter. Methanol stored at a drilling or production facility for use on site is also exempt from this Subchapter.

(c) The storage, loading, processing, manufacturing or burning of VOCs on a farm or ranch, when such VOCs are used for agricultural purposes on said farm or ranch, is exempted from all provisions of 252:100-37-15, 252:100-37-16, 252:100-37-35 through 252:100-37-38, 252:100-39-41, and 252:100-39-42.

252:100-37-5. Operation and maintenance

Any vapor-loss control devices, packing glands and mechanical seals required by this Subchapter shall be properly installed, maintained, and operated.

PART 3. CONTROL OF VOCs IN STORAGE AND LOADING OPERATIONS

252:100-37-15. Storage of VOCs

(a) **Storage capacities greater than 40,000 gallons.** Each VOC storage vessel with a capacity of more than 40,000 gal (151 m^3) shall be a pressure vessel capable of maintaining working pressures that prevent the loss of VOC to the atmosphere or shall be equipped with one of the following vapor-loss control devices.

(1) An external floating roof that consists of a pontoon typeor double-deck type cover, or a fixed roof with an internal-floating cover. The cover shall rest on the surface of the liquid contents at all times (i.e., off the leg supports), except during initial fill, when the storage vessel is completely emptied, or during refilling. When the cover is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible. The floating roof shall be equipped with a closure seal, or seals, to close the space between the cover edge and vessel wall. Floating roofs are not appropriate control devices if the VOCs have a vapor pressure of 11.1 psia (76.6 kPa) or greater under actual conditions. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor-recovery system that consists of a vapor-gathering system capable of collecting 85 percent or more of the uncontrolled VOCs that would otherwise be emitted to the

atmosphere and a vapor-disposal system capable of processing these VOCs to prevent their emission to the atmosphere. All vessel gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(3) Other equipment or methods that are of equal efficiency for purposes of air pollution control may be used when approved by the Division Director prior to installation.

(b) **Storage capacities of 400 gallons and greater.** Each VOC storage vessel with a capacity of 400 gal (1.5 m^3) or more shall be equipped with a permanent submerged fill pipe or a vapor-recovery system as required in 252:100-37-15(a)(2).

(c) **Exemptions.** VOC storage vessels that are subject to equipment standards (e.g., a fixed roof in combination with an internal floating cover, an external floating roof, or a closed vent system and control device)in 40 CFR 60 Subparts K, Ka, or Kb are exempt from the requirements of 252:100-37-15(a) and (b).

252:100-37-16. Loading of VOCs

(a) **Loading facilities with throughput greater than 40,000 gallons/day.** Each VOC loading facility with a throughput greater than 40,000 gal/d (151,416 l/d) from its aggregate loading pipes shall be equipped with a vapor-collection and disposal system unless all tank trucks or trailers are bottom loaded with hatches closed.

(1) **Vapor-collection and disposal system.**

(A) **Vapor-collection portion of the system.**

(i) When loading VOCs through the hatches of a tank truck or trailer, using a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic, or mechanical means shall be provided to ensure a vapor-tight seal between the adaptor and the hatch.

(ii) When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings that make vapor-tight connections and which must be closed when disconnected or which close automatically when disconnected.

(B) **Vapor-disposal portion of the system.** The vapor-disposal portion of the system shall consist of:

(i) a vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the VOC vapors and gases entering such disposal system; or,

(ii) a variable-vapor space tank, compressor, and fuel-gas system of sufficient capacity to receive all VOC vapors and gases displaced from the tank trucks and trailers being loaded.

(2) **Prevention of VOC drainage.** A means shall be provided in either loading system specified in subsection (a) to prevent VOC drainage from the loading device when it is removed from any tank truck or trailer, or to accomplish complete drainage before removal.

(b) **Loading facilities with throughput equal to or less than 40,000 gallons per day.**

(1) Each loading pipe at a VOC loading facility with an aggregate throughput of 40,000 gal/d (151,416 l/d) or less shall be equipped with a system for submerged filling of tank trucks or trailers which is installed and operated to maintain a 97 percent submergence factor.

(2) Paragraph 252:100-37-16(b)(1) applies to any facility that loads VOCs into any tank truck or trailer with a capacity greater than 200 gal (757 l) which is designed for transporting VOCs.

(c) **Exemptions.** Loading facilities subject to the requirements of 40 CFR 60 Subpart XX or 40 CFR 63 Subpart R are exempt from the requirements of 252:100-37-16(a) and (b).

252:100-37-17. Effluent water separators [AMENDED AND RENUMBERED TO 252:100-37-37]

252:100-37-18. Pumps and compressors [AMENDED AND RENUMBERED TO 252:100-37-38]

PART 5. CONTROL OF VOCs IN COATING OPERATIONS

252:100-37-25. Coating of parts and products

(a) **Standards.** No owner or operator of any coating line or coating operation with VOC emissions shall use coatings that as applied contain VOCs in excess of the amounts listed below. (Limits are expressed in pounds of VOC per gallon of coating, excluding the volume of any water and exempt organic compounds.)

(1) Alkyd primer - 4.8
(2) Vinyls - 6.0
(3) NC lacquers - 6.4
(4) Acrylics - 6.0
(5) Epoxies - 4.8
(6) Maintenance finishes - 4.8
(7) Custom products finish - 6.5

(b) **Plant-wide emission plan.**

(1) **Development of a plant-wide emission plan.** An owner or operator may develop a plant-wide emission plan instead of having each coating line comply with the VOC content limitations in 252:100-37-25(a), if the following conditions are met.

(A) The owner or operator demonstrates by the methods in 252:100-5-2.1(d) that sufficient reductions in emissions of VOCs may be obtained by controlling other sources within the plant to the extent necessary to compensate for all excess emissions that result from one or more coating lines not achieving the limitation. Such demonstration shall be made in writing and shall include:

(i) a complete description of the coating line or lines that can not comply with the VOC content limitation in 252:100-37-25(a);

(ii) quantification of emissions, in terms of pounds per day of VOCs, which are in excess of the VOC content limitation for each coating line described under 252:100-37-25(b)(1)(A)(i);

(iii) a complete description of how emissions will be decreased at specific sources to compensate for excess emissions from each coating line described under 252:100-37-25(b)(1)(A)(i) and the date on which such reductions will be achieved;

(iv) quantification of emissions, in terms of pounds per day of VOCs, for each source described under 252:100-37-25(b)(1)(A)(iii), both before and after the improvement or installation of any applicable control system, or operational changes to such a facility or facilities to reduce emissions; and,

(v) a description of the procedures and methods used to determine the emissions of VOCs.

(B) The plant-wide emission reduction plan does not include decreases in emissions resulting from requirements of other applicable air pollution rules.

(2) **Compliance with a plant-wide emission plan.** The implementation of a plant-wide

emission reduction plan instead of compliance with the VOC content limitation prescribed in 252:100-37-25(a) must be approved in writing by the Division Director. Upon approval, any emissions in excess of those established for each facility under the plan shall be a violation of this Subchapter.

(c) **Exemption.** Owners or operators of sources that emit less than 100 pounds of VOC per 24-hour day are exempt from the requirements of this Section.

(d) **Alternate standard.** The use of coatings with VOC contents in excess of those permitted by 252:100-37-25(a) or 252:100-37-25(b) is allowable if both of the following conditions are met:.

(1) VOC emissions are reduced to the quantity that would occur if the coating used complied with the VOC content allowed in 252:100-37-25(a) by:

(A) incineration;

(B) absorption/adsorption; or,

(C) any other process of equivalent reliability and effectiveness.

(2) No air pollution, as defined by the Clean Air Act, results.

252:100-37-26. Clean up with VOCs

Emissions from the clean up with VOCs of any article, machine, or equipment used in applying coatings controlled in 252:100-37-25(a) through 252:100-37-25(d) shall be counted in determining compliance with those rules.

PART 7. CONTROL OF SPECIFIC PROCESSES

252:100-37-35. Waste gas disposal

(a) **Ethylene manufacturing emissions.** No owner or operator shall build or install any ethylene manufacturing plant unless the waste-gas stream under normal operating conditions is properly burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner equipped with an indicating pyrometer that is positioned in the working area for the operator's ready monitoring or an equally effective catalytic vapor incinerator also with pyrometer. Proper burning of the waste-gas stream is defined as reduction by 98 percent of the ethylene emissions originally present in the waste-gas stream.

(b) **Vapor blowdown.** Except where inconsistent with the "Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline" or any State of Oklahoma regulatory agency, no owner or operator shall allow VOC gases to be emitted from a vapor recovery blowdown system unless these gases are burned by smokeless flares or an equally effective control device as approved by the Division Director.

252:100-37-36. Fuel-burning and refuse-burning equipment

All fuel-burning or refuse-burning equipment shall be operated to minimize emissions of VOC. Among other things, such operation shall assure, based on manufacturer's data and good engineering practice, that the equipment is not overloaded; that it is properly cleaned, operated, and maintained; and that temperature and available air are sufficient to provide essentially complete combustion.

252:100-37-37. Effluent water separators

A single-compartment or multiple-compartment VOC/water separator that receives effluent water containing 200 gal/d (760 l/d) or more of any VOC from any equipment processing,

refining, treating, storing or handling VOCs shall comply with one of the following sets of conditions.

(1) The container totally encloses the liquid contents and all openings are sealed. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place. The oil removal devices shall be gas-tight except when manual skimming, inspection and/or repair is in progress.

(2) The container is equipped with an external floating roof that consists of a pontoon type or double-deck type cover, or a fixed roof with an internal-floating cover. The cover shall rest on the surface of the contents and be equipped with a closure seal, or seals, to close the space between the cover edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place. The oil removal devices shall be gas-tight except when manual skimming, inspection and/or repair is in progress.

(3) The container is equipped with a vapor-recovery system that consists of a vapor-gathering system capable of collecting the VOC vapors and gases discharged and a vapor-disposal system capable of processing such vapors and gases to prevent their emission to the atmosphere. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place. The VOC removal devices shall be gas-tight except when manual skimming, inspection and/or repair is in progress.

(4) The container is approved prior to use by the Division Director and is equipped with controls that have efficiencies equal to the controls listed in 252:100-37-37(1) through (3).

252:100-37-38. Pumps and compressors [REVOKED]

PART 9. PERMIT BY RULE FOR VOC STORAGE AND LOADING FACILITIES

252:100-37-41. Applicability

Any new VOC storage and/or loading facility may be constructed and any existing VOC storage and/or loading facility may be operated under this Part if the following conditions are met.

(1) The facility is located in an area designated as unknown or attainment for ozone.

(2) Each storage vessel located at the facility meets one of the following criteria.

(A) The storage capacity is 19,813 gal (75 m^3) or less.

(B) The storage capacity is greater than 19,813 gal (75 m^3) but less than 39,889 gal (151 m^3)and the liquid stored has a maximum true vapor pressure less than 2.18 psia (15.0 kPa).

(C) The storage capacity is greater than or equal to 39,889 gal (151 m^3) and the liquid stored has a maximum true vapor pressure less than 0.51 psia (3.5 kPa).

(3) The facility is designed to have a throughput of 19,998 gal/d (75,700 l/d) or less from the aggregate loading pipes.

(4) The facility meets the requirements of 252:100-7-60(a), (b), and (c).

252:100-37-42. Permit-by-rule requirements

(a) An owner or operator shall submit annual emission inventory reports and meet the requirements of 252:100-37-5, regarding operation and maintenance, and 252:100-37-38, regarding pumps and compressors.

(b) No owner or operator shall build or install a new stationary VOC storage vessel with a

capacity of 400 gal (1.5 m^3) or greater unless it is equipped with a permanent submerged fill pipe as defined in 252:100-37-2.
(c) No owner or operator shall build or install a stationary VOC loading facility unless each loading pipe is equipped with a system for submerged filling of tank trucks or trailers which is installed and operated to maintain a 97 percent submergence factor.
(d) The owner or operator of a vessel with a storage capacity greater than 10,567 gal (40 m^3) shall maintain records on site of the dimensions of the storage vessel and an analysis showing the capacity.

SUBCHAPTER 39. EMISSION OF VOLATILE ORGANIC COMPOUNDS (VOCs) IN NONATTAINMENT AREAS AND FORMER NONATTAINMENT AREAS

PART 1. GENERAL PROVISIONS

Section

PART 3. PETROLEUM REFINERY OPERATIONS

PART 5. PETROLEUM PROCESSING AND STORAGE

PART 7. SPECIFIC OPERATIONS

PART 1. GENERAL PROVISIONS

252:100-39-1. Purpose

The purpose of this Subchapter is to reduce the formation of ozone by controlling the emissions of volatile organic compounds (VOCs). This Subchapter contains requirements for the control of emissions of VOCs from stationary sources located in areas that are nonattainment or were formerly nonattainment for ozone.

252:100-39-2. Definitions

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

"Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products through distillation of crude oil or other hydrocarbons or through redistillation, cracking, rearrangement or reforming or unfinished petroleum derivatives.

"Refinery unit" means a set of components which are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

"Submerged fill pipe" means any fill pipe or discharge nozzle that meets any one of the following conditions.

(A) The bottom of the discharge pipe or nozzle is below the surface of the liquid in the receiving vessel for at least 95 percent of the volume filled.

(B) The bottom of the discharge pipe or nozzle is less than 6 inches from the bottom of the receiving vessel.

(C) The bottom of the discharge pipe or nozzle is less than 2 pipe or nozzle diameters from the bottom of the receiving vessel.

252:100-39-3. General applicability

In addition to any application of the requirements contained in 252:100-37, the additional requirements contained in this Subchapter shall be required of existing and new facilities located in Tulsa and Oklahoma Counties.

252:100-39-4. Exemptions

VOCs with vapor pressures less than 1.5 pounds per square inch absolute (psia) under actual storage conditions are exempt from 252:100-39-16 through 252:100-39-18, 252:100-39-30, 252:100-39-41, and 252:100-48.

PART 3. PETROLEUM REFINERY OPERATIONS

252:100-39-15. Petroleum refinery equipment leaks

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Component"** means any piece of equipment which has the potential to leak VOCs when tested in the manner described in EPA Test Method 21 of 40 CFR Part 60. These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open ended pipes. Excluded from these sources are valves which are not externally regulated.

(2) **"Gas service"** means any equipment which processes, transfers or contains a VOC or

mixture of VOCs in the gaseous phase.

(3) **"Leaking component"** means a component which has a VOC concentration exceeding 10,000 ppmv when tested according to the provisions in 252:100-39-15(e).

(4) **"Liquid service"** means any equipment which processes, transfers or contains a VOC or mixture of VOCs in the liquid phase.

(5) **"Valves not externally regulated"** means valves that have no external controls, such as in-line check valves.

(b) **Applicability.**

(1) This Section applies to all petroleum refineries located in Tulsa County and Oklahoma County.

(2) VOCs with vapor pressures less than 0.0435 psia (0.3 kilopascals (kPa)) under actual storage conditions are exempt from 252:100-39-15. (Effective 2-12-90.)

(c) **Standards and operating requirements**

(1) The owner or operator of a petroleum refinery subject to this Section shall:

(A) develop and conduct a monitoring program consistent with the provisions in 252:100-39-15(d) and 252:100-39-15(f);

(B) record all leaking components and place an identifying tag on each component consistent with the provisions in 252:100-39-15(f)(3);

(C) repair and retest the leaking components as soon as possible but no later than 15 days after the leak is found;

(D) identify all leaking components which cannot be repaired until the unit is shutdown for turnaround; and,

(E) assure all lines or pipes terminating with a valve are sealed with a second valve, a blind flange, a plug or a cap.

(2) The Division Director mayrequire the owner or operator to take appropriate remedial action, including early unit turnaround, based on the number and severity of tagged leaks awaiting repair.

(3) Pipeline valves and pressure relief valves in gas service shall be marked in some manner that will be readily obvious to both petroleum refinery or contract personnel performing monitoring and the DEQ.

(d) **Compliance schedule.** The owner or operator of a petroleum refinery shall submit to the Division Director a monitoring program by July 30, 1981. This program shall contain, at a minimum, a list of the refinery units and the quarter in which they will be monitored, a copy of the log book format, and the make and model of the monitoring equipment to be used. In no case shall a monitoring contract relieve the owner or operator of a petroleum refinery of the responsibility for compliance with this Section.

(e) **Testing and monitoring procedures.** Testing and calibration procedures to determine compliance with this Section must be consistent with EPA Test Method 21 of 40 CFR Part 60.

(f) **Monitoring.**

(1) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions. The owner or operator shall:

(A) monitor yearly by the methods referenced in 252:100-39-15(e) all pump seals, pipeline valves in liquid service, and process drains;

(B) monitor quarterly by the methods referenced in 252:100-39-15-(e) all compressor seals, pipeline valves in gas service, and pressure relief valves in gas service;

(C) monitor weekly by visual methods all pump seals;

(D) monitor within 24 hours any pump seal from which VOC liquids are observed dripping;

(E) monitor any relief valve within 24 hours after it has vented to the atmosphere; and,

(F) monitor immediately after repair any component that was found leaking.

(2) Pressure relief devices that are connected to an operating flare header, vapor recovery devices, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in paragraph (1) of this subsection; provided, however, such inaccessible valves will be monitored during annual shutdown.

(3) The owner or operator of a petroleum refinery, upon the detection of a leaking componentthat is not repaired on discovery, shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leaking component is repaired.

(g) **Recordkeeping.**

(1) The owner or operator of a petroleum refinery shall maintain a leaking components monitoring log which shall contain, at a minimum:

(A) the name of the process unit where the component is located;

(B) the type of component (e.g., valve, seal);

(C) the tag number of the component, if not repaired immediately on discovery;

(D) the date on which a leaking component is discovered;

(E) the date on which a leaking component is repaired;

(F) the date and instrument reading of the recheck procedure after a leaking component is repaired;

(G) the date of the calibration of the monitoring instrument which shall be made available for inspection on request;

(H) those leaks that cannot be repaired until turnaround; and,

(I) the total number of components checked and the total number of components found leaking.

(2) The monitoring log shall be retained on site by the owner or operator for at least two years after the date on which the record was made or the report prepared.

(3) The monitoring log shall be made available for inspection at any reasonable time and copies of the log shall be provided to the Division Director, upon written request of the AQD.

(h) **Reporting.** The owner or operator of a petroleum refinery shall:

(1) submit a report to the Division Director by the 30th day following the end of each calendar quarter that lists all leaking components that were located during the previous quarter but not repaired within 15 days, all leaking components awaiting unit turnaround, and the total number of components found leaking; and,

(2) submit a signed statement with the report attesting to the fact that all monitoring and, with the exception of those leaking components listed in 252:100-39-15(h)(1), all repairs were performed as stipulated in the monitoring program.

252:100-39-16. Petroleum refinery process unit turnaround

(a) **Definition. "Turnaround"** means the planned procedure of shutting down a unit, inspecting and repairing it, and restarting it.

(b) **Procedures required.** For the shutdown, purging and blowdown operation of any petroleum refinery processing unit the following procedures are required:

(1) Recovery of VOCs shall be accomplished during the shutdown or turnaround to a process unit pressure compatible with the flare or vapor system pressure. The unit shall then be purged or flushed to a flare or vapor recovery system using a suitable material such as steam, water or nitrogen. The unit shall not be vented to the atmosphere until pressure is reduced to less than 5 psig through control devices.

(2) Except where inconsistent with the "Minimum Federal Safety Standards for the Transportation of Natural and Other Gas by Pipeline," or any State of Oklahoma regulatory agency, no person shall emit VOC gases to the atmosphere from a vapor recovery blowdown system unless these gases are burned by smokeless flares or an equally effective control device as approved by the Division Director.

(3) At least fifteen days prior to a scheduled turnaround, a written notification shall be submitted to the Division Director. As a minimum, the notification shall indicate the unit to be shutdown, the date of shutdown, and the approximate quantity of VOCs to be emitted to the atmosphere.

(4) Scheduled refinery unit turnaround may be accomplished without the controls specified in 252:100-39-16(b)(1) and 252:100-39-16(b)(2) during non-oxidant seasons provided the notification to the Division Director as required in 252:100-39-16(b)(3) specifically contains a request for such an exemption. The non-oxidant season is from November 1 through March 31.

252:100-39-17. Petroleum refinery vacuum producing system

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Accumulator"** means the vessel in the overhead stream of any fractionating tower, after the overhead condenses and separates noncondensable gases, liquid VOCs and water.

(2) **"Hotwell"** means the tank at the bottom of the barometer leg in a barometric condenser system to receive the water, condensate and entrained VOCs generated by the barometric condenser.

(b) **Requirements.** Noncondensable VOCs emitted from any of the vacuum producing systems listed in paragraphs (1) through (3) of this subsection shall be incinerated or reduced by 90 percent of what would be emitted without controls.

(1) Steam ejectors with barometric condensers.

(2) Steam ejectors with surface condensers.

(3) Mechanical vacuum pumps.

(c) **Hotwells and accumulators.**

(1) Hot wells and accumulators shall be covered and the noncondensable vapors shall be vented to a fire-box or incinerator.

(2) The presence of a pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. (Effective February 12, 1990)

(d) **Compliance.** Compliance shall be determined in accordance with the provision of the CTG document ("Control of Refinery Vacuum Producing systems, Wastewater Separators and Process Unit Turnarounds," EPA 450/2-77-025, October, 1977). Test reports and maintenance records shall be maintained for at least two years. If emission testing is required, the appropriate test method(s) selected from EPA Reference Methods l through 4, 21, and/or 25, shall be utilized.

252:100-39-18. Petroleum refinery effluent water separators

(a) **Definition. "Effluent water separator"** means any container in which any VOC floating on, entrained in, or contained in water entering the container is physically separated and removed from the water prior to discharge of the water from the container.
(b) **Requirements.** No owner or operator shall operate or install a single-compartment or multiple-compartment effluent water separator unless the compartment receiving the effluent water is equipped to control emissions in one of the following ways.

(1) The container totally encloses the liquid contents and all openings are sealed. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place. The oil removal devices shall be gas-tight except when manual skimming, inspection and/or repair is in progress.

(2) The container is equipped with a vapor-recovery system, consisting of a vapor-gathering system capable of collecting the VOC vapors and gases discharged and a vapor-disposal system capable of processing such VOC vapors and gases to prevent their emission to the atmosphere. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place. The VOC removal devices shall be gas-tight except when manual skimming, inspection and/or repair is in progress.

(3) A container that is equipped with controls of equal efficiency, provided the plans and specifications are approved by the Division Director prior to their use.

PART 5. PETROLEUM PROCESSING AND STORAGE

252:100-39-30. Petroleum liquid storage in vessels with external floating roofs

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Condensate"** means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(2) **"Drilling or production facility"** means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary non-transportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

(3) **"External floating roof"** means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(4) **"Lease custody transfer"** means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage vessels or automatic transfer facilities to pipelines or any other form of transportation.

(5) **"Liquid-mounted seal"** means primary seal mounted in continuous contact with the liquid between the vessel wall and the floating roof.

(6) **"Petroleum liquid"** means crude oil, condensate, and any finished or intermediate liquid products manufactured or extracted in a petroleum refinery.

(7) **"Vapor-mounted seal"** means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the vessel wall, the liquid surface, and the floating roof.

(8) **"Waxy, high pour point crude oil"** means a crude oil with a pour point of 59°F or higher as determined by the American Society of Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

(b) **Applicability.**

(1) This Section applies to petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 40,000 gal (150,000l).

(2) This Section does not apply to petroleum liquid storage vessels that:

(A) are used to store waxy, high pour point crude oil;

(B) have capacities less than 422,675 gal (1,600 m^3) and are used to store produced crude oil and condensate prior to lease custody transfer;

(C) contain a petroleum liquid with a true vapor pressure less than 1.5 psia (10.5 kPa);

(D) contain a petroleum liquid with a true vapor pressure less than 4.0 psia (27.6 kPa) if the vessels are of welded construction and have a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the Division Director; or,

(E) are of welded construction, are equipped with a metallic-type shoe primary seal and have a secondary seal from the top of the shoe seal to the vessel wall (shoe-mounted secondary seal).

(3) Storage vessels that are subject to the equipment standards for external floating roofs in 40 CFR 60 Subparts Ka or Kb are exempt from the requirements of 252:100-39-30.

(4) Storage vessels that are subject to the equipment standards for external floating roofs in 40 CFR 63 Subparts CC (63.646) or G shall be exempt from the requirements of 252:100-39-30 upon the date compliance with the standards in Subparts CC and G is required.

(c) **Equipment and operating requirements.**

(1) **Standards.** Each storage vessel used to store a petroleum liquid shall meet the following conditions.

(A) The vessel has been fitted with:

(i) a continuous secondary seal extending from the floating roof to the vessel wall (rim-mounted secondary seal); or,

(ii) a closure device or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required in 252:100-39-30(c)(1)(A)(i) and approved by the Division Director.

(B) All seal closure devices meet the following requirements.

(i) There are no visible holes, tears, or other openings in the seal(s) or seal fabric.

(ii) The seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the vessel wall.

(iii) The accumulated area of gaps exceeding 1/8 in. (0.32 cm) in width between the secondary seal and the vessel wall when the secondary seal is used in combination with a vapor mounted primary seal shall not exceed 1.0 $in.^2$/ft of vessel diameter (21.2 cm^2/m of vessel diameter). This shall be determined by physically measuring the length and width of all gaps around the entire circumference of the secondary seal in each place where a 1/8 in. (0.32 cm) uniform diameter probe passes freely between the seal and the vessel wall and summing the areas of the individual gaps.

(C) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(i) equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and,

(ii) equipped with projections into the vessel which remain below the liquid surface at all times.

(D) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports.

(E) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended settings.

(F) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.

(2) **Monitoring.** The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this Section shall:

(A) perform routine inspections semi-annually in order to ensure compliance with 252:100-39-30(c)(1)(B)(i), i.e., no visible holes, tears, or other openings in the seals or seal fabric;

(B) measure the secondary seal gap annually in accordance with 252:100-39-30(c)(1)(B)(iii), when the floating roof is equipped with a vapor-mounted primary seal; and,

(C) maintain records of the types of volatile petroleum liquids stored, the true vapor pressure of the liquid as stored, and the results of the inspections performed in 252:100-39-30(c)(2)(A) and 252:100-39-30(c)(2)(B).

(3) **Recordkeeping.**

(A) Copies of all records under 252:100-39-30(c)(2) shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.

(B) Copies of all records under this Section shall be made available to the Division Director, upon request, at any reasonable time.

(d) **Compliance schedule.** Compliance with this Section shall be accomplished by affected facilities by May 23, 1982.

PART 7. SPECIFIC OPERATIONS

252:100-39-40. Cutback asphalt (paving)

(a) **Definitions. "Cutback asphalt"** means a basic asphalt or asphaltic concrete containing a petroleum distillate.

(b) **Requirements.** No owner, operator and/or contractor shall prepare or apply cutback liquefied asphalt without the prior written consent of the Division Director. Such consent may be granted during Oklahoma's non-oxidant season, i.e., November 1 through March 31.

252:100-39-41. Storage, loading and transport/delivery of VOCs

(a) **Storage of VOCs in vessels with storage capacities greater than 40,000 gallons.** Each vessel with a capacity greater than 40,000 gal (151 m^3) which stores gasoline or any VOC shall be a pressure vessel capable of maintaining working pressures that prevent the loss of VOC vapor or gas to the atmosphere or shall be equipped with one or more of the following vapor control devices.

(1) An external floating roof, that consists of a pontoon-type or double-deck type cover or a fixed roof with an internal-floating cover. The cover shall rest on the surface of the liquid contents at all times (i.e., off the leg supports), except during initial fill, when the storage vessel is completely empty, or during refilling. When the cover is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible. The floating roof shall be equipped with a closure seal, or seals, to close

the space between the cover edge and vessel wall. Floating roofs are not appropriate control devices if the VOCs have a vapor pressure of 11.1 psia (76.6 kPa) or greater under actual conditions. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place. Closure seals for fixed roof vessels with an internal-floating cover shall meet the requirements of 252:100-39-30(c)(1)(B)(i) and (ii). Closure seals for vessels with external floating roofs shall meet the requirements of 252:100-39-30(c)(1)(B)(i), (ii), and (iii).

(2) A vapor-recovery system that consists of a vapor-gathering system capable of collecting 90 percent by weight or more of the uncontrolled VOCs that would otherwise be emitted to the atmosphere and a vapor-disposal system capable of processing VOCs to prevent emissions in excess of 6.68×10^{-4} lb/gal (80 mg/l) of VOCs transferred. All vessel gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(3) Other equipment or methods that are of equal efficiency for purposes of air pollution control may be used when approved by the Division Director and in concert with federal guidelines.

(b) **Storage of VOCs in vessels with storage capacities of 400-40,000 gallons.**

(1) Each gasoline or other VOC storage vessel with a nominal capacity greater than 400 gal (1.5 m^3) and less than 40,000 gal (151 m^3) shall be equipped with a submerged fill pipe or be bottom filled.

(2) The displaced vapors from each storage vessel with an average daily throughput of 30,000 gal (113,562 l) or greater which stores gasoline or other VOCs shall be processed by a system that has a total collection efficiency no less than 90 percent by weight of total VOCs in the vapors.

(A) The vapor recovery system shall include:

(i) a vapor-tight return line from the storage vessel to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline or VOCs can be transferred into the storage vessel; or,

(ii) other equipment that has a total collection efficiency no less than 90 percent by weight of the total VOCs in the displaced vapor if approval is obtained from the Division Director prior to start of construction.

(B) The requirements for vapor collection of displaced vapors shall not apply to operations that are not major sources.

(c) **Loading of VOCs.**

(1) Each VOC loading facility with an annual throughput of 120,000 gal (454,249 l) or greater or storage capacity greater than 10,000 gal (38 m^3) shall be equipped with a vapor-collection and/or disposal system .

(2) While VOCs are loaded through the hatches of a transport vessel, a pneumatic, hydraulic or mechanical means shall be provided to ensure a vapor-tight seal at the hatch.

(3) A means shall be provided to prevent VOC drainage from the loading device when it is removed from the transport vessel, or to accomplish complete drainage before removal.

(4) When loading is by means other than hatches, all loading and vapor lines shall be equipped with fittings that make vapor-tight connections and which close automatically when disconnected.

(5) The vapor collection and/or disposal portion of the system shall consist of one or more of the elements listed in 252:100-39-41(c) (5)(A) through 252:100-39-42(c) (5)(C) in addition to bottom loading or submerged fill of transport vessels. Storage vessels at service stations

and bulk plants may be used for intermediate storage prior to recovery/disposal of vapors as specified in 252:100-39-41(c)(5)(A) through 252:100-39-41(c)(5)(C) if they are designed to prevent the release of vapors during use.

(A) An absorption/adsorption system or condensation system that has a minimum recovery efficiency of 90 percent by weight of all the VOC vapors and gases entering such disposal system.

(B) A vapor handling system which directs all vapors to a fuel gas incineration system with a minimum disposal efficiency of 95 percent.

(C) Other equipment that has at least a 90 percent efficiency, provided plans for such equipment are approved by the Division Director.

(6) Subsection 252:100-39-41(c) shall apply to any facility that loads VOCs into any transport vessel designed for transporting VOCs.

(d) **Transport/delivery.**

(1) The vapor-laden delivery vessel shall meet one of the following requirements.

(A) The delivery vessel must be designated and operated to be vapor tight except when sampling, gauging, or inspecting.

(B) The delivery vessel must be equipped and operated to deliver the VOC vapors to a vapor recovery/disposal system.

(2) No owner or operator shall allow a delivery vessel to be filled at a facility unable to receive displaced VOC vapors nor service vessels unable to deliver displaced vapors except for vessels and facilities exempted in 252:100-39-41(b) and 252:100-39-41(c).

(3) Testing of the tank trucks for compliance with the vapor tightness requirements must be consistent with Appendix "B" EPA Guideline Series Document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA 450/2-78-051, or an equivalent method as determined by the Division Director.

(e) **Additional requirements for Tulsa County.**

(1) **Applicability.** This subsection applies only in Tulsa County.

(2) **Storage of VOCs.**

(A) **2,000 - 40,000 gallons capacity.** Each storage vessel with a nominal capacity greater than 2,000 gal (7.6 m^3) and less than 40,000 gal (151 m^3) that stores gasoline or other VOCs or each storage vessel located at a facility that dispenses more than 120,000 gal/yr of gasoline or other VOCs, in addition to being equipped with a submerged fill pipe or being bottom loading, shall be equipped with a vapor control system. The vapor control system shall have an efficiency of no less than 90 percent by weight of the VOCs contained in the displaced vapors and shall be equipped with a pressure relief valve in the atmospheric vent system which maintains a pressure of 16 oz/$in.^2$ and l/2 oz/$in.^2$ vacuum. The vapor recovery system shall include one or more of the following.

(i) A vapor-tight return line from the storage vessel to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline or VOCs can be transferred into the storage vessel (i.e., poppeted connectors from the storage vessel to the delivery vessel.).

(ii) A float vent valve assembly installed in the vapor return/vent line on new and existing dual point installations; however, for coaxial installations on existing stations, a vent sleeve extending 6 in. (15 cm) below the top of the vessel will be allowed. Sleeves may be equipped with a 1/16 in. (0.16 cm) air bleed hole.

(iii) A vapor recovery line with a cross-sectional area that is at least half of the

cross-sectional area of the liquid delivery line.

(iv) Other equipment that has a total collection efficiency no less than 90 percent by weight of the total VOCs in the displaced vapor if approved by Division Director prior to start of construction.

(B) **Applicability.**

(i) Any vessel with a capacity greater than 2,000 gal (7.6 m^3) or any vessel located at a facility that dispenses more than 120,000 gal/yr (454,249 l/yr) shall be and will always remain subject to 252:100-39-41(e)(2). (effective February 12, 1990).

(ii) Exemptions to 252:100-39-41(e)(2) may be granted if the owner or operator shows to the satisfaction of the Division Director that the vessel is used exclusively for agricultural purposes.

(C) **Emission testing.** If emission testing is conducted, the appropriate test methods selected from EPA Methods 1 through 4, 18, 21, 25, 25A and 25B shall be utilized.

(D) **Compliance.** Compliance with 252:100-39-41(e)(2) shall be accomplished by the owner or operator of affected facilities by December 31, 1986.

(E) **Certification.** The owner or operator of a facility shall obtain, by whatever means practicable, certification from the owner or operator of the transport/delivery vessels that all deliveries of gasoline or other VOCs made to their 400-gallon to 40,000-gallon storage facility located in Tulsa County shall be made by transport/delivery vessels that comply with the requirements contained in 252:100-39-41(e)(4). Compliance with 252:100-39-41(e)(2) shall be accomplished by owners or operators of affected facilities no later than December 31, 1990. (Effective February 12, 1990)

(3) **Loading of VOCs.** In addition to those requirements contained in 252:100-39-41(c), stationary loading facilities shall be checked annually in accordance with EPA Test Method 21, Leak Test. Leaks greater than 5,000 ppmv shall be repaired within 15 days. Facilities shall retain inspection and repair records for at least two years.

(4) **Transport/delivery vessel requirements.** In addition to the requirements contained in 252:100-39-41(d), facilities located in Tulsa County must meet the following requirements.

(A) **Maintenance.**

(i) The delivery vessel must be maintained so that it is vapor tight except when sampling, gauging, or inspecting. These activities shall not occur while the vehicle is loading or unloading or is in a pressurized state.

(ii) The delivery vessel must be equipped, maintained, and operated to receive vapors from sources identified in 252:100-39-41(b)(1) and 252:100-39-41(b)(2) and retain these and all other vapors until they are delivered into an authorized vapor recovery/disposal system.

(iii) Vessels with defective equipment such as boots, seals, and hoses, or with other deficiencies that would impair the vessels' ability to retain vapors or liquid shall be repaired within 5 days.

(iv) The certified testing facility must certify to the approving agency that the proper testing and repairs have occurred in accordance with 252:100-39-41(e)(4)(B)(i). The vessel must also display on the rear panel a tag showing the date of the pressure test.

(v) No owner or operator shall allow a delivery vessel to be filled at a facility unable to receive displaced VOCs nor service vessels unable to deliver displaced vapors except for vessels/facilities exempted in 252:100-39-41(b). Terminal owners shall

not fill vessels that do not display a current tag.

(vi) Delivery vessels may be inspected by representatives of the DEQ in order to determine their state of repair. Such a test may consist of a visual inspection or a vapor test with vapors not to exceed 5,000 ppmv. Failure of a vapor test shall require the owner or operator to make the necessary repairs within 10 days. Failure to certify within 10 days of a vapor test that the necessary repairs have been made shall subject the owner or operator to sanctions. Upon certification of repairs, the vessel will be allowed to resume normal operation.

(B) **Testing requirements.**

(i) **Pressure test.**

(I) Delivery vessels, delivering or receiving gasoline must be tested one time per year for vapor tightness. The vapor tightness test must be consistent with Appendix "A" EPA Guideline Series Document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA 450/2-78-051. Tests shall be performed by the owner or a transport service company. Test methods used to test these vessels by owners or testing companies must be approved for use by the Division Director.

(II) The vessel shall be considered to pass the test prescribed in 252:100-3941(e) (4)(B)(i)(I) when the test results show that the vessel and its vapor collection systems do not sustain a pressure change of more than 3 in. H_20. There shall be no avoidable visible liquid leaks.

(ii) **Vapor test.** Testing of the tank trucks for compliance with vapor tightness requirements as required under 252:100-39-41(e)(4)(A)(vi) must be consistent with Appendix "B" EPA Guideline Series Document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA 405/2-78-051, as modified for this purpose in Section 252:100-39-41.1. The requirements of 252:100-39-41(e) took effect December 15, 1988.

252:100-39-41.1. Gasoline vapor leak detection method by combustible gas detector

(a) **Principle.** A combustible gas detector is used to indicate any incidence of leakage from gasoline truck tanks and vapor control systems. This qualitative monitoring procedure is an enforcement tool to confirm the continuing existence of leak-tight conditions.

(b) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Truck tank"** means any container, including associated pipes and fittings, that is used for the transport of gasoline.

(2) **"Truck tank vapor collection equipment"** means any piping, hoses, and devices on the truck tank used to collect and route the gasoline vapors in the tank to the bulk terminal, bulk plant, or service station vapor control system.

(3) **"Vapor control system"** means any piping, hoses, equipment, and devices at the bulk terminal, bulk plant, or service station, which is used to collect, store, and/or process gasoline vapors.

(c) **Applicability.** The gasoline vapor leak detection procedure by combustible gas detector is applicable to determining the leak-tightness of gasoline truck tanks during loading without taking the truck tank out of service. The method is applicable only if the vapor control system does not create back-pressure in excess of the pressure limits of the truck tank compliance leak test. For

vapor control systems, this method is applicable to determining leak-tightness at any time.

(d) **Apparatus and specifications.**

(1) **Manometer.** Liquid manometer, or equivalent, capable of measuring up to 6250 pascals (25 inches H_2O) gauge pressure with +25 pascals (0.1 inch H_2O) precision shall be used.

(2) **Combustible gas detector.** A portable hydrocarbon gas analyzer with associated sampling line and probe having the following specification shall be used.

(A) **Safety.** The detector shall be certified as safe for operation in explosive atmospheres.

(B) **Range.** The minimum range for the detector shall be 0-100 percent of the lower explosive limit (LEL) as propane.

(C) **Probe diameter.** The sampling probe shall have an internal diameter of 0.625 cm (1/4 inch).

(D) **Probe length.** The probe sampling line shall be of sufficient length for easy maneuverability during testing.

(E) **Response time.** The response time for full-scale deflection shall be less than 8 seconds for detector with sampling line and probe attached.

(e) **Test procedure.**

(1) **Pressure.** Place a pressure tap in the terminal, plant, or service station vapor control system, as close as possible to the connection with the truck tank. Record the pressure periodically during testing.

(2) **Calibration.** Calibrate the combustible gas detector with 2.2 percent propane by volume in air for 100 percent LEL response.

(3) **Monitoring procedure.** During loading or unloading, check the periphery of all potential sources of leakage of the truck tank and of the terminal, plant, or service station vapor collection system with a combustible gas detector.

(A) **Probe distance.** The probe inlet shall be 2.5 cm from the potential leak source.

(B) **Probe movement.** Move the probe slowly (2.0 cm/second). If there is any meter deflection at a potential leak source, move the probe to locate the point of highest meter response.

(C) **Probe position.** As much as possible, the probe inlet shall be positioned in the path of (parallel to) the vapor flow from a leak.

(D) **Wind.** Attempt as much as possible to block the wind from the area being monitored.

(4) **Recording.** Record the highest detector reading and location for each incidence of leakage.

252:100-39-42. Metal cleaning

(a) **Cold cleaning facility.**

(1) **Equipment requirements.** An owner or operator of any cold cleaning unit for metal degreasing which uses a VOC shall:

(A) install a cover or door on the facility that can be easily operated with one hand;

(B) provide an internal drain board that will allow lid closure if practical; if not practical, provide an external drainage facility; and,

(C) attach a permanent, conspicuous label summarizing the operating requirements specified in 252:100-39-42(a)(2) to the facility.

(2) **Operating requirements.** Owners or operators shall at a minimum:

(A) drain clean parts at least 15 seconds or until dripping ceases before removal;

(B) close degreaser cover when not handling parts in cleaner;

(C) store waste VOC in covered containers;

(D) not dispose or allow disposition of waste VOC in such a manner that more than 20 percent by weight can evaporate into the atmosphere.

(E) use a solid fluid stream, not an atomized spray, when VOC is sprayed.

(3) **Requirements for controls.** If the vapor pressure of the VOC is greater than 0.6 psi (4.1 kPa) measured at 100°F (38°C) or if VOC is heated to 248°F (120°C), the owner or operator shall apply one or more of the following control devices/techniques.

(A) Freeboard that gives a freeboard ratio greater than or equal to 0.7.

(B) Water cover where the VOC is insoluble in and denser than water or such equivalent.

(C) Another system of equivalent control as approved by the Division Director.

(4) **Compliance and recordkeeping.** Compliance shall be determined in accordance with EPA guidance document "Control of Volatile Organic Emissions from Solvent Metal Cleaning," 450/2-77-022. Test reports and maintenance and repair records of control equipment shall be maintained by the source for at least two years.

(b) **Vapor-type metal degreasing.**

(1) **Equipment requirements.** An owner or operator of any vapor-type metal degreasing unit using A VOC shall ensure that the following requirements are met.

(A) The unit shall have a cover or door that can easily be opened and closed without disturbing the vapor zone.

(B) The unit shall have the following safety switches.

(i) Condenser flow switch and thermostat or equivalent capable of shutting off the sump heat if condenser coolant is not circulating or coolant exceeds VOC manufacturer's recommended level.

(ii) Spray safety switch capable of shutting off spray pumps if the vapor level drops in excess of 4 in. (10 cm).

(C) The unit shallhave one or more of the following control devices/techniques.

(i) Freeboard ratio not less than 0.75, i.e., the ratio of the freeboard to the width of the degreaser wherein the term freeboard is defined as the distance from the top of the vapor zone to the top of the degreaser tank.

(ii) Refrigerated chiller, i.e., condenser coils in the upper limit of the vapor zone.

(iii) Enclosed design, i.e., cover or door is opened only when a part is actually entering or exiting the facility.

(iv) A carbon adsorption system with ventilation greater than 50 cfm/ft^2 of air/vapor area when cover is open . The system shall exhaust less than 25 ppmv VOC average over one adsorption cycle.

(v) A control system demonstrated to have a control efficiency equal to or greater than any of the systems in 252:100-39-42(b)(1)(C).

(D) A permanent conspicuous label summarizing operating requirements in 252:100-39-42(b)(2) shall be attached to the unit.

(2) **Operating requirements.** An owner or operator of a vapor type metal degreasing unit using VOC shall ensure that the following requirements are met.

(A) As a minimum operators shall:

(i) keep the cover closed at all times except when degreasing parts;

(ii) rack parts to allow full drainage;

(iii) move parts in and out of the degreaser at less than 11 ft/min (3.4 m/min);

(iv) degrease the workload in the vapor zone at least 30 seconds or until condensation ceases;

(v) tip out any pools of VOC on the cleaned parts before removal;

(vi) allow parts to dry within the degreaser for at least 15 seconds or until visually dry;

(vii) assure that VOC leaks are immediately repaired or the degreaser is shut down; and,

(viii) store waste VOC only in closed containers.

(B) As a minimum operators shall not:

(i) degrease porous or absorbent materials, such as cloth, leather, wood or rope;

(ii) allow workloads to occupy more than half of the degreaser's open top area;

(iii) spray above the vapor level;

(iv) allow greater than 20 percent of the VOC waste (by weight) to evaporate into the atmospherewhen disposing of the waste or transferring the waste to another party;

(v) allow exhaust ventilation to exceed 65 cfm/ft^2 (20 m^3/min/m^2) of degreaser open area, unless necessary to meet OSHA requirements.

(vi) use ventilation fans near the degreaser opening; or,

(vii) allow water to be visually detectable in VOC exiting the water separator.

(3) **Compliance and recordkeeping.** Compliance shall be determined in accordance with EPA document 450/2-77-022 and all test and maintenance records shall be retained by the source for at least two years.

(c) **Conveyorized degreasing unit.**

(1) **Operating requirements.** An owner or operator of a conveyorized degreasing unit using VOC shall ensure that the following requirements are met.

(A) Exhaust ventilation shall not exceed 65 cfm/ft^2 (20 m^3/min/m^2) of degreaser opening, unless necessary to meet OSHA requirements.

(B) Work place fans shall not be used near the degreaser opening.

(C) Carry-out emissions shall be minimized by:

(i) racking parts for best drainage; and,

(ii) maintaining vertical conveyor speed at less than 11 ft/min (3.4 m/min).

(D) Evaporation of waste VOC into the atmosphere shall not be greater than 20 percent of the waste (by weight) when disposing of the waste or transferring the waste to another party.

(E) Waste VOC shall be stored only in covered containers.

(F) VOC leaks must be repaired immediately, or the degreaser must be shut down.

(G) Water shall not be visibly detectable in the VOC exiting the water separator.

(H) A permanent conspicuous label summarizing the operating requirements listed in 252:100-39-42(b) and 252:100-39-42(c)shall be attached to the unit.

(2) **Control requirements.** In addition to the requirements in 252:100-39-42(c)(1), any unit that has an air/vapor interface of more than 21.5 ft^2 (2.0 m^2) shall be subject to the following control requirements.

(A) **Major control devices.** The degreaser must be controlled by either:

(i) a refrigerated chiller;

(ii) a carbon adsorption system that exhausts less than 25 ppmv of VOC averaged

over a complete adsorption cycle and has ventilation equal to or greater than 50 cfm/ft^2 (15 m^3/min/m^2) of air/vapor area (when down-time covers are open); or,

(iii) a system demonstrated to have control efficiency equivalent to or better than either of the above.

(B) **Carryover prevention.** Either a drying tunnel, or another means such as rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out VOC liquid or vapor subject to space limitations must be installed.

(C) **Safety switches.** The following safety switches must be installed and be operational.

(i) Condenser flow switch and thermostat that shuts off sump heat if coolant is either not circulating or too warm.

(ii) Spray safety switch that shuts off spray pump or conveyor if the vapor level drops excessively, e.g. more than 4 in (10 cm).

(iii) Vapor level control thermostat that shuts off sump heat when vapor level rises too high.

(D) **Minimized openings.** Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than 4 in. (10 cm) or less that 10 percent of the width of the opening.

(E) **Covers.** Down-time covers must be placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shutdown and removed just before they are started up.

(3) **Compliance and recordkeeping.** Compliance shall be determined in accordance with EPA document 450/2-77-022 . All test and maintenance records shall be retained by the source for at least two years.

(d) **Alternative control methods.** As an alternative to the requirements of 252:100-39-42(a) through 252:100-39-42(c) and subject to EPA approval, an operator may request the approval by the Division Director of other methods of control. The applicant must demonstrate that the proposed method will prevent at least 80 percent of the emissions from each source from being emitted to the atmosphere, as determined by the appropriate test methods selected from EPA Methods l through 4, 18, 25, 25A and 25B.

252:100-39-43. Graphic arts systems

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Flexographic printing"** means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(2) **"Packaging rotogravure printing"** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(3) **"Publication rotogravure printing"** means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(4) **"Roll printing"** means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(5) **"Rotogravure printing"** means the application of works, designs and pictures to a

substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

(b) **Applicability.** This Section applies only to packaging rotogravure, publication rotogravure, and flexographic printing facilities whose potential emissions of VOC are equal to or more than 100 tons/yr (90 Mg/yr). Potential emissions shall be calculated based on historical records of actual consumption of VOC and ink.

(c) **Provisions for specific processes.**

(1) An owner or operator of a facility subject to this Section which uses VOC containing ink shall ensure that one of the following conditions is met.

(A) The volatile fraction of ink, as it is applied to the substrate, contains 25.0 percent by volume or less of VOC and 75.0 percent by volume or more of water.

(B) The ink as it is applied to the substrate, less water, contains 60.0 percent by volume or more of nonvolatile material.

(C) The owner or operator installs and operates:

(i) a carbon adsorption system that reduces the VOC emissions from the capture system by at least 90.0 percent by weight;

(ii) an incineration system that oxidizes at least 90.0 percent of the VOC measured as total combustible carbon to carbon dioxide and water; or,

(iii) an alternative VOC emission reduction system demonstrated to have at least 90.0 percent reduction efficiency, measured across the control systemwhich has been approved by the Division Director.

(2) A capture system must be used in conjunction with the emission control systems in 252:100-39-43(c)(1)(C). The design and operation of the capture system must be consistent with good engineering practice, and shall be required to provide for an overall reduction in VOC emissions of at least:

(A) 75.0 percent where a publication rotogravure process is employed;

(B) 65.0 percent where a packaging rotogravure process is employed; or,

(C) 60.0 percent where a flexographic printing process is employed.

(d) **Compliance schedule.** Compliance with this Section shall be accomplished by affected facilities by May 23, 1982.

(e) **Testing.** Test procedures to determine compliance with this Subchapter must be consistent with EPA Reference Method 24 or equivalent ASTM Methods.

252:100-39-44. Manufacture of pneumatic rubber tires

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Automatic tread end cementing"** means the application of a VOC based cement to the tire tread ends by automated devices.

(2) **"Bead dipping"** means the dipping of an assembled tire bead into a VOC based cement.

(3) **"Green tires"** means assembled tires before molding and curing have occurred.

(4) **"Green tire spraying"** means the spraying of green tires, both inside and outside, with release compounds that help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.

(5) **"Manual tread end cementing"** means the application of a VOC based cement to the tire tread ends by manufacturers.

(6) **"Passenger type tire"** means agricultural, airplane, industrial, mobile home, light and

medium duty truck, and passenger vehicle tires with a bead diameter up to but not including 20.0 inches and cross section dimension up to 12.8 inches.

(7) **"Pneumatic rubber tire manufacture"** means the production of pneumatic rubber, passenger type tires on a mass production basis.

(8) **"Undertread cementing"** means the application of a VOC based cement to the underside of a tire tread.

(9) **"Water based sprays"** means release compounds, sprayed on the inside and outside of green tires, in which solids, water and emulsifiers have been substituted for VOCs. These sprays may contain an average of up to five percent VOC.

(b) **Applicability.**

(1) This Section applies to VOC emissions from all major source pneumatic rubber tire manufacturing facilities located in Oklahoma County from:

(A) undertread cementing;

(B) automatic tread end cementing; and,

(C) green tire spraying.

(2) The provisions of this Section do not apply to the production of specialty tires for antique or other vehicles when produced on an irregular basis or with short production runs. This exemption applies only to tires produced on equipment separate from normal production lines for passenger type tires.

(3) Manual tread end cementing operations are exempt from the provisions of this Section.

(c) **Control requirements.**

(1) **Undertread cementing or automatic tread end cementing.** The owner or operator of an undertread cementing, or automatic tread end cementing, operation subject to this Section shall install and operate the following.

(A) A capture system, designed to achieve maximum reasonable capture from all undertread cementing, and automatic tread end cementing operations. Maximum reasonable capture would require that hood enclosures be designed to minimize open areas and enclose as much of the emission source as practical while maintaining a minimum in-draft velocity of 200 ft/min (61 m/min) except during times when the enclosure must be opened to allow work inside or for the inspections of the product in progress. Maximum reasonable capture shall be consistent with:

(i) Industrial Ventilation, A Manual of Recommended Practices, 14th Edition, American Federation of Industrial Hygienists; and,

(ii) Recommended Industrial Ventilation guidelines, U.S. Department of Health Education and Welfare, National Institute of Occupational Safety and Health.

(B) A control device that meets the requirements of one of the following systems.

(i) A carbon adsorption system designed and operated so that there is at least an initial 95.0 percent removal of VOC by weight from the gases ducted to the control device with at least a 90 percent 3 year removal average.

(ii) An incineration system that oxidizes at least 90.0 percent of the VOCs (measured as total combustible carbon) which enter the incinerator to carbon dioxide and water.

(iii) An alternative VOC emission reduction system certified by the owner or operator to have at least a 90.0 percent reduction efficiency, measured across the control system, and that has been approved by the Division Director.

(2) **Green tire spraying.** The owner or operator of a green tire spraying operation subject to this Section shall implement one of the following means of reducing VOC emissions.

(A) Substitute water-based sprays for the normal VOC-based mold release compound.

(B) Install a capture system designed and operated to capture and transfer at least 90.0 percent of the VOC emitted by the green tire spraying operation to a control device, and install and operate a control device that meets the requirements of one of the following systems.

(i) A carbon adsorption system designed and operated so that there is at least 95.0 percent removal of VOC by weight from the gases ducted to the control device.

(ii) An incineration system that oxidizes at least 90.0 percent of the VOCs (measured as total combustible carbon) to carbon dioxide and water.

(iii) An alternative VOC emission reduction system approved by the Division Director and certified by the owner or operator to have at least a 90.0 percent reduction efficiency, measured across the control system.

(3) **Exemption.** If the total VOC emissions from all undertread cementing, tread-end cementing, bead dipping, and green tire spraying operations at a pneumatic rubber tire manufacturing facility do not exceed 57 g/tire, 252:100-39-44(c)(1) and 252:100-39-44(c)(2) shall not apply.

(d) **Compliance schedule.** Compliance with this Section will be accomplished by affected facilities on or before December 31, 1982.

(e) **Testing and monitoring.**

(1) Test procedures to determine compliance with this Section must be approved by the Division Director and be consistent with:

(A) EPA Guideline Series Document "Measurement of Volatile Organic Compounds," EPA-450/2-78-041.

(B) Appendix A of "Control of Volatile Organic Emissions from Existing Stationary Sources - Volume II: Surface coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks," EPA-450/2-77-008.

(2) The Division Director may accept, instead of green tire spray analysis, a certification by the manufacturer of the composition of the green tire spray, if supported by actual batch formulation records.

(3) If add-on control equipment is used, continuous monitors shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating. These monitors shall measure:

(A) exhaust gas temperature of an incinerator;

(B) temperature rise across a catalytic incinerator bed;

(C) breakthrough of VOC on a carbon adsorption unit; and,

(D) any other parameter for which a continuous monitoring or recording device is required by the Division Director.

252:100-39-45. Petroleum (solvent) dry cleaning

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Cartridge filters"** means perforated canisters containing filtration paper and/or activated carbon that are used in a pressurized system to remove solid particles and fugitive dyes from soil-laden petroleum solvent.

(2) **"Containers and conveyors of petroleum solvent"** means piping, ductwork, pumps, storage tanks, and other ancillary equipment that are associated with the installation and

operation of washers, dryers, filters, stills, and settling tanks.

(3) **"Dry cleaning"** means a process of the cleaning of textiles and fabric products in which articles are washed in a non-aqueous solution (petroleum solvent) and then dried by exposure to a heated air stream.

(4) **"Housekeeping"** means those measures and precautions necessary to minimize the release of petroleum solvent to the atmosphere.

(5) **"Operations parameters"** means the activities required to insure that the equipment is operated in a manner to preclude the loss of petroleum solvents to the atmosphere.

(6) **"Perceptible leaks"** means any petroleum solvent vapor or liquid leaks that are conspicuous from visual observation, such as pools or droplets of liquid, or buckets or barrels of petroleum solvent or petroleum solvent-laden waste standing open to the atmosphere.

(7) **"Petroleum solvent"** means organic material produced by petroleum distillation comprising a hydrocarbon range of 8 to 12 carbon atoms per organic molecule that exists as a liquid under standard conditions.

(b) **Applicability.** This Section applies to petroleum solvent washers, dryers, filters, settling tanks, vacuum stills, and other containers and conveyors of petroleum solvent that are used in petroleum solvent dry cleaning facilities in Tulsa County only.

(c) **Operating requirements.**

(1) The owner or operator of a petroleum solvent dry cleaning facility shall not operate any dry cleaning equipment using petroleum solvents unless:

(A) there are no perceptible liquid or vapor leaks from any portion of the equipment;

(B) all washer lint traps, button traps, access doors and other parts of the equipment where petroleum solvent may be exposed to the atmosphere are kept closed at all times except when required for proper operation or maintenance;

(C) the still residue is stored in sealed containersand the used filtering material is placed into a sealed container suitable for use with petroleum solvents, immediately after removal from the filter and disposed of in the prescribed manner; or,

(D) cartridge filters containing paper or carbon or a combination thereof, which are used in the dry cleaning process are drained in the filter housing for at least 24 hours prior to removal.

(2) The owner or operator of a petroleum solvent dry cleaning facility shall not operate any drying tumblers and cabinets that use petroleum solvents unless tumblers and cabinets are operated in a manner to control petroleum solvent vapor leaks by reducing the number of sources where petroleum solvent is exposed to the atmosphere. Under no circumstances should there be any open containers (can, buckets, barrels) of petroleum solvent or petroleum solvent-containing material. Equipment containing solvent (washers, dryers, extractors, and filters) should remain closed at all times other than during maintenance or load transfer. Lint filter and button trap covers should remain closed except when petroleum solvent-laden lint and debris are removed. Gaskets and seals should be inspected and replaced when found worn or defective. Petroleum solvent-laden clothes should never be allowed to remain exposed to the atmosphere for longer periods than are necessary for load transfers. Finally, vents on petroleum solvent-containing waste and new petroleum solvent storage tanks should be constructed and maintained in a manner that limits petroleum solvent vapor emissions to the maximum possible extent.

(3) The owner or operator shall repair all petroleum solvent vapor and liquid leaks within 3 working days after identifying the sources of the leaks. If necessary repair parts are not on

hand, the owner or operator shall order these parts within 3 working days, and repair the leaks no later than 3 working days following the arrival of the necessary parts.

(d) **Disposal of filters.** Filters from the petroleum dry cleaning facility shall be disposed of by:

(1) incineration at a facility approved by the fire marshall's office for such disposal;

(2) by recycling through an approved vendor of this service; or,

(3) by any other method approved by the Division Director.

(e) **Compliance schedule.** Compliance with 252:100-39-45(c)(1) through 252:100-39-45(c)(3), shall be accomplished by affected facilities on or before October l, 1986.

252:100-39-46. Coating of parts and products

(a) **Applicability.** This Section shall apply only to industries located in Tulsa County which manufacture and/or coat metal parts and products , such as large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery and fabricated metal products. Architectural coating, aerospace coating, and automobile refinishing are not included.

(b) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise.

(1) **"Air or forced air dry coatings"** means coatings that are dried by the use of air or forced warm air at temperatures up to 194°F.

(2) **"Architectural coating"** means coating used for residential, commercial and/or industrial buildings and their appurtenances.

(3) **"Clear coat"** means a coating that lacks color and opacity or is transparent and uses the undercoat as a reflectant base.

(4) **"Extreme performance coatings"** mean coatings designed for harsh exposure or extreme environmental conditions (e.g., exposure to the weather all of the time, temperature above 200°F, detergents, abrasive and scouring agents, solvents, corrosive atmosphere or similar conditions).

(5) **"Facility"** means all emission sources located on contiguous properties under common control which are affected by the surface coating provisions of 252:100-37 and 252:100-39.

(6) **"Powder"** means a coating that is applied in a finely divided state by various methods, and becomes a continuous, solid film when the metal part or product is moved to an oven for curing.

(7) **"Transfer efficiency"** means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.

(c) **Existing source requirement.** No owner or operator shall discharge or cause the discharge into the atmosphere from an existing coating line or individual coating operation any VOC in excess of the amounts listed in 252:100-39-46(d) as calculated by EPA method 24, 40 CFR Part 60.

(d) **Standards.** The following table enumerates the limitations for surface coatings in pounds of VOC per gallon of coating as applied (water and exempt compounds). If more than one limit listed in the table is applicable to a specific coating, then the least stringent limitation shall be applied.

Coating type	Limitations	
	lbs/gal	kg/l

Air or Forced Air Dry		3.5		0.42
Clear Coat		4.3		0.52
Extreme Performance	3.5		0.42	
Powder	0.4		0.05	
Other	3.0		0.36	

(e) **Emission factor.** For the purposes of calculating an emission factor (EF) in pounds VOC per gallon of coating solids for use in the development of a plant-wide emission plan as described in 252:100-39-46(j)(1), the following formula will be utilized:
EF = VD/l-(V+W) = VD/S where:

(1) V = volume fraction of VOC in coating.
(2) D = density of VOC in the coating.
(3) W = volume fraction of water in coating.
(4) S = l-(V+W) = volume fraction of solids in coating.

(f) **Compliance.** Compliance with the coating limits listed in 252:100-39-46(d) is to be calculated on a daily weighted average basis.
(g) **VOC-containing materials.** VOC-containing materials used for clean up shall be considered in the VOC content limits listed in 252:100-39-46(d) unless:

(1) the VOC containing materials are maintained in a closed container when not in use;
(2) closed containers are used for the disposal of cloth or paper or other materials used for surface preparation and cleanup;
(3) the spray equipment is disassembled and cleaned in a VOC vat and the vat is closed when not in use; or,
(4) the VOC containing materials used for the clean up of spray equipment are sprayed directly into closed containers.

(h) **Exemptions.** Facilities with a potential to emit 10 tons/year or less of VOC from coating operations are exempt from this Section. Once this limit is exceeded, the facility will always be subject to this Section.
(i) **Alternate standard.** Coatings with VOC contents in excess of those allowed by 252:100-39-46(d) may be used if both of the following conditions are met.

(1) Emissions are reduced to levels equivalent to those that would occur if the VOC content of the coatings met the limits contained in 252:100-39-46(d) and there is an overall control efficiency of at least:
    (A) 85 percent by incineration;
    (B) 85 percent by absorption; or,
    (C) 85 percent by any other equipment of equivalent reliability and effectiveness.
(2) No air pollution, as defined by the Clean Air Act, results.

(j) **Emission plan.**

(1) **Development of a plant-wide emission plan.** An owner or operator may develop a plant-wide emission plan consistent with EPA's Emission Trading Policy as published in the December 4, 1986 Federal Register instead of having each coating line comply with the VOC content limitations contained in 252:100-39-46(d), if the following conditions are met.
    (A) The owner or operator demonstrates by the methods prescribed in 252:100-5-2.1(d) that sufficient reductions in VOC emissions may be obtained by controlling other sources within the plant to the extent necessary to compensate for all excess emissions which result from one or more coating lines not achieving the prescribed limitation. Such

demonstration shall be made in writing and shall include:

(i) a complete description of the coating line or lines that can not comply with the VOC content limitation in 252:100-39-46(d);

(ii) quantification of emissions, in terms of pounds per day of VOCs, which are in excess of the prescribed VOC content limitation for each coating line described in 252:100-39-46(j)(A)(i);

(iii) a complete description of how emissions will be decreased at specific sources to compensate for excess emissions from each coating line described in 252:100-39-46(j)(A)(i) and the date on which such reduction will be achieved;

(iv) a transfer efficiency based on a 60 percent baseline with emissions expressed in pounds of VOC per gallon of solids when transfer efficiency is used to compensate for excess emissions from spray painting operations;

(v) a demonstration of credits for improvements in transfer efficiency with in plant testing that complies with EPA methods.

(vi) quantification of emissions, in terms of pounds per day of VOCs, for each source both before and after the improvement or installation of any applicable control system, or any physical or operational changes to such a facility or facilities to reduce emissions and the date on which such reductions will be achieved; and,

(vii) a description of the procedures and methods used to determine the emissions of VOCs.

(B) The plant-wide emission reduction plan does not include decreases in emissions resulting from requirements of other applicable air pollution rules. The plant-wide emission reduction plan as described in the Emissions Trading Policy may include voluntary decreases in emissions accomplished through installation or improvement of a control system or through physical or operational changes to emission units, including permanently reduced production or closing a facility, located on the premises of a surface-coating operation.

(2) **Compliance with a plant-wide emission plan.** The implementation of a plant-wide emission reduction plan instead of compliance with the VOC content limitation prescribed in 252:100-39-46(d) has been expressly approved by the Executive Director and the EPA Administrator. Upon approval of a plan, any emissions in excess of those established for each facility under the plan shall be a violation of these rules.

(k) **Compliance, testing, and monitoring requirements.**

(1) The Division Director may require at the expense of the owner or operator a demonstration of compliance with the emission limits using EPA Methods 24, 24A, 1-4, 25, 25A, 25B in 40 CFR 60.444 or EPA Document 450/3-84-019. At a minimum, such test must show that the overall capture efficiency and destruction efficiency are equal to 85 percent (e.g., 90 percent capture efficiency multiplied by 95 percent destruction efficiency equals 85.5 percent system efficiency). The one hour bake option in Method 24 is required when doing compliance testing.

(2) Testing for plant-wide emission plans shall be conducted at the expense of the owner or operator to demonstrate compliance with the VOC content limits contained in 252:100-39-46(d).

(3) Monitoring shall be required of any owner or operator subject to this Section who uses add-on control equipment for compliance. Such monitoring shall include installation and maintenance of monitors to accurately measure and record operational parameters of all

required control devices to ensure the proper functioning of those devices in accordance with design specifications, including:

(A) the exhaust temperature of direct flame incinerators and/or gas temperature immediately upstream and downstream of any catalyst bed;

(B) the total amount of VOCs recovered by carbon adsorption or other VOC recovery system during a calendar month; and,

(C) the dates and reasons for any maintenance and repair of the required control devices and the estimated quantity and duration of emissions during such activities;

(l) **Reporting and recordkeeping.**

(1) The owner or operator of a facility subject to this Section shall submit to the Division Director upon written request reports detailing specific VOC sources; the quantity of coatings used for a specific time period, VOC content of each coating; capture and control efficiencies; and any other information pertinent to the calculation of VOC emissions. The data necessary to supply the requested information shall be retained by the owner or operator for a minimum of two years.

(2) The owner or operator of a facility subject to this Section shall maintain records of any testing conducted at an affected facility in accordance with the provisions specified in 252:100-39-46(k), as well as all other records, for at least two years. These records shall be available to representatives of the DEQ upon request.

(m) **Compliance date.** The date of compliance with the requirements of this Section is December 31, 1990.

252:100-39-47. Control of VOC emissions from aerospace industries coatings operations

(a) **Applicability.**

(1) Except as noted in OAC 252:100-39-47(a)(2) and (3), this Section applies to existing or new aerospace vehicle and component coating operations at aerospace manufacturing, rework, or repair facilities located in Tulsa County that have the potential to emit 10 TPY or more of VOC from coating operations. For purposes of this Section, coating operations include associated cleaning operations as specified in OAC 252:100-39-47(d)(4) and surface preparation.

(2) This Section does not apply to manufacturing, rework, or repair operations involving space vehicles or rework or repair operations performed on antique aerospace vehicles or components.

(3) This Section does not apply to the following activities: research and development, quality control, laboratory testing, and electronic parts and assemblies (except for cleaning and coating of completed assemblies).

(b) **References to 40 CFR.** References to the aerospace NESHAP 40 CFR 63 subpart GG refers to that subpart as it existed on July 1, 2001.

(c) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise. Additional definitions for terms used in this Section are found in § 63.742 and Appendix A of the aerospace NESHAP 40 CFR 63 subpart GG, which is adopted by reference in OAC 252:100-41-15(b).

(1) **"Alternate reasonably available control technology (ARACT)"** means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility as determined on a case-by-case basis.

(2) **"Chemical milling maskant"** means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Additionally, maskants that must be used with a combination of Type I or II etchants and any of the above types of maskants (i.e., bonding, critical use and line sealer, and seal coat) are not included. Maskants that are defined as specialty coatings are not included under this definition.

(3) **"Operating parameter value"** means a minimum or maximum value established for a control equipment or process parameter that, if achieved by itself or in combination with one or more other operating parameter values, determines that an owner or operator has continued to comply with an applicable emission limitation.

(4) **"Reasonably available control technology"** or **"RACT"** means control technology that is reasonably available considering technological and economic feasibility and the need to impose such controls to attain and maintain a National Ambient Air Quality Standard.

(5) **"Specialty coating"** means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(d) **Standards and requirements.**

(1) **VOC content of coatings.**

(A) **VOC content limits for specialty coatings.**

(i) No specialty coatings that contain VOC in excess of the limits specified in Appendix N of this Chapter shall be applied to aerospace vehicles or components. The VOC content of specialty coatings shall include any VOC-containing materials added to the original coating supplied by the manufacturer.

(ii) The VOC content limits listed in Appendix N of this Chapter do not apply to touch-up, aerosol, and DOD "classified" coatings.

(B) **VOC content limits for primers and topcoats.** Each coating operation utilizing primers and topcoats (including self-priming topcoats) that are not specialty coatings listed in Appendix N of this Chapter, shall comply with the VOC content limits contained in § 63.745(c)(2) and (c)(4) of the aerospace NESHAP 40 CFR 63, subpart GG.

(C) **VOC content limits for chemical milling maskants.** Each chemical milling maskant operation utilizing chemical milling maskants (Type I/II) that are not specialty coatings listed in Appendix N of this Chapter, shall comply with the VOC content limits contained in § 63.747(c)(2) and the exemptions in § 63,747(c)(3) of the aerospace NESHAP 40 CFR 63 subpart GG.

(D) **Exemption of low volume coating usage.** The requirements of OAC 252:100-39-47(d)(1) do not apply to the use of primers, topcoats, chemical milling maskants, and specialty coatings for which the annual total of each separate formulation used at the facility does not exceed 50 gal and the combined annual total of all such primers, topcoats, chemical milling maskants, and specialty coatings used at the facility does not exceed 200 gal. Primers, topcoats, and chemical milling maskants exempt under OAC

252:100-39-47(a) are not included in the 50 and 200 gal limits.

(E) **Compliance determination.**

(i) Coatings used at facilities subject to this Section shall be deemed in compliance when the VOC content of these coatings comply with the requirements of OAC 252:100-39-47(d)(1).

(ii) For purposes of determining compliance with emission limits, VOC will be measured by the approved test methods. Where such a method also inadvertently measures compounds that are exempt solvents, an owner or operator may exclude these exempt solvents when determining compliance with an emission standard.

(2) **Application equipment.**

(A) Each primer or topcoat application operation subject to this Section shall comply with the requirements and exemptions specified in § 63.745(f) of the aerospace NESHAP 40 CFR 63 subpart GG.

(B) Specialty coatings are not subject to the equipment requirements of OAC 252:100-39-47(d)(2)(A).

(3) **Control equipment.**

(A) **Control equipment efficiency.** Each owner or operator may comply with the provisions of OAC 252:100-39-47(d)(1) by using approved air pollution control equipment provided that the control equipment has a combined VOC emissions capture and control equipment efficiency of 81% or greater by weight.

(B) **Exemption.** Except for specialty coatings, any primer or topcoat operation that complies with the control requirements in § 63.745(d) or any chemical milling maskant operation that complies with the control requirements of § 63.747(d) of the aerospace NESHAP 40 CFR 63 subpart GG is deemed to be in compliance with the requirements of OAC 252:100-39-47(d)(3).

(C) **Compliance determination.** When control equipment is used to comply with the coating standards in OAC 252:100-39-47(d)(1), compliance shall be determined in accordance with § 63.749(d) and (h) of the aerospace NESHAP 40 CFR 63 subpart GG.

(4) **Housekeeping measures and solvent cleaning operations.**

(A) Housekeeping measures and solvent cleaning operations (hand-wipe cleaning, spray gun cleaning, and flush cleaning) subject to this Section shall comply with the requirements and exemptions contained in § 63.744 of the aerospace NESHAP 40 CFR 63, subpart GG.

(B) Housekeeping measures and solvent cleaning operations subject to OAC 252:100-39-47(d)(4)(A) shall be considered in compliance with subparagraph (A) when the requirements in § 63.749(c) of the aerospace NESHAP 40 CFR 63 subpart GG are met.

(5) **General standards.** The handling and transfer of primers, topcoats, and chemical milling maskants to or from containers, tanks, vats, vessels, and piping systems shall be handled in a manner that minimizes spills.

(e) **Monitoring.**

(1) Each owner or operator who chooses to comply with the VOC content limits of OAC 252:100-39-47(d)(1)(A), (B), and /or (C) by using approved air pollution control equipment shall submit a monitoring plan that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with OAC 252:100-39-47(d)(3) of this Section. The monitoring device shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications.

(2) Each owner or operator using an enclosed spray gun cleaner shall visually inspect the seals and all other potential sources of leaks at least once per month. Each inspection shall occur while the spray gun cleaner is in operation.

(3) Except for specialty coatings, any source that complies with the monitoring requirements of § 63.751 of the aerospace NESHAP 40 CFR 63 subpart GG is deemed to be in compliance with the requirements of OAC 252:100-39-47(e).

(f) **Recordkeeping requirements.**

(1) **Coating operations.**

(A) Each owner or operator of primer and topcoat application operations or chemical milling maskant application operations shall comply with the recordkeeping requirements of § 63.752 of the aerospace NESHAP 40 CFR 63 subpart GG as appropriate.

(B) Each owner or operator of coating operations using specialty coatings listed in Appendix N of this Chapter shall comply with the following recordkeeping requirements.

(i) They shall maintain a current list of coatings in use showing category and as-applied VOC content of each coating.

(ii) They shall record coating usage on an annual basis. Methods used may include, but are not limited to, inventory records.

(2) **Cleaning operations.** Each owner or operator subject to the solvent cleaning operation requirements in OAC 252:100-39-47(d)(4) shall:

(A) for hand-wipe cleaning operations keep the records required by § 63.752(b)(2), (3), and/or (4) of the aerospace NESHAP 40 CFR 63 subpart GG as appropriate;

(B) for enclosed spray gun cleaning operations keep the records required by § 63.752(b)(5) of the aerospace NESHAP 40 CFR 63 subpart GG.

(3) **Control equipment.** Each owner or operator using control equipment under OAC 252:100-39-47(d)(3) shall record monitoring parameters as specified in the monitoring plan required under OAC 252:100-39-47(e)(1).

(4) **Exemptions.** Except for specialty coatings listed in Appendix N of this Chapter, any source that complies with the recordkeeping requirements of § 63.752 of the aerospace NESHAP, 40 CFR 63 subpart GG is deemed to be in compliance with the requirements of OAC 252:100-39-47(f).

(g) **Test methods.**

(1) **Coatings which are not waterborne (water-reducible).** For coatings which are not waterborne, determine the VOC content of each formulation (less water and less exempt solvents) as applied using manufacturer's supplied data or Method 24 of 40 CFR 60, Appendix A. If there is a discrepancy between the manufacturer's formulation data and the results of the Method 24 analysis, compliance shall be based on the results from the Method 24 analysis.

(2) **Waterborne (water-reducible) coatings.** For waterborne coatings, manufacturer's supplied data alone can be used to determine the VOC content of each formulation.

(3) **Cleaning solvents.** Solvent composition and vapor pressure for cleaning solvents used in hand-wipe cleaning operations subject to OAC 252:100-39-47(d)(4)(A) shall be determined as specified in § 63.750(a) and (b) of the aerospace NESHAP 40 CFR 63 subpart GG.

(4) **Control equipment.** Measurements of VOC emissions from control equipment as allowed by OAC 252:100-39-47(d)(3) shall be conducted in accordance with EPA Methods 18, 25, and/or 25A of 40 CFR 60, Appendix A.

(5) **Exemptions.** Except for specialty coatings, any source that complies with the test

method requirements of § 63.750 of the aerospace NESHAP 40 CFR 63 subpart GG is deemed to be in compliance with the requirements of this subsection.

(h) **Compliance date.**

(1) The requirements of this Section shall be considered RACT for control of VOC emissions from vehicle and component coating operations at aerospace manufacturing, rework, or repair facilities in Tulsa County upon the effective date of this revision. New or modified sources shall be in compliance upon start-up.

(2) Except for specialty coatings, any source that complies with the compliance dates and determinations of § 63.749 of the aerospace NESHAP, 40 CFR 63 subpart GG is deemed to be in compliance with the requirements of OAC 252:100-39-47(h).

(3) Owners or operators of facilities with specialty coatings that are compliant under the ARACT plan, but are not compliant with the VOC content limits contained in Appendix N of this Chapter will have six (6) months from the effective date of this revision to find an alternate coating or install controls. Owners or operators of such facilities shall notify the DEQ in writing of any such noncompliant specialty coatings within 90 days of the effective date of this revision. This notification shall include a list of the noncompliant specialty coatings, the VOC content of each coating, and the quantity of each coating used per month and per year.

(i) **Revocation of ARACT plans.** Existing ARACT plans for aerospace facilities located in Tulsa County shall become null and void upon the effective date of this revision.

252:100-39-48. Vapor recovery systems [REVOKED]

252:100-39-49. Manufacturing of fiberglass reinforced plastic products

(a) **Applicability.**

(1) This Section applies to any process gas stream with actual VOC emissions that exceed six tons per year based on 6,240 hours of operation per year.

(2) Once the limit in 242:100-39-49(a)(1) is exceeded, the controls required in 252:100-39-49(b) must be put in place and maintained and used at any operating level.

(b) **Standards.** Affected facilities shall limit emissions of VOC from fiberglass manufacturing by use of control equipment which can demonstrate an 85 percent reduction in the VOC released from each process stream (e.g. 90 percent capture efficiency multiplied by 95 percent destruction efficiency equals 85.5 percent system efficiency).

(c) **Compliance.** All affected facilities must comply with one of the following.

(1) Meet the requirements of 252:100-39-49(b) by February 13, 1991.

(2) Have an approved plan for the reduction of VOC emissions as required by 252:100-39-49(b) by February 13, 1991.

(A) The plan shall be submitted by August 13, 1990, and shall:

(i) detail those emissions which will be controlled;

(ii) detail the means by which control will be achieved; and,

(iii) demonstrate that compliance will be achieved by February 13, 1992.

(B) The Air Quality Council shall have approval authority for the plans.

(C) All approved plans shall be submitted to the EPA as SIP revisions.

(d) **Demonstration of compliance.**

(1) The Division Director may require at the expense of the owner or operator a demonstration of compliance with the requirements of 252:100-39-49(b).

(2) The testing shall be accomplished using the appropriate EPA test method or methods. These include methods 1-4, 18-25, 25A, 25B and 40 CFR 60.444.

(3) Initial compliance testing shall be accomplished within 180 days of the applicable compliance date.

(4) Testing for the emissions plan described in 252:100-39-49(c)(2) shall be conducted at the expense of the owner or operator at his expense and shall demonstrate compliance with the emission limits contained in the approved plan.

(e) **Recordkeeping.**

(1) The owner or operator of a facility subject to this Section shall submit to the Division Director upon written request, reports that include:

(A) details of specific VOC sources;

(B) the quantity of VOC used during specific months;

(C) a description of the VOC used;

(D) control equipment efficiencies;

(E) details of maintenance performed on all control equipment;

(F) equipment downtime; and,

(G) any other information pertinent to the calculation of VOC emissions from the facility.

(2) The records required in 252:100-39-49(e)(1) shall be maintained by the source for at least two years. [252:100-390-49, Effective February 12, 1990]

SUBCHAPTER 40. CONTROL OF EMISSION OF FRIABLE ASBESTOS DURING DEMOLITION AND RENOVATION OPERATIONS

Section

252:100-40-1. Purpose

The purpose of this Subchapter is to control the release of friable asbestos to the ambient air during demolition and renovation operations.

252:100-40-2. [RESERVED]

252:100-40-3. Definitions

See 40 CFR 61.141.

252:100-40-4. [RESERVED]

252:100-40-5. Additional provisions for handling, storing, and transporting of friable asbestos during demolition or renovation operations

In addition to the requirements set forth for the handling of asbestos found in 40 CFR Part 61,

Subpart M, the following provisions shall also apply to owners, operators and other persons.

(1) Before being handled, stored or transported in or to the outside air, friable asbestos from demolition/renovation operations shall be:

(A) wetted,

(B) double bagged in six-mil plastic bags, or,

(C) single bagged in one six-mil plastic bag and placed in a disposable drum, or,

(D) contained in any other manner approved in advance, by the Division Director.

(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

PART 3. HAZARDOUS AIR POLLUTANTS [REVOKED]

PART 5. TOXIC AIR CONTAMINANTS [REVOKED]

PART 1. GENERAL PROVISIONS [REVOKED]

PART 3. HAZARDOUS AIR POLLUTANTS [REVOKED]

PART 5. TOXIC AIR CONTAMINANTS [REVOKED]

SUBCHAPTER 42. CONTROL OF TOXIC AIR CONTAMINANTS

PART 1. GENERAL PROVISIONS

Section

PART 3. STANDARDS

PART 5. TAC MAAC EXCEEDANCE

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

PART 3. SPECIFIC METHODS [REVOKED]

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 by the Director.

252:100-43-3. Requirement to test

(a) The Director may, at his or her discretion, conduct tests, including stack test, of any air contaminant source within the state of Oklahoma. Upon the written request of the Director, the owner or operator of the source to be tested shall provide all necessary sampling and testing facilities, exclusive of instruments and sensing devices, as may be deemed necessary by the Director for the completion of the test and the safety of the testing personnel.

(b) The Director may require the owner or operator of a source to conduct test(s) at the owner or operator's expense:

(1) when required by a federal regulation,
(2) as part of an administrative order,
(3) as part of a compliance plan,
(4) before the issuance of an operating permit,
(5) as part of an operating permit,
(6) to verify compliance with any emission standard or permitted emission limit, or
(7) to prepare or verify an emission inventory.

(c) The operator of a source required to conduct an EPA Reference Method stack test by the Director shall submit a written pre-test plan for the Director's approval thirty (30) calendar days prior to the test or provide information for a pre-test plan in the event the Director elects to perform the test.

(d) The owner or operator of a source required to perform an EPA Reference Method stack test shall notify the Director in writing thirty (30) calendar days prior to the planned date of the test to provide an opportunity for DEQ personnel to observe the test.

252:100-43-4. Monitoring required

To determine compliance with emissions limitations or standards the Director may require the owner or operator of any source in the state of Oklahoma to install, maintain and operate monitoring equipment in compliance with any methods the Director shall specify.

252:100-43-5. Acceptable methods

Acceptable methods include, as applicable, methods required by rule or permit, ASTM methods, and methods contained in 40 CFR parts 51, 60, 61 and 75. The owner or operator may modify an acceptable method or use an alternate method, if the owner or operator can demonstrate to the satisfaction of the Director that:

(1) the proposed modification or alternative method is necessary;

(2) the results of the proposed modification or alternative method will be at least as accurate as the unmodified method for the purpose intended; and

(3) such modification or alternative method is allowed by any applicable federal rule.

252:100-43-6. Credible evidence

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any provision of the Oklahoma implementation plan, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

252:100-43-7. Records and reports required

(a) The Director may require the owner or operator of a source to record and maintain records on emissions and other data to demonstrate compliance with any federal or state emission limit or standard, or any requirement set forth in a valid permit. Required records shall be maintained in a readily viewable format or medium, and kept on-site or at a location approved by the Director for a period of not less than two years from the day of recording. Said records shall be made available for inspection upon the request of DEQ personnel.

(b) Reports required by the Director shall be recorded and submitted on forms provided by, or described by, the Director. Unless different units of measure or procedure are prescribed by the Director, or by an applicable rule or permit requirement, the units of measure and procedures described in paragraphs (1) through (5) of this subsection shall be used for any report required by the Director.

(1) Emissions of particulate matter shall be recorded and reported in:
   (A) pounds per hour,
   (B) pounds per hour as related to the process weight rate,
   (C) pounds per 100 pounds of refuse charged in incinerators, and
   (D) tons per year.

(2) Emissions of sulfur dioxide shall be recorded and reported in:
   (A) pounds per hour,
   (B) pounds per million BTU heat input for fuel-burning equipment, and
   (C) tons per year.

(3) Emissions of oxides of nitrogen shall be recorded and reported in:
   (A) pounds per hour,
   (B) pounds per million BTU heat input for fuel burning equipment,

(C) pounds per million dry standard cubic foot for fuel-burning equipment using gas fuel, and
(D) tons per year.

(4) Visible emissions monitored by instrumentation shall be measured continuously and records kept indicating total minutes per day in which stack discharge effluent exceeds 20 percent opacity and a rolling six (6) minute average opacity.

(5) The sulfur content of fuels, as burned, shall be recorded and reported in:
(A) grains per dry standard cubic foot for gas fuel,
(B) grains per gallon for liquid fuel, and
(C) percent by weight for solid fuel.

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]

SUBCHAPTER 45. MONITORING OF EMISSIONS [REVOKED]

Section
252:100-45-1. Purpose [REVOKED]
252:100-45-2. Monitoring equipment required [AMENDED AND RENUMBERED TO 252:100-43-4]
252:100-45-3. Records required [AMENDED AND RENUMBERED TO 252:100-43-7]
252:100-45-4. Compliance certifications [REVOKED]
252:100-45-5. Enforceabiilty [REVOKED]

252:100-45-1. Purpose [REVOKED]

252:100-45-2. Monitoring equipment required [AMENDED AND RENUMBERED TO 252:100-43-4]

252:100-45-3. Records required [AMENDED AND RENUMBERED TO 252:100-43-7]

252:100-45-4. Compliance certifications [REVOKED]

Agency note: Amended and renumbered to OAC 252:100-43-6.

252:100-45-5. Enforceability [REVOKED]

Agency note: Amended and renumbered to OAC 252:100-43-6.

SUBCHAPTER 47. CONTROL OF EMISSIONS FROM EXISTING MUNICIPAL SOLID WASTE LANDFILLS

Section
252:100-47-1. Purpose

252:100-47-1. Purpose

The purpose of this subchapter is to control emissions from existing municipal solid waste landfills.

252:100-47-2. Reference to 40 CFR

When a provision of Title 40 of the Code of Federal Regulations (40 CFR) is incorporated by reference, all citations contained therein are also incorporated by reference.

252:100-47-3. Definitions

(a) The definitions in 40 CFR 60.751 are hereby incorporated by reference as they exist on July 1, 2002.

(b) The following words and terms when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Existing municipal solid waste landfill"** or **"existing MSW landfill"** means a municipal solid waste landfill that commenced construction, modification, or reconstruction before May 30, 1991 and accepted waste after November 8, 1987.

(2) **"State Plan"** means a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cc of 40 CFR Part 60.

252:100-47-4. Terminology related to 40 CFR

For purposes of interfacing with 40 CFR, the following terms apply:

(1) **"Administrator"** is synonymous with Executive Director.

(2) **"EPA"** is synonymous with the Department of Environmental Quality or DEQ.

(3) **"State, local, or tribal agency"** is synonymous with the DEQ.

252:100-47-5. General provisions

(a) **Applicability.** Except as provided in subparagraphs (1) and (2) of this paragraph, the provisions of this Subchapter are applicable to all existing MSW landfills in the State of Oklahoma. This Subchapter is also an applicable requirement for existing MSW landfill sites on the National Priorities List in Appendix B of 40 CFR Part 300.

(1) Physical or operational changes made to an existing MSW landfill solely to comply with this Subchapter are not considered a modification or reconstruction and would not subject an existing

MSW landfill to the requirements of 40 CFR Part 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills).

(2) Remedial activities required by or conducted pursuant to state or federal law are not considered construction, reconstruction, or modification for the purposes of this Subchapter.

(b) **Exemptions.** The DEQ, with EPA approval, may provide for the application of less stringent emissions standards or longer compliance schedules than those otherwise required by this Subchapter, provided that at least one of the circumstances listed below are applicable to the MSW landfill:

(1) Unreasonable cost of control resulting from facility age, location, or basic design; or

(2) Physical impossibility of installing necessary control equipment; or

(3) Other factors specific to the facility that make pplication of a less stringent standard or final compliance time significantly more reasonable.

252:100-47-6. Permits required

(a) **Part 70 operating permits.**

(1) The owner or operator of an existing MSW landfill with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not required to obtain a Part 70 permit for the landfill, unless the landfill is otherwise a Part 70 source.

(2) The owner or operator of an existing MSW landfill with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, that is not otherwise a Part 70 source, is subject to OAC 252:100-8 as a Part 70 source ninety (90) days after the effective date of the state plan, even if the initial design capacity report was submitted earlier.

(3) When an existing MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain a Part 70 permit for the landfill if the landfill is not otherwise subject to the requirements of OAC 252:100-8 and if either of the following conditions is met:

(A) The landfill was never subject to the requirement for a control system under OAC 252:100-47-7.

(B) The owner or operator meets the conditions for control system removal specified in OAC 252:100-47-7.

(b) **Construction permits.** The owner or operator of any existing MSW landfill that installs a MSW landfill gas collection and control system is required to obtain a construction permit as provided by OAC 252:100-7-15 or OAC 252:100-8-4. If the landfill has a design capacity of at least 2.5 million cubic meters and 2.5 million megagrams and an estimated nonmethane organic compounds (NMOC) emission rate of at least 50 megagrams per year, calculated in accordance with Section 9 of this Subchapter, the owner or operator of the MSW landfill shall also comply with the following requirements:

(1) The application for a construction permit and the collection and control system design plan shall be submitted to the DEQ within 12 months after the initial or any annual NMOC emissions rate report indicates that the emission rate equals or exceeds 50 megagrams per year, unless site specific sampling demonstrates that the emission rate is less than 50 megagrams per year.

(2) All contracts for installation of the emission control systems or for process modifications shall be awarded and all orders for the purchase of component parts to accomplish emission control or process modification shall be completed within 3 months of the submittal of the design plan under paragraph (b)(1) of this section.

(3) The installation of the collection and control system shall commence within 3 months of the awarding of contracts under paragraph (b)(2) of this section.

(4) The installation of the collection and control system shall be completed within 18 months of the submittal of the design plan under paragraph (b)(1) of this section.
(5) Within 30 months of the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year, the MSW landfill shall be in compliance with paragraphs (b)(1) through (b)(4) of this section.

252:100-47-7. Emission standards

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.752, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-8. Operational standards for collection and control systems

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.753, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-9. Test methods and procedures

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.754, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-10. Compliance provisions

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.755, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-11. Monitoring of operations

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.756, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-12. Reporting requirements

(a) The owner or operator of an existing MSW landfill shall submit an initial design capacity report to the DEQ within 90 days of the effective date of the State Plan.
(b) The owner or operator of an existing MSW landfill having a design capacity equal to or greater than 2.5 million cubic meters and 2.5 million megagrams, shall submit an initial NMOC emission rate report to the DEQ within 90 days of the effective date of the State Plan. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and (b)(3).
(c) The owner or operator of an existing MSW shall comply with the provisions specified in 40 CFR 60.757, except 60.757(a)(1) and (b)(1)(i), which is hereby incorporated by referenced as it appears on July 1, 2002.

252:100-47-13. Recordkeeping requirements

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.758, which is hereby incorporated by reference as it exists on July 1, 2002.

252:100-47-14. Specifications for active collection systems

An owner or operator of an existing MSW landfill shall comply with all provisions specified in 40 CFR 60.759, which is hereby incorporated by reference as it exists on July 1, 2002.

APPENDIX A.
ALLOWABLE PARTICULATE MATTER EMISSION RATE FOR INCINERATORS

The following information is for use only in conjunction with OAC 252:100-17-4.

The allowable particulate matter emission rate for incinerators with a capacity of 75 lb/hr or less is 0.10 pounds per hour of refuse charged, including any solid fuel, on an as-loaded basis.

The allowable particulate matter emission rate for incinerators with a capacity greater than 75 lb/hr may be calculated using one of the following formulas, where **Y** equals the allowable particulate matter emission rate in pounds per hour and **X** equals the refuse charged, including any solid fuel, in pounds per hour on an as-loaded basis.

For incinerators with a capacity greater than 75 lb/hr but less than 100 lb/hr, the formula is:

$$\mathbf{Y} = 9.213\times10^{-11}\ \mathbf{X}^{4.818}$$

For incinerators with a capacity of 100 lb/hr or more, the formula is:

$$\mathbf{Y} = 1.221\times 10^{-2}\ \mathbf{X}^{0.7577}$$

APPENDIX B. ALLOWABLE EMISSIONS FOR INCINERATORS WITH CAPACITIES LESS THAN 100 LB/HR [REVOKED]

APPENDIX C. ALLOWABLE PARTICULATE MATTER EMISSION RATES FOR INDIRECTLY FIRED FUEL-BURNING UNITS

Maximum Heat Input In Million British Thermal Units (MMBTU) Per Hour	Allowable Total Particulate Matter Emissions In Pounds Per MMBTU
Less than or equal to 10	**0.60**
10,000 or more	**0.10**

Allowable total particulate matter emissions for values of X greater than 10 MMBTU, but less than 1,000 MMBTU may be calculated using the formula:

$$E = 1.0428080X^{-0.238561}$$

Allowable total particulate matter emissions for values of X greater than or equal to 1,000 MMBTU, but less than 10,000 MMBTU may be calculated using the formula:

$$E = 1.60X^{-0.30103}$$

Where:

E = allowable total particulate matter emissions in pounds per MMBTU and
X = the maximum heat input in MMBTU per hour.

APPENDIX D. ALLOWABLE PARTICULATE MATTER EMISSION RATES FOR INDIRECTLY FIRED WOOD FUEL-BURNING UNITS

Maximum Heat Input In Million British Thermal Units Per Hour	Allowable Total Particulate Matter Emissions In Pounds Per Million British Thermal Units
Less than 10	0.60
10 and less than 1,000	0.50
1,000 and less than 10,000	0.35
10,000 or more	0.15

APPENDIX E. PRIMARY AMBIENT AIR QUALITY STANDARDS [NEW]

	Sulfur Dioxide	PM-10	PM 2.5	Carbon Monoxide	Ozone	Nitrogen Dioxide	Lead
1-hr. max	(8) 75 ppb			40 mg/m^3 (2) 35 ppm		(9) 100 ppb	
8-hr. max				10 mg/m^3 (2) 9 ppm	(4) 0.075 ppm		
24-hr. max		(7) 150 ug/m^3	(5) 35 ug/m^3				
Rolling 3-month average							(3) 0.15 ug/m^3
Annual			(6) 15 ug/m^3			(1) 53 ppb	

(1) Annual arithmetic mean

(2) Not to be exceeded more than once per year

(3) Not to be exceeded more than once during a 3-year period as provided in 40 CFR 50, Appendix R.

(4) The standard is attained when the computed 3-year average of the annual 4th-highest daily maximum 8-hour average does not exceed 0.075 ppm, as provided in 40 CFR 50.15.

(5) The standard is attained when the 98th percentile concentration is equal to or less than the numerical standard as determined by 40 CFR 50, Appendix N.

(6) The standard is attained when the annual arithmetic mean is equal to or less than the numerical standard as determined by 40 CFR 50, Appendix N.

(7) The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 ug/m^3, as determined in accordance with 40 CFR 50, Appendix K is equal to or less than one.

(8) The standard is attained when the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area does not exceed 75 ppb, as determined in accordance with 40 CFR 50, Appendix T.

(9) The standard is attained when the 3-year average of the 98th percentile of the daily maximum 1-hour average concentration at each monitor within an area does not exceed 100 ppb as determined in accordance with 40 CFR 50, Appendix S.

Appendix F. Secondary Ambient Air Quality Standards

	Sulfur Dioxide	(6)PM-10	PM 2.5	(6)Carbon Monoxide	Ozone	Nitrogen Dioxide	Lead
1-hr. max							
3-hr. max	1300 ug/m^3 (2)0.5 ppm						
8-hr. max					(4)0.075 ppm		
24-hr. max							
Rolling 3-month average							(3) 0.15 ug/m^3
Annual			(5) 15 ug/m^3			100 ug/m^3 (1) 0.053 ppm	

(1) Annual arithmetic mean

(2) Not to be exceeded more than once per year

(3) Not to be exceeded more than once during a 3-year period as provided in 40 CFR 50, Appendix R.

(4) The standard is attained when the computed 3-year average of the annual 4th-highest daily maximum 8-hour average does not exceed 0.075 ppm, as provided in 40 CFR 50.15.

(5) The standard is attained when the annual arithmetic mean is equal to or less than the numerical standard as determined by 40 CFR 50, Appendix N.

(6) PM-10 and carbon monoxide have no secondary standard.

APPENDIX G. ALLOWABLE PARTICULATE MATTER EMISSION RATES FOR DIRECTLY FIRED FUEL-BURNING UNITS AND INDUSTRIAL PROCESS

Allowable total particulate matter emission rates for process weight rates of 30 tons per hour (60,000 pounds per hour) or less shall be calculated using the formula:

$$\mathbf{E = 4.10P^{0.67}}$$

Allowable total particulate matter emission rates for process weight rates greater than 30 tons per hour (60,000 pounds per hour) shall be calculated using the formula:

$$\mathbf{E = (55.00P^{0.11})-40}$$

Where:

E = allowable total particulate matter emission rate in pounds per hour and
P = process weight rate in tons per hour.

APPENDIX H. DE MINIMIS FACILITIES

This appendix is not to be used for purposes of Part 70 permitting as contained in Subchapter 8.

AGRICULTURAL

- Lawn care
- Weed control
- Pest control
- Farming operations, except open burning (see 252:100-13) and volatile organic compound ("VOC") storage (see Storage)
- Nursery/greenhouse operations
- Portable fertilizer plants with a maximum capacity of 1 ton/hour

WOODWORKING

- Portable wood chipping operations
- Woodworking (shaping, staining & varnishing) utilized for hobby purposes or maintenance of grounds or buildings

OFFICE & JANITORIAL

- Janitorial services
- Sweeping of floors (including the use of spill clean-up products such as Floor Sweep®)
- Business offices (photocopying, blueprint copying,. photographic processes, etc.)
- Cleaning, polishing, and housekeeping activities associated with custodial duties
- Retail copying services

CLEANING & SURFACE PREPARATION

- Cold degreasing operations utilizing nonhalogenated solvents that are denser than air and/or that are covered when not in use. Must not be located in Tulsa or Oklahoma Counties (see OAC 252:100-39-42) nor subject to any federal standard.
- Solvent usage for spot cleaning and maintenance purposes not to exceed 1 gallon/month
- Emissions from laundry care equipment processing of bedding, clothing or other fabric items. These include dryers, extractors, & tumblers. NOT CLEANING OPERATIONS USING PERCHLOROETHYLENE OR PETROLEUM SOLVENTS (i.e., dry cleaning)
- Alkaline/phosphate washers and associated burners
- Acid washing (maintenance cleaning)
- Caustic washing (maintenance cleaning)
- Water washing or blasting
- Washing of mobile sources including aircraft
- Carbon dioxide blasting equipment in degreasing or depainting
- High pressure water depainting operations and aqueous industrial spray washers
- Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes, except those systems used to collect particulate matter subject to 252:100 and hazardous and/or toxic air contaminants
- Equipment used for portable steam cleaning
- Machine blowdown with air for cleaning/maintenance
- Ultrasonic cleaning operations which do not utilize volatile organic compounds
- Natural gas water heating systems for fixed vehicle wash racks
- Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam
- Commercial laundries (excluding dry cleaners)

INSULATION

- Installation or removal of non-asbestos insulation
- Repair and replacement of non-asbestos refractory & insulation

MAINTENANCE

- Welding, brazing, soldering for maintenance purposes
- Use of adhesives, glues, etc. for maintenance purposes

- Grinding, cutting, sanding of non-asbestos materials for maintenance purposes
- Pipeline maintenance pigging activities
- General maintenance, upkeep, and replacement activities, including those which do not alter the capacity of process, combustion or control equipment nor increase regulated pollutant emissions, unless subject to NESHAP or NSPS

FUGITIVES

- Landfills and land farms unless otherwise regulated by an applicable state or federal regulation.
- Seal replacement (e.g., manhole gaskets)
- Roof coating, service, and repair including tar and asphalt roofing operations
- Paving (excluding asphalt plants) of roads, parking lots, and other areas, except in Tulsa and Oklahoma Counties (see OAC 252:100-39-40)
- Vent emissions from gas streams used as buffer or seal gas in rotating pump and compressor seals
- Natural gas odorizing activities
- Pneumatic starters on reciprocating engines, turbines, compressors, or other equipment
- Gas or other flares used solely to indicate danger to the public (e.g. road hazard)
- Warehouse activities including the storage of packaged raw materials and finished goods
- Non-routine cleaning of tanks, lift stations, and equipment for the purposes of worker entry or in preparation for maintenance or decommissions
- Unpaved roadways and parking areas
- Gravel, sand and dirt storage for use in on-site construction projects unless part of a nonmetallic processing plant subject to 40 CFR Part 60, Subpart 000
- Materials, e.g., pharmaceuticals and disinfectants, used by an infirmary or clinic to care for the human or animal patients at the facility
- Fugitive emissions of jet fuels associated with aircraft fuel cell and fuel bladder repair
- Automobile/truck repair/maintenance excluding those with paint booths or those that use halogenated solvents and are subject to 40 CFR Part 63 Subpart T

WASTEWATER

- Removal of basic sediment & water from collection/storage systems (i.e., clarifiers)
- Removal of sludge or sediment from pits, ponds, sumps, or wastewater conveyance channels
- Application of industrial and/or municipal wastewater and sludges at land farms
- Ozonation process or process equipment including ozone generation for water treatment processes
- Sanitary sewerage and storm water runoff collection systems
- Commercial truck/car washes that use water and solvents
- Septic tank systems

ANALYSIS/TESTING

- Hydraulic or hydrostatic testing including pipe, casing and vessel pneumatic testing facilities
- Site assessment work, including but not limited to, the evaluation of waste disposal or remediation sites
- Instrument systems utilizing air or natural gas
- Environmental field sampling operations
- Compressed gas cylinders and gases utilized for equipment calibration and testing
- Field laboratory units conducting on-site testing or analysis of materials
- Science laboratories used for the purposes of teaching and research at educational institutions

PLASTICS/FIBERGLASS

- Plastic or fiberglass repair

OUTDOOR & RECREATIONAL

- Outdoor recreational emissions (campfires, barbecue pits)
- Outdoor non-plumbed restroom facilities (port-a-potties)
- Outdoor kerosene heaters or lamps

RESIDENTIAL

- Space heaters, boilers, fireplaces for heat & recreation, hot water heaters, stoves, ovens, gas dryers and other appliances with less than or equal to 5 MMBTU/hr heat input

- Heating, air conditioning and ventilation systems
- Residential housing units and multifamily dwellings to include fuel burning for heating, except prohibited open burning
- Stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps
- Residential LPG tanks

SURFACE COATING

- Surface coating for maintenance purposes
- Commercial mobile painting operations
- Residential painting/surface coating

STORAGE

- Lube oil, seal oil, or hydraulic fluid storage tanks and equipment as long as not emitting VOCs or HAPs
- Fuel/VOC storage tanks with less than 400 gallons capacity, or fuel/VOC storage tanks with less than 10,567 gallons capacity built after July 23, 1984, or tanks storing fuel/VOC that has a true vapor pressure at storage conditions less than 1.5 psia. This includes Fuel Oils Nos. 2 - 6, Nos. 2-GO - 4-GO, Diesel Fuel Oils Nos. 2-D - 4-D, and Kerosene.
- Storage and use of chemicals unless otherwise regulated by an applicable state or federal regulation
- Storage and use of products or equipment for maintaining motor vehicles operated at the site (including but not limited to antifreeze and fuel additives) not regulated under Title VI, CFC rules)
- Tanks containing separated water produced from oil and gas operations
- Retail/commercial gasoline dispensing stations unless otherwise covered by applicable state and federal regulations
- Lubricants and waxes used for machinery and other equipment lubrication and lubricating oil or hydraulic fluid storage tanks and equipment
- Runway and aircraft de-icing activities, including de-icer storage tanks unless otherwise regulated
- Oxygen storage tanks and associated equipment
- Storage tanks, reservoirs, and pumping and handling equipment of any size which contain soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized
- Crude oil tank bottom reclaiming

LUBRICATING

- Lubricating pumps, sumps, and systems
- Engine crankcase vents and equipment lubricating sumps

MOBILE SOURCES

- Mobile source emissions from cars, trucks, forklifts, courier vehicles, front loaders, graders, cranes, carts, hydrostatic and hydraulic testing equipment, maintenance trucks, helicopters, locomotives, marine vessels, portable generators (that are moveable by hand), portable pumps, portable air compressors, portable welding machines, and portable fuel tanks
- Other on and off road mobile sources (i.e. coal stacker & reclaimer)
- Aircraft ground support equipment (AGE), including but not limited to portable power generators, lights, HVAC support, and aircraft refueling equipment
- Vehicle exhaust from maintenance or repair shops
- Aircraft movement, including on-ground engine run-ups, take-offs, landings, touch and go landings and inflight fuel jettisoning
- Road sanding and salting operations
- Mobile abrasive blasters

BATTERY CHARGING

- Battery recharging areas
- Industrial battery recharging and maintenance operations for batteries utilized within the facility only
- Backup power batteries

SOLID WASTE

- Municipal Solid Waste disposal containers, e.g. dumpsters
- Any closed municipal solid waste landfill that did not accept waste after 11/8/87 or which has no additional capacity to accept waste in the future.
- RCRA Solid Waste Management Units subject to 40 CFR Part 265, Subparts AA, BB, & CC

- Composting operations
- Construction and demolition waste landfills
- Municipal solid waste transfer stations
- Waste recycling, collection, sorting and baling facilities (e.g., aluminum, paper, glass, plastic, etc.)

BLOWDOWNS

- Blowdown of compressors or other vessels containing natural gas or liquid hydrocarbons for maintenance due to emergency circumstances
- Blowdown from compressed air lines

ANIMALS

- Animal kennels and veterinary clinics
- Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating

METALS

- Equipment used for inspection of metal products
- Die casting machines
- Foundry sand mold forming equipment to which no heat is applied, and from which no organics are emitted
- Equipment used exclusively for wire drawing either hot or cold metals
- Retail machine tool and die operations

COMBUSTION EQUIPMENT

- Space heaters and boilers less than 10 MMBTU/hr heat input
- Emissions from non-natural gas fueled stationary internal combustion engines rated less than 50 hp output
- Emissions from gas turbines with less than 215 kilowatt rating of electric output
- Natural gas fueled internal combustion engines rated <150 hp and <20 years old
- Emergency use equipment, unless utilized in excess of 500 hours per year, and associated fuel storage tankage

MISCELLANEOUS

- Exhaust systems for chemical, paint, and/or solvent storage rooms or cabinets, including hazardous waste satellite (accumulation) areas.
- Exhaust from food preparation for on-site/off-site human consumption (e.g. restaurants, fast food) or on-site retail sale
- Blue-line (blue-print) facilities
- Electrically operated bake-off ovens with a maximum capacity of 12 tons/hr
- Natural gas fired bake-off ovens and pottery kilns with a maximum capacity of 0.8 ton/hr
- Grinding of solid surfaces that do not contain asbestos if done in water where particles are captured
- Aerosol can spraying for miscellaneous use
- On-site construction of residential/commercial buildings

APPENDIX I. INSIGNIFICANT ACTIVITIES (REGISTRATION) LIST

Any Activity to which a State of federal applicable requirement applies is not insignificant even if it is included on this list.

COMBUSTION EQUIPMENT

* Stationary reciprocating engines burning natural gas, gasoline, aircraft fuels, or diesel fuel which are either used exclusively for emergency power generation or for peaking power service not exceeding 500 hours/year

Space heaters, boilers, process heaters, and emergency flares less than or equal to 5 MMBTU/hr heat input (commercial natural gas)

Emissions from stationary internal combustion engines rated less than 50 hp output

Emissions from gas turbines with less than 215 kilowatt rating of electric output

STORAGE TANKS/DISTRIBUTION

* Emissions from fuel storage/dispensing equipment operated solely for facility owned vehicles if fuel throughput is not more than 2,175 gallons/day, averaged over a 30-day period

* Storage tanks with less than or equal to 10,000 gallons capacity that store volatile organic liquids with a true vapor pressure less than or equal to 1.0 psia at maximum storage temperature

* Bulk gasoline or other fuel distribution with a daily average throughput less than 2,175 gallons per day, including dispensing, averaged over a 30-day period

Gasoline and aircraft fuel handling facilities, equipment, and storage tanks except those subject to New Source Performance Standards and standards in 252:100-37-15, 252:100-39-30, 252:100-39-41, and 252:100-39-48

Emissions from condensate tanks with a design capacity of 400 gallons or less in ozone attainment areas

Emissions from crude oil and condensate marine and truck loading equipment operations at crude oil and natural gas production sites where the loading rate does not exceed 10,000 gallons per day averaged over a 30-day period

* Emissions from crude oil and condensate storage tanks with a capacity of less than or equal to 420,000 gallons that store crude oil and condensate prior to custody transfer

* Emissions from storage tanks constructed with a capacity less than 39,894 gallons which store VOC with a vapor pressure less than 1.5 psia at maximum storage temperature

ANALYSIS/LABORATORY ACTIVITIES

Additions or upgrades of instrumentation or control systems that result in emissions increases less than the pollutant quantities specified in 252:100-8-3(e)(1)

EQUIPMENT

Alkaline/phosphate washers and associated burners

Cold degreasing operations utilizing solvents that are denser than air

* Welding and soldering operations utilizing less than 100 pounds of solder and 53 tons per year of electrodes

Wood chipping operations not associated with the primary process operation

* Torch cutting and welding of under 200,000 tons of steel fabricated per year

REMEDIATION

Site restoration and/or bioremediation activities of < 5 years expected duration

Hydrocarbon contaminated soil aeration pads utilized for soils excavated at the facility only

Emissions from the operation of groundwater remediation wells including but not limited to emissions from venting, pumping, and collecting activities subject to de minimis limits for air toxics (252:100-41-43) and HAPs (§112(b) of CAAA90)

SOLID WASTE

* Non-commercial water washing operations (less than 2,250 barrels/year) and drum crushing operations of empty barrels less than or equal to 55 gallons with less than three percent by volume of residual material

Hazardous waste and hazardous materials drum staging areas

Sanitary sewage collection and treatment facilities other than incinerators and Publicly Owned Treatment Works (POTW)
Stacks or vents for sanitary sewer plumbing traps are also included (i.e., lift station)
Emissions from landfills and land farms unless otherwise regulated by an applicable state or federal regulation

COATINGS

* Automobile body shops located in an ozone attainment area emitting less than 5 tons/year of volatile organic solvents
Electrophoretic-process coating application operations (i.e., paint bath positively charged, painted object negatively charged)
* Surface coating operations which do not exceed a combined total usage of more than 60 gallons/month of coatings, thinners, and clean-up solvents at any one emissions unit

MISCELLANEOUS

Exhaust systems for chemical, paint, and/or solvent storage rooms or cabinets, including hazardous waste satellite (accumulation) areas
Hand wiping and spraying of solvents from containers with less than 1 liter capacity used for spot cleaning and/or degreasing in ozone attainment areas
* Activities having the potential to emit no more than 5 TPY (actual) of any criteria pollutant (see instructions in Title V application)

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* Appropriate records of hours, quantity, or capacity must be kept on the activity to verify its insignificance.

APPENDIX J. TRIVIAL ACTIVITIES (DE MINIMIS) LIST

Any activity to which a State or federal applicable requirement applies is not trivial even if it is included on this list.

AGRICULTURAL

Lawn care (noncommercial)
Weed control (noncommercial)
Pest control (noncommercial)
Herbicide and pesticide activities except for manufacturing and formulation for commercial sale

ANALYSIS/TESTING

Hydraulic or hydrostatic testing
Analysis/laboratory activities emissions from the following: air contaminant detectors, air contaminant recorders, combustion controllers, combustion shut-off devices, product analyzers, laboratory analyzers, continuous emissions monitors, other analyzers (e.g., water quality), and emissions associated with sampling activities. Also, emissions from bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including assorted vacuum producing devices and vents but **NOT** lab fume hoods or vents
Site assessment work, including but not limited to, the evaluation of waste disposal or remediation sites
Emissions from instrument systems utilizing air or natural gas
Environmental field sampling operations
Sampling connections used exclusively to withdraw materials for testing and analysis, including air contaminant detectors and vent lines
Compressed gas cylinders and gases utilized for equipment calibration and testing

ANIMALS

Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized
Equipment used exclusively to slaughter animals, but **not** including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating

BATTERY CHARGING

Industrial battery recharging and maintenance operations for batteries utilized within the facility only

BLOWDOWNS

Emissions from the depressurization during startup, shut down, maintenance or emergencies of compressors or other vessels containing natural gas or liquid hydrocarbons for the purpose of maintenance due to emergency circumstances

CLEANING

Acid washing (maintenance cleaning)
Caustic washing (maintenance cleaning)
Abrasive blasting
Steam cleaning
Carbon dioxide blasting equipment in degreasing or depainting
High pressure water depainting operations and aqueous industrial spray washers
Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes, except those systems used to collect particulate matter subject to 252:100 and hazardous and/or toxic air contaminants
Ultrasonic cleaning operations which do not utilize volatile organic compounds
Molten salt bath descaling operations
Natural gas water heating systems for fixed vehicle wash racks

COOLING TOWERS/BOILER WATER

Emissions from non-contact cooling towers (cooling water that has not been in contact with other materials or fluids containing regulated air pollutants)

Boiler water treatment operations

Deaerator units associated with boilers or hot water heating systems

Process water filtration systems and demineralizers

Demineralized water tanks and demineralizer vents

ELECTRIC POWER

Equipment associated with electrical power transmission which do not involve fuel-burning activities using transformers and substations

Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam

FIREFIGHTING

Emissions from fire or emergency response equipment and training to include use of fire control equipment including equipment for testing and training, engines used exclusively for firefighting, and open burning of materials or fuels associated with firefighting training. Buildings burned for firefighting training must still adhere to NESHAP for Asbestos.

Fire extinguishers and fire extinguishing systems

FUGITIVE EMISSIONS

Seal replacement (i.e., manhole gaskets)

Roof coating, service, and repair

Paving of roads, parking lots, and other areas

Vent emissions from gas streams used as buffer or seal gas in rotating pump and compressor seals

Emissions from natural gas odorizing activities

Emissions from pneumatic starters on reciprocating engines, turbines, compressors, or other equipment

Gas flares or flares used solely to indicate danger to the public (e.g. road hazard)

Warehouse activities including the storage of packaged raw materials and finished goods

Non-routine clean out of tanks, lift stations, and equipment for the purposes of worker entry or in preparation for maintenance or decommissions

Unpaved roadways and parking areas

Gravel, sand and dirt storage for use in on-site construction projects

VOC fugitive emissions from component additions (e.g. valves, flanges, connectors, pump seals, compressor seals, etc.) regulated by a fugitive monitoring program where the total increase is less than one ton per year of any criteria pollutant or the de minimis set forth in 252:100-41-43. The component additions must be identified in the next scheduled monitoring report required by the applicable requirements. VOC fugitive emissions from component additions (e.g. valves, flanges, connectors, pump seals, compressor seals, etc.) not regulated by a fugitive monitoring program provided that no applicable requirement is triggered when components are added.

Fugitive emissions of jet fuels associated with aircraft fuel cell and fuel bladder repair

Fugitive emissions related to movement of passenger vehicles provided the emissions are not counted for applicability purposes or any required fugitive dust control plan or its equivalent is submitted

INSULATION

Insulation installing or removal (non-asbestos)

Application of refractory & insulation (calcium silicate, etc.)

LUBRICATING

Lubricating pumps, sumps, and systems

Emissions from engine crankcase vents and equipment lubricating sumps

MAINTENANCE

Welding, brazing, soldering for maintenance purposes
Use of adhesives for maintenance purposes
Grinding, cutting, sanding for maintenance purposes
Emissions from pipeline maintenance pigging activities
Maintenance, upkeep, and replacement types of activities, including those not altering the capacity of process, combustion or control equipment, and which do not increase regulated pollutant emissions unless subject to NESHAP or NSPS

METALS

Equipment used for inspection of metal products
Die casting machines
Foundry sand mold forming equipment to which no heat is applied, and from which no organics are emitted
Equipment used exclusively to mill or grind coatings and holding compounds where all materials charged are in paste form (unless HAP emission)
Equipment used exclusively for rolling, forging, pressing, spinning, drawing, or extruding either hot or cold metals unless their emissions exceed any applicable regulated amount
Carbon monoxide lasers, used only on metals and other materials which do not emit HAP in the process

MISCELLANEOUS

Operations previously determined to be de minimis pursuant to 252:100-7-2(b)(3) or 252:100-41-43(a)(5)
Laser trimmers using dust collection to prevent fugitive emissions
Shock chambers
Humidity chambers
Solar simulators

MOBILE SOURCES

Mobile source emissions from cars, trucks, forklifts, courier vehicles, front loaders, graders, cranes, carts, hydrostatic and hydraulic testing equipment, maintenance trucks, helicopters, locomotives, marine vessels, portable generators moveable by hand, portable pumps, portable air compressors, portable welding machines, and portable fuel tanks
Other on and off road mobile sources (i.e. coal stacker & reclaimer)
Well servicing/workover rigs and associated equipment
Well drilling rigs and associated equipment
Aircraft ground support (AGE) equipment, including but not limited to portable power generators, lights, and HVAC support
Vehicle exhaust from maintenance or repair shops
Road sanding and salting operations

OFFICE AND JANITORIAL

Janitorial services
Sweeping (Floor Sweep)
Office emissions (photocopying, blueprint copying, photograph processes)

OUTDOOR RECREATION

Outdoor recreational emissions (campfires, barbecue pits)
Open burning for the purpose of land management (must get permission from Air Quality Enforcement even though exempt from permitting)
Outdoor kerosene heaters

PLASTICS/FIBERGLASS

Plastic or fiberglass welding or repair

Sealing or cutting plastic film or foam with heat or wires
Processes used for the curing of fiberglass or paint products

REFRIGERANTS

Cold storage refrigerator equipment
De minimis refrigerant releases

RESIDENTIAL

Air conditioning or comfort ventilation systems not regulated under Title VI of the Clean Air Act
Emissions from residential housing units, dormitories, and multifamily dwellings to include fuel burning for the purposes of heating except prohibited open burning

SOLID WASTE

Solid waste landfill operations
RCRA Solid Waste Management Units subject to 40 CFR Part 265, Subparts AA, BB, and CC

SOLVENT

Emissions from laundry care equipment processing bedding, clothing or other fabric items. These include dryers, extractors, & tumblers. **NOT CLEANING OPERATIONS USING PERCHLOROETHYLENE OR PETROLEUM SOLVENTS (i.e.,dry cleaning)**
Covered cold solvent degreasers not subject to federal emission standards (e.g. NESHAP or NSPS)

STORAGE TANKS/DISTRIBUTION

Emissions from lube oil, seal oil, or hydraulic fluid storage tanks and equipment as long as not emitting VOCs or HAPs
Storage and use of chemicals unless otherwise regulated by an applicable state or federal regulation. These chemicals include, but not limited to: alum, ammonia, biocides, corrosion inhibitors, dechlorination chemicals, inorganic salts, acids or bases to include caustic and sulfuric acid, coagulants, flocculants, precipitants, surfactants, anti-foam chemicals, sealing inhibitors, oxygen scavengers, phosphates, polyelectrolytes, limestone slurry, lime and lime slurry, flue gas desulfurization system slurry, and sulfur slurry; propane and acetylene under pressure
Storage and use of products or equipment for maintaining motor vehicles operated at the site (including but not limited to antifreeze and fuel additives) not regulated under Title VI, CFC rules)
Emissions from tanks containing separated water produced from oil and gas operations
Commercial gasoline dispensing stations, including those located within the physical boundaries of a Title V source
Lubricants and waxes used for machinery and other equipment lubrication and emission from lubricating oil or hydraulic fluid storage tanks and equipment
Runway and aircraft de-icing activities, including de-icer storage tanks unless otherwise regulated
Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized

SURFACE COATING

Surface coating for maintenance purposes such as roll/brush/pad coating, painting with aerosol cans, spray airless, and conventional spray painting
Touch-up painting operations where paints/coatings are applied at less than one quart per hour

WASTEWATER

Removal of basic sediment & water from collection/storage systems (i.e., clarifiers)
Water and wastewater treatment and transportation system
Pit, ponds, sumps, or wastewater conveyance facilities
Emissions from skimmer pits, oil/water separators, and maintenance of filter separators

Emissions from the removal of sludge or sediment from pits, ponds, sumps, or wastewater conveyance facilities

Industrial and/or municipal wastewater treatment processes (excluding combustion or incineration equipment), storage silos for dry material(sludges), composting, or grease trap waste handling or treatment

Ozonization process or process equipment including ozone generation for water treatment processes

Sanitary sewerage and storm water runoff collection systems

Emissions from dredging pits, ponds, sumps, or other wastewater conveyance facilities

WOODWORKING

Wood working (saw-cutting, staining & varnishing) (noncommercial)

Woodworking utilized for hobby purposes or maintenance of grounds or buildings

APPENDIX K.

AVERAGE DAILY NITROGEN OXIDES EMISSIONS

$$NOx_{24\text{-}hr} = \frac{\sum_{i=1}^{h}[(NOx_i)(S_i)]}{\sum_{i=1}^{h}(S_i)}$$

where:

$NOx_{24\text{-}hr}$= 24-hour daily average nitrogen oxides emission concentration level for the emissions averaging plan (parts per million by volume corrected to 7 percent oxygen).

NOx_i= 24-hour daily average nitrogen oxides emission concentration level for unit i (parts per million by volume, corrected to 7 percent oxygen), calculated according to the procedures in 40 CFR 60.58b(h).

S_i= maximum demonstrated municipal waste combustor unit load for affected facility i (pounds per hour steam or feedwater flow as determined in the most recent dioxin/furan performance test).

h= total number of units being included in the daily emissions average.

APPENDIX L.

PM-10 EMISSION FACTORS FOR PERMIT BY RULE FOR GRAIN ELEVATORS

$$\left[\frac{R}{45}+\frac{S}{92}\right]\times 40 = \text{Combined Emissions (TPY)}^{*}$$

Where, R = Annual Grain Received (millions of bushels)
S = Annual Grain Shipped (millions of bushels)

*To qualify for Permit by Rule, the total annual combined emissions must be less than 40 TPY.

APPENDIX M. EMISSION LIMITS FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS (HMIWI)

Pollutant	Emission Limits			
	HMIWI size			
	Small Rural	Small	Medium	Large
Particulate matter	197 mg/dscm (0.086 gr/dscf)	115 mg/dscm (0.05 gr/dscf)	69 mg/dscm (0.03 gr/dscf)	34 mg/dscm (0.015 gr/dscf)
Carbon monoxide	40 ppmv	40 ppmv	40 ppmv	40 ppmv
Dioxins/furans	800 ng/dscm (350 gr/10^9 dscf) or 15 TEQ (6.6 gr/10^9 dscf)	125 ng/dscm (55 gr/10^9 dscf) or 2.3 TEQ (1.0 gr/10^9 dscf)	125 ng/dscm (55 gr/10^9 dscf) or 2.3 TEQ (1.0 gr/10^9 dscf)	125 ng/dscm (55 gr/10^9 dscf) or 2.3 TEQ (1.0 gr/10^9 dscf)
Hydrogen chloride	3100 ppmv	100 ppmv or 93% reduction	100 ppmv or 93% reduction	100 ppmv or 93% reduction
Sulfur dioxide	55 ppmv	55 ppmv	55 ppmv	55 ppmv
Nitrogen oxides	250 ppmv	250 ppmv	250 ppmv	250 ppmv
Lead	10 mg/dscm (4.4 gr/10^3 dscf)	1.2 mg/dscm (0.52 gr/10^3 dscf) or 70% reduction	1.2 mg/dscm (0.52 gr/10^3 dscf) or 70% reduction	1.2 mg/dscm (0.52 gr/10^3 dscf) or 70% reduction
Cadmium	4 mg/dscm (1.7 gr/10^3 dscf)	0.16 mg/dscm (0.07 gr/10^3 dscf) or 65% reduction	0.16 mg/dscm (0.07 gr/10^3 dscf) or 65% reduction	0.16 mg/dscm (0.07 gr/10^3 dscf) or 65% reduction
Mercury	7.5 mg/dscm (3.3 gr/ 10^3 dscf)	0.55 mg/dscm (0.24 gr/10^3 dscf) or 85% reduction	0.55 mg/dscm (0.24 gr/10^3 dscf) or 85% reduction	0.55 mg/dscm (0.24 gr/10^3 dscf) or 85% reduction

- Units at 7 percent oxygen, dry basis
- mg/dscm = milligrams per dry standard cubic meter
- gr/dscf = grains per dry standard cubic foot
- ppmv = parts per million by volume
- ng/dscm = nanograms per dry standard standard cubic meter
- gr/10^9 dscf = grains per billion dry standard cubic feet
- TEQ = 2,3,7,8-tetrachlorinated dibenzo-p-dioxin toxic equivalent based on the 1989 international toxic equivalency factors
- % reduction = percent reduction of emissions of regulated pollutant
- gr/10^3 dscf = grains per thousand dry standard cubic feet

APPENDIX N. SPECIALTY COATINGS VOC CONTENT LIMITS

The following table is for use only in OAC 252:100-39-47.

SPECIALTY COATINGS VOC CONTENT LIMITS

Coating Type	Limit	
	lb/gal	g/l[1]
Ablative Coating	5.0	600
Adhesion Promoter	7.4	890
Adhesive Bonding Primers:		
Cured at 250°F or below	7.1	850
Cured above 250°F	8.6	1,030
Adhesives:		
Commercial Interior Adhesive	6.3	760
Cyanoacrylate Adhesive	8.5	1,020
Fuel Tank Adhesive	5.2	620
Nonstructural Adhesive	3.0	360
Rocket Motor Bonding Adhesive	7.4	890
Rubber-based Adhesive	7.1	850
Structural Autoclavable Adhesive	0.5	60
Structural Nonautoclavable Adhesive	7.1	850
Antichafe Coating	5.5	660
Bearing Coating	5.2	620
Caulking and Smoothing Compounds	7.1	850
Chemical Agent-Resistant Coating	4.6	550
Clear Coating	6.0	720
Commercial Exterior Aerodynamic Structure Primer	5.4	650
Compatible Substrate Primer	6.5	780
Corrosion Prevention Compound	5.9	710
Cryogenic Flexible Primer	5.4	645
Cryoprotective Coating	5.0	600
Dry Lubricative Material	7.3	880
Electric or Radiation-Effect Coating	6.7	800

Coating Type	Limit	
	lb/gal	g/l[1]
Electrostatic Discharge and Electromagnetic Interference (EMI)Coating	6.7	800
Elevated-Temperature Skydrol-Resistant Commercial Primer	6.2	740
Epoxy Polyamide Topcoat	5.5	660
Fire-Resistant (Interior) Coating	7.3	800
Flexible Primer	5.3	640
Flight-Test Coatings		
Missile or Single Use Aircraft	3.5	420
All Other	7.0	840
Fuel Tank Coating	6.0	720
High-Temperature Coating	7.1	850
High-Temperature Radiation-Effect Coating	8.5	1,020
Insulation Covering	6.2	740
Intermediate Release Coating	6.4	750
Lacquer	6.9	830
Maskants:		
Bonding Maskant	10.02	1,230
Critical Use and Line Sealer Maskant	8.5	1,020
Seal Coat Maskant	10.2	1,230
Metallized Epoxy Coating	6.2	740
Mold Release	6.5	780
Optical Anti-Reflective Coating	6.3	750
Part Marking Coating	7.1	850
Pretreatment Coating	6.5	780
Rain Erosion-Resistant Coating	7.1	850
Rocket Motor Nozzle Coating	5.5	660
Scale Inhibitor	7.3	880
Screen Print Ink	7.0	840
Sealants:		
Extrudable/Rollable/Brushable Sealant	2.3	280
Sprayable Sealant	5.0	600

Coating Type	Limit	
	lb/gal	g/l[1]
Silicone Insullation Material	7.1	850
Solid Film Lubricant	7.3	880
Specialized Function Coating	7.4	890
Temporary Protective Coating	2.7	320
Thermal Control Coating	6.7	800
Wet Fastener Installation Coating	5.6	675
Wing Coating	7.1	850

[1]Coating limits expressed in terms of mass (grams) of VOC per volume (liters) of coating less water and less exempt solvent using Equation 1 below.

EQUATION 1

Grams of VOC per liter of coating (less water and less exempt solvent) shall be calculated using the following formula:

$$g/l = (W_s - W_w - W_{es})/(V_s - V_w - V_{es})$$

Where:
W_s = weight of total volatiles in grams
W_w = weight of water in grams
W_{es} = weight of exempt compounds in grams
V_s = volume of coating in liters
V_w = volume of water in liters
V_{es} = volume of exempt compounds in liters

APPENDIX O. TOXIC AIR CONTAMINANTS (TAC) MAXIMUM ACCEPTABLE AMBIENT CONCENTRATIONS (MAAC)

CAS	SUBSTANCE	MAAC ppb	MAAC $\mu g/m^3$	Time Period
Carcinogens				
75-07-0	Acetaldehyde	28	50	24-hr avg.
107-13-1	Acrylonitrile	0.5	1	24-hr avg.
Group	Arsenic compounds	NA	0.02	24-hr avg.
71-43-2	Benzene	10	30	24-hr avg.
Group	Beryllium compounds	NA	0.02	24-hr avg.
106-99-0	1,3-butadiene	1	3	24-hr avg.
Group	Cadmium compounds	NA	0.06	24-hr avg.
56-23-5	Carbon tetrachloride	1	7	24-hr avg.
67-66-3	Chloroform	0.8	4	24-hr avg.
Group	Hexavalent Chromium compounds	NA	0.008	24-hr avg.
107-06-2	Ethylene dichloride (1,2-dichloroethane)	1	4	24-hr avg.
50-00-0	Formaldehyde	7	8	24-hr avg.
75-09-2	Methylene chloride (dichloromethane)	58	200	24-hr avg.
Group	Nickel compounds	NA	0.15	24-hr avg.
79-34-5	1,1,2,2-tetrachloroethane	0.3	2	24-hr avg.
75-01-4	Vinyl chloride	9	23	24-hr avg.
Non-Carcinogens				
7664-41-7	Ammonia	2,500	1,742	24-hr avg.
100-41-4	Ethylbenzene	10,000	43,427	24-hr avg.
Group	Manganese compounds	NA	50	24-hr avg.
Group	Mercury compounds	NA	0.3	24-hr avg.
108-88-3	Toluene	10,000	37,668	24-hr avg.

APPENDIX P. REGULATED AIR POLLUTANTS (RAP)

REGULATED AIR POLLUTANT	DESCRIPTION
Acid gas expressed as SO_2 and HCl	As defined in OAC 252:100-17.
Acid mist expressed as H_2SO_4	As defined in 40 CFR 60.81 and OAC 252:100-31.
Arsenic, inorganic	NESHAP
Asbestos	NESHAP
Benzene	NESHAP
Beryllium	NESHAP
Cadmium	NSPS
Carbon Monoxide or CO	Criteria pollutant
Dioxins/furans	NSPS: Tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.
Fluorides	NSPS: Elemental fluorine and all fluoride compounds.
Hazardous Air Pollutants or HAP(s)	Listed in 42 U.S.C. 7412(b)(1) and as modified in 40 CFR Part 63, Subpart C, List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.
Hydrogen chloride or HCl	NSPS
Hydrogen sulfide or H_2S	NSPS
Lead	Criteria pollutant
Mercury	NSPS and NESHAP
Nitrogen dioxide or NO_2	Criteria pollutant
NonMethane Organic Compounds or NMOC expressed as hexane	As defined in 40 CFR 60.754.
Oxides of nitrogen or NOx	NSPS: Ozone precursors
Oxides of sulfur or SOx	NSPS: PM-2.5 precursors
Ozone	Criteria pollutant
Particulate Matter or PM	As defined in OAC 252:100. (criteria pollutant)
Reduced sulfur compounds	As defined in 40 CFR 60.101.
Reduced Sulfur, Total or TRS	As defined in OAC 252:100-31.
Sulfur dioxide or SO_2	Criteria pollutant
Toxic Air Contaminates or TAC(s)	As listed in OAC 252:100, Appendix O.
Vinyl chloride	NESHAP
Volatile Organic Compounds or VOC(s)	As defined in OAC 252:100. (ozone precursors)

NOTES:

1. The Department does not have authority over Class I and II stratospheric ozone depleting substances or CFCs as listed under 40 CFR, Part 82. These substances are RAP, however, under the Federal Clean Air Act.

2. The Department does not have authority over Section 112(r) substances as listed in 40 CFR 68.130, Tables 1-4. These substances are, however, RAP under the Federal Clean Air Act.

3. The Department does not have the authority over radionuclides as listed in 40 CFR, Part 61. These substances are RAP, however, under the Federal Clean Air Act.

APPENDIX Q. INCORPORATION BY REFERENCE

Except as provided under OAC 252:100-2-3(b)(2), the following provisions of Title 40 of the Code of Federal Regulations are hereby incorporated by reference as they existed on August 1, 2011, unless otherwise noted.

PART	SUBPART	DESCRIPTION
50	n/a	Appendix B to Part 50 - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method)
50	n/a	Appendix J to Part 50 - Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere
51	F	Paragraph 51.100(s)(1) only of Subpart F, Procedural Requirements
51	n/a	Appendix P to Part 51 - Minimum Emission Monitoring Requirements
58	n/a	Appendix A to Part 58 - Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring
60	A	General Provisions [Except 60.4, 60.9, 60.10 and 60.16]
60	D	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971
60	Da	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978
60	Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units
60	Dc	Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units
60	E	Standards of Performance for Incinerators
60	Ea	Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994
60	Eb	Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996

PART	SUBPART	DESCRIPTION
60	Ec	Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996
60	F	Standards of Performance for Portland Cement Plants
60	G	Standards of Performance for Nitric Acid Plants
60	H	Standards of Performance for Sulfuric Acid Plants
60	I	Standards of Performance for Hot Mix Asphalt Facilities
60	J	Standards of Performance for Petroleum Refineries
60	Ja	Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007
60	K	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
60	Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
60	Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
60	L	Standards of Performance for Secondary Lead Smelters
60	M	Standards of Performance for Secondary Brass and Bronze Production Plants
60	N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
60	Na	Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983
60	O	Standards of Performance for Sewage Treatment Plants
60	P	Standards of Performance for Primary Copper Smelters
60	Q	Standards of Performance for Primary Zinc Smelters

PART	SUBPART	DESCRIPTION
60	R	Standards of Performance for Primary Lead Smelters
60	S	Standards of Performance for Primary Aluminum Reduction Plants
60	T	Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
60	U	Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants
60	V	Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants
60	W	Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants
60	X	Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
60	Y	Standards of Performance for Coal Preparation and Processing Plants
60	Z	Standards of Performance for Ferroalloy Production Facilities
60	AA	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983
60	AAa	Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
60	BB	Standards of Performance for Kraft Pulp Mills
60	CC	Standards of Performance for Glass Manufacturing Plants
60	DD	Standards of Performance for Grain Elevators
60	EE	Standards of Performance for Surface Coating of Metal Furniture
60	GG	Standards of Performance for Stationary Gas Turbines
60	HH	Standards of Performance for Lime Manufacturing Plants
60	KK	Standards of Performance for Lead-Acid Battery Manufacturing Plants
60	LL	Standards of Performance for Metallic Mineral Processing Plants

PART	SUBPART	DESCRIPTION
60	MM	Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations
60	NN	Standards of Performance for Phosphate Rock Plants
60	PP	Standards of Performance for Ammonium Sulfate Manufacture
60	QQ	Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing
60	RR	Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations
60	SS	Standards of Performance for Industrial Surface Coating: Large Appliances
60	TT	Standards of Performance for Metal Coil Surface Coating
60	UU	Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture
60	VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006
60	VVa	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	WW	Standards of Performance for the Beverage Can Surface Coating Industry
60	XX	Standards of Performance for Bulk Gasoline Terminals
60	BBB	Standards of Performance for the Rubber Tire Manufacturing Industry
60	DDD	Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry
60	FFF	Standards of Performance for Flexible Vinyl and Urethane Coating and Printing

PART	SUBPART	DESCRIPTION
60	GGG	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006

PART	SUBPART	DESCRIPTION
60	GGGa	Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006
60	HHH	Standards of Performance for Synthetic Fiber Production Facilities
60	III	Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes
60	JJJ	Standards of Performance for Petroleum Dry Cleaners
60	KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
60	LLL	Standards of Performance for Onshore Natural Gas Processing: SO_2 Emissions
60	NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
60	OOO	Standards of Performance for Nonmetallic Mineral Processing Plants
60	PPP	Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants
60	QQQ	Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems
60	RRR	Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes
60	SSS	Standards of Performance for Magnetic Tape Coating Facilities
60	TTT	Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
60	UUU	Standards of Performance for Calciners and Dryers in Mineral Industries
60	VVV	Standards of Performance for Polymeric Coating of Supporting Substrates Facilities
60	WWW	Standards of Performance for Municipal Solid Waste Landfills

PART	SUBPART	DESCRIPTION
60	AAAA	Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
60	EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006
60	FFFF	Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004
60	IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
60	JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
60	KKKK	Standards of Performance for Stationary Combustion Turbines
60	LLLL	Standards of Performance for New Sewage Sludge Incineration Units
60	n/a	Appendix A to Part 60 - Test Methods
60	n/a	Appendix B to Part 60 - Performance Specifications
61	A	General Provisions
61	C	National Emission Standard for Beryllium
61	D	National Emission Standard for Beryllium Rocket Motor Firing
61	E	National Emission Standard for Mercury
61	F	National Emission Standard for Vinyl Chloride
61	J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
61	L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
61	M	National Emission Standard for Asbestos
61	N	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
61	O	National Emission Standard for Inorganic Arsenic Emissions

PART	SUBPART	DESCRIPTION
		From Primary Copper Smelters
61	P	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
61	V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
61	Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
61	BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
61	FF	National Emission Standard for Benzene Waste Operations
63	A	General Provisions
63	B	Sections 63.41, 63.43 and 63.44 only of Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
63	F	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
63	G	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
63	H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
63	I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
63	J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
63	L	National Emission Standards for Coke Oven Batteries
63	M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

PART	SUBPART	DESCRIPTION
63	N	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
63	O	Ethylene Oxide Emissions Standards for Sterilization Facilities
63	Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
63	R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
63	S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
63	T	National Emission Standards for Halogenated Solvent Cleaning
63	U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
63	W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
63	X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
63	Y	National Emission Standards for Marine Tank Vessel Loading Operations
63	AA	National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants
63	BB	National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants
63	CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
63	DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
63	EE	National Emission Standards for Magnetic Tape Manufacturing Operations
63	GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
63	HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

PART	SUBPART	DESCRIPTION
63	II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
63	JJ	National Emission Standards for Wood Furniture Manufacturing Operations
63	KK	National Emission Standards for the Printing and Publishing Industry
63	LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
63	MM	National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
63	OO	National Emission Standards for Tanks - Level 1
63	PP	National Emission Standards for Containers
63	QQ	National Emission Standards for Surface Impoundments
63	RR	National Emission Standards for Individual Drain Systems
63	SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
63	TT	National Emission Standards for Equipment Leaks – Control Level 1
63	UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
63	VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
63	WW	National Emission Standards for Storage Vessels (Tanks) - Control Level 2
63	XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
63	YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
63	CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants

PART	SUBPART	DESCRIPTION
63	DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
63	EEE	National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
63	GGG	National Emission Standards for Pharmaceuticals Production
63	HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities
63	III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
63	JJJ	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
63	LLL	National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry
63	MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production
63	NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
63	OOO	National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
63	PPP	National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production
63	QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
63	RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
63	TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
63	UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units
63	VVV	National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works
63	XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

PART	SUBPART	DESCRIPTION
63	AAAA	National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills
63	CCCC	National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
63	EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63	FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
63	GGGG	National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
63	HHHH	National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
63	IIII	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
63	JJJJ	National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating
63	KKKK	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans
63	MMMM	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
63	NNNN	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances
63	OOOO	National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
63	PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
63	QQQQ	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products
63	RRRR	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture
63	SSSS	National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
63	TTTT	National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations

PART	SUBPART	DESCRIPTION
63	UUUU	National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
63	VVVV	National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing
63	WWWW	National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production
63	XXXX	National Emissions Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing
63	YYYY	National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines
63	ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
63	AAAAA	National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants
63	BBBBB	National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing
63	CCCCC	National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
63	DDDDD	National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters
63	EEEEE	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries
63	FFFFF	National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
63	GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation
63	HHHHH	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
63	IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants
63	LLLLL	National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing

PART	SUBPART	DESCRIPTION
63	MMMMM	National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
63	NNNNN	National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production
63	PPPPP	National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands
63	QQQQQ	National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
63	RRRRR	National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing
63	SSSSS	National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing
63	TTTTT	National Emission Standards for Hazardous Air Pollutants for Primary Magnesium Refining
63	WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
63	YYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities
63	ZZZZZ	National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
63	BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities
63	CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
63	DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
63	EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
63	FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
63	GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium
63	HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint

PART	SUBPART	DESCRIPTION
		Stripping and Miscellaneous Surface Coating Operations at Area Sources
63	JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources
63	LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
63	MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
63	NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
63	OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
63	PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
63	QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
63	RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
63	SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
63	TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
63	VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
63	WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
63	XXXXXX	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories
63	YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities

PART	SUBPART	DESCRIPTION
63	ZZZZZZ	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
63	AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
63	BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry
63	CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing
63	DDDDDDD	National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing
63	EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category
64	n/a (All Sections)	Compliance Assurance Monitoring (CAM)
72	All Subparts	Permits Regulation